

# **NEVADA STATE BOARD OF OPTOMETRY**



## **Informational Statement Form re LCB File No. R049-25**

**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 is not codified but has modified NAC 636. R066-19(7) provides a list of licensing and transactional fees. R049-25 modifies R066-19(7) and such fees listed therein. The increase in certain fees, provision of non-refundable components of such fees inclusive of NRS 622.322 convenience fees, and the providing of specific fees exclusive to veterans, are all necessary to adhere to NRS 636 and for the fiscal health of the Board of Optometry.

### **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.**

On June 16, 2025 and July 31, 2025, the Board discussed the potential topics and text for regulations at its regular board meetings inclusive of R066-19(7) since registered as R049-25. At each of those Board meetings, the public had access to two periods of opportunity for public comment inclusive of any impact on a small business. Additionally, the Board President regularly accepted public comment when a person had a relevant comment during the Board's discussions. No comments received.

On August 27, 2025, the Board issued a Newsletter to its membership through its email-distribution list alerting the membership to an upcoming workshop and conducted a stakeholder meeting for such purposes prior to such workshop, where any impact on small business was allowed to be discussed at those times. No comments received.

After the statutorily requisite amount of time after the posting of a Notice of Workshop, on September 25, 2025 the Board held a NRS 233B-compliant public workshop in-person at Nevada State Business Center, 3300 W. Sahara Ave., Tahoe Room, 4th Floor, Suite 440, Las Vegas, NV. 89102 to gain input regarding R049-25.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on October 30, 2025 the Board held a NRS 233B-compliant meeting

to adopt R049-25 as-written and as previously approved by the Legislative Commission on October 28, 2025, at Nevada State Business Center, 3300 W. Sahara Ave., Tahoe Room, 4th Floor, Suite 440, Las Vegas, NV. 89102 regarding R049-25. Prior to, written submissions were requested on or before October 23, 2025 including that if no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Optometry may proceed immediately to act upon any written submissions. No comments received.

Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, 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>

Any public comment or testimony provided concerning the proposed regulations 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).

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

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

Public Workshop, 9/25/2025-8  
Notice of Intent to Take Action, 10/30/2025- 8

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

Public Workshop, 9/25/2025- 0  
Notice of Intent to Take Action, 10/30/2025- 0

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

Public Workshop, 9/25/2025- 0  
Notice of Intent to Take Action, 10/30/2025- 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**

Public Workshop, 9/25/2025- 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.girisgen@lasvegaseyedocs.com](mailto:s.girisgen@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

Notice of Intent to Take Action, 10/30/2025- notwithstanding five Board members and executive director-Victoria Supple- [tori@argentumnv.com](mailto:tori@argentumnv.com), Jordan Haas- [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)

### **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.**

Commentary from any affected businesses was solicited through the Board's Newsletters to its membership, many of whom are small business owners, and posting the Notice of Workshop 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 Public Notice website: <http://notice.nv.gov>; 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.**

No changes were requested. The Board addressed various fees needing to occur and in compliance with NRS 636, and agreed with the Legislative Counsel Bureau's formatting and content as provided in the Notice of Intent to Take Action and to the Legislative Commission which passed the regulation as-is unanimously.

**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- any adverse effects on licensees in Nevada (a biennial renewal increase of \$750 to \$900) should be minimal as the increase is incremental in relation to NRS 636.143 (permitting the Board to charge up to \$1200 for biennial renewal) and is a fractional increase. The beneficial effects of the proposed regulation revision and renewal fee increase are intended to ensure the Board's ability to meet the increasing costs to the Board in its operations due to inflation and to ensure the Board's ability to accommodate its need for the quantity and quality of Board office staff required to meet the increasing growth in optometry licensure and the resulting increasing demands on the Board office inclusive oversight authorized under NRS 232. The inclusion of fees specific to veterans is consistent with NRS 636 and does not exceed the statutory maximum.

Adverse and beneficial effects on the public- the Board does not perceive any adverse effects on the public. This regulation is exclusive to already existing Nevada-licensed optometrists and to potential applicants for a Nevada optometry license. The benefit to the public is that the increased amounts of fees, and in turn revenue to the Board which is wholly reliant upon licensing fees with no other funds the State or taxpayers, is that it allow the Board to meet its financial obligations into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

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

Immediate and long-term effects on optometry- once the regulation revisions are approved

and processed through the Legislative Counsel Bureau and Secretary of State, the effects stated above will be immediate. The Board does not anticipate any impact on optometry itself as the regulation is exclusive to optometrists and applicants for a Nevada optometry license where the impact will be minimal as the increase is incremental in relation to NRS 636.143 (permitting the Board to charge up to \$1200 for biennial renewal) and is a fractional increase.

Immediate and long-term effects on the public- Because the biennial license renewal period starts on November 1, 2025, the Board by availing itself to these increased fees will capture such additional revenue in order to meet its financial obligations and goes to ensuring the Board remains solvent into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

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

Notwithstanding changing the application form and the Board's website for the amounts to be transacted for the particular fee, the Board does not believe there will be a cost for enforcement as the proposed revisions do not require enforcement. The fee increases will be automatically assessed at the time of renewal and a requirement for renewal.

**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.**

The total amount that the Board expects to collect during the renewal period for the 2026-2028 biennium with the renewal fee increase is approximately a total of \$82,500 (\$41,250/year) (if 550 licensees renew) and \$90,000 (\$45,000/year) (if 600 licensees renew) more than it would collect without the renewal fee increase based on renewal projection numbers. The total approximate amount that the Board projects receiving in renewal fees for the 2026-2028 biennium with the increased renewal fee is \$495,000 (versus the projected \$412,500 at the previous renewal rate) (if 550 licensees renew) and \$540,000 (versus the projected \$450,000 at the previous renewal rate (if 600 licensees renew), which covers the Board's operating expenses for the two

years of the 2026- 2028 biennium. Those expenses include Board employee salary and benefits, website management, membership in the national optometry regulation body, I.T. services, I.T. security., office supplies and billing, building lease, post office box, attorney general legal fees, auditor fees, attorney general tort claims fund, accountant services, fax, insurance, banking fees.

Other portions of the regulation go to license applications from veterans as defined in NRS 417 and within the \$600 maximum as prescribed by NRS 636.143, which do not effect optometry itself. Other portions of the regulation avoids the Board losing money on credit card merchant service fees (approximately 2.5-3.5%) in the event of a refund which such additional funds kept by the Board will go the above mentioned expenses.