

NEVADA STATE BOARD OF OPTOMETRY



CHEN K. YOUNG, O.D.
Board President

MARIAH SMITH, O.D.
Board Vice-President

Post Office Box 1824
Carson City, Nevada 89702
Telephone: (775) 883-8367
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CAREN C. JENKINS, ESQ.
Executive Director
cjenkins@nvoptometry.org

JEFFREY AUSTIN, O.D.
Board Member

DREW JOHNSON
Public Board Member

Meeting Materials

June 25, 2019

Board Meeting

Nevada Board of Optometry

Agenda

June 25, 2019

NEVADA STATE BOARD OF OPTOMETRY



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AGENDA & NOTICE OF PUBLIC MEETING

The Nevada State Board of Optometry
will hold a regular meeting

Tuesday, June 25, 2019 at 9:30 AM

University of Nevada Reno/System Computing Services Building, Room 47
1664 N. Virginia Street/Bldg. 133
Reno, NV

and by videoconference with:

University of Nevada Las Vegas/System Computing Services Building, Room 102
4505 S. Maryland Parkway
Las Vegas, NV

The public is invited to attend.

AGENDA

Pursuant to NRS 241.020(6) PLEASE TAKE NOTICE: (1) Items on the agenda may be taken out of order; (2) Two or more agenda items may be combined for consideration; and (3) At any time, items on the agenda may be removed from the agenda or discussion of the items may be delayed.

***INDICATES ACTION MAY BE TAKEN.**

* * * * *

1. **Welcome, Introductions and Public Comment.**
A time limit may be set for each individual wishing to address the Board. No action will be taken on any issue initially presented either in public comment or during the Board Meeting. In accordance with the Nevada Open Meeting Law, an issue requiring action may be placed on an agenda for a future Board Meeting.
2. **Call to Order, Roll Call.**
- 3* **For Possible Action- Minutes.** Consideration and approval of the minutes of Optometry Board meeting held on May 21, 2019. (Materials provided.)
- 4.* **For Possible Action - Hearings.** (Materials provided.)
 - a. * **Determination of Just and Sufficient Cause to investigate and hear:**
 - i. Complaint No. 19-26
 - ii. Complaint No. 19-27
 - iii. Complaint No. 19-28
 - b.* **Rehearing of Case No. 18-19,** alleging that **Erik Brooker, O.D., Lic. No 439,** improperly represented himself in optometric advertising, promoted himself as a LASIK surgeon, and other matters relating to the Case on file. Rehearing granted May 21, 2019.

(continued on next page)

5.* **For Possible Action - Board Reports & Actions.**

- a.* **Ch. 568, 2019 Statutes of Nevada (AB 77) and the Administrative Regulation Process** presented by Mariah Smith, O.D., Vice-President & Legislative Subcommittee Chair (Materials provided.)
- b.* **Agency-related legislation from 2019 Legislative Session** presented by Board Counsel Deputy Attorney General Sarah Bradley, Esq. (Materials provided.)
- c.* **Board determination of 2019-2020 Fee Schedule** (Materials provided.)
- d.* **Executive Director's Report**
 - i. Lifting the Regulatory Reprieve.
 - ii. NBEO's NV OSLE (Online State Law Exam) project-approach?
 - iii. Ideas for outreach regarding statutory changes - What is the Board's Role?
 - iv. Website revision project.
 - v. Staff direction re: expiration of Licensee work visas.
 - vi. Authorization to change banks holding operating funds and Board reserves.

6. Announcements and **requests for future Board consideration** (No action to be taken.).

- a. 2019-2020 **BOARD MEETING SCHEDULE.**

7. **Public Comment.**

A time limit may be set for each individual wishing to address the Board. No action will be taken on any issue initially presented either in public comment or during the Board Meeting. In accordance with the Nevada Open Meeting Law, an issue requiring action may be placed on an agenda for a future Board Meeting.

8.* **For Possible Action. Adjournment.**

The Board posted this notice at the board office, on the board website (nvoptometry.org), the State of Nevada Public Notices website (<https://notice.nv.gov>) and in the following locations:

Office of the Nevada Attorney General, 5420 Kietzke Lane, Reno & 555 E. Washington Ave. #3900, Las Vegas; and
Douglas County Courthouse, 1616 8th Street, Minden.

The Board will take reasonable measures to accommodate persons with disabilities who wish to attend the meeting. please call Executive Director Caren C. Jenkins at (775) 883-8367 in advance to make arrangements.

MEETING MATERIALS: To view the materials provided to the Board in advance of this meeting, if any, visit www.nvoptometry.org, or request them in advance by email at admin@nvoptometry.org.

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 3

Consideration and approval of the minutes of Optometry Board meeting held on May 21, 2019

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MINUTES

THE NEVADA STATE BOARD OF OPTOMETRY TELEPHONE MEETING Tuesday, May 21, 2019 at 12:00 Noon

1. Welcome, Introductions and Public Comment.
Dr. Young confirmed that there was no public comment.

2. **Call to Order**, Roll Call.
President Young called the meeting to order at 12:02 p.m. via teleconference.

All board members were present via teleconference along with staff: Caren C. Jenkins, Executive Director, Laura Adair, Licensing Specialist, and Senior Deputy Attorney General Sarah Bradley, Board Counsel.

Also present: Dr. Eric T. Brooker, Dr. Robert Pearson, Sagar Raich, Esq. of Raich Law PLLC regarding Complaint No. 19-16, and Jeanette Belz of JK Belz & Associates.

3. ***For Possible Action.** Consideration and approval of the **minutes** of January 29, 2019, February 7, 2019, March 5, 2019 and March 26, 2019 Optometry Board meetings.
(Materials provided)

Dr. Smith requested corrections of certain spelling errors to the following minutes from 1/29/19: In summary from January meeting page 18, Dr. Smith's asked to clarify comment

for No. 15 as it did not make sense, and on No. 16 regarding Rx forms; ophthalmologist or physicians can propose their language to mirror our language for contact lenses prescription. On Jan. 29 meeting minutes regarding 18-17 complaint, it stated affidavit was sent to Dr. Brooker on 10/22/19, but it should be 10/22/18.

Dr. Austin moved to accept meeting minutes as presented with changes/corrections proposed by Dr. Smith. Dr. Smith seconded, all in favor, none opposed, motion passed.

4. ***For Possible Action.** Discussion of optometry-related measures in the 2019 Nevada **Legislative Session**, and planning for implementation of the same and preparation for the review and modification of NAC Chapter 636. (Materials provided.)

Dr. Smith discussed the document presented to Assembly Commerce & Labor. Several changes were made to satisfy the legislative committee. The board agreed to drop NRS 89 and 602, which is professional entities and compliance with Fictitious Business names with counties.

Dr. Smith noted the other changes in the document including glaucoma certification by endorsement. The NPI database will be used to see whether the applicant had any action. The board agreed to allow opticians to carry out dispensing as they have been historically. The board was asked to remove changes to injunctions.

Dr. Young asked Ms. Jenkins whether the changes create any conflicts with other statutes or health professions.

Ms. Bradley responded that injunctions are not a common occurrence. If they are practicing without a license, it is presumed to cause damage. If person is not stopping with un-licensing activity, the board cannot take action.

Ms. Jenkins presented a spreadsheet of matters that are pending that may impact our practices. Dr. Smith stated that a Work Session is scheduled for 5/22.

5. ***For Possible Action.** Financial Reports and Budgeting. (Materials provided.)
- A. Consideration and approval of **2018 Audit** Report.
 - B. Consideration and approval of **2018-2019 Budget** Report to date.
 - C. Consideration and approval of **proposed FY 2019-2020 Budget**.

Ms. Jenkins stated the draft audit report for last FY has finally been sent to us. One of the major noncompliance issues was that the audit was completed late. The main outcome is that auditors have not uncovered any issues such as improper spending, etc. Most of adjustments and corrections were very minor. As with last year, QuickBooks has made recordkeeping more transparent and easier to track and auditors can access anything they would like. There were no compliance issues under the government auditing standards as a result of their review. Their one area of finding was the period that it took the board to complete the audit. Ms. Jenkins recommended board to approve audit report for submission to the Legislative counsel for final reporting.

Dr. Young commented that board policy require as 13-month surplus but there is no law requiring this. He asked Ms. Bradley if other boards have this requirement and asked what the appropriate amount would be.

Ms. Bradley responded that the Executive Branch wants all boards to come up with their own policy for reserves on a case by case situation. Their concern is that licensees may be charged too much just to provide security for the agency. Also she stated the Dept. of Administration will provide some guidance on this.

Dr. Young added that we also need reserve in case there is any kind of litigation. Ms. Jenkins stated that the board had not been participating in the required state tort claim fund, but recently paid a very nominal annual premium to have general liability insurance through the fund. Ms. Bradley stated that complaints can take money and time and the board should review and come up with an appropriate reserve amount.

Dr. Austin moved to accept audit and refer it to the LCB. Dr. Smith seconded, all in favor, none opposed. Motion carried.

Ms. Jenkins summarized the Quickbooks management report handout as of May 13; there are still 8 weeks to operate in this FY. The board's income for the fiscal year has been \$217,061.76. We do not expect any significant additional income for this year. The board will have more than adequate income to pay for the expenditures for the remaining year. The report contained a list of vendors and payments. Ms. Jenkins summarized budget for next year.

Dr. Young commented that during the legislative session, perhaps the board should have a lobbyist on retainer to track optometry related bills.

Ms. Jenkins stated that while we are proposing changes, having an outside perspective is extremely valuable and having a lobbyist or person contracted to facilitate the movement of proposed legislation is not uncommon.

Dr. Young asked if a lobbyist will be required to do the upcoming regulations.

Ms. Bradley responded that many boards do have lobbyists who are paid a smaller fee year round to spread out the costs and can help with the board during the session if needed.

Mr. Johnson asked Ms. Jenkins to research two options for the next meeting: the cost of having a person on retainer throughout the year vs. during the session.

Ms. Jenkins asked the board to consider and approve the preliminary report of the 2018-19 budget for the year end. This will need to be provided with the documents to the auditors before 6/30.

Dr. Smith moved to accept the current year budget report, Mr. Johnson seconded, all in favor, none opposed. Motion carried.

Ms. Jenkins asked the board to review proposed budget projections for next fiscal year. If renewals are done every two years as of February 28, 2020, our income numbers will be significantly higher, but this can't be presumed as the session is not yet over. Fees cannot yet be set until AB77 is approved. Wages assumed a 3% cost of living adjustment granted by the Gov. to state employees. A 5% step increase for Exec. Dir. And Lic Specialist are proposed and Licensing Specialist position would be to enlarged to 30 hours per week throughout the year., All licensing related duties will need to be updated and modified. We are projecting \$20,000 net income next FY even with change in wages.

Mr. Johnson commented that if the board went with a two year license renewal cycle, it will only be better as some of the costs may decrease slightly and fees could be increased such as with mobile optometry and glaucoma license by endorsement certificate fees. Dr. Smith stated that it was brought up during the session that some boards with two year renewal cycles have had budgeting issues. Dr. Smith asked Ms. Bradley how COLA is handled with Executive Director. Ms. Bradley responded that it is generally up to the board to accept recommendation and update the budget to reflect that.

Dr. Young asked if the surplus is a positive or negative thing. Dr. Austin thought it was a reasonable amount. Ms. Bradley stated that she does not think the surplus is excessive.

Dr. Austin moved to approve proposed FY 2019-2020 budget, to have a review of the budget at the July board meeting after session is over and to make adjustments accordingly. Dr. Smith seconded, none opposed, all in favor. Motion carried.

6. ***For Possible Action.** Consideration of **Complaints.**(Materials provided)

A. Complaint No. 19-16 - Proposed Stipulated Settlement and Order.

Ms. Jenkins stated that Dr. Pearson is a long time practitioner and has no record of discipline. As he is not an email user, he has routinely faxed his fill-in dates on or after the date the fill in has occurred. The board recommended a minor administrative penalty of \$250 and no record of discipline to address Dr. Pearson's practice.

