

STATE OF NEVADA



Board of Dispensing Opticians

(Draft) Minutes of Public Meeting

February 8, 2018 at 4:00 p.m.

Board meeting took place via teleconference at:

Office of the Nevada Board of Dispensing Opticians:
4747 Caughlin Parkway, Conference Room A

Board Members Present:

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

Board Staff Present:

Corinne Sedran, Executive Director
Louis Ling, Board Counsel

1. Call to order

Ms. Benavides called the meeting to order and called roll at 4 p.m. Board member Michael Grover joined the meeting after public comment.

2. Public comment

Elizabeth Drummond, License #327, stated she has kept her license in good standing for 17 years. She did not know CE credits must be earned by December 31st. She would like to know why the new deadline was not enforced for the 2017 renewal cycle. She has submitted a license inactivation request, however, she is asking the Board to renew her license in good standing for 2018.

My-Ling Fike, License #251, asked whether the Board is considering fees or fines for those persons who submitted CE credits dated after the December 31st deadline.

Donna Nellis, License #235, stated she wasn't aware of the change to a December 31st deadline for obtaining CE credits. She has always maintained her license in good standing and would like her license to be renewed for 2018.

Natasha McGuire, License #413, stated she submitted one credit that was dated after the December 31st deadline; she is attending to find out if her license will be renewed.

Renee Huber, License #308 and board staff member, stated the December 31st CE credit deadline is included in Adopted Regulation R106-14, which is posted on the Board's website.

3. Approval of previous board meeting minutes (for possible action):
December 18, 2017 Board Meeting

Motion: Ms. Brainard moved approval of the minutes as presented.

Vote: Passed, unanimous.

4. Discussion and decision on 2018 license renewal applicants who submitted post-deadline (post-12/31/2017) credits with their applications (for possible action)

Discussion: Ms. Sedran gave a timeline of the 2016 regulation changes and the Board's efforts to inform licensees of the changes. Ms. Brainard stated this is an issue of personal responsibility. Licensees need to know and follow the laws and regulations that govern their licenses. Mr. Grover stated this is the first year the regulation has gone into effect and it caught people off guard. Ms. Benavides suggested a one-time reduction of the delinquency fee be imposed for this first year of implementing the new deadline, with the full delinquency fee being assessed in future years. Ms. Williams suggested a flat fee of \$100.

Motion: Ms. Brainard moved to impose a one-time fine of \$100 for failure to obtain the required continuing education credits for renewal by the December 31st deadline.

Vote: Passed, unanimous.

5. Requests for extension/renewal of Apprentice Dispenser Licenses pursuant to NAC 637.285(3) (for possible action):
 - a. **Galang, Gretchelle (Irene)**
 - b. **Harris, Brittany**

Discussion: Louis Ling, Board Counsel, explained the licensees listed on the agenda are not allowed an extension of their apprenticeships as a matter of law. The new regulations state requests for apprenticeship extensions must be made in writing to the Board no later than 90 days prior to the expiration of the apprenticeship. The requests before the Board were made in December or January; in order to meet the deadline, the requests must have been made by November 1, 2017. Ms. Williams noted some licensees granted apprenticeship extensions at the December meeting had not submitted timely requests. Ms. Brainard asked if mitigating action could be taken pertaining to those requests. Mr. Ling stated the decisions made at the December meeting must stand, however, the Board must apply the 90-day deadline going forward.

Motion: Ms. Benavides moved to deny the requests.

Vote: Passed, unanimous.

6. Request for suspension/extension of apprenticeship timeline to accommodate military service orders (for possible action):

Horner, Robert
Item removed from agenda.

7. Request for Prior Experience Credit/Determination of Eligibility for Ophthalmic Dispenser License (for possible action):

Morton, Penny

Discussion: Ms. Morton stated she was previously licensed as an optician and passed the licensing exam given in Reno, however, at the time she was licensed completion of an ophthalmic education program was not a requirement for licensure. Ms. Brainard stated the Board needs to consider how much the profession has changed and advanced since the time Ms. Morton was previously licensed.

