

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

**LCB File No. R126-99**

October 5, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 2, 4, 6-8; NRS 636.125; §3, NRS 636.125 and 636.2893; §5, NRS 636.125 and 636.350.

**Section 1.** Chapter 636 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *A violation of NRS 636.2882 constitutes unprofessional conduct.*

**Sec. 3.** *To receive a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895, an optometrist:*

- 1. Must be licensed and in good standing to practice optometry in the State of Nevada.*
- 2. Must possess a valid certificate to administer and prescribe therapeutic pharmaceutical agents issued pursuant to NRS 636.288.*
- 3. Must have successfully passed the “Treatment and Management of Ocular Disease Examination” administered by the National Board of Examiners in Optometry on or after January 1, 1993.*
- 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:*

- (a) The name, address and license number of the optometrist;*

*(b) The name of each patient treated, the date on which the treatment for each patient began and a description of the treatment plan which, for each patient, must be not less than 1 year in length beginning not earlier than October 1, 1999;*

*(c) A statement that the optometrist has, in consultation with an ophthalmologist licensed in the State of Nevada, treated the patients in accordance with the provisions of this chapter and chapter 636 of NRS;*

*(d) A statement that the consulting ophthalmologist has diagnosed the patients with glaucoma; and*

*(e) The signatures of the optometrist, the consulting ophthalmologist and a notary public attesting to the accuracy of the information.*

**Sec. 4. 1.** *An optometrist who treats persons for glaucoma in consultation with an ophthalmologist pursuant to NRS 636.2891, 636.2893 and 636.2895 shall:*

*(a) Conduct an optometric examination of the patient at least once every 4 months for not less than 1 year;*

*(b) Provide written records of each examination of a patient and the proposed treatment to the consulting ophthalmologist; and*

*(c) Refer the patient to an ophthalmologist for further examination or treatment if the ophthalmologist determines, after reviewing the written records, that such a referral is necessary.*

**2.** *Within 30 days after a consulting ophthalmologist receives the records of an optometric examination and a proposed course of treatment from an optometrist, the consulting ophthalmologist shall notify the optometrist in writing as to whether the consulting ophthalmologist agrees to the course of treatment proposed by the optometrist.*

*3. During the period before an optometrist is certified to treat persons diagnosed with glaucoma, the optometrist shall not treat any patient found to have any of the conditions or complications set forth in NRS 636.2891 which require referral of such patients to an ophthalmologist.*

*4. The records of each patient created as a result of treatment provided by an optometrist in accordance with the provisions of this section and NRS 636.2891:*

*(a) Must be retained by the optometrist for not less than 5 years as required by NRS 629.051; and*

*(b) Are subject to examination by the board.*

**Sec. 5. 1.** *An optometrist shall not practice optometry under an assumed or fictitious name unless he has been issued a certificate of registration by the board to practice optometry under the assumed or fictitious name.*

*2. Before a licensee may use or display an assumed or fictitious name in any manner or medium, he must submit a completed application for a certificate of registration of the assumed or fictitious name on a form provided by the board. The application must be accompanied by documentation from the appropriate local governmental entity that issues business licenses for the county in which the optometrist proposes to practice under the assumed or fictitious name, which verifies the local governmental entity has approved the use of the assumed or fictitious name by the licensee.*

*3. The board will not approve an application for a certificate of registration to practice optometry under an assumed or fictitious name which:*

*(a) Contains any reference to price or cost;*

*(b) Contains any reference to “superiority,” “better” or “best”;*

*(c) Contains the word “physician”; or*

*(d) Is in violation of any provision of this chapter or chapter 636 of NRS.*

*4. If a licensee uses or displays an assumed or fictitious name in any manner or medium before receiving a certificate of registration to practice optometry under an assumed or fictitious name from the board, the optometrist:*

*(a) Shall, upon receipt of written notice from the board, immediately cease using the assumed or fictitious name; and*

*(b) Is subject to an administrative fine imposed pursuant to NRS 636.420.*

**Sec. 6.** NAC 636.010 is hereby amended to read as follows:

636.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~[636.020 to 636.060, inclusive,]~~ *636.030, 636.050 and 636.055* have the meanings ascribed to them in those sections.

**Sec. 7.** NAC 636.075 is hereby amended to read as follows:

636.075 1. The examination required pursuant to NRS 636.150 will consist of two parts, as follows:

(a) The examination prepared by the National Board of Examiners in Optometry; and

(b) The examination prepared by the board which relates to the laws and regulations governing the practice of optometry in this state.

2. The board will review ~~[and, if]~~ the results of the examination *of an applicant. If the board determines that the results* comply with the requirements of chapter 636 of NRS, ~~[approve those results at the regular meeting of the board immediately following the receipt of the results of the examination from the National Board of Examiners in Optometry.]~~ *the board will approve the application for licensure of the applicant.*

**Sec. 8.** NAC 636.020, 636.040 and 636.060 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**636.020 “Advertising” defined.** “Advertising” means the act of calling something to the attention of the public, especially by paid announcements.

**636.040 “Illuminated sign” defined.** “Illuminated sign” means a neon-type sign with tubes or formed letters.

**636.060 “Optometric specialty” defined.** “Optometric specialty” means a specialty in which an optometrist has been certified by a certifying specialty board which is recognized by the Nevada state board of optometry.