

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

NOTICE OF INTENT TO ACT UPON PERMANENT REGULATION

Notice of Hearing for the Adoption of

R049-25P.pdf

Pursuant to NRS 233B.060(1)(b), the Nevada State Board of Optometry will hold a public hearing at **12:00pm (pst) on the 30th day of October 2025** through remote and in-person means:

Nevada Business Center
Tahoe Room
3300 W. Sahara Ave., 4th Floor
Las Vegas, Nevada 89102

<https://us06web.zoom.us/j/83099731667?pwd=GmYdwMJFRARkdDZL2rV6dbgyw0cKv3.1>

Meeting ID: 830 9973 1667

Passcode: 473789

Telephone: 1 669 900 6833

The purpose of the hearing is to receive comments from all interested persons regarding **R049-25** which pertain to chapter 636 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

(1)(a)(1) The need and purpose of the proposed regulation or amendment.

NRS/NAC 636 govern optometry. R049-25 is an amendment to R066-19(7). This regulation's need is due to the Nevada State Board of Optometry being wholly self-funded and reliant upon biennial license renewal fees to be able to meet its financial obligations. This regulation's purpose goes to the revising of provisions governing fees charged and collected by the Nevada State Board of Optometry; and providing other matters properly relating thereto.

(1)(a)(2) If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and the issues involved

N/A. The proposed regulation is not temporary.

(1)(a)(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The proposed regulation is permanent.

Publicly available at the Nevada State Board of Optometry's website at www.nvoptometry.org under its Board Meetings tab;

Contacting the Nevada State Board of Optometry at admin@nvoptometry.org and requesting a copy.

Faxing the Nevada State Board of Optometry at 775-305-0105 and requesting a copy;

Calling the Nevada State Board of Optometry at 775-883-8367 and requesting a copy;

Publicly available at the Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada during business hours;

Publicly available at the office of the Nevada State Board of Optometry at 6170 Mae Anne Ave., Ste. 1, Reno, NV 89523 during business hours;

Publicly available at the State of Nevada Register of Administrative Regulation's website at www.leg.state.nv.us/register/; [R049-25P.pdf](#)

Notice website at notice.nv.gov;

Via U.S. Postal Service to members of the public at no charge upon request. No such request has occurred at the time of issuance of this Notice.

(1)(a)(4) The estimated economic effect of the regulation on the business in which it is to regulate and on the public. These must be stated separately and in each case must include:

(I) Adverse and beneficial effects on optometry-

The Board does not anticipate any adverse effects as to optometry itself. Any effects from this regulation on its licensees (which would not be realized in earnest until February 2026 which is the license renewal application deadline's last month for the 2026-2028 biennium) would be minor spread across a biennium and fractional of what the Board's statutory maximum of license issuance per NRS 636.143 of \$1200. The increased amounts will go to ensuring the Board remains solvent into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

Adverse and beneficial effects on the public-

The Board does not anticipate any adverse effects upon the public given the regulation is exclusive to licensees and associated fees for licenses and license renewals. Given the Board's purpose is to help protect the health and general welfare of the public, the regulation will have a beneficial effect upon the public which goes to ensuring the Board remains solvent into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

(II) Immediate and long-term effects on optometry-

The estimated immediate and long-term benefits upon optometry is that this regulation goes to ensuring the Board remains solvent into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

Immediate and long-term effects on the public-

The Board does not anticipate any adverse effects upon the public given the regulation is exclusive to licensees and associated fees for licenses and license renewals. Given the Board's purpose is to help protect the health and general welfare of the public, the regulation will have a beneficial effect upon the public which goes to ensuring the Board remains solvent into 2028 before its next biennium cycle ends in February 2028 and retaining qualified Board employees to meet the continually increasing demand on the Board office by its applicants and licensees, the profession of optometry overall and attendant regulations with the profession, and to ensure that Board office operations remain effective and efficient, and increased oversight authorized under NRS 232.

(1)(a)(5) The methods used by the agency in determining the impact on a small business prepared pursuant to NRS 233B.0608(3).

This regulation does not impact small business. Nonetheless, prior to the Notice of Workshop being posted, the Board issued a Newsletter to its membership announcing the topic of the workshop, and specifically seeking any membership input on the proposed changes. No comments received. Notice of the September 25, 2025 workshop were sent to all registered licensees on the Board's email-mailing list. Agendas associated with the above referenced meetings were posted consistent with NRS 241 timely, and physically and electronically as stated in the Agendas- Nevada State Board of Optometry office, Reno, NV 89523, Nevada State Board of Optometry website: <https://nvoptometry.org>, and Nevada Public Notice website: <http://notice.nv.gov>

Any public comment or testimony provided concerning the proposed regulations could have been obtained from the Board of Optometry by mail, fax, telephone request or by email at any time. Interested persons may obtain a summary of responses to the Board's solicitation of comments by contacting the Board office via email at admin@nvoptometry.org. No comments received.

