

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAEERER
Deputy Directors

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
June 16, 2025

1. **Call to Order.** Mariah Smith, O.D. opened the live meeting at 12:01p.m.
2. **Roll Call.** Dr. Smith read the Zoom log-in information into the record for AB 219 compliance as Meeting ID: 840 8061 6661, Passcode: 782812, telephone 1 669 900 6833. Board members Sally Balecha, Mariah Smith, O.D., Julie Alamo-Leon, O.D., Jeffrey Austin, O.D., and executive director Adam Schneider, Esq. were present via Zoom. Quorum established.
3. **Public Comment.** Dr. Smith invited public comment. No public comment received.
- 4.¹ **For Board Discussion and Possible Action.** Consideration and approval of May 19, 2025 Board Meeting Minutes. Dr. Smith confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept as written. Dr. Austin seconded. Dr. Alamo-Leon abstained. Motion passed 3-0.
- 5.² **For Board Discussion and Possible Action.** Consideration and approval of FY2025-2026 budget; Review of 2022-25 Income and Expenditures; Consideration and decisions regarding proposed budget and factors for 2025-2026. Director Schneider stated that the Board's accountant Lesley Berg was present to discuss and answer any questions from the Board regarding the proposed budget and spreadsheets. Director Schneider discussed that the last audit flagged the budget as deficient, and at his request the Board approved increased operating expenses to have bona fide accounting services. Director Schneider stated the meeting material's P&Ls are now in line with Generally Accepted Accounting Principles (GAAP); hence the difference in template and entries from years' past.

Director Schneider stated that in consultation with Ms. Berg and their review of the numbers, the Board has been running in deficit for years with a substantial increase in the deficit in fiscal year 2022. This is existential and at present rates the Board will run out of funds in approximately Q2 of 2027, and therefore drastic measures have to be taken. Less drastic measures could have been avoided but for the approximate \$155,000 given back to the licensees in approximately March 2022. Thus the Board now needs that money back, and this analysis already factors in the approximate \$400,000 capital injection coming in Q1 2026. Another short-term culprit is the COLAs and raises in recent years, especially in 2021-2023 which caused increased expenses but with no increased

1 This is listed as the first action item, but was discussed second after Item no. 5.

2 This is listed as the second action item, but was taken out of order and discussed first.

revenue to offset them. In concert with Ms. Berg, the meeting materials include a proposed balanced budget for perhaps the first time in 10 years where balancing the budget necessarily means:

- 1) increasing license renewal fees by \$100/per or \$150/per, i.e. license renewals of \$850/per or \$900/per;
- 2) not utilizing the AG's office or have them attend our meetings unless necessary where Director Schneider as a healthcare lawyer can assist with legal advice; case in point the Attorney General is not attending this meeting in light of the budget deficit;
- 3) the Board conducting less frequent but longer meetings, and the Board's optometry members taking less money for such meetings, where the Board had already rejected an increase of the \$150 daily rate in 2007 adjusted to 2025 dollars;
- 4) the Executive Director taking a 12-15% paycut, of which the Board has one spreadsheet for 12% and separate spreadsheet for 15%;
- 5) the licensing manager taking a 10% paycut.

Director Schneider invited Ms. Berg to discuss who agreed with his analysis, and stated that cutbacks on Attorney General fees and website are part of the reduced budget but are small in comparison of the two factors needed to create a balanced budget- fee increases and salary reductions. She is able to calculate the numbers in real time based upon the Board's decisions, and at present there are two proposed budgets of a two-year budget, one for a surplus of \$71,000 and another for \$53,000. Director Schneider commented there will be another similar meeting at this time next year to assess the accuracy of the projections, and while the Board would self-regulate this regulation the Board in 2019-2020 passed R066-19(3) which requires the Board to keep operating expenses for the equivalent of 13 months in a separate account from its operating account.

