

[NAC-636 Revised Date: 10-23]

## CHAPTER 636 - OPTOMETRY

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### TREATMENT OF GLAUCOMA

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## **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](#) 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.** “Office” means any office, motor vehicle or trailer operated as a mobile optometry clinic 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.

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**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, devices and pharmaceutical agents.

**NAC 636.xxx “Medically underserved group” defined. (NRS 636.125)** “Medically underserved group” means a population that:

- (a) Has been designated as a medically underserved population by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254c; or
- (b) Resides in an area that has been designated as a health professional shortage area with a score of 13 or above by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 254e.

**NAC 636.xxx “Mobile optometry clinic” defined. (NRS 636.125)** “Mobile optometry clinic” means an optometrist moving optometric instruments or equipment to a location, other than a building with fixed equipment and instruments, maintained for practicing optometry under the conditions described in section 4 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3636. The term:

- (a) Includes, without limitation, a vehicle in which an optometrist provides optometric services.
- (b) Does not include an optometrist practicing in different buildings which each have fixed equipment and instruments maintained for practicing optometry or providing optometric services under conditions other than those described in section 4 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3636.

## EXAMINATIONS FOR LICENSURE

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

1. The examinations required pursuant to NRS 636.150 consist of:
  - (a) The Part I, Part II and Part III examination and the Treatment and Management of Ocular Disease Examination prepared by the National Board of Examiners in Optometry or its successor organization; 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 will review the results of the examination of an applicant. If the Board determines that the results comply with the requirements of chapter 636 of NRS, the Board may approve the application for licensure of the applicant. The Board will notify the applicant whether the application is approved. Upon receiving notice of approval, the applicant must pay the fees prescribed by section 7 of this regulation and provide to the Board a list of the addresses at which he or she will practice. Not later than 60 days after receiving the fees and list, the Board will issue a license to the applicant.

## PERMIT FOR EMPLOYMENT BY OR CONTRACT WITH HEALTH MAINTENANCE ORGANIZATION

**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 the applicant is a licensed optometrist in this State;
2. A copy of the agreement for employment or contract and all renewals or extensions thereof;

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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 the applicant's agreement for employment or contract requires him or her 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 the most current version of those specifications, if applicable; or
2. Do not meet the most current version of those specifications, if applicable.

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

An optometrist who is certified to administer and prescribe 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 or her certification, represent himself or herself to the public in any manner other than the exact designations set forth in subsection 1.

**NAC 636.120 Abbreviations.** ([NRS 636.125](#), [636.302](#), [636.380](#))

1. An optometrist may represent his or her professional designation as:
  - (a) Optometrist;
  - (b) O.D.;
  - (c) OD;
  - (d) Doctor of Optometry;
  - (e) Dr. of Optometry; or
  - (f) Another designation approved by the Board that the Board determines is not misleading.
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.

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

1. A licensee shall post a sign at the entrance to any office that is registered with the Board as a practice location of the licensee. The sign must include, without limitation, the licensee's last name, as it appears on his or her license, the professional designation of the licensee and the hours during which the office is open.
2. A sign posted at a location which is remote from the office must specify, without limitation, the last name of the licensee as it appears on his or her license and his or her professional designation.

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**NAC 636.140 Printed advertisements.** ([NRS 636.125](#), [636.302](#), [636.380](#))

1. Any printed or electronic advertisement for an optometrist licensed to practice in this State or an ophthalmic product offered by an optometrist must contain:
  - (a) The last name of the optometrist, as it appears on his or her license, and his or her professional designation; or
  - (b) The assumed or fictitious name registered with the Board by the optometrist pursuant to NRS 636.350.
2. Any disclaimer in a printed or electronic advertisement for an optometrist or an ophthalmic product offered by an optometrist must be printed in such a manner as to allow a reasonable person to read and understand it.
3. A printed or electronic advertisement for the services of an optometrist or an ophthalmic product offered by an optometrist must be presented in a manner that is clearly separate from any advertisement paid for or produced by a person who is not licensed to practice optometry.

