

STATE OF NEVADA



Board of Dispensing Opticians

Draft Minutes of Public Meeting

October 11, 2018 at 5:00 p.m.

Board meeting took place via teleconference at:

Office of the Nevada Board of Dispensing Opticians:
4747 Caughlin Parkway, Front Conference Room
Reno, Nevada 89519

Board Members Present:

Jennifer Benavides, President
Tammy Williams, Vice President
Mark Myers, Secretary
Marilyn Brainard, Treasurer
Michael Grover, Member

Board Staff Present:

Corinne Sedran, Executive Director
Greg Ott, Board Counsel

1. Call to order
Board President Jennifer Benavides opened the meeting at 5pm and reminded attendees that CE credits would not be issued for this meeting. She then called roll. Board member Michael Grover was not in attendance.
2. Public comment
There was no public comment.
3. Approval of previous board meeting minutes:
August 9, 2018 Board Meeting
Motion: Ms. Brainard moved approval of the minutes as presented.
Vote: Motion passed unanimously.
4. Introduction of Board's new Deputy Attorney General
Deputy Attorney General Gregory D. Ott introduced himself and shared his prior experience. He has been representing the Department of Education and the various bodies that serve under that department for four years. He currently serves as Chief of Boards in the Open Government Division. Since taking that position, he has been representing a wider variety of boards and commissions.
5. Announcement of newly licensed Ophthalmic Dispensers:
Ms. Sedran announced the opticians licensed since the last meeting.
672 Deanna Peredo
673 Kaelynn Kidner
674 Melissa Owens
675 Gretchelle (Irene) Galang
6. Review and decision on prior experience credit requests:
 - a. **Bobbi Rubio**
Discussion: Ms. Benavides recused herself from the discussion and vote on this item because she is a prior workplace supervisor of the applicant.
Motion: Ms. Williams moved to approve the applicant's request for six months' prior experience credit.
Vote: Motion passed 3 to 0.

Mr. Grover joined the meeting at 5:14 p.m.

- b. **Charles Suval**
Discussion: Ms. Benavides noted the applicant received glowing reviews from his former supervisors and that he had worked been working as an optician for five or more years in another state. Ms. Sedran stated his years of experience would allow him to bypass the apprenticeship requirement if he chose to apply for an ophthalmic dispenser license right away.
Motions: Ms. Williams moved to grant the applicant two years' prior experience credit and to notify him of his eligibility to apply for a license.
Vote: Motion passed unanimously.

7. Review and decision on request for extension of apprenticeship license per NAC 637.285:
Villasenor-Villa, Jessica
Discussion: Ms. Benavides abstained from the discussion and vote because she knows the applicant personally. Ms. Sedran read the regulation pertaining to apprenticeship extensions aloud. Ms. Williams asked whether the applicant would still be eligible to take her exams if her apprentice license was not renewed. Ms. Sedran stated she would still be eligible but would not be able to dispense eyewear until she passes her exams and is issued an ophthalmic dispenser license. Ms. Williams stated she is concerned about granting an apprentice an extension under the circumstance of needing to retake an exam. Ms. Brainard agreed an extension should not be granted under such a circumstance.
Motion: Ms. Williams moved to deny the applicant's extension request.
Vote: Motion passed 4 to 0.
8. Review and decision on policy on apprentices who have a lapse in employment/on-the-job training
Ms. Benavides recommended keeping the length of apprenticeships to the 40 months allowed by regulation, however, the board should allow apprentices to apply for the maximum 12-month extension at any time during their apprenticeships if they cite hardship or extenuating circumstances. The board members agreed apprentices do not have to wait until the conclusion of their apprenticeships to petition for an extension.
9. Review and approval of Apprentice License Surrender Policy and Form
Motion: Ms. Benavides moved approval of the form pending various edits suggested by Mr. Ott.
Vote: Motion passed unanimously.
10. Review and decision on licensing requirements for previously licensed opticians:
 - a. **Penny Morton**
Discussion: Ms. Sedran stated the applicant has passed all her certification exams. She has demonstrated competence in all areas of dispensing and should be excused from the contact lens education requirement. Ms. Benavides stated the applicant has already practiced for longer than five years, which is the requirement for a Special License, and has completed one hundred hours of contact lens training.
Motion: Ms. Benavides moved to waive the applicant's contact lens education requirement.
Vote: Motion passed unanimously.
 - b. **Timothy Berry**
Discussion: Ms. Benavides explained the applicant has the required educational background for dispensing spectacles but not contact lenses. His Nevada license expired in 2012 but he is still licensed to practice spectacle dispensing in Ohio.
Motion: Ms. Williams moved to grant the applicant the required three years' experience and training credit, however, he will need to complete the contact lens education requirement, obtain 100 hours of contact lens training, and pass the ABO and NCLE certification exams to qualify for licensing as an ophthalmic dispenser.
Vote: Motion passed unanimously.
11. Report and recommendations by Committee on Continuing Education Course Providers
The committee chair had no items to report.

