

STATE OF NEVADA

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

Small Business Impact Statement

Background

NRS/NAC 636 govern optometry. R066-19 inclusive of R049-25 for amendments to R066-19(7), R101-24 are necessary to update the regulations associated with NRS 636, as well as to comply with recent statutory changes of AB183 recently codified in NRS 636 in the June 2025 legislative session which includes the following sections:

Sections 1-2 defines the Board's purpose, and that a license is a revokable privilege;
Section 3 gives the Board a cease and desist process in the event the Board is made aware of a bad actor licensee or an illicit scheme;

Section 5 and 9.5 clarifies the definition of "pharmaceutical agent";

Sections 6-7 adds another optometrist as a Board member;

Section 8 clarifies any applicant for license by endorsement must have passed the National Board of Examiners in Optometry (NBEO) and not any alternative test such as the Optometry Examining Board of Canada);

Section 9 regards Optometric Pharmaceutical Agent Certification (OPAC) and eliminates the ophthalmologist's 40-hour attestation component (but maintains that the applicant must have passed the NBEO's Treatment and Management of Ocular Disease test);

Section 10 regards glaucoma endorsement and eliminates the requirement that the ophthalmologist has to be Nevada-licensed;

Section 11 allows the Board to order a licensee appear at a hearing to aid in an investigation;

Sections 12-13 expands the definition of optometry to include optometric telemedicine;

Sections 14 and 16 provide for a category of administrative fines that would not be reportable to the National Practitioner Databank;

Section 15 now includes permanent incapacity to the statute regarding the death of a solo practitioner and the timing to transfer of ownership.

Description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary (NRS 233B.0609(1)(a))

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 plans to hold 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 R066-19, R101-24, R049-25, and AB183.

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.

Manner in which the analysis was conducted (NRS 233B.0609(1)(b))

See above.

Estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects and both direct and indirect effects. (NRS 233B.0609(1)(c)(1)-(2))

Adverse and beneficial economic effects on optometry- the Board does not perceive any adverse economic effects. While R049-25 regards licensing fees, none of AB183 regards the economics of optometry and are more so regulatory in nature. The Board perceives positive effects upon optometry to declare its mission is to protect the public, and increasing access to healthcare in terms of allowing optometrists to practice to their scope as trained upon in schooling and national boards.

Adverse and beneficial economic effects on the public- the Board does not perceive any adverse effects on the public. The Board perceives positive effects upon the public to declare its mission to protect the public and that a license is a revokable privilege, gives the Board a cease and desist process in the event the Board is made aware of a bad actor licensee or an illicit scheme, mandating of national boards and not any alternative test administered in a foreign country with potentially different standards than in the United States, such as the Optometry Examining Board of Canada), and compels a licensee appear at a hearing to aid in an investigation.

Immediate and long-term effects on optometry- AB183 provides the Board with additional investigative tools upon its licensees in the event of alleged unprofessional conduct, which should make its licensees even more adherent to optometry laws overall than the

membership is already. AB183 mandates the passage of national boards and not any alternative test administered in a foreign country with potentially different standards than in the United States, such as the Optometry Examining Board of Canada, which will benefit optometry as a whole. Sections 9 and 10 remove previously required restrictions on how optometrists can legally prescribe certain pharmaceutical agents and treat glaucoma, and thus allow the optometrists to more so practice to the scope that they learned in schooling and national boards.

Immediate and long-term effects on the public- the above described sections of AB183 and associated regulations when increasing the Board's investigatory tools into potential unprofessional conduct, decreasing impediments to a licensee practicing more so to the scope of license as learned in schooling and national board testing, can only benefit the public, particularly in more so rural populations where access to specialized healthcare is limited.

Description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (NRS 233B.0609(1)(d))

The agency states it did not use any such methods. As summarized above, none of the above sections "impose a direct and significant economic burden" or "directly restrict the formation, operation or expansion of a small business" (*see* NRS 233B.0608). Nor is there any anticipation that any of the above sections will have an impact upon a small business or a negative impact on the formation, operation, or expansion of a small business in Nevada.

Estimated cost to the agency for enforcement of the proposed regulation (NRS 233B.0609(1)(e))

The Board estimates none beyond the initial costs of implementing the regulations, providing education to licensees and updating the Board's website with forms and fees reflecting the regulation changes. The Board expects that staff costs will be absorbed into the existing workloads of current staff. There is no perceived cost to the licensees governed under NRS 636. There is no perceived cost to the public.

Known violations or known alleged violations of the regulation will result in an investigation as authorized under NRS 636, and possible prosecution and discipline. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

If the proposed 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 (NRS 233B.0609(1)(f))

R049-25 seeks to make a clarifying change to R066-19(7) that its biennial licensing fee maximum (\$825) matches NRS 636.143's maximum (\$1200). The Board projects an increased amount of 82,500 for active licensees and \$5,000 for inactive licensees. The Board is wholly self-funded with licensee transaction fees, licensing, and license renewals, and therefore the money will be used to fund the Board's operating expenses.

If the proposed regulation includes provisions which duplicate or are more stringent than federal, state, or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary. (NRS 233B.0609(1)(g))

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.

The reasons for the conclusions of the agency regarding the impact of a regulation on small business (NRS 233B.0609(1)(h))

A plain reading of R066-19, R101-24 and AB183's text demonstrates that none of its sections regard how optometry clinics, nearly all of which are small businesses as defined in NRS 233B, are to be conducted or are being mandated to spend capital in certain ways. See also Section 2 of this Statement wherein the membership, the public, and all interested persons were privy to these discussions by virtue of the Board's physical postings and online postings and no person expressed any impact on small business.

Certification to best of knowledge or belief, the information contained in the statement was prepared properly and is accurate. (NRS 233B.0609(2))

I, Adam Schneider, Esq., Executive Director of the Nevada State Board of Optometry, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3); NRS 233B.0609(2))

Dated: 9/9/2025

/s/ Adam Schneider
Adam Schneider, Esq.
Executive Director
Nevada State Board of Optometry