

STATE OF NEVADA



Board of Dispensing Opticians

Minutes of Public Meeting: February 8, 2024 at 5:00 p.m.

Board Members Present:

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

Board Staff Present:

Corinne Sedran, Executive Director
Rosalie Bordelove, DAG
Michael Cabrera, Board Counsel

1. Call to order
Ms. Letten called the meeting to order and called roll at 5:03 p.m. Ms. Bordelove stated she was calling in for the Attorney General's Office.
2. Public comment
There was no public comment.
3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes
November 30, 2023 Board Meeting
Motion: Mr. Myers moved to approve the minutes as presented.
Vote: The motion passed unanimously.
4. FOR POSSIBLE ACTION: Confirmation of newly licensed Dispensing Opticians
804 Erika Hernandez
805 Casey Bush
806 Candas Omnas
807 Shirley Aguila

Motion: Ms. Brusven moved to confirm the licensure of the new opticians.
Vote: The motion passed unanimously.
5. FOR POSSIBLE ACTION: Updates on the Office of Nevada Boards, Commissions and Councils, created pursuant to SB 431
Ms. Sedran said the Department of Business and Industry presented a report to the Joint Interim

Standing Committee of the Legislative Counsel Bureau (LCB) on January 18, 2024. The report outlines the general structure and roles of the Department and gives an outline of its next steps in developing the Office of Nevada Boards. The Department has been tasked with assuming or streamlining many of the administrative functions of the occupational licensing boards, including the processing of complaints and disciplinary actions. The report is available to review on the LCB's website.

6. FOR POSSIBLE ACTION: Review and approval of new ophthalmic manager policies and store signage, pursuant to amended NAC Chapter 637

Discussion: Ms. Letten asked Ms. Sedran to give an overview of proposed policies and correspondence to be sent to managers of optical establishments. Ms. Sedran said the Board's new regulations (R067-23) had been filed with the Secretary of State and went into effect on December 15, 2023. She drafted a proposed letter to store managers to explain the new laws and regulations and clarify a manager must be a licensed optician. There is also a proposed form that explains the roles and responsibilities of a store manager; a licensed optician would be required to sign the form to assume the role of manager at an optical establishment. Ms. Letten said the letter is informative and the form helps ensure compliance; she is in favor of distributing the materials to the optical establishments.

Motion: Ms. Brusven moved to approve and distribute the proposed letter and form to the optical establishments.

Vote: The motion passed unanimously.

Discussion: Ms. Sedran reviewed proposed signage to be displayed at the optical establishments when a licensed optician is not on duty; this signage is required under the new regulations. Ms. Letten said the language should be short, simple, and easy to read. Establishments should not be required to post the sign at all times, but only when the optician is away. Mr. Esparza said less detail is preferable; establishments should not have to post the hours the optician is not on duty. Ms. Brusven agreed that hours and break times may change on a daily basis, and the sign does not need to specify the hours the optician will be on duty. She said the sign should also refer to the laws and regulations.

Motion: Ms. Brusven moved to allow Ms. Sedran to prepare and distribute sample signage based on the discussion and recommendations of the Board at this meeting.

Vote: The motion passed unanimously.

7. FOR POSSIBLE ACTION: Review and/or assignment of Board member to review National Optician Apprenticeship Program (NOAP)

Discussion: Ms. Sedran said the administrator of the NAOP informed her they are not ready to supply the Board with materials to review, however, the College of Southern Nevada (CSN) has approved the program for college credit, and the program will also provide apprentices with on-the-job training. She asked if the Board would like to assign a Board member to review the program between meetings. Mr. Myers said the program in its current form is not something that would be approved by CSN. He believes the administrators of the CSN ophthalmic program already declined to issue credit for the NAOP program; he is willing to review the program on behalf of the Board.

Motion: Ms. Letten moved to assign Mr. Myers to review the program.

Vote: The motion passed unanimously.

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

Mr. James Morris, Director of the ABO, was not in attendance.

9. FOR POSSIBLE ACTION: Executive Director's report

a. Financial report and discussion/decision on investing surplus funds in new CD

Discussion: Ms. Sedran said the Board increased renewal fees for opticians by \$50 this year; the additional funds are needed to cover increased operating costs, as well as legal fees incurred due to sponsoring legislation in 2023. The Board now has a surplus of about \$100,000 after renewals that could be invested in a CD; there is a 5-month 4.75% APR CD available through the Board's current bank.

Motion: Ms. Letten moved to invest surplus funds at 4.75% for 5 months.

Vote: The motion passed unanimously.

b. Licensing and renewal updates

Ms. Sedran reviewed the Board's licensing numbers as of the conclusion of the annual renewal cycle on January 31st. There are 399 active Optician Licenses; 13 delinquent Optician Licenses, (with 2 renewals pending), and 44 inactive Optician Licenses, which is a 97% retention rate. There are 102 active Apprentice Licenses and 36 delinquent Apprentice Licenses (with 1 renewal pending), which is a 75% retention rate.

c. Office and general updates

The Sunset Subcommittee of the LCB, which reviews different agencies each year to determine if they should be eliminated, chose the Court Reporters Board for review at its last meeting. They have not chosen any other occupation licensing boards at this time, though they may choose more agencies at subsequent meetings.

The Optometry Board said their licensing expert may be available to assist other boards with renewal applications. Ms. Sedran said she could use additional support in the office at renewal time. Ms. Letten agreed it would be beneficial to have additional support staff for the office.

10. FOR POSSIBLE ACTION: Hearing and/or review and decision on stipulated settlement agreements (this portion of the meeting may be closed pursuant to NRS 241.030(1)(a) to consider character, alleged misconduct, professional competence, or physical or mental health of a person)

Case 2023-03: Dixon, Stacey

Discussion: Ms. Bordelove said the proposed agreement had been sent to the Board members for review; the respondent has agreed to the terms and signed the document. The terms include a payment to the Board of \$650 in legal fees and the agreement will constitute a formal reprimand. Once the terms of the agreement are met, the respondent will be eligible to apply for licensure as an optician. Ms. Letten said she reviewed the facts of the case and recommends the Board approve the terms. She will abstain from voting.

Motion: Ms. Brusven moved to approve the agreement as presented.

Vote: The motion carried with 3 in favor and 1 abstaining.

Case 2024-01: Torres, Yesenia

Discussion: Ms. Bordelove said this agreement was also sent to the Board members for review and had been signed by the respondent. The case is related to misstatements on the respondent's license application. The terms of the agreement include a payment to the Board of \$650 in legal fees, and the agreement will serve as a formal reprimand. Once the terms of the agreement are met, the respondent will be eligible to apply for licensure as an optician. Ms. Letten said she had reviewed the facts of this case recommends the Board approve the agreement; she will abstain from voting.

Motion: Mr. Myers moved to approve the agreement as presented.

Vote: The motion carried with 3 in favor and 1 abstaining.

11. Public comment

There was no public comment.

Ms. Letten thanked everyone for attending and closed the meeting at 5:53 p.m.