**NAC 636.142 Broadcast advertisements.** ([NRS 636.125](#), [636.302](#), [636.380](#))

1. Any broadcast advertisement placed by an optometrist licensed to practice in this State must include an oral statement of:
  - (a) The last name of the optometrist as it appears on his or her license and his or her professional designation; or
  - (b) The assumed or fictitious name registered with the Board by the optometrist pursuant to NRS 636.350.
2. Any disclaimer in a broadcast advertisement placed by an optometrist must be displayed or communicated in such a manner that a reasonable person would have the opportunity to read or hear and understand it.
3. A broadcast advertisement placed by an optometrist must be clearly separate from any advertisement paid for or produced by an unlicensed entity.

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

1. Displayed with:
  - (a) The last name of the licensee as it appears on his or her license and the professional identification of the licensee; or
  - (b) The assumed or fictitious name registered with the Board by the licensee pursuant to NRS 636.350; and
2. Printed no more prominently than the last name and professional designation or the assumed or fictitious name, as applicable, of the licensee.

**NAC 636.150 Ophthalmic products.** ([NRS 636.125](#), [636.302](#), [636.380](#))

1. Advertising of an ophthalmic product or device must include, without limitation:
  - (a) A statement whether the price or discounted price includes an examination of the eyes.
  - (b) A notice, "Does not meet the specifications of the American National Standards Institute" if the ophthalmic product does not meet the applicable specifications of the American National Standards Institute.
2. If advertising of an ophthalmic product or device is printed or electronic, the information described in subsection 1 must be printed as prominently as the words promoting the product.

**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 advertised lenses may vary depending upon the purchaser's

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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.

**NAC 636.170 Contact lenses.** ([NRS 636.125](#), [636.302](#), [636.380](#)) 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 multifocal.
- (c) A statement whether the price or discounted price advertised includes all the required accessories and fees for any required fitting or evaluation.

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

**NAC 636.xxx Intraocular lens fees.**

1. An optometrist shall not charge a patient or receive a fixed fee pursuant to NRS 636.374 for a multifocal, toric or other premium intraocular lens in an amount that exceeds the fixed fee that the optometrist charges or receives pursuant to NRS 636.374 for a standard intraocular lens.

2. An optometrist shall provide written notice to a patient of any fees for tests or procedures performed in connection with the implantation of a multifocal, toric or other premium intraocular lens that are not included in the fixed fee described in subsection 1. The

written notice must include, without limitation, disclosure of the fair market value of the fees or tests.

3. An optometrist may collect any fees described in subsection 2 by:

- (a) Directly billing the patient for those fees; or
- (b) Requiring the patient to pay the fees to an ophthalmologist with whom the optometrist collaborates pursuant to NRS 636.374.

**NAC 636.190 Optometric examinations.** ([NRS 636.125](#), [636.302](#), [636.380](#)) An advertisement of an optometric examination, eye examination, vision examination, eye test or vision test must include a specific disclaimer if any of the following services are not included:

- 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.

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8. Keratometry.
9. Slit-lamp biomicroscopy.
10. A refraction.
11. A dilated fundus examination.