Mr. Raich, Dr. Pearson's attorney, had no comments, stating that Dr. Pearson has agreed and understands the NRS requirement 636.420 and agrees to pay the fee and continue to practice in good faith.

Ms. Bradley expressed concerns about board imposing a penalty but no record of discipline. It should be either dismissed with no action or you take action and it is then public discipline.

Dr. Young stated that as there has been no previous discipline and he has self reported, the complaint could be dismissed without action. A reminder could be sent as part of the education.

Ms. Jenkins suggested that the board revise administrative action regulations in the future.

Dr. Austin made a motion to dismiss Complaint 19-16 without action. Dr. Smith seconded, all in favor, none opposed. Motion carried.

A letter will be sent to confirm the complaint was dismissed, with a reminder in the letter and perhaps newsletter regarding fill-in requirements.

B. Complaint No. 19-18 - Just and Sufficient Cause Determination.

Ms. Jenkins summarized the complaint regarding patient's eyeglass prescription. She recommended the board consider whether there was a violation of professional conduct/competence when a single cataract was detected and the patient was giving an Rx for glasses, when another optometrist found cataracts in both eyes and recommended surgery vs. glasses. Dr. Austin stated it is common practice to offer glasses if cataract is not too severe. He thinks the first optometrist's actions were appropriate. He added if that is not adequate then you can proceed with other treatment. Dr. Smith agreed and added that a cataract condition can change within a matter of weeks.

Dr. Smith made motion to dismiss regarding Complaint 19-18, that there was not just and sufficient cause to proceed to an investigation and hearing. Dr. Austin seconded the motion, all in favor, none opposed, motion carried.

C. Case No. 18-17 - Petition for Rehearing, followed by Rehearing, if Petition granted.

Ms. Jenkins summarized Case 18-17, decided at the last board meeting, which held Dr. Brooker in violation of various statutes. Dr. Brooker did not formally respond to the complaint and did not appear at the hearing at last board meeting. He requested appeal and Ms. Jenkins deferred to the board to make the determination. Ms. Jenkins clarified that a letter from the web developer, which stated an employee had posted the website and in learning that Dr. Brooker was not happy with the unauthorized revisions, the employee was terminated. This letter was received and presented at the first board consideration, but no evidence or statements were provided at last meeting.

Mr. Johnson stated that Dr. Brooker was given plenty of time to respond, but did not seem interested in defending his case.

Dr. Brooker, in response to his request for a rehearing, stated he responded to the complaint early on and thought this matter had been resolved. He stated he misunderstood the process and did not realize he was supposed to present evidence. He asked for some additional time to present his case, as he has not had any prior violations.

Dr. Smith made a motion to offer Dr. Brooker a rehearing, seconded by Dr. Austin. Mr. Johnson opposed; motion carried.

Ms. Jenkins suggested that the board place a hearing on next meeting agenda for 6/25 and offer Dr. Brooker the ability to appear telephonically or by videoconference. Ms. Bradley suggested to Dr. Brooker that he submit evidence prior to the meeting. Dr. Brooker stated that he will make himself available on that day.

Ms. Jenkins will conduct a Doodle poll regarding the meeting dates for the next fiscal year.

7. Announcements and requests for **future Board consideration** (No action to be taken at this meeting). **NEXT BOARD MEETING is scheduled for June 25, 2019 in person in Reno or Carson City.**
8. **Public Comment.** There was no public comment.
9. **For Possible Action.** Adjournment.

Dr. Smith made motion to adjourn at 1:34 p.m., seconded by Dr. Austin.

These minutes were approved by majority vote at the Board meeting on June 25, 2019

By Caren C. Jenkins, Esq., Executive Director

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 4a For Possible Action - Hearings.

**a. * Determination of Just and Sufficient Cause to
investigate and hear:**

- i. Complaint No. 19-26
- ii. Complaint No. 19-27
- iii. Complaint No. 19-28

NEVADA STATE BOARD OF OPTOMETRY

18-26

RECEIVED

MAY 28 2019



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MARIAH L. SMITH, O.D.
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COMPLAINT AGAINST A NEVADA LICENSED OPTOMETRIST

Complainant(s): [REDACTED]

Mailing Address: [REDACTED]
Reno, Nevada

Daytime Phone: (775) [REDACTED]

Email: [REDACTED]

Date of Completing this form: May 20, 2019

Optometrist/Subject of Investigation/
Respondent: [REDACTED]

Address: [REDACTED]

City: Reno, Nevada - [REDACTED]

Phone: (775) [REDACTED]

D/B/A: [REDACTED]
(Doing Business As)

Date(s) of Incident: Four eye examinations and subsequent contacts, October 2018 to December, 2018

You must state the facts underlying your complaint with particularity and offer a relevant Nevada Optometry statute or regulation that you feel has been violated. These laws may be found at www.nvoptometry.org. You must also provide a minimum level of credible evidence to support your claims, or they will be rejected as having failed to meet the minimal standard of proof.

What law(s) in NRS Chapter 636 or NAC 636, or others, do you believe were violated? NRS 636.670(1) and possibly NRS 636.025(b), (c), and (d), and NRS 636.387

page 2

Summary of Issues including the specific conduct of the licensee: (Please attach additional pages as needed and any evidence supporting your claims)

For greater details, please see the attached "Notes on My Eyesight Problems..." report, dated 12/31/18. I contracted with [REDACTED] in early October 2018 to have an examination of my eyes especially for diagnosis and correction of "Slab off" in my right eye. The examination and subsequently prescribed spectacles failed to acknowledge and correct for the Slab-off. [REDACTED] O.D. completely missed this aspect of my vision problem. I was charged \$257⁰⁰ additional out of pocket for the inadequate exam and spectacles, ~~above~~ this additional charge above the cost paid on my behalf by my medical insurance carrier.

I subsequently returned on three occasions to [REDACTED] to seek a resolution of this problem. The Slab-Off was never "fixed".

Have you contacted the Licensee regarding this complaint? If so, please state the date and time and describe: Yes. A letter containing the above mentioned "Notes..." was sent to [REDACTED] at [REDACTED] corporate address on 1/4/19. A copy of the U.S.P.S. Verification of this mailing is attached.

Did the Licensee respond? If so, describe response: No. To date, I have received no communications of any sort from [REDACTED]

page 3

Were there any witnesses to the incident? If so, Please provide name(s), address(es), and phone number(s):

[redacted] an optometric technician at [redacted] and
also [redacted]

What would you consider a satisfactory resolution to this Complaint? I would like [redacted]
[redacted] to reimburse me for the \$257⁰⁰ charge
for the incompetent eye examination and incompetently
prescribed eyeglasses.

Name, address, and phone number of any consulting or subsequent Doctor treating to the issue: I have an examination/consultation scheduled to be conducted by a optometrist recommended by two medical doctors, this exam scheduled for 4/23/2019

If a formal charge is filed as a result of this Complaint, are you willing to testify under oath at a public hearing? Yes, of course I will testify under oath.

I authorize the Nevada State Board of Optometry to provide a copy of this Complaint to the Subject and to obtain a copy of my patient records in the optometrist's possession

[redacted]

(continued on next page)

STATE OF Nevada)
)
)

COUNTY OF

I, [REDACTED], being first duly sworn, deposes and states: I have read the foregoing Complaint and know the contents thereof; that the contents are true of my own knowledge, except as to those matters stated upon information and belief, and as to those matters I believe them to be true.

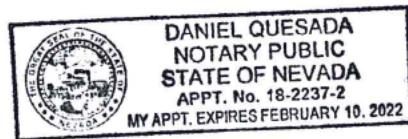
Date: May 20, 2019

[REDACTED]
Signature of Complainant
[REDACTED]

Subscribed and sworn to before me this 20th day of May, 2019.

(Seal)

[Signature]
NOTARY PUBLIC



Please include or describe any additional, documents, items or testimony you have to support the allegations in your Complaint, and mail them with this form to:

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

We must receive your **original** notarized signature above to proceed. Alternatively, an un-notarized Complaint may be submitted via our website at www.nvoptometry.org.

Optometry Complaint Form Page 4

attachment to Nevada State Board of Optometry
Complaint Against a Nevada Licensed
Optometrist.

Notes on my eyesight problems, vision correction, lack of
"Slab Off" vision correction, and ensuing auto accident.

Background notes: In June of 2002 I decided to correct the growing yellowing and cloudy cataract vision in my left eye by having the natural lens removed and replaced by an artificial lens implanted into my eye. This is a quite common ophthalmic procedure. This lens was calibrated for "far" mono-vision. The operation was successful.

Several years later my right eye lens also began clouding up and yellowing. In the spring of 2012 I had another ophthalmic surgeon remove the lens in my right eye and replace it with an artificial lens. This lens was calibrated for "close" mono-vision. Again, this is a quite common procedure. The operation was successful. I needed no eyeglasses for any use for the next several years, only non-prescription sunglasses.

Here is some recent, possibly litigious, information: In the late summer of 2018, my brain began having trouble "integrating" the view from my right eye (close vision) with what I saw through my left eye. It seemed that my brain was beginning to struggle with blending together the two fields of view so that I would have good overall vision. Perhaps my eyeballs had slightly changed shape. However, these are not the problems, as I will explain and comment on below.

In early October 2018 I was examined by an ophthalmic physician at the [REDACTED] who found that I had no medical eye problems, but that I needed further optometric correction.

Two weeks later my vision was measured by [REDACTED] O.D., at the [REDACTED] on [REDACTED]. [REDACTED] did not examine my eyes (especially my right eye) for what I later learned was "slab off" (a technical optometric term unknown to me before my auto accident – I am not an optometrist), even though I told [REDACTED] three times during the exam that I had intra-ocular lenses implanted in both eyes for cataract remediation. Slab off is not an uncommon situation which arises after previous artificial lens implant surgery. [REDACTED] did not discuss this situation with me. [REDACTED] did not examine to see if the new lenses she prescribed for me caused or contributed to any slab off. I believe now, after what I more recently learned about slab off, that had [REDACTED] listened to me, or was properly experienced and competent in optometry, [REDACTED] would have/should have suspected that because of my previous cataract surgery, there was now a potential slab off problem which needed to be checked for. But [REDACTED] completely missed the slab off. Although I didn't realize at that moment, Dr. [REDACTED]'s examination of my eyesight was incomplete and incompetent.

Two weeks later I received the glasses that [REDACTED] had prescribed for me. My out-of-pocket, up-front cost for the glasses was \$257.00. When I received the new glasses, I was told by [REDACTED] (an optometric technician at [REDACTED] – I never again saw [REDACTED]) that I should wear the new glasses at all times, and that my eyes and brain would very quickly learn to merge the two different fields of vision that I was initially experiencing so that I would not continue to see the double vision that I was exper-

encing right now through these new glasses, (namely, one eye's vision displacing seen objects downwards and to the right of the other eye's view, with "shrunk" objects also seen by that eye).

But the double vision/displaced vision/shrunk objects vision persisted. It never changed. I went back to [REDACTED] a third time 2½ weeks later with the same complaint of uncompensated for double vision. I told [REDACTED] "These new glasses make my vision worse, not better." I was again told by [REDACTED] to be patient and to continue wearing the glasses at all times, especially for distance vision while driving. [REDACTED] did not at that time offer to re-examine my eyes, nor did they offer to refund my \$257, nor otherwise compensate for or correct the problem.

Two days after this third meeting with [REDACTED], I had an auto accident while driving and wearing the glasses. I had again become confused by what I was seeing ahead of me, and ran into a street light pole. I did some \$7000 of damage to my car. I had to purchase a new car.

At the encouragement of medical professional friends, I began to research professional optometric web sites for these and similar vision problems, where I learned for the first time about optometric slab off. I learned that slab off visual confusion is a common symptom of or problem caused by improperly prescribed lenses, and that it can and should be diagnosed and corrected for in an eyeglass prescription. The problem is that these two, right and left, lenses do not work together. Judging by the amount of internet space devoted to it, slab off appears to be a not uncommon optometric problem that any optometrist ought to be experienced in dealing with.

