



STATE OF NEVADA
BOARD OF DISPENSING OPTICIANS

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BOARD MEMBERS

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Daniel Harris

Vice President
Josh Wasson

Secretary
Cheryl Mosser

Treasurer
Tamara Sternod

Public Member
Fred Lokken

BOARD STAFF

Executive Director
Cindy Kimball

Minutes of Board Meeting

April 11, 2012

The Regular Meeting of the Nevada Board of Dispensing Opticians was called to order by President Danny Harris at 7:03 p.m. on Wednesday, April 11, 2012, at the Airport Plaza Hotel, Second Floor, 1981 Terminal Way, Reno, NV 89502

Members Present

Danny Harris, President
Josh Wasson, Vice President
Tamara Sternod, Treasurer
Fred Lokken, Public Member

Members Absent

Cheryl Mosser, Secretary

Others Present

Sarah Bradley, Deputy Attorney General, Board Counsel
Cindy Kimball, Executive Director

1. **Call to Order:** President Danny Harris called the meeting to order at 7:03 p.m.
2. **Public Comment:** Ariel Ladanga requested more information on the statute that requires apprentices to have a supervisor(s) of record.
3. **Approval of Board meeting minutes**
 - A. Optical Examination Subcommittee Meeting February 15, 2012: Josh Wasson moved to approve. Tamara Sternod seconded. Motion carried unanimously.
 - B. Board Meeting February 15, 2012: Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.
4. **Executive director's report:**
 - A. Progress on FY12 Goals and Objectives: Cindy Kimball reviewed the progress made for the period of February through March, including additions to previously proposed regulation changes, improvements to the apprentice supervision chart and apprentice application; and ongoing, collaborative relationships with local business license divisions, FDA regional and local offices, and other state licensing boards.
5. **Financials:**
 - A. Review and approval of February and March financial statements: Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.
 - B. Review and decision on FY11/12 budget: This item was not addressed.
6. **Review and decision regarding issuing ophthalmic dispenser licenses to the March 31, 2012 examinees:**

James Armor, Kristin Carini, Pedro Duran, Natalie Fenley, Lisa Gibbs, Daisy Gonzalez, Elizabeth Gonzalez, Rhonda Harjo, Leanne Heng, Kristi LaPrairie, Jennifer Letten, Jason Lugo, C. Alicia Martinez, Christy Porter, Gina Quesada, Amber Reyes, Hovsep Takhtadjian

Danny Harris announced the names of the individuals who achieved a passing score on the March 31, 2012 state optical examination. Josh Wasson moved to issue Nevada ophthalmic dispenser licenses to those individuals: Kristin Carini, Pedro Duran, Natalie Fenley, Lisa Gibbs, Daisy Gonzalez, Elizabeth Gonzalez, Kristi LaPrairie, Jennifer Letten, Jason Lugo, C. Alicia Martinez, Gina Quesada, and Hovsep Takhtadjian. Fred Lokken seconded. Motion carried unanimously.

7. Review and decision regarding apprentice applications:

Briana Boyd, James Brown, Megan Brown, Yadira Macias-Contreras, Eleanor Cristiano, Melissa Ferguson, Eric Fowler, Valdineia Freitas-Perkins, Gretchelle Irene Galang, Krista Gazzaway, Raymond Go, Jason Hewitt, Amy Kurzak, Christina Laster, Monica Munguia, Rocky Ventura
Briana Boyd. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. James Brown. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Megan Brown. Not present. Tamara Sternod moved to approve. Josh Wasson seconded. Motion carried unanimously. Yadira Macias-Contreras. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Eleanor Cristiano. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Melissa Ferguson. Josh Wasson disclosed that he was the applicant's previous employer, and given that relationship, would abstain from discussing or deciding the matter. Board members discussed their concerns regarding applicant's initial description of current job responsibilities and tasks. Tamara Sternod moved to continue the matter to the June 13, 2012 Board meeting pending receipt of letters from the applicant and her previous supervisor describing duties performed when unlicensed. Fred Lokken seconded. Motion carried 3-1-0. Fred Lokken moved to reopen the matter of Melissa Ferguson. Tamara Sternod seconded. Josh Wasson abstained. Motion carried 3-1-0. Fred Lokken moved to approve the application with a request to provide to the Board office within two weeks of licensure a letter describing duties performed when unlicensed. Tamara Sternod seconded. Josh Wasson abstained. Motion carried 3-1-0. Eric Fowler. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Valdineia Freitas-Perkins. Not present. Josh Wasson disclosed that he was the applicant's previous employer, and given that relationship, would abstain from discussing or deciding the matter. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried 3-1-0. Tamara Sternod moved to reopen the matter of Valdineia Freitas-Perkins. Fred Lokken seconded. Josh Wasson abstained. Motion carried 3-1-0. Board members discussed their concerns regarding applicant's description of current job responsibilities and tasks. Fred Lokken moved to approve the application with a request to provide to the Board office within two weeks of licensure a letter describing duties performed when unlicensed. Tamara Sternod seconded. Josh Wasson abstained. Motion carried 3-1-0. Gretchelle Irene Galang. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Krista Gazzaway. Present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Raymond Go. Not present. Josh Wasson disclosed that he was the applicant's previous employer, and given that relationship, would abstain from discussing or deciding the matter. Tamara Sternod moved to approve, noting request for credit for prior experience was not considered because it was not complete. Fred Lokken seconded. Motion carried 3-1-0. Jason Hewitt. Present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Amy Kurzak. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Christina Laster. Not present. Josh Wasson disclosed that he was previously employed by the applicant's employer, and given that relationship, would abstain from discussing or deciding the matter. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried 3-1-0. Monica Munguia. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously. Rocky Ventura. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.

