

PROPOSAL FOR CHANGES TO NEVADA ADMINISTRATIVE CODE CHAPTER 636 to implement AB77 of the 2019 Legislative Session and provide clear direction for the application of NRS Chapter 636.

GENERAL PROVISIONS

NAC 636.010 Definitions. ([NRS 636.125](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 636.030](#), [636.050](#), ~~and 636.055~~, ~~and 636.XXX~~ have the meanings ascribed to them in those sections.

[Bd. of Optometry, part Definitions, eff. 5-26-78] — (NAC A 8-4-94; R126-99, 12-13-99)

NAC 636.030 “Board” defined. ([NRS 636.125](#)) “Board” means the Nevada State Board of Optometry.

[Bd. of Optometry, Definition No. 3, eff. 5-26-78]

NAC 636.050 “Office” defined. ([NRS 636.125](#)) “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~~ *area, which the licensee owns or leases in conjunction with the practice of optometry, or a motor vehicle or trailer utilized as a certified mobile optometry clinic.*

[Bd. of Optometry, Definition No. 4, eff. 5-26-78]

NAC 636.055 “Ophthalmic products” defined. ([NRS 636.125](#)) “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, *devices* and ~~ocular solutions and ointments~~ *pharmaceutical agents*.

(Added to NAC by Bd. of Optometry, eff. 8-4-94)

NAC 636.051 “Optometric examination” or “comprehensive eye examination” defined.

1. “Optometric examination” or “comprehensive eye examination” means examination “means all of the following services are to be or have been conducted:

- a. An ophthalmoscopy.*
- b. A subjective examination.*
- c. Binocularity testing.*
- d. A check of normal aided and unaided acuities.*
- e. A case history.*
- f. Tonometry.*
- g. Near-point accommodative tests.*
- h. Keratometry.*
- i. Slit-lamp biomicroscopy.*
- j. A refraction.*
- k. A dilated fundus examination.*

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2. *“Optometric examination” or “comprehensive eye examination” does not mean a vision screening in which no subjective refraction, evaluation or interpretation, diagnosis or ~~treatment~~ treatment is~~are~~ performed.*
3. *A vision screening must not include a recommendation for any over-the-counter substance or device unless the screening is undertaken under the direct supervision of an optometrist.*

EXAMINATIONS

NAC 636.075 **Two parts; review by Board.** ([NRS 636.125](#), [636.150](#), [636.180](#))

1. The examination required pursuant to [NRS 636.150](#) will consist of two parts, as follows:

- (a) *Parts I, II and III and the TMOD components of t*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 *or its designee(s)* will review the results of the examination of an applicant~~-. If the Board~~ *or its designee(s)* determines that the *examination* results comply with the requirements of [chapter 636](#) of NRS, *and the applicant has met all of the other requirements for licensure*, the Board will approve the application for licensure of the applicant~~-. Any anomalous information submitted with an application will be brought before the Board at its next regular meeting.~~

(Added to NAC by Bd. of Optometry, 8-4-94, eff. 1-1-95; A by R126-99, 12-13-99)

~~—NAC 636.080—Reexaminations.—(NRS 636.125, 636.195)~~

~~—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.~~

~~—[Bd. of Optometry, § III subsec. 1, eff. 5-26-78]—(NAC A 8-4-94, eff. 1-1-95)~~

HEALTH MAINTENANCE ORGANIZATIONS

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NAC 636.085 Application for permit to provide services. ([NRS 636.125](#), [636.347](#)) 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~~ *he or she* is a licensed optometrist in this State;
2. A copy of the agreement for employment or contract and all renewals, *modifications* 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~~ *his or her* the agreement for employment or contract requires him to violate any of the provisions of [chapter 636](#) of NRS or this chapter.

(Added to NAC by Bd. of Optometry, eff. 3-6-86)

ADVERTISING

NAC 636.110 “Do not meet the specifications of the American National Standards Institute” defined. ([NRS 636.125](#), [636.302](#), [636.380](#)) As used in [NAC 636.120](#) to [636.200](#), inclusive, the phrase “Do not meet the specifications of the American National Standards Institute” means that the ophthalmic products:

1. Were not purchased from a manufacturer or wholesaler who warrants that they meet those specifications, if applicable; or
2. Do not meet those specifications, if applicable.

[Bd. of Optometry, Definition No. 6, eff. 5-26-78] — (NAC A 8-4-94; 1-24-96)

NAC 636.115 Manner in which optometrist who is certified to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents may represent himself to public. ([NRS 636.125](#), [636.287](#), [636.302](#), [636.380](#)) An optometrist who is certified to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents pursuant to [NRS 636.288](#):

1. May represent himself *or herself* to the public as:
 - (a) Certified in the treatment of ocular disease;
 - (b) Board certified in the treatment of ocular disease;
 - (c) Board certified in the treatment and management of ocular disease; or
 - (d) Certified in the treatment and management of ocular disease.
2. May not, when referring to ~~his~~ *his or her* certification, represent himself to the public in any manner other than the exact designations set forth in subsection 1.

(Added to NAC by Bd. of Optometry by R059-97, eff. 1-22-98)

NAC 636.120 Abbreviation of Professional Designations. ([NRS 636.125](#), [636.302](#), [636.380](#)) ***1. An optometrist who is licensed in this state may represent his or her professional designation as:***

- (a) Name, Optometrist;***
- (b) Name, O.D. or Name, OD***

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~~(c)-OD~~

~~(d) Name, Doctor of Optometry~~

~~(de) Name, Dr. of Optometry~~

~~(e) Dr. Name, Optometrist~~

~~(f) Dr. Name, O.D. or Dr. Name, OD~~

2. No abbreviation may be used for any of the information required by [NAC 636.130](#) to [636.200](#), inclusive, except abbreviations approved in writing by the Board.