**NAC 636.200 Disclosure of dispensing fees.** ([NRS 636.125](#), [636.302](#), [636.380](#)) If a dispensing fee is 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:
  - (a) Own any part of an office where optometry is practiced under any name other than the name on his or her license or a fictitious or assumed name registered with the Board pursuant to NRS 636.350.
  - (b) Represent himself or herself as a specialist in any optometric field unless he or she has been certified by a board for certifying specialties approved by the Nevada State Board of Optometry.
  - (c) Practice optometry at an office that is not registered with the Board or a mobile optometry clinic that is not certified by the Board.
2. An optometrist shall display his or her license or a duplicate of his or her license to practice optometry and a current renewal card in a conspicuous manner at each office in which he or she practices optometry or has an ownership interest.
3. Except as otherwise provided in this subsection, an optometrist may practice optometry as a substitute optometrist at an office that is not registered with the Board as a practice location of the optometrist but is registered with the Board by another licensed optometrist for:
  - (a) Not more than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, if the optometrist notifies the Board in writing of the day and place of such practice at least 24 hours before the optometrist 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 or she shall notify the Board as soon as possible.
  - (b) More than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, if he or she obtains from the Board a certificate as a substitute optometrist. An optometrist who wishes to obtain such a certificate must apply to the Board in the form prescribed by the Board. Such a certificate must be renewed before the date by which the license of the optometrist must be renewed pursuant to NRS 636.250. A substitute optometrist shall not practice optometry for more than 28 working days during the period in between renewals of the license, as set forth in NRS 636.250, at any single location that is not registered as a practice location of the optometrist unless the substitute optometrist is practicing as part of a mobile optometry clinic certified pursuant to section 4 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3636.
4. An optometrist who employs another optometrist on a temporary or permanent basis may be subject to disciplinary action for any violation of this chapter or chapter 636 of NRS, including, without limitation, for unprofessional conduct, by the optometrist he or she employs which takes place during the performance of services pursuant to such employment.
5. For the purposes of this section, practicing at a location for any portion of a day constitutes practicing at that location for 1 working day.

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

1. An optometrist shall not own any portion of an optometry practice under an assumed or fictitious name, including, without limitation, a name stating that he or she is “doing business as” followed by another name, unless he or she has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at the office where the optometrist practices pursuant to NRS 636.350.

2. Before a licensee may own any portion of an optometry practice under an assumed or fictitious name, the licensee must submit a completed application for a certificate of registration of the assumed or fictitious name on a form provided by the Board. A separate application must be submitted for each location at which the assumed or fictitious name will be used. The application must:

(a) List each person who holds any ownership interest in the optometry practice and the percentage of the optometry practice that he or she owns; and

(b) Be accompanied by documentation from each appropriate local governmental entity that issues business licenses or registers assumed or fictitious names for the county in which the optometrist proposes to own any portion of an optometry 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 own any portion of an optometry practice 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 practices under a fictitious or assumed name at a medical or surgical facility, the assumed or fictitious name must include the professional designation of the licensee.

5. Not later than 10 working days after any percentage of the ownership of an optometry practice for which a fictitious or assumed name is registered changes, the licensee to whom the fictitious or assumed name is registered must submit a new application for the registration of the assumed or fictitious name.

6. 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.

**NAC 636.220 Employment of unlicensed persons for certain services. ([NRS 636.125, 636.300](#))** Except as authorized by section 3 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3635, 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.

**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 a federal, state or local law, ordinance or regulation relating to the provision of optometric services, including, without limitation, any provision of this chapter or chapter 636 of NRS, to constitute unprofessional conduct.

**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

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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 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 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 or her office, equipment or 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 premises to be leased and any equipment to be leased.
7. Violates any provision of NRS or NAC which relates to the practice of optometry.

**NAC 636.250 Separation between office of optometry and other businesses required. ([NRS 636.125, 636.300](#))**

1. A licensee who locates 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:
  - (a) Construct and maintain a partition or wall in such a manner as to ensure a clear separation between his or her office and the business of the person who is not licensed; and
  - (b) Maintain a separate reception area, cash drawer, scheduling system, staff, computerized system and physical space from those of the business of the person who is not licensed.
2. A licensee shall not:
  - (a) Use legal representation paid for or arranged by a person who is not licensed pursuant to the provisions of chapter 636 of NRS in any proceeding before the Board concerning the business relationship between the licensee and other person; or
  - (b) Except as otherwise authorized by NRS 636.347, serve as an employee or independent contractor of any person who is not licensed to practice optometry.

