PROPOSED REGULATION OF THE

NEVADA STATE BOARD OF OPTOMETRY

LCB File No. R008-25

August 1, 2025

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 636.125 and 636.373.

A REGULATION relating to optometry; revising provisions relating to certain associations and business relationships formed by optometrists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an optometrist to form an association or other business relationship with a physician to provide their respective services to patients. (NRS 636.373) Existing regulations: (1) authorize an optometrist to form an association or other business relationship with a person who is not licensed to practice optometry to perform certain duties concerning the operation of business; and (2) prescribe requirements for the optometrist relating to an association or business relationship with a physician or other unlicensed person. (Section 12 of LCB File No. R066-19) Existing law prohibits a person from directly or indirectly controlling, dictating or influencing the professional judgment of the practice of optometry by a licensed optometrist, unless the person is licensed to practice optometry. (NRS 636.373) This regulation: (1) clarifies the requirement for an optometrist to ensure against involvement by a physician or other unlicensed person in the professional judgment of the optometrist to align with existing law; and (2) makes the requirements for an optometrist the same for an association or other business relationship with a physician or with another unlicensed person.

Existing law prohibits an optometrist from employing or being employed by a physician. (NRS 636.373) Existing regulations prohibit the same conduct. (Section 12 of LCB File No. R066-19) This regulation removes the duplicative prohibition from the existing regulations.

Section 1. Section 12 of LCB File No. R066-19 is hereby amended to read as follows:

Sec. 12. 1. ~~[If an optometrist forms an association or other business relationship with a physician pursuant to NRS 636.373, the optometrist must:~~

~~(a) Comply with any applicable requirements of the Internal Revenue Service;~~

~~(b) Maintain financial and organizational independence from any person who is not licensed to practice optometry, other than the physician; and~~

~~(c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.~~

~~2. An optometrist shall not employ or be employed by a physician.~~

~~3.]~~ An optometrist may form an association or other business relationship with a person, other than a physician, who is not licensed to practice optometry to perform duties concerning the operation of the business. Such duties must be limited to duties concerning the operation of the business and may include, without limitation, performing services related to payroll, human resources, real estate, regulatory matters not related to health care, banking, accounting, administration of benefits, marketing, merchandising, occupancy, accounts payable, accounts receivable, supply chain management, business development, business administration, labor, compliance with applicable laws and regulations, purchasing and medical billing.

~~[4.]~~ ***2.*** An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry ~~[pursuant to subsection 3]~~ ***, including, without limitation, a physician pursuant to NRS 636.373 or a person pursuant to subsection 1,*** shall:

(a) Comply with any applicable requirements of the Internal Revenue Service;

(b) Maintain organizational and financial independence from the person who is not licensed to practice optometry and ensure that the person who is not licensed to practice optometry ~~[is not involved in:]~~ ***does not directly or indirectly control, dictate or influence the professional***

judgment of the practice of optometry by the optometrist, including, without limitation, the professional judgment of the optometrist concerning:

(1) Clinical decisions;

(2) Scheduling of patients;

(3) Any decision concerning scope of practice or use of facilities, equipment or drugs; or

(4) Any other decision concerning the provision of care to a patient or the outcome of any treatment or other service provided to a patient; and

(c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.