

# STATE OF NEVADA



## Board of Dispensing Opticians

### Minutes of Public Meeting: March 28, 2023 at 5:00 p.m.

#### Board Members Present:

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

#### Board Staff Present:

Corinne Sedran, Executive Director  
Laena St-Jules, Deputy Attorney General  
Michael Cabrera, Board Counsel

1. Call to order

Ms. Letten called the meeting to order and called roll at 5:05 pm.

2. Public comment

**Laura Epperson** said as a licensed optician, she is very concerned that the opticians were not contacted prior to this meeting regarding their recommendations for changes to be made to the regulations, per the Executive Order, before they were sent to the Assembly. Ms. Sedran said the Executive Order pertaining to the regulations is separate from the bill the Board introduced to the legislature. The Board has been reviewing the language that became BDR 54-846 at its meetings for the past two years, and the initial draft language for the bill was presented to the public at the February meeting. Any changes to be made to the regulations, per the Executive Order, will be discussed at a future meeting.

**Jim Morris**, Executive Director of American Board of Opticianry, said he was on the line to answer any questions and provide support to the Board.

**Liz Guariglia** said Nevada has the most difficult entry requirements for licensed opticians in the country. She hopes the Board is making license reciprocity a priority so ophthalmic dispensing may remain a licensed profession in the State. She would like the Board to consider making drastic changes to the licensing requirements, including eliminating the requirement for the Advanced ABO and NCLE Exams.

**Jennifer Ryan** asked when the Board is planning to have an open forum, per the Governor's Executive Orders, to solicit feedback from the stakeholders on potential changes to the regulations.

Ms. Sedran said the Board will be hosting an additional meeting in April for that purpose; the official date has not been set. Ms. Ryan said the Board is required to give reasonable notice of the meeting to the stakeholders. Ms. Sedran said the Board would comply with State law regarding meeting notice.

**Jeff Zeitler** asked whether the Board would be discussing the Warby Parker legislative initiative, SB 106. Ms. Sedran said the Board would not be discussing it at this meeting, but there will be additional legislative hearings on the bill, and more opportunities to provide comment.

**Laura Backus** asked whether the Executive Order prevents the Board from making any changes to its laws while the Order is in effect, and whether the required report, due April 1<sup>st</sup>, has already been compiled. Ms. Letten said the Board would be reviewing the report under Item 4. Ms. Sedran said the report is informational only, and no changes will be made to the regulations at this time. Ms. Backus asked about changes to the fees in the Board's BDR. Ms. Sedran said the fees presented in the bill are caps on the amount the Board may charge, but neither the caps, nor the actual fees, have been changed.

3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes

**February 16, 2023 Board Meeting**

**Motion:** Mr. Myers moved to approve the minutes as presented.

**Vote:** The motion passed unanimously.

4. FOR POSSIBLE ACTION: Review and approval of reports on board regulations, created pursuant to Section 2 of **Executive Order 2023-004**

Ms. Sedran presented the report. She prepared a spreadsheet in accordance with directions given by the Governor's Office. The report lists every regulation that creates a barrier to entry into the profession in Nevada, along with the justification for each regulation. The report also gives recommendations for creating license reciprocity with other states. The recommendations would require the Board to have licensing standards in common with other states, rather than exceeding those of other states. This may require the Board to reconsider some of its exam requirements.

Mr. Myers said he has no concerns with the report, considering it is informational only. Ms. Brusven and Mr. Esparza said they did not have any objections or concerns at this time. Ms. St-Jules suggested the Board make a motion on the report, along with a direction to Ms. Sedran to finalize the report in consultation with Ms. St-Jules.

**Motion:** Ms. Letten moved to approve the report, to be finalized by Ms. Sedran and Ms. St-Jules.

**Vote:** The motion passed unanimously.

5. FOR POSSIBLE ACTION: Delegation of authority to Board President to appear on behalf of the Board and provide comment on behalf of the Board during any public meeting of the Nevada Legislature during the 2023 Legislative Session

**Discussion:** Ms. Sedran said the Board will need to assign a delegate to speak on behalf of the Board at any legislative hearings pertaining to AB 415 or other legislative measures that may impact the Board. She recommends Ms. Letten, as Board President, be the delegate for the Board. Mr. Myers asked if a backup delegate should be appointed in case Ms. Letten is unavailable to testify. Ms. Sedran said it would need to be addressed at a future meeting, as the agenda only references the Board President.

**Motion:** Ms. Brusven moved to appoint Ms. Letten as a delegate for the Board to give testimony during the 2023 legislative session.

**Vote:** The motion passed unanimously.

6. FOR POSSIBLE ACTION: Review and approval of draft language and revisions to **BDR 54-846**. The Board members did not present any comments or concerns related to the language presented in the BDR. Ms. Sedran gave an overview of each section of the draft. The Board members did not have any requests for revisions.