**NAC 636.xxx Business relationships between optometrists and physicians and non-optometrists.**

1. If an optometrist forms an association or other business relationship with a physician pursuant to NRS 636.373, the optometrist must:
  - (a) Comply with any applicable requirements of the Internal Revenue Service;
  - (b) Maintain financial and organizational independence from any person who is not licensed to practice optometry, other than the physician; and
  - (c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.
2. An optometrist shall not employ or be employed by a physician.
3. An optometrist may form an association or other business relationship with a person, other than a physician, who is not licensed to practice optometry to perform duties concerning the operation of the business. Such duties must be limited to duties concerning the operation of the business and may include, without limitation, performing services related to payroll, human resources, real estate, regulatory matters not related to health care, banking, accounting, administration of benefits, marketing, merchandising, occupancy, accounts payable, accounts receivable,

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supply chain management, business development, business administration, labor, compliance with applicable laws and regulations, purchasing and medical billing.

4. An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry pursuant to subsection 3 shall:

- (a) Comply with any applicable requirements of the Internal Revenue Service;
- (b) Maintain organizational and financial independence from the person who is not licensed to practice optometry and ensure that the person who is not licensed to practice optometry is not involved in:
  - (1) Clinical decisions;
  - (2) Scheduling of patients;
  - (3) Any decision concerning scope of practice or use of facilities, equipment or drugs; or
  - (4) Any other decision concerning the provision of care to a patient or the outcome of any treatment or other service provided to a patient; and
- (c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.

#### **NAC 636.xxx Patient records in employer-employee setting.**

If an optometrist provides services as an employee, the records relating to the patient who receives those services belong to the employer of the optometrist. In all other cases, those records belong to the optometrist.

### **TREATMENT OF GLAUCOMA**

**NAC 636.280 Requirements for certification.** ([NRS 636.125](#), [636.2893](#)) 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 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 or its successor organization.

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) An identifier for 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 or confirmed a diagnosis of glaucoma by the optometrist; and
- (e) The signatures of the optometrist, the consulting ophthalmologist and a notary public attesting to the accuracy of the information.

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**NAC 636.290 Consultation with and referral to ophthalmologist; establishment of course of treatment and periodic examinations of patient required; prohibition on treatment of certain patients; 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) Establish a course of treatment for each patient in accordance with the provisions of this section;
- (b) Conduct at least three optometric examinations of each patient over a period of not less than 1 year at times set forth in the course of treatment;
- (c) Provide written records of each examination of a patient and the treatment to the consulting ophthalmologist; and
- (d) 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.

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; A by R045-15, 6-28-2016)

**NAC 636.xxx Glaucoma certificate by endorsement.**

In addition to meeting the requirements prescribed by section 4.5 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3637, an applicant for a certificate by endorsement to treat a person diagnosed with glaucoma must:

1. Be licensed and in good standing to practice optometry in the State of Nevada.
2. Possess a valid certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.

**PRACTICE BEFORE THE NEVADA STATE BOARD OF OPTOMETRY**

**General Provisions**

**NAC 636.xxx Board operating account.**

The Board will maintain in an account separate from its general operating account an amount of money that is sufficient to pay the operating expenses of the Board for at least 13 months.

**NAC 636.xxx Accreditation Council on Optometric Education approval.**

For the purposes of NRS 636.135, the Board approves the accreditation of schools by the Accreditation Council on Optometric Education, or its successor organization.

**NAC 636.xxx Mobile optometry clinic requirements.**

**UNOFFICIAL DOCUMENT**

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1. An application for the issuance or renewal of a certificate to own or operate a mobile optometry clinic must include, without limitation, a physical address associated with the mobile optometry clinic.
2. If a licensee provides services for a mobile optometry clinic that is not operated by the licensee, the records of the patients whom the licensee treats shall be deemed to be the records of the licensee and are not the records of the mobile optometry clinic.
3. A licensee who provides services for a mobile optometry clinic shall maintain a record of the dates and locations at which the services are provided and retain the record in accordance with NRS 629.051.

