

# STATE OF NEVADA



## Board of Dispensing Opticians

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

#### Board Members Present:

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

#### Board Staff Present:

Corinne Sedran, Executive Director  
Michael Cabrera, Board Counsel  
Joseph Ostunio, Deputy Attorney General

1. Call to order  
Ms. Letten called the meeting to order and called roll at 5:04 p.m. All board members were present.
2. Public comment  
There was no public comment.
3. FOR POSSIBLE ACTION: Approval of previous board meeting minutes  
**June 13, 2024 Board Meeting**  
**Motion:** Ms. Acosta moved to approve the minutes as presented.  
**Vote:** The motion passed unanimously.
4. FOR POSSIBLE ACTION: Confirmation of newly licensed Dispensing Opticians  
**818 Supatra Puckdee**  
**Motion:** Ms. Brusven moved to confirm Ms. Puckdee's licensure.  
**Vote:** The motion passed unanimously.
5. FOR POSSIBLE ACTION: Updates on the Office of Nevada Boards, Commissions and Councils Standards, created pursuant to NRS 232.8413

**Discussion:** Ms. Sedran said the legislation enacted in 2023 that created the Office of Nevada Boards has now been codified under NRS 232.8413. The new Office of Boards recently sent an extensive survey to all the occupational licensing boards asking for their historical and current licensing data, as well as information on how the laws and regulations in Nevada compare to those

of neighboring states. Some of the data requested is not tracked by the boards pursuant to any law or regulation; the boards have submitted as much information as they each have available.

There was no action taken on this item.

6. FOR POSSIBLE ACTION: Discussion and decision on correspondence from NV Board of Optometry and language for Proposed Regulation R066-19

**Discussion:** Ms. Sedran said the Board has been corresponding with the Optometry Board over the course of several meetings regarding what is referred to colloquially as a “two door policy”. This policy refers to laws and regulations contained in the Board of Optometry statutes that prohibit optometrists from integrating any aspect of their practices with any adjacent independent businesses. These regulations have become an issue for some opticians, who claim they are being asked to perform administrative and other functions for optometrists who lease space in an area adjacent to their own work areas. They are asking that the current regulations be enforced against this practice.

The Optometry Board is holding a hearing on proposed regulation, R066-19, Section 12, which would remove some restrictions on optometrists forming business associations with other professionals. The Board should consider whether the proposed language will affect licensed opticians, and if so, submit its objections to the Optometry Board prior to its regulation hearing.

Ms. Sedran said the proposed changes seem to refer to external business associations, such as hiring accountants, attorneys, etc., rather than those concerning the daily administration of the optometry practices. Ms. Letten read aloud a different regulation, NAC 637.250, as amended in 2020, which states:

*A licensee who locates his or her office in a part of a building where a person who is not licensed pursuant to the provisions of chapter 636 of NRS conducts business shall: (a) construct and maintain a partition or wall in such a manner as to ensure a clear separation between his or her office and the business of the person who is not licensed; and (b) maintain a separate reception area, cash drawer, scheduling system, staff, computerized system and physical space from those of the business of the person who is not licensed.*

After discussion, the Board members agreed the provisions contained in NAC 637.250 clearly prohibit optometrists from utilizing the staff or other administrative resources of an independent opticianry business located adjacent to them, and therefore, it is not necessary to object to the Optometry Board’s proposed revisions of R066-19, Section 12. No further action was taken on this item.

7. FOR POSSIBLE ACTION: Review and decision on CSSO National Optician Apprenticeship Program

Ms. Ruby Garcia, representative for the CSSO, presented information on the proposed program. She said the organization plans to begin its Nevada operations in Reno and will obtain a physical location for apprentices to practice, however, the courses themselves will be taught online. The CSSO plans to follow all guidelines already in place for Nevada apprentices; they will not deviate from what is already required.

Mr. Myers asked whether this program would be separate from the apprenticeship program already approved by the Board, and why the program was already presented to the Department of Labor

prior to obtaining Board approval. Ms. Garcia said each state has an apprenticeship division, and the CSSO Program has been approved as an official apprenticeship program by Nevada State Apprenticeship Council. The CSSO will regularly report to the Council on the progress and hours completed by each apprentice in the program, and the Council will issue a certificate to each apprentice who completes the program. Ms. Sedran said it sounds like the CSSO will be running a separate apprenticeship program concurrently with the Board's program. It may confuse those who believe they are licensed apprentices because they belong to the CSSO Program or have obtained a certificate from the Apprenticeship Council, even though they are not licensed to practice by the Board. Mr. Myers said license reciprocity already takes place between the state boards and asked what the purpose of a separate program would be, and whether applicants would approach the Apprenticeship Council or the State Board to obtain their approval to work.

Ms. Letten said the Board has not received any of the CSSO's educational materials to review yet, so this discussion should be postponed. Mr. Myers said the Board should reach out to the Nevada Apprenticeship Council for information on why it issued approval of a program without corresponding with the Board regarding the requirements for licensure as an apprentice.

**Motion:** Ms. Letten moved to deny the CSSO's request to be a Board-approved apprentice education and training program at this time.

