



STATE OF NEVADA

BOARD OF DISPENSING OPTICIANS

5565 Wedgewood Circle, Sparks, NV 89436-3716 • Telephone 775 / 853-1421 • Fax 775 / 853-1408
Email: nvbdo@govmail.state.nv.us • Website: www.opticalboard.state.nv.us

Minutes of Board Meeting

December 12, 2012

The Regular Meeting of the Nevada Board of Dispensing Opticians was called to order by President Joshua Wasson at 5:06 p.m. on Wednesday, December 12, 2012, at the Airport Plaza Hotel, Second Floor, 1981 Terminal Way, Reno, Nevada 89502

Members Present

Josh Wasson, President
Tamara Sternod, Vice President
Fred Lokken, Treasurer

Members Absent

Cheryl Mosser, Secretary
Danny Harris, Member

Others Present

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

- 1. Call to Order:** President Josh Wasson called the meeting to order at 5:06 p.m.
- 2. Public Comment:** Sam McMullen, lawyer and lobbyist representing Lenscrafters, said that the company's position regarding the Board's proposed ophthalmic dispensing FAQ sheet had been stated many times. He summarized it by saying that to the extent the FAQs interpret the law or another rule and set a standard for licensed practice, they should undergo the rulemaking process outlined in NRS 233B. McMullen acknowledged the FAQ sheet had been discussed several times in public meetings, and that some of it was simply a restatement of the law. He added Lenscrafters was seriously concerned that other parts of the FAQs interpreted the law without proper legal underpinnings, and gave as an example, the item "Computer Entry/Cashiering." McMullen warned a lawsuit could result the first time the Board attempts to discipline someone under such an interpretation. Temma Chapparo, licensed optician, asked the Board to consider broadcasting the Las Vegas meetings to Reno, so licensees could be more immediately aware of Board discussions and actions. Josh Wasson read into the record a written public comment submitted by Daniel Burr suggesting a possible addition to the ophthalmic dispensing FAQ sheet on the subject of dispensing ophthalmic products to someone other than the intended wearer.
- 3. Review and decision regarding draft ophthalmic dispensing FAQ sheet:** Josh Wasson introduced this agenda item by stating that the Board began a discussion of NRS 637.022 at its June meeting, and continued its discussion at its August and October meetings, He said the purpose of the discussion is to clarify for the Board and its licensees whether certain activities fall within the definition of ophthalmic dispensing. The Board decided at its June meeting that the form that clarification would take would be FAQs (posted on its website), rather than new regulations. He added the Board would be voting on the final version of the FAQs, copies of which were made available at the sign-in table. Wasson recommended deletion of unnecessary language in the introduction and Sarah Bradley pointed out a typographical error needing correction. Fred

Lokken moved to approve, with recommended edit and correction. Tamara Sternod seconded. Motion carried unanimously.

4. Approval of Board meeting minutes:

A. Board Meeting October 10, 2012: Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

5. Executive director's report:

A. Progress on FY13 Goals and Objectives: Cindy Kimball reviewed the progress made for the period of October 5, 2012 through December 11, 2012, including receiving the draft of the Board's proposed regulations from the Nevada Legislative Counsel Bureau and plans to hold public workshop and hearing early in 2013; her continuing education presentation to the Northern Nevada Association of Ophthalmic Dispensers on the Board's mission, function, roles, responsibilities, and current activities; establishing new partnerships with the Carson City and Reno Business License Divisions to help combat the illegal sales of cosmetic contact lenses and other unlicensed activity; her review of the initial lists of almost 600 bill draft requests; and the awarding of a contract for lobbying services during the 2013 legislative session.

B. Review and decision regarding lobbying services contract for 2013 legislative session: Tamara Sternod moved to approve the contract with K. Neena Laxalt. Fred Lokken seconded. Motion carried unanimously.

6. Financials:

A. Review and approval of October and November financial statements: Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

B. Review and decision on FY12/13 budget: Fred Lokken asked if the travel expense item might be reduced by changing meeting times and locations. Cindy Kimball said such changes were being proposed under the future meetings agenda item.

C. Review and decision regarding FY11/12 audit contract: Fred Lokken moved to approve the contract with David A. Pringle, CPA, Ltd. Tamara Sternod seconded. Motion carried unanimously.

D. Review and decision regarding FY11/12 audit: Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

7. Review and decision regarding apprentice applications:

Brittany Barroga, Sheri Borg, Alma Bustos, Brayan Castro Saldierna, Joshua Canchola, Marlene Garcia, Demi Ledesma, Sharon Long, Kylee Myler, Christy Porter, Ramon Prescott, Norma Torres, Randy Torres, Michelle Volmer, Rose Walker, Henry Ycaza.

Brittany Barroga. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Sheri Borg. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Alma Bustos. Not present. Tamara Sternod disclosed that she knew Alma Bustos, but that relationship was not such as to bias her decision on the matter. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Brayan Castro Saldierna. Application was withdrawn and therefore, not considered. Joshua Canchola. Not present. Tamara Sternod requested clarification of the term "coaching" as Canchola used in his description of his current job responsibilities and tasks. Mary Ruth stated that as the applicant's ophthalmic manager, she managed Canchola's coaching activities, and confirmed that she personally carried out any training involving ophthalmic dispensing. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Marlene Garcia. Not present. Tamara Sternod stated that it was unclear from Garcia's application what her actual job responsibilities were. Diana Haynes stated as the applicant's ophthalmic manager that Garcia's current responsibilities are limited to coaching associates on how to reach sales goals. Fred Lokken moved to approve. Tamara Sternod

seconded. Motion carried unanimously. Demi Ledesma. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Sharon Long. Not present. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Kylee Myler. Not present. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Christy Porter. Not present. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Ramon Prescott. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Norma Torres. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Randy Torres. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Michelle Volmer. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Rose Walker. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously. Henry Ycaza. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.