Motion: Ms. Benavides moved to grant Ms. Morton three years prior experience credit, but she must complete the required education and ABO certifying exams in order to qualify for licensing as an optician.

Vote: Passed, unanimous.

8. Discussion and decision on 2018 ABO/NCLE Advanced and Practical exam retake policy (for possible action)

Discussion: Ms. Sedran stated the policy for 2017 was to allow apprentices to retake failed ABO exams every three months; the policy will revert to the standard ABO 6-month-sit-out policy if the Board does not extend the current policy for 2018.

Motion: Ms. Benavides moved to revert to the ABO's standard 6-month sit-out policy for 2018.

Vote: Passed, unanimous.

9. Report and Recommendations by Committee on Continuing Education Course Providers and Board approval of continuing education providers (for possible action)
The committee chair had no items to report.

10. Report and Recommendations by Committee on Apprentice Training Requirements (for possible action)
The committee chair had no items to report.

11. Report and Recommendations by Committee on Licensure by Endorsement (for possible action)
The committee chair had no items to report.

12. Financials (for possible action):

- a. Review and acceptance of **December 2017 and January 2018** financial statements
Discussion: Ms. Sedran stated the financial reports are not complete at this time; she will need additional time to import 2018 renewal transactions into the Board's accounting records before she can finalize the balance sheets and budget report.
Motion: Ms. Brainard moved to delay a decision on the December and January financial reports until the next meeting.
Vote: Passed, unanimous.
- b. Discussion and decision on Executive Director's compensation package
Discussion: Ms. Brainard presented her proposed compensation package to the Board. She would like to make an amendment to the policy to allow the Board President to approve vacation requests. Ms. Sedran stated her health insurance costs have increased since last year and asked whether a cost adjustment could be added to the policy. Ms. Brainard stated the Board should meet health care premium increases yearly. Ms. Williams suggested health insurance increases should be approved by the Board yearly, when COLA adjustments are made.
Motion: Ms. Benavides move to approve the proposed compensation package with the modifications discussed.
Vote: Passed, unanimous.

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

Ms. Sedran stated she would like to schedule a board member training session for the next meeting because the Board has a new member; the training should take place at an in-person meeting when all board members are present.

14. Board Counsel's report (for possible action)
Board Counsel had no items to report.

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

Discussion: Ms. Brainard stated licensing is an important factor in the public's vision health; it is disconcerting there seems to be a push right now to eliminate licensing. Ms. Benavides stated the National Association of Ophthalmic Dispensers (NAOO) submitted this response to the FTC based on a collaborative forum that took place in 2014. She would like to obtain the official stances of some of the other organizations named in this response. Mr. Ling stated this initiative is related to the FTC, a federal organization, and is on the radar of much larger occupational licensing organizations than this Board. It would not be appropriate or effective for this Board to submit a response to the FTC directly.

16. Board member comments (for possible action)

Ms. Benavides asked about scheduling meetings for the remainder of the year. Ms. Sedran suggested meetings take place the second Thursday of each meeting month; Mr. Grover stated he prefers the 4 p.m. meeting time. The board members agreed to tentatively schedule remaining meetings for the second Thursday of every other month.

Ms. Benavides would like to request a closed meeting with American Board of Opticianry representatives to discuss the exams. Mr. Ling explained there is an exception under Nevada Open Meeting Law that allows a meeting to be closed in order to discuss the contents of a licensing exam. The Board would need to schedule a noticed meeting, but could hold the meeting in closed session.

Ms. Williams asked for a report on the percentage of exam takers passing the ABO/NCLE Advanced and Practical Exams for the next meeting.

Ms. Benavides asked that newly licensed opticians be highlighted on meeting agendas. She also suggested a board policy of conducting communication by email only for the benefit of the Board's records. Mr. Ling stated the executive director could instruct anyone who calls with questions of a legal nature to send the question via email so the board can keep a record of correspondence.

17. Public Comment

Penny Morton thanked the board for considering her application and has some questions about the apprenticeship; she was directed to send her questions to Ms. Sedran at the board office.

Ms. Benavides closed the meeting at 5:38 p.m.