8. Review and decision regarding optician applications:

Eleanor Cristiano, Milagros Gonzalez Alvarez

Eleanor Cristiano. Not present. Tamara Sternod moved to approve. Josh Wasson seconded. Motion carried unanimously. Milagros Gonzalez-Alvarez. Not present. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously.

9. Review and decision on proposed regulation to address Board mailing list and other fees:

Sarah Bradley described a proposed regulation which would give the Board specific authority to recover the costs associated with providing a mailing list, license verification, and processing returned checks. Josh Wasson moved to direct Bradley to draft such a proposed regulation and provide by June 18 to Cindy Kimball and Tamara Sternod for approval. Fred Lokken seconded. Motion carried unanimously.

10. Review and decision regarding acceptable proof of the number of hours of training and experience required for apprentices to qualify for the Nevada state ophthalmic dispenser examination:

Josh Wasson expressed his concern that some apprentices may be assigned to work in departments other than optical, and as such, may not be earning the legally required number of hours of experience and training in ophthalmic dispensing. Discussion ensued regarding possible, additional methods of providing acceptable proof of experience and training hours. Board members acknowledged the validity of the concern, and concluded that the current procedures were adequate, if not ideal.

11. Discussion and decision on proposed revisions to Apprentice License Renewal Policy:

Cindy Kimball said the proposed revisions align the policy with the recently revised Apprentice Lack of Progression Policy, as well as to cite the provision in NAC 637.263 that establishes a March 1 deadline for delinquent license renewals. Josh Wasson moved to approve. Fred Lokken seconded. Motion carried unanimously.

12. Review and decision on continuing education classes:

2012-05—Paraoptometric Assistant's Course (20 spec, 18 cl); David Mortensen, OD; every other Tuesday beginning 2/28/12; Speedy Specs; 1657 Mountain City Highway, Elko, Nevada. Fred Lokken moved to approve. Josh Wasson seconded. Motion carried unanimously.

2012-06—Contact Lens Law (1 spec/cl), Tonometry (1 cl), Review of New Lens Products for 2012 (1 spec/cl), Low Vision Seminar 1 – Hand-Held Magnification Devices (1 spec); Optic Fusion; 5/20/12; 9am-1pm, College of Southern Nevada, Las Vegas, Nevada. Tamara Sternod moved to approve. Josh Wasson seconded. Motion carried unanimously.

13. Review of complaints 2011-09, 2011-10, 2011-12 through 2011-17, 2012-01, 2012-02, 2012-03:

Cindy Kimball reviewed complaints 2011-09, 2011-10, 2011-12 through 2011-17, all of which alleged unlicensed dispensing of cosmetic contact lenses by various merchants not in the optical dispensing business, and that per the Board's policy, she had contacted each business and followed the telephone contact with formal letters that described the legal consequences if the unlicensed dispensing did not immediately cease. She said she made complaints to the Food and Drug Administration (FDA) regarding the wholesalers who sold the lenses to the merchants, and alerted the appropriate business license divisions in each jurisdiction. Follow-up investigations conducted on each complaint showed no further violations. The Board agreed with her recommendation to keep the complaints open for future follow-up investigations. She reviewed complaints 2012-01 and 2012-02, which alleged unlicensed dispensing, and requested the Board name Josh Wasson as the

investigative Board member for the two complaints. Fred Lokken moved to name Josh Wasson investigative Board member for complaints 2012-01 and 2012-02. Tamara Sternod seconded. Motion carried unanimously.

- 14. Review and decision regarding proposal to conduct random workplace audits:** Cindy Kimball reviewed a draft procedure for conducting random workplace audits, which would involve sending a professional investigator to randomly chosen workplaces to investigate compliance with Board statutes and regulations. The investigator would follow a Board-approved protocol, and provide the Board a professional report outlining the results of the investigation. If the report documented a violation(s), the Board would refer the matter to the Nevada Attorney General's office for action. Sarah Bradley described possible regulatory language that would give the Board specific authority to conduct random workplace inspections. In response to a question by Tamara Sternod regarding costs of such inspection, Cindy Kimball said she projected the current annual budget for investigations would have to be increased by approximately \$1,500. Josh Wasson moved to change the term "audits" to "inspections," and with revision, approve the draft procedure; he added direction to Sarah Bradley to provide by June 18 a proposed regulation to Tamara Sternod and Cindy Kimball for approval. Fred Lokken seconded. Motion carried unanimously.
- 15. Future meetings and agenda items:** The Board decided to hold a Retreat Meeting before its Regular Meeting on June 13, 2012 to discuss and clarify whether certain activities fall within the definition of ophthalmic dispensing (NRS 637.022).
- 16. Public Comment.** Temma Chaparro urged the Board to provide clearer guidance regarding ophthalmic dispensing, and said that it would be unfair to discipline individuals whose practices may fall into areas that are not clearly defined as dispensing. Kathy Adams said that it was clear that opticians are the gatekeepers between the patient and the laboratory and the laboratory and the patient. Dillon Brown said that the Board needs to define ophthalmic dispensing in a very "black and white" manner before it initiates any inspections or investigations into unlicensed dispensing.
- 17. Adjournment:** President Danny Harris adjourned the meeting at 10:04 p.m.