



STATE OF NEVADA

BOARD OF DISPENSING OPTICIANS

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Minutes of Board Meeting

August 14, 2013

The Regular Meeting of the Nevada Board of Dispensing Opticians was called to order by President Joshua Wasson at 5:03 p.m., Wednesday, August 14, 2013
Airport Plaza Hotel, Second Floor, 1981 Terminal Way
Reno, Nevada 89502

Members Present

Josh Wasson, President
Tamara Sternod, Vice President
Marilyn Brainard, Treasurer
Danny Harris, Member

Others Present

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

1. **Call to Order:** President Josh Wasson called the meeting to order at 5:03 p.m.
2. **Public Comment:** There was no public comment.
3. **Approval of Board meeting minutes:**
 - A. Board Meeting June 12, 2013 Tamara Sternod moved to approve. Marilyn Brainard seconded, requesting motion amended to included correction of three typos. Sternod accepted amendment. Motion carried unanimously.
4. **Executive director's report:**
 - A. Progress on FY13 Goals and Objectives: Cindy Kimball reviewed the progress made for the period of July 1 through August 9, 2013, including emailing all licensees notice of the Board member opening and a link to the application on the governor's website, as well as a summary of and link to the Board's newly adopted regulations.
5. **Financials:**
 - A. Review and approval of June and July 2013 financial statements: Marilyn Brainard moved to approve. Tamara Sternod seconded. Motion carried unanimously. Brainard requested Cindy Kimball research investing Board funds into higher interest-bearing FDIC-approved account. Board members briefly discussed and directed Kimball to research investment options for the Board's consideration at a future meeting.
 - B. Review and decision on FY13/14 budget: Cindy Kimball explained the updated figures reflected decreases in the Public Employees' Benefit Program employer contribution rate and amount of paid time off carried over into FY13/14. Marilyn Brainard moved to approve the updated budget. Danny Harris seconded. Motion carried unanimously.
6. **Disciplinary hearings and stipulated settlement agreements:**
 - A. Case 2013-01 Christina Laster, apprentice license #1199 (former license #1135): Respondent was not present. Sarah Bradley presented the Board's case. Cindy Kimball testified. Two exhibits

were received into evidence. Bradley stated that per NRS 622A.350, if the Board finds that the respondent was properly served notice of the complaint and hearing, it may proceed and consider all factual allegations and alleged violations have been proven. Marilyn Brainard moved that per NRS 622A.350, respondent was given proper legal notice. Danny Harris seconded. Motion carried unanimously. Harris moved that all factual allegations in the Complaint and Notice of Hearing had been proven. Brainard seconded. Motion carried unanimously. Harris moved that the violations of NRS 637.090, NAC 637.140 practicing without active license; and NRS 637.150(1)(l) unethical or unprofessional conduct had been proven. Tamara Sternod seconded. Motion carried unanimously. Harris moved the respondent receive a public reprimand, take and pass a Nevada law and ethics examination, reimburse the Board \$516 in costs, and respondent's license be suspended until costs are paid within three months. Harris withdrew motion. Harris moved the Board revoke respondent's apprentice license, and the respondent must take and pass a Nevada law and ethics examination, and reimburse the Board \$516 in costs within three months. Harris withdrew motion. Harris moved respondent's apprentice license suspended as of today's date and if respondent does not contact the Board within 30 days, respondent's license is revoked for one year; the respondent receive a Public Reprimand; and respondent must take and pass a Nevada law & ethics examination and reimburse the Board \$516 in costs within three months of the Board's order, at which time, the suspension will be removed. Tamara Sternod seconded. Motion carried unanimously.

B. Case 2013-02A Visionworks: Sarah Bradley described and requested the Board approve a Stipulated Settlement Agreement for reimbursement of Legal Costs not to exceed \$1,000 for alleged violation of NRS 637.181 unlicensed dispensing and NRS 637.125 and/or NRS 637.183 employing and/or directing unlicensed individuals and/or individuals without active licenses to engage in ophthalmic dispensing. Danny Harris moved to approve. Tamara Sternod seconded. Motion carried unanimously.

