

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

April 20, 2023

1. **Roll Call, Call to Order, Welcome, Introductions.** Vice President Jeff Austin, O.D. opened the Zoom meeting at 6:36 p.m. Moments later, President Mariah Smith, O.D. joined the meeting. Board members, Jeffrey Austin, O.D., Stephanie Lee, O.D., and Drew Johnson were present. Also attending were Executive Director Caren C. Jenkins, and Chief Deputy Attorney General Rosalie Bordelove, Esq. and public attendees, Steve Girisgen, O.D., and Spencer Quentin, O.D.
6. Item #6 was taken out of order. **Discussion and direction regarding matters before the Nevada Legislature that may affect the Board or its licensees.** Caren C. Jenkins reported that the 2023 legislature and the governor approved paying state employees a retention payment of \$500.00 in April and June. Financial Officer Drew Johnson favors granting the retention payments to the Optometry Board employees. The Board will vote on this agenda item at the June 22, 2023, meeting, and apply it retroactively.
2. **Public Comment.** Board Counsel, Rosalie Bordelove, Esq. recommended that public comments are taken before discussion of item 6. No public comment was offered.
8. Item #8 was taken out of order. **Search Committee Report.** Dr. Lee reported that the Executive Director job will be sent for posting to the State Careers website, Indeed, NOA, and ARBO. Drew Johnson will assist Dr. Lee in reviewing the applicant submissions and narrow the candidates to 15. The Board will schedule interviews to be held at the June 22, 2023, Board meeting. The Board anticipates making an offer to a candidate that day. Mariah Smith, O.D. motioned that if the Board has more than 5 applicants that are above the minimum qualifications that the subcommittee of Dr. Lee and Mr. Johnson may have an open, telephonic subcommittee meeting to select the top 5 candidates for in-person interviews. Jeff Austin, O.D. seconded the motion. Motion passed unanimously.

At 6:57 p.m. Board member Drew Johnson left the meeting. With 3 members attending, a quorum remained.

5. Item #5 was taken out of order. **Consideration and approval of February 23, 2023, Board Meeting Minutes.** Stephanie Lee, O.D. moved to accept the minutes as presented. Jeff Austin, O.D. seconded the motion. All voted eye. Motion passed.
7. Item #7 was taken out of order. **Discussion and direction regarding matters before the Nevada Legislature that may affect the Board or its licensees. Executive Director's Report.**
 - a. Licensing quarterly report: Executive Director Jenkins reported since March 1, 2022, 37 licensees were added for a total of 571. Also, 20 OPAC certifications were issued for a total of 437. Additionally, 10 Glaucoma certifications were granted for a total of 66.
 - b. Progress of Thentia implementation: The payment processing system (among other items) has not yet been delivered. The Board is still waiting to test a fully working front-end and back-end to the Thentia system. Director Jenkins has refused Thentia's request to sign the 2023 contract or pay the annual licensing fee until the system is delivered in functioning condition. Thentia has agreed. Director Jenkins explained the steps and time required to update our existing licensing system, if the Board cancels the contract due to Thentia's inability to perform.
 - c. OSLE updates. Dr. Lee and Dr. Austin have reviewed the State Law Exam questions and will update and add new questions after the legislative session is complete.
 - d. Other reports or announcements. Director Jenkins reported on PMP account review, and a few require further explanation as the medication prescribed doesn't address problems and diseases of the eye. Rosalie Bordelove, Esq. announced a new Deputy Attorney General will be assigned to the Board on May 1, 2023. Budgeting will be discussed at the June meeting. Integration of the newly approved legislative language may require regulation and policy changes that will be addressed in June.

Items #3 and #4 were then taken out of order.

3. **STAKEHOLDERS MEETING – Discussion of potential regulatory changes per Executive Order 23-003, attached hereto.** Jeff Austin, O.D. suggested the following changes to the regulations: NAC 636.210 - change requirements to post license in conspicuous to provide license/certification upon request. NAC 636.130 - remove requirement to post office hours at the entrance to the optometry office. NAC 636.145 - remove the limits on use of symbols. NAC 636.160 - Spectacle lenses, remove 3a, 3b, and 3c from regulation.
4. **Board consideration and action regarding potential changes to Nevada's Optometry Regulations.** President Mariah Smith, O.D. made a motion to accept the summary of the report provided in response to Executive Order No. 2023-003 by Executive Director Jenkins. Jeff Austin, O.D. seconded the motion. The motion passed.

In response to the standing Executive Order, Director Jenkins will report to the Governor's office all the regulations that were removed or changed in the 2019 legislative session.

9. **Public Comment.** Steve Girisgen, O.D. asked whether, if AB432 is passed, will the provisions in Section 13 regarding the management services be applied retroactively? How will the bill affect management service arrangements already in place? Rosalie Bordelove, Esq. suggested that the Board could release a statement after the bill passes explaining the effectiveness and indicated that individual licensees should seek their own legal counsel to determine changes in the law affect their individual agreements.
10. **Adjournment.** Jeff Austin, O.D. moved to adjourn the meeting. Stephanie Lee, O.D. seconded the motion. Motion passed. The meeting adjourned at 8:07 p.m.

FY 2023 Regular meeting schedule

Thurs. June 22 – 8:30 am **ALL DAY** in Reno or by Zoom

These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on June 22, 2023.



Caren C. Jenkins, Executive Director