

LCB File No. R126-99

PROPOSED REGULATION OF THE NEVADA STATE BOARD OF OPTOMETRY

636.010 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 636.020 to 636.060, inclusive, have the meanings ascribed to them in those sections.

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

~~[636.030 —“Board” defined.—“Board” means the Nevada state board of optometry.]~~

~~[636.040 —“Illuminated sign” defined.—“Illuminated sign” means a neon-type sign with tubes or formed letters.]~~

636.050 “Office” defined. “Office” means any office or other place for the practice of optometry. The term includes the contiguous area which the licensee owns or leases in conjunction with the practice of optometry.

NAC 636.055 “Ophthalmic products” defined. “Ophthalmic products” means any materials used for the correction or relief of or remedy for any abnormal condition or inefficiency of the eye or visual process. The term includes, but is not limited to, spectacle frames, spectacle lenses, contact lenses, and ocular solutions and ointments.

NAC 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.

EXAMINATIONS

NAC 636.075 Two parts; review by board.

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

- The examination prepared by the National Board of Examiners in Optometry; and
- 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 . *If it is determined by the Board that the results* comply with the requirements of chapter 636 of NRS, *the application for licensure will be approved.* ~~[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.]~~

~~[Reviser’s Note.~~

~~—The regulation of the Nevada state board of optometry filed with the secretary of state on August 4, 1994 (LCB File No. R-24-94), the source of this section, contains the following provision not included in NAC:~~

~~—“For the purposes of NRS 636.510, the board will accept the results of any examination taken by an applicant for a license to practice optometry in this state that is prepared and administered by the National Board of Examiners in Optometry between January 1, 1993, and December 31, 1994, if the applicant received a passing grade on the examination as determined by the board.”]~~

NAC 636.080 Reexaminations.

1. An applicant who makes a request for reexamination to obtain a license to practice optometry must not be permitted to take more than three examinations.
2. Reexaminations must take place within 5 years after the date the applicant was initially examined.
3. An applicant who makes a request for reexamination must:
 - (a) If he wishes to be reexamined on that part of the examination prepared by the board, apply to the board.
 - (b) If he wishes to be reexamined on any part of the examination prepared by the National Board of Examiners in Optometry, apply to the National Board of Examiners in Optometry.

HEALTH MAINTENANCE ORGANIZATIONS

NAC 636.085 Application for permit to provide services. An applicant for a permit to be employed by or contract with a health maintenance organization to provide services therefor must submit to the board:

1. Evidence that he is a licensed optometrist in this state;
2. A copy of the agreement for employment or contract and all renewals or extensions thereof;
3. A copy of the certificate of authority of the health maintenance organization issued pursuant to chapter 695C of NRS; and
4. Evidence that nothing contained in his agreement for employment or contract requires him to violate any of the provisions of chapter 636 of NRS or this chapter.

ADVERTISING

NAC 636_____

An optometrist who is certified to administer and prescribe a therapeutic pharmaceutical agent shall not prescribe an analgesic of hydrocodone with compounds, codeine with compounds, or propofolene with compounds unless he:

- 1. Has completed an optometric examination of the patient for whom the above therapeutic agents are to be prescribed within the preceding 24 hours;*
- 2. Prescribes the therapeutic pharmaceutical agent in an amount that will not last more than 72 hours, using standard dosages; and*

*3. Sets forth in the prescription that the prescription may not be refilled.
Any violation of this section shall be deemed unprofessional conduct.*

NAC 636.____

The following requirements must be met prior to an optometrist receiving a certificate allowing him to treat persons diagnosed with glaucoma:

- 1. The optometrist must be licensed and in good standing in the State of Nevada;*
- 2. The optometrist must possess a valid certificate to administer and prescribe therapeutic pharmaceutical agents pursuant to NRS 636.288;*
- 3. The optometrist must have successfully passed the "Treatment and Management of Ocular Disease" examination administered by the National Board of Optometric Examiners on or after January 1st, 1993.*
- 4. The optometrist shall submit a written form as the required proof that he has treated at least 15 persons pursuant to NRS _____. The form will be developed by the Executive Director and shall include at least the following:*
 - a. The optometrist's name, address, and license number;*
 - b. The name of the patient(s) treated along with the starting date(s) of treatment;*
 - c. A statement that the optometrist has treated said patient(s) in consultation with an ophthalmologist licensed in the State of Nevada pursuant to the guidelines set forth herein;*
 - d. A statement that said ophthalmologist has diagnosed the patients with glaucoma;*
 - e. Attestation signature blocks for the signatures of the optometrist, ophthalmologist and a Notary Public.*

The form must be submitted for at least fifteen patients, and shall indicate a treatment program of at least one year, commencing on or after October 1st, 1999.

- 5. If an optometrist wishes to treat a patient for glaucoma in consultation with an ophthalmologist pursuant to the above section, he must:*
 - a. Conduct an optometric examination of the patient at least every four months for a period of at least one year.*
 - b. Provide written records of each examination and proposed treatment to the consulting ophthalmologist;*
 - c. Receive written confirmation from the ophthalmologist within 30 days that the ophthalmologist agrees to the course of treatment; and*
 - d. Refer the patient to the ophthalmologist for further examination or treatment if the physician deems it necessary after reviewing the written records.*

6. No patient shall be treated by the optometrist during the pre-certification period should the patient be found to have any of the conditions or complications set forth in NRS _____ which require referral to an ophthalmologist.

All patient records developed as a result of the treatment outlined in this section are to be retained by the treating optometrist for a period of not less than five (5) years as provided in NRS 639.051, and shall be subject to examination by the Board.

NAC _____

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 an assumed or fictitious name.

1. Prior to the time a licensee uses or displays an assumed or fictitious name in any manner or medium, he must:

a. Submit a completed Application for Certificate of Registration of the assumed or fictitious name on the form provided by the board, together with an application fee not to exceed the sum of \$100.00;

b. The application must be accompanied by documentation from the business licensing authority of the county in which the proposed name is to be used, verifying the name has been approved for use by such authority.

2. The Board will not approve any 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 applicable provision of the Nevada Revised Statutes or the Nevada Administrative Code.

3. In the event a licensee uses or displays an assumed or fictitious name in any manner or medium prior to receiving a Certificate of Registration from the Board, he must:

a. Immediately, upon receipt of written notice from the Board, cease using the assumed or fictitious name;

b. Submit the required Application for Certificate of Registration, together with a \$350.00 late application fee.