

# STATE OF NEVADA



## Board of Dispensing Opticians

### Minutes of Public Meeting: February 9, 2023 at 5:00 p.m.

#### Board Members Present:

Jennifer Letten, President  
Mark Myers, Vice President  
Chris Esparza, Member  
Jennifer Brusven, Member

#### Board Staff Present:

Corinne Sedran, Executive Director  
Laena St-Jules, Deputy Attorney General  
Lea Tauchen, Board Lobbyist  
Tray Abney, Board Lobbyist

1. Call to order  
Ms. Letten called the meeting to order and called roll at 5:02 p.m.
2. Public comment  
There was no public comment.
3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes  
**December 8, 2022** Board Meeting  
**Motion:** Mr. Myers moved to approve the minutes as presented.  
**Vote:** The motion passed unanimously.
4. FOR POSSIBLE ACTION: Discussion and decision on reports required by **Executive Orders 2023-003 and 2023-004**  
**Discussion:** Ms. Sedran explained the Governor has issued two executive orders that will impact all Nevada occupational licensing boards. The first order requires every executive branch agency to conduct a review of their regulations and make a list of ten recommended for removal, in order of priority. The agencies must hold a hearing and invite key stakeholders when making the determination. The report must be submitted by May 1<sup>st</sup>. The second order places a stay on any new regulatory action and will require the Board to file for an exemption for R101-22, which the Board passed at its December 8<sup>th</sup> meeting. It also requires any board that licenses a profession that is licensed in fewer than 26 states submit a report by July 1<sup>st</sup> giving recommendations for how that board may be eliminated and licensure of that profession phased out in Nevada. Ms. St-Jules

clarified that the executive orders require the boards to submit the reports, or else be subject to audits and sanctions, however, the orders do not require the boards actually eliminate any of their regulations, but only comply with the reporting requirements. The reports will need to be reviewed and approved by the Board at future meetings before they are submitted to the Governor's Office.

**Motion:** Ms. Letten moved to authorize the Executive Director to begin working on the reports.

**Vote:** The motion passed unanimously.

5. FOR POSSIBLE ACTION: Discussion and decision on how to proceed with and/or requesting an exemption for **R101-22**

**Discussion:** Ms. Sedran recommended the Board file for an exemption from the Governor's Office to move forward with implementation of R101-22. An exemption may be granted if the regulations are necessary for the public health and safety or for the administrative functioning of the Board.

**Motion:** Ms. Brusven moved to file for an exemption with the Governor's Office for R101-22.

**Vote:** The motion passed unanimously.

6. FOR POSSIBLE ACTION: Discussion and decision on authorizing executive director to seek out additional legal counsel and/or advisors

**Discussion:** Ms. Sedran said she and Ms. St-Jules have discussed the Governor's executive orders and determined there could be a conflict of interest with the Board's current legal representation, as the AG's Office also represents the Governor's Office. She would like the Board to authorize her to seek additional independent counsel. Ms. St-Jules said any new hire should be confirmed by the Board at a future meeting.

**Motion:** Ms. Letten moved to authorize Ms. Sedran to seek out additional advisors to the Board. She then amended her motion to direct Ms. Sedran to begin her search immediately.

**Vote:** The motion passed unanimously.

7. FOR POSSIBLE ACTION: Discussion and decision on draft bill to be presented during the 2023 Legislative Session

**Discussion:** Ms. Sedran reviewed the proposed bill language and said there may be further revisions to the definition of "ophthalmic dispensing." She also recommended the Board approve an addition to the current draft of language granting the Board citation authority.

**Motion:** Ms. Letten moved to approve the current draft, along with Ms. Sedran's recommended language regarding citation authority, to be submitted to the LCB for drafting and to the bill's sponsor.

**Vote:** The motion passed unanimously.

8. FOR POSSIBLE ACTION: Confirmation of newly licensed Dispensing Opticians

**761 Diem Pham**

**764 Ashley Trigo**

**762 Alexis Noble**

**765 Jacob Fussell**

**763 Brandon Knox**

**Motion:** Ms. Letten moved to confirm the licensure of the new dispensing opticians.

**Vote:** The motion passed unanimously.

9. FOR POSSIBLE ACTION: Report and recommendations on apprentice education programs by assigned board member(s)

a. **Contact Lens Society of America:** Contact Lens Volumes I and II

Ms. Brusven said she is still in the process of reviewing the program and does not have any updates for the Board.

b. **Optical Training Institute (OTI):** Optician Development Program

Mr. Myer said he is working his way through the program and does not have a recommendation at this time.

10. **FOR POSSIBLE ACTION:** Report and recommendations on continuing education courses and providers by assigned board member

Ms. Letten did not have any recommendations to make to the Board.

11. **FOR POSSIBLE ACTION:** Report and recommendations on Optometry Board legislative initiatives by assigned board member

Ms. Brusven did not have any updates for the Board.

12. **FOR POSSIBLE ACTION:** Lobbying and legislative updates and initiatives

Mr. Tray Abney with the Abney Tauchen Group gave a report on the 2023 legislative session: We are only a few days into the session and there are already over 900 BDRs on file with over 200 bills already being introduced and sent to the various committees. Abney Tauchen has secured a sponsor for the Board's bill, Ms. Angie Taylor, a freshman democrat from Washoe County. The next step is to set up a meeting with Ms. Taylor to discuss the particulars of the bill. Warby Parker has also introduced its own bill, SB106, sponsored by Heidi Gansert, which, if passed, will modify the Board's statutory definition of ophthalmic dispensing. Warby Parker is still making changes to their bill; Abney Tauchen will advise the Board of any future amendments.

13. **FOR POSSIBLE ACTION:** Discussion and updates with representative for the American Board of Opticianry

Mr. Jim Morris said he was in attendance to answer any questions and continue to provide support to the Board with respect to the Governor's executive orders, as well as its proposed legislation. The ABO believes strongly in the efforts undertaken by the Board so far and has hired a lobbyist and attorney. The ABO will be working in tandem with the Board in whatever ways possible to protect the integrity of the profession.

14. **FOR POSSIBLE ACTION:** Executive Director's report

a. Financial report

Ms. Sedran gave a post-renewal update on the Board's financial condition: The Board has reached about 95% of its projected income for year and has already slightly exceeded the total income for the previous fiscal year. However, the Board is still running a slight budget deficit due to the increased costs of hosting online applications and forms and will need the additional income from the regulatory renewal fee increase going forward.

b. Office and licensing updates

Ms. Sedran also updated the Board on its post-renewal licensing numbers. There are currently 121 active apprentices, which equals about a 70% retention rate and is an increase from previous years. There are 370 active or inactive optician licenses, with 12 licenses delinquent as of January 31<sup>st</sup>.

c. General updates

Ms. Sedran said the Board's IT team had confirmed the online Laws and Ethics Exam was complete and ready to be launched on the live site. She is hoping to send out the first online exams next week.

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

Ms. Letten said she would like to address all the Board's licensees and assure them the Board will do

everything it can to protect and preserve their licensure. She asked them to be patient with the Board as it navigates the executive orders.

Ms. Brusven suggested holding meetings in-person going forward. Ms. Sedran said the Board can schedule an in-person meeting at any time, however, with all of the reports required by the executive orders, as well as how quickly things move during legislative session, the Board will need the option to meet remotely as well.

16. Public comment

There was no public comment.

Ms. Letten thanked everyone for attending and adjourned the meeting at 5:56 p.m.