I returned a fourth time to [REDACTED] for a new examination by an O.D. other than [REDACTED] ([REDACTED]). The first thing I did after I checked in at their facility was to ask a [REDACTED] office clerk for a copy of the original eyeglass Rx. I was given a copy of that original Rx, signed by [REDACTED] O.D. As I suspected, this prescription contains no mention of slab off. After looking over the Rx I asked the [REDACTED] clerk: "Did Dr. [REDACTED] measure my eyes and new lenses for slab off?" "Yes, [REDACTED] checked for it" was the answer. "Where is the correction for slab off written on this prescription?" I asked. Answer: "Well, [REDACTED] must have forgotten to write it down." I then thought to myself: "Sure, [REDACTED] forgot to write it down. It's missing from the Rx. I'm not buying into your quick, lying attempt to cover up for [REDACTED] professional incompetence. It's obvious to me that [REDACTED] simply did not check the lenses [REDACTED] prescribed for me to see if these lenses caused or contributed to slab off vision. And [REDACTED] failure, and [REDACTED]'s advice, led me to have an expensive auto accident." However, I made no out loud reply at this point. I didn't raise my voice or otherwise express my displeasure to the office clerk. I waited to see what the second eye exam would reveal. Very soon Dr. [REDACTED] remeasured my vision, looking especially to see if both lenses were correct in reference to slab off. [REDACTED] found that the lenses were incorrect and that [REDACTED] should have checked the lenses more thoroughly to see that the lenses "worked together" when they were on my eyes. [REDACTED] then prescribed different new lenses. I have a copy of that Rx, with added V Prism slab off corrections. [REDACTED] took back my [REDACTED] prescribed glasses. [REDACTED] offered to have these second new glasses made for me at no additional charge. The [REDACTED] people did not want to discuss the auto accident. At the time of this writing I have not yet received these second new glasses.

In summary, I feel that [REDACTED], [REDACTED], and [REDACTED] are at fault as causes of this accident, and that I deserve additional compensation for the cost of the auto accident.

Eyeglass Rx

License #: NV [REDACTED]

Patient: [REDACTED]

Date: 10/25/2018

DOB: [REDACTED]

Expires: 10/25/2019

Address: [REDACTED]

Rx #: [REDACTED]

Rx Details

	Sphere	Cyl	Axis	Near Add	Int Add	H Prism	V Prism
OD	-3.75	-1.25	125	+2.50			
OS	-0.25	-0.25	075	+2.50			

[REDACTED] OD

Not approved for Contact Lenses.

Attachment to Nevada State Board of Optometry
Complaint Against a Nevada Licensed Optometrist.

There appears to be no "Slab off"
written on this Rx

Attachment to Nevada State Board of Optometry
Complaint Against a Nevada Licensed Optometrist.



Certificate Of Mailing
This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

To pay fee, affix stamps or
meter postage here.



PS Form 3817, April 2007 PSN 7530-02-000-9065

COMPLAINT
19-27

VIA EMAIL

cjenkins@nvoptometry.org

Caren Jenkins, Esq.
Executive Director
Nevada State Board of Optometry
P.O. Box 1824
Carson City, NV 89702

Re: Filing of Complaint

Dear Ms. Jenkins:

Specifically, it appears that Dr. practices through several non-professional entities, one of which we believe is indirectly owned in part by a non-licensed person.

LLC includes as one of its managers LLC, managed by and

While a , O.D. is listed as having license # the NSBO lists no licensee by the name of As you are aware, a licensed optometrist may not associate professionally with an unlicensed person pursuant to NRS 636.300.¹

¹ As the NSBO adheres to the bar on the corporate practice of medicine/optometry, arguably all of Dr. practice entities are out of compliance with NRS Chapter 89, as they are standard corporations or limited liability companies rather than professional entities.

The remainder of this letter is unrelated to Complaint 19-27, and has been redacted.

COMPLAINT
19-28

we note that Dr. [REDACTED] optometry practice is not properly represented at the premises of [REDACTED]. Although Dr. [REDACTED] has registered the fictitious firm name of his professional entity as [REDACTED] neither the door nor the lobby of the [REDACTED] location² exhibit Dr. [REDACTED] name³ or practice hours as required pursuant to NAC 636.130. In fact, there is nothing to indicate any optometrist practices with the four ophthalmologists at [REDACTED] even the receptionist responded that their services were “only medical” when asked about optometry and refraction services.⁴

We do not suspect that these administrative irregularities pose any appreciable risk of interference with the optometrists' professional judgment,

Sincerely,

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 4b For Possible Action - Hearings.

b.* **Rehearing of Case No. 18-19**, alleging that **Erik Brooker, O.D., Lic. No 439**, improperly represented himself in optometric advertising, promoted himself as a LASIK surgeon, and other matters relating to the Case on file. Rehearing granted May 21, 2019

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Suite 301
Reno, NV 89502-2144

Rachakonda D. Prabhu, M.D.
Board President



Edward O. Cousineau, J.D.
Executive Director

CMPLT
18-17

March 13, 2018

Mary Smith

Re: Dr. Erik Brooker

We have received your complaint; however, for the reason(s) indicated below, we either cannot investigate your complaint as stated, or we do not have jurisdiction to investigate:

☐ You have not identified a health care provider (a person).

☒ The person you identified is NOT a licensee of this Board.

☒ No jurisdiction. Your complaint has been forwarded to the listed agency, who we believe has jurisdiction. A copy HAS been retained by us.

Nevada State Board of Optometry, O.D.

PO BOX 1824

Carson City, NV 89702

☐ No jurisdiction. NRS 630 (the Medical Practice Act) does not cover (provide us with jurisdiction over) the situation you describe, and we cannot identify any agency which might have jurisdiction.

☐ This case has already been investigated under case #.

☐ We are unable to read and understand your complaint. Please resubmit a copy stating specifically what your complaint is.

☐ Other:

If you have any questions about this determination, please write or call at the contact information provided below. In State Toll Free: (888) 890-8210 or Out of State (775) 688-2559.

Investigations Division, Intake, Nevada State Board of Medical Examiners.

Samantha M. Hendricks

From: Samantha M. Hendricks
Sent: Tuesday, February 27, 2018 5:47 PM
To: Samantha M. Hendricks
Subject: Complaint

RECEIVED**FEB 26 2018**

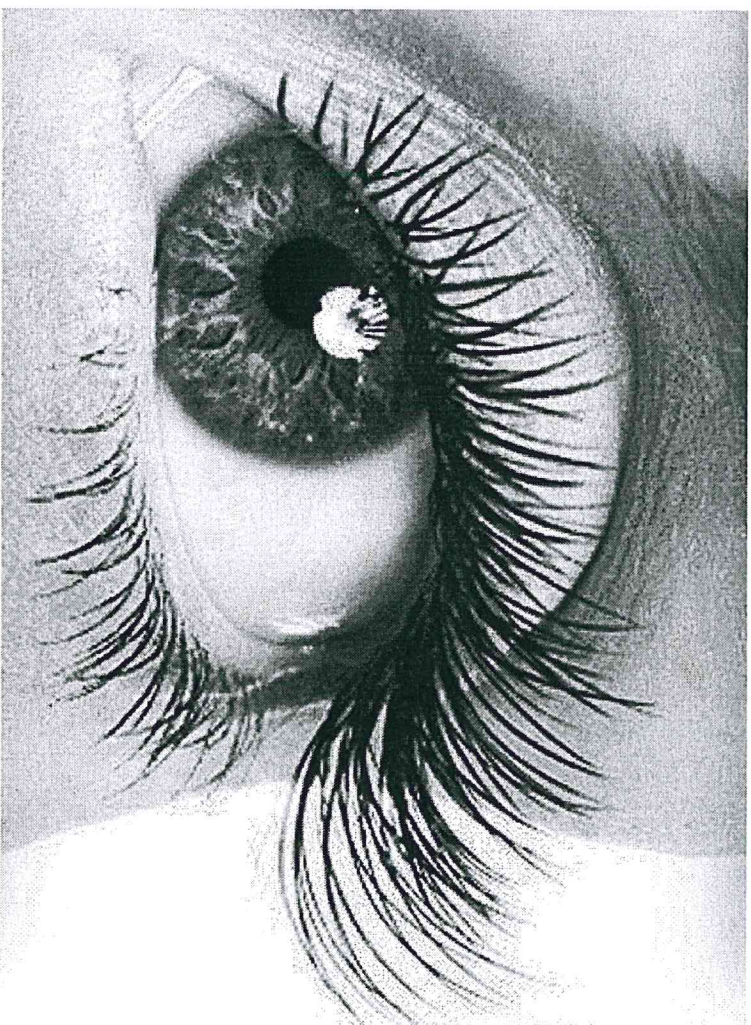
Data from form "Complaint Form" was received on 2/27/2018 5:47:00 PM. NEVADA STATE BOARD OF
MEDICAL EXAMINERS

Complaint Form

Field	Value
Complainant_Name	Mary Smith
Complainant_Gender	Female
Complainant_Phone	702 395-6587
Complainant_Address	5537 North Star Way
Complainant_City	Las Vegas
Complainant_State	NV
Complainant_ZipCode	89119
Patient_Name	Mary Smith
Patient_Gender	Female
Patient_BirthDate	8/19/1975
HCPProfessional1_Name	Erik Brooker
HCPProfessional1_Address	5269 S Eastern Ave Las Vegas, NV 89119
HCPProfessional1_City	Las Vegas
HCPProfessional1_State	NV
HCPProfessional1_ZipCode	89119
HCPProfessional1_Phone	(702) 212-7755
HCPProfessional2_Name	
HCPProfessional2_Address	
HCPProfessional2_City	
HCPProfessional2_State	
HCPProfessional2_ZipCode	
HCPProfessional2_Phone	
HCPProfessional3_Name	
HCPProfessional3_Address	
HCPProfessional3_City	
HCPProfessional3_State	1 8935

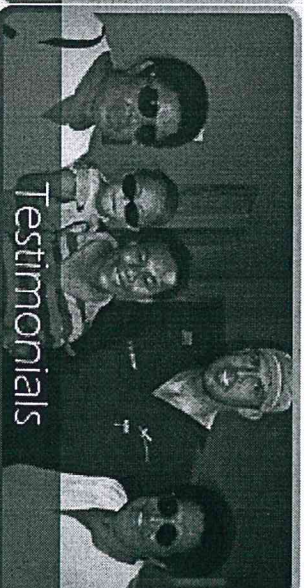
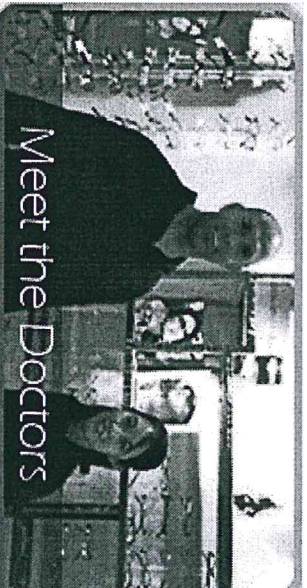
Field	Value
HCPProfessional3_ZipCode	
HCPProfessional3_Phone	
Occurrence_Date	February 27 2018
Treatment_PhysicianOffice	true
PhysicianOffice_Name_Address	Erik Brooker
Treatment_Hospital	false
Hospital_Name_Address	
Treatment_OtherFacility	false
OtherFacility_Name_Address	
SecondOpinion_Obtained	No
SecondOpinion_PhysicianName	
SecondOpinion_PhysicianAddress	
SecondOpinion_Diagnosis	
Complaint_Summary	Erik Brooker, O.D. is pretending to be a LASIK surgeon. He is falsely claiming to be an MD on his website and when you call and speak with his lead tech "Dave". He states on his website the following "Our LASIK surgeon, Dr. Brooker, has extensive experience conducting research for IntraLASIK and training doctors worldwide on surgical techniques. He is passionate about sharing his expertise with patients seeking clearer vision. Dr. Brooker has even gone through the surgery himself, and after six years is still seeing better than 20/20." Dr Brooker is an optometrist, not an ophthalmologist. He is practicing without a license and falsifying his qualifications. https://advancedvisioninstitute.net/service/las-vegas-lasik/
Attestation	true
Date_Submitted	2/27/2018

Email "Complaint" originally sent to shendricks@medboard.nv.gov from shendricks@medboard.nv.gov on 2/27/2018 5:47:00 PM.



