

STATE OF NEVADA



Board of Dispensing Opticians

Minutes of Public Meeting: October 8, 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
Brett Roames, Member

Board Staff Present:

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

1. Call to order

Board President Jennifer Letten called the meeting to order and called roll at 5:02 p.m. She welcomed Mr. Brett Roames who was just appointed to serve on the Board. Mr. Roames gave some information on his background in the field; he has been licensed since 2011 and currently serves as an instructor in the Ophthalmic Department at the College of Southern Nevada.

2. Public comment

Mr. Joe Neville, executive director of the National Academy of Opticians and Optometrists, said he is very interested in the proposed regulation changes and has submitted written comments for the Board's consideration. His comments cover various topics including practical issues, practice during coronavirus, and retail optical dispensaries. He is concerned the new regulations will require the named ophthalmic manager to be on site at the optical store every day of week and will require the store to close whenever the manager is not on site. Ms. Sedran said she had received Mr. Neville's written comments, as well as written comments submitted on behalf of retailer Warby Parker, and had submitted them to the board members for review. Mr. Chris Grimm, representative for Warby Parker, said he is looking for clarity on whether the board is planning to regulate mail orders and whether the provisions will apply to glasses shipped to Nevada residents from out-of-state.

3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes
August 13, 2020 Board Meeting

Motion: Ms. Sternod moved to approve the minutes as presented.

Vote: The motion passed unanimously.

4. Announcement of newly licensed Ophthalmic Dispensers:
Ms. Sedran announced the new licensees:

724 Baback Davarnejad

725 Matthew Upperman

726 Karen Garcia-Alvarado

5. FOR POSSIBLE ACTION: Apprenticeship extension requests with recommendations by assigned board member:
Pelaez, Eliana

Discussion: Ms. Letten recommended tabling this item. She would like to address possible extensions for all licensed apprentices in light of the COVID-19 closures that took place throughout 2020. She requested a future agenda item to address the apprenticeship timeline for all apprentices. Ms. Sternod said she will recuse herself from any discussion pertaining to this particular applicant because she knows the applicant personally.

Motion: Ms. Letten moved to table the item.

Vote: Motion passed unanimously.

6. FOR POSSIBLE ACTION: Discussion and decision on extension of apprentice 6-month enrollment deadline (NAC 637.285)

Discussion: Ms. Sedran asked the board to consider granting enrollment extensions to the apprentices licensed between November 2019 and June 2020 in light of COVID closures that impacted the schools and limited enrollment opportunities. Several apprentices had difficulty corresponding with the schools during the closures. Mr. Roames spoke regarding CSN and said the spring semester had continued as planned via online courses but there may have been restrictions on enrollment for the fall semester; more students may be admitted into the program going forward. Ms. St-Jules said the board's regulations require the board to inactivate the licenses of apprentices who do not enroll by the deadline. She will research alternatives for assisting apprentices who were unable to enroll due to COVID closures and restrictions.

Motion: Ms. Letten moved to table this item.

Vote: The motion passed unanimously.

7. FOR POSSIBLE ACTION: Review and discussion of Proposed Regulation R109-20

Discussion: Mr. Myers spoke regarding the proposed language on ophthalmic managers. He said each store needs to have a point person who is ultimately responsible for what takes place in the department. Every licensee is expected to follow the laws regardless of his or her title, but there needs to be one person who is accountable at any given moment. Ms. Sedran agreed and said the new language is not meant to require the ophthalmic manager to be present every moment the store is open, but rather to make one person ultimately responsible to the board and the public for dispensing decisions that take place in the store.

Ms. Sternod spoke regarding the requirement that a licensed optician inspect every pair of glasses before they are delivered to customers. She asked whether online retailers would be required to have a Nevada-licensed optician inspect glasses before they are mailed to consumers. Ms. Letten said she previously worked for a major corporation that manufactures eyeglasses in Nevada and a licensed optician inspected every pair of glasses before they were mailed; if the company is operating in Nevada it should be subject to the same inspection requirements as retail locations. It is the board's responsibility to protect Nevada consumers; a business operating in the state needs to employ the appropriate workforce to perform its services legally.

Mr. Roames addressed Section 637.241(b), which lists required equipment for dispensing, and asked whether a fluorescene scope is still necessary. Ms. Letten agreed the fluorescene scope should be removed from the draft language.

Ms. Brainard spoke regarding sanitation guidelines and suggested the regulations reference other government agencies' guidelines. Ms. Sedran suggested the language reference "board-approved" guidelines rather than any specific agency so the board has more flexibility.

Ms. Sedran suggested changing the language regarding apprentice license inactivation to make it discretionary in case of future emergencies.

8. FOR POSSIBLE ACTION: Review and discussion of revisions to NRS 637; updates on bill
Ms. Sedran did not have any updates to present on this item. There was no further discussion.
9. FOR POSSIBLE ACTION: Report and recommendations on apprentice education programs by assigned board member; discussion and decision by Board
Ms. Letten has finished reviewing the materials provided by Penn Foster; she will send them to Mr. Roames for his review. Mr. Myers, the assigned board member, did not have any updates on this item.
10. FOR POSSIBLE ACTION: Financial items
 - a. Review and acceptance of **July and August 2020** financial reports
Motion: Ms. Letten moved to accept the reports as presented.
Vote: The motion passed unanimously.
 - b. Update on renewal of certificate of deposit
Ms. Brainard said the board's CD has been renewed for 12 months. The renewal rate is low but comparable to what other banks are currently offering.
11. FOR POSSIBLE ACTION: Executive Director's report
Ms. Sedran said the board's online licensing system has allowed the board office to continue reviewing and approving license applications throughout the COVID closures. She just received a new set of exam results from the ABO so she is expecting more applications for optician licenses to be submitted soon. Other updates have been addressed under other agenda items.
12. FOR POSSIBLE ACTION: Board member comment and future agenda items
Ms. Letten requested an agenda item to address the impact of COVID closures on licensed apprentices and their timelines for completing their training requirements. Mr. Roames referenced the earlier discussion surrounding delivery of prescription products ordered over the internet and suggested the board reach out to other state boards; online ordering presents a public health issue

that extends beyond ophthalmic dispensing. Ms. Letten agreed it would be helpful to determine how other types of online businesses are regulated with respect to verifying prescriptions.

13. Public comment

Ms. Eliana Pelaez said her request had been tabled but wanted to address how apprentices have been affected by the COVID closures because each apprentice has lost a period of time for obtaining their required work-training hours. The closures have affected many people and made it difficult to complete the apprenticeship requirements by the deadlines. She thanked the Board for its attention to this issue.

Ms. Letten thanked the attendees and closed the meeting at 6:26 p.m.