[Bd. of Optometry, § I subsec. I, eff. 5-26-78] — (NAC A 12-1-86; 8-4-94)

NAC 636.130 Posting of signs. ([NRS 636.125](#), [636.302](#), [636.380](#))

1. A licensee shall post a sign at the entrance to ~~his- his or her~~ office that specifies ~~his-the~~ full name *that name appears on his or her license*,[;] professional designation and the hours during which the office is open.

2. A sign posted at a location which is remote from the office must specify the full name of the licensee *as that name appears on his or her license* and ~~his- his or her~~ professional designation.

[Bd. of Optometry, § I subsec. A, eff. 5-26-78] — (NAC A 12-1-86; 8-4-94; 1-24-96)

NAC 636.140 Printed, *internet -or- electronic* advertisements. ([NRS 636.125](#), [636.302](#), [636.380](#)) Any printed, *internet or electronic* advertisement *referring to the provision of optometric services* must contain the full name *as it appears on*~~of~~ the optometrist's license and his *or her* professional designation. Any disclaimer in ~~the-an~~ advertisement must ~~be printed-appear~~ in such a manner as to allow a reasonable person to read and understand it.

[Bd. of Optometry, § I subsec. B, eff. 5-26-78] — (NAC A 12-1-86; 1-24-96)

NAC 636.142 Broadcast advertisements. ([NRS 636.125](#), [636.302](#), [636.380](#)) Any broadcast advertisement ~~placed by an optometrist licensed to practice in this State-referring to the provision of optometric services~~ must include an oral statement of the full name of the optometrist *as it appears on the licensee's license* and ~~his- his or her~~ professional designation. Any disclaimer in the advertisement must be displayed or communicated ~~in such a manner that to allow~~ a reasonable person ~~would have the opportunity~~ to read or hear and understand it.

(Added to NAC by Bd. of Optometry, eff. 1-24-96)

NAC 636.145 Symbols for advertising. ([NRS 636.125](#), [636.302](#), [636.380](#)) A licensee may use a symbol for advertising if it is:

—1.— ~~Displayed with the full name and professional identification-designation of the licensee. ;and~~

—2.— ~~Printed no more prominently than the name and professional identification of the licensee.~~

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(Added to NAC by Bd. of Optometry, eff. 8-4-94)

NAC 636.150 Ophthalmic products, devices and services. ([NRS 636.125](#), [636.302](#), [636.380](#), [NRS 636.016](#)) Advertising of ophthalmic products, *devices or services* must include *a statement whether the price or discounted price includes an examination of the eyes, the following information* and, if printed, *posted on the internet or used in an electronic medium*, the information must ~~be printed~~*appear* as prominently as the words promoting the product:

~~1. A statement whether the price or discounted price includes an examination of the eyes.~~

~~[2. If applicable, a statement that the product is a second or has been discontinued.~~

~~3. A notice, "Do not meet the specifications of the American National Standards Institute" if the ophthalmic products do not meet the applicable specifications of the American National Standards Institute.~~^[1] [Bd. of Optometry, § I subsec. C, eff. 5-26-78] — (NAC A 12-1-86; 8-4-94)

NAC 636.160 Spectacle lenses. ([NRS 636.125](#), [636.302](#), [636.380](#)) In addition to the information required pursuant to [NAC 636.150](#), the advertising of spectacle lenses must include the following information:

1. If applicable, a statement that the price for lenses may vary depending upon the purchaser's specific prescription.

2. A statement that the *advertised* lenses are clear, tinted or photochromic.

3. A statement that the *advertised* lenses are glass or plastic, single vision, bifocal or trifocal, that they are occupational or aphakic, and if the lenses are:

(a) Bifocal, the advertisement must state the segment size except for executive or dualens types.

(b) Trifocal, the advertisement must state the segment size except for executive or dualens and variable focus types.

(c) Occupational or aphakic, the advertisement must state that they are lenticular aspheric, lenticular nonaspheric or full-field aspheric.

[Bd. of Optometry, § I subsec. D, eff. 5-26-78] — (NAC A 12-1-86; 8-4-94)

NAC 636.170 Contact lenses. ([NRS 636.125](#), [636.302](#), [636.380](#))

1. In addition to the information required pursuant to [NAC 636.150](#), the advertising of contact lenses must include the following information:

(a) A statement that the *advertised* lenses are hard or soft, daily or extended wear, or gas permeable.

(b) A statement that the *advertised* lenses are single vision or ~~bifocal~~*multifocal*.

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(c) A statement whether the price or discounted price *advertised* includes all the required accessories *and fitting fees* and, if not, the cost of all the required accessories *and fitting fees*.

2. Contact lenses received from a manufacturer in a package containing multiple lenses of the same prescription that are intended to be used as *trial scheduled lenses, scheduled* replacements or as disposable lenses may not be advertised for sale or sold as permanent lenses.

