

STATE OF NEVADA



Board of Dispensing Opticians

Minutes of Public Meeting: April 27, 2022 at 2:00 p.m.

Board Members Present:

Jennifer Letten, President
Mark Myers, Vice President
Marilyn Brainard, Treasurer
Chris Esparza, Member
Jennifer Brusven, Member

Board Staff Present:

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

1. Call to order
Ms. Letten called the meeting to order and called roll at 2:00 p.m.
2. Public comment
There was no public comment.
3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes
February 15, 2022 Board Meeting
Motion: Ms. Brainard moved to approve the minutes as presented.
Vote: The motion passed unanimously.

Ms. Letten announced the agenda items would be taken out of order and Item 8 would be discussed prior to Item 4.

4. Announcement of newly licensed Ophthalmic Dispensers:
Ms. Sedran congratulated the newly licensed ophthalmic dispensers.
743 Ashley Freeman
744 Jeffrey Macias
745 Jennifer Waje
746 Henry Ycaza
747 Kirstie Ann Eslit

5. FOR POSSIBLE ACTION: Review and decision on applications for extension of apprenticeship deadline:
 - a. **Rojas, Lluvia**
Discussion: Ms. Letten said the company that employs the applicant closed many of the optical departments during the COVID shutdowns; the apprentices weren't receiving on-the-job training, which is a key component of their apprenticeship requirements.
Motion: Ms. Letten moved to grant the applicant a 12-month extension of her apprenticeship timeline.
Vote: The motion passed unanimously.
 - b. **Trigo, Ashley**
Discussion: Ms. Letten said she did not see any circumstances cited in the application that would warrant an extension; Mr. Myers said he is of the same opinion, but he would like to know if she has completed her final contact lens course, which is only available during the spring term at CSN. Ms. Brainard said she disagreed the applicant did not present circumstances that warrant an extension and would like to review the application again at the next meeting.
Motion: Ms. Brainard moved to postpone discussion on this item until the next meeting. She would like clarification on the apprentice's education timeline.
Vote: The motion passed unanimously.
6. FOR POSSIBLE ACTION: Report and recommendations on apprentice education programs by assigned board member
Vegas PBS Optician Certification Course
Discussion: Mr. Myers said he has not received further information from the course sponsor since the last meeting. The course is geared towards preparing students to pass the ABO Basic Exam and the NOCE, which are not the exams the Board currently uses to test competency. He recommends the Board deny the sponsor's request to use the course as a portion of the Board's apprentice education requirements.
Motion: Ms. Letten moved to deny the request for course approval.
Vote: The motion passed unanimously.
7. FOR POSSIBLE ACTION: Report and recommendations on continuing education courses and providers by assigned board member
 Ms. Letten said she does not have recommendations to make at this time, however, Ms. Brusven is working on new continuing education offerings as part of her involvement with the Nevada Association of Ophthalmic Dispensers (NAOD).

Ms. Brusven explained she is part of an effort to revamp the Nevada Association of Ophthalmic Dispensers (NAOD). The organizers have decided to maintain a single group this time, rather than northern and southern chapters. She has been corresponding with several other professional associations across the country about their activities and educational offerings. The NAOD now plans to offer up to 8 CE credits during an annual full-day event, beginning this summer. The courses will be ABO/NCLE-approved, with some COPE-approved course offerings as well. She would like to offer a higher level of continuing education than what is currently available, with challenging courses offered in a virtual/in-person hybrid format.

Discussion on Item 8 took place after Item 3.

8. FOR POSSIBLE ACTION: Discussion and decision on hiring of lobbyist/approval of lobbyist contract for 2022-23

Discussion: Ms. Sedran said the Board received two written bids for lobbying services and asked if the board members needed any additional time to review them. The board members said they had reviewed the bids and could proceed with discussion.

One of the bidders, Abney Tauchen, was present at the meeting. Lea Tauchen and Tray Abney introduced themselves and gave an overview of their lobbying experience. They have had their own lobbying firm for four-and-a-half years. Prior to opening the firm, Mr. Abney worked in government affairs for the Reno-Sparks Chamber of Commerce for ten years and Ms. Tauchen worked for the Retail Association of Nevada for thirteen years. They are well-versed in working with legislators and administrators at the local and state levels. Lobbying is about working with people, and they have been successful in building relationships across the political aisle. They also have a diverse list of clients that includes private-sector and non-profit organizations. One of their primary roles as lobbyists is to educate, because legislators have many roles to fill and do not have time to become experts on every piece of proposed legislation. Lobbyists can make decisions easier for legislators by being trusted voices and sources of information on issues of importance to their clients.

