

STATE OF NEVADA



BOARD OF DISPENSING OPTICIANS

REPORT PREPARED FOR THE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

2015-2016 INTERIM

STATE OF NEVADA



BOARD OF DISPENSING OPTICIANS
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December 1, 2015

Dear Members of the Sunset Subcommittee of the Legislative Commission:

The Nevada State Board of Dispensing Opticians is pleased to submit this Report, which is intended to supplement the information included on the Sunset Committee Review Form. The Board's hope and intent with this Report is to demonstrate the effectiveness of the Board and its staff in carrying out its responsibilities in a manner consistent with statutes, regulations, good administrative practice, and the public's interest.

The Board members and I look forward to working closely with the committee and its staff during the review process.

Respectfully submitted,

Corinne Sedran
Executive Director

TABLE OF CONTENTS

I.	The Nevada State Board of Dispensing Opticians.....	4
II.	Present Board Members	4
III.	The Board’s Website	4
IV.	The Board’s Executive Director.....	5
V.	The Board’s Staff.....	5
VI.	Creation of the Board.....	5
VII.	Authority to Adopt Regulations and Citation to Regulations.....	5
VIII.	Five Most Recently Adopted Regulations	5
IX.	Required Regulations That Have Not Been Adopted.....	6
X.	Governing Structure of the Board.....	6
XI.	Duties of the Board	6
XII.	Objectives of the Board.....	6
XIII.	Itemized List of Services Offered by the Board	11
XIV.	Dates of the Six Immediately Preceding Meetings.....	11
XV.	Tax Abatements, Abatements, or Money Set Aside for the Board.....	11
XVI.	Funding of the Board	11
XVII.	Publicly Available Forms	11
XVIII.	Recommendations for Consolidation	12
XIX.	Effectiveness of the Board in Meeting its Objectives	13
XX.	Recommendations for Statutory Changes	13

SUPPLEMENTAL DOCUMENTATION

- Tab 1. Operating Budget of the Board for fiscal year 2015-2016
- Tab 2. Income and Expenses for fiscal year-end 2013, 2014, and 2015, including balances of all accounts
- Tab 3. Audit 2014
- Tab 4. Legislative and Executive Branch Reports
- Tab 5. Minutes of six most recent meetings
- Tab 6. Organizational Chart

Introduction

Dispensing opticians are the eye care professionals who assist patients with the proper fitting and use of their eyeglasses and contact lenses. Dispensing opticians fill prescriptions generated by optometrists and ophthalmologists and work in a variety of practice environments from national chains that specialize and advertise prompt processing of eyeglasses, to the eyeglass outlets contained within many big box stores, to small, personalized dispensing boutiques. The Nevada State Board of Dispensing Opticians exists to assure that Nevada's eye patients are treated by skilled and competent dispensing opticians.

According to the Vision Council of America, approximately 75% of adults use some sort of vision correction, 64% of them wearing eyeglasses and 11% wearing contact lenses, either exclusively, or in conjunction with glasses. Over half of all women and about 42% of men wear glasses, while 18% of women and 14% of men wear contact lenses. Of those who use both contacts and eyeglasses, 62% wear contact lenses more often. The availability of highly trained medical practitioners who fit, fabricate, and modify lenses and frames for the correction of vision is of paramount importance to the public's health and welfare.

I. The Nevada State Board of Dispensing Opticians

The Nevada State Board of Dispensing Opticians was created in 1951. The Board enforces NRS and NAC chapters 637 which, taken together, authorize the Board to ensure the citizens of Nevada receive competent eye care from properly experienced and licensed dispensing opticians. Without the scrutiny attendant to the initial licensure of each optician, and the subsequent continuing education required throughout each optician's career, Nevadans would be at risk of receiving substandard eye care services.