**NAC 636.xxx Licensee fees.**

The Board will charge and collect:

1. For an initial application for a license, a nonrefundable fee in the amount of \$75 plus \$93.75 for each calendar quarter or portion thereof remaining in the biennial licensing period until the renewal date prescribed by NRS 636.265, not to exceed a total of \$825.
2. For a certificate to own or operate a mobile optometry clinic, a nonrefundable fee in the amount of \$75 plus \$93.75 for each calendar quarter or portion thereof remaining in the biennial licensing period until the renewal date prescribed by section 4 of Assembly Bill No. 77, chapter 568, Statutes of Nevada 2019, at page 3636, not to exceed a total of \$825.
3. The following nonrefundable fees:

(a) Initial application for a license by endorsement .....	\$450
(b) Initial application for a certificate to administer and prescribe pharmaceutical agents .....	\$75
(c) Initial application for or biennial renewal of a certificate as a substitute optometrist .....	\$20
(d) Initial application for a certificate to treat a person diagnosed with glaucoma, including, without limitation, a certificate by endorsement .....	\$175
(e) Biennial renewal of active license with one practice location .....	\$750
(f) Biennial renewal of inactive license .....	\$500
(g) Biennial renewal of a certificate to own or operate a mobile optometry clinic.....	\$600
(h) Late fee for reinstatement of license suspended pursuant to NRS 636.275 .....	\$500
(i) Activation of inactive license.....	\$250
(j) Addition of a practice location associated with a license .....	\$200
(k) Biennial renewal fee, in addition to the fee prescribed in paragraph (e), for each practice location in addition to the licensee's primary practice location .....	\$200
(l) Registration of assumed or fictitious name .....	\$50 per practice location
(m) Change of practice location or change of address .....	\$25
(n) Letter of good standing .....	\$25
(o) Replacement license or certificate .....	\$75
(p) Replacement renewal card issued pursuant to NRS 636.265 .....	\$25

**Parties**

**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 in the manner prescribed by NRS 636.375 and such service is effective for all purposes upon the party represented by the attorney.

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**NAC 636.400 Conduct before Board.** ([NRS 636.125](#)) A party to a proceeding before the Board, an attorney appearing on behalf of a party or any other person in attendance at such a proceeding shall conduct himself or herself in a respectful manner.

**NAC 636.xxx Licensee reporting requirements.**

1. A licensee or applicant for a license shall report to the Board not later than 30 days after:
  - (a) Being charged with or convicted of a crime, other than a minor traffic violation, in this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country or by the Federal Government or a branch of the Armed Forces of the United States;
  - (b) Any disciplinary action is taken against the licensee or applicant by a licensing authority in this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country;
  - (c) A civil action relating to the practice of optometry is filed against the licensee or applicant in a federal court or court of this State, any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country; or
  - (d) An extended order for protection against domestic violence is issued against the licensee pursuant to NRS 33.020 or a similar statute in any other state, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States or a foreign country.
2. The Executive Director or his or her designee will review a report made pursuant to subsection 1 and conduct any investigation he or she determines is necessary to ascertain the facts concerning the incident described in the report. Such an investigation may include, without limitation, requiring the licensee or applicant to provide information concerning the incident.

**Pleadings, Motions and Other Papers**

**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 by electronic mail, properly addressed to the person at the electronic mail address on file with the Board, to ..... )

Dated at ..... this ..... day of the month of ..... of the year .....

..... Signature

**Hearings**

**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, any other state, the District of Columbia, Puerto Rico,

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the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States or any court of record.

