

**PROPOSED REGULATION OF THE**  
**NEVADA STATE BOARD OF OPTOMETRY**

**LCB FILE NO. R056-25I**

**The following document is the initial draft regulation proposed**  
**by the agency submitted on 09/30/2025**

**As to AB183**

ASSOCIATED STATUTE	PROPOSED REGULATION
<p><b>AB183(3)</b></p> <p>1. If, after an investigation by the Board or an investigative committee convened by the Board, the Board reasonably determines that the health, safety or welfare of the public or any patient served by a licensee is at risk of imminent or continued harm because of the manner in which the licensee practices optometry, including, without limitation, optometric telemedicine, the Board may summarily suspend the license of the licensee pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation.</p> <p>2. If an order to summarily suspend the license of a licensee is issued pursuant to subsection 1 by the President of the Board, the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.</p> <p>3. If the Board, the President of the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending the license of a licensee, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board must reinstate the license of the licensee.</p>	<p><b>Summary suspension of license by Board.</b></p> <p>1. If the Board summarily suspends the license of the licensee pursuant to AB183(3), the Board will issue such an order if it determines that:</p> <ul style="list-style-type: none"><li>(a) The licensee has violated a provision of this chapter or chapter 636 of NRS;</li><li>(b) The summary suspension of the license is necessary to prevent a further violation of this chapter or chapter 636 of NRS; and</li><li>(c) The public health, safety or general welfare imperatively requires the summary suspension of the license.</li></ul> <p>3. An order summarily suspending a license:</p> <ul style="list-style-type: none"><li>(a) Must:<ul style="list-style-type: none"><li>(1) Comply with the applicable provisions of NRS 233B.127; and</li><li>(2) Set forth the grounds upon which the order is issued, including a statement of facts;</li></ul></li><li>(b) Is effective upon service on the licensee of the order and complaint; and</li><li>(c) Notwithstanding the time frames stated in AB183(3)(3), remains in effect until the Board:<ul style="list-style-type: none"><li>(1) Modifies or rescinds the order; or</li><li>(2) Issues its final order or decision on the underlying complaint.</li></ul></li></ul>
	<p>The above proposed regulation is functionally identical to NAC 633.450 which was repealed</p>

	<p>in 2024 due to being largely duplicative of NRS 633.581 created in 2023. Because the statute concerns summary suspensions, the Board felt it best to ensure due process duties it may owe to the subjected licensee(s) which are not expressly stated in AB183(3).</p>
<p><b>AB183(9)</b></p> <p>NRS 636.287 is hereby amended to read as follows:  636.287 The Board shall adopt regulations which prescribe the requirements for certification to administer and prescribe pharmaceutical agents pursuant to NRS 636.288. The requirements must include:  1. A license to practice optometry in this State; and  2. The successful completion of the “Treatment and Management of Ocular Disease Examination” administered by the National Board of Examiners in Optometry or an equivalent examination approved by the Board. <del>}; and</del>  3. <del>The successful completion of not fewer than 40 hours of clinical training in administering and prescribing pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the Board.}</del></p>	<p><b>NAC 636.730 Certification to administer and prescribe therapeutic pharmaceutical agents. (<a href="#">NRS 636.125</a>, <a href="#">636.287</a>)</b></p> <p>1. The Board shall provide a certificate to administer and prescribe pharmaceutical agents to each optometrist who:  (a) Is licensed to practice optometry in the State of Nevada and is in good standing.  (b) Has successfully completed the Treatment and Management of Ocular Disease Examination administered by the National Board of Examiners in Optometry, or its successor organization. The Board must receive verification that the person successfully completed the examination from the testing agency.  <del>(c) Submits a form which meets the requirements set forth in subsection 2 and which states that the optometrist successfully completed a training program of not less than 40 hours of clinical training in administering and prescribing pharmaceutical agents which was:</del>  <del>(1) Conducted by an ophthalmologist who is licensed and in good standing in any state, territory or possession of the United States; and</del>  <del>(2) Comprehensive in nature and covered the use of all classes of pharmaceutical agents which may be administered or prescribed pursuant to chapter 636 of NRS.</del>  2. <del>Upon completion by an optometrist of a training program which meets the requirements of paragraph (c) of subsection 1, the ophthalmologist who conducted the program shall, on a form provided by the Executive Director of the Board, certify under penalty of perjury that the optometrist named on the form satisfactorily completed the</del></p>

	<p><del>training program.</del> On a separate form provided by the Executive Director, the named optometrist shall certify under penalty of perjury that he or she <del>completed the training program and</del> satisfies all of the <del>other</del> requirements for certification to administer and prescribe pharmaceutical agents. <del>The certifying signatures of the ophthalmologist and optometrist must be notarized.</del></p> <p><del>3. The forms provided by the Executive Director of the Board pursuant to subsection 2 must:</del></p> <p><del>(a) Set forth the requirements for the training program described in this section;</del></p> <p><del>(b) Contain the certifications for the ophthalmologist or optometrist, as applicable, which are required by this section; and</del></p> <p><del>(c) Provide space and appropriate designations for the notarization of the signatures of the ophthalmologist or optometrist, as applicable.</del></p>
	<p>The above proposed regulation is a conforming change to AB183(9) which governs the same topic of pharmaceutical agents and the process in which licensees obtain such a certification.</p>
<p><b>AB183(10)</b></p> <p>NRS 636.2893 is hereby amended to read as follows:</p> <p>636.2893 The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895. The requirements must include, without limitation:</p> <p>...</p> <p>3. Proof that each optometrist who applies for a certificate has treated at least 15 persons who were:</p> <p>(a) Diagnosed with glaucoma by an ophthalmologist licensed in this State, <i>the</i></p>	<p><b>NAC 636.280 Requirements for certification.</b></p> <p>...</p> <p>4. Shall submit proof on a written form provided by the Executive Director of the Board that the optometrist has treated at least 15 persons described in subsection 3 of NRS 636.2893. The form must include:</p> <p>...</p> <p>(c) A statement that the optometrist has, in consultation with an ophthalmologist licensed in the State of Nevada, <i>the District of Columbia or any other state or territory of the United States</i>, treated the patients in accordance with the provisions of this chapter and chapter 636 of NRS.</p>