II. Present Board Members

The present members of the Board are as follows:

Member Name	Term	Status
Joshua Wasson	Term Expires October 2015	Dispensing Optician President
Tamara Sternod	Term Expires October 2015	Dispensing Optician Vice-President
Marilyn Brainard	Term Expires October 2017	Public Member Treasurer
Marsha Costuros	Term Expires October 2017	Dispensing Optician Secretary
Tammy Williams	Term Expires October 2015	Dispensing Optician

III. The Board's Website

The Board's mission, information, and services can be reviewed on the web at: www.nvbdo.nv.gov. In 2014, the Board worked in conjunction with EITs to improve the structure and functionality of the website.

IV. The Board's Executive Director

The Board employs a 30 hour-per-week Executive Director, Ms. Corinne Sedran. Ms. Sedran has served as Executive Director of the board since October 2013. Her contact information is:

Corinne Sedran, Executive Director
Nevada State Board of Dispensing Opticians
4747 Caughlin Parkway, Unit 2
Reno, Nevada 89519
Telephone: (775) 689-0132
Facsimile: (775) 689-0133
E-mail: info@nvopticians.org

V. The Board's Staff

Position	Name	Address	Telephone	E-Mail address web-site:
Executive Director	Corinne Sedran	4747 Caughlin Parkway, Unit 2 Reno, Nevada 89519	(775) 689-0132	info@nvopticians.org
Legal Counsel Part-time	Louis Ling, Esq.	933 Gear Street, Reno, Nevada 89502	(775) 233-9099	louisling@me.com

VI. Creation of the Board

Per NRS 637.030, the Board was created in 1951 by the Nevada State Legislature for the protection of the public, and eye patients in particular, in an effective, fair, and accountable manner.

VII. Authority to Adopt Regulations and Citation to Regulations

The Board's authority to adopt regulations is found at NRS 637.070(1) and NRS 637.073. Pursuant to this authority, the Board has created a set of regulations codified as NAC chapter 637.

VIII. Five Most Recently Adopted Regulations

LCB R108-04 – December 1, 2004
LCB R113-06 – June 28, 2006
LCB R201-07 – April 17, 2008
LCB R042-10 – June 30, 2010
LCB R073-12 – June 3, 2013

In addition to the five above-listed regulations, the Board is presently engaged in a rulemaking proceeding (LCB File No. 106-14) by which it intends to update many of its regulations that are no longer necessary or reflective of the current state of the practice. The Board hopes to have the regulation finalized and in effect in spring of 2016.

IX. Any Required Regulations That Have Not Been Adopted

None.

X. Governing Structure of the Board

Pursuant to NRS 637.030, the Board is composed of five members appointed by the Governor. Board membership is comprised of four residents of the State of Nevada who must be licensed dispensing opticians who have been lawfully employed as such for at least three years. One additional member must be a Nevada resident who is member of the general public. This member must not be a dispensing optician or related by blood, marriage or adoption to a dispensing optician.

The Board meets bi-monthly, video-conferencing its meetings between sites in southern and northern Nevada in order to maximize potential attendance by the public and licensees and minimize the cost to the Board. The Board will hold special meetings as needed, usually to conduct reviews of its licensing examination.

XI. Duties of the Board

NRS chapter 637 provides various duties the Board must perform, which include:

DUTY	NRSCITATION	NAC CITATION
Examination and initial licensing of dispensing opticians	637.090 – 637.127	637.130 – 637.160
Registration and ongoing oversight of apprentices	637.123 – 637.125	637.260 – 637.300
Annual renewing of licenses of dispensing opticians and apprentices	637.123 and 637.140	637.190 – 637.200
Investigating consumer complaints	637.040(2); 637.085(3) and (4); 637.154	637.333 – 637.337
Hosting disciplinary and citation hearings	637.150 – 637.170	637.310 – 637.620
Investigating and prosecuting unlicensed activity	637.090 and 637.181 – 637.200	None
Setting and enforcing practice standards	637.070, 637.073, 637.150, and 637.175	637.235 – 637.250
Administration and public information	637.030 – 637.085	637.100 – 637.125 and 637.650 – 637.700

XII. Statement of the Objectives and Programs of the Board

The Board's mission is to fulfill its various duties for the protection of the health, safety, and welfare of Nevada's optometric patients, specifically by ensuring only properly-trained medical practitioners dispense prescription eye wear in Nevada. Following is a discussion of the Board's five main objectives and a demonstration of how the board has met these objectives, and its plans for meeting them in the future.

