

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY  
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS  
NEVADA STATE BOARD OF OPTOMETRY

Informational Statement Form re  
R007-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 636.

**1. A clear and concise explanation of the need for the adopted regulation.**

NRS/NAC 636 govern optometry. R066-19(8), which was already the subject of oversight and Legislative Counsel Bureau (LCB) adoption in 2019-2020, governs how continuing education (herein "CE") hours are credited to licensees for purposes of biennial license renewal requirements. R007-25's subsection 4's modifications will: 1) align Nevada with national standards<sup>1</sup> of 70% minimum passing scores for asynchronous courses; and 2) clarify that "in person" includes synchronous videoconference courses. (Synchronous CE courses, be it a licensee's actual in-person attendance or virtual in-person attendance via a videoconferencing platform, are exempt from the testing requirement offered at the conclusion of a CE course in order for a licensee to receive credit.)

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Prior to the Notice of Workshop being posted, the Board issued a Newsletter to its membership announcing the topic of the workshop, and specifically seeking any membership input on the proposed changes. Any public comment or testimony provided concerning the proposed regulation could have been obtained from the Board of Optometry by mail, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at [admin@nvoptometry.org](mailto:admin@nvoptometry.org).

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1 [COPE+Course+Qualification+Manual+12.2022+FINAL.pdf](#) at page 19 ("Post Course tests must receive a score of at least 70% or better in order for a certificate of completion to be issued.")

Notice of the October 30, 2024 workshop was sent to all registered licensees on the Board's email-mailing list, timely posted consistent with NRS 241, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>. The proposed language approved at the Notice of Intent to Take Action on September 25, 2025 is the result of a public meeting, wherein no interested person posited any changes.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on September 25, 2025 the Board conducted a meeting/hearing and approved R007-25 to make T001-25A permanent and thus amend R066-19(8)(4) permanently.

### **3. The number of persons who:**

#### **(a) Attended each hearing:**

October 30, 2024- Notice of Workshop- 11 persons inclusive of three Board members, deputy attorney general, and executive director. No role call conducted or sign-in sheets provided.

September 25, 2025- Notice of Intent to Take Action hearing- 9 persons inclusive of three Board members and executive director

#### **(b) Testified at each hearing:**

October 30, 2024- 0 members of the public.

September 25, 2025- 0 members of the public.

#### **(c) Submitted to the agency written comments:**

October 30, 2024- 0

September 25, 2025- 0

### **4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency**

October 30, 2024- none

September 25, 2025- notwithstanding three Board members and executive director- Jon Christiansen, O.D., 702-737-0097; Ken Kopolow, O.D.; [k.kopolow@lasvegaseyedocs.com](mailto:k.kopolow@lasvegaseyedocs.com), 702-452-2020; Steve Girigensen, O.D., [s.girigensen@lasvegaseyedocs.com](mailto:s.girigensen@lasvegaseyedocs.com), 702-452-2020; David Davis, O.D., [drdavis.visionsource@gmail.com](mailto:drdavis.visionsource@gmail.com), 702-385-7331; Jen Sommer- not provided

### **5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The Board does not believe this regulation affects small business. Nonetheless or both the temporary regulation of T001-25A and the subject regulation R007-25, commentary was

solicited through the Board's Newsletters to its membership, posting the Notice of Workshop (specific to T001-25A) and regular meeting agendas listing proposed changes to NAC 636 as an action item on the Board's website and posting physically and electronically at the Board's office in Reno, NV 89523, and Office of Emergency Management (due to the State-wide hack of State websites) all of which expressly solicited public commentary. No comments received.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Board's policy is a 70% passing rate on continuing education (CE) credit tests in line with national standards, and codification would place the Board policy formally into regulation. The regulation also clarifies that synchronous videoconference CEs is classified as an in-person CE and addresses the need for clarification coming from the membership. The adoption of the proposed language as-is is needed to become consistent with national certifying CE groups which have it as 70%.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

Adverse and beneficial effects on optometry-  
The Board does not perceive any adverse economic effects on optometry. The Board does not perceive that CE credits' minimum passing scores for asynchronous courses will have any adverse economic effects, nor does clarifying that in-person attendance for synchronous CE courses can also include in its definition virtual attendance via videoconferencing platform.

Adverse and beneficial effects on the public-  
The Board does not perceive any adverse effects on the public given the proposed regulation impacts on optometrists. The intent of R066-19(8)((4) and T001-25A is bring Nevada in conformity with national standards of 70% minimum passing scores for asynchronous courses and to clarify that "in person" includes synchronous videoconference courses, and therefore will not impact the public at large.

**(b) Both immediate and long-term effects.**

Immediate and long-term effects on optometry-  
The minimum passing score stated in R066-19(8)(4) of 75% to the proposed 70% of T001-25A and R007-25 will align Nevada into national conformity on this issue. *See* footnote 1. CE presenters or companies are already in the stream of commerce in Nevada, and the change of a passing score from 75% to 70% to align with national standards will not impact those presenters or companies nor the practice of optometry. Clarifying that in-person attendance for synchronous CE courses can include virtual attendance via videoconferencing platform will not impact the practice of optometry.

Immediate and long-term effects on the public-  
The Board does not consider the proposed changes in the regulation to have any impact on the public. Instead it is unique to optometrists and obtaining sufficient CE credits in order to be licensed for the then-upcoming biennial cycle. To the extent one is seen, the only impact is on the businesses which offer CE course to ensure for themselves that their courses have nationalized standard passing scores for their asynchronous CE courses (*see* footnote 1); and 2)

the participants can obtain credit by attending virtually on a videoconference platform for synchronous online CEs. Therefore the Board does not see this regulation affecting the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

In and of itself, none as to the agency. Known violations or known alleged violations of the regulation for providing false attestations of CE attendance or completion, however, will result in an investigation as authorized under NRS 636, and possible prosecution and discipline upon the alleged violator. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

N/A. None of the regulation overlaps with any other state, local, or federal agency/regulation. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A. None of the proposed regulation changes duplicates or is more stringent than any federal, state, or local standards regulating optometry to the best of the Board's knowledge.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A. The proposed regulation does not impose any fees.