7. Review and decision regarding apprentice applications:

Skye Brandow, Daisy Calma, Crystol Dunn, Paula Erlich, Werner Gruber, Michael Lorton, Katherine Schank, Mehrdad Zakeri

Skye Brandow. Not present. Danny Harris moved to approve application but deny request for credit for prior experience. Motion died for lack of a second. Tamara Sternod moved to approve application but deny request for credit for prior experience. Danny Harris seconded. Josh Wasson opposed. Motion carried 3-1-0. Sternod moved to reopen. Wasson seconded. Motion carried unanimously. Sternod moved to approve application and grant credit for six months' prior experience based on experience in laboratory and educational courses taken. Wasson seconded. Harris opposed, requesting the record show he opposed granting credit for prior experience, but approved the application. Motion carried 3-1-0. Daisy Calma. Not present. Harris moved to approve pending receipt of written documentation of current duties by applicant's supervisor. Sternod seconded. Motion carried unanimously. Crystol Dunn. Not present. Harris moved to approve application and grant one year credit for prior experience. Sternod seconded. Harris amended motion to approve application and grant two years' credit for prior experience. Sternod accepted amendment. Motion carried unanimously. Paula Erlich. Not present. Harris moved to approve application. Sternod seconded. Motion carried unanimously. Werner Gruber. Not present. Harris moved to approve application and grant one year credit for prior experience. Harris withdrew motion. Sternod moved to approve application and deny request for credit for prior experience based on failure to show career progression in previous apprenticeships. Marilyn Brainard seconded. Harris opposed, requesting the record show he opposed because he thought credit should be granted for prior experience, but approved the application. Motion carried 3-1-0. Michael Lorton. Not present. Sternod moved to approve. Wasson seconded, requested motion amended to

include notice to applicant he is allowed to dispense only at the location for which he has a supervisor of record. Sternod accepted the amendment. Motion carried unanimously. Katherine Schank. Not present. Harris moved to approve. Sternod seconded. Motion carried unanimously. Mehrdad Zakeri. Not present. Harris moved to approve the application and grant six months' credit for prior experience. Motion died for lack of a second. Sternod moved to approve the application and grant one year credit for prior experience. Brainard seconded. Harris opposed, requesting the record show he opposed granting one year credit for prior experience, but approved the application. Motion carried 3-1-0.

8. Review and decision regarding optician applications:

Beatriz Alvarado, Jayme Lopez, Kevin McGrew, Diane Patio, Gabriel Valle, Karen Wilken
Beatriz Alvarado. Not present. Danny Harris moved to approve. Tamara Sternod seconded. Motion carried unanimously. Jayme Lopez. Not present. Harris moved to approve. Marilyn Brainard seconded. Motion carried unanimously. Kevin McGrew. Not present. Sternod moved to approve. Harris seconded. Motion carried unanimously. Diane Patio. Not present. Harris moved to approve. Sternod seconded Motion carried unanimously. Gabriel Valle. Not present. Harris moved to approve. Sternod seconded Motion carried unanimously. Karen Wilken. Harris moved to deny application based on applicant not meeting requirement to serve three years as licensed apprentice. Sternod seconded. Motion carried unanimously.

9. Review and decision on Random Workplace Inspection Procedure: Cindy Kimball explained that the procedure had been approved by the Board, pending the adoption of LCB File R073-12, which the procedure now referenced. Danny Harris moved to approve. Marilyn Brainard seconded. Motion carried unanimously.

10. Review and decision on proposed Board travel reimbursement and per diem policy:

Cindy Kimball explained the policy was based on the requirements of the Nevada State Administrative Manual and the Board of Examiners. Tamara Sternod moved to approve. Marilyn Brainard seconded. Danny Harris opposed due to placement of maximum dollar amount set for reimbursement for flights to and from Reno and Las Vegas. Motion carried 3-1-0.

11. Review, discussion, and decision regarding optical examination: Josh Wasson moved to close the meeting pursuant to NRS 241.030 (1)(b) a public body may hold a closed meeting to prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body. Tamara Sternod seconded. Motion carried unanimously. Wasson reviewed the discussion and recommendations made by the Board's optical examination subcommittee during its March 18, 2013 meeting. Josh Wasson moved to open the meeting. Tamara Sternod seconded. Motion carried unanimously. Danny Harris moved to approve the subcommittee's recommendations. Tamara Sternod seconded. Motion carried unanimously.

12. Future meetings and agenda items: Cindy Kimball said she would bring the Apprentice Credit for Previous Experience Policy to a future Board meeting and requested Board members provide input for needed revisions. Marilyn Brainard requested investment options and a summary of disciplinary actions be placed on a future meeting agenda.

13. Public Comment: Carla Costa, licensed optician, stated that opticians are aware of apprentice supervision requirements, but not all apprentices are compliant with those requirements. Mary Ruth, licensed optician, stated that if the Board considers disciplining an optician for an apprentice's violation, the Board should request information from the supervising optician. She

added that she would like to see Board meetings videoconferenced between Reno and Las Vegas. Hilda Cisneros, licensed optician, said that if an optician has an issue with noncompliance of an apprentice, the optician should document it. Sarah Bradley stated that the Attorney General's office is conducting Boards and Commissions training, which will be available on line for those who cannot attend.

14. Adjournment: President Josh Wasson adjourned the meeting at 7:50 p.m.