



STATE OF NEVADA

BOARD OF DISPENSING OPTICIANS

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Minutes of Public Meeting

Nevada Board of Dispensing Opticians

Tuesday, October 20, 2015, 1:00 p.m.

Videoconference at NV Contractors Board Offices:
9670 Gateway Drive, Suite 100; Reno, NV 89521, and
2310 Corporate Circle, Suite 200; Henderson, NV 89074

Members Present

Joshua Wasson, President
Tamara Sternod, Vice-President
Marsha Costuros, Secretary
Marilyn Brainard, Treasurer
Tammy Williams, Member
Corinne Sedran, Executive Director
Louis Ling, Board Counsel

Guests Present

Jim Morris, Representative of the American Board of Opticianry

1. Call to order

Board President Joshua Wasson opened the meeting at 1:07 p.m.

Guest Jim Morris from the American Board of Opticianry introduced himself to the meeting attendees.

2. Public comment

Licensee Scott Helkaa stated that one of the board's licensed apprentices had passed away unexpectedly. He would like the board to consider granting her an honorary ophthalmic dispenser's license.

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

August 12, 2015 Regular Board Meeting

Motion: Marilyn Brainard moved to approve the minutes.

Vote: Passed, unanimous.

4. Workshop regarding proposed amendments and additions to the regulations of the board

Board Counselor, Louis Ling, outlined the purpose of board regulations and the procedure the board must follow to adopt or alter them. Regulations are meant to clarify the law or give specific direction to the licensees. They give specific instruction on the implementation of the board's laws.

The board began the process of amending its regulations over a year ago, adding to and modifying them as the board discussed, on numerous occasions, what it would like to accomplish. The board is now at the stage in the process at which it hosts a public workshop to solicit public comment on the proposed regulations. The workshop is an attempt to ensure the regulations have their intended effect and to minimize the potential detrimental effects to the practice of opticianry. Once public comments are made, the board will discuss the commentary and determine whether the draft regulations should be changed, added to, or deleted.

Wasson led the board through a summary discussion of each proposed amendment.

Section 1 pertains to board member salaries. Proposed changes have been altered or removed. The current per diem will remain unchanged.

Section 1.5 will be altered to remove the requirement that an applicant for an ophthalmic dispenser license submit his or her application at least 60 days prior to the exam date. The purpose of the change is to harmonize with the board's decision to outsource its examination. The \$350 exam fee will be changed to an application processing fee. The 2,000 hours training and experience required of an applicant with an ophthalmic dispensing degree will be changed to 1,000 hours to coincide with the one-year apprenticeship requirement in the law.

Section 2 will be altered to remove the classification of examination subjects as either written or practical and to remove the designated score percentages for each subject. The language in subsection 5 pertaining to applicants who fail the exam will be removed. Notification of exam scores will be supplied to the examinees by the organization that administers the exam. Subsection 3 will be modified accordingly for those applicants with limited licenses who would like to upgrade to full licenses.

Section 3 will be altered to require licensees to maintain documentation of their continuing education for three years after the date of completion of the course.

Section 4 will be amended to require that continuing education courses be completed by the end of calendar year.

Section 5 will be amended to increase the apprentice renewal fee to \$100.

Section 6 will be amended to clarify the requirements for apprentice supervision and submitting notification of supervision and substitute supervision to the board.

Section 7 has been altered to improve operations of the board office and bring apprenticeships back in line with legislative intent. The statute anticipates an apprentice will either earn a degree in ophthalmic dispensing and obtain one year of training, or complete a three-year training program. The board currently receives repeated applications for extensions, with apprenticeships stretching out to eight years or more, which undermines the purpose of the statute. The amended regulation will draw a line on apprenticeships: an apprentice must complete all requirements within 40 months; if the apprentice cannot complete the requirements within that time frame, the apprentice may apply for one extension only, for no more than one additional year. If the requirements are not completed within 40 months (with an extension, if approved by the board), the apprentice must wait 12 months

before reapplying for a license with the board.

Section 8 will be amended to require 3,000 hours of on-the-job training for those on the home-schooling track; this will keep time frames consistent throughout the regulations.

Section 9 is a repealer section; this language will be removed from the regulations. The board will be doing away with the sections pertaining to orderly progress of apprentices. The apprentices must complete all their requirements within 40 months, but there will not be yearly tracking of progress.

Public Comment:

Robert Olds asked what sort of exam the board plans to adopt. Wasson and Jim Morris explained the process the board underwent in reviewing available exam resources and the process and expense inherent to verifying the validity of a licensing examination. The advanced certification exams of the ABO/NCLE were reviewed at the July board meeting and board members agreed it would meet or exceed the board's current exam standards.