<p><i>District of Columbia or any other state or territory of the United States;</i> and</p> <p>(b) Treated by the optometrist, in consultation with that ophthalmologist, for at least 12 consecutive months; and</p> <p>4. A certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.</p>	
	<p>The above proposed regulation is a conforming change to AB183(10) which governs the same topic of glaucoma certification and the process in which licensees obtain such a certification.</p>

**As to existing NRS 636**

<b>ASSOCIATED STATUTE</b>	<b>PROPOSED REGULATION</b>
<p><b>NRS 636.325 Authorized disciplinary action; private reprimands prohibited; orders imposing discipline deemed public records.</b></p> <p>1. If the Board finds by a preponderance of the evidence that a person has engaged in one or more grounds for disciplinary action set forth in NRS 636.295, it may take any one or more of the following actions:</p> <p>...</p> <p>3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.</p>	<p><b>Factors to be considered in imposing disciplinary action or sanctions.</b></p> <p>1. In imposing disciplinary action or sanctions, the Board shall consider the following factors:</p> <p>(a) Whether the licensee has violated a duty owed to a patient, to the public, to the legal system, or to the profession;</p> <p>(b) Whether the licensee acted intentionally, knowingly, or negligently;</p> <p>(c) The amount of the actual or potential injury caused by the licensee's misconduct; and</p> <p>(d) The existence of any aggravating or mitigating factors.</p> <p>2. Using the first three factors in section 1(a)-(c), the Board shall determine a baseline or presumptive sanction. The Board may then consider any aggravating or mitigating factors to increase or decrease the sanction.</p> <p>3. Aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be</p>

	<p>imposed. The following list of examples is illustrative and is not exclusive:</p> <ul style="list-style-type: none"> <li>(a) Prior disciplinary offenses;</li> <li>(b) Dishonest or selfish motive;</li> <li>(c) A pattern of misconduct;</li> <li>(d) Multiple offenses;</li> <li>(e) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders;</li> <li>(f) Submission of false evidence, false statements, or other deceptive practices during the disciplinary hearing;</li> <li>(g) Refusal to acknowledge the wrongful nature of conduct;</li> <li>(h) Vulnerability of victim;</li> <li>(i) Substantial experience in the practice of optometry;</li> <li>(j) Indifference to making restitution;</li> <li>(k) Illegal conduct, including that involving the use of controlled substances.</li> </ul> <p>4. Mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. The following list of examples is illustrative and is not exclusive:</p> <ul style="list-style-type: none"> <li>(a) Absence of a prior disciplinary record;</li> <li>(b) Absence of a dishonest or selfish motive;</li> <li>(c) Personal or emotional problems;</li> <li>(d) Timely good faith effort to make restitution or to rectify consequences of misconduct;</li> <li>(e) Full and free disclosure to disciplinary authority or cooperative attitude toward proceeding;</li> <li>(f) Inexperience in the practice of optometry;</li> <li>(g) Character or reputation;</li> <li>(h) Physical disability;</li> <li>(i) Mental disability or chemical dependency including alcoholism or drug abuse when: <ul style="list-style-type: none"> <li>(1) There is medical evidence that the licensee is affected by chemical dependency or a mental disability;</li> </ul> </li> </ul>
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	<p>(2) The chemical dependency or mental disability caused the misconduct;</p> <p>(3) The licensee's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and</p> <p>(4) The recovery arrested the misconduct and recurrence of that misconduct is unlikely;</p> <p>(j) Delay in disciplinary proceedings;</p> <p>(k) Interim rehabilitation;</p> <p>(l) Imposition of other penalties or sanctions;</p> <p>(m) Remorse;</p> <p>(n) Remoteness of prior offenses.</p> <p>5. Factors that should not be considered as either aggravating or mitigating include:</p> <p>(a) Forced or compelled restitution;</p> <p>(b) Agreeing to a client's demand for improper behavior;</p> <p>(c) Withdrawal of public complaint against the licensee;</p> <p>(d) Resignation prior to completion of disciplinary proceedings;</p> <p>(e) Complainant's or aggrieved patient's recommendation as to sanction;</p> <p>(f) Failure of complainant or aggrieved patient to complain.</p>
	<p>The above proposed regulation is functionally identical to Nevada Supreme Court Rule 102.5 pertaining to disciplinary actions and sanctions upon Nevada-licensed attorneys. At present, the Board has no factors of consideration when issuing discipline or sanctions upon a licensee after a formal finding of unprofessional conduct. The Board believes once adopted it will assist the Courts in the event of a Petition for Judicial Review filed upon the Board and any hypothetical arguments from the aggrieved licensee that the Board's Order for such discipline or sanction was allegedly arbitrary and capricious.</p>

