

STATE OF NEVADA



Board of Dispensing Opticians

(Draft) Minutes of Public Meeting

December 14, 2016 at 1:30 p.m.

Board meeting took place via videoconference at:

Offices of the Nevada Public Utilities Commission

1150 E. William Street - Carson City, NV 89701, Hearing Room A

And

9075 W. Diablo Drive, Suite 250 - Las Vegas, NV 89148, Hearing Room A

1. Call to order

Board President Marsha Costuros called the meeting to order and called roll at 1:30 p.m. Board member Michael Grover was not in attendance.

2. Public comment

Temma Chaparro stated she had reviewed the virtual equipment available on the ABO/NCLE website and believes half the job of reading a prescription is done for you by the computer. The equipment does not represent the way a lensometer works in real life. A fair comparison cannot be made between this board and the Nursing Board, which also uses an electronic exam with virtual equipment. Nurses do not have the option of completing a home-study program and are tested on their physical skills throughout their schooling process. If the Board goes forward with using an electronic exam in lieu of a hands-on practical exam, the home-study program should not be offered as an option or the Board should consider requiring a 100 hour sign-off sheet for hands-on lensometer use.

There was no further public comment.

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

October 12, 2016 Board Meeting

Motion: Jennifer Benavides moved to approve the minutes as presented.

Vote: Passed, unanimous.

4. Continuing education course approval requests (for possible action):

Henderson NAOD: Revision of previous application

October 23, 2016 at 10 a.m.; request for approved 1-credit course to be amended to 2 credits

Motion: Ms. Benavides moved to approve the request to amend the course to 2 credit hours.

Vote: Passed, unanimous.

5. Prior experience credit requests (for possible action):

a. **Castro, Judith**

Discussion: Ms. Benavides noted the applicant's prior experience took place at a retail location that does not dispense spectacles and only does contact lens sales.

Motion: Ms. Benavides moved to grant the applicant one year of prior experience credit rather than the requested two years. The credit will be granted once the applicant completes her license application.

Vote: Passed, unanimous.

b. **Ramirez, Jerry**

Discussion: Ms. Benavides noted the applicant's prior experience only includes manufacturing and not dispensing.

Motion: Ms. Benavides moved to grant the applicant one year rather than the requested three years. Credit will be granted once the applicant supplies the required letter from his workplace supervisor.

Vote: Passed, unanimous.

6. Discussion and decision on required progression and future license renewals for apprentices licensed prior to adoption of R106-14 (for possible action):

Discussion: Ms. Sedran recommended the Board make a blanket decision regarding the apprentices licensed under the previous regulations as to how many times they will be allowed to renew their licenses. She informed the Board of the number of apprentices licensed over the last four years and recommended a set number of renewals be allowed according to when each apprentice was originally licensed. Ms. Benavides stated the Board should not allow more than four renewals to each apprentice. Ms. Costuros stated the Board should allow the 5th year apprentices to renew for this year only since the new regulations were passed very recently. Going forward, apprentices will be aware the Board will not be renewing apprentice licenses beyond a 4th year.

Motion: Ms. Williams moved to grant apprentices going on their 4th or 5th license renewals one final renewal for 2017. Apprentices going on their 3rd renewal will be granted two more renewals; those going on their 2nd renewal will be granted three more renewals, and those licensed on or after November 1, 2016 will be subject to the new regulations granting them 40 months to complete their apprenticeships.

Vote: Passed, unanimous.

Discussion: Ms. Sedran asked the Board to make a decision on whether to renew the licenses of apprentices who did not enroll in their educational programs as required under the previous regulations.

Motion: Ms. Benavides moved to deny license renewal to those apprentices who did not enroll in their educational programs as required.

Vote: Passed, unanimous.

7. Extension (renewal) of apprenticeships for 2017 requests (for possible action):

- a. **Brewer, Carlus**

Item removed from agenda.

- b. **Jenkins-DeVille, Marquetta**

Motion: Ms. Costuros moved to grant items B and C one final renewal to complete their required licensing examinations. If they do not pass the required exams in 2017 they will not be allowed to renew or granted another apprenticeship before the expiration of 12 months.

Vote: Passed, unanimous.

- c. **Ortega, Edith**

See decision under item B.

- d. **Vianzon, Maggie**

Item removed from agenda.

- e. **Sunga, Neil**

Item removed from agenda.

