

# STATE OF NEVADA



## Board of Dispensing Opticians

### Minutes of Public Meeting

February 21, 2019 at 5:00 p.m.

Board meeting took place via teleconference at:

Office of the Nevada Board of Dispensing Opticians:  
4747 Caughlin Parkway, Front Conference Room  
Reno, Nevada 89519

#### **Board Members Present:**

Jennifer Benavides, Acting President  
Mark Myers, Acting Secretary  
Marilyn Brainard, Acting Treasurer  
Tamara Sternod, Member

#### **Board Staff Present:**

Corinne Sedran, Executive Director  
Greg Ott, Board Counsel

1. Call to order  
Board President Jennifer Benavides called the meeting to order at 5:04 p.m. and called roll.
2. Public comment  
All board members confirmed they had reviewed written public comments. There were no other public comments.
3. Approval of previous board meeting minutes (for possible action):  
**December 13, 2018 Board Meeting**  
**Motion:** Ms. Benavides moved to approve the minutes as presented.  
**Vote:** Motion passed unanimously.
4. Announcement of newly licensed Ophthalmic Dispensers:  
Ms. Sedran announced the names of Ophthalmic Dispensers licensed since the last meeting.
 

<b>678 Wendi Mederos-Sedano</b>	<b>682 Judith Castro</b>
<b>679 Elise Oestry</b>	<b>683 Sylvia Rubio</b>
<b>680 Dana Whitford</b>	<b>684 Trenton Tan</b>
<b>681 Sergio Hernandez-Sandoval</b>	<b>685 Season Tan</b>
5. Review and decision on prior experience credit requests (for possible action):
  - a. **Loya-Villalobos, Carely**  
**Motion:** Ms. Benavides moved to grant the applicant two years of prior experience credit.  
**Vote:** Motion passed unanimously.
  - b. **Mendoza, Gabriela**  
**Motion:** Ms. Sternod moved to grant the applicant two years of prior experience credit.  
**Vote:** Motion passed unanimously.
6. Discussion and decision on proposed settlement agreement with Michael Grover  
This item was tabled.
7. Report and recommendations by Committee on Apprentice Training Requirements (for possible action):
  - a. Review and approval of apprentice training forms  
**Discussion:** The board members discussed the various requirements included on the forms and determined further review would be necessary before approving the forms. The item was tabled.
  - b. Discussion and recommendations on training requirements  
The board chair had no further items to present.
8. Discussion and decision on prescription interpretations/entering of prescription information into a computer/database by unlicensed personnel (for possible action)  
**Discussion:** Ms. Sedran asked the board members to clarify what an unlicensed person is or is not allowed to do with prescription information when working for an optical retailer. She also asked whether the physical delivery of a completed laboratory order to lab personnel would be considered dispensing. Ms. Sternod stated the input of prescription information into a computer is considered data entry at many retail locations, however, an unlicensed person who is not familiar with ophthalmic prescriptions could easily make errors when entering the information. These errors

would result in incorrect laboratory tickets. The licensed ophthalmic dispenser would need to verify the accuracy of the prescription information before finalizing the lab ticket. Ms. Benavides agreed that unlicensed persons could make mistakes when entering prescription information and believes only a licensed person should do so, as this information becomes part of the laboratory order; by law, only licensed persons may prepare laboratory orders. Ms. Sternod agreed any time prescription information is entered in the computer, it is with the intent a pair of glasses with that prescription will be made for the customer, therefore this data entry constitutes preparation of a lab order.

Ms. Sternod stated that, although the person preparing a laboratory order needs to be licensed, a person who is merely delivering a completed ticket to an on-site lab worker need not be. This is no different than a delivery truck delivering prepared laboratory orders to an offsite lab. The person making the delivery is not involved in preparing the order or verifying the final product. Mr. Ott advised that an employer may impose a higher standard on its employees than those the board imposes; an employer may prohibit its unlicensed employees from physically delivering lab tickets. The board members agreed the definitions of “preparing” and “delivering” work orders need to be clarified in the board’s regulations. Ms. Benavides stated the Board’s current position is a person does not need to be licensed to physically deliver a work order to laboratory personnel once the order has been finalized by a licensed optician.

