



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

**Informational Statement Form re
R008-25**

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. This regulation seeks to clarify what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

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.

The Board's discussion for the proposed regulations were discussed at its public meeting on May 30, 2024, written submissions on or before June 27, 2024, and discussion of same at its public meeting on June 27, 2024, written submission on or before July 31, 2024 and discussion of same at its workshop on July 31, 2024, its second workshop on August 28, 2024, discussion and approval at a regular meeting for modifications on September 26, 2024, and Notice of Intent to Take Action on December 11, 2024 since assigned as T002-25A. Once adopted as a temporary regulation, the Board timely posted then held a Notice of Intent to Take Action on R008-25 on September 25, 2025.

Notice of the July 31, 2024 workshop and August 28, 2024 workshop was sent to all registered licensees on the Board's email-mailing list. 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.

After the statutorily requisite amount of time after the posting of a Notice of Intent to Take Action on Regulation, on December 11, 2024, the Board conducted a meeting/hearing and approved R066-19(12) reassigned as T002-25A.

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>

Public commentary is summarized as ensuring managed services organizations or private equity do not exert undue influence or control upon optometrists and their clinical-decision making while not creating any kind of anti-competitive atmosphere and that non-optometrists or corporations cannot own optometry practices.

3. The number of persons who:

(a) Attended each hearing:

July 31, 2024- workshop- 41¹

August 28, 2024- second workshop- 26

September 26, 2024- regular meeting- 17

December 11, 2024- Notice of Intent to Take Action hearing- 11

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:

July 31, 2024- workshop- 16

August 28, 2024- second workshop- 7

September 26, 2024- regular meeting- 0

December 11, 2024- Notice of Intent to Take Action hearing- 0

September 25, 2025- Notice of Intent to Take Action hearing- 0

(c) Submitted to the agency written comments:

July 31, 2024- 7

August 28, 2024- second workshop- 4

September 26, 2024- regular meeting- 0

December 11, 2024- Notice of Intent to Take Action hearing- 0

September 25, 2025- Notice of Intent to Take Action hearing- 0

4. A list of names and contact information, including telephone number, business address,

¹ Concurrent with a regular board meeting.

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

July 31, 2024: the following persons submitted written comments- Robert Horner, Robertkhorner@yahoo.com, Jon Christiansen, drjonchristiansen@yahoo.com, Thomas Daly 1550 Wilson Blvd. Ste. 700, Arlington, VA 22209, (703) 351-5034, Troy Ogden, togden@dtvisionreno.com; Ken Kopolow, kkopolow@yahoo.com, Steve Girisgen, s.girisgen@lasvegaseyedocs.com, Spencer Quinton, drquinton@gmail.com. Joe Fermin joe.fermin@gmail.com

July 31, 2024: the following persons testified- Steve Girisgen, Ken Kopolow, Jonathan Christiansen, Danny Thompson dannylt413@gmail.com, Chen Young drcyoung@aol.com, Amber Belaustegui amberbela@gmail.com, Jonathan Mather jonmather@gmail.com, Cheryl Adlington domagicaloils@gmail.com, Maria Nutile maria@nutilelaw.com, Jennifer Letten lettenj@yahoo.com, Tonya Hubbard hubbardtonya@hotmail.com, Evan Marchant emarchant@vspventures.com

August 28, 2024: the following persons submitted written comments- Jon Christiansen, Troy Ogden, Ken Kopolow, Steve Girisgen, Spencer Quinton, Amber Belaustegui,

August 28, 2024: the following persons testified- Jon Christiansen, Ken Kopolow, Stephanie Lee drstephlee@gmail.com, Steve Girisgen, Chen Young, Maria Nutile

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, 702-452-2020; Steve Girisgen, O.D., s.girisgen@lasvegaseyedocs.com, 702-452-2020; David Davis, O.D., 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 for both the temporary regulation of T002-25A and the subject regulation R008-25, 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 for R008-25, notwithstanding the public commentary that went into T002-25. The public commentary for T002-25 is summarized as ensuring managed services organizations or private equity do not exert undue influence or control upon optometrists and their clinical-decision making while not creating any kind of anti-competitive atmosphere and that non-optometrists or corporations cannot own optometry practices.

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.

R008-25 accomplishes the Board's goal to clarify what kinds of non-clinical business

services are permissible should a licensee seek to engage with a non-optometry entity for any such service. R008-23 as written will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

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. R008-25 is not mandatory for all licensees to expend capital or to enter into the kinds of business relationships discussed therein. Instead it is permissive to those licensees, many of whom are small business owners, who wish to avail themselves to different business associations, and not mandatory. Therefore should the licensee decide to enter into a certain kind of business relationship with a non-optometry entity, R008-25 allows the licensee to do so, but as long as the non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. R08-25 can be seen as a simultaneous allowance for business management services while ensuring the licensee does not lose autonomy within the scope of professional decision-making and judgment for optometric care in Nevada which only licensees under NRS 636 are allowed to exercise. Moreover, the intent of R008-25 is consistent with another chapter of statutory healthcare providers, the Nevada State Board of Dental Examiners' NRS 631.215(2)(i) and (3)(a), 631.3455 which likewise passed legislative muster both in 2009 then again in 2023.

Adverse and beneficial effects on the public-

The Board does not perceive any adverse effects on the public. The intent of R008-25 which concerns in part that a non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. Therefore the Board sees this as a benefit to the public of licensees maintaining that autonomy regarding clinical decision making and the exercise of optometric judgment based upon the needs of any given optometric patient.

(b) Both immediate and long-term effects.

Immediate and long-term effects on optometry-

R008-25 should assist licensees with a better understanding what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

Immediate and long-term effects on the public-

The Board considers the proposed changes in the regulation to have more impact on a licensee's business, business dealings, and business administration. The intent of R008-25 which does not authorize a non-optometry entity to control or dictate how the licensee performs his or her

clinical/medical responsibilities to the patient in a manner consistent with the standard of care. Therefore the Board does not see this regulation impacting the public in terms of patients receiving appropriate optometric care.

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, 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.