LICENSING

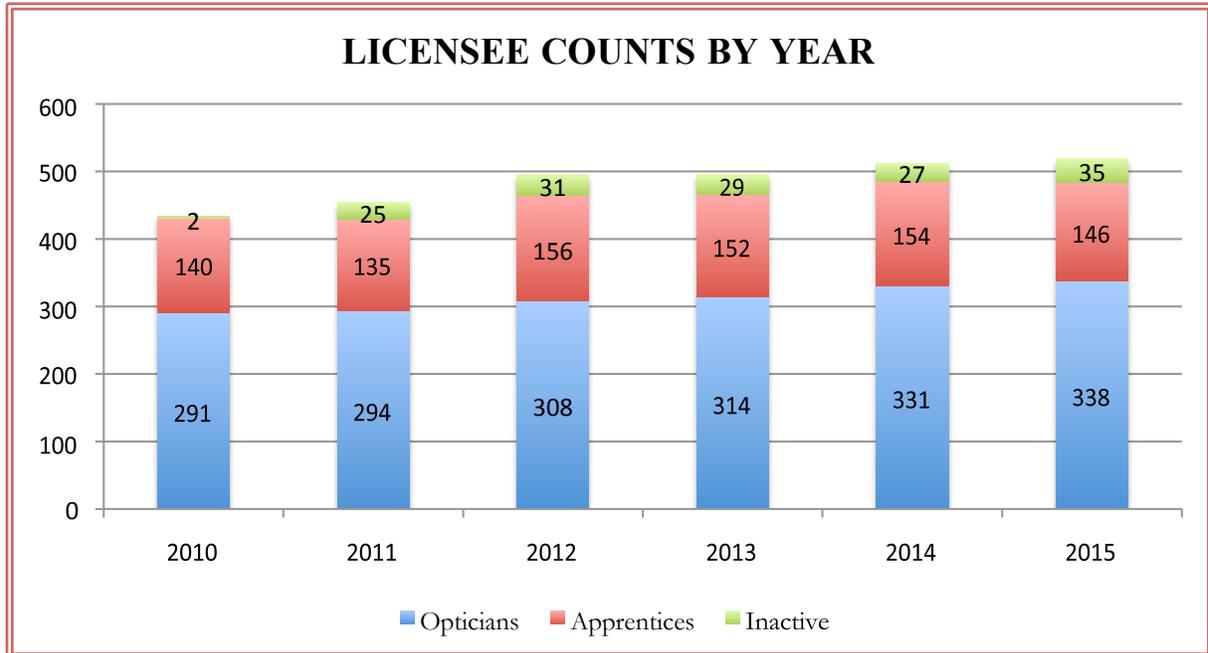
STATEMENT OF OBJECTIVE: The Board’s objective regarding licensure is to license all qualified applicants promptly and review the qualifications of its licensees on a yearly basis.

The Board’s statutes establish three paths for licensure:

- (1) Attainment of an associate’s degree in applied science in ophthalmic dispensing and one year as an apprentice;
- (2) Apprenticeship for three years while completing a non-degree educational program;
- (3) Attainment of similar qualifications through practice in another state.

The board initially registers an applicant as an apprentice dispenser, generally issuing an Apprentice License within 30 days of receipt of an application. Once registered, an apprentice must enroll in a board-approved educational program and complete various other requirements. Upon completion of the requisite period as an apprentice, a person may apply for and take the board’s state licensing examination. A qualified applicant who passes the exam is usually issued a license within 15 days from the date he or she passes the exam.