9. Review and discussion of A.B. 77: Nevada Board of Optometry bill; development of official response (for possible action)

**Discussion:** Ms. Sedran stated she would like the board members to review and approve the proposed formal response to A.B. 77; the response letter would be sent to the Committee on Labor and Commerce prior to their next meeting on February 25th. Ms. Benavides called for a five-minute recess at 5:40 p.m. to allow the board members to review the proposed response.

Ms. Benavides reconvened the meeting at 5:45 p.m. and confirmed all board members had reviewed the letter. Ms. Benavides noted the Optometry Board had proposed new amendments to A.B. 77, which had only been provided to the Board of Dispensing Opticians the previous day. The amendments do not reflect the compromises she believed the two boards had reached when she attended the Optometry Board’s meeting on January 29<sup>th</sup>. Her understanding was the boards had agreed any changes pertaining to opticians’ ability to neutralize lenses would be addressed in the Board of Dispensing Optician’s statutes, rather than the Board of Optometry’s statutes. Mr. Myers agreed this was his understanding of what took place at the meeting as well; the new wording that was agreed upon had been voted on and approved by the Optometry Board. Ms. Benavides also noted the Board of Optometry’s minutes were not yet available for the January 29<sup>th</sup> meeting, so she was unable to check the official record. She asked for Mr. Ott’s opinion on the Optometry Board changing the text of its proposed amendments after they had been voted upon at the meeting. Mr. Ott stated the legislative process has many hands in it; we cannot determine who had the final hand in changing the language. It does not matter how the proposed text got there, only that it will have a negative impact on this Board. Ms. Brainard stated it is unlikely, given the timeline, that the Optometry Board had already received a revised draft of the bill from the LCB. Ms. Sedran confirmed the new amendments were not written in legislative language.

Ms. Sternod stated she had also prepared a letter she planned to send to the Committee on Labor and Commerce; her letter contained a few points not addressed in the proposed formal response. The

board members agreed Ms. Sedran should integrate Ms. Sternod's points into the Board's formal response before submitting it to the Committee.

**Motion:** Ms. Brainard moved to approve the proposed response, pending requested revisions, and to submit it to the Committee on Commerce and Labor as the Board's formal response to A.B. 77.

**Vote:** Motion passed unanimously.

10. Legislative session updates and review of legislative tracking (for possible action)

Ms. Sedran advised the Board of any bills introduced this session that may have a future impact on the board or its operations. At this time, AB 77, discussed above, is the only bill that would have a major negative impact on the board or its licensees.

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

The following items were suggested as possible regulation changes:

- Increasing licensing fees
- Reducing the required length (in years) of apprenticeships
- Specifying whether community service work may be applied towards SP or CL continuing education requirements
- Restrictions on lens neutralizations
- Clarifications regarding business managers versus ophthalmic managers
- Defining "delivery" and "preparation of work orders" with respect to dispensing duties

12. Financials (for possible action):

- a. Review and acceptance of **November and December 2018** financial reports

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

**Vote:** Motion passed unanimously.

- b. Discussion and decision on renewal of Board's CD in March/April

Discussion: Ms. Brainard noted the maturity date on the board's CD is March 25, 2019, the renewal date is April 25, 2019, and the interest rate offered is 1.6%. This is very good compared to standard CE interest rates.

**Motion:** Ms. Brainard moved to renew the CD on the appropriate date.

**Vote:** Motion passed unanimously.

13. Executive Director's report

Ms. Sedran stated progress on the new database is being made; she is very happy with the new system and believes the online renewal process went much smoother than in previous years.

14. Future agenda items (for possible action)

Ms. Benavides noted the requests the board members had made under Item 11 for future regulation changes.

15. Public comment

Kevin Benson, counsel for Luxottica, noted the supporting materials for the meeting were not on the website; Ms. Sedran stated they are available upon request.

Brent Hanson, License 601, asked for clarification on the FAQs posted on the website; he asked whether these are law or policy. Mr. Ott stated the NRS and NAC have the power of law; the FAQs do not, but they help to clarify the Board's positions on how it interprets its laws. Mr. Hanson also stated the licensees pay a good deal of money for their licenses; he would like them to be able to keep their formal license certificates, rather than printing copies.

Ms. Benavides closed the meeting at 6:19 p.m.