

# STATE OF NEVADA



## Board of Dispensing Opticians

**(Draft) Minutes of Public Meeting  
December 18, 2017 at 1:30 p.m.**

Board meeting took place via videoconference at:

Nevada Legislative Counsel Bureaus:

401 S. Carson Street, Room 3138 - **Carson City**, NV 89701  
555 E Washington Ave # 4400, Room 4412 - **Las Vegas**, NV 89101

**Board Members Present:**

Tammy Williams, Vice President  
Jennifer Benavides, Secretary  
Marilyn Brainard, Treasurer  
Michael Grover, Member  
Mark Myers, Member

**Board Staff Present:**

Corinne Sedran, Executive Director  
Louis Ling, Board Counsel

1. Call to order

Vice President Tammy Williams opened the meeting at 2:01 p.m. and called roll.

2. Public comment

Chris DeVaul, License #599, asked the Board about CPR training being used for CE credit for license renewal purposes. At the October 2017 meeting, the Board determined a licensee could apply up to 9 hours of CPR training towards license renewal every two years.

Carol Tomljanovich-Neel, License #490, stated the Board should grant extensions to apprentices who have passed the 40-month deadline to complete their apprenticeships but have not yet taken or passed the ABO/NCLE Advanced Exams. If an apprentice has not made sufficient progress otherwise the license should expire, but if the apprentice only has the Advanced Exams left to complete, the Board should grant the apprentice an extension.

Ryan Henderson, License #428, stated the Board should continue to offer CE credit for attendance at board meetings; the meetings are informative as to the public's health and safety.

Jennifer Ryan-Koenig read a prepared statement that is included with the meeting materials.

3. Board member officer elections (for possible action)

**Board president:**

Motion: Tammy Williams nominated Jennifer Benavides.

Vote: Passed, unanimous.

**Vice President:**

Motion: Marilyn Brainard nominated Tammy Williams.

Vote: Passed, unanimous.

**Secretary:**

Motion: Mark Myers nominated himself.

Vote: Passed, unanimous.

**Treasurer:**

Motion: Jennifer Benavides nominated Marilyn Brainard.

Vote: Passed, unanimous.

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

**October 11, 2017 Board Meeting**

**Motion:** Ms. Williams moved to approve the minutes as presented.

**Vote:** Ms. Brainard abstained from the vote because she was not at the October meeting; Passed 4-0.

5. Requests for extension/renewal of Apprentice Dispenser Licenses pursuant to NAC 637.285(3) (for possible action):

The Board considered extensions for apprentices who submitted written requests or appeared to speak at the meeting. (This item was reopened during public comment at the conclusion of the meeting upon the motion of Ms. Williams and a unanimous vote by the other board members.)

- a. **Bustos, Alma** No action taken.
- b. **Calma, Daisy** No action taken.
- c. **Felicie, Joshua** No action taken.
- d. **Galang, Gretchelle (Irene)** No action taken.
- e. **Harris, Brittany** No action taken.
- f. **Jenkins-DeVille, Marquetta**

**Discussion:** Ms. Jenkins-DeVille stated she is registered to take the Advanced NCLE Exam in February and plans to take the Advanced ABO Exam in April. Ms. Sedran directed the Board's attention to the written account of extenuating circumstances the applicant had submitted.

**Motion:** Ms. Williams moved to extend Ms. Jenkins-DeVille's apprenticeship for 6 additional months.

**Vote:** Ms. Benavides recused herself from the vote because she previously worked with the applicant. Passed 4-0.

- g. **Kocovska, Maja**

**Discussion:** Ms. Kocovska stated she took both the Advanced ABO/NCLE Exams in 2017 and was notified at her testing center that she had passed. She was later notified by the ABO that she had not passed the exams. She retook the exams in November 2017, however, she is still waiting on her results. She asked the board for an extension so she can retake the exams in 2018 if necessary.

**Motion:** Ms. Williams moved to grant the applicant a 6 month extension of her apprentice license.

**Vote:** Passed, unanimous.

- h. **Manila, Deoffrey** No action taken.
- i. **Moody, Stephanie** No action taken.
- j. **Munguia, Monica** No action taken.
- k. **O'Brien, John** No action taken.
- l. **Ortega, Edith** No action taken.
- m. **Pickard, Cindy**

**Discussion:** Ms. Picard stated she has completed the ophthalmic home-study program and has completed one semester of contact lens training at CSN. She is registered to take the ABO/NCLE basic exams in February 2018. She explained her extenuating circumstances.

**Motion:** Ms. Benavides moved to grant the applicant a one year extension of her apprentice license.

**Vote:** Passed, unanimous.

- n. **Smith, Rebecca** No action taken.
- o. **Speers, Jodie**

**Discussion:** Ms. Speers stated she has completed the home-study program and has taken the ABO Basic Exam. Ms. Williams stated the Board needs to begin enforcing the apprenticeship deadline; this was the purpose of changing the regulations.

**Motion:** Ms. Benavides moved to deny the applicant's request for an extension.

**Vote:** Passed, unanimous.

p. **Vianzon, Maggie**

**Discussion:** Ms. Vianzon stated she will register for the February NCLE Advanced Exam. She has the NCLE Advanced and the NCLE/ABO Practical Exams left to complete.