### **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. A petition for a declaratory order or advisory opinion must be in writing using the form prescribed by the Board.
3. Upon submission of a petition for a declaratory order or advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board. If the petition is received within 30 days before the next regularly scheduled meeting of the Board, the Board may place the matter on the agenda for discussion at the meeting immediately following that meeting.
4. If a petition for a declaratory or advisory opinion is placed on the agenda for discussion at a meeting of the Board, the Board will consider any information relevant to the petition at that meeting. Such information may include, without limitation, oral or written testimony. After considering such information, the Board will grant or deny the petition.
5. If the Board denies a petition, no further action will be taken. If the Board grants a petition, the Board will issue the declaratory order or advisory opinion at its next regular meeting. The petitioner shall comply with the declaratory order or advisory opinion.

#### **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 and must include, without limitation:
  - (a) The name and address of the petitioner;
  - (b) The reason for the petition;
  - (c) The language that the petitioner is proposing to adopt, amend or repeal;
  - (d) The statutory authority for the proposed adoption, amendment or repeal; and
  - (e) Any relevant information or argument in support of the petition.
2. The Board may refuse to act on a petition that does not include the information required by subsection 1.
3. Except as otherwise provided in subsection 2, within 30 days of the submission of the petition, the Board will:
  - (a) Notify the petitioner of its decision to grant or deny the petition; and
  - (b) If the Board grants the petition, initiate proceedings in accordance with NRS 233B.060.

#### **NAC 636.xxx Procedures on motion decisions.**

The President of the Board or, in the absence of the President, the Vice President of the Board, if any, may decide any motion listed in NRS 622A.360 or 622A.390. If the President or Vice President, as applicable, determines that it is most appropriate for the Board to decide the motion, the President or Vice President, as applicable, may decline to decide the motion. When so declined, the Board will schedule a meeting to decide the motion in a timely manner.

## **PRESCRIPTIONS**

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

1. A prescription for spectacle lenses must specify the refractive power necessary for best vision.

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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 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.

**NAC 636.680 Contact lenses. (NRS 636.125)**

1. A copy of a prescription for a rigid gas permeable contact lens or soft contact lens issued by an optometrist must include the date on which the prescription expires and must be:
  - (a) Provided to the patient or an authorized agent of the patient, as required by 16 C.F.R. § 315.3; or
  - (b) Verified to an authorized agent of the patient, as required by 16 C.F.R. § 315.5.
2. An optometrist shall not release a prescription for a rigid gas permeable contact lens or soft 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;
  - (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 rigid gas permeable contact lens or soft contact lens unless the optometrist maintains proper documentation of a sufficient clinical rationale.
4. Upon the release of a prescription for a rigid gas permeable contact lens or soft contact lens, no changes may be made in the brand or type of lens prescribed without the issuance of a new prescription. The brand name and type of the lens dispensed must be identical to the brand name and type of the lens prescribed. 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 rigid gas permeable contact lens or soft contact lens, the prescriber is not liable for any future changes in the fitting or dispensing of the lens by another source.

**MISCELLANEOUS PROVISIONS**

**NAC 636.710 Referral bureaus for optometrists. (NRS 636.125)**

1. A licensee shall not permit himself or herself to be listed with a referral bureau for optometrists unless the bureau complies with the provisions of this chapter and [chapter 636](#) of NRS.
2. A referral bureau shall maintain listings for at least five optometrists. None of these persons may have a business relationship with any of the others.

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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 pharmaceutical agents 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, or its successor organization. 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 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; and

(2) Comprehensive in nature and covered the use of all classes of pharmaceutical agents which may be administered or prescribed pursuant to chapter 636 of NRS .

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. On a separate form provided by the Executive Director, the named optometrist shall certify under penalty of perjury that he or she completed the training program and satisfies all of the other requirements for certification to administer and prescribe pharmaceutical agents. The certifying signatures of the ophthalmologist and optometrist must be notarized.

3. The forms 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 or optometrist, as applicable, which are required by this section; and

(c) Provide space and appropriate designations for the notarization of the signatures of the ophthalmologist or optometrist, as applicable.

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