

Materials for Item No.13 re

- R008-25
- R066-19(12) LCB proposed changes

R066-19 Section (12) adopted temporary revisions

~~Strikethrough font~~ = approved removal

Bolded font = approved addition

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. An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry pursuant to subsection 3 shall:~~

4. 3. An optometrist who forms an association or other business relationship with a person, business, or entity 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 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.

(e) Nothing in this section shall eliminate a licensee's responsibility pursuant to NRS 636.373, NAC 636.240 and NAC 636.250 to not engage with any person, business, or entity not licensed to practice optometry who owns any part or portion of any Nevada optometry practice.

R066-19 Section (12) LCB proposed version

1. 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.¹

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

2. An optometrist who forms an association or other business relationship with a person who is not licensed to practice optometry, **including, without limitation, a physician pursuant to NRS 636.373 or a person pursuant to subsection 1³**, 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 **does not directly or indirectly control, dictate or influence the professional judgment of the practice of optometry by the optometrist, including, without limitation, the professional judgment of the optometrist concerning⁴:**

(1) Clinical decisions;

(2) Scheduling of patients;

(3) Any decisions 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.

~~(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.⁵~~

~~(e) Nothing in this section shall eliminate a licensee's responsibility pursuant to NRS 636.373, NAC 636.240 and NAC 636.250 to not engage with any person, business, or entity not licensed to practice optometry who owns any part or portion of any Nevada optometry practice.⁶~~

¹ Reversion back to 2020's R066-19 and its list of possible business relationships.

² To be deleted as superfluous to NRS 636.373(5) ("This section does not authorize an optometrist to employ or be employed by a physician.")

³ Bold font taken from 1/2025's subsection 1

⁴ Bold font taken from 1/2025's subsection 3(d)

⁵ To be deleted and subsumed into the new subsection 2(b)

⁶ To be deleted due to: 1) no additional responsibilities are added or eliminated within R066-19(12); and 2) the intent is subsumed into the new subsection 2(b)