

R066-19 Section 12 proposed revisions

1. If an optometrist forms an association or other business relationship with a physician pursuant to NRS 636.373, the optometrist must:

- (a) Comply with any applicable requirements of the Internal Revenue Service;
- (b) Maintain financial and organizational independence from any person who is not licensed to practice optometry, other than the physician; and
- (c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship.

2. An optometrist shall not employ or be employed by a physician.

~~3. An optometrist may form an association or other business relationship with a person, other than a physician, who is not licensed to practice optometry to perform duties concerning the operation of the business. Such duties must be limited to duties concerning the operation of the business and may include, without limitation, performing services related to payroll, human resources, real estate, regulatory matters not related to health care, banking, accounting, administration of benefits, marketing, merchandising, occupancy, accounts payable, accounts receivable, supply chain management, business development, business administration, labor, compliance with applicable laws and regulations, purchasing and medical billing.~~

4. **3.** An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry, **including, but not limited to, relationships formed for purposes of providing the optometrist support in the operation of the business, such as payroll, human resources, business development, banking, supply chain management, medical billing and business administration** pursuant to subsection 3 shall:

- (a) Comply with any applicable requirements of the Internal Revenue Service;
- (b) Maintain organizational and financial independence from the person who is not licensed to practice optometry and ensure that the person who is not licensed to practice optometry **is not involved in shall not dictate, control or influence:**

- (1) Clinical decisions;
- (2) Scheduling of patients;
- (3) Any decision concerning scope of practice or use of facilities, equipment or drugs; or
- (4) Any other decision concerning the provision of care to a patient or the outcome of any treatment or other service provided to a patient; ~~and~~
- (c) Ensure that any advertising, marketing and promotional materials accurately portray the position of the optometrist within the association or business relationship, including, without limitation, whether the practice of the optometrist is included within any assumed or fictitious name used by the association or other business relationship; **and**
- (d) **No association or other business relationship entered into by an optometrist with a person who is not licensed to practice optometry shall alter or lessen the optometrist's ultimate responsibility for all exercises of professional or clinical judgment with regard to the conduct of the optometrist's professional practice or patient care.**