Dr. Smith inquired into board employee income reductions. Ms. Berg responded that with a \$100 license renewal increase, the salary reductions would save \$24,900/year using the 10%-12% numbers factoring in employment taxes and PERS, and would save \$29,400/year using the 10%-15% numbers. Using the 10-12 numbers, Director Schneider's salary would be reduced \$99,172 and Ms. Padilla's hourly rate reduced to \$28.68/hour. Dr. Smith provided historical information of hiring Ms. Padilla in 2020 in the low \$20s per hour, a later \$2/hour in 2023 after a COLA increase and in concert with working less hours and is presently at 30 hours/week. There was a time when overtime was approved during renewal season of time and a half, and blanket approved COLA increases issued by the Governor which based upon information provided to the Board at that time the Board was of the belief that those could be afforded. The question is can the Board continue to afford it. The Board's employees are great and provide great value to the Board, but Nevada does not have a large amount of licensees, the amount of licensees is not growing and because of that, there is a finite amount of money to spend. In the future for an increase in expenses, the Board has to ask where is that money coming from. If fees have to be increased, Nevada is already one of the more expensive in the country. In the Board's past, executive director Judy Kennedy was the sole employee at a \$70,000 salary but who passed away suddenly and the Board realized it needs two employees to allow the Board to still function in the event of another sudden death or accident which would then require the Board members themselves to absorb that workload. The question is how many hours per week for the Board's two employees. Personnel costs are the biggest part of the budget, and perhaps the Board could share Nancy with another board who is also small and thus 15-20 hours with this Board and 15-20 hours with another board.

Dr. Alamo-Leon inquired about increases of \$150/per active license and \$50/per inactive license, with the hope of it being a one-time increase, and that she would be willing to not be paid for her time in attending the meetings to assist in the Board employees' pay not being cut as drastically because the work they perform for the Board is too valuable for their pay to be cut as much.

Dr. Austin agrees with Dr. Alamo, and likewise is willing to not be paid for his time in attending the

meetings. Larger expenses such as lobbying should be looked at in future budgets to reduce expenses. Ms. Padilla being shared with other boards should be explored, but increases in fees upon the licensees and reducing other expenses needs to occur.

Director Schneider commented that in a few months he will have been in his position for two years, has a better understanding of the cyclical nature of the job year-to-year, and that he does not foresee a heavy regulatory workshop or statutory process in the next cycle requiring the hiring of legislative services consultants, nor foresees extensive necessary Attorney General involvement. This is the Board's last best chance to fix the budget, and its prior last best chance before that was in June 2023 before Q1 2024 renewals and there was no true way for the Board to know based upon the information at hand back then. After this budget correction, which is necessary because it is existential albeit not until 18 months from now, the Board can address reducing licensee fees in the 2028 renewals.

Dr. Smith inquired into the budget if no reduction of Board employee income occurred, but \$150 increase per active licensees. Ms. Berg stated that would result in a budget surplus of \$25,000 over two years. Dr. Alamo stated inactive licensees should have a \$50/per increase, i.e. \$550/per and share the burden with the rest of the active membership. Dr. Austin and Public Member Balecha agreed. Public Member Balecha stated she too is willing to not be paid for her time and is here to serve the public. Dr. Smith agreed. Dr. Smith stated Ms. Padilla's rate of \$35/hour when factoring in her utilities stipend being reduced to \$28/hour would be fair. Colloquy on PERS contributions, and Ms. Padilla's hourly rate of \$31.88 not including the utilities stipend. Director Schneider offered to forfeit his utility stipend and believed it was already part of the meeting material's proposed budget spreadsheets. Ms. Berg stated with these adjusted numbers, the surplus would be \$31,000 over a two-year period, which to Director Schneider is not sufficient as Q4 2027 approaches and volunteered to reduce his salary and benefits to the same terms he accepted two years ago at \$100,000. Board members all agreed Ms. Padilla's hourly rate needed to be at \$30 or less. Ms. Berg stated \$900 per active license renewal, \$550 per inactive license renewal, Director Schneider's terms reduced to \$100,000 and no utility stipend, and Ms. Padilla's terms reduced to \$30/hour and no utility stipend would result in a \$74,000 surplus over a two year period. Director Schneider noted it would not expressly satisfy R066-19(3), but it would provide enough of a bridge in Q4 2027 to wait for license renewals in Q1 2028. Director Schneider confirmed Ms. Berg's understanding that the Board presently has approximately \$250,000 in capital and therefore it is not until the summer of 2027 that the funds would be depleted, and noted having the \$155,000 that was given back to the membership in 2022 could have helped avoid the drastic adjustments needing to be taken but that is not the circumstances that the Board faces today.

