

NEVADA STATE BOARD OF OPTOMETRY



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SALLY BALECHA
Public Board Member

Re: SB 78

To Whom It May Concern:

SB 78 proposes to consolidate the Board of Optometry (NRS 636) with the Board of Dispensing Opticians (NRS 637). Please allow this letter to help educate the Nevada Assembly about concerns that this Board perceives with the proposed consolidation.

The proposed composition of the consolidated board is 2 opticians, 2 optometrists and a public member. To the best of this Board's knowledge: 1) this would be the only consolidation of doctors and non-doctors proposed in SB 78; and 2) Nevada would become only the second State in the entire United States (California being the other) where opticians and optometrists are regulated under one board. It is our understanding from this Board's executive director engaging in national optometry regulation conferences and meetings with other optometry boards' executive directors that this structure for California has been problematic and has resulted in conflicts of interest and infighting. If SB 78 was constructed through identifying all of the positive aspects of the Iowa model, then it would seem to stand to reason that SB 78 should likewise account for all of the problematic aspects of California's optometry-opticianry model.

Consider the differences of the respective professions regarding medical education and the core aspects of their job duties. The 2 optometrists on the board necessarily would have completed 8-years plus of higher education and took an oath to "do no harm" as a medically-oriented health care provider. The 2 opticians on the board would have completed 1-2 years of apprenticeship after high school, with an optional associates degree whose focus is not health care delivery. The primary focus of an optician is the dispensing and sales of medical devices in the form of eye glasses. While optometrists often have a thread of that in their practices, the vast majority of professional time is spent engaged in eye health examinations, ocular disease prevention, and ocular disease management inclusive of pharmaceutical prescriptions; none of which is within the scope of practice of an optician. This could be a conflict of professional interests. Conflicting priorities between optometrists and opticians could slow progress in adopting new technologies or modernizing standards, but more importantly this conflict may influence important decisions regarding protection of the public to perhaps focus on monetary gain instead. And yet as proposed, each board member with an equal amount of voting power would be tasked with protection of the public in the delivery of optometric care and the rendering of healthcare services. A combined board might be viewed as less trustworthy or less effective by both professionals and the public due to potential conflicts and perceived bias. Therefore, this Board would favor leaving the Board of Optometry as a separate entity.

On this 2-optometrist, 2-optician Board, with one public member, if there is a stalemate between opticians and optometrists, the public member would necessarily be the deciding vote. But that public member

may lack the specialized knowledge needed to effectively mediate between the two professions or to safeguard consumer interests when conflicting professional standards arise.

Each profession has its own professional development needs. A combined board may struggle to advocate effectively for evolving scopes of practice or changes in regulations tailored to one profession without disadvantaging the other. The optometrists serving on this Board have ample examples where this would have absolutely happened if this proposed consolidation was in effect in years past.

Please also note that the Board of Dispensing Opticians convened on February 20, 2025 5:00p.m. and pursuant to Open Meeting Law timely agendaized and discussed SB 78. As attended in real time by this Board's executive director, the Board of Dispensing Opticians voted to oppose this proposed consolidation as well. In other words, *neither Board* is in favor of this proposed consolidation.

Please further note that while the Nevada Optometric Association (NOA) does not speak for this Board, or vice versa, the NOA is not in favor of this proposed consolidation either. Mr. Danny Thompson is its legislative services consultant, and this Board would encourage you contact Mr. Thompson directly for his client's perspective in the event you need additional insight before you cast your vote.

This Board is well aware that cost savings and streamlined administration are arguments for combining the boards, and those undoubtedly are worthy benefits under the appropriate situations. The potential disadvantages, however, in terms of professional autonomy, regulatory clarity, and consumer protection outweigh these benefits in this circumstance. Many stakeholders argue that distinct boards better serve the public interest and ensure specialized and fair oversight of each profession.

We thank you for your time in reading this. Please contact our legislative services consultant Lucas Foletta, Esq. at lfoletta@mcdonaldcarano.com if you believe further discussion is helpful to educate you before your vote.

Sincerely,

/s/ Mariah Smith, O.D.

President

/s/ Sally Balecha

Public Member

/s/ Jeff Austin, O.D.

Vice President

/s/ Julie Alamo-Leon, O.D.

Board Member