[Bd. of Optometry, § I subsec. E, eff. 5-26-78] — (NAC A 12-1-86; 8-4-94; 1-24-96)

NAC 636.190 Optometric examinations. (NRS 636.125, 636.302, 636.380)

An advertisement of *an* optometric examinations must include a specific disclaimer if any of the *following* services *in NAC 636.XXX* are not included[2]:

- 1. ~~An ophthalmoscopy.~~
- 2. ~~A subjective examination.~~
- 3. ~~Binocularity testing.~~
- 4. ~~A check of normal aided and unaided acuities.~~
- 5. ~~A case history.~~
- 6. ~~Tonometry.~~
- 7. ~~Near point accommodative tests.~~
- 8. ~~Keratometry.~~
- 9. ~~Slit lamp biomicroscopy.~~
- 10. ~~A refraction.~~
- 11. ~~A dilated fundus examination.~~

[Bd. of Optometry, § I subsec. H, eff. 5-26-78] — (NAC A 12-1-86; 1-24-96)

NAC 636.200 Disclosure of dispensing fees. (NRS 636.125, 636.302, 636.380) If a dispensing fee is *imposed*~~required~~ for delivery of frames or lenses, whether ophthalmic or contact, the amount of the fee must be printed in type of no smaller size than is used for the advertised price.

[Bd. of Optometry, § I subsec. G, eff. 5-26-78]

PROFESSIONAL CONDUCT

NAC 636.210 Restrictions on use of name and place of practice; required display of license; representation as specialist without certification; employer responsible for unprofessional conduct of employee. (NRS 636.125, 636.360)

1. An optometrist shall not:

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(a) Practice optometry or maintain an ownership interest in an office where optometry is practiced under any name other than the name on his *or her* license *or on a certificate of assumed or fictitious business name issued by the Board. To that location.*

(b) Represent himself as a specialist in any optometric field ~~[unless he has been certified by a board for certifying specialties approved by the Nevada State Board of Optometry].~~

2. Except as otherwise provided by subsection 3, an optometrist shall display in a conspicuous place ~~his~~ *his or her* license or a duplicate of ~~his~~ *his or her* license to practice optometry and a current renewal/*location* card ~~in a conspicuous manner~~ at each office in which he *or she* practices optometry or has an ownership interest.

3. An optometrist may practice optometry outside ~~his~~ *his or her practice locations registered with the Board* ~~office~~ without displaying ~~his~~ *his or her* license or a duplicate of ~~his~~ *his or her* license to practice optometry at that location ~~for not more than 2814 working days~~ ~~[3]~~ during *each* ~~the licensing period~~ ~~- or renewal period~~ ~~from March 1 to February 29~~ if the optometrist notifies the Board in writing of the day and place of *each* such practice *location*. The notice must be given to the Board at least 24 hours before ~~he~~ *he or she* practices optometry at any such place. If the optometrist is not able to notify the Board within the prescribed period because of an emergency, ~~he~~ *he or she* shall notify the Board as soon as possible *after commencing such activity.*

4. An optometrist who employs another optometrist on a temporary or permanent basis is subject to disciplinary action for any *violation of NRS chapter 636 or NAC chapter 6326, including* unprofessional conduct of the optometrist ~~he~~ *he or she* employs which takes place during the performance of services pursuant to such employment.

[Bd. of Optometry, § II subsec. 2, eff. 5-26-78] — (NAC A 3-6-86; 5-27-92; 10-5-93)

NAC 636.215 Certificate of registration required to practice under assumed or fictitious name. ([NRS 636.125](#), [636.350](#))

1. An optometrist shall not ~~[practice optometry]~~ *own all or any portion of an optometry practice* under an assumed or fictitious name unless ~~he~~ *he or she* has been issued a certificate of registration *of the assumed or fictitious name* by the Board ~~to practice optometry under the assumed or fictitious name and at a specific location.~~

2. Before a licensee may use or display an assumed or fictitious name in any manner or medium, ~~he~~ *he or she* must submit a completed application for a

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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 *state and/or* local governmental entity *or entities* that *a registration of the issues assumed or fictitious business names, a “dba” registrations or a business licenses has been issued under that name* for the county in which the optometrist proposes to ~~practice~~ *operate or own all or any portion of an optometry practice* under the assumed or fictitious name *or dba*, which verifies the local governmental entity has approved the use of the assumed or fictitious name *or dba* by the licensee.

A corporation, limited liability company, partnership or other business entity registered with the Secretary of State of the State of Nevada and organized to offer optometric services shall disclose to the Board the name of each of its owners and submit a completed application for a certificate of registration of the entity name on a form provided by the Board.....all of the same requirements as a dba.

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 *or dba* 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](#).
(Added to NAC by Bd. of Optometry by R126-99, eff. 12-13-99)

NAC 636.220 Employment of unlicensed persons for certain services. ([NRS 636.125](#), [636.300](#)) A licensee shall not employ, either directly or indirectly, an unlicensed person to perform any services for which an optometrist’s license is required by law *except as permitted in NRS.XXX regarding the use of assistants.*

[Bd. of Optometry, § II subsec. 1, eff. 5-26-78]

NAC 636.230 Compliance with provisions of NAC and NRS relating to optometry. ([NRS 636.125](#), [636.295](#)) For the purposes of [NRS 636.295](#), the Board will consider the failure of a licensee to comply with any provision of NRS or NAC which ~~relates to~~ *relates to the management of an optometry practice or the provision of any portion of the full range of* the practice of optometry to constitute unprofessional conduct.

