

STATE OF NEVADA



Board of Dispensing Opticians

Draft Minutes of Public Meeting

August 23, 2017 at 1:30 p.m.

Board meeting to take 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
President Costuros called the meeting to order and called roll at 1:40 p.m. All board members were in attendance.
2. Public comment
There was no public comment
3. Approval of previous board meeting minutes (for possible action):
June 14, 2017 Board Meeting
June 23, 2017 Board Meeting

Motion: Ms. Benavides moved approval of the minutes as presented.
Vote: Passed, unanimous.

4. Prior experience credit requests (for possible action):
Davis, Kathryn

Motion: Ms. Benavides moved to grant the applicant one year of prior experience credit.
Vote: Passed, unanimous.

5. Continuing education credit/course approval request (for possible action):
Lions in Sight of California and Nevada (community service program)

Motion: Mr. Grover moved approval of the Lions in Sight community service program as CE credit provider.
Vote: Passed, unanimous.

6. Discussion and decision on continuing education policy for reactivated licenses (for possible action)

Discussion: Ms. Sedran explained the Board needs a policy on whether reactivated licenses must be renewed at the end of the same year they are reactivated, and if so, whether CE credits applied towards the reactivation requirements may be reapplied towards the CE renewal requirements. Ms. Costuros stated that applicants who reactivate their licenses towards the end of the year may have difficulty obtaining the live credits required for renewal. Ms. Benavides suggested that applicants who hold current, active licenses from other recognized states should be allowed to reapply reactivation credits towards renewal. Mr. Ling suggested this issue might need to be addressed with a regulation change.

Motion: Ms. Costuros moved to allow applicants for reactivation who hold current, active licenses from other recognized states, and who apply for reactivation after June 1 of the current year, to reapply their reactivation CE credits towards license renewal.

Vote: Passed, unanimous.

7. Report and Recommendations by Committee on Continuing Education Course Providers (for possible action)

- a. Approval of all CE course providers granted course approval in 2014, 2015, and 2016

Motion: Mr. Grover moved to grant ongoing board approval to all CE course providers whose

courses had been granted approval in 2014, 2015, and 2016.

Vote: Passed, unanimous.

- b. Approval of all CE course providers approved by other state opticianry licensing boards

Discussion: The Board determined it would not approve all CE providers approved by other licensing boards at this time.

- c. Approval of further recommendations by the Committee Chair

There were no further recommendations by the Committee Chair

- 8. Report and Recommendations by Committee on Apprentice Training Requirements (for possible action)

The Committee Chair did not have any items to report.

- 9. Report and Recommendations by Committee on Licensure by Endorsement (for possible action)

The Committee Chair did not have any items to report.

- 10. Review and disposition of complaints per NAC 637.337 (for possible action):

Discussion: Mr. Ling explained current board regulations require a complaint to be reviewed at a board meeting prior to either investigating or dismissing the complaint. He suggested making a regulation change to allow the executive director to act on complaints in a more timely and efficient manner.

- a. **2014-04**

Mr. Ling explained investigation and evidence collection for this case had already commenced, but further investigation would be necessary.

Motion: Ms. Benavides moved to authorize further investigation into the complaint.

Vote: Passed, unanimous.

- b. **2017-01**

Motion: Ms. Benavides moved to proceed with investigating the complaint.

Vote: Passed, unanimous.

- 11. Discussion on board member applications and reappointments (for possible action)

Ms. Sedran stated she had not received any correspondence from the Governor's Officer regarding board member appointments or reappointments. Ms. Brainard stated she had submitted a reappointment request. Mr. Ling reminded the board of the new 12 year term limit for all members of a professional licensing board.

- 12. Proposals and discussion of future regulation changes (for possible action)

Mr. Ling proposed several amendments to the board's regulations pertaining to the investigation of complaints. He stated the current regulations don't accurately reflect the way the board is operating or wants to operate. NRS 622A presents a uniform set of statues that applies to the licensing boards

and makes several of the board's current regulations extraneous.

Mr. Ling suggested the following regulation changes: 1) a regulation to address supervisors who allow their apprentices to perform tasks for which they are unqualified or which lie outside their scope of practice, 2) a provision to address disciplinary action against a person who fails to cooperate with a board investigation, 3) cleaning the regulations of a cross-reference to another statute that doesn't pertain to administrative boards, 4) removing the requirement that complaints be "verified" (notarized), 5) a provision allowing the executive director to review and open investigations into complaints and file charging documents, 6) a statement that motions filed with the board in disciplinary cases will be governed by NRS 622, and 7) amending the section requiring assistance of the attorney general to read "legal counsel".

In addition to these suggestions, Mr. Ling will also draft a regulation pertaining to the reactivation of licenses and CE credit requirements. The draft regulations will be ready for review by the Board at the October meeting.

13. Financials (for possible action):

- a. Review and acceptance of **June and July 2017** financial statements

Motion: Ms. Costuros moved approval of the financial statements as presented.

Vote: Passed, unanimous.

- b. Review and acceptance of proposed **FY 2017-18** agency budget

Motion: Ms. Williams moved approval of the agency budget as presented.

Vote: Passed, unanimous.

- c. Discussion and decision on submitting balance sheet in lieu of annual LCB financial audit

Discussion: Ms. Brainard has contacted the Legislative Counsel Bureau and verified the Board is eligible to submit a balance sheet in lieu of financial audit this year. This will save several thousand dollars in accountant's fees.

Motion: Ms. Benavides moved to submit a balance sheet to the LCB in lieu of a FY 2016-17 financial audit.

Vote: Passed, unanimous.

- d. Discussion and decision on Executive Director's compensation package

Discussion: The Board determined more research was necessary to develop a paid time off policy. Ms. Benavides volunteered to develop policy proposals to be presented at the next board meeting.

14. Executive Director's report (for possible action)

Ms. Sedran announced that two apprentice opticians, **Timothy Cappa** and **Daniela Seiciuc**, had completed their apprenticeship requirements and obtained their Ophthalmic Dispenser Licenses.

15. Board Counsel's report (for possible action)

Board Counsel had no items to report.

16. Board member comments (for possible action)

There were no board member comments.

17. Public Comment

Kyler Lund, Apprentice License #1217, asked whether applicants for an optician's license should submit their application materials prior to receiving their Advanced Exam results from the ABO. Sedran stated applicants can send in their application materials prior to receiving their results.

Howard Adler, License # 246, asked whether an optician should fill a contact lens prescription that does not state a number of refills and/or an expiration date, both of which are required by Nevada optometry law. Mr. Ling stated the requirements in question fall under the purview of the Board of Optometry. It is a clear legal violation for an optician to violate a doctor's instructions included on the prescription, however, if the prescription does not state both the expiration date and number of refills, the optician should default to Nevada ophthalmic dispensing law which instructs to fill according to number of refills *or* expiration date. The optician should also follow company policy on the matter.

Ms. Costuros adjourned the meeting at 3:46 p.m.