



STATE OF NEVADA

BOARD OF DISPENSING OPTICIANS

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Draft Minutes of Public Meeting

Nevada Board of Dispensing Opticians

Wednesday June 10, 2015, 1:00 p.m.

Videoconference between:

9670 Gateway Drive, Ste 100; Reno, NV 89521, and

2310 Corporate Circle, Ste 200; Henderson, NV 89074

1. Call to order

Joshua Wasson called the meeting to order and called roll at 1:09 p.m.

2. Public comment

There was no public comment.

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

February 10, 2015 Exam Subcommittee Meeting

Motion: Marsha Costuros moved to accept the minutes as presented.

Vote: Passed, unanimous

April 8, 2015 Regular Board Meeting

Motion: Costuros moved to approve the minutes with corrections.

Vote: Passed, unanimous.

4. Review and decision on apprentice license applications:

a. **Gruber, Werner**

Motion: Tamara Sternod moved to deny Gruber's application based on his history of non-compliance with apprenticeship requirements and disciplinary action against his original apprentice license.

Vote: Passed, unanimous

b. **Moreno-Arias, Bryant**

Item withdrawn from agenda

5. Review and decision on apprentice requests for prior experience credit (for possible action):
 - a. **Deputy, Rachel**

Motion: Wasson moved to grant Deputy two years and eleven months prior experience credit.

Vote: Passed, unanimous

- b. **Silber, Crystal**

Motion: Sternod moved to grant Silber five months prior experience credit.

Vote: Passed, unanimous

6. Review and decision on continuing education course applications (for possible action):
ABO/NCLE Opticon 2015

Discussion: Corinne Sedran stated the Opticon Conference would take place September 25th – 27th in Nashville this year. The conference does not require board-approval at this meeting, as all ABO/NCLE sponsored courses have been granted ongoing board approval. This item is informational only.

7. Review and decision on moving forward with creating an electronic version of the board's current licensing exam (for possible action):

Report by Vice President **Tamara Sternod**

Discussion: Sedran presented information obtained from a software development company detailing the process and costs associated with development of an electronic licensing exam. Sternod presented information she had gathered from local systems of higher education (UNR/TMCC) as well as local testing centers. Sedran and Sternod agreed final costs would run upwards of \$500,000 and the process would be highly involved and ongoing. The cost and time burdens of developing and maintaining an electronic exam would be difficult for the board to undertake. Sternod stated the board should consider adopting the Advanced Certification Exams of the American Board of Opticianry (ABO) and National Contact Lens Examiners (NCLE) as its licensing exams in lieu of developing its own electronic exam.

8. Review and decision on adopting ABO Advanced Certification Exam as written portion of board's licensing exam; discussion of future of practical portion of exam (for possible action):

Presentation by Jim Morris, representative of the American Board of Opticianry:

Morris announced the ABO is in the process of developing a practical examination that can be administered electronically. The ABO goes through a very rigorous process on each exam

question. Each question is scrutinized and validated by a team of psychometricians, with additional experts flown in from other areas to work with the team. The ABO has obtained international accreditation for its Advanced Exams. Morris agreed \$500,000 is a good estimate of the cost of exam development, with maintenance costing another \$100,000. Each ABO exam is only valid for seven years because the questions are exposed each time the exam is given. After seven years, the entire process must be re-executed.

Morris discussed the ABO practical examination specifically. The ABO has developed computerized versions of ophthalmic machinery so practical exam questions can be administered electronically. Audio and video components have been incorporated into the questions as well. The exams utilize a dual-delivery system wherein questions are sent to an examinee one at a time and the examinee's answer to each question is delivered back to a server as soon as it is submitted; this ensures there are no delays during the exam and the video and audio components do not slow down the computer.

ABO exams are administered by an electronic testing organization that has testing centers throughout the United States; these centers can be located on the ABO's website. The ABO is also willing to work with any recognized educational center to come up with additional proctoring arrangements. As of now, the exams are offered in testing centers in Las Vegas, Reno, and Elko. The ABO's policy is an examinee must wait six months after failing an exam to take it again. This encourages examinees to be prepared for the exam and is also essential for exam security.

Morris is willing to meet with the board at a future date so the board members may review the exam questions (with an agreement of confidentiality from the board members). The ABO/NCLE exams can be incorporated into the board's apprenticeship scheme as the board sees fit – ABO timelines/preclusions are superseded by state laws/regulations. The board's preferred testing scheme would need to be incorporated into the board's regulations.

Discussion by the board:

Wasson suggested scheduling a meeting for July 8th with a closed portion to review/discuss the ABO/NCLE electronic certification exams. He stated there are more reasons than can be expressed why the board needs to move to an electronic licensing exam. Costuros and Marilyn Brainard agreed the transition is necessary to bring the opticianry field up-to-date in Nevada.

Motion: Sternod moved to host a board meeting on July 8, 2015 at 10 a.m. to review and decide upon adopting the ABO and NCLE Advanced Certification exams, with or without the Practical Exam portions as the board's licensing exam. The meeting will take place at the board office.

