

# STATE OF NEVADA



## Board of Dispensing Opticians

### (Draft) Minutes of Public Meeting

April 12, 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

1. Call to order  
Jennifer Benavides, Board President, opened the meeting at 4:00 p.m. and called roll. Board member Michael Grover was not in attendance.
2. Public comment  
There was no public comment.
3. Approval of previous board meeting minutes (for possible action):  
**February 8, 2017 Board Meeting**

**Motion:** Marilyn Brainard moved acceptance of the minutes as presented.

**Vote:** Passed, unanimous.

4. Requests for prior experience credit (for possible action):
  - a. **Arellano, Seyda**  
Item removed from agenda.
  - b. **Moody, Zachary**  
**Discussion:** Ms. Benavides noted the majority of prior experience detailed in the request pertains to lab work.  
**Motion:** Ms. Benavides moved to grant the applicant one year prior experience credit.  
**Vote:** Passed, unanimous.

Michael Grover joined the meeting at 4:12 p.m.

5. Review of ABO/NCLE exam pass rates; discussion and decision on exam policies and procedures for 2018; scheduling of closed meeting exam review (for possible action)

**Discussion:** Ms. Sedran explained many of the Board's applicants for opticians' licenses are having difficulty passing the NCLE Advanced Exam. The Board has received correspondence from applicants explaining the hardships they've encountered trying to pass the exam. Tammy Williams asked whether the Board might be able to grant temporary limited licenses to persons having this difficulty. Board Counsel, Louis Ling explained the Board's statutes don't give the Board authority to grant temporary or limited licenses. Ms. Brainard stated she is very concerned, based upon correspondence from an applicant, that the ABO has been unresponsive in terms of providing suggestions for study materials. Ms. Williams stated she is also concerned that applicants who are paying a lot of money to take these exams aren't receiving the support they need from the company in order to prepare for them.

Ms. Sedran stated Jim Morris of the ABO is willing to travel to meet with the Board so the board members can conduct an extensive exam review. The Board should also review its approved apprenticeship educational materials to ensure they are well matched to the content of the exams. The Board determined a regular open meeting should be held May 22<sup>nd</sup>, with the closed exam review taking place the following day.

6. Discussion and decision on ophthalmic prescriptions and best practices for dispensing opticians regarding filling ophthalmic prescriptions

**Discussion:** Ms. Sedran stated the Board needs to determine its policy with regard to filling prescriptions that do not meet Nevada Optometry law guidelines. Mr. Ling explained the Optometry Board is reluctant to direct opticians on this issue because that board does not have jurisdiction over licensed opticians. Optometry law describes what information must be included on a prescription, but does not contain guidance on what an optician should do if a prescription doesn't comply with the law. Nevada Revised Statute 637.200 defines as an unlawful act, filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription, but it does not prohibit filling a prescription that does not include either directive. Mr. Ling suggested the Board should allow the optician to determine whether to accept or reject such a prescription, provided the optician is not violating any statute or regulation of the Board of Opticians. The optician is always free to contact the prescriber to request additional direction and should also follow the policies of his/her employer.

Ms. Benavides asked whether a prescription that is submitted to an optician by its expiration date but is not paid for or filled by the expiration date is still valid. Mr. Ling explained the expiration date on a prescription is the date by which it must be submitted to the optical business for filling. A prescription may be filled and paid for after the expiration date so long as the order was placed by the expiration date.

7. Review and disposition of complaints per NAC 637.337 (for possible action):
  - a. **2018-01**
  - b. **2018-02**

**Motion:** Ms. Brainard moved to allow the board office to move forward with investigations and/or cease and desist letters on both complaints.

**Vote:** Passed, unanimous.

8. 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.

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

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

11. Financials (for possible action):

- a. Review and acceptance of **12/2017 – 3/2018** financial statements

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

**Vote:** Passed, unanimous.

- b. Discussion and decision on renewal of investment CD

**Discussion:** Ms. Brainard explained the Board’s financial institution is offering renewal rate on the Board’s investment CD of 1.60% for an 11-month period.

**Motion:** Ms. Brainard moved the Board renew the CD per the bank’s terms.

**Vote:** Passed, unanimous.

- c. Discussion and decision on increase to Executive Director’s insurance stipends; reimbursements for 2018

**Discussion:** Ms. Sedran explained her health insurance premiums had increased for 2018 and requested the Board increase her stipend to cover the difference.

**Motion:** Ms. Brainard moved to increase the executive director’s monthly health insurance stipend to cover the increase to premiums and that the increase be retroactive to cover premiums back through January 2018.

**Vote:** Passed, unanimous.

12. Executive Director’s report (for possible action)

Ms. Sedran congratulated the opticians who passed their licensing exams in the past year. Newly licensed opticians for 2017/18 include:

Samuel Madrid, 652

Timothy Cappa, 653

Daniela Seucic, 654

Joseph Fekete, 655

Michael Lantis, 656

Kyler Lund, 657

Luis Flores, 658

Neil Sunga, 659

Chris Ann Brasileno, 660

Rebecca Smith, 661

Steven Wolf, 662

Fadi Yared, 663

13. Board Counsel’s report (for possible action)

Board Counsel had no items to report.

14. Board member comments (for possible action)

Mark Myers asked how a CE provider would obtain board approval. Ms. Sedran stated anyone/organization interested in being an approved provider should send information on their courses to the board office. She will forward any requests to CE Committee Chair Michal Grover, who will make a recommendation to the board at a future meeting.

15. Public comment

Maja Kocovska, Apprentice License 1201, stated she has had her apprentice license for years and has taken the NCLE Advanced Exam four times already, which has caused her great economic hardship. The ABO did not provide test-takers with a breakdown of their scores until this last exam so she did not know how to better prepare for the exam. The Board has only extended her apprenticeship through July, and she won’t be able to work after the license expires. Because of the Board’s six-month sit out policy, she cannot retake the NCLE Advanced Exam until August.

Kyler Lund, License 657, stated he is one of the applicants who was originally told he failed the NCLE Advanced Exam and was later informed by the ABO organization that he had passed. He is glad the Board is reviewing the exam.

Ms. Benavides closed the meeting at 5:25 p.m.