

STATE OF NEVADA

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Governor



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Director

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ADAM SCHNEIDER
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

MINUTES OF
PUBLIC MEETING
March 18, 2025

1. **Call to Order.** Mariah Smith, O.D. opened the live meeting at 12:01p.m.
2. **Roll Call.** At Dr. Smith's request, Director Schneider read the Zoom log-in information into the record for AB 219 compliance as Meeting ID 871 5615 6510, Passcode 355181, telephone 1 669 900 6833. Deputy Attorney General (DAG) Todd Weiss, Esq., Board members Sally Balecha, Mariah Smith, O.D., Jeffrey Austin, O.D., and Julie Alamo-Leon, O.D., and executive director Adam Schneider, Esq. were present via Zoom. Quorum was established.
3. **Public Comment.** Dr. Smith invited public comment. No public comment received.
4. **Action Item. Consideration and approval of February 18, 2025 Board Meeting Minutes.** Dr. Smith confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept as proposed. Dr. Austin seconded. Motion passed unanimously.
5. **Action Item. Consideration and approval of February 24, 2025 Board Meeting Minutes.** Dr. Smith confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept as proposed. Public Member Balecha seconded. Motion passed unanimously.
6. **Action Item. February 24, 2025 Board meeting statutory stipend, proposed waiver of same.** Director Schneider stated NRS 636.175(5) allows for \$150 to each board member per meeting. In good faith to the membership and in light of the meeting's length, Director Schneider asked if the Board was willing to waive the \$150 for that meeting. President Smith moved to waive payment to all Board members for that meeting. Dr. Alamo seconded. Motion passed unanimously.
7. **Executive Director report re BDR 54-221.** Director Schneider reminded the Board that BDR 54-221 was the proposed all-boards license by endorsement process. Director Schneider communicated with the bill's sponsor Senator Stone and he confirmed that if a board has its own license by endorsement process, the board's statute controls and not BDR 54-221. At Dr. Austin's request, Director Schneider stated he would inquire into Senator Stone if the bill would be clarified. This would avoid an applicant's usage of the bill to circumvent the Board's existing

but conflicting law.

8. Executive Director report re SB 78. Director Schneider stated he and the Board's legislative services consultant met with B&I Director Sanchez and Deputy Director Haag via Teams on March 4, 2025 to discuss the Board's formal objections to SB 78.

B&I's position is the Governor wants more oversight of boards, and less boards overall. They believe that a U.S. Supreme Court case *Dental Examiners of North Carolina v. Federal Trade Commission* from 2015 stands for the proposition that licensees as the majority of decision-makers on a board cannot regulate the same licensees due to anti-trust violations. Boards for decades have been self-run without oversight or supervision, and that needs to change. They emphasized that no board of our size will be left alone, and there is not enough difference between Optometry and Dispensing Opticians for these boards not to be consolidated under SB 78.

The proposed composition of the proposed Optometry-Optician Board will consist of 3 ODs, 2 opticians, 1 public member, and 1 public member representing the under-insured, which is an even number of votes. He was complimentary of our Board over the past couple years, and considers us in the top tier of compliant boards, but that is irrelevant for SB 78 purposes. Their closing salvo was agree to disagree, and that the process will bear out what it bears out.

Director Schneider stated he will continue to place this item on future agendas until an outcome occurs.

9. Executive Director report re BDR 151/AB 183. Director Schneider stated he flew to Carson City on March 3, 2025 and that he and Dr. Smith met with the Board's legislative services consultant, and Dr. Koenig. Dr. Koenig presented the bill to the Assembly that: 1) despite the same provision existing in the MD and DO chapters, section 4 is being withdrawn that a court cannot stay the Board's suspension of a licensee's license; and 2) section 5 regarding narcotic opioid analgesics is in the process of being amended. Dr. Smith summarized the sections of AB 183. Regarding Section 8, Assemblymember Miller asked a question about international optometrists' eligibility for license by endorsement, which there is none. Regarding Section 3, Assemblymember Cole asked about how quickly a hearing can be conducted to assess the Board's emergency temporary suspension of a licensee's license. Director Schneider stated he has provided all supportive laws to the Board's legislative consultant to advise Assemblymember Cole and Dr. Koenig about the issue.

10. Executive Director report re licensing transactions since start of FY2025. Director Schneider listed the following numbers as stated in the Agenda:

2/12/2025 - 3/12/2025	FY2025 cumulative
New licenses: 0	10
Licenses by endorsement: 0	7
Glaucoma: 0	6
OPAC: 0	16
Fictitious Name: 5	28
Location changes: 5	54
Additional locations: 1	37
LOGS: 3	44
PRR: 0	29

Refunds: 1	7
Mobile: 0	1
Substitute location: 1	7
Public complaints: 3	11
2026-2028 CE review: 2	6

11. Executive Director report re NBEO scores and release of results process. Director Schneider stated he attended an after-hours March 5, 2025 Zoom meeting presented by NBEO and ARBO to discuss the explanation of how test scores were released prematurely, where 10% of the students actually had failing scores when initially told they had passing scores. Approximately 40 persons attended. The premature release was identified within 2 hours, and NBEO discussed all the measures they took and are taking to ensure it never happens again. NBEO and ARBO plan to keep the executive directors apprised.

12. Board member proposed items for future Board meetings. Director Schneider asked the Board if anyone would like to agendize any topic for the next meeting. No topics provided other than Dr. Smith stating to continue to monitor the above discussed bills.

13. Public Comment. Director Schneider invited public comment. No public comment received.

Colloquy regarding April 21, 2025 meeting and Board member availability versus a longer meeting on May 19, 2025. Director Schneider anticipated placing three complaints on the next agenda. DAG Weiss advised best practices is for the Board to decide in an open meeting forum, and advised he was likewise unavailable on April 21, 2025. Board decided to vacate its April 21, 2025 meeting knowing that the May 19, 2025 meeting may be upwards of an hour or longer.

14. Action Item. Dr. Smith moved to adjourn the regular meeting. Dr. Alamo seconded. Motion passed unanimously. Meeting adjourned at 12:22p.m.

7 persons attended virtually, inclusive of Board members, Deputy Attorney General and Executive Director. No roll call conducted or sign-in sheets provided.

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FY 2024-2025 Regular meeting schedule

Tuesday 3/18/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 5/19/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 6/16/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 7/31/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on May 19, 2025.

/s/ Adam Schneider
Adam Schneider, Executive Director