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(Added to NAC by Bd. of Optometry, eff. 5-27-92; A 8-4-94)

~~NAC 636.235 Violation of NRS 636.2882. (NRS 636.125, 636.295)
A violation of NRS 636.2882 constitutes unprofessional conduct.~~

~~(Added to NAC by Bd. of Optometry by R126-99, eff. 12-13-99)~~

NAC 636.240 Agreements to lease between licensees and unlicensed persons. (NRS 636.125, 636.372) Except as otherwise provided in [NRS 636.347](#), an agreement between a licensee and a person who is not licensed pursuant to the provisions of [chapter 636](#) of NRS for the leasing of a building or a part thereof for use in the licensee's practice must not include a provision that:

1. Authorizes the person who is not licensed to exercise control over the operation of the licensee's practice or ~~his- his or her~~ employees in violation of the provisions of [chapter 636](#) of NRS.
2. Authorizes the person who is not licensed to share in the profits of the licensee's practice in violation of the provisions of [chapter 636](#) of NRS.
3. Authorizes the person who is not licensed to have access to the medical records of the licensee's patients.
4. Authorizes the licensee to locate ~~his- his or her~~ office in a part of the building where the person who is not licensed conducts business without providing a clear separation between the licensee's office and the business of the person who is not licensed.
5. Prohibits the licensee from having access to ~~his- his or her~~ office, equipment or *patient* records at any time.
6. Except as otherwise provided in [NRS 636.372](#), authorizes or requires the amount of rent to be determined on any basis other than the fair rental value of the building or a part thereof to be leased *or of the leased premises and use of equipment materials used in the licensee's practice.*
7. Violates any provision of NRS or NAC which relates to the practice of optometry.

(Added to NAC by Bd. of Optometry, eff. 8-4-94)

NAC 636.250 Separation between office of optometry and other businesses required. (NRS 636.125, 636.300) A licensee who locates ~~his- his or her~~ office in a part of a building where a person who is not licensed pursuant to the provisions of [chapter 636](#) of NRS conducts business shall ~~construct and~~ maintain a ~~partition or wall in such a manner as to ensure a~~ clear separation between ~~his- his or her~~ office and the business of the person who is not licensed.

(Added to NAC by Bd. of Optometry, eff. 8-4-94)

NAC 636.XXX Custody of patient records; appointment of successor. Each optometrist who provides optometric services to patients and maintains paper or electronic patient records must designate a successor custodian of those patient

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records. The successor optometrist may be a licensed optometrist or other qualified covered entity. The successor or its representative must affirm acceptance of the role on a form made available by the Board. In the event of the treating optometrist's death or incapacity, the successor must secure all patient records, maintain them on behalf of the patients, and, as necessary, make them available to patients on request. The treating optometrist must submit the name of his or her successor custodian of the records and obtain the successor's acceptance on a form designated by the Board, and submit it with his or her license renewal every two years.

TREATMENT OF GLAUCOMA

NAC 636.280 Requirements for certification. ([NRS 636.125](#), [636.2893](#), ***NRS 636.XX on glaucoma certification by endorsement***) To receive a certificate to treat persons diagnosed with glaucoma pursuant to [NRS 636.2895](#) or ***NRS 636.XX***, 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 o*~~One~~ *of the following:*
 - ~~(a)~~ *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)~~ 1) The name, address and license number of the optometrist;
 - ~~(b)~~ 2) The name of each patient treated, the date on which the *optometrist's* 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)~~ 3) 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)~~ 4) A statement that the consulting ophthalmologist has diagnosed the patients with glaucoma *or confirmed the diagnosis of the optometrist;* and
 - ~~(e)~~ 5) The signatures of the optometrist, the consulting ophthalmologist and a notary public attesting to the accuracy of the information.

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(b) Shall submit proof on a written form provided by the Executive Director of the Board that the optometrist has met the requirements for glaucoma certification by endorsement. The form must include:

(1) Proof that the optometrist holds a valid and unrestricted certificate or other credential ~~approved by the Board~~ to engage in the treatment of a person with glaucoma issued by ~~the optometry licensing body of another state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States~~ ~~which the Board has determined was issued~~ in accordance with requirements that are substantially similar to or exceed the requirements ~~for those applicable to~~ the issuance of a certificate to treat persons diagnosed with glaucoma in this State pursuant to NRS 636.2893;

(2) Has had no adverse actions reported to the National Practitioner Data Bank, or its successor organization, within the past 5 years; and

(3) An affidavit stating that the information set forth in the application and any accompanying material is true and correct.

5. If an applicant meets the foregoing requirements, the Board shall issue him or her a certificate to treat persons diagnosed with glaucoma.

(Added to NAC by Bd. of Optometry by R126-99, eff. 12-13-99)

NAC 636.290 Consultation with and referral to ophthalmologist; records. (NRS 636.125, 636.2891)

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[s] *as the patient's condition requires 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 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 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 outlined 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.

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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.

(Added to NAC by Bd. of Optometry by R126-99, eff. 12-13-99)

PRACTICE BEFORE THE NEVADA STATE BOARD OF OPTOMETRY
General Provisions

NAC 636.310 Scope. ([NRS 636.125](#)) The provisions of [NAC 636.310](#) to [636.660](#), inclusive, govern all practice and procedure before the Board whenever the Board is acting as an agency, as that term is defined in [NRS 233B.031](#).

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.320 Construction. ([NRS 636.125](#)) The provisions of [NAC 636.310](#) to [636.660](#), inclusive, will be liberally construed to secure a just, speedy and economical determination of all issues presented to the Board and to carry out the purposes of [chapters 233B](#) and [636](#) of NRS.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

Parties

NAC 636.330 Classification of parties. ([NRS 636.125](#))

1. A party in a proceeding before the Board must be called applicant, petitioner, complainant, respondent, intervener or interested party, according to the nature of the proceeding and the relationship of the party thereto.