Superior Eye Care with a Personal Focus

At the Advanced Vision Institute we know a patient's vision is unique so we strive to provide personalized eyecare.



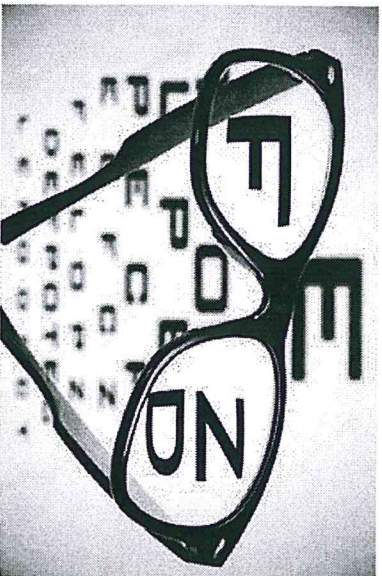
Optometrist Las Vegas

At Advanced Vision Institute, we provide the most advanced *optometrist services in Las Vegas*. Our team is focused on providing a customized experience to meet your individual eye care and vision needs.

Regardless of your vision needs, we provide the preventative care, maintenance, and treatment you need for your specific condition. Our suite of eye care services includes LASIK, prescription sunglasses, prescription eyeglasses, contact lens prescriptions and services, and treatments for dry eyes, red eyes and eye injuries. We are also skilled at experienced in caring for patients with cataracts and diabetes and provide vision therapy and laser vision correction evaluations to our loyal patients.

The Advanced Vision Institute is the community's most comprehensive source for vision care for the entire family. Our office utilizes the latest technologies in vision care to enhance your optical health – including alternatives to wearing prescription eye glasses or contact lenses. The Advanced Vision Institute Center is also home to Advantage Family Optical, which offers a wide selection of name brand fashion eye wear and prescription glasses.

An Optometrist You Can Trust



Optometrist in Las Vegas

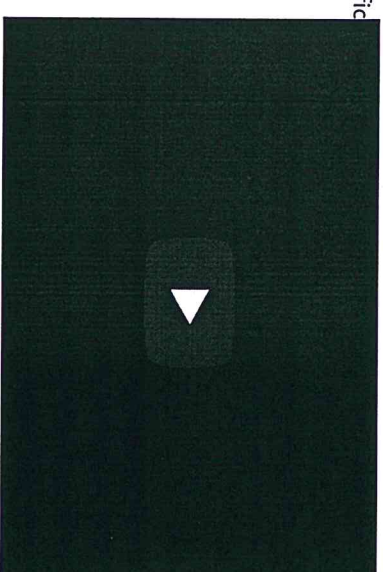
At the Advanced Vision Institute, your vision is our primary concern. Come see us to experience the best eye care available.

Contact us today to schedule an examination.

The Advanced Vision Institute has been serving the Las Vegas community since January 2005. Our doctors, Dr. Eric T. Brooker, O.D. and Dr. Wanwalee Charoenchote, O.D. (DR. C), are two of the best **optometrists in Las Vegas**.

Born and raised in Nevada, Dr. Brooker specializes in advanced LASIK surgery treatments along with ocular disease and specialty contact lenses. Not only does Dr. Brooker practice excellent patient care, but he also travels the world offering educational opportunities in the optometric community.

Dr. Charoenchote, also a native of Las Vegas is experienced in the treatment of glaucoma, refractive surgery management and cataract evaluation and management.



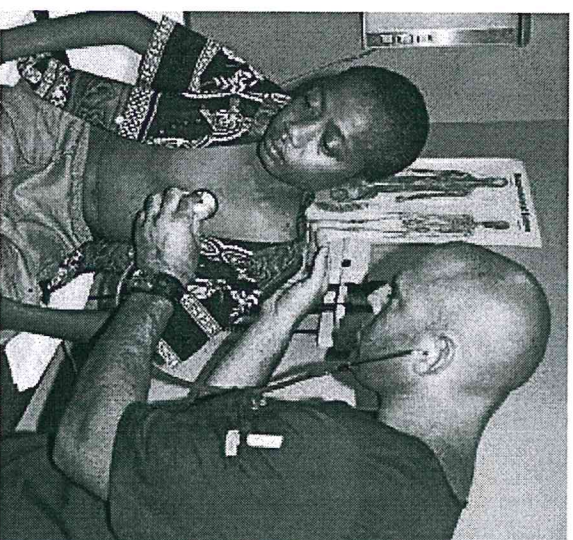




[Home » Services](#)

Las Vegas Eye Care Services

Advanced Vision Institute offers complete Las Vegas eye care services. Our Optometrists are all Board Certified in the Treatment and management of Ocular Diseases. All equipment used is State of the Art Diagnostic Equipment, providing the latest technologies to serve your eye care needs. We also offer complete health checks, which includes a blood pressure assessment and diabetic retinal evaluation.



Our complete Las Vegas eye care services include:

- Pediatric Examinations, beginning at age 6mos.
- Vision Therapy as an alternative to glasses
- Laser Vision Correction Consultations and Post Operative care; just mention that you saw it on the web
- Custom LASIK
- Non-invasive topical laser vision correction
- IntraLASIK
- Emergency eye care
- Treatment of eye infections
- Red Eye Evaluations
- Diabetic Eye Exams
- Cataract Evaluation

- Dry Eye Treatment
- Allergies, Headaches, Infections and Blurred Vision Treatment

Contact Lenses:

33

- Customized visual lenses
- Disposable contacts
- Soft contact lenses
- Toric lenses
- Various colors
- Bifocal lenses

Glasses:

- Generous selection
- Designer frames
- Price sensitive frames
- Bifocals
- Trifocals
- Most glasses are same day serviced

Our team is committed to providing exceptional customer service to meet all of your Optometrist Vision Therapy needs. If a service you need, is not mentioned above please, feel free to contact our representatives for further questions. We accept most payment methods, and most insurances are accepted.

Call for more information (702) 212- 7755. We will be more than happy to assist you in finding your best personal eye care.

Types of Payment Accepted

We accept Cash, Personal Checks, Debit Card, American Express®, MasterCard®, Visa®, Discover®, and Care Credit.

Insurance Plans

We participate with VSP, Medicare, Medicaid, and Culinary, Union Insurances, Aetna, Davis Vision, Eyemed.

WE ACCEPT MOST INSURANCES SO PLEASE CALL FOR MORE INFORMATION.

Check with our staff if you have other types of coverage.

Languages Spoken

Our staff speaks English and Spanish.

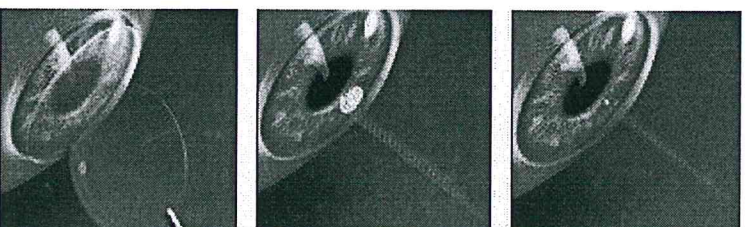


Las Vegas Lasik

Advanced Vision Institute, your source for superior eye care, is also your source for LASIK surgery. LASIK, also known as IntralASIK or I-LASIK, is a valuable and significant breakthrough in eye care. The Intralase laser, which is the laser commonly used in LASIK surgeries, demonstrates significant technological advancement, as it is able to generate light pulses as short as one-quadrillionth of a second.

This bladeless laser, developed by a team of physicists, biomedical engineers and ophthalmologists about 15 years ago, is far more accurate and safe than the instruments once used for LASIK surgeries. As a LASIK patient, this means that your vision correction surgery is virtually painless while being safer and more accurate than ever before.

During your *Las Vegas LASIK* surgery, your doctor will use an infrared beam of light to precisely separate tissue in a process called photodisruption. This process allows focused laser pulses to divide matter at the molecular level, without heat or impact to the surrounding tissue.



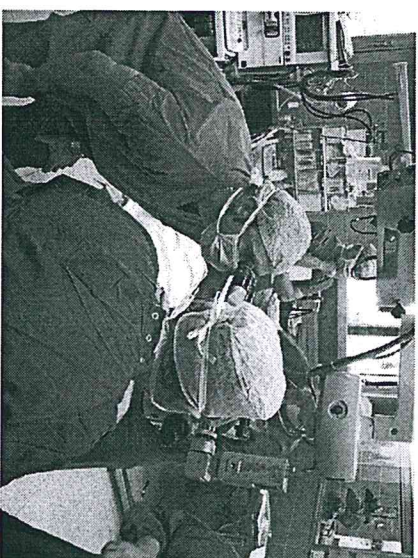
Your Las Vegas LASIK Surgery

The first step of your LASIK surgery requires the surgeon to use the laser to create a thin protective corneal flap. The surgeon then lifts the flap in order to reshape the corneal surface with the help of another laser, called the CustomVue VISX. This reshaping corrects your vision to your optimal prescription. The surgeon then repositions the protective flap, which heals into place within two minutes. From start to finish, your **Las Vegas LASIK** procedure will take no more than a few minutes!

While some surgeons still use a traditional bladed LASIK approach, studies have shown that IntralASIK procedures resulted in more patients with 20/20 vision or better than those who received a bladed surgery. And without the use of surgical blades, your LASIK procedure is also safer than ever. Plus, the IntralASIK

approach incorporates computer precision that allows the surgeon to obtain extremely accurate results.

In an all-laser LASIK procedure, recovery is generally quick and easy, as the laser causes very little trauma to the eye. Many of our patients see 20/20 or better as quickly as the day after their procedure.



Are You a Candidate for LASIK Surgery?

The most important component of a successful IntraLASIK procedure is a non-biased evaluation to determine whether you're a good candidate for the procedure. Your eye doctor can complete this important evaluation.

"There are so many factors to evaluate when determining if a patient is a good IntraLASIK candidate," said Dr. Brooker. "I like to check each factor carefully to make sure the procedure will be safe for my patients and allow them to achieve good results even 30 years down the line."

At Advanced Vision Institute, our experienced eye doctors have developed a specific pre-operative treatment regiment that will help you achieve better results and a quicker recovery. When it comes to selecting a LASIK doctor, experience counts.

Paying for Your LASIK Surgery

You've likely seen a number of local eye clinics touting deals and sales on LASIK surgery. These gimmicks can lead to confusion about the true cost of laser vision correction surgery. A customized procedure as advanced as IntraLASIK simply cannot be performed for \$500. Often, these "deals" are actually for procedures that use outdated technology and do not include pre- and post-operative care.

Typically, an IntraLASIK procedure will range from \$1,800 to \$2,700 per eye — or around \$5,000 per individual. This price includes all of your pre-surgery tests and evaluations as well as post-operative care and follow-up exams for one year.

If you're worried about paying for your LASIK surgery, don't! We offer financing programs that will help you obtain the vision you want sooner than you expected. Many of our patients pay as little as \$89 per month.

When it comes to your vision, don't trust it to just anyone offering a cheap deal; advanced technology, extensive experience and superior care are imperative to a successful procedure.

Our LASIK surgeon, Dr. Brooker, has extensive experience conducting research for IntralASIK and training doctors worldwide on surgical techniques. He is passionate about sharing his expertise with patients seeking clearer vision. Dr. Brooker has even gone through the surgery himself, and after six years is still seeing better than 20/20.

If you're ready to permanently correct your vision, give us a call today to set up a consultation and examination. Leave the blur in the past — your future is crystal clear.





