



STATE OF NEVADA

BOARD OF DISPENSING OPTICIANS

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Minutes of Meeting

Nevada Board of Dispensing Opticians
Monday, February 10, 2014, 12 p.m.
Grant Sawyer Building, 555 E. Washington Ave.
Las Vegas, Nevada 89101

Members Present

Joshua Wasson, President
Tamara Sternod, Vice President
Marsha Costuros, Secretary
Marilyn Brainard, Treasurer
Daniel Harris, Member

Others Present

Corinne Sedran, Executive Director
Sarah Bradley, Deputy Attorney General

1. Call to order:

Joshua Wasson called the meeting to order at 12:29 p.m.

2. Public Comment

There was no public comment.

3. Approval of Board meeting minutes (for possible action):

- A. Board Meeting December 11, 2014: Daniel Harris moved to approve the minutes, Marsha Costuros seconded; the motion was carried unanimously.
- B. Board Meeting December 26, 2014: Tamara Sternod moved to approve the minutes; Costuros seconded; Harris abstained because he was not present at the meeting; the vote was unanimous.

4. Executive director's report (for possible action):

Corinne Sedran discussed problems encountered during the 2013-14 renewal season and offered suggestions; she asked for clarification on the board's policy regarding apprentice renewals. Sarah Bradley stated the law does not limit the number of times an apprentice's license may be renewed (the NAC provision limiting number of renewals has been repealed), however, it does require board approval beyond the fourth renewal of an apprentice license; the board could potentially grant the executive director power to determine whether to renew apprentice licenses beyond a fourth renewal. Sternod stated the board should continue the practice of requiring apprentices to obtain board approval beyond the fourth renewal of their

licenses. Bradley noted if the board denies a request for license renewal, the licensee can apply for a new apprentice license. The NAC provision limiting the number of times an apprentice can sit for the state board exam has also been repealed, so while re-takers may need to obtain board approval for renewal of their licenses, they do not need board approval to retake the exam. Taking the board exam constitutes progress for purposes of license renewal, so re-testers do not need to submit continuing education credits in order to renew their licenses as long as they have taken the exam in the past year.

Sedran stated she encountered a problem with the renewal deadline being set for the 31st of January and the next board meeting being set for mid-February. This did not allow her sufficient time to contact all the licensees who require board approval for license renewal and place their names on the meeting agenda. It also creates a lapse of time between the renewal deadline and when licenses are renewed, during which licenses are expired and licensees may not work. Bradley explained under NRS 233B.127(2), a person who submits a complete and full application may continue to work until his or her application is reviewed by the board office. This provision amounts to a sort of grace period for those licensees who do not submit their renewal applications until just before or at the deadline. This provision does not cover those who submit partial applications. Bradley suggested the problem of insufficient noticing time could be addressed by including a waiver provision in the renewal application; by completing the application, applicants agree to waive their right to receive notice when they are added to a public meeting agenda.

Sedran suggested the board adopt a policy of returning incomplete applications to licensees, rather than contacting renewal applicants individually. It is inefficient and a strain on office resources to process partial applications. Sternod agreed licensees should be able to follow the directions included with the renewal application and include all required items. Bradley stated this issue generally falls under office policies and does not fall under a noticed agenda item.

Marilyn Brainard addressed the agenda item pertaining to board per diem rates for emergency meetings. Sternod and Harris believe the current per diem rate is appropriate for emergency meetings, given the board members often render services for which they are not compensated. Bradley explained the policy does not currently differentiate between per diem rates for standard meetings and emergency meetings, and a new policy would have to appear as an agenda item for possible action. Board members may be compensated for services other than attending board meetings at the current per diem rate.

Sedran asked the board whether it would like to extend a grace period to those apprentices who are licensed in November or December so they do not have to immediately renew their licenses. Bradley suggested a policy of prorating the fees for license renewals and considering the first full renewal period (year) as one renewal.