Dr. Smith moved to increase active license renewals by \$150 per, increase inactive license renewals by \$50 per, eliminate the utility stipends to each board employee, the board members not take any stipends for board meetings, Director Schneider reduce his salary to \$100,000, Ms. Padilla reduce her hourly wage to \$30, and no future COLA raises without a budget analysis. Dr. Smith qualified that the following is not part of the motion, but in April 2026 after 2026 license renewals come to a rest to give Ms. Padilla and the Board time to figure things out, the Board needs to consider reducing Ms. Padilla to approximately 20 hours/week and potentially connecting with another board to share Ms. Padilla's services to allow Nancy to still have full time work where this Board does not need a full time administrative employee. Dr. Alamo seconded. Motion passed unanimously. Dr. Austin commented the lack of board member payment going forward is a symbolic gesture to the membership that the board members too are willing to take a cut as well. Director Schneider commented and clarified to any person listening that Ms. Berg was not contracted with the Board to perform true accounting services until recently, and only at that time was she paid to analyze the Board's books for those purposes.

6. **For Board Discussion and Possible Action.** R066-19(8)(4) conversion from temporary regulation to permanent regulation.

7. **For Board Discussion and Possible Action.** R066-19(12) conversion from temporary regulation to permanent regulation.

Director Schneider discussed Items 6 and 7 together. 19(8) regards the in-person definition of Continuing Education courses and 19(12) regards business relationships with non-optometrist entities. These were passed last summer as temporary due to occurring in an even-numbered year, and are set to expire by statute on November 1, 2025. These are agendized to make the language permanent, presuming the Board does not have any changes.

Director Schneider summarized the NRS 233B process that LCB has to approve the temporary regulations before they can be made permanent, and then the Board issues a Notice of Intent to Act in either the July meeting or September meeting depending on how quickly LCB can turn it around. Then the Board can do a Notice of Intent to Adopt, and then they can be permanent. Director Schneider advised he is already in contact with LCB, and he's placed 19(8) and 19(12) in LCB's queue where the Board will get the statutorily earliest possible response from LCB which is July 31, 2025, and by statute this cannot happen any earlier than what will occur.

Director Schneider requested separate votes to convert 19(8) to permanent, and 19(12) to permanent. Dr. Smith commented each are acceptable as written. Dr. Austin agreed.

Dr. Smith moved to convert 19(8) to permanent. Dr. Austin seconded. Motion passed unanimously.

Dr. Smith moved to convert 19(12) to permanent. Public Member Balecha seconded. Motion passed unanimously.

8. **For Board Discussion and Possible Action.** Re-presentation of Complaint 25-09 with supplemental information from Complainant. Dr. Smith commented that the second opinion records do not change her prior vote. Dr. Austin commented that from the records provided there was no manifest refraction during the second opinion examination which means the complainant received a more comprehensive examination by the subject licensee than the second opinion optometrist, and there is no basis for a complaint.

Dr. Alamo-Leon commented she reviewed the May meeting minutes for background, and agreed there is no basis for a complaint and that sometimes patients get confused about the roles of the optometrist versus the optician, and the subject licensee did the best he or she could to resolve the issue. Public Member Balecha agreed, and surmised the patient was upset about having to pay extra money.

Director Schneider prefaced he has no vote but commented the second opinion records, based upon his experience in medical records review, has the term "refractive error" but that it does not mean actual error but instead means a vision prescription. Dr. Austin agreed. Director Schneider theorized that without the complainant understanding the terminology, that term may have provided the complainant with a reason to pursue a complaint.

Dr. Smith stated the second opinion records did not change her position that no unprofessional conduct occurred and moved to dismiss again. Public Member Balecha agreed. Motion passed unanimously.

9. Executive Director report re SB 78. Director Schneider stated this was known as the Superboard bill, and did not pass, and an alternative bill of SB 425 of consolidated administrative services did not pass, nor did B&I's revisions to SB78.