Ms. Sedran said it would benefit the Board to have representatives with private-sector experience, as it is now encountering more private retail interests when working on legislation. Ms. Letten said she appreciated that both Ms. Tauchen and Mr. Abney were based in Northern Nevada and did not employ additional staff, as they would both be a direct point of contact for board members and staff.

Ms. Letten asked the other board members for input on the presented bids. Ms. Sedran said the Board's previous lobbying contracts would be about on par with the compensation requested by Abney Tauchen. Ms. Letten said it would be difficult for the executive director to work with a firm primarily based in Southern Nevada, as is the case with the second bidder. Ms. Brainard said the second bidder is a large firm, and the Board as a client would be a small fish in a big pond. She also believes the proposed compensation is outside what the Board could reasonably afford.

Motion: Ms. Letten moved to approve the Abney Tauchen Group's proposal for services.

Vote: The motion passed unanimously.

9. FOR POSSIBLE ACTION: Discussion of proposed changes to NAC Chapter 637; legislative updates

Ms. Sedran said the draft presented to the board members is the same one the board reviewed in August 2021. There has been discussion at subsequent meetings of adding a provision to require ophthalmic managers to maintain a list of apprentices and their supervisors at the workplace, and to be responsible for reporting workplace updates to the Board. She will add the provision to the draft if the board members are still in agreement with the suggestion; the board members agreed the provision should be added to the draft regulations. There were no further suggestions or requests.

10. FOR POSSIBLE ACTION: Discussion of American Optometric Association news article re: NAOO

Ms. Letten explained the National Association of Optometrist and Opticians (NAOO) is a lobbying group for Luxottica that fronts as a professional association and claims all its employees as members. The American Optometric Association (AOA) recently published an article about its push to have the IRS reconsider the tax-exempt status of the NAOO, which purports to represent the interests and opinions of licensed optometrists and opticians, but is lobbying for a retailer. A representative of the NAOO regularly attended past Board meetings, and the organization made efforts to amend Nevada laws and regulations to remove restrictions on businesses. If the AMO is successful in its request to remove the NAOO's tax-exempt status, it will benefit the licensed

profession as a whole, which is routinely attacked by big business interests that run contrary to consumer safety.

11. FOR POSSIBLE ACTION: Financial items

- a. Review and acceptance of **January and February 2022** financial reports

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

Vote: The motion passed unanimously.

- b. Adjustment of FY22, 23 budgets to accommodate lobbyist fees

Ms. Sedran said the Board is in good shape with its budget and has plenty in reserves to accommodate additional lobbyist fees. It is important for the Board to have good representation when amending its laws and regulations over the next year, as there are many outside interests trying to get involved in the process. The current FY budget does not require amendment, but she will present the FY23 budget with additional lobbying funds at the June meeting.

12. FOR POSSIBLE ACTION: Executive Director's report

- a. Office and licensing updates

Ms. Sedran gave an update on licensing numbers for 2022: the Board currently licenses 137 apprentices, with 22 new apprentice licenses issued so far in 2022, and 373 (active) opticians, with 7 new licenses issued so far in 2022. Ms. Brusven asked whether there was a slump in licensing numbers due to COVID closures. Ms. Sedran said there had been a slump in new apprentices in 2020, however, 2021 saw apprentice licensing resume to pre-COVID numbers. There was not a noticeable decline in new opticians in 2020, as the ABO was able to offer the licensing exams remotely. There was a drop-off in new opticians in 2021, which might be attributed to continued COVID closures and reduced operating hours. Licensing of new opticians has increased again in 2022.

- b. General updates

Ms. Letten asked for an update on the electronic Laws and Ethics Exam. Ms. Sedran said the developer is finishing up other projects and requests for the Board, but she hopes the exam will be implemented some time this summer.

13. Board member comment and future agenda items

Ms. Brainard said she is very pleased to see some of the local retail establishments have remodeled their ophthalmic dispensing areas, which now look brighter and more professional; these building investments boost the profession as a whole.

Ms. Sedran announced two new board members had been appointed since the last meeting, Jennifer Brusven and Chris Esparza. She asked if they would like to give overviews of their experience in the industry. Ms. Brusven said she works for a private optometry practice that employs three licensed opticians. She moved into private practice to work with specialty contact lenses, specifically, fitting scleral lenses for advanced corneal disease and injuries. Mr. Esparza said he began in the industry working for a manufacturing lab, and now works as a licensed optician for Sam's Club. Ms. Letten thanked the new board members for offering their time to serve on the Board.

14. Public comment

There was no public comment.

Ms. Letten thanked everyone who attended and adjourned the meeting at 3:03 p.m.