12. Report and recommendations by Committee on Apprentice Training Requirements:
 - a. Report and recommendations by Committee Chair Jennifer Benavides
Ms. Benavides thanked Mr. Myers and Ms. Sedran for helping modify the proposed forms. Based upon their feedback and public feedback, she made some revisions.
 - b. Review and approval of Apprentice Training Forms
Ms. Benavides stated the regulations require apprentices to complete a minimum of 100 spectacle neutralizations. She asked the board members for input on implementing training on specialty lenses. Ms. Sedran has asked the ABO for information on which types of lenses appear on the exams but has not received a response yet.
Motion: Ms. Benavides moved approval of the forms in their current format for apprentice use; modifications can be made as the board receives more information from the ABO.
Vote: Motion passed unanimously.
13. Report and recommendations by Committee on Licensure by Endorsement
The committee chair had no items to report.
14. Discussion and decision on policies and enforcement of NAC 637.144: Requirements for managing ophthalmic dispensing
Discussion: Ms. Brainard stated that when a person sees the title “manager” on an employee’s nametag, the perception is the person is very qualified to perform the services offered at that location. Ms. Benavides asked whether the board’s regulations could be interpreted to require a licensed dispensing optician to be on duty as manager any time a retail dispensary is open. Mr. Ott stated this interpretation might be defensible, but he would like to do further research on the topic.
Motion: Ms. Brainard moved to table the discussion on this item, pending further advice from Mr. Ott.
Vote: Motion passed unanimously.
15. Financials:
 - a. Review and acceptance of **July and August 2018** financial reports
Discussion: Ms. Sedran presented the reports and proposed budget and updated the board on progress made on the new database. Ms. Benavides stated all were in agreement that the previous renewal system was subpar and she is happy the board has moved forward with a new system. Ms. Brainard stated the functioning of the board office is the preeminent concern of the board; the board currently has the resources to construct an online system and owes it to its licensees to make the renewal process as easy as possible.
 - b. Review and acceptance of **FY 2018-19** projected budget
Discussion: Mr. Grover asked about a line item of the budget. Ms. Brainard explained that item was for litigation costs due to the results of a court case that was settled many years ago.
Motion: Ms. Brainard moved to approve the financial reports and proposed budget as presented.
Vote: Motion passed unanimously.
16. Executive Director’s report
Ms. Sedran stated she had completed an audit report requested by the Governor’s Finance Office; the board is in compliance with the recommendations of that office, including utilization of the Attorney General’s Office for the board’s baseline legal support.

17. Board Counsel's report

Mr. Ott confirmed he will review the tabled item pertaining to workplace management and relay his recommendations to Ms. Sedran. He asked to make a note for the record that it is permissible for the board to remove a person from a conference call who is being disruptive during the meeting.

18. Board member comments

Ms. Williams asked to be supplied with the pass rates on the new exams for discussion at the next meeting. Ms. Brainard stated Ms. Sedran had done a good job with the new smaller office, which is saving the board money on rent.

19. Public comment:

Jennifer Ryan, regional manager for LensCrafters, stated it was difficult to hear the board members during the meeting; she would like the board to host live meetings in the future so she can see if the board members are passing notes to each other. She is extremely disappointed with this board and claimed the board members spoke through public comment at the last meeting. She stated there is a difference between regulating a medical device and a medical professional. The board cannot require a licensed optician to be on duty whenever the retailer is open. As regional manager she can open her store whenever she wants so long as she is not taking measurements or dispensing. The board cannot require a business manager to be licensed. The board has no authority over non-licensed persons in the building. Business managers have pages of responsibilities that have nothing to do with dispensing laws. She stated the board meeting minutes are biased in favor of the board. Ms. Benavides noted that Ms. Ryan had been speaking for three minutes and her time for making public comment was up. Ms. Ryan stated this was another example of the board speaking through public comment.

Penny Morton, License #1494, spoke to the board's discussion on exam results, confirming her results were delivered instantaneously at the testing site. The NCLE Advanced Exam is difficult, however, much of the material covered is contained in the basic exam as well.

Brent Hanson, License #601, stated the NCLE Advanced Exam is not designed for people who are not fitting and dispensing contact lenses throughout the apprenticeship process. He suggested people who cannot pass that exam be issued a limited license to dispense spectacles. The board needs to look at different options for the exam because the current exams put too much stress on the associates. He questions the board's authority over business managers, asking what would stop the board from going further up the chain of command in the company.

Andrew Phillips, License #592, stated the board's laws do not require a person to be licensed to be a business manager; now the board is saying a person does need to be licensed to fill that role. The licensees need some clarity on this point.

With no further public comment, Ms. Benavides closed the meeting at 6:19 p.m.