8. Review and decision regarding request for apprentice license renewal pursuant to NRS 637.123(3):

Joyce Hodges, Patricia Lee

Joyce Hodges. Not present. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously. Patricia Lee. Not present. Fred Lokken moved to approve pursuant to NRS 637.287(2)(d) and NAC 637.010. Tamara Sternod seconded. Motion carried unanimously.

9. Review and decision regarding optician applications:

Marcella Dean. Not present. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.

10. Review and decision on delinquent optician renewal application:

Rene Condon. Not present. Tamara Sternod moved to approve pending receipt of the required continuing education credits. Fred Lokken seconded. Motion carried unanimously.

11. Review and decision regarding request to reactivate optician license:

Luth McCaulley. Not present. Josh Wasson stated that due to an incorrect written notification from the Board to McCaulley, McCaulley believed she could reactivate her license at any time. Sarah Bradley said the Board could vote to reinstate the license in the interest of justice. Fred Lokken moved to reinstate Luth McCaulley's license, per NAC 637.010. Tamara Sternod seconded. Motion carried unanimously.

12. Review and decision on continuing education classes:

2012-13 Vision Therapy – Bates Method (1 spec/cl), Prism Part Two (1 cl), Ocular Disease Update (1 spec/cl), Scleral Lens Part Two (1 spec/cl), Optic Fusion, 11-18-12, Arizona Charlie's Diamond Mae's Ballroom, 740 S. Decatur Boulevard, Las Vegas, Nevada. Tamara Sternod moved to approve. Fred Lokken seconded. Motion carried unanimously.

2012-14 Comprehensive Contact Review (9 cl), 1-9-13, 1-16-13, and 1-23-13, Davis Optical, 5053 S. McCarran Blvd, Reno, Nevada. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

2013-01 Refractive Surgery (1 spec/cl), Multifocal Contact Lens Update (1 cl), Irlen Lens (1 spec/cl), Color Correcting Lenses (1 spec/cl), Optic Fusion, 1-20-13, Arizona Charlie's Diamond Mae's Ballroom, 740 S. Decatur Boulevard, Las Vegas, Nevada. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

2013-02 Low Vision Seminar 3 - Services (1 spec/cl), Low Vision Seminar 4 – Recreational Activities (2 spec/cl), Understanding Strabismus (1 spec/cl), Optic Fusion, 5-12-2013, Arizona

Charlie's Diamond Mae's Ballroom, 740 S. Decatur Boulevard, Las Vegas, Nevada. Fred Lokken moved to approve. Tamara Sternod seconded. Motion carried unanimously.

2012-11 Northern Nevada Association of Ophthalmic Dispensers Annual Convention, 10-14-12, Reno, Nevada--Request for reconsideration of Opticians Check List (1 spec/cl). Tamara Sternod moved to approve pending receipt of course description. Fred Lokken seconded. Motion carried unanimously.

2013 Board CE presentations by executive director. Cindy Kimball stated that the Southern Nevada Association of Ophthalmic Dispensers requested the Board give a CE presentation to its annual meeting, and Kimball recommended that all such CE presentations be given by the executive director, who was in the best position to provide information and respond to questions. Board discussion ensued, and the Board directed Kimball to work with the association regarding reimbursement for airfare.

- 13. Review and decision on complaints 2012-13 through 2012-22:** Cindy Kimball reviewed the complaints, all of which allege unlicensed ophthalmic dispensing.
- 14. Review and decision on proposed revisions to Apprentice License Renewal Policy:** This item was removed from the agenda.
- 15. Review and decision on 2013 Board meetings:** Cindy Kimball stated the proposed meeting dates reflected the Board's direction to research other meeting locations for the Las Vegas dates to accommodate an earlier start time. Board members discussed meeting venues, days, and times. Fred Lokken moved to approve the proposed meeting schedule, with the discussed changes to the April meeting date and time. Tamara Sternod seconded. Motion carried unanimously.
- 16. Future meetings and agenda items:** Cindy Kimball said she would arrange a date and time for the public workshop to solicit comments on the proposed regulations, then schedule the hearing, which may take place at the same time as a Board meeting.
- 17. Public Comment:** Jennifer Ryan-Koenig, representing Lenscrafters, stated that the Board should consider making its license applications more specific as to the information required in the section which asks the applicant for a detailed list of current job responsibilities and tasks, because applicants are often not at Board meetings to answer questions. In reference to the "Computer Entry/Cashiering" section of the ophthalmic dispensing FAQ sheet, Ryan-Koenig said she was not sure why entering the frame specifications by scanning a bar code was considered ophthalmic dispensing under NRS 637.022.
- 18. Adjournment:** President Josh Wasson adjourned the meeting at 7:19 p.m.