[Home](#) » [About Us](#)

About Us

Eric T. Brooker, O.D., FAAO



Dr. Eric T. Brooker was born and raised in Las Vegas. He graduated from Bishop Gorman High School and received a combined academic and athletic scholarship to play soccer at Oregon State University. After suffering a leg injury during a game, Eric transferred to the University of Nevada Reno, where he graduated with honors in the field of Health Care Sciences. He then went on to pursue his passion for vision at the Southern California College of Optometry where he graduated with honors at the top of his class.

Eric T. Brooker, OD Curriculum Vitae

Publications

- Review Ophthalmology article ETB ARVO
- ARTICLE_-_2-22-2011_-_UV_Protection
- Progressions in Presbyopia Advanced Ocular Care Oct 2011
- HD Analyzer Advanced Ocular Care feb 2013
- ESCRS Milan 2012 Post-LASIK
- Advanced Ocular Care Cutting Edge Technology
- PostLasik scientific paper ARVO
- Visual Fields Scientific ARVO poster
- Inlays Global Outcomes Academy 2013 Poster
- Visual Field Inlays Academy 2013 Poster

- ASCRS 2013 VF poster
- Nvision Program
- ARVO CME Certificate 125801AM13
- ARVO refractive surgery session 2013 abstracts

Dr. Wanwalee Charoenchote



Dr. Wanwalee Charoenchote grew up in Las Vegas where she attended a local high school. She attended the University of Nevada, Las Vegas where she completed bachelor degrees in psychology and biology. She then completed her doctorate in optometry at the Illinois College of Optometry. Dr. Charoenchote is committed to her profession and believes in giving excellent care to all of her patients. She is also experienced in glaucoma, refractive surgery management and cataract evaluation and management. She also has a passion for fitting contact lenses and ensuring all of her patient's visual needs are met.

Dr. Wenshan Liu

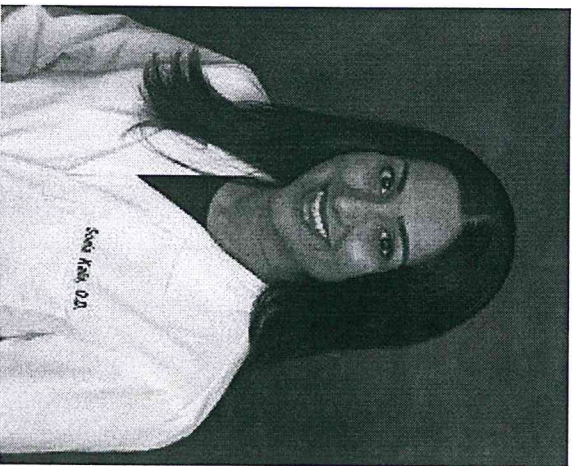
Dr. Wenshan Liu was born and raised in Taiwan. She relocated to the States to attend Eastern Kentucky University where she completed bachelor's degree in biology. Having a strong interest in health science, chemistry and physics in her undergraduate education, Dr. Wenshan Liu believes optometry is where her passion is. She then completed the doctor in optometry at UC Berkeley School of Optometry. It was not until Dr. Liu attended the optometry program when she realized she suffered from a binocular vision disorder. It is a special passion for her to ensure patients can not only see clearly but also comfortably, free of double vision, eye fatigue and headache. She is experienced in pediatric vision, binocular vision disorders, contact lens fitting, as well as cataract evaluation and management

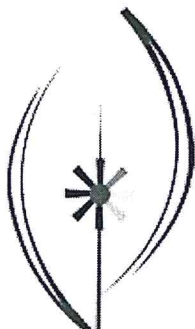


Dr. Sonia Kalia

Dr. Kalia specializes in primary care for all ages including pediatrics and geriatrics. She is available for routine eye exams, red eye treatment involving infection or trauma, and dry eye management. She has a special interest in contact lens fitting for astigmatism, presbyopia, and "difficult to fit eyes".

Dr. Kalia received her doctor of optometry from Illinois College of optometry in 2002 after completing her BSC in Kinesiology from Simon Fraser University.





Advanced
Vision Institute
RevitalEyes Spa



VSIP.
Vision care for life

RevitalEyes Spa

RevitalEyes \$85

Rejuvenation Treatment

This is a deep hydration treatment designed to restore the youthful look of the skin around the eyes by reducing puffiness, dark circle formations and hydrating fine lines.

- Skin lightening hydration serum treatment to exfoliate and hydrate these areas
- Facial hydrating mist
- Eye Cloud Cool treatment
- At-home Therapy
- Essential hydrating, collagen stimulating formula massaged around the eyes and surrounding skin

- KAMRA- Permanent Vision restoration procedure that eliminates the need for reading glasses \$4200
- LASIK- Laser Vision Correction \$3800
- ASA- Advanced Surface Laser Vision Correction \$3000



lashes.

Lash Pre Therapy: |\$50|

The treatment is designed to prepare the eyelid margins and eyelashes for any desired lash treatment, artificial eyelashes, eyelash extensions, eyelash perm, or eyelash lift. It is a very important first step to a successful lash lift, perm, or strong lashes and to give longer lasting treatment results.

- Warm steam therapy application to heat up the Meibomian glands in the eyelids.
- Manual exfoliation of the eyelid margins and eyelashes, to cleanse the eyelid margins of bacteria, debris, mites, and sebum using a bactericidal solution to eliminate bacterial colonization and a medical grade eyelid hygiene.
- A sterile tea tree oil application is applied to prevent both bacterial and viral infections at the base of the eye lashes. This is followed by a cool steam therapy.

Lash Perm |\$65|

Lash tint |\$35|

brows.

• Eyebrow contour |\$25| (wax method)

• Eyebrow Tint |\$20|

lashes.

|lash enhancements|



natural.

\$180



Package Includes:

- Consultation
- Pre-treatment
- Latisse Prescription
- Follow Up Evaluation
- Result Assessment

instant.

Medical Grade Eyelash Extensions
Classic Eyelash Extensions: \$150
Level 1 Fill(2-3 weeks): \$65
Level 2 Fill Set(3-4 weeks): \$85
Volume Eyelash Extensions: \$250
Level 1 Fill(2-3 weeks): \$90
Level 2 Fill (3-4 weeks): \$120



skin. Diamond Dermalinfusion treatments
by SilkReelMD

face.

- | 1 \$175 | 3 \$450 |
- | 6 \$800 | 8 \$1000 |
- Hydrating Formula
- Anti-Aging Formula
- Brightening Formula
- Clarifying Formula



eyes.

- | \$45 |
- Tired Eyes Fix
- Aging Eyes Fix



lips.

- | \$25 |
- Fuller • Smoother • Healthier.



body.

- | \$65 |
- Head to toe silk Peel



hands.

- | \$65 |
- Silk Gloves



SILKREEL DERMALINFUSION

eyes.

eyelid.

\$100

- exfoliation
- Warm Aroma therapy
- Blephex treatment
- Cold Aroma therapy

Level one

eyelid.

\$150

- exfoliation
- Warm Aroma therapy
- Blephex treatment
- Cold Aroma therapy
- Gland Expression

Level two

Eye . Soothing . Treatment

(Seasonal Allergies)

- Tea Tree Eyelid Cleansing
- Application of cocktail RX eye drops
- Eye Cloud Soothing aromatic cold therapy
- Eye hydrating E9 skin application

Designed to quench the itching, irritation, and redness caused by seasonal pollen and air debris and to reduce the appearance of puffy eyes.



[Home](#) » [Locations](#)

Locations

- Summerlin
- contact@advancedvisioninstitute.net
- Henderson
- contact@advancedvisioninstitute.net

Henderson

5269 S. Eastern Ave.
Las Vegas, NV 89119
Phone: 702-212-7755
Fax: 702-795-0646

Summerlin

11700 W. Charleston Blvd., #120
Las Vegas, NV 89135
Phone: 702-212-7755
Fax: 702-795-0646

Monday	9:00 AM - 5:00 PM	Monday	9:30 AM - 5:00 PM
Tuesday	9:30 AM - 5:00 PM	Tuesday	9:30 AM - 6:30 PM
Wednesday	9:00 AM - 5:00 PM	Wednesday	9:00 AM - 5:00 PM

Friday	9:00 AM - 5:00 PM	Thursday	9:30 AM - 6:30 PM
		Friday	9:00 AM - 5:00 PM

Saturday availabilities by Appointment Only.

Other hours available by appointment. Also on call emergency hours available.

thinkabout
youreyes.com

ERIC BROOKER, OD OPTOMETRIST

Advanced Vision Institute
11700 W CHARLESTON BLVD
STE 120
LAS VEGAS, NV 89135

 Directions

 (702) 795-0082



Visit My Website

Request Appointment

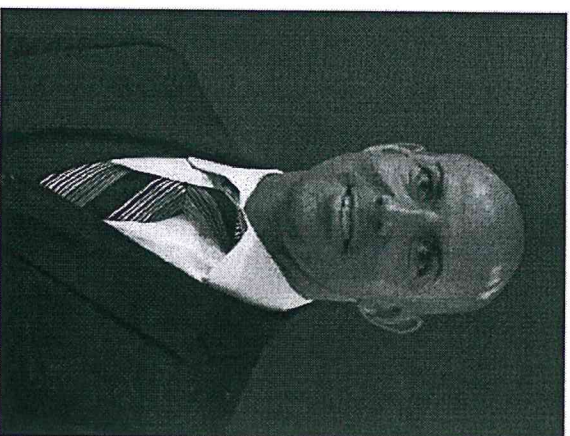
3.7 
3 Reviews

About

At Advanced Vision Institute, we provide the most advanced optometrist services in Las Vegas. Our team has a customized experience to meet your individual eye care and vision needs.

Regardless of your vision needs, we provide the preventative care, maintenance, and treatment you need. Our suite of eye care services includes LASIK, prescription sunglasses, prescription eyeglasses, contact lenses, and treatments for dry eyes, red eyes and eye injuries. We are also skilled at experienced in cataracts and diabetes and provide vision therapy and laser vision correction evaluations to our loyal patients.

The Advanced Vision Institute is the community's most comprehensive source for vision care for the entire family. We offer the latest technologies in vision care to enhance your optical health – including alternatives to wearing glasses.



Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me





Comprehensive Eye Exams

LASIK

Premium Eyeglass Lenses

Prescription Sunglasses

Fashion Eyewear

Contact Lenses

Treatments for Dry Eyes, Red Eyes, and Eye Injuries

Diagnosis and Treatment of Cataracts, Diabetic Retinopathy, Glaucoma, and Macular Degeneration

Vision Therapy

Certifications

Oregon State University, Corvallis, OR University of Nevada Las Vegas, Las Vegas, NV University of Nevada of Science in Health Care Sciences, May 1997 Southern California College Of Optometry, Fullerton, CA, 2001 Intralase MD Certification Course 2006 Intralase Enabled Keratoplasty Trainer 2006 ACRP (Clinical CRA Certification 2008 Citi Human Research Certification 2008 Citi Good Clinical Research Certification Entering Clinical Trial Results 2008 Acufocus Surgical Trainer Certification 2009 VISX Operators Custom Certification CPR and Emergency Response Certification

Hours

MON: 9:30am - 5:00pm

TUE: 9:30am - 5:00pm

WED: 9:30am - 5:00pm

THU: 9:30am - 5:00pm

FRI: 9:00am - 5:00pm

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me





MEMBER
AMERICAN OPTOMETRIC ASSOCIATION

Insurance Accepted

AETNA
Avesis
Blue Cross Blue Shield
Cigna
Davis Vision
EyeMed
Medicare
Straight Medicaid
Superior Vision Plan

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me



Customer Reviews


[3 Reviews](#)

Chris Durbin

★ ★ ★ ★ ★ 20 days ago


Claire Jang

★ ★ ★ ★ ★ 5 months ago

The receptionist on the phone was not professional. She asked me my husband's full social full name on the phone. Normally, office receptionist doesn't ask our full social number on the information, I was disconnected twice. They never got back to me. Very uncomfortable experience.