(1)(a)(6) The estimated cost to the agency for enforcement of the proposed regulation.

Notwithstanding changing the application form and the Board's website for the amount to be transacted for the particular fee, the Board does not believe there will be a cost for enforcement as the proposed revisions do not require enforcement. The fee increase will be automatically assessed at the time of renewal and a requirement for renewal.

(1)(a)(7) A description of and citations to any regulation of other state or local governmental agencies which the proposed regulation overlaps or duplicates, and a statement why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency.

The proposed regulation does not overlap with any other state, local, or federal agency/regulation to the best of the Board's knowledge. No other chapter governs optometrists or the practice of optometry besides NRS 636/NAC 636.

(1)(a)(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

N/A. The regulation is not required by federal law.

(1)(a)(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A. None of the proposed regulation is more stringent than any federal, state, or local

standards regulating optometry to the best of the Board's knowledge.

(1)(a)(10) The time when, the place where, and the manner in which interested persons may present their views regarding the proposed regulation.

12:00pm (pst) on the 30th day of October 2025 through remote and in-person means:

Nevada Business Center
Tahoe Room
3300 W. Sahara Ave., 4th Floor
Las Vegas, Nevada 89102

<https://us06web.zoom.us/j/83099731667?pwd=GmYdwMJFRARkdDZL2rV6dbgyw0cKv3.1>

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Passcode: 473789

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Persons wishing to comment upon the proposed action of the Nevada State Board of Optometry may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to:

Nevada State Board of Optometry
P.O. Box 1824
Carson City, NV 89702

-or-

Email: director@nvoptometry.org

Written submissions must be received by the Nevada State Board of Optometry on or before **October 23, 2025**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Optometry may proceed immediately to act upon any written submissions.

The Board will take reasonable measures to accommodate persons with disabilities who wish to attend the meeting. Please call (775) 883-8367 or email admin@nvoptometry.org in advance to make arrangements.

*MEETING MATERIALS: The public may request these, including the regulation at issue, in advance by email to admin@nvoptometry.org.

(1)(b) If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A The proposed regulation is not temporary.

(1)(c) Include an exact copy of the provisions of subsection 2 of [NRS 233B.064](#).

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

(1)(d) Whether the proposed regulation establishes a new fee or increases an existing fee.

Yes. It increases the biennial license renewal fee from \$750/biennium to \$900/biennium.

The total amount that the Board expects to collect during the renewal period for the 2026-2028 biennium with the renewal fee increase is approximately a total of \$82,500 (\$41,250/year) (if 550 licensees renew) and \$90,000 (\$45,000/year) (if 600 licensees renew) more than it would collect without the renewal fee increase based on renewal projection numbers. The total approximate amount that the Board projects receiving in renewal fees for the 2026-2028 biennium with the increased renewal fee is \$495,000 (versus the projected \$412,500 at the previous renewal rate) (if 550 licensees renew) and \$540,000 (versus the projected \$450,000 at the previous renewal rate (if 600 licensees renew), which covers the Board's operating expenses for the two years of the 2026- 2028 biennium. Those expenses include Board employee salary and benefits, website management, membership in the national optometry regulation body, I.T. services, I.T. security., office supplies and billing, building lease, post office box, attorney general legal fees, auditor fees, attorney general tort claims fund, accountant services, fax, insurance, banking fees.

Other portions of the regulation go to license applications from veterans as defined in NRS 417 and within the \$600 maximum as prescribed by NRS 636.143, which do not effect optometry itself. Other portions of the regulation avoids the Board losing money on credit card merchant service fees (approximately 2.5-3.5%) in the event of a refund. Other license renewal fees of license by endorsement, license renewal for inactive status, and activation of an inactive license to active all track with the increased license renewal rate \$900/biennium.

(1)(e) Mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

The agency will comply with any such request, but no such request has occurred.

(1)(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to [NRS 233B.0653](#). The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

The Board will abide.

(2) The Attorney General may by regulation prescribe the form of notice to be used.

The Attorney General by regulation has not prescribed the form of notice to be used to the best of the Board's knowledge.

(3) In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses to be affected by the proposed regulation.

See section (1)(a)(5) of this Notice for such compliance.