5. Financials (for possible action):

Review and decision on December 2013 and January 2014 financial statements: Sternod noted there was a check written to an unknown recipient in December 2013; Sedran stated it was payment to her temporary office assistant for service during December. Sternod asked why there were two payments made to the IRS in January 2014; Sedran stated the first

payment had been for an insufficient amount and she had remitted the remainder of the payment after recalculating the amount due. Sternod asked for clarification regarding payments made to the Board of Psychological Examiners; Sedran stated she had received two invoices from the Psychology Board – one for rent and internet costs for December, and one for rent and internet costs for January, with prorated costs from November included. The check issued to cover January and November costs had not yet cleared. Wasson requested Sedran enter a description in QuickBooks for a service charge issued by the bank.

Sternod asked why the financial statements show only about fifty percent of projected revenues for initial licensing fees. Wasson explained the budget is the projection of fees the board will receive for the entire fiscal year, and revenues will continue to accrue over the next several months. Sternod moved to approve the December 2013 and January 2014 financials; Harris seconded the motion; the motion was carried unanimously.

6. Review and decision regarding apprentice applications (for possible action):

Michelle Valdez: Harris asked whether Valdez' supervisor of record is employed at a second location (other than location he works at with Valdez); Sternod asked what Valdez had been doing for the company for which she currently works for the past three and a half years. Member of the public and licensed optician, Elizabeth Guariglia, indicated the company for which Valdez works has locations that only sell frames (optical license is not required), and Valdez probably works at such a location. Sternod moved to approve Valdez' application with the understanding she will only dispense under the direction of her supervisor (she will only dispense while he is currently working at the location where Valdez works); Harris seconded the motion; the motion was carried unanimously.

Hilaire Summerson: Harris asked whether the ophthalmic manager named on Summerson's application only works at the location at which Summerson is employed. Member of the public and licensed optician Chris DuVaul stated he is the general manager at the named location and Summerson is his laboratory assistant. He confirmed the ophthalmic manager only works at the named location. Costuros moved to approve the application; Harris seconded; the application was approved unanimously.

Ashley O'Connell: Harris asked whether O'Connell was employed at two stores; Sternod has knowledge of the applicant's employment situation and stated O'Connell is employed by a doctor's office and wants to become an employee of the office's optical department. Harris moved to approve the application; Costuros seconded; the application was approved unanimously.

Justin Reyes: Harris noted Reyes previously held an apprentice license in 2012 and did not show any proof of progression in that year. He suggested any future requests for credit for prior experience gained during that apprenticeship should be denied by the board. Bradley suggested the board should make that decision if and when Reyes submits such a request. Harris moved to approve Reyes' application with the understanding Reyes will not be able to request credit for prior experience in the future, however, after board discussion he amended his motion to simply approve the application. Harris requested this issue be placed on a future meeting agenda. Costuros seconded the motion; Marilyn Brainard abstained from the

vote because she did not follow all the board's discussion on the matter; all other board members approved the motion.

7. Review and decision on applications to take March 29, 2014 board exam:

Sherri Hendley: Harris moved to approve the application; Sternod seconded the motion; Costuros abstained because she is Hendley's supervisor; the remaining board members carried the motion.

Edith Ortega: Harris asked whether Ortega had completed the CSN program. He noted she did not include a completion certificate with her application materials. Sternod moved to approve the application pending receipt of a certificate of completion; Harris seconded the motion; the motion was carried unanimously.

Kris Allen: Harris moved to approve the application; Costuros seconded the motion; the motion was carried unanimously.

Rose Sibley: Harris moved to approve the application; Costuros seconded the motion; the motion was carried unanimously.

Roberto Ramirez: Bradley read the law regarding special license applications and explained the law does not specify that a license from another state must be equivalent to a Nevada license for purposes of qualifying to take the state board exam; it only states the license must be active and in good standing. Harris moved to approve the application; Sternod seconded; the vote was unanimous.

8. Review of complaints 2013-28 through 2013-31 (for possible action)

Sedran stated the board office had received four complaints since the previous board meeting; complaints included those made against stores selling contact lenses illegally and complaints against licensed persons.