2. An “applicant” is a person who is applying or petitioning for any privilege, license or authority from the Board.

3. A “petitioner” is a person, other than a complainant, who is petitioning the Board for affirmative relief.

4. A “complainant” is a person who is complaining to the Board of any act or of any person.

5. A “respondent” is a person against whom any complaint is filed or investigation is initiated.

6. An “intervener” is a person, other than an original party to a proceeding, who may be indirectly and substantially affected by the proceeding, and who secures an order from the Board or presiding officer granting leave to intervene. The granting of leave to intervene or otherwise appear in any matter or proceeding is not a finding or determination of the Board that such party will or may be a party aggrieved by any ruling, order or decision of the Board for purposes of court review or appeal.

7. An “interested party” is a person who believes that ~~he~~ *he or she* may be affected by a proceeding, but who does not seek to participate in the proceeding.

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(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.340 Participation by staff of Board. (NRS 636.125) The Board's staff may appear at any hearing and has the right to participate as a party to *anythe* proceeding.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.350 Permissible appearances. (NRS 636.125) At any hearing, a party named in [NAC 636.330](#), except an interested party, is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and participate in the conduct of the proceeding. An interested party may be acknowledged by the Board for the purpose of stating ~~his~~ *his or her* possible interest in the proceeding.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.360 Entry of appearance. (NRS 636.125) A party shall enter ~~his~~ *his or her* appearance at the beginning of a hearing or at any time designated by the presiding officer by giving ~~his~~ *his or her* name and address and stating ~~his~~ *his or her* position or interest in the proceeding to the presiding officer. This information must be recorded in the record of the hearing.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.370 Representation of parties. (NRS 636.125)

1. A party is entitled to be heard in person or by ~~his~~ *his or her* attorney or other representative.
2. An attorney appearing as counsel in any proceeding must be an attorney at law in good standing and admitted to practice before the highest court of any state. If an attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated with the attorney appearing before the Board.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.380 Service upon attorney. (NRS 636.125) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders must be served upon the attorney and such service is effective for all purposes upon the party represented by the attorney.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.390 Withdrawal of attorney. (NRS 636.125) Any attorney of record wishing to withdraw from a proceeding before the Board must, in writing, immediately notify the Board or the presiding officer, the party whom ~~he~~ *he or she* represented and all other parties to the proceeding of ~~his~~ *his or her* withdrawal.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

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NAC 636.400 Conduct before Board. (NRS 636.125) A person appearing in a proceeding before the Board shall conform to the recognized standards of ethical and courteous conduct.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

Pleadings, Motions and Other Papers

NAC 636.410 Captions, amendments and construction of pleadings. (NRS 636.125)

1. Pleadings before the Board must be called applications, petitions, *complaints*, accusations or answers.
2. The Board may, when substantial rights of the parties are not violated, allow any pleading to be amended or corrected.
3. All pleadings will be liberally construed with a view to effect justice between the parties, and the Board or presiding officer will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceedings which do not affect the substantial rights of the parties.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.420 Applications. (NRS 636.125)

1. A pleading requesting a privilege, license or authority from the Board must be styled an “application.”
2. An application must set forth the full name and address of the applicant and such facts or *evidencexhibits* as may be required by statute or this chapter. An application must be signed *and sworn* by the applicant.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.430 Petitions. (NRS 636.125) A “petition” is a pleading other than an application, accusation, *complaint* or answer, praying for affirmative relief, including requests for declaratory orders, advisory opinions, and requests for the adoption, amendment or repeal of any regulation. A petition must set forth the full name, *e-mail* and *post-officemailing* address of the petitioner and be signed by the petitioner.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.440 Verification. (NRS 636.125) All pleadings must be verified *and sworn to be truthful.*

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.450 Motions. (NRS 636.125)

1. A *procedural* motion is a request directed at the Board *President to exercise his or her’s* authority to act on a given *procedural* subject.

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2. *A substantive or a dispositive motion is a request directed to the full Board to act on a given subject of substantive law or to dispose of the case or a portion thereof.*

3.2. All motions, unless made during a hearing, must be in writing^[4].

4.3. All written motions must set forth the nature of the relief sought and the grounds therefor.

5.4. A party desiring to oppose a motion may serve and file a written response to the motion.

6.5. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.

7.6. A decision on *a procedural motion* ~~the motion will~~ *may* be rendered without oral argument *and outside of a public meeting* unless oral argument is requested by the Board *President*. ~~If oral argument is requested, the Board will set a date and time for a hearing on the motion.~~ 8. *A decision on a substantive or dispositive motion will be rendered without oral argument in a public meeting unless oral argument is requested by the Board.*

9. *If oral argument is requested, the President of the Board will set a date and time for a hearing on the motion.*

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.460 Filing and availability of papers. ([NRS 636.125](#)) ~~An original and two legible copies of all~~ *All* pleadings, motions or other papers must be filed with the ~~Board~~ *Executive Director*. The Board may direct that a copy of all pleadings and motions be made available by the party filing them to any other person whom the Board determines may be affected by the proceeding and who desires copies thereof.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.470 Service of process. ([NRS 636.125](#))

1. All notices, documents, advisory opinions and declaratory orders required to be served by the Board will be served by *e-mail and first-class* mail, *or both if known to the Board*, and service thereof will be deemed complete when a true copy of such paper or document *is deemed sent via e-mail, or, if served by mail, is properly addressed, and stamped* ~~addressed, stamped~~, ~~and is~~ deposited in the United States mail. Parties will be notified either personally or by ~~certified~~ *mail or e-mail* of any adverse decision or order.