Debi Rivkin

★ ★ ★ ★ ★ almost 2 years ago

I started being seen by Dr. Brooker several years ago. At that time, my vision was really bad. Other eye Docs had told me that not only was I not a good candidate for the laser surgeries but I was also not a good candidate for contact lenses. I was going to go on a cruise and reef scuba dive. However, I would not be able to see anything without my glasses. I visited Dr. Brooker not only could he fit me with contact lenses, but that with the advances in the laser surgeries. The only drawback was that with my age, there was a good possibility that I would need real lenses on my cruise and was able to FINALLY be in the water and see clearly. After the cruise the process to get Lasix on both of my eyes. 2 Days after the surgery, I remember riding in my followup visit and seeing the leaves on trees without my glasses for the first time in 30 years to wear reading glasses however. Dr. Brooker did all of my follow up care and was really great the results, I really wanted to be free of all glasses. Dr. Brooker told me that there was a new stage of approval by the FDA. It was the KAMRA inlay treatment. This surgery would free me from Dr. Brooker to let me know when it was approved because I was definitely interested. About

[Kids Vision](#)
[Vision Correction](#)
[Eye Problems & Diseases](#)
[Videos & Fun Stuff](#)
[Find a Doctor Near Me](#)




the BEST of the BEST. His staff is also great. I would recommend him to anyone that wants to

Schedule an eye exam today!

ENTER ZIP

Find a Doctor Near Me



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Vision Correction

Eye Problems & Diseases

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Terms of Service

Visitor

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Contact



Are you a doctor?

Doctor Resources

©2018 Think About Your Eyes - All Rights Reserved

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me



From: [Admin](#)
To: [Caren Jenkins](#)
Subject: FW: Complaint 18-17
Date: Monday, April 16, 2018 12:02:13 PM

-----Original Message-----

From: Eric Brooker [<mailto:drbrooker@advancedvisioninstitute.net>]
Sent: Monday, April 16, 2018 11:50 AM
To: Admin
Subject: RE: Complaint 18-17

Hi Krystie,

Thank you for sending this over. This is however the first time I have heard of this and it is April 16 th today. We have not received any other correspondence on this issue. This was obviously submitted by a competitor. I think it is fair that this either be pushed back to a later date or I should be allowed to submit a response to these allegations. We do not advertise doing LASIK but only evaluate patient's for LASIK candidacy. I have however trained ophthalmologists in refractive surgery and management of refractive surgery patients as I am on the international lecture circuit. At no point does my office advertise or state that I am a LASIK surgeon because I am not. I think this is a blatant attack with alternative motive.

Please advise.

Thank you,

Dr. Eric T. Brooker OD FAAO
Medical Director
International Surgical Trainer
949-241-9077

-----Original Message-----

From: Admin [<mailto:admin@nvoptometry.org>]
Sent: Monday, April 16, 2018 11:31 AM
To: drbrooker@advancedvisioninstitute.net
Subject: Complaint 18-17

Please review the attached Complaint that was sent to you on April 5th.

Please confirm receipt and reply with any questions.

Thank you,

Krystie Manke
Licensing Specialist
Nevada State Board of Optometry

P.O. Box 1824
Carson City NV 89702
Office (775)883-8367
Fax (775)305-0105

-----Original Message-----

From: Admin

Sent: Monday, April 16, 2018 9:05 AM

To: Admin

Subject:

TASKalfa 3500i

[00:c0:ee:88:7a:41]

From: [Admin](#)
To: [Caren Jenkins](#)
Subject: FW: Complaint 18-17
Date: Monday, April 16, 2018 12:12:53 PM

-----Original Message-----

From: Eric Brooker [<mailto:drbrooker@advancedvisioninstitute.net>]
Sent: Monday, April 16, 2018 12:10 PM
To: Admin
Subject: RE: Complaint 18-17

Krystie,

I have also reached out to my web team at Neon brand as they control my SEO and I think one their younger of associates may have mistakenly made a change to the content without my knowledge. I have asked them to remove the change and also to compose a letter taking responsibility for the web content as I myself count on them to put on accurate information. I am hoping we can get that today so It can be included with the meeting.

Dr. Eric T. Brooker OD FAAO
Medical Director
International Surgical Trainer
949-241-9077

-----Original Message-----

From: Admin [<mailto:admin@nvoptometry.org>]
Sent: Monday, April 16, 2018 11:31 AM
To: drbrooker@advancedvisioninstitute.net
Subject: Complaint 18-17

Please review the attached Complaint that was sent to you on April 5th.

Please confirm receipt and reply with any questions.

Thank you,

Krystie Manke
Licensing Specialist
Nevada State Board of Optometry

P.O. Box 1824
Carson City NV 89702
Office (775)883-8367
Fax (775)305-0105

-----Original Message-----

From: Admin
Sent: Monday, April 16, 2018 9:05 AM
To: Admin
Subject:

From: [Caren Jenkins](#)
To: [Caren Jenkins](#)
Date: Wednesday, January 23, 2019 11:39:28 AM

NRS 636.025 Acts constituting practice in optometry.

1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:

(a) Advertisement or representation as an optometrist.

(b) Adapting, or prescribing or dispensing, without prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing.

(c) The examination of the human eye and its appendages, the measurement of the powers or range of human vision, the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics or visual training.

(e) The prescribing of contact lenses.

(f) The measurement, fitting or adaptation of contact lenses to the human eye except under the direction and supervision of a physician, surgeon or optometrist licensed in the State of Nevada.

(g) The topical use of diagnostic pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(h) Prescribing, directing the use of or using a therapeutic pharmaceutical agent to treat an abnormality of the eye or its appendages.

(i) Removing a foreign object from the surface or epithelium of the eye.

(j) The ordering of laboratory tests to assist in the diagnosis of an abnormality of the eye or its appendages.

2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:

(a) The incision or suturing of the eye or its appendages; or

(b) The use of lasers for surgical purposes.

[2:208:1955] — (NRS A [1961, 758](#); [1979, 952](#); [1995, 1033](#); [1999, 1914](#))

NRS 636.145 Unlawful practice of optometry; penalties.

1. A person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in [NRS 636.420](#).

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

[37:208:1955] — (NRS A [1993, 2866](#); [2013, 2231](#))

NRS 636.302 Unethical or unprofessional conduct: Restrictions on advertising. The following acts, among others, constitute unethical or unprofessional conduct:

1. Making a house-to-house canvass, either in person or by another person, for advertising, selling or soliciting the sale of eyeglasses, frames, lenses, mountings, or optometric examinations or services.

2. Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

3. Advertising in any manner that will tend to deceive, defraud or mislead the public.

4. Advertising, directly or indirectly, free optometric examinations or services.

(Added to NRS by [1985, 1917](#); A [1993, 2872](#))

NRS 636.295 Grounds. The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.
 2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.
 3. Conviction of any of the provisions of [NRS 616D.200](#), [616D.220](#), [616D.240](#) or [616D.300](#) to [616D.440](#), inclusive.
 4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.
 5. Habitual drunkenness or addiction to any controlled substance.
 6. Gross incompetency.
 7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.
 8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.
 9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.
 10. Perpetration of unethical or unprofessional conduct in the practice of optometry.
 11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in [chapter 454](#) of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to [chapter 639](#) of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to [chapter 639](#) of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of [NRS 639.2328](#); or
 - (c) Is marijuana being used for medical purposes in accordance with [chapter 453A](#) of NRS.
 12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.
 13. Operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to [NRS 449.160](#).
- ☛ This subsection applies to an owner or other principal responsible for the operation of the facility.
14. Failure to obtain any training required by the Board pursuant to [NRS 636.2881](#).
15. Failure to comply with the provisions of [NRS 453.163](#), [453.164](#), [453.226](#), [639.23507](#), [639.2391](#) to [639.23916](#), inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.
16. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

[67:208:1955] — (NRS A [1971, 2038](#); [1985, 155](#); [1987, 1564](#); [1993, 790, 2871](#); [2003, 2711](#); [2009, 890](#); [2011, 263, 854](#); [2015, 123, 1176](#); [2017, 4429](#))

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) 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.
 - (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.
2. Except as otherwise provided by subsection 3, an optometrist shall display in a conspicuous place 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. An optometrist may practice optometry outside his or her office without displaying his or her license or a duplicate of his or her license to practice optometry at that location for not more than 14 working days during the period from March 1 to February 29 if the optometrist notifies the Board in writing of the day and place of such practice. The notice must be given to the Board 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.
4. An optometrist who employs another optometrist on a temporary or permanent basis is subject to disciplinary action for any unprofessional conduct of the optometrist 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)

Caren C. Jenkins, Esq.

Executive Director

Nevada State Board of Optometry

P.O. Box 1824

Carson City NV 89702

775-883-8367 - office

775-305-0105 – fax

www.nvoptometry.org

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BEFORE THE NEVADA STATE BOARD OF OPTOMETRY

Caren C. Jenkins, Esq., Executive Director of the
Nevada State Board of Optometry,

Complainant,

COMPLAINT NO. 18-17

vs.

Eric Brooker, O.D., Lic. No. 439

Respondent.

ORDER AFTER HEARING

Complaint No. 18-17 came before the Nevada State Board of Optometry for consideration at its regular meeting held on January 25, 2019. Respondent was not present at the hearing. Executive Director Caren C. Jenkins, Esq. presented the complaint and supporting materials related thereto to the Board.

The Board reviewed the complaint and related correspondence and materials and the evidence brought by the Executive Director. Based on its review of the pleadings, papers, testimony and evidence before it, **the Board now makes the following findings:**

1. Since 2001 and at all relevant times, Respondent was licensed by the Board as an optometrist under License Number 439, and therefore is subject to the jurisdiction of the Board and NRS Chapter 636 and NAC Chapter 636.

2. In March 2018, the Board received a complaint from a member of the public alleging that Respondent presented himself as a LASIK surgeon available to perform LASIK services in Nevada to the public, through advertising his optometric practice, Advanced Eye Institute.

3. The complainant alleged that it was impossible for a member of the public to determine whether Dr. Brooker is an optometrist or an ophthalmologist from the information posted on the Advanced Eye Institute website.

4. In March 2018, the Executive Director provided Respondent a Notice of the Complaint, and invited him to respond to the complaint in writing for consideration by the Board on April 17, 2018 to determine whether just and sufficient cause existed to move the complaint forward to a hearing. At the hearing, Respondent had not provided any written materials and did not appear at the meeting, and the Board found the requisite evidence present to move the matter forward.

5. On October 22, 2018, the Executive Director provided notice to Respondent by mail that an evidentiary hearing would be held on January 25, 2019, in Las Vegas, and informed him that a response could be submitted and that his presence or that of his attorney was required if he wished to defend any of the allegations.

6. Respondent did not appear on January 25, 2019, when the Board called the matter for hearing,

Upon consideration of the papers and pleadings before it, and GOOD CAUSE APPEARING THEREFOR, the Board now finds:

7. Respondent, through his website during the relevant time, directly or indirectly, claimed to be a doctor who specializes in advanced LASIK surgery treatments, advertised himself as a LASIK surgeon, and suggested that he performs LASIK surgery and services to patients in his practice.

8. Respondent's website contains numerous references stating directly and indirectly that Respondent is qualified and licensed to perform LASIK surgery at his Las Vegas locations, a task beyond the scope of any licensed Nevada optometry practice;

9. Respondent violated NRS 636.302 (2) and (3) , which prohibit circulating or publishing any misleading statement as to optometric services, method of [practice or skill or that of another optometrist, as well as advertising in any manner that will tend to deceive, defraud or mislead the public. The statute establishes that such practices constitute unethical or unprofessional conduct

10. Respondent also violated NRS 636.295, which outlines the grounds for discipline of an optometrist, including (8) making false or misleading statements with respect to optometric services, and (10) perpetration of unethical or unprofessional conduct in the practice of optometry.

