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**BEFORE THE BOARD OF OPTOMETRY**

**STATE OF NEVADA**

**In the Matter of Charges and Complaint**

**Case No. 24-11**

**Against:**

**AMEL YOUSSEF, O.D.,**

**Respondent.**

**STIPULATION FOR SETTLEMENT OF COMPLAINTS**

This Stipulation for Settlement of Complaint Agreement (or “Stipulation”) is entered into by and between the Petitioner, the STATE OF NEVADA BOARD OF OPTOMETRY (“Board”), by and through the Board’s legal counsel, TODD M. WEISS, ESQ., Deputy Attorney General; and the Respondent, AMEL YOUSSEF, O.D. (“Respondent”), by and through her attorney, JESSICA GANDY, ESQ. of HUTCHISON & STEFFEN.

**I. ALLEGED FACTS**

**A. ALLEGATIONS**

1. On or about March 5, 2024, Complainant<sup>1</sup> (“Complainant” or “Patient”) presented as a new patient to 7361 W. Lake Mead Blvd, Las Vegas, NV 89128, a previously registered practice location of Respondent, for a comprehensive eye examination.

2. The entirety of the Patient’s in-person comprehensive eye exam was conducted by a non-optometrist technician, only.

3. Patient alleged the non-optometrist technician had continued difficulty in writing a full contact lenses prescription for the Patient.

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<sup>1</sup> Complainant’s true identity is not disclosed herein to protect the Complainant’s privacy but has been disclosed to Respondent.

1           4.       After the technician completed his examination, the Patient asked the technician if he  
2 was Respondent. The technician responded that he is a technician authorized to examine patients  
3 through what the technician referred to as a “tele-visit” or “tele-vision” examination.

4           5.       Neither Respondent, nor any other licensed optometrist, examined the Patient in-person  
5 on the date in question.

6           6.       Neither Respondent, nor any other licensed optometrist, communicated with or  
7 exchanged information with the Patient in real time via telephone, video, a mobile application, or an  
8 online platform on an Internet website during the course of the presentation or any time prior to  
9 discharge on the date of the examination.

10          7.       The technician allegedly did not make any attempt to contact Respondent, or any other  
11 licensed optometrist, to perform any part of the Patient’s examination in real time, including the “final  
12 eye examination”.

13          8.       Neither Respondent, nor any other licensed optometrist, ever performed or finalized the  
14 Patient’s examination in a manner consistent with the laws governing the practice of optometry in  
15 Nevada.

16          9.       Prior to discharge, the technician provided the Patient with an optometric lens  
17 prescription bearing Respondent’s signature.

18          10.      The technician allegedly did not explain to the Patient the time, place or manner in  
19 which the Respondent, or any other licensed optometrist, came to review and/or approve the  
20 prescription.

21          11.      Respondent billed the Patient as a “new patient” and for a “comprehensive  
22 examination”, billing code 92004.

1 **B. GENERAL FACTS**

2 12. On or about March 5, 2024, Complainant submitted a complaint by and through the  
3 Board's website. Pursuant to NRS Chapter 636.305 and 636.310, the Executive Director of the Board  
4 undertook an investigation and pursuant to NRS Chapter 636.141 and NRS Chapter 629.061(1)(g)  
5 issued a subpoena for documents upon the Respondent. Respondent timely provided a written response  
6 and various documents. Pursuant to NRS Chapter 636.310(3), the Executive Director of the Board  
7 presented such information, in a double-blind manner with all identifying information of Respondent  
8 redacted, to the Board on March 28, 2024.

9  
10 13. Based upon the Board's vote to authorize issuance of a formal Complaint, the Board, by  
11 and through its counsel, a formal Complaint and Accusation was served on Respondent and her counsel  
12 on or about May 14, 2024.

13 14. This matter was set for a full hearing in front of the Board during the upcoming  
14 scheduled August 27, 2024 meeting.

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16 **II. ALLEGED VIOLATIONS**

17 **A. NRS 636.346(3)- Non-performance of final eye examination of the patient**

18 15. The Board, by and through its' counsel, alleges that Respondent violated NRS Chapter  
19 636.346 as follows:  
20

21 16. NRS Chapter 636.346 states in full [with Emphasis Added]:

22 1. In any setting where optometry is practiced, an assistant may fit ophthalmic  
23 lenses or spectacle lenses if the assistant acts under the direct supervision of a  
24 licensed optometrist.

25 2. In addition to the provisions of subsection 1, an assistant in any setting  
26 where optometry is practiced may perform any of the following activities **under**  
27 **the direct supervision of a licensed optometrist:**  
28

1 (a) Prepare a patient for examination.

2 (b) Collect preliminary data concerning a patient, including taking the  
3 medical history of the patient.

