

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

R008-25¹

[R008-25P.pdf](#)

Pursuant to NRS 233B.060(1)(b), the Nevada State Board of Optometry will hold a public hearing at **12:15pm (pst) on the 25th day of September 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/82875184696?pwd=AbwPT8ZwIeID3Bic7jLlyhx85GlgaM.1>
Meeting ID: 828 7518 4696
Passcode: 465815

Telephone: 1 669 900 6833

The purpose of the hearing is to receive comments from all interested persons regarding **R008-25** 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. R008-25, previously identified as R066-19(12), which was already the subject of oversight and Legislative Counsel Bureau (LCB) adoption in 2019-2020, governs allowances and prohibitions to business relationships between optometrists and non-optometrist entities. R066-19 has yet to be codified, so the Board seeks additional clarification on this topic for its membership and all interested persons with the subject modifications available through the means described in section (1)(a)(3) of this Notice.

¹ Previously identified and/or known as R066-19(12)

(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regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and the issues involved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/;

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 perceive any adverse economic effects. R008-25 is not mandatory for all licensees to expend capital or to enter into the kinds of business relationships discussed therein. Instead it is permissive to those licensees, many of whom are small business owners, who wish to avail themselves to different business associations, and not mandatory. Therefore should the licensee decide to enter into a certain kind of business relationship with a non-optometry entity, R008-25 allows the licensee to do so, so as long as the non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. R008-25 can be seen as a simultaneous allowance for business management services while ensuring the licensee does not lose autonomy within the scope of professional decision-making and judgment for optometric care in Nevada which only licensees under NRS 636 are allowed to exercise. Moreover, the intent of R008-25 is consistent with another chapter of statutory healthcare providers, the Nevada State Board of Dental Examiners' NRS 631.215(2)(i) and (3)(a), 631.3455 which likewise passed legislative muster both in 2009 then again in 2023.

Adverse and beneficial effects on the public-

The Board does not perceive any adverse effects on the public. The intent of R008-25 concerns in part that a non-optometry entity does not control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of

care. Therefore the Board sees this as a benefit to the public of licensees maintaining that autonomy regarding clinical decision making and the exercise of optometric judgment based upon the needs of any given optometric patient, and not subject any non-optometry corporatization which potentially could place priority of profits over patients.

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

Although not formally codified by LCB yet, R066-19 became effective on 10/24/2022. R008-25 should assist licensees with a better understanding what kinds of non-clinical business services are permissible should a licensee seek to engage with a non-optometry entity for any such service. Clarification will help licensees, current non-optometric entities already in the stream of commerce in Nevada, and future prospective non-optometric entities who could seek to enter into the stream of commerce in Nevada, to know what is permissible and not permissible within the confines of NAC 636.

Immediate and long-term effects on the public-

The Board considers the proposed changes in the regulation to have more impact on a licensee's business, business dealings, and business administration as opposed to any direct impact upon the public at large. The intent of R008-25 does not authorize a non-optometry entity to control or dictate how the licensee performs his or her clinical/medical responsibilities to the patient in a manner consistent with the standard of care. Therefore the Board does not see this regulation impacting the public in terms of patients receiving appropriate optometric care.

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

The Board conducted a workshop on July 31, 2024 and an second workshop on August 28, 2024. Written comments were provided by various persons and licensees prior to each workshop. The Board conducted a regular meeting on September 26, 2024 where public comments were offered and thereupon the proposed revisions were voted upon and approved.

Notice of the July 31, 2024 workshop and August 28, 2024 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.

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

In and of itself, none as to the agency. Known violations or known alleged violations of the regulation, however, will result in an investigation as authorized under NRS 636, and possible prosecution and discipline upon the alleged violator. Attorneys' fees and costs via the Board's assigned deputy attorney general may be incurred upon the Board for such prosecution.

(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.

None of the proposed regulation changes duplicates or 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.

9/25/2025 12:15p.m. (pst) 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/82875184696?pwd=AbwPT8ZwleID3Bic7jLlyhx85GlgaM.1>

Meeting ID: 828 7518 4696

Passcode: 465815

Telephone: 1 669 900 6833

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 **September 18, 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.

It does not.

(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.