10. Executive Director report re BDR 151/AB 183. Director Schneider stated this passed unanimously in the Assembly and Senate, and thanked the Board's legislative services consultant Lucas Foletta, the bill's sponsor Dr. Koenig, and President Smith for her in-person testimony in front of the Assembly in March and May to help explain the issues. The new laws come into effect on October 1, 2025 and a Newsletter will be issued. The sections were summarized as stated below:

Sections 1-2 define the Board's purpose and that a license is a revokable privilege;
Section 3 gives the Board a cease and desist process in the event the Board is aware of a bad actor licensee or an illicit scheme;
Section 5 and 9.5 clarifies the definition of pharmaceutical agent;
Sections 6-7 adds another optometrist as a Board member;
Section 8 clarifies that in order to be eligible for a Nevada license by endorsement, the applicant has to have passed the NBEO and not any alternative test like the Canadian testing;
Section 9 regards OPACs and eliminates the OMD 40-hour attestation component;
Section 10 regards glaucoma endorsement and eliminates the requirement that the OMD has to be Nevada-licensed;
Section 11 allows the Board to order a licensee appear at a hearing to aid in an investigation;
Sections 12-13 incorporates the definition of optometry to include optometric telemedicine;
Sections 14 and 16 provides a category of administrative fines that are not reportable to the National Practitioner Databank;
Section 15 adds permanent incapacity to the statute regarding death of a solo practitioner and transfer of ownership

Director Schneider does not anticipate extensive regulations for these statutes unlike the extensive process that occurred starting in January 2024 for R101-24.

11. Executive Director report re NBEO Part 1 versus Canadian equivalent. Director Schneider reminded the Board this issue is a major issue of concern with ARBO and the various executive directors were ask to provide their Board's position. The letter in the materials explains this may be a public health issue so the Board passed a law to eliminate loopholes.

12. Executive Director report re licensing transactions since start of FY2025:

5/14/2025 – 6/9/2025	FY2025 cumulative
New licenses: 3	15
Licenses by endorsement: 1	8
Glaucoma: 0	6
OPAC: 1	19
Fictitious Name: 2	31
Location changes: 1	62
Additional locations: 6	49
LOGS: 3	52
PRR: 0	38
Refunds: 0	7
Mobile: 1	2
Substitute location: 0	7
Public complaints: 3	19
2026-2028 CE review: 0	6

13. **For Board Discussion and Possible Action.** Proposed items for future Board meetings. Director Schneider stated that his ARBO Convention trip in Minnesota will be on the next Agenda.

14. **Public Comment.** Dr. Smith invited public comment. No public comment received.

In light of the budget discussions, Director Schneider asked if the Board wanted to continue with shorter but more frequent meetings or less frequent but longer meetings. In light of the Board agreeing not to take their meeting stipends going forward, all Board members stated their preference for shorter but more frequent meetings and to keep on calendar the July 31, 2025 meeting.

15. **For Board Discussion and Possible Action.** Dr. Smith moved to adjourn. Dr. Austin seconded. Adjournment occurred at 1:02p.m.

8 persons attended virtually, inclusive of Board members and Executive Director. No role call conducted or sign-in sheets provided.

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FY 2024-2025 Regular meeting schedule

Monday 6/16/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

FY 2025-2026 Regular meeting schedule

Thursday 7/31/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Thursday 9/25/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Thursday 10/30/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Wednesday 12/10/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

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❖ The Board is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada State Board of Optometry: in writing at P.O. Box 1824, Carson City, Nevada 89702; via email at admin@nvoptometry.org; or call 775-883-8367 as far in advance as possible.

❖ To request an advance copy of the supporting materials for this meeting, contact admin@nvoptometry.org or call 775-883-8367.

This Notice of Public Meeting and Agenda was posted in compliance with NRS 241.020, before 9:00 a.m. on the third working day before the meeting at the following locations:

- Nevada State Board of Optometry office, Reno, NV 89523
- Nevada State Board of Optometry website: <https://nvoptometry.org/>
- Nevada Public Notice website: <http://notice.nv.gov>

/s/ Adam Schneider
Adam Schneider, Executive Director