4 (c) Perform simple and noninvasive testing of a patient in preparation for  
5 any subjective refraction, testing, evaluation, interpretation, diagnosis or  
6 treatment of the patient by the licensed optometrist.

7 (d) For an ophthalmic purpose, administer any cycloplegic or mydriatic  
8 agent or topical anesthetic that is not a controlled substance.

9 (e) Use an ophthalmic device or oversee ocular exercises, visual  
10 training, visual therapy or visual rehabilitation as directed by a licensed  
11 optometrist.  
12

13 3. If an assistant conducts any activities pursuant to subsection 2, **the licensed**  
14 **optometrist must conduct the final eye examination of the patient.**

15 4. As used in this section, “assistant” means a person employed by an  
16 optometrist or any medical provider or medical facility at which the optometrist  
17 provides or offers to provide his or her services as an optometrist.  
18

19  
20 17. As demonstrated by, but not limited to, the above-outlined facts, Respondent violated  
21 NRS Chapter 636.346(3) by: 1) Neither Respondent, nor any other licensed optometrist, providing  
22 direct supervision of the technician for any subjective refraction, testing, evaluation, interpretation,  
23 diagnosis or treatment of the patient by the licensed optometrist; and 2) Neither Respondent, nor any  
24 other licensed optometrist, conducting the final eye examination of the patient after the assisting  
25 technician conducted tests and activities pursuant to NRS 636.346(2).  
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1 **B. AB 432 Section 19(2) - Improper optometric telemedicine**

2 18. The Board, by and through its' counsel, alleges that Respondent violated AB 432 section  
3 19 as follows:

4 19. AB 432 Section 19(2)<sup>2</sup> states in relevant part “a licensee may engage in synchronous or  
5 asynchronous optometric telemedicine to provide health only **if the licensee has completed a**  
6 **comprehensive examination on the patient within the immediately preceding 2 years.**” [Emphasis  
7 Added]

8 20. As demonstrated by, but not limited to, the above-outlined facts, Respondent violated  
9 AB 432 Section 19(2) by: 1) Performing, or attempting to perform, or allowing to be performed,  
10 optometric telemedicine upon the Complainant without Respondent first having performed a  
11 comprehensive examination upon the Complainant within the immediately preceding 2 years, and 2)  
12 Performing, or attempting to perform, or allowing to be performed, a comprehensive eye examination  
13 upon the Complainant through purely telemedicine means.  
14

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16 **III. JURISDICTION**

17 21. The Respondent was, at all times relevant to this Stipulation, licensed as an optometrist  
18 by the Board under License Number 449, and is therefore subject to the jurisdiction of the Board and  
19 the provisions of NRS Chapter 636 and NAC Chapter 636.  
20

21  
22 **IV. STIPULATED SETTLEMENT TERMS**

23 22. The Board is prepared to put on a case based on the offenses alleged in the Complaint,  
24 and the Board is authorized and empowered under NRS 636.420 and NRS 636.325(1) to impose  
25 administrative fines between \$100 and \$5,000 for each violation and/or suspend, revoke, or place  
26 conditions on the license of Respondent for any violations.  
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1           23.     Based upon the evidence available to date, the findings of the Executive Director, and  
2 the Respondent's acknowledgement of and Stipulation to plead to the violations contained in  
3 paragraphs 15-20 above, the parties have agreed to resolve the pending Complaint pursuant to the  
4 following disciplinary terms and conditions:

5                   a. Respondent agrees to pay the Board the sum of Five Thousand Dollars (\$5,000) in  
6 administrative fines for the stipulated violations of NRS 636.346 and AB 432 Section 19 as outlined  
7 above. The payment is due within One (1) year of the Board's approval of this Stipulation. If the  
8 Respondent fails to pay the fine in the time provided, the Board shall issue a Notice to Appear for  
9 Respondent and may impose additional discipline.  
10

11                   b. Respondent agrees to a Two (2) year restriction on her Nevada Optometry license,  
12 from the date of the Board's approval of this Stipulation, prohibiting her from the practice of  
13 synchronous optometric telemedicine during that period. Respondent may still engage in the practice of  
14 asynchronous optometric telemedicine provided that she fully complies with the requirements and  
15 limitations of that practice as provided in AB 432 Section 19(4).<sup>3</sup> If Respondent fails comply with this  
16 restriction on her Nevada optometric license during the applicable period, the Board shall issue a Notice  
17 to Appear for Respondent and may impose additional discipline.  
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19                   c. Respondent agrees that, for a period of Two (2) years from the date of the Board's  
20 approval of this Stipulation, should the Board make a formal finding that Respondent has further  
21 violated any of Nevada's optometry statutes or regulations, the Board may take the present matter into  
22 consideration and increase the discipline imposed for that violation(s).  
23

24                   d. Respondent agrees to partially reimburse the Board's legal costs in prosecuting this  
25 matter in the amount of Four Thousand Dollars (\$4,000). The reimbursement is due within One (1) year  
26 of the Board's approval of this Stipulation. If the Respondent fails to pay the reimbursement in the time  
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28 <sup>2</sup> Since the service of this Complaint, AB 432 Section 19(2) is now codified as NRS 636.394(2). For the sake of consistency between the Complaint and this Settlement Agreement, references to AB 432 Section 19 are maintained.