Since 2010, the Board’s licensee counts show slow but steady growth. The present number of licensed dispensing opticians in Nevada is 338, and the number of licensed apprentice dispensers is 146. The Board’s total licensee base grew from 433 in 2010 to 519 in 2015, accounting for 20% growth over the six year period, as shown in the following graph:



The board is currently working with a national certification organization to upgrade its licensing scheme. The board plans to adopt two of the organization’s advanced certification exams as its licensing standard, rather than administering its own examination twice a year. The board came to this decision after two years of research and debate on the best method of upgrading and computerizing its exam. The board determined the cost of creating and maintaining an electronic exam that would accurately measure the capabilities of its

licensees far exceeded budgetary constraints. As an organization dedicated solely to the education and examination of licensed opticians, the national organization has the resources to maintain an exam that encompasses all (and only) up-to-date subject matter, is highly accurate in the measurement of skills, and utilizes the most current digital ophthalmic technology available.

The national exams can be administered far more often than the current board exam and results can be delivered immediately post-test; the exam can also be proctored at electronic testing sites across the state. Currently, applicants must travel to Las Vegas to take the licensing exam. The board considers the move to the national exam as a positive for all parties involved: the board will have more resources to devote to the oversight of its licensees and tamping down on illegal contact lens sales, applicants will have more opportunities to take the exam and attain licensure, and the involvement of a national organization in maintaining licensing standards strengthens the profession as a whole. An additional benefit is the increased ease with which qualified licensees from other jurisdictions can begin practicing in Nevada, as the national exams are available in many jurisdictions in the United States.

In addition to initial licensing standards, the board monitors the ongoing education of its licensees. Pursuant to NAC 637.295, by January 31st of each year, a licensed dispensing optician must submit proof of at least 14 hours of continuing education completed during the preceding year, of which seven hours must relate to contact lenses. The Board reviews the continuing education annually to assure compliance.

OVERSIGHT OF APPRENTICESHIP

STATEMENT OF OBJECTIVE: The Board’s objective regarding apprenticeship is to ensure Nevada’s apprentices are exposed to the gamut of training and services required for the apprentices to serve the public safely and competently.

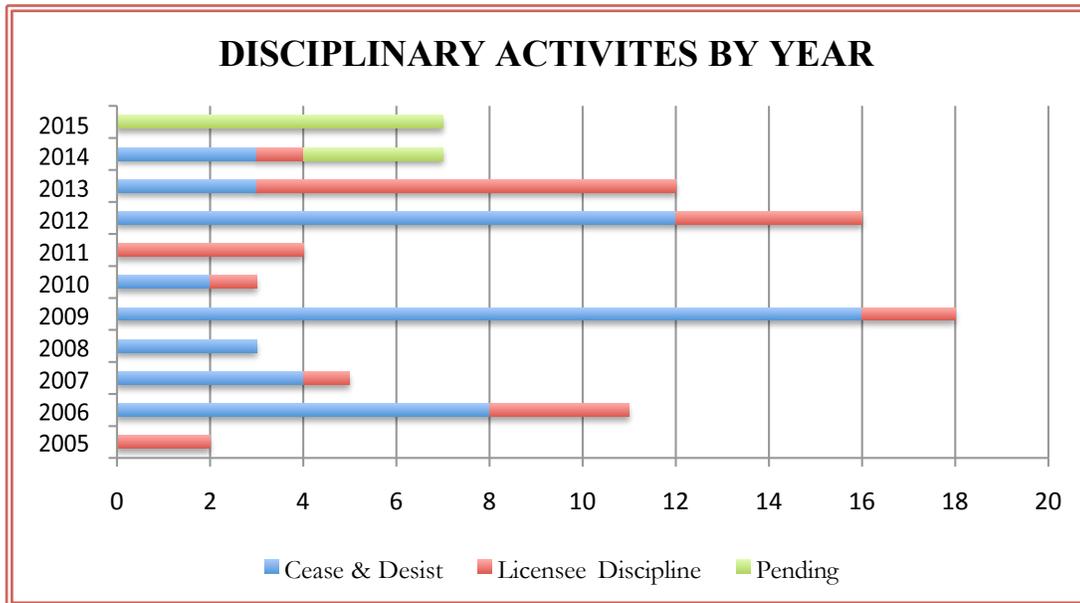
Because the profession of ophthalmic dispensing is learned, in whole or in part, through on-the-job training as an apprentice, the Board assures that Nevada’s apprentices are receiving adequate and useful training that will result in a competent and safe licensed optician. To this end, the board administers a three-year apprenticeship program. During that period, an apprentice licensee must complete a board-approved educational program and meet various experiential requirements, including completing at least 100 hours of training on the insertion and removal of contact lenses and 1,000 to 2,000 hours of on-the-job training (depending upon the apprentice's educational program). A significant portion of the Board’s investigative resources are expended in assuring that apprentices are being properly trained by licensed dispensing opticians. An apprentice must also receive two national certifications, one specific to spectacles and the other to contact lenses, from the American Board of Opticianry. The board tracks the progress of each of its apprentices on a yearly basis.