Olds asked how a practical portion of the examination could be administered via computer. Morris explained a number of licensing boards, including many that license medical practitioners, administer their exams exclusively via computer simulations. Examinees are able to manipulate virtual equipment in the same manner as physical equipment. The ABO upgrades and develops its practical exam on an ongoing basis to take advantage of new technology and ensure the equipment is as close as possible to the real thing. Tamara Sternod explained the board's current mode of administering the exam via scantron is outdated. The cost of bringing the exam up to date would far exceed the board's budget. Morris stated the ABO is developing three different practice areas on its website – a “playground area” in which examinees can become familiar with the ABO's virtual ophthalmic equipment, a short tutorial on how to take the exam, and a third area that will be available to schools and mentors for a charge – this area will include a training session on opticianry and contact lenses that utilizes all the ABO's virtual equipment.

Olds asked when the board plans on implementing the new licensing exam. Ling explained the board needs to set its new regulations in place as a first step. The board will need to host a hearing to adopt the proposed regulations, which must be then approved by the Legislative Commission. Once the Legislative Commission grants approval, the new regulations become law. Sedran stated the board should plan to administer one more exam in spring of 2016. Olds stated he is concerned Nevada will no longer be distinguished as a licensing state if the board adopts the ABO exam rather than administering its own exam. Morris stated the adoption of the advanced certification exam should place Nevada ahead of other licensing states: other states are familiar with the content and standards of the ABO exam, whereas they are not familiar with the content of Nevada's particular exam. Licensees who move out of Nevada will be able to present their advanced ABO certifications to other licensing boards as reliable credentials.

Olds asked whether the new continuing education deadline of December 31st will be in place for the upcoming renewal. Sedran stated the new regulations are not yet in effect and the January 31st deadline will still be in place for the 2016 renewal.

Scott Helkaa suggested the board expand its approved topics for continuing education credit to include community service; this would benefit underserved communities in Nevada. The board could limit the number of credits available for community service each year.

Helkaa commented that Section 637.285 of the proposed regulations, requiring apprentice licensees to show proof of enrollment at the time they apply for a license, could prevent apprentices from enrolling in the program of their choice. Enrollment at CSN is limited to certain times of the year and the new requirement could force apprentices to enroll in the home-study program, rather than the programs at the school.

Helkaa asked for clarification of Section 2 of the proposed regulations: apprentices in the degree program will be allotted 16 months in which to complete their requirements after completing their education, however, some apprentices apply for licenses before they finish the degree program. They should be allotted extra time to complete their requirements.

David Stuart stated he is in favor of the new technology utilized by the ABO exam, however, the board should ensure the apprenticeship program cannot be circumvented under the new exam scheme by those transferring from other states. He would like to know whether the ABO plans to extend its advanced certification designation to those already licensed in the state of Nevada. Morris stated the ABO would not be able to extend its certification to those already licensed, as holding a Nevada license does not necessarily indicate a licensee meets the requirements of the ABO's advanced certification. Other states would question whether they could honor the certification if it is given out freely.

Stuart asked why the board is removing the 60-day deadline for applying to take the licensing exam. Sedran explained under the new licensing scheme, applicants could take the advanced certification exams at any time during their apprenticeships, regardless of whether the other requirements of licensure have been met. A license may be granted once an apprentice has completed all requirements, regardless of the order in which they are completed. Therefore, the 60-day deadline is no longer relevant.

Temma Chaparro asked whether apprenticeships will expire in the middle of the year under the new regulations, now that apprentices are given 40 months, rather than four renewals, to complete their requirements. Sedran confirmed the licenses will expire 40 months after they are issued, rather than January 31st of the fourth renewal year.

Chaparro asked for clarification on licensees who transfer to Nevada from other states. She asked whether licenses will automatically be issued to those who hold an advanced certification. Sedran stated all current licensure requirements, other than passage of the state board exam, will remain in place for those transferring from other states. Chaparro asked whether the ABO's requirement that a person wait three years after passing the standard certification exam before taking the advanced certification exam will be waived for Nevada apprentices. Morris confirmed the requirement will be lifted for those in the Nevada apprenticeship program: licensed apprentices may take the advanced exam at any time during their apprenticeships. Chaparro asked whether the ABO and NCLE advanced exams may be taken on the same day, or if there is a waiting period between exams. Morris explained the advanced exams may be taken separately on the same day or separately within the same testing window, given the exam center is willing to remain open for the necessary length of time. The standard and advanced certification exams for the same certification may not be taken together in the same testing window, however.

Wasson called for a break at 2:33 p.m.

Wasson called the meeting back to order at 2:46 p.m.

Wasson called again for public comment. There were no further comments.