Vote: Passed, unanimous

9. Review, decision on modification of draft regulations; scheduling of workshop (for possible action):

This item was postponed until the next meeting date.

10. Review of open complaints/workplace inspections (for possible action):

a. **Open complaints: 2012-21, 2013-11-15, 2014-04, 2015-01**

Sedran gave an overview of the board's open complaints. Complaints 2012-21 and 2013-11-15 will each be assigned to a board member to review with board counsel, Louis Ling.

b. Workplace inspections: discussion and decision on hiring retired licensees to perform workplace inspections; discussion and decision on compensation

Discussion: Brainard stated it makes sense to have someone who is familiar with dispensing perform these inspections, as opposed to a private investigator with no background in the field. Sternod stated the opticianry community in Nevada is small; she is concerned those being inspected will know/recognize the inspector, and about conflicts of interest with previous employers. Sternod suggested inspectors be paid an hourly rate, plus standard state mileage compensation. Costuros stated additional benefits should be considered when determining the hourly rate.

Wasson directed Sedran to perform a cost analysis on the hiring of workplace inspectors to be reviewed at the July 8th meeting. He directed the board members to send their thoughts/views on compensation to Sedran prior to the meeting.

11. Legislative Update – review and discussion (for possible action):

Sedran reviewed the impact to the board of legislation passed during the 2015 session.

12. Executive Director's Report (for possible action):

a. Form updates

Sedran apprised the board of updates to board forms.

b. Review and decision on amending Apprentice License Applications – removal of notarization requirement

Motion: Tammy Williams moved to remove the notarization requirement from the Apprentice Application Form.

Amendment: Williams amended her motion to require notarization by the apprentice supervisor only.

Vote: Passed, unanimous

c. Positions open for new board members October 2015

Sedran stated the board will have positions open to new members in 2015. An announcement is up on the board website. Those interested in applying should contact the Governor's Office.

13. Financials (for possible action):

- a. Review and decision on **April and May 2015** financial statements

Motion: Costuros moved to accept the financial statements as presented.

Vote: Passed, unanimous

- b. Review of PERS interest due; discussion/decision on payment, how to proceed with enrollment

Sedran stated PERS has assessed almost \$800 in interest against the board for payments not made in 2013/14. She will discuss how to proceed with board counsel.

- c. Review and decision on increased compensation for executive director to offset costs of PERS contributions

Wasson directed Sedran to perform a PERS cost analysis to be reviewed at the July 8th meeting. The board will make a decision at that time.

- d. Review and decision on adopting Intuit/QuickBooks payroll services

Brainard stated Intuit payroll service is necessary to the functioning of the board office. Tax laws are complicated and the board does not employ a bookkeeper. It is not appropriate for the executive director to have to perform these functions.

- e. Review and decision on investing surplus funds in federally-protected investments

Brainard stated the board has approximately \$150,000 in its savings account. She suggests investing in ladder CDs – portions of the funds would be tied up in investments for different amounts of time – the board would earn interest, but have money come available as needed. The CDs should be federally-protected so the board's funds are not vulnerable. Wasson directed this item be postponed to a future meeting date; Brainard should review specific investment opportunities.

14. Public Comment

Arylis Wisecup, license 249, asked how transitioning to the ABO Advanced Certification Exam would affect apprentices who are licensed prior to the transition and people transferring from other states. Wasson stated this issue would be discussed at the July 8th meeting.

Howard Adler stated it does not make sense for the board to spend the money required to develop an electronic licensing exam when there are a limited number of new applicants each year.

Temma Chapparo asked about having separate exam results for the written and practical portions of the exam – she is concerned about having to wait for the separate results and whether this will extend the time it takes to receive a license. She is also concerned about how much the new exam structure will cost and whether the board will lose money if it does

not administer its own written exam. She asked how the board is planning to regulate ABO/NCLE certifications (whether licensees be required to maintain the certifications), and how the board practical exam will be scheduled in conjunction with the ABO written exam.

Aurora Holt, license 346, asked whether the July meeting will be exploratory only, or if the board will be deciding whether to adopt the ABO exam.

Jim Morris addressed the public:

There will be no cost to the board to administer the ABO exam – the exam fees will be charged by the ABO directly to the examinees. The ABO is working on moving to instant-scoring – an examinee would receive exam results from the testing agency immediately following the exam. If an examinee fails any one of the ABO/NCLE exams, the examinee needs only retake that particular exam, not any of the preceding exams. There are no limits on the number of times an examinee can take an exam, however, if an examinee fail the exam, he/she must wait six months before taking it again.

Arylis Wisecup asked why the board feels the need to move to an electronic licensing exam. Wasson stated the board's current exam apparatuses are outdated – the current exam is administered on scantron forms. The bigger issue is the psychometric analysis that should be performed on any state licensure examination.

Temma Chaparro asked whether those who are already licensed (via the board's licensing exam) could/would retroactively be granted ABO/NCLE Advanced Certifications.

Wasson adjourned the meeting at 4 p.m.