DISCIPLINARY PROCESS

STATEMENT OF OBJECTIVE: The Board’s objective regarding its disciplinary process is to make the filing of a complaint by the public as simple as possible, to investigate every case thoroughly and in a timely manner, and to address all meritorious complaints openly and publicly.

A complaint against one of the Board’s licensees is initiated by a member of the public or another licensee through the submission of a form available on the Board’s website. The Board investigates every complaint. Most complaints to the Board can be investigated by the Board’s Executive Director, but occasionally investigations require the involvement of an investigating board member, the board’s counsel, or retained private investigators. When an investigation is complete, the Board’s staff recommends either the case be dismissed for lack of evidence or cause, or that the matter advance to disciplinary action. If the Board’s staff determines a case should proceed to disciplinary action, the staff prepares the formal documents for filing and service upon the licensee. Most of the Board’s cases are resolved through negotiation. Some cases are very serious, present novel issues,

or cannot be resolved through negotiation, and those are heard at a formal disciplinary hearing presented to the full Board at a public meeting. The following table details the Board’s disciplinary activities for the 10 most recent years:



UNLICENSED ACTIVITY

STATEMENT OF OBJECTIVE: The Board’s objective regarding unlicensed activity is to create a network of contacts from which to learn about unlicensed activity, and to investigate and take appropriate action regarding the unlicensed activity.

NRS 637.090 and 637.181 – 637.200 provide the Board’s legal authority by which it may investigate, cite, fine, or otherwise legally enjoin a person who practices ophthalmic dispensing without a license. Unlicensed activity is most commonly found in retail outlets (such as truck stops, smoke shops, mini marts, costume shops, etc.) that are selling cosmetic contact lenses. Such uncontrolled and unmonitored sales of cosmetic contact lenses expose the unwitting public to potentially unsanitary and vision-damaging products. The Board’s usual response to such unlicensed activity is the issuance of a cease and desist letter, and most matters are resolved through this relatively simple and inexpensive method. When it becomes necessary, the Board turns these complaints over to the Attorney General’s Office to be prosecuted.

ADMINISTRATIVE OBJECTIVES

STATEMENT OF OBJECTIVE: The Board’s objectives regarding its administration are: (1) to ensure that all Board funds are wisely and efficiently collected and spent to keep costs to the Board’s licensees to a minimum; (2) to ensure that the public has useful and simple access to the Board’s resources and processes; and (3) to continually improve the Board’s operations and functions.

BOARD FUNDING - The Board receives no general fund money and operates solely upon licensing fees. The Board’s fee for application for licensure as a dispensing optician is \$350.00, and the fee for application for registration as an apprentice is \$100.00. The Board’s fee for the annual renewal of a dispensing optician’s license is \$300.00, and the fee for the annual renewal of an apprentice’s registration is \$50.00. The Board’s records indicate the Board has not increased any of its licensing fees in over 30 years.