The board commenced discussion of the proposed regulations:

Section 1: Wasson asked why the proposed new language had been stricken from the regulations. Sedran explained the current per diem covers all board member activities. Since board members will not be conducting application reviews, the extra detail is not necessary. **Section 1.5:** Sedran stated the examination fee needs to be changed to an application processing fee, given the ABO will be administering the exam. Williams stated a \$100 processing fee is reasonable. Costuros agreed.

Section 2: Wasson asked Morris whether all exams subjects included in the regulation are covered by the ABO's exam. Morris confirmed all subjects are covered, but suggested eliminating the categorization of practical and written subjects as the layout of the ABO's exam may differ.

Section 3: Sternod stated the regulation should indicate specific disciplinary action to be taken should a licensee who is audited be unable to produce proof of having taken the required CE courses. Ling stated disciplinary action could be taken under the board's current disciplinary clause. Sternod would also like the regulation to require a licensee keep CE documentation for three years after the date of the course. Sternod clarified the requirements for a licensee wishing to upgrade from a limited to a dual license under the new regulations: the applicant must pass the NCLE advanced certification exam and the educational requirements will remain the same.

Section 4: Sternod stated she is in favor of adding community service as an approved subject for continuing education credit. Ling stated the board would need to receive a certificate for the service, just as for other CE credits. Sternod proposed allowing for four (4) community service credits per year, two (2) for contact lens credit, and two (2) for spectacle credit only. Williams and Costuros agreed with Sternod's proposal.

Section 5: The board members agreed the renewal fee for apprentice licenses should be increased to \$100.

Section 6: Wasson stated the revised apprentice supervision regulations will make notification easier on larger businesses. Sedran stated the notification requirement for a change of business address should remain at ten days to notify the board office, rather than the proposed five days. Brainard agreed allowing only five days to notify the office would be burdensome on licensees.

Section 7: Sedran stated this section was revised to require an apprentice applicant to be enrolled in an educational program before a license will be issued. It is burdensome for the board to attempt to discipline licensees who do not fulfill the 90-day enrollment requirement. Ling stated the board can issue a conditional license that will be automatically revoked should the licensee fail to enroll in courses within 90 days.

Section 8: Sternod clarified this section will be changed to keep the time requirements for apprentices consistent throughout the regulations: the board will consider a year's worth of training to consist of at least 1,000 hours of on-the-job dispensing.

Section 9: This section will be repealed; the board members did not have further comments.

5. Review and decision on apprentice license applicants with foreign diplomas; interpretation of 637.260(d):

Discussion: Sedran stated the board has recently received several license applications from people with foreign high school/secondary school diplomas. She would like the board to set a policy as to whether it will accept these diplomas and under what circumstances. Ling stated the board's law requires an applicant to be a graduate of an accredited high school or its equivalent. This is generally interpreted to mean a U.S. diploma or GED certificate. A potential problem with accepting foreign diplomas is the board will not know whether the applicant's education is comparable to a U.S. high school education, or whether the certificate is authentic. A service is available that translates foreign diplomas and ensures their authenticity.

Wasson stated the board should require that a foreign diploma be translated by a reliable service. The board cannot approve application materials that cannot be read or deciphered. The remaining board members agreed with Wasson's suggestion that a foreign diploma must be translated by an approved service, or the applicant must submit a GED certificate.

a. **Sai, Steve**

Motion: Brainard moved to approve Sai's application, as he included a translated diploma with his application.

Vote: Passed, unanimous.

b. **Schwartz, Carlton**

This item was removed.

c. **Medina, Aylin**

Discussion: Sternod stated the applicant's diploma was not translated and the application should not be approved until a translated version is submitted to the board office.

Motion: Sternod moved to approve the application conditionally; a license may be issued once the board is supplied with a translated copy of the applicant's diploma or a GED certificate.

Vote: Passed, unanimous.

6. Review and decision on requests for prior experience credit (for possible action):

a. **Almanza, Hermenegildo**

Removed from agenda

b. **Berry-Pescatori, Tina-Marie**

Motion: Sternod moved to grant Berry-Pescatori two years prior experience credit.

Vote: Passed, unanimous.

c. **Hidrosollo, Eustaquio**

Removed from agenda.

d. **Manuzon, Aljen**

Removed from agenda.

e. **Sai, Steve**

Removed from agenda.

f. **Seicuic, Daniela**

Motion: Sternod moved to grant Seicuic one year and nine months prior experience credit.

Vote: Passed, unanimous.

g. **Whitford, Dana**

Sedran asked whether Whitford's ophthalmic dispensing degree (obtained in another state) exempts her from the board's requirement that she enroll in an ophthalmic education program within 90 days of obtaining her license. Ling explained the law honors any ophthalmic dispensing degree, regardless of whether it was obtained in Nevada.

7. Review and decision on request for apprenticeship renewal/extension:

Kekahuna-Lee, Kimberly

Motion: Wasson moved to deny an extension of Kekahuna-Lee's license for 2016. If she would like to sit for the board exam, she can submit an application for a new apprentice license and apply for prior experience credit.