**Motion:** Ms. Williams moved to grant the applicant a 6 month extension of her apprentice license.

**Motion:** Passed, unanimous.

q. **Vollmer, Michelle**

**Discussion:** Ms. Sedran directed the Board's attention to the written explanation of extenuating circumstances Ms. Vollmer had submitted.

**Motion:** Ms. Benavides moved to grant the applicant a 1 year extension of her apprenticeship.

**Vote:** Passed, unanimous.

r. **Wolf, Steven** No action taken.

s. **Ycaza, Henry** No action taken.

6. Requests for continuing education credit pursuant to NAC 637.200(3) (for possible action):

**Walker, Rose** Item removed from agenda.

7. Report and Recommendations by Committee on Continuing Education Course Providers and Board approval of continuing education providers (for possible action):

**Quantum Optical**

**Discussion:** Committee Chair Michael Grover recommended the Board approve Quantum Optical as a continuing education provider for license renewal purposes.

**Motion:** Ms. Williams moved to approve Quantum as a CE course provider

**Vote:** Passed, unanimous.

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

**Discussion:** Ms. Sedran directed the Board's attention to the Apprentice Neutralization Training Forms developed by Committee Chair Jennifer Benavides. Ms. Brainard stated it is very helpful having both the apprentices and their supervisors maintain responsibility for training; there is a definite process in place that worksheets provide. Ms. Benavides stated the Board has heard too many times in public comment that a supervisor or apprentice was not held accountable for knowing spectacle instrumentation; she believes the worksheets provide a valuable training tool to maintain accountability.

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

The Committee Chair had no items to report.

10. Financials (for possible action):

- a. Review and acceptance of **October and November 2017** financial statements

**Motion:** Ms. Brainard moved to accept the reports as presented.

**Vote:** Passed, unanimous.

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

**Discussion:** Ms. Sedran stated health insurance premiums for individual policies have increased substantially since last year. It may be more cost-effective for the Board to enroll in the Public Employees Benefits Program.

**Motion:** Ms. Brainard moved to enroll Ms. Sedran in PEBP, provided the cost does not exceed what the Board is currently paying as a health insurance stipend.

**Vote:** Passed, unanimous.

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

The Executive Director had no items to report.

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

Board Counsel had no items to report.

13. Discussion and decision on response to FTC initiative regarding interstate portability of occupational licenses (for possible action)

Item tabled.

14. Workshop for Adoption of **Proposed Regulation R137-17** (for possible action)

Board Counsel, Louis Ling, called for public comment:

Ms. Benavides directed the Boards attention to public comment submitted earlier in the meeting by Jennifer Ryan-Koenig. She noted the comment had been submitted in written form by a Mr. Joseph E. Neville of the National Association of Optometrists and Opticians (NAOO). Ms. Benavides asked the executive director whether she had any information on the organization or its members. Ms. Sedran stated the organization does not have an online presence and she was unable to determine the makeup of its membership. Ms. Benavides stated the only information she was able to find on the organization pertains to litigation sponsored by Luxottica. The organization appears to provide legal representation to that company. She did not find any information indicating the organization represents individual optometrists or opticians.

Mr. Ling stated he had spoken with the boards' bill drafter at the LCB and Section 7 on page 8 is unnecessary because the term "verified" does not require notarization of a document. He then called for public comment.

Ryan Henderson, License #428 stated the Board should continue to offer CE credit for attendance at board meetings because it encourages licensees to attend. Mr. Ling stated the Board has been

offering credit as a matter of policy, but the regulations do not state the board will offer credit.

Arylis Wisecup, License #249, asked whether opticians can earn all their CE credits online beginning January 2018. Mr. Ling explained this provision will not go into effect until and unless the Board's proposed regulations are adopted at a hearing and then approved by the Nevada Legislature. It will be several months before the potential provision goes into effect. Ms. Wisecup stated she would like CE credit for attendance at board meetings to remain available.

Brent Hanson, License #601, asked for clarification on Section 1 of the proposed regulation. He asked whether this provision would prevent an apprentice from acting as either an ophthalmic manager or a business manager. Mr. Ling confirmed this is the intent of the language – to prevent an apprentice from holding a position of authority over his/her ophthalmic supervisor.

There was no further public comment.

Ms. Benavides asked a note be added to the comments that Jennifer Ryan-Koenig called out Ms. Benavides' name and made aggressive remarks towards Ms. Benavides at the beginning of the meeting and as she was leaving.

Mr. Ling stated he will clarify the language in Section 1, pertaining to management, and remove the revisions from Section 7.

**Motion:** Ms. Benavides moved to go forward with a hearing on the proposed regulation, pending amendments to Sections 1 and 7.

**Vote:** Passed, unanimous.

15. Board member comments (for possible action):

Mr. Grover asked for clarification on the CE credit deadline for the upcoming renewal. Ms. Sedran stated the regulations that went into effect November 2016 require all CE credits to be completed by December 31<sup>st</sup> of the renewal year. Renewal applications are not due until January 31<sup>st</sup> of the renewal year.

16. Public Comment

Maya Kocovska, License #1201, asked to submit comments as to her license renewal. She is listed on the agenda under Item 5.

**Motion:** Ms. Williams moved to reopen Item 5 to allow comments from listed apprentices.

**Vote:** Passed, unanimous.

Ms. Benavides adjourned the meeting at 3:42 p.m.