9. Discussion of procuring P.O. Box for board; other office options (for possible action)

Sedran spoke about the situation at the current board office: the office rarely has visitors and could cut down on costs by opening a "virtual office." A virtual office would provide the board with reception services and a location where the public could submit documents and would cost substantially less than manning a physical office full time. Harris suggested the board give the new physical office more time and see how it works out. Bradley suggested obtaining an attorney general's opinion on whether a virtual office would fulfill the requirement for a forty hour office. Brainard explained few people actually show up at the physical office and the board could provide the public with the ability to make appointments. The board office is able to handle all of its correspondence electronically, and the board needs to keep budgetary concerns in mind and be prudent with its financial assets, given it is fully funded by its licensees. Brainard is wary of getting an attorney general's opinion regarding the possibility of moving to a virtual office set-up.

Sedran stated if the board opts to keep its physical office space, a P.O. Box is not necessary because people can mail items to the office address. Brainard noted that UPS and FedEx will not deliver items to a P.O. Box. The board members agreed a P.O. Box is not necessary given the board currently has a physical address.

Bradley explained the law states a board office should be open forty hours a week and she is not completely comfortable with the idea of a virtual office. She outlined the process of obtaining an attorney general's opinion and suggested the board do so before committing to a virtual office setup. Wasson moved to postpone obtaining a P.O. Box; Sedran should submit a letter to the Attorney General's Office. Bradley stated the letter should ask whether a virtual office would be in compliance with the provisions of the law regarding forty-hour board offices. Sternod seconded the motion; Harris opposed; the remainder of the board members carried the motion.

10. Future meetings and agenda items (for possible action):

- A. Discussion regarding retention schedule/purging outdated board files: Bradley stated she is on the state's records committee and believes state retention schedules should be mandatory for all boards. If a board requires a separate retention schedule (allowing it to keep items longer than the state mandates), it must be submitted to the state retention center. The executive director does not need board approval to follow the current state retention schedule. Licensing files should be kept forever, so long as a license is active; disciplinary actions should go in the files of the individual licensees; Bradley is not clear on the retention policy for actions against unlicensed individuals, but the board may want to review the policies of other boards.
- B. Discussion regarding necessary computer updates: Sedran stated the board is in need of updated computer software and hardware. The current hardware is unreliable and the board does not have a licensee database. Wasson directed Sedran to research the prices offered by state-approved vendors. Brainard said the software should be compatible with Windows and Sedran should research different database programs. Wasson believes the final purchasing decision will need to be made at a future board meeting because there is a \$1000 spending limit on non-board-approved purchases.
- C. Possible emergency board meeting to approve fifth-year apprentices, exam takers: Wasson directed Sedran to add all other possible agenda items to the emergency meeting agenda; the meeting was tentatively set for February 18, 2014 at 5:30 p.m.

11. Public Comment

Ellen Little: Little stated she works for an employer that requires its workers to have their renewal stickers by the 31st of January in order to work. She asked how early those employees should submit their renewals to ensure they receive their stickers by the 31st. Sedran stated two weeks (applications should be received by the board office by January 15th) should be sufficient time. She will put this information on next year's renewal application. Bradley suggested more time may be necessary for processing and the cutoff date should be up to thirty days prior to the date the renewal sticker is required. Little also suggested the board should limit the number of times it will license a person as an apprentice.

She stated there is a problem with apprentices who are not serious about finishing their apprenticeships applying for new licenses rather than progressing.

Elizabeth Guariglia: Guariglia noted January is a double month for continuing education credits because credits earned may be applied either to the previous year's renewal or carried over to the current year's renewal. She asked how early renewals may be submitted to the board office (if an optician has earned the necessary credits in January, may she submit them for renewal credit eleven months in advance?). Sedran indicated renewal credits should not be submitted before the renewal application is issued in November. Guariglia suggested the apprentice renewal fee should be \$100 rather than \$50 to be commensurate with the apprentice application fee (as the optician fee is).

Sternod stated the board needs to come up with a comprehensive policy regarding continuing education credit carryovers.

Costuros asked that an increase of the apprentice renewal fee to \$100 be added as an agenda item for a future meeting.