Vote: Passed, unanimous.

8. Review and decision on continuing education course applications (for possible action):

a. **Henderson Nevada Association of Ophthalmic Dispensers**

October 25, 2015; 8 a.m. to 5 p.m.

Fiesta Henderson; 777 West Lake Mead Parkway; Henderson, NV 89015

Eight (8) CE credits offered; four (4) CE courses awaiting approval

Motion: Costuros moved to approve the courses for credit.

Vote: Passed, unanimous.

b. **Northern Nevada Association of Ophthalmic Dispensers**

October 18, 2015 beginning at 7 a.m.

Peppermill Hotel and Casino, Reno, Nevada

Ten (10) contact lens credits, and two (2) spectacle credits offered

Motion: Costuros moved to approve the courses for credit.

Vote: Passed, unanimous.

c. **Dale Roveri, College of Southern Nevada**

Dates ongoing: most weekends in October, November, and December, excluding holidays

2208 South Rainbow; Las Vegas, NV 89146

Four (4) contact lens credits offered each course date

Motion: Costuros moved to approve the courses for credit.

Vote: Passed, unanimous.

d. **David Leonard, OD**

December 3rd and 10th, 2015 at 6 p.m.

5260 West 7th Street; Reno, NV 89523

Three (3) contact lens credits offered each course date

Motion: Williams moved to approve the courses for credit.

Vote: Passed, unanimous.

e. **Speedy Specs**

October 28th, November 4th, 11th, 18th, and 25th, December 2nd, 9th, and 16th at 7:30 a.m.

1657 Mountain City Highway, Suite 101; Elko, NV 89801

Varies: one (1) spectacle or contact lens credit offered each date

Motion: Williams moved to approve the courses for credit.

Vote: Passed, unanimous.

f. **Truckee Meadows Optical**

November 4, 2015 at 6:30 p.m.

Peppermill Hotel and Casino, Reno, Nevada: Tuscany Ballroom

Two (2) spectacle credits offered

Motion: Costuros moved to approve the courses for credit.4

Vote: Passed, unanimous.

9. Review of open complaints (for possible action):

a. Open complaints: **2015-03; 2015-04; 2015-05; 2015-06**

Sedran stated complaints 2015-03, 2015-04, and 2015-05 pertain to unlicensed dispensing by an ophthalmic retailer and unsupervised dispensing by an apprentice licensee. Complaint 2015-06 pertains to unlicensed dispensing of cosmetic contact lenses.

b. Scheduling of hearing

Ling stated the scheduling of a hearing should be postponed until a final review of the complaint can be performed.

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

a. Application/form updates; review and adoption of new application approval process

Sedran presented forms she had created for the review and approval of apprentice and ophthalmic dispenser license applications. The board members agreed the board office should begin using the new forms. Brainard suggested the dated of form creation be added to the form.

b. Review of office projects/progress

Sedran stated she is in the process of purging all licensee files of outdated correspondence and other file contents according to the state retention schedule. The files have not been cleaned out to date. She will be traveling to Carson City next month to submit permanent files to State Archives.

c. Workplace inspectors – announcement of job openings and scheduling of interviews

Sedran stated she will be posting a job announcement for workplace inspectors in the coming week. Once the job has been posted for 30 days, would like to review the candidate resumes and conduct phone interviews with Wasson.

11. Financials (for possible action):

a. Review and decision on **August and September 2015** financial statements/fiscal year budget

Motion: Brainard moved to accept the financial statements, pending adjustments of employee

line items.

Vote: Passed, unanimous.

- b. Review and decision on investment options for surplus funds

Discussion: Brainard presented interest rates offered by Charles Schwab on ladder CDs.

Wasson suggested the board keep some of its surplus funds free until the financial impact of outsourcing the board's exam can be discerned. Costuros suggested the board invest \$50,000 of its surplus funds at two different ladder steps.

Motion: Brainard moved to invest in two laddered CDs, with \$25,000 to be invested at each of two steps, both with maturation dates in 2016.

Vote: Passed, unanimous.

- c. Review and decision on IT office support, web and database support, internet service – costs and services

Discussion: Sedran explained the board's current internet service is too slow and hinders use of the board's email and web applications. She would like the board to approve an upgrade of the board's internet service, as well as an expenditure on a new domain name so the board can move to a new email account, as discussed at a prior meeting.

Motion: Wasson moved to approve expenditure on improved internet service and a new domain name.

Vote: Passed by majority vote.

- d. Review and decision on board's membership in NCSORB

This item was tabled for a future meeting.

12. Election of officers (for possible action)

This item was tabled for a future meeting.

13. Public Comment

There was no public comment.