

NEVADA STATE BOARD OF OPTOMETRY



Informational Statement Form re LCB File No. R056-25

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. AB183 (2025) is not codified but has modified NRS 636. R066-19 is not codified but has modified NAC 636. R101-24 is not codified but has modified R066-19. R056-25 provides corollary regulations to AB183 (2025) and NRS 636. There are four regulations within R056-25:

R056-25(2) is the regulation associated with AB183(3) regarding summary suspensions of a license by the Board. The proposed regulation is functionally identical to NAC 633.450 which regulates other healthcare providers, which was repealed in 2024 due to being largely duplicative of NRS 633.581 created in 2023.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).

R056-25(3) is the regulation associated with NRS 636.325 regarding disciplinary actions and factors to be considered in imposing disciplinary actions or sanctions. The 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.

R056-25(4) is the regulation to modify NAC 636.280 associated with AB183(10) regarding requirements for certifications to treat glaucoma. This represents a conforming change to AB183(10) which governs the same topic of glaucoma certification and the process in which licensees obtain such a certification.

R056-25(5) is the regulation to modify NAC 626.730 associated with AB183(9) regarding certifications to administer and prescribe therapeutic pharmaceutical agents. This represents a

conforming change to AB183(9) which governs the same topic of pharmaceutical agents and the process in which licensees obtain such a certification.

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 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 R056-25.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on December 10, 2025 the Board held a NRS 233B-compliant meeting to adopt R056-25 as written by LCB and added two minor edits as to R056-25(2)'s service of process upon a licensee's counsel and not just the licensee, and as to R056-25(4) allowing as option for the legal equivalent of an affidavit in the form of a declaration per NRS 53.045. 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>, R056-25 and proposed revisions were also posted with Administrative Regulation Notices website www.leg.state.nv.us/App/Notice/A, and in lobby of the NV State Library and Archives.

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.

3. The number of persons who:

(a) Attended each hearing:

Public Workshop, 9/25/2025-8
Notice of Intent to Take Action, 12/10/2025- 8

(b) Testified at each hearing:

Public Workshop, 9/25/2025- 0

Notice of Intent to Take Action, 12/10/2025- 0

(c) Submitted to the agency written comments:

Public Workshop, 9/25/2025- 0

Notice of Intent to Take Action, 12/10/2025- 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, 702-452-2020; Steve Girigensen, O.D., s.girisgen@lasvegaseyedocs.com, 702-452-2020; David Davis, O.D., drdavis.visionsource@gmail.com, 702-385-7331; Jen Sommer- not provided

Notice of Intent to Take Action, 12/10/2025- notwithstanding five Board members and executive director-Victoria Supple- tori@argentumnv.com, Matt Robinson matt@argentumnv.com

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, and R056-25 and its proposed revisions were also posted with Administrative Regulation Notices website www.leg.state.nv.us/App/Notice/A, and in lobby of the NV State Library and Archives. 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 from the public, but the Board added two minor edits as to R056-25(2)'s service of process upon a licensee's counsel and not just the licensee, and as to R056-25(4) allowing as option for the legal equivalent of an affidavit in the form of a declaration per NRS 53.045. The Board felt it the language as proposed was too restrictive when reading other portions of NRS/NAC 636 as a whole, and in keeping with the Board's intent to decrease impediments to allowing licensees to practice to their scope and thereby provide the public with increased access to optometric healthcare inclusive of glaucoma treatments. Otherwise the Board agreed with nearly all of Legislative Counsel Bureau's formatting and content as provided in the Notice of Intent to Take Action.

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- none of the regulations affect the business of optometry per se one way or another. Two regulations deal with license suspensions and the factors to account for when disciplining a licensee. The other two regulations deal with conforming changes for the process in which a licensee can prescribe certain pharmaceutical agents and in treating glaucoma.

Adverse and beneficial effects on the public- the Board does not perceive any adverse effects on the public. Instead two regulations deal with license suspensions and the factors to account for when disciplining a licensee when committing unprofessional conduct upon a patient or the public as a whole. The other two regulations deal with conforming changes for the process in which a licensee can prescribe certain pharmaceutical agents and in treating glaucoma, and thereby increase the scope of optometry available to patients state-wide.

(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. Two of the regulations regard the process and due process for licensee suspensions and the factors the Board must account for when the Board determines that a licensee has committed unprofessional conduct upon a patient or the public as a whole. The other two regulations regard a reduction in impediments to licensees in order to practice their scope of prescribing certain pharmaceutical agents and treating patients with glaucoma.

Immediate and long-term effects on the public- once the regulation revisions are approved and processed through the Legislative Counsel Bureau and Secretary of State, the effects stated above will be immediate. Two regulations regard a reduction in impediments to licensees in order to practice their scope of prescribing certain pharmaceutical agents and treating patients with glaucoma, and would thereby immediately and in the long-term increase healthcare to patients state-wide for additional optometric conditions such as glaucoma.

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

Notwithstanding changing the application form for endorsement to treat glaucoma and to so do by providing an option to provide a declaration pursuant to NRS 53.045 as opposed to solely providing a legally equivalent affidavit, the Board does not believe there will be a cost for enforcement beyond that already ascribed in NRS/NAC 636.

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. None of R056-25 regards fees.