

STATE OF NEVADA



Board of Dispensing Opticians

Minutes of Public Meeting: April 9, 2020 at 5:00 p.m.

PLEASE NOTE:

Per the Governor's orders regarding COVID-19 closures, there was no public location provided for this meeting. All interested parties were invited to attend via teleconference.

Board Members Present:

Jennifer Letten, President
Mark Myers, Vice President
Tamara Sternod, Secretary
Marilyn Brainard, Treasurer

Board Staff Present:

Corinne Sedran, Executive Director
Laena St-Jules, Deputy Attorney General

1. Call to order
Jennifer Letten called the meeting to order and called roll at 5:11 p.m.
2. Public comment
There was no public comment. Jim Morris, President of the American Board of Opticianry, announced he was on the line. Ms. Letten moved ahead to Agenda Item 5.
3. FOR POSSIBLE ACTION (revisited after Agenda Item 5): Approval of previous board meeting minutes: **February 13, 2020** Board Meeting
Motion: Ms. Brainard moved to approve the minutes as presented.
Vote: The motion passed unanimously.
4. Announcement of newly licensed Ophthalmic Dispensers:
Ms. Sedran announced the persons licensed since the last meeting.
714 Evelyn Rhyner
715 Kauai Sherman

5. FOR POSSIBLE ACTION (discussed after item 2): Review and decision on ABO/NCLE virtual testing alternatives in response to COVID-19 concerns

Discussion: Mr. Morris explained the ABO had an obligation to the states utilizing its exams to come up with examination opportunities for the May 2020 testing window. However, it is entirely up to the Board whether to approve use of the exams. As soon as the COVID-19 pandemic was declared, the ABO realized there would be issues with delivering exams during the May test window and mobilized efforts to administer exams in a virtual testing environment. Virtual testing has been accepted by the national accrediting bodies for the last four years. The virtual testing program utilizes a webcam panoramic picture of the examinee and surrounding room that is continually monitored by an exam proctor. The examinee's computer is taken over by the testing environment and the user cannot access anything else on the device while taking the exam. Additionally, any attempt by the examinee to look away from screen to view study materials or another electronic device will result in the proctor immediately shutting down the exam. Mr. Morris said he was originally resistant to the idea of virtual testing, however, ProMetric, the company that administers the ABO exams, has an entire division devoted to the virtual testing system. This division, ProProctor, has thoroughly tested all the program's security features. The ABO asked ProMetric to adopt its own exams into the system so virtual testing could be offered to the states that want to use it. Kentucky has approved the system as an interim measure, while Massachusetts and Washington have approved use of the virtual exams indefinitely. The May testing window has been extended through July and the Basic and Advanced Exams are currently available on the virtual platform. The Practical Exams require further testing before they will be launched.

Ms. Brainard noted the International Organization for Standardization (ISO) has approved the virtual testing platform. Mr. Morris confirmed the ISO, which issues accreditation to certifying bodies, has approved the virtual testing program because of the amount of security built into the system. Ms. Brainard noted the ISO is very well regarded and has very high standards. She said many boards will have to take similar measures in response to the pandemic and she is in favor of approving the virtual testing option.

Mr. Myers said he likes the idea of virtual testing in theory but was unable to test the ABO's testing program on his own computer.

Ms. Sternod said she agrees the ProMetric virtual testing program is a good option at this time. She asked Mr. Morris to confirm there would be a live proctor during the exams. Mr. Morris said yes, a live proctor monitors the exam the entire time and can shut down the exam with the click of a button if there are any indications of cheating. The examinee agrees to forfeit the exam and any fees if he or she is found to be in violation of any terms of the virtual exam method.

Ms. Letten asked if Mr. Morris believes the Practical Exams will be available in time for the May test window. Mr. Morris said he is hoping they will be available in May, however, the ABO will be opening the August test window as early as June to allow test takers ample opportunity to take the virtual Practical Exams once they are available.

Motion: Ms. Letten moved to approve use of the virtual exams by Nevada applicants for the May testing window.

Vote: The motion passed unanimously.

6. FOR POSSIBLE ACTION: Assignment of board member(s) to review apprenticeship education program(s): **Penn Foster**

Discussion: Ms. Sedran said the Penn Foster rep had provided an outline of the program but would be sending additional course materials for review. She suggested the board members divide the project of reviewing the materials between themselves, or take turns reviewing them. Ms. St-Jules suggested Ms. Sedran act as the hub for the project and issue materials to the board members as they are delivered or returned to the board office. The board members may review the program materials individually outside of meetings but may not discuss them with each other. Ms. Sternod requested further information on the costs of the program and whether the education is relevant to the Advanced ABO/NCLE exams or only the Basic Exams. No further action was taken on this item.