<sup>3</sup> Since the service of this Complaint, AB 432 Section 19(4) is now codified as NRS 636.394(4).

1 provided, the Board shall issue a Notice of Appear for Respondent and may impose additional  
2 discipline.

3 e. Respondent agrees that she will complete Twenty (20) hours of continuing education.  
4 These continuing education credits will be in addition to the credits Respondent is already required to  
5 complete for her Nevada optometry license and must be completed within One (1) year of the Board's  
6 approval of this Stipulation. The additional Twenty (20) hours of credits must be from Board approved  
7 instructors and/or entities consistent with R066-19 Section 8(4)-(6) and Board Policy no. 5 section A-B,  
8 and must be in the areas of medical ethics, medical billing, medical office management, employee  
9 supervision, patient informed consent, medical record keeping and/or telehealth, as is reasonable.  
10 Failure of Respondent to complete and submit evidence of the completed additional continuing  
11 education credits during the applicable period to the Board could result in the issuance of a Notice to  
12 Appear by the Board and the imposition of additional discipline.

14 f. Respondent agrees that the present Stipulation shall be accepted as a public reprimand  
15 for her alleged conduct.

16 g. The Board agrees that, upon Board approval of the present Stipulation and completion  
17 of all terms and conditions of the present Stipulation, complaint 24-11 will be fully resolved and the  
18 Board shall close its file on the matter.

19 h. The Board agrees that, upon Board approval of the present Stipulation, that previously  
20 issued Findings of Fact and Conclusions of Law in complaint 22-4 will be fully withdrawn and that  
21 complaint 22-4 will be closed without further action. The National Practitioner Databank will be  
22 updated accordingly.

23 i. Respondent and the Board jointly agree and stipulate that, upon Board approval of the  
24 present Stipulation, the matter currently pending in the Eighth Judicial District Court case no. A-22-  
25 853243-J will be dismissed with each party to bear their own costs and attorney fees.  
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1           33.     In the event the Board adopts the present Stipulation, Respondent hereby waives any and  
2 all rights to seek judicial review or otherwise to challenge or contest the validity of the provisions  
3 contained herein.

4           34.     Respondent and the Board jointly agree neither party shall be deemed the drafter of the  
5 present Stipulation. In the event the present Stipulation is construed by a court of law or equity, such  
6 court shall not construe it or any provision hereof against either party as the drafter. The parties hereby  
7 acknowledge all parties have contributed substantially and materially to the preparation of the present  
8 Stipulation.

9           35.     The present Stipulation has been considered by the Board in an open meeting on July 31,  
10 2024. The present Stipulation is considered a final disposition of a contested case and will become a  
11 public record and will be reportable to the National Practitioner Data Bank.  
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13                   **IT IS SO STIPULATED.**

14  
15 By \_\_\_\_\_ this \_\_\_\_\_ day of July 2024  
16 Amel Youssef, O.D.  
17 Respondent

18  
19 By \_\_\_\_\_ this \_\_\_\_\_ day of July 2024  
20 Mariah Smith, O.D.  
21 President, Nevada State Board of Optometry

22                   **APPROVED AS TO FORM AND CONTENT**

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24  
25 By \_\_\_\_\_ this \_\_\_\_\_ day of July 2024  
26 Jessica Gandy, Esq.  
27 Hutchison & Steffen  
28 Counsel for Respondent

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By \_\_\_\_\_ this \_\_\_\_\_ day of July 2024  
Todd M. Weiss, Esq.  
Senior Deputy Attorney General, Nevada Attorney General  
Counsel for Board

By \_\_\_\_\_ this \_\_\_\_\_ day of July 2024  
Adam Schneider, Esq.  
Executive Director, Nevada State Board of Optometry

**BOARD ACTION**

This Stipulation for Settlement of Complaint in the matter of AMEL YOUSSEF, O.D., Case No. 24-11 was (initial appropriate action): Approved: \_\_\_\_\_ Disapproved \_\_\_\_\_ by a majority vote of the Nevada State Board of Optometry at a properly noticed meeting on July 31, 2024

Mariah Smith, O.D., President \_\_\_\_\_

Jeffrey Austin, O.D., Vice President \_\_\_\_\_

Julie Alamo-Leon, O.D., Board Member \_\_\_\_\_

Sally Balecha (Public Member) \_\_\_\_\_