The Board has its books independently audited annually. None of the Board's independent audits have ever noted irregularities or problems with the Board's financial management practices. The Board provides copies of these audits to the Department of Administration and to the Legislative Counsel Bureau. The Board also regularly reviews its finances through a standing Agenda item at each Board meeting.

Pursuant to the request of the Committee, attached is the 2013-2014 audit and the most recent budgeting and accounting for the Board. (Tab 1. - Operating Budget Fiscal Year 2015-16); (Tab 2. - Income/Expense Reports for FY 2012-13, 2013-14, and 2014-15); (Tab 3. - FY 2013-14 Audit).

PUBLIC ACCESSIBILITY – The Board attempts to make its processes and resources available to the public it serves. Recent initiatives to increase or assure public access include:

- Continual Website Improvement – The Board understands the public accesses its website regularly for information and assistance. To improve the look and feel of the website, the Board underwent a redesign of its site in 2014 that was accomplished in conjunction with EITS. Public access has been improved through the electronic posting of license verification documents, various forms, and additional information on licensing requirements.
- Direct Contact – When a member of the public, a patient, a licensee, or an applicant calls the Board's office, the person will speak directly with the Board's Executive Director. Such direct communication fosters good relations with the Board and ensures the person contacting the Board receives the information he or she needs as soon as possible.
- Open Regulatory Process – Though the Board does not promulgate many regulations, it has always made its regulatory process transparent and open to the public. The Board has been working on a set of regulation amendments and additions through 2015 and has always done so at open and public meetings at which the Board has always welcomed and taken comments from the licensees and members of the public who attend.

IMPROVEMENT OF OPERATIONS AND FUNCTIONS – The Board makes ongoing improvements to its day-to-day operations and functions in order to increase efficiency and public confidence in its programs. Recent projects to improve operations include:

- Electronic Monitoring of Licensees – In the past year, the board has acquired an electronic licensee and complaint database which has greatly aided in the board's monitoring and reporting functions. The board office has also developed several data gathering forms that have helped the Board improve oversight of its licensees, such as change of address and change of apprentice supervision forms.
- Electronic Dissemination and Collection of Information – Additional web pages have been added to the site in the past two years to ensure all public information, instructions, and resources are readily available online. This has significantly reduced the time and expense the Board must devote to manually issuing forms and responding to routine questions and also ensures the public is receiving consistent information. The board is currently working on developing online forms that would allow for the electronic collection of data and the processing of credit card payments.
- Maintenance of Files and Board Records – The board has also improved function over the past two years by coming into compliance with Nevada Retention Schedule guidelines for the maintenance and destruction of Board records.

XIII. Itemized List of Services Offered By the Board

The Board prides itself on its responsiveness to the public, its applicants, and its licensees. The board's executive director answers questions and requests submitted via email or telephone directly. Some of the services offered by the Board include:

- Initial licensure
- Renewal of licenses
- Online access to all forms necessary to applicants, licensees, and apprentices
- Online verification of licensure and registration
- Online information regarding upcoming examinations (including study materials)
- Investigation of consumer complaints regarding dispensing opticians
- Investigation of complaints regarding unlicensed practice
- Prosecution of disciplinary matters as needed
- Answering routine questions from licensees regarding their practice or licensure

XIV. Dates of the Immediately Preceding Six Meetings

- December 9, 2015
- October 20, 2015
- August 12, 2015
- July 8, 2015
- June 10, 2015
- April 8, 2015