2. All documents required to be served by a party must be ~~served~~ *served in person*, by mail *or by e-mail or by both if addresses are known*, and service thereof shall be deemed complete when a true copy of such paper or document *is deemed*

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sent via e-mail, or, if served by mail , properly addressed and stamped, is deposited in the United States mail.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.480 Proof of service. (NRS 636.125) There will appear on all documents required to be served by the Board, other than decisions or orders, an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy in person to) (by mailing a copy, properly addressed, with postage prepaid, to) *(by sending a copy via attached to an e-mail to _____)*

Dated at this day of the month of of the year

.....
.....

Signature

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.490 Filing and contents of accusation. (NRS 636.125)

1. Upon its own initiative, or following ~~receipt of a~~ *determination of sufficient cause to consider* a verified complaint, the Board may cause an accusation to be filed alleging one or more grounds for disciplinary action arising pursuant to NRS 636.295. Facts constituting grounds for disciplinary action must be stated with such particularity as to enable the respondent to identify the charges against him.
2. All applicable ~~decisions,~~ statutes, rules and regulations, or orders of the Board must be cited in the accusation, together with the dates on which the acts or omissions complained of allegedly occurred.
3. If more than one cause of action is alleged, each cause of action must be stated and numbered separately.

(Added to NAC by Bd. of Optometry, eff. 5-2-88; A 5-27-92)

Hearings

NAC 636.500 Request for hearing; filing answer. (NRS 636.125) A party or parties against whom an accusation is filed must, within 15 days of receipt of the accusation, notify the Board in writing whether a hearing on the accusation is requested. Failure to request a hearing will be deemed a waiver of the right to a hearing. However, the Board may grant a hearing notwithstanding the fact that the

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hearing was not requested within the 15 days allowed. If a hearing is requested, the respondent must file an answer within 20 days of receipt of the accusation.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.510 Quorum required; notice and location of hearing. ([NRS 636.125](#))

1. Hearings will be held before the Board. A quorum of the Board is sufficient to convene any hearing.

2. Notice of the hearing will be served at least 20 days before the time set therefor. A hearing which has previously been continued may be reset on notice of not less than 10 days.

3. Hearings will be held at a place in the State designated by the Board in the notice of the hearing.

4. Notice of the hearing will include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.520 Continuances. ([NRS 636.125](#)) The Board may, either before or during a hearing, and on proper showing, grant a continuance to allow submission of additional proof of any relevant matter.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.530 Failure of party to appear. ([NRS 636.125](#))

1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear the testimony of witnesses who have appeared and consider and dispose of the matter on the basis of the evidence before it.

2. If, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing scheduled by the Board or fails to request a continuance thereof, the party may, within a reasonable period, not to exceed 15 days after the date of the hearing, apply to the *PresidentSecretary* of the Board to reopen the proceedings and the Board, upon finding such cause sufficient and reasonable, will immediately fix a time and place for hearing and give such party notice thereof. At the time and place fixed, the person may testify on ~~his~~ *his or her* own behalf or present such other evidence as may be beneficial to ~~his~~ *his or her* cause.

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3. Witnesses who have previously testified are not required to appear at the second hearing unless so directed by the Board.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.540 Conduct at hearings. ([NRS 636.125](#)) All parties to a hearing, their counsel and spectators shall conduct themselves in a respectful manner. *Any person engaging in disrespectful or disruptive conduct shall be cause for the presiding member of the Board at the hearing to have that person removed from the hearing room.*

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.550 Preliminary procedure. ([NRS 636.125](#)) The presiding member of the Board will call the proceeding to order, take the appearances and act upon any pending *or oral* motions or petitions. The parties may then make opening statements.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.560 Testimony must be under oath. ([NRS 636.125](#)) All testimony to be considered by the Board in any hearing, except matters noticed officially or entered by stipulation, must be sworn testimony. Each witness must swear or affirm that the testimony ~~he~~ *he or she* is about to give in the hearing before the Board will be the truth, the whole truth and nothing but the truth.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.570 Order of presentation. ([NRS 636.125](#))

1. Evidence at the hearing will ordinarily be received from the parties in the following order:

(a) Upon petitions:

- (1) Petitioner;
- (2) Board's staff;
- (3) Intervener; and
- (4) Rebuttal by petitioner.

(b) Upon accusations:

- (1) Board's staff;
- (2) Respondent; and
- (3) Rebuttal by the Board's staff.

2. This order of procedure may be modified by the Board or presiding board member.

3. Closing statements by the parties may be allowed by the Board or presiding Board member.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.580 Consolidation of proceedings. ([NRS 636.125](#)) The Board may consolidate two or more proceedings into one hearing whenever it appears

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that the issues are substantially the same and the interests of the parties will not be prejudiced by such consolidation. At any consolidated hearing, the presiding Board member will determine the order of procedure.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.590 Stipulations. (NRS 636.125) With the approval of the Board, the parties may stipulate as to any fact at issue, either by written stipulation introduced in evidence as an exhibit or by oral statement shown upon the record. Any such stipulation will be binding upon all parties to the stipulation, and it may be treated as evidence at the hearing. The Board may require proof by evidence of the facts stipulated to, notwithstanding the stipulation of the parties.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.600 Official notice. (NRS 636.125) In addition to the facts mentioned in subsection 5 of [NRS 233B.123](#), the Board may take official notice of regulations, official reports, decisions, orders, standards of records of the Board, and any regulatory agency of the State of Nevada or any court of record.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.610 Briefs. (NRS 636.125) The Board may require that briefs be filed and accompanied by proof of service pursuant to [NAC 636.480](#).