**Vote:** The motion passed unanimously.

8. FOR POSSIBLE ACTION: Updates and discussion/decision on managerial policies for optical establishments

**Discussion:** Ms. Sedran said she has received questions regarding management of high-end optical stores that mainly sell sunglasses, rather than prescription glasses, and do not have a licensed optician on duty every day of the week. Ms. Letten said some of these stores allow customers to make an appointment online to purchase prescription glasses, so even if they do not employ a full-time optician, they are advertising to the public that they have full-time dispensing capabilities.

Ms. Letten opened this item for public comment. Mr. Eric Healey, License 573, said the online ordering platform used by his employer is confusing for customers because the options presented to them are not very descriptive. Customers will visit the store believing they have made an appointment to get an eye exam and obtain a prescription, even though there is no optometrist practicing at the location. There is also an online option for the customers to enter their own prescription information and have the glasses shipped straight to their homes; the customers may return in-person to the store to have them fitted or adjusted, but there is no final inspection of the glasses taking place before they are sent to the customers. The online platform is designed to get people to visit the store, without being clear about which services are actually available once they arrive.

Ms. Letten agreed these online platforms can be very deceptive, making customers believe they can visit the store at any time to obtain their prescription glasses. If an optical establishment is advertising to the public that it provides this service, the onsite manager must be a licensed optician. Mr. Esparza agreed that the laws and regulations are clear-cut on this issue; if a store is presenting itself as a place that dispenses prescription lenses, it is an optical establishment and must be managed by a licensed optician.

Ms. Sedran said all the Board's licensees were notified about the new laws and regulations

pertaining to management and were given until August 15<sup>th</sup> to comply, however, it would be best to wait 30 days to begin sending citations for noncompliance; this would extend the deadline to August 27<sup>th</sup>. Ms. Letten agreed that the stores should be allowed 30 days to come into compliance with the new terms. Ms. Sedran asked if there was anything that could be done for opticians who are pressured by their employers to present themselves as managers of their stores, when that is not functionally the case. Ms. Letten suggested the Board will need to rely on the manager forms submitted to the Board, as well as the opticians themselves, to verify the stores are being properly managed. Licensed opticians who are pressured to sign the forms when they are not actually managing should submit formal complaints to the Board.

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

There was no discussion or action on this item.

10. FOR POSSIBLE ACTION: Executive Director's report

a. Financial report

i. Review/approval of proposed FY25 budget

Discussion on this item took place after the discussion/decision on Item 10(a)(ii).

**Discussion:** Ms. Sedran said the Board's expenses increased considerably over the past two years due to working on a clean-up bill during the 2023 Legislative Session, responding to the Governor's Executive Orders, hiring outside counsel, and ongoing maintenance of its online services. For these reasons, the proposed budget shows a deficit for the upcoming fiscal year. The Board increased licensing fees last year to offset some of these increased costs, but it should look for ways to reduce its expenditures going forward.

**Motion:** Ms. Letten moved to approve the proposed budget, adjusted for the pay increases discussed and approved under Item 10(a)(ii).

**Vote:** The motion passed unanimously.

ii. Review/approval of annual COLA/pay increase for executive director and workplace inspector

**Discussion:** Ms. Letten said general state employees were granted an 11% COLA increase for FY22 and 12% increase for FY23 because they were underpaid relative to other states' workers for many years. However, the Board does not receive funds from the state general fund, and the increase may not be feasible for its independent budget. She proposed a 5.5% increase for the executive director, in line with the federal COLA increase, to begin in October, with a bonus of \$1000 granted on November 1st. The Board will reassess the budget in February 2025 and determine if another increase can be granted to the director at that time.

**Motion:** Ms. Letten moved to grant the executive director the proposed pay increase and bonus.

**Vote:** The motion passed unanimously.

**Discussion:** Ms. Sedran said the Board's workplace inspector is also overdue for a COLA increase, as her pay has not been increased for two and a half years. Given the limited number of hours the inspector works each month, a 10% increase will not make a large impact on the budget.

**Motion:** Ms. Letten moved to grant the workplace inspector a 10% pay increase.

**Vote:** The motion passed unanimously.

iii. General financial updates

There were no further financial updates.

b. Licensing updates

Ms. Sedran gave a report on the Board's current license numbers: the Board has issued 11 new optician licenses thus far in 2024, for a total of 415 active opticians, and 32 new apprentice licenses, for a total of 121 active apprentices.

c. General office and state/legislative updates

Ms. Sedran said the 2025 Legislative Session will begin in February and there is already a list of bill draft requests available on the Legislature's website. The Board will keep an eye on any bills that may affect its operations and will keep a standing item on its agendas for discussing proposed legislation.

11. Public comment

Ms. Ruby Garcia asked whether apprentices must wait 3 years after passing the Basic ABO Exam to be eligible to take the Advanced Exam, which is a requirement to become licensed as an optician in Nevada. Ms. Sedran said the 3-year waiting requirement is waived for Nevada apprentices, and they may take the exam at any time during their apprenticeships, provided they have already passed the Basic Exam. Mr. Myers clarified that the 3-year wait is only waived for apprentices who are licensed by the Board. Ms. Sedran said this is correct, except that applicants from other states who submit complete applications to the Board will also have the wait period waived.

Mr. Eric Healey said he had additional concerns regarding the management of his store he would like to share with the Board. Mr. Cabrera said it would be best for Mr. Healey to submit all his documentation along with a formal complaint to the Board.

Ms. Letten thanked everyone for attending and closed the meeting at 6:25 p.m.