**Motion:** Ms. Letten moved to approve the language as presented.

**Vote:** The motion passed unanimously.

7. FOR POSSIBLE ACTION: Delegation of authority to Board President to approve any new language provided by the LCB as revisions to BDR 54-846, or subsequent bills related to BDR 54-846

**Motion:** Mr. Myers moved to delegate authority to Ms. Letten to approve any revisions to BDR 54-846, or subsequent bills related to the BDR.

**Vote:** The motion passed unanimously.

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

Ms. Brusven clarified that BDR 54-846 has now been assigned Assembly Bill Number 415. Ms. Sedran said the bill will probably be heard by the legislative committee on Friday, March 31<sup>st</sup>; the committee has not yet finalized its agenda. Mr. Cabrera explained that anyone who is interested can track progress on the bill via the Nevada Legislature's website, and may provide written testimony on the bill to the Committee Manager by 8 am on Thursday, March 30<sup>th</sup>. The committee will not vote on the bill during its initial hearing; once the bill is heard, a work session will be scheduled for the committee to vote on whether to approve or deny the bill; if the bill passes out of committee, it will go to the Assembly floor for a vote; if the bill passes out of the Assembly, it will go through the entire process again in the Senate. There will be many opportunities for public participation throughout the process.

Ms. Letten said that Mr. Tray Abney, lobbyist for the Board, and Ms. Sedran had a meeting with the Governor's Office; a representative for the Governor said the Board is not being considered for elimination at this time.

Ms. Sedran said she would like a future agenda item for the Board to reconsider the NCLE Advanced Exam as a licensing requirement. In 2015, the Board was the first in the country to adopt the Advanced and Practical ABO and NCLE Exams as its licensing exams. Since then, other states have adopted some of the exams, but Nevada is still the only state utilizing the NCLE Advanced Exam. This has made license reciprocity impossible, as the Board's licensing requirements are not comparable to those of other states. The NCLE Advanced Exam presents the most significant barrier to entry into the profession in Nevada, and most licensed opticians do not perform specialty contact lens fittings. Nevada opticians would still be licensed to fit contact lenses, and the other educational requirements related to contact lenses would remain in place.

9. Public comment

**Kyler Lund** said he applauds the Board's decision to reconsider the NCLE Advanced Certification as a licensing requirement. He asked for clarification on the newest version of the Board's bill, and whether apprentices would be allowed to manage optical establishments. Ms. Sedran said an establishment may remain open when there is no licensed optician on duty but must be managed by a licensed optician.

**Jennifer Ryan** said she would like the Board to consider what the tristate areas require for licensure when determining which exams to utilize. She has had to turn down applicants for hire who do not meet Nevada's current requirements. She would like the Board to facilitate economic growth in Nevada by licensing more people coming from other states.

**Lisa Stewart** said she is in favor of eliminating the NCLE Advanced Exam as a licensing requirement, as it would allow people coming from other states to become licensed more quickly. She supports the continued use of the ABO Advanced Exam as it covers material opticians use in practice every day.

**N'Gadi Foreman** thanked the Board for the work it is doing for the profession. She is in favor of eliminating the NCLE Advanced Exam as a licensing requirement if it will aid economic growth in the State and the profession.

**Raebranda Musgraves** said she is not currently licensed but works as a store manager for LensCrafters. She is in favor of the licensing of dispensing opticians in Nevada, but does not understand why the Board is removing the ability of apprentices to act as business managers while they work on their skills and educational requirements. Many licensed opticians do not want to run a business, and are more interested in assisting customers. Ms. Sedran clarified that the provisions related to business managers versus ophthalmic managers are included in the NAC, which is currently frozen under the Governor's Executive Orders, and not the NRS. The bill language the Board reviewed under Item 7 relates to the NRS, which already states a person may not manage a business engaged in ophthalmic dispensing without being a licensed optician.

**Marcy Carrillo** asked for clarification regarding the meeting the Board had with the Governor's Office. She asked why the Board is having meetings pertaining to the Executive Orders and introducing a bill if it is not being considered for elimination. Ms. Sedran clarified that the bill is being introduced alongside, but not in response to, the Orders. The Orders require all of Nevada's occupational licensing boards to host a meeting to review their current regulations, and to submit reports to the Governor's Office. The bill will be very important in paving the way for license reciprocity, which is a primary goal of the Executive Orders. Mr. Cabrera said the Governor's Office views this Board and the work that opticians perform as medical and is not currently looking to eliminate any medical services boards or commissions.

Ms. Letten thanked everyone who attended and adjourned the meeting at 6:13 pm.