8. Financials (for possible action):
 - a. Review and acceptance of **October and November 2016** financial statements
Motion: Ms. Costuros moved to accept the financial statements as presented.
Vote: Passed, unanimous.
 - b. **FY 2015-16 Financial Audit:** Review of final audit report
Motion: Ms. Costuros moved to accept the financial audit as presented.
Vote: Passed, unanimous.
 - c. **Budget:** Review and decision on Puliz document scanning services
Discussion: Ms. Sedran recommended the Board amend the current budget to allow for Puliz document scanning service to digitize the Board's licensee files. Digitized files would make Board licensing documents more secure and could be integrated with the new online database. Ms. Costuros stated the estimate given of \$4000 to digitize all the Board's licensee files was a good price for the service.
Motion: Ms. Benavides moved to amend the FY 2016-17 budget to allow for the expenditure.
Vote: Passed, unanimous.
 - d. Retention of lobbyist for 2017 legislative session
Discussion: Ms. Sedran suggested the Board retain Kathleen Laxalt as its lobbyist for the coming legislative session and amend its budget accordingly. Mr. Ling stated Ms. Laxalt is a respected lobbyist in Carson City and recommended the Board retain her services. Ms. Brainard stated a lobbyist is an insurance policy for the Board against targeted legislation. It is important the Board have an advocate in Carson City.
Motion: Ms. Williams moved to retain Kathleen Laxalt as the Board's lobbyist for the 2017 legislative session.
Vote: Passed, unanimous.

9. Update on Adopted Regulation R106-14 and discussion and decision on exam changes, dates, and locations (for possible action):
Discussion: Ms. Sedran stated the new regulations have been approved by the Legislature and the Board can go forward with using the ABO exams for licensing, however, it may be a struggle to integrate the Nevada Law and Ethics Exam into the ABO computerized exam. She suggested the Board approve a mail-in, open-book exam for the Law and Ethics portion for now so applicants for licensure can move forward with their exams. Ms. Costuros stated there is a short window at this point for applicants to register to take the February exams. Ms. Benavides asked that Ms. Sedran contact the ABO and ask that any late registration fees be waived for our applicants for the February exams.
Motion: Ms. Williams moved to administer the Nevada Law and Ethics Exam as a mail-in, open-book exam for the time being.
Vote: Passed, unanimous.

10. Discussion and decision on Board-sponsored continuing education course (for possible action)
Ms. Sedran suggested the Board host its CE course this spring. Ms. Benavides suggested the course be conducted as a videoconference. The board members agreed the conference room being used for this meeting would be the preferred location.

11. Discussion and decision on future regulation changes (for possible action)

Ms. Costuros recommended a regulation that will create a new apprentice license that lasts only 6 months. The new license would be available to first-time apprentices who have not yet enrolled in their educational programs. If an apprentice does not enroll within the 6 month duration of the license, the license will expire and the apprentice will not be eligible for a new license for 12 months. This would relieve the Board of the burden of trying to discipline apprentices who do not enroll in their educational programs. A similar license could be offered to apprentices who request an extension of their licenses. The shorter duration of the license would help the Board remove apprentices who do not finish their requirements on time from the licensing pool. Ms. Costuros suggested the certificates be labeled to indicate the type of apprenticeship.

Ms. Sedran suggested the 6-month apprentice license be used in conjunction with a secondary apprentice license which would have a 3 year duration. The expiration date of the 3-year license would indicate to the apprentice the final date by which all apprenticeship requirements must be completed. This would make licensing fees more equitable because each apprentice would be paying for a three-year license. As it stands, apprentices who are licensed throughout the year must pay the same renewal fee by January 31st and their licenses may expire mid-year under the new regulations.

Ms. Costuros stated the Board had discussed the issue of apprentices who are made retail managers over their supervisors of record at its last meeting. She suggested a future regulation change be made to prevent this situation because it creates a conflict of interest between apprentices and their supervisors. Ms. Benavides agreed it is a problem that an apprentice may have workplace superiority and influence over his or her supervisor. She suggested the Board might require general managers as well as store managers be licensed opticians. Mr. Ling stated the Board could define a manager by function rather than by title to ensure apprentices are not able to make workplace decisions that negatively impact their supervisors. Ms. Costuros stated the functional definition would have to include scheduling duties.

Ms. Williams suggested the fees for the proposed apprentice licenses be staggered so as not to deter new apprentices from the program.

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

Ms. Sedran stated the FAQ section on the Board's website has been updated. She asked the Board members to contact her with any suggestions for information to be added to the page.

Online renewals will be available for the 2017 renewal session. The board will be issuing permanent board seals in place of the previously-issued yearly expiration seals. Verification of renewal will be issued to licensees via email.

The Board office has been receiving positive feedback from the workplace inspectors; they have been well received by the ophthalmic businesses.

Ms. Sedran has been corresponding with the ABO about the practice area on their website for the

practical exams. She will keep in touch with them to ensure the practice areas are available and functioning prior to the February exams.

13. Board Counsel's Report (for possible action)

Mr. Ling stated he is no longer representing the Board of Optometry.

14. Public Comment

Kyler Lund stated he is an apprentice on his fourth renewal cycle and asked if he is eligible to renew his license for 2017. Ms. Sedran confirmed he is eligible to renew according to the Board's decision under Item 6.

Temma Chaparro commented that under the proposed regulation discussed under Item 11, apprenticeships would last 42 months rather than the 40 months allowed by the current regulation unless the duration of the initial apprentice license is changed to 4 months rather than 6.

Aurora Holt asked how many opticians the Board currently licenses. Ms. Sedran stated she did not have the exact number on hand but the total number of licensees is just over 500 with approximately 160 of those licensees being apprentices and the remainder opticians.

President Costuros adjourned the meeting at 2:46 p.m.