

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

June 8, 2021

1. **Call to Order.** President Chen Young, O.D. opened the telephonic meeting at 12:03 p.m. and asked for public comment. No public comments were offered.
2. **Call to Order and Roll Call.** President Chen Young, O.D., Vice President Mariah Smith, O.D., Jeff Austin, O.D., and Drew Johnson were all in attendance. Also present were Executive Director Caren C. Jenkins, Board Counsel Asheesh Bhalla, Esq., and Licensing Specialist, Nancy Padilla. Public attendees included Amel Youssef, O.D., Tim Elson, Esq., and NOA Executive Director, Terri Ogden.
3. **Consideration and approval of the minutes of the April 13, 2021, Board meeting.** All members having had an opportunity to consider the proposed minutes, Dr. Austin moved and Dr. Smith seconded the motion to adopt the minutes without correction. Unanimous passage.
4. **Board consideration of YTD 2020-2021 Financial Report and Proposed Budget for FY 2021-2022.** Executive Director Caren Jenkins presented a report on the Board financials for the current biennium. Ms. Jenkins indicated that no proposed budget was provided and asked the Board members to provide expenditure enhancement ideas that would benefit licensees, to utilize a portion of our reserves. Dr. Young asked why the surplus had increased. Mr. Drew Johnson asked to compare Nevada's licensing fees with other states and to consider a fee reduction. Mr. Johnson also asked Ms. Jenkins about the increase in Miscellaneous service costs. Ms. Jenkins explained the costs were one-time costs related to the Board office's 2020 move and that they will not be repeated. Executive Director Jenkins also explained that the retirement costs for Nancy Padilla had to be adjusted from Employer/Employee paid to 100% Employer paid, which put the payroll costs out of line with the budgeted sum.
5. **Board determination whether just and sufficient cause exists to proceed to investigation and hearing.** Executive Director Caren Jenkins brought the following complaints before the Board for jurisdictional determination.
 - **Complaint No. 21-14 – Cross-border television advertising of free eye exams reaching into Nevada.** Dr. Austin proposed sending a letter to introduce the advertiser to the Nevada Statutes, and to ask that they stop advertising free eye exams in Nevada. Dr. Smith and Mr. Johnson agreed

with Dr. Austin's proposal. Dr. Young asked if a letter could be sent from the Attorney General's office. Board Counsel, Asheesh Bhalla clarified that the Attorney General's office could only respond to a Complaint that has been submitted directly to the A.G.'s office by the Board or the Complainant. Dismissed.

- **Complaint No. 21-17 – Optometrist's spouse/employee represented self to patient as owner of the practice to decline refund.** Dr. Smith proposed a Board investigation into the Complaint. Dr. Austin and Mr. Johnson agreed with Dr. Smith's proposal. Executive Director Jenkins asked the Board to clarify the scope of investigation. Mr. Johnson and Dr. Young advised that if any fraudulent billing is uncovered during the investigation, that the information found be brought to the attention of the Complainant, for possible review with the insurance company.
- **Complaint No. 21-21 – Potentially misleading indirect advertising of certain panel optometrists by vision insurer.** Dr. Austin, Dr. Smith, and Mr. Johnson all agreed that the Board has no jurisdiction in this area to investigate an insurer or an advertising company – only a licensee. Dismissed.
- **Complaint No. 21-22 – Door posting and removal of optometrist name after a personnel change.** Executive Director Caren Jenkins asked Board Counsel, Asheesh Bhalla to confirm the Board's authority to enforce its current statute through a Complaint process rather than a Regulatory process. Mr. Bhalla suggested that the Board adopt regulations to clarify signage guidelines and timing. Dr. Austin recommended that the E.D. send a letter asking the location to finalize the name change on their signage as soon as possible. Dr. Smith, Mr. Johnson, and Dr. Young agreed with Dr. Austin.

6. Consideration of Discipline placed on the license of Amel Youssef, O.D., License No. 449 – presentation of Licensee's evidence of compliance with stipulated settlement and amended stipulated settlement terms related to Consolidated Complaints Nos. 19-05 and 19-11; potential removal of licensee from probation or other action as the Board deems appropriate. Executive Director Jenkins reviewed the stipulated Settlement agreement that was entered in 2019 to determine whether if Dr. Youssef met all the requirements. Ms. Jenkins explained the amendment to the agreement corrected the final Settlement date to be March 15, 2020. Dr. Austin, Dr. Smith, and Mr. Johnson agreed that Dr. Youssef substantially complied with the Stipulated Settlement agreement in a timely manner. Dr. Austin moved to accept the Stipulated Settlement agreement as completed and to close the Complaint file. Dr. Smith seconded the motion. Motion passed with three in favor. Dr. Young abstained from the vote due to a conflict of interest.

7. Executive Director's Report:

- Executive Director Jenkins provided a brief 2021 post-Legislative update regarding optometry and licensing boards.
- Ms. Jenkins reported that the ARBO Annual meeting is being held virtually and they are waiving all administrative fees. All Board members are welcomed to attend.
- Ms. Jenkins reported her 2020-2021 goal of conducting 50 compliance site visits this fiscal year.
- Nancy Padilla reported on licensing goals for the next year to include: compiling a written procedure manual, and setting up a new Public Records Archive with a records retention schedule.
- Ms. Jenkins expressed her gratitude for each of the Board volunteers.

- Ms. Jenkins indicated that Board elections will be conducted at the first meeting of the fiscal year, on 7/13/2021. The Board will elect and install a President, Vice President, and appoint a fiscal overseer for FY 2021-2022.

8. Public Comment. No public comment was offered.

9. Adjournment. Motion to adjourn by Dr. Smith, seconded by Dr. Austin. Unanimous motion carried at 1:41 p.m.

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FY 2021-2022 Regular meeting schedule Tuesdays at Noon by telephone unless otherwise noted: July 13, 2021, September 23, 2021, November 11, 2021 (potential live meeting in Las Vegas), January 27, 2022, March 24, 2022, May 19, 2022 (potential live meeting in Reno), July 21, 2022, September 22, 2022, and November 17, 2022.

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These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on July 13, 2021.

Caren C. Jenkins, Executive Director