7. FOR POSSIBLE ACTION: Review and discussion of proposed statute/regulation changes; discussion of possible small business impact

Discussion: Ms. Sedran said there is no official draft of the regulations at this time; she has simply compiled the suggestions of the board members from previous meetings. Ms. Brainard said the Board should take this opportunity to condense and streamline the regulations, putting logical items together into the same section. The current regulations are wordy and fragmented, making them difficult to navigate. Licensees, and particularly apprentices, need clear instructions so they understand their responsibilities.

Ms. Sternod directed the Board's attention to NAC Section 637.006 and said the wording should be revised to allow online orders to be delivered to customers without requiring a final inspection. Mr. Myers agreed and said more locations will be delivering products to customers directly from the laboratory in the future. Ms. Sedran said the definition of "delivery" needs to be addressed as well to make it clear a licensed optician does not need to directly hand or mail the product to the customer. Ms. Letten said the provision was meant to address online businesses that are domiciled in Nevada, to ensure those businesses are still performing final inspections of the products they sell. The wording will need to be reworked. She asked Ms. St-Jules for information on how the Pharmacy Board deals with online ordering, final inspections, and delivery of medications to consumers. Ms. St-Jules said she will research the issue.

The Board discussed the remaining suggested revisions, including: 1) changes to provisions related to ophthalmic managers, 2) streamlining and combining the sections pertaining to apprentice training requirements, 3) streamlining and clarifying the timeline for completing the apprenticeship program, 4) increasing renewal fees for opticians and limited opticians, 5) removing the provision requiring purchase of duplicate license certificates, 5) clarifying licensing requirements for opticians, and 6) revisions to required equipment for ophthalmic dispensing. Ms. Sedran also suggested adding a provision setting standards for sanitation of equipment and cleanliness at ophthalmic businesses.

8. FOR POSSIBLE ACTION: Financials

- a. Review and acceptance of **January and February 2020** financial reports

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

Vote: The motion passed unanimously.

- b. Review of terms of renewed investment account

Ms. Brainard reviewed the terms of the renewed CD investment account. The account has been renewed for 7 months at a 1.6% interest rate; the Board cannot make any deposits into the

account after the initial purchase.

Motion: Ms. Letten moved to approve renewal of the account.

Vote: The motion passed unanimously.

9. FOR POSSIBLE ACTION: Executive Director's report

Ms. Sedran said the Board has licensed five new opticians in the past several weeks; apprentice license application numbers have been down, likely due to the pandemic. The Board is very fortunate the online licensing system is up and running now so that most office business can be conducted remotely. There have been a few glitches in the new system and there may be some delays in issuing licenses, but the office has been able to maintain most of its functions. Ms. Sedran also discussed the results of the February ABO and NCLE exams.

10. FOR POSSIBLE ACTION: Board member comment and future agenda items

Discussion: The Board members discussed questions it has received with respect to COVID-19 closures and safe practice. Ms. Letten said licensed opticians are healthcare providers and do not fit the description of nonessential retailers. Optical retail locations sell medical devices and should be included under the umbrella of essential optometric and ophthalmological services. Ms. St-Jules agreed opticians would probably fall within the scope of essential healthcare providers under the Governor's Emergency Order. Ms. Letten asked if the Board can issue directives and updates to its licensees during this state of emergency. Ms. St-Jules said the Governor's Emergency Regulations allow each state agency to distribute its own guidelines; one of the board members should work with Ms. Sedran to draft guidelines to be approved at the Board's next meeting. The Board may also delegate the task of issuing non-binding updates and guidance to one of the board members and/or the executive director. Ms. St-Jules recommended the Board hold a meeting the following week and add this issue as an agenda item. The board members agreed to meet via teleconference on April 16th at 5 p.m.

11. FOR POSSIBLE ACTION: Apprentice License and Prior Experience Credit Applications

a. Closure of meeting pursuant to NRS 241.030(1)(a)

Motion: Ms. Letten moved to close the meeting to the public at 7:00 p.m.

Vote: The motion passed unanimously.

b. Review and decision on apprentice license application and request for prior experience credit:
Sena, Kristi

The board members reviewed Ms. Sena's application materials in closed session.

Motion: Ms. Letten moved to reopen the meeting at 7:15 p.m.

Vote: The motion passed unanimously.

Motion: Ms. Sternod moved to approve Ms. Sena's application and grant her two years prior experience credit.

Vote: The motion passed unanimously.

12. Public comment

There was no public comment.

Ms. Letten closed the meeting at 7:19 p.m.