Based on the foregoing and good cause appearing therefor, IT IS ORDERED:

1. Respondent violated numerous provisions of Chapter 636 as outlined herein, perpetrating unprofessional or unethical conduct in the practice of optometry.
2. Not later than 15 calendar days from his receipt of this Board Order, Respondent shall make all reasonable attempts to change his website and other advertisements, whether print, broadcast, or internet, to conform to the limitations of the optometry laws.
3. NRS 636.420 provides that any person found to have violated any provision of NRS 636 is liable to the Board for an administrative fine of not less than \$100 or more than \$5000.
4. Not later than 30 days from entry of the Board's Order, Respondent shall remit an administrative penalty of \$2000.00, including investigation and hearing costs of \$0.00, to the Nevada State Board of Optometry via mail to P.O. Box 1824, Carson City NV 89702.

On the 29 th day of January, the Board voted unanimously to approve this Order After Hearing, and, on this 18th day of April 2019, this Order is deemed entered.



Caren C. Jenkins for
Chen Young, O.D., Board President

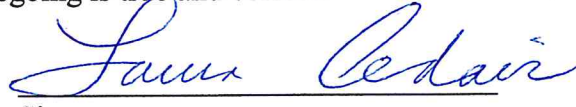
AFFIDAVIT OF SERVICE

I, Laura Adair, staff to the Nevada Board of Optometry, on April 18, 2019 caused the foregoing to be emailed to Respondent's email address of record, drbrooker@advancedvisioninstitute.net, and placed the foregoing ORDER AFTER HEARING into the hands of the United States Postal Service, postage prepaid on the date listed below, being addressed as follows:

Eric Brooker, O.D.
Advanced Vision Institute
5269 S. Eastern Ave
Las Vegas, NV 89119

I declare under penalty of perjury that the foregoing is true and correct.

Date: 4/18/2019


Signature

From: drbrooker@advancedvisioninstitute.net
To: [Caren Jenkins](#)
Cc: [Admin](#)
Subject: RE: Your request for Optometry Board re-hearing
Date: Tuesday, May 14, 2019 2:59:03 PM
Attachments: [sigimg0](#)

Caren,

Thank you for your consideration and understanding in this circumstance. All is appreciated and I know you probably have a great deal of other matters to attend to in your position. I will assemble materials and be ready for my opportunity to address the board.

Thank you,

Dr. Eric T Brooker
Chief Medical Director
www.AdvancedVisionInstitute.net



----- Original Message -----

Subject: Your request for Optometry Board re-hearing
From: Caren Jenkins <cjenkins@nvoptometry.org>
Date: Tue, May 14, 2019 1:05 pm
To: "drbrooker@advancedvisioninstitute.net"
<drbrooker@advancedvisioninstitute.net>
Cc: Admin <admin@nvoptometry.org>

Dr. Brooker:

Due to my non-opposition to your request, the Board has agreed to consider your Request for a Re-hearing on Case No. 18-17. Please plan to appear telephonically on **Tuesday, May 21, 2019** at the Board meeting starting at noon, and be ready to participate when your matter is called.

The Board President will likely ask you to explain why the matter should be re-opened, followed by any rebuttal I might offer. Thereafter, the Board will vote whether to allow a re-hearing.

If the outcome of that vote is No, after the meeting concludes, you might wish to petition the District Court to overturn the Board's determination. If the vote is Yes, then the previous order, containing findings and imposing penalties, will be invalidated and the Board will proceed with a new evidentiary hearing on the matter itself. If you have evidence to offer in your defense at that hearing, if allowed, I must

receive a clear copy **via email not later than Saturday, May 18, 2019**, so it may be distributed for consideration by the Board.

I will provide you with all materials I expect to introduce by 5 pm on Thursday of this week.

If you have any questions whatsoever, please give me a call. My cell is 775-720-1181.

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry

P.O. Box 1824

Carson City NV 89702

775-883-8367 - office

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Nevada Board of Optometry

Meeting Materials for Agenda Item No. 5a

For Possible Action - Board Reports & Actions.

**Ch. 568, 2019 Statutes of Nevada (AB 77) and the
Administrative Regulation Process** presented by
Mariah Smith, O.D., Vice-President & Legislative
Subcommittee Chair

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. ([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 *or a motor vehicle or trailer 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, and ocular solutions and ointments.

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

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) The examination prepared by the National Board of Examiners in Optometry *or its successor*; 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 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, *and the applicant has all required supporting materials*

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and fees, the ~~Board~~ Executive Director will review, reject, or approve the application for licensure of the applicant within 30 days.

Comment [AB1]: This will replace Policy 3

3. Upon receipt of notice of approval of his/her application, the applicant must submit the required license fee and identify his/her practice to the Board.

4. Within 60 days of receipt of all required information, the licensee will be provided a licensure certificate for display.

(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 *or its successor*, apply to the National Board of Examiners in Optometry *or its successor*.

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

HEALTH MAINTENANCE ORGANIZATIONS

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 is a licensed optometrist in this State;

2. A copy of the agreement for employment or contract and all renewals or extensions thereof;

3. A copy of the certificate of authority of the health maintenance organization issued pursuant to [chapter 695C](#) of NRS; and

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

4. Evidence that nothing contained in his 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 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 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 Abbreviations. ([NRS 636.125](#), [636.302](#), [636.380](#)) 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 office that specifies his full name, 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 and his 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 advertisements. ([NRS 636.125](#), [636.302](#), [636.380](#)) Any printed advertisement must contain the full name of the optometrist and his professional designation. Any disclaimer in the advertisement must be printed 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 must include an oral statement of the full name of the optometrist and his professional designation. Any disclaimer in the advertisement must be displayed or communicated in such a manner that 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 of the licensee; and

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

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

NAC 636.150 Ophthalmic products. ([NRS 636.125](#), [636.302](#), [636.380](#), [NRS 636.016](#)) Advertising of ophthalmic products must include the following information and, if printed *or in electronic medium*, the information must be printed as prominently as the words promoting the product:

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

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.]~~ [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 lenses are clear, tinted or photochromic.

3. A statement that the 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 lenses are hard or soft, daily or extended wear, or gas permeable.

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

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

Comment [2]: for discussion: Big-box retailers that operate as opticals only i.e. Costco advertises their frame prices, without disclaimer that it is discontinued product. Also they advertise w/o ANSI statement. If they are NOT required to, then why do we ask our licensees to?

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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.

[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 optometric examinations 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.
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 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:

Comment [3]: Online “eye exams” aren’t required to make the same specific disclaimers.
Opternative “disclaimer”: “Opternative is not a replacement for a comprehensive eye health examination. Our licensed Ophthalmologists use Opternative’s on-line technology to evaluate a patient’s visual acuity and a portion of the ocular health profile, diagnose refractive error, and issue a prescription for corrective eyewear, where clinically appropriate. If you need help finding an eye care professional near you, please contact us at info@opternative.com.”

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

(a) Practice optometry or maintain an ownership interest in an office where optometry is practiced under any name other than the name on his license.

(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 license or a duplicate of his license to practice optometry and a current renewal card in a conspicuous manner at each office in which he practices optometry or has an ownership interest.

3. An optometrist may practice optometry outside his office without displaying his license or a duplicate of his license to practice optometry at that location ~~for not more than 14 working days~~ during the period from March 1 to February 29 if the optometrist notifies the Board in writing of the day and place of such practice. The notice must be given to the Board at least 24 hours before he 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 shall notify the Board as soon as possible.

4. An optometrist who employs another optometrist on a temporary or permanent basis is subject to disciplinary action for any unprofessional conduct of the optometrist he 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 has been issued a certificate of registration 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 must submit a completed application for a 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 local governmental entity that issues

Comment [4]: Confusing wording. Is this intended to mean 1) an optometrist cannot do fill-in for more than 14 days total, or 2) that they cannot do so without displaying their license and notifying the Board.

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

business licenses for the county in which the optometrist proposes to ~~[practice]~~ *own all or 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 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 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 the practice of optometry to constitute unprofessional conduct.

(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](#)

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

[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 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 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 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 building or a part thereof to be leased.
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 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 office and the business of the person who is not licensed.

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

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:

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

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]~~ *or its successor*.
4. *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 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; and
 - ~~(e)~~ 5) The signatures of the optometrist, the consulting ophthalmologist and a notary public attesting to the accuracy of the information.
 - (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 another state, the District of Colombia, 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 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.

(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] 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.

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 may be affected by a proceeding, but who does not seek to participate in the proceeding.

(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 the 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 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 appearance at the beginning of a hearing or at any time designated by the presiding officer by giving his name and address and stating his 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 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 represented and all other parties to the proceeding of his withdrawal.

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

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, 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 exhibits as may be required by statute or this chapter. An application must be signed 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 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 and post office address of the petitioner and be signed by the petitioner.

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

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

NAC 636.440 Verification. ([NRS 636.125](#)) All pleadings must be verified.

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

NAC 636.450 Motions. ([NRS 636.125](#))

1. A motion is a request directed at the Board's authority to act on a given subject.
2. All motions, unless made during a hearing, must be in writing.
3. All written motions must set forth the nature of the relief sought and the grounds therefor.
4. A party desiring to oppose a motion may serve and file a written response to the motion.
5. The moving party may serve and file a written reply only if an opposition to the motion has been served and filed.
6. A decision on the motion will be rendered without oral argument unless oral argument is requested by the Board. If oral argument is requested, 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 pleadings, motions or other papers must be filed with the Board. 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 mail, and service thereof will be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail. Parties will be notified either personally or by certified mail of any adverse decision or order.
2. All documents required to be served by a party must be served by mail, and service thereof shall be deemed complete when a true copy of such paper or document, properly addressed and stamped, is deposited in the United States mail.

Comment [5]: Is this in conflict with how we function as a Board currently?

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

(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)

Dated at this day of the month of of the year

.....

.....

Signature

e

(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 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

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

of the right to a hearing. However, the Board may grant a hearing notwithstanding the fact that the 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 Secretary 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 own behalf or present such other evidence as may be beneficial to his cause.

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.

(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 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 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;

- (2) Respondent; and
- (3) Rebuttal by the Board.

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 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.

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

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 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 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.

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

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

Comment [6]: Do we have such a form?

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

(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) Provided to the patient, upon an oral or written request from the patient.

(b) Released to an authorized agent of the patient, upon a written request from the patient.

(c) Verified to an authorized agent of the patient, upon a written request from the patient.

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;

(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 prescription for a polymethylmethacrylate

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

(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 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 an 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 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 sent~~ to the Board, must be sent by ~~registered or certified mail to the Board's P.O. Box, by email, or fax.~~

(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.

Comment [AB7]: Replaces Policy 1

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

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.

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 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~~ or its successor. 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;

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

(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].~~

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 the same form, the named optometrist shall certify under penalty of perjury that he 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, i.e. use of GAT by assistant?
2. **Mobile Optometry Certification**
 1. Shall not be construed to apply to vision screenings, where no subjective refraction, evaluation or interpretation, diagnosis or treatment are being performed by the licensed optometrist.
 2. Further clarify the populations mobile optometry may serve?

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

3. List minimum equipment?
3. Allow ED to dismiss complaints that do not fall under our jurisdiction or that are not violations of our statute, directing the complainant to the appropriate Board or organization, without bringing the complaint before the Board of Optometry.
4. Policy Number 2: change in location of practice
NRS 636.370 and this policy require each optometrist to notify the Board of the place of his or her practice or any change in location of that practice, in writing prior to the date the change becomes effective.
5. Policy Number 5 & 6: license renewal
Pursuant to NRS 636.250, a licensee (active or inactive) must renew his or her license by March 1 of each even-numbered year. For renewal by mail to be timely, the United States Postal Service must postmark it before March 1. Electronic renewal is effective upon receipt of all required information and fees. It is the renewing licensee's responsibility to confirm receipt of renewal materials.