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.620 Orders and decisions of Board. (NRS 636.125)

1. A proceeding stands submitted for decision by the Board after the taking of evidence, the filing of briefs or the presentation of such oral argument permitted by the Board.

2. A decision or order which is adverse to a party in any hearing will be in writing or stated in the record and will include findings of facts and conclusions of law.

3. Orders or decisions will be rendered within 90 days after the hearing unless a shorter time is required by statute.

4. Decisions and orders of the Board will be served by sending a copy thereof by ~~certified~~ mail *or e-mail* to the parties of record or their representatives or by personal service. Additional copies of orders may be obtained upon written request.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.630 Rehearings. (NRS 636.125)

1. Within 15 days after the rendering of a decision or order by the Board, the aggrieved party may apply for a rehearing by filing a written petition for rehearing setting forth the grounds for rehearing.

2. The Board will act upon the petition within 30 days after the effective date of the order or decision upon which the rehearing is requested. If no action is taken

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by the Board within the time specified, the petition will be deemed denied and the Board's decision is final for the purposes of judicial review.

3. The Board, on its own motion, may order a rehearing within 30 days of its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.

4. Rehearings will be conducted in accordance with the procedure for hearings.

5. The filing of a petition for rehearing does not excuse compliance with the order or decision or suspend the effectiveness of the order unless otherwise ordered by the Board.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.640 Record of case. ([NRS 636.125](#)) Upon the filing of a petition for judicial review of a final decision in a contested case, the Board will cause a record of the case to be made in accordance with subsection 6 of [NRS 233B.121](#) for transmittal to the reviewing court in accordance with [NRS 233B.131](#). Persons desiring copies of the record may obtain the copies from the office of the Board upon payment of the fees fixed therefor.

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

Miscellaneous Petitions

NAC 636.650 Petitions for declaratory orders and advisory opinions. ([NRS 636.125](#))

1. The Board will consider petitions for declaratory orders or advisory opinions relating to the applicability of any statutory provision, regulation or decision of the Board.

2. All petitions for declaratory orders and advisory opinions must be in writing using substantially the format of a form prescribed by the Board.

3. Upon submission of a petition for a declaratory order or advisory opinion, the Board will, within 30 days, deny the petition in writing, stating its reasons or initiate proceedings in accordance with [NRS 233B.060](#).

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

NAC 636.660 Petitions requesting adoption, amendment or repeal of regulations. ([NRS 636.125](#))

1. A petition requesting the adoption, amendment or repeal of any regulation must be in writing using the format of a form prescribed by the Board[5].

2. Within 30 days of the submission of the petition, the Board will deny the petition in writing, stating its reasons or initiate proceedings in accordance with [NRS 233B.060](#).

(Added to NAC by Bd. of Optometry, eff. 5-2-88)

PRESCRIPTIONS

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NAC 636.670 Contents. ([NRS 636.125](#))

1. A prescription for spectacle lenses must specify the refractive power necessary for best vision [~~and contain instructions concerning the times at which the lenses are to be worn~~].
2. A prescription for polymethylmethacrylate (Hydrophobic) contact lenses must specify the base curve, diameter and refractive power of the lenses.
3. A prescription for rigid gas permeable contact lenses must:
 - (a) Specify the base curve, diameter and refractive power of the lenses;
 - (b) Specify the:
 - (1) Brand name *or manufacturer* and type of lens; or
 - (2) The actual materials desired[, with their ability to transmit oxygen]; and
 - (c) State whether the prescription is for daily wear or for a stated maximum number of 24-hour periods.
4. A prescription for soft (Hydrophilic) contact lenses must:
 - (a) Specify the base curve or equivalent, diameter and refractive power of the lenses;
 - (b) Specify the:
 - (1) Brand name and type of lens; or
 - (2) The actual materials desired, with their percentage of water content and thickness; and
 - (c) State whether the prescription is for daily wear or for a stated maximum number of 24-hour periods.

(Added to NAC by Bd. of Optometry, eff. 6-15-90) — (Substituted in revision for NAC 636.720)

NAC 636.680 Contact lenses. ([NRS 636.125](#))

1. Except as otherwise provided in this section, a copy of a prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens issued by an optometrist must ~~be~~:
 - (a) ~~be p~~Provided to the patient, upon an oral or written request from the patient.
 - (b) ~~be r~~Released to an authorized agent of the patient, upon a written request from the patient.
 - (c) ~~be v~~Verified to an authorized agent of the patient, upon a written request from the patient.
 - (d) *identify express the date the prescription expires.*
2. An optometrist shall not release a prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens to a patient, until the optometrist has:
 - (a) Conducted an initial evaluation of the fit of the lens on the eye of the patient;

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(b) Conducted any follow-up examination that the optometrist deems medically necessary; and

(c) Determined that a successful fit has been achieved.

3. An optometrist shall not fail or refuse to provide all the information necessary to duplicate accurately a *valid* prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens unless the optometrist maintains proper documentation of a sufficient clinical rationale.

4. Upon the release of a prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens, no changes may be made in the brand or type of lens prescribed *or dispensed* without the issuance of a new prescription. A new prescription to make changes in the brand or type of lens prescribed must not be issued unless an optometrist has completed any evaluations or examinations that the optometrist deems medically necessary for such changes.

5. After the release of a prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens, the prescriber is not liable for any future changes in the fitting or dispensing of the lens by another source.