XV. Statutory Tax Exemptions, Abatements, or Money Set Aside

- Pursuant to NRS 372.325, the Board is exempt from paying Nevada sales/use tax.
- Pursuant to §115 of the Internal Revenue Code, income of states and municipalities is not subject to federal income tax.
- According to the Internal Revenue Codes, gross income does not include: (1) income derived from any public utility or the exercise of any governmental function and accruing to a state or any political subdivision thereof, or the District of Columbia, or (2) income accruing to the government of any possession of the United States, or any political subdivision thereof.
- Pursuant to §1001 of the Internal Revenue Code, state and local governments are exempt from Social Security, except that beginning July 2, 1991, Social Security and Medicare HI coverage is mandatory for State and local government employees who meet the following conditions:
 - They are not members of a public retirement system; and
 - They are not covered under a Section 218 agreement, unless excluded by law.

XVI. Funding of the Board

The Nevada State Board of Dispensing Opticians is funded from fees collected from dispensing opticians and apprentices and does not receive funds from the State General Fund.

XVII. Publicly Available Forms

The following forms can be found on the Board's website:

- Initial Application for Licensure
- Initial Application for Special Licensure
- Initial Application for Apprenticeship
- Renewal Application for Ophthalmic Dispenser
- Renewal Application for Apprentice
- Apprenticeship Supervision Form
- Application for CE Course Approval
- Change of Address Form
- Waiver of Right to Receive Personal Notice Under the Open Meeting Law (to facilitate quicker processing of applications and requests)
- Consumer Complaint Form
- Inactivation/Reactivation of License Application
- Reinstatement Application

XVIII. Recommendation for Consolidation

Four Boards regulate aspects of eye care in Nevada: (1) the Board of Dispensing Opticians; (2) the Nevada State Board of Osteopathic Medicine (ophthalmologists); (3) the Nevada State Board of Medical Examiners (ophthalmologists); and (4) the Nevada State Board of Optometry. The training of the three types of eye-care professionals varies greatly. Ophthalmology is a recognized specialty of allopathic or osteopathic medicine: ophthalmologists train as allopathic or osteopathic physicians and then obtain additional years of training in ophthalmology. Optometrists attain an undergraduate degree and then four years of education and training specifically related to the diseases and dysfunctions of the eye, resulting in a degree of Doctor of Optometry. Dispensing opticians train on the job and also attain an associate's degree in applied science or similar education that does not result in a degree.

Dispensing opticians fill prescriptions for eyeglasses or contact lenses written by optometrists and ophthalmologists. Dispensing opticians are specially trained and skilled in assisting a patient with the comfort, fit, and use of his or her eyeglasses and contact lenses, thus assuring the patient receives eyewear appropriate to his or her unique needs.

Because the three eye care professions deal with discrete aspects of eye care, with greatly differing educational and training requirements, consolidation of any one of the professions with any of the others would not be effective or useful. Any elimination or consolidation of services offered by this Board would significantly diminish the standard of care and protection received by eye care patients and reduce public confidence in ophthalmic dispensing.

XIX. Effectiveness of the Board in Meeting Its Objectives

The Board meets its objectives in all respects: The board's programs have been effective in regulating the profession and the board has experienced steady growth in its licensee base, with growth picking up in the past year. The Board registers its apprentice applicants efficiently, usually within 30 days from receipt of the application. The board has issued 23 new apprentice licenses in the past three months and 70 apprentice licenses this year. The board licenses its dispensing optician applicants even more quickly, usually within 15 days from the date the applicant passes the board's licensing examination. The board has issued 24 new ophthalmic dispenser licenses this year to those who passed the exam. The board believes growth of its licensee base has been aided by increased usage of electronic data storage and availability of online services.

The Board also investigates the complaints it receives promptly, and is able to resolve most cases with a cease and desist letter and without the cost and disruption to both the respondent and the Board of a disciplinary hearing. The Board works with other agencies as needed to investigate and appropriately address the unlicensed practice of ophthalmic dispensing and maintains good working relationships with the three other boards that license eye-care professionals. The Board believes, therefore, it is meeting or exceeding its objectives.

XX. Recommendations for Statutory Changes

None.