If a license is not renewed by March 1 of even-numbered years, the license will be suspended. A license may be relieved from suspension if the licensee renews before July 1 and pays a penalty of \$250.00 as authorized by NRS 636.285, plus the renewal fee. If the license renewal is received after June 30 of the even-numbered year and before January 1 of the following odd-numbered, a \$500 penalty will attach to relieve a license from suspension. As of January 1 of the following odd-numbered year, the license will expire, and if the former licensee wishes to practice in Nevada, he or she must apply as though no previous licensure existed.

Pursuant to NRS 636.250, a licensee must renew his/her license by March 1 of each even-numbered year. License renewal requires a completed renewal application, fees, and proof of appropriate Continuing Education based on license and certification requirements.

6. Policy 7, 11: CE requirements
NRS 636.260[2] requires the renewal fee and satisfactory evidence that the licensee, within the 24-month period immediately preceding license renewal, has completed the required number of hours of continuing education approved by the Board.

The continuing education requirements for licensees certified in diagnostic pharmaceutical agents may not exceed 40 hours per 24-month period. The Board has established 40 hours as the requirement for licensees who are certified in diagnostic pharmaceutical agents, of which 5 hours may be practice management. All of the 40 hours may be by live attendance, by Internet, correspondence or video. Licensees submitting courses taken via the Internet, correspondence or video must submit proof they received a grade of 75% or higher on the course exam.

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

The Board counts hours in 0.25-hour increments using the 1/4 hour nearest the actual teaching time, with the exception that 50-minute lectures are counted as one hour in accord with academic tradition.

The requirement for licensees who are certified in therapeutic pharmaceutical agents may not exceed 50 hours per 24-month period. The Board has established 50 hours as the requirement for licensees who are certified in pharmaceutical agents. Of the 50 hours, not fewer than 30 hours must be TPA or disease related. Up to ten hours may be practice management. Any or all of the 50 hours may be completed by live attendance, or by Internet, correspondence or video. Licensees submitting courses taken via the Internet, correspondence or video must submit proof they have received a grade of 75% or higher on the course exam.

The Board reviews pre-approved providers periodically to verify adherence to established standards and hours for reporting. The Board has established two categories of acceptable and approved continuing education:

1. Pre-approved – This category requires the licensee to submit a signed or verified Continuing Education Attendance form or the ARBO/OE Tracker summary through which attendance is certified. Other certifications may be submitted. Certification can be by stamp or signature. A list of pre-approved providers appears ~~below~~ in policy.

NOTE: Continuing Education will NOT be accepted for coursework from Optocase and/or Queens University.

2. Other – Other providers will be approved on an individual basis. Such providers may submit the course syllabus or programs in advance for approval or may be considered when the licensee submits a CE Summary Form. The licensee will receive notice from the Board only if the course is not approved.

A licensee shall not report or submit his/her continuing education information to the Board until the licensee has sufficient hours to fulfill the total requirements for the license year. Interim submission of continuing education will not be accepted.

7. Policy 8 accredited colleges of optometry
Pursuant to NRS 636.135, only certain schools and colleges of optometry are accredited by the Nevada Board of Optometry. The Board shall rely on the Accreditation Council on Optometric Education (ACOE) for information regarding accreditation.
8. Policy 10

Comment [AB8]: Consider ARBO's proposal of using OE tracker for all CE and do 100% audit each year; then removing "two categories" below.

Comment [AB9]: Consider creating a cap on the number of CE hours that can be accrued in 24 hours from ANY online CE course instead of barring Optocase/Queens

NEVADA ADMINISTRATIVE CODE CH. 636 - Initial Revisions proposed to Board 6/25/2019

NRS 636.350 requires that each licensee, prior practicing under an assumed or fictitious name, must be issued a certificate from the Board. The Fictitious Name Application must be approved before the licensee commences using the assumed or fictitious name. Any licensee practicing at a medical or surgical facility who applies for registration of an assumed or fictitious name to be used at the facility must include his/her professional designation in the name.

9. Policy 12

The Board shall maintain in an account, separate from its operating account, liquefiable funds estimated to be sufficient to pay the operating expenses of the Board for a thirteen (13) month period.

(Note: Keep policy 13, 9, 4, and addresses in 1)

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 5b

Agency-related legislation from 2019 Legislative Session
presented by Board Counsel Deputy Attorney General Sarah
Bradley, Esq.

Bill Number	Action	CH	Topic	Impact on Board
SB 219	Signed May 29	230	Regulatory Bodies	Authorizes contracts to accept card payments; may charge convenience fees to cardholder if issuer/operator charges a per use fee; requires written internal controls re withdrawals from bank accounts including review by 2+ members and quarterly view of financial statements (including schedule of disbursements)
SB 287	Enrolled Jun 7		Public Records	Fines for failure to comply with records requests; defines actual costs; must be provided electronically if requested, with some exceptions; communication with requester if issue with request: reasonable accommodation, written explanation, etc.
SB 302	Signed Jun 5	412	Personal Information Collected by Gov't	Government agencies which maintain personal info records of Nevada residents must comply as far as practicable with CIS Control standards, adopted by US Commerce Dept. Nat'l Inst. Of Standards and Technology; state agencies must permanently remove any data from discarded electronic equipment before disposal
SB 323	Signed May 21	96	Recovery of Attorney's Fees and Costs by Title 54 Boards	Requires submission of itemized statement of costs/fees to the subject of a proceeding in order to be authorized to recover
SB 364	Signed May 29	237	Medical Facilities licensed and regulated under NRS 449.0303	Prohibits discrimination against protected classes, whether actual or perceived; requires cultural competency training and change to records to reflect gender identity/expression by 7/2021
SB 388	Enrolled Jun 7		Public Records	Records collected electronically from the general public are confidential if potential to create negative consequences by exposure; Gov't entity must maintain list of which records are deemed confidential; description of each record; Must grant request to review records if requester shows compelling justification which outweighs risk of negative consequences to individual whose information is contained; By Feb 15 each year, entity must submit list to LCB director

SB 427	Signed Jun 5	396	Business Entities	Affidavit no longer required for resignation of registered agent; record retention requirements and clarifications
AB 70	Enrolled Jun 7		Open Meeting	Changes to required accommodations for public, creates exemption for legal training and meeting for recognition/awards, change to standard for misdemeanor for violation and fines assessed
AB 77	Enrolled Jun 7		Optometry	Removed requirement for ED to file performance bond; Allow board to employ consultants; Changes to filing of complaints for disciplinary action; referral to law enforcement for citation unless extenuating circumstances; board must create/make available list of licensees; Revises school accreditation provisions; board must establish, review and revise schedule of fees every 2 years, places maximum on fees in schedule; Revises authorization to impose penalties; Revises requirements for licensure; Authorizes restoration of suspended license upon completion w/in 90 days, expiration after 91 days; Revises conduct of disciplinary hearings; Limits use of fictitious name in practice; requires board notification if opening additional location; Change to biennial renewals
AB 361	Enrolled Jun 1		Practice of Medicine	Civil penalty up to \$10,000 for per violation for physicians, including osteopathic who supervise student not in good standing at accredited medical school

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 5c

Board determination of 2019-2020 Fee Schedule

NEVADA STATE BOARD OF OPTOMETRY



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JEFFREY K. AUSTIN, O.D.
Board Member

DREW JOHNSON
Public Board Member

Fee Schedule

Licensure Fees

Initial Application	\$450.00 (Includes \$75 Certificate Fee)
Endorsement Application	\$225.00 (Includes \$75 Certificate Fee) \$375.00
Annual Renewal Active License and Primary Location	\$200.00
Add a Practice Location (Includes duplicate cert.)	\$175.00 (Each location)
Annual Renewal Additional Location	\$250.00
Annual Renewal Inactive License	\$150.00
Activation of current Inactive License	

For both active and inactive license renewals, your completed renewal form, continuing education compliance information and proper fees must be submitted bearing a postmark on or before February 28th of each year to avoid suspension.

Reinstatement of License Suspended for non-renewal after February 28th

\$375.00 Annual Renewal Fee, plus additional locations as applicable
\$250.00 Late Fee if postmarked by May 31
\$500.00 Late Fee if postmarked June 1 through December 31

Reinstatement of License Lapsed for non-renewal after December 31st

Must proceed as a new applicant for licensure and any TPA and Glaucoma certifications.

Additional Fees

Duplicate License Certificate	\$75.00
Nevada Therapeutic Pharmaceutical Agents Application(TPA)	\$75.00 (One Time)
Nevada Glaucoma Application	\$175.00 (One Time)
Fictitious Name or DBA Registration	\$50.00 (One Time/Each location)
Change of Practice Address	\$25.00
Re-issue Certificate of Licensure or Renewal Card Letter of Good Standing	\$75.00
	\$25.00

NEVADA STATE BOARD OF OPTOMETRY



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DRAFT FY 2019-2020 Fee Schedule

Licensure Fees (All fees submitted to the Board are non-refundable.)

Initial Application (license fee pro-rated quarterly)	\$450 650.00 (Includes 2-year license, application fee and certificate \$75 Certificate Fee)
Endorsement Application (license fee pro-rated quarterly)	\$225 450.00 (Includes 2-year license, application fee and certificate \$75 Certificate Fee)
Annual 2-year Renewal, Active License and one practice Primary Location	\$375.00 750.00
Add a Practice Location (Includes duplicate cert.) 2-year Annual Renewal, Each Additional Location	\$200 250.00
	\$175.00 (Each location)
Annual 2-year Renewal, Inactive License	\$250.500 .00
Activation of current Inactive License	<u>\$150.250.00</u>

For both active and inactive license renewals, your completed renewal form, continuing education compliance information and proper fees must be submitted bearing a postmark on or before February 28th of each year to avoid suspension.

Reinstatement of License Suspended for non-renewal after February 28th

~~\$375.00~~750-Annual Renewal Fee, plus additional locations as applicable
~~\$500.00~~250.00-Late Fee if postmarked between March 1 and date of suspension ~~by May 31~~
~~\$500.00~~ Late Fee if postmarked June 1 through December 31

Reinstatement of License Lapsed for non-renewal after December 31st

After the reinstatement period, the license and any related certifications expire. To practice again in the state, the optometrist must reapply. Must proceed as a new applicant for licensure and any TPA and Glaucoma certifications.

Additional Fees

Duplicate License Certificate	\$75.00
<i>Application for certification of Mobile Optometry Clinic</i>	<i>\$_____ (One Time or annually?)(Owner certifies Clinic, but does optometrist require a cert? Or would the optometrist add a practice location as the Clinic?</i>
Nevada Therapeutic Pharmaceutical Agents Application(TPA)	\$75.00 (One Time)
Nevada Glaucoma <i>Certification</i> Application	\$175.00 (One Time)
<i>Add a practice location (Includes duplicate cert.)</i>	<i>\$200.00</i>
Fictitious Name or DBA Registration	\$50.00 (One Time <i>per/Each</i> location)
Change of Practice Address	\$25.00
Re-issue Certificate of Licensure or Renewal Card	\$75.00
Letter of Good Standing	\$25.00
<u>Duplicate Replacement License Certificate</u>	<u>\$75.00</u>
<i>Replacement location card.</i>	<i>\$25.00</i>

Updated ~~6/2018~~

Nevada Board of Optometry

Meeting Materials for Agenda Item No. 6a

Announcements and **requests for future Board consideration**
2019-2020 BOARD MEETING SCHEDULE.

Board Meetings Tentatively Planned for 2019-2020*

Thursday, August 8, 2019
Telephonic starting at Noon

Tuesday, September 9, 2019
Telephonic starting at Noon

Tuesday, October 1, 2019
Telephonic starting at Noon

Tuesday, November 5, 2019
Telephonic starting at Noon

Tuesday, December 3, 2019
Telephonic starting at Noon

Tuesday January 7, 2020 in Las Vegas
In-person with Videoconference, starting at 9:00 a.m

*any or all of these meetings may be cancelled by the Chair without notice.

For agendas and meeting materials, please visit www.nvoptometry.org and click on Board, then Board Meetings and follow the information regarding the date of the meeting you wish to research.

Or, you may request notice of our meetings by sending an email to admin@nvoptometry.org.