6. If a patient requests the release of a prescription for a polymethylmethacrylate (Hydrophobic) contact lens, rigid gas permeable contact lens or soft (Hydrophilic) contact lens before ~~thean patient-optometrist~~ has completed any evaluation or examination that the optometrist deems medically necessary, the optometrist may release a prescription for an ophthalmic lens which ~~[must]may indicate that the prescription states that the patient~~ is not approved for contact lenses in the manner set forth in [NRS 636.387](#).

(Added to NAC by Bd. of Optometry by R215-03, eff. 4-23-2004)

MISCELLANEOUS PROVISIONS

~~**[NAC 636.700—Mailing of fees and documents to Board. (NRS 636.125)**~~
~~Any fee or document:~~

~~—1. That is required or permitted by the provisions of this chapter or [chapter 636](#) of NRS to be filed with or paid to the Board or its staff; and~~

~~—2. That is mailed to the Board, must be sent by registered or certified mail.~~

~~(Added to NAC by Bd. of Optometry, eff. 6-15-90)}~~

NAC 636.710 Referral bureaus for optometrists. ([NRS 636.125](#))

1. A licensee shall not permit himself to be listed with a referral bureau for optometrists unless the bureau complies with the provisions of this chapter and [chapter 636](#) of NRS.

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2. ~~Unless a~~ referral bureau ~~shall~~ maintains listings for at least five optometrists, ~~n-None of the optometristsse persons~~ may have a business relationship with any of the others.

3. Unless there is a request for an optometrist who is located in a specific geographic area or is able to speak a certain language, all referrals by a referral bureau must be made on a rotating basis so that each optometrist listed with the bureau receives approximately the same number of referrals.

4. The telephone number of the referral bureau must not be the number of the office, residence or answering service of any optometrist listed with the bureau.

5. A record of each referral must be made by the bureau and maintained by it for at least 1 year after the referral is made. The record must include the date and time of the referral, the name and address of the person referred, and the name of the optometrist to whom the person was referred. The record must be made available upon request for inspection by any optometrist listed with the bureau or any representative of the Board.

(Added to NAC by Bd. of Optometry, eff. 6-15-90)

NAC 636.730 Certification to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents. ([NRS 636.125](#), [636.287](#))

1. The Board shall provide a certificate to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents (*CAPPA*) to each optometrist who:

(a) Is licensed to practice optometry in the State of Nevada and is in good standing.

(b) Has successfully completed the “Treatment and Management of Ocular Disease Examination” administered by the National Board of Examiners in Optometry ~~[on or after January 1, 1993]~~. The Board must receive verification that the person successfully completed the examination from the testing agency.

(c) Submits a form which meets the requirements set forth in subsection 2 and which states that the optometrist successfully completed a training program of not less than 40 hours of clinical training in administering and prescribing ~~[therapeutic]~~ pharmaceutical agents which was:

(1) Conducted by an ophthalmologist who is licensed and in good standing in any state, territory or possession of the United States;

(2) Comprehensive in nature and covered the use of all classes of ~~[therapeutic]~~ pharmaceutical agents which may be administered or prescribed pursuant to [chapter 636](#) of NRS~~;~~

~~(3) Practical in nature and had a primary focus on the examination of patients; and~~

~~——(4) Structured to maximize the interrelationship between the doctor and the patient, emphasizing one-on-one interaction between the doctor and the patient].~~

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2. Upon completion by an optometrist of a training program which meets the requirements of paragraph (c) of subsection 1, the ophthalmologist who conducted the program shall, on a form provided by the Executive Director of the Board, certify under penalty of perjury that the optometrist named on the form satisfactorily completed the training program. *Additionally, On the same on a related form, the named optometrist shall certify under penalty of perjury that ~~he~~ *he or she* completed the training program and satisfies all of the other requirements for certification to administer and prescribe ~~[therapeutic]~~ pharmaceutical agents. The certifying signatures of the ophthalmologist and optometrist must be notarized.*

3. The form provided by the Executive Director of the Board pursuant to subsection 2 must:

- (a) Set forth the requirements for the training program described in this section;
- (b) Contain the certifications for the ophthalmologist and optometrist which are required by this section; and
- (c) Provide space and appropriate designations for the notarization of the signatures of the ophthalmologist and optometrist.

(Added to NAC by Bd. of Optometry, eff. 3-28-96)

Proposed new sections

1. **Use of Assistants** - does this need further clarification, *ie.g.* use of GAT by assistant? *Is this necessary?*

2. **Mobile Optometry Certification**

1. Further clarify the populations mobile optometry may serve? *Seems rather clear in statute.*

2.3. Definition of comprehensive eye exam or optometric exam.

1. Shall not be construed to ~~include apply to~~ vision screenings, where no subjective refraction, evaluation or interpretation, diagnosis or treatment ~~are~~ *is* being performed ~~by the licensed optometrist.~~

~~2.1. Further clarify the populations mobile optometry may serve?~~

4. *Jurisdictional Review of Complaints: Allow Complaints: Allow* ED to ~~reject~~ *dismiss* complaints that do not *meet the requirements for a complaint, do not* fall under our jurisdiction ~~/or that do not allege~~ *are not* violations of *NRS ch. 636 or NAC ch. 636* ~~our statute, allowing the E.D. to~~ *directing* the complainant to ~~ta more~~ *he* appropriate *state or federal* Board or organization, *and relieving the Board from consideration of such complaints.* ~~without bringing the complaint before the Board of Optometry.~~

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3.5. Delegate to E.D. license and certification determinations where application information matches or exceeds requirements. ED must summarize all to Board not less often than every 6 months for review and ratification. ~~Need to add ability for Board reporting & oversight of these determinations by E.D.~~