

STATE OF NEVADA



Board of Dispensing Opticians

Minutes of Public Meeting

April 5, 2017 at 1:30 p.m.

Board meeting took place via videoconference at:

Offices of the Nevada Public Utilities Commission

1150 E. William Street - Carson City, NV 89701, Hearing Room A

And

9075 W. Diablo Drive, Suite 250 - Las Vegas, NV 89148, Hearing Room A

Board Members Present:

Marsha Costuros, President
Tammy Williams, Vice President
Jennifer Benavides, Secretary
Marilyn Brainard, Treasurer
Michael Grover, Member

Board Staff Present:

Corinne Sedran, Executive Director
Louis Ling, Board Counsel

Others Present:

Jim Morris, President of the American Board of
Opticianry

1. Call to order
Board President Marsha Costuros called the meeting to order at 1:30 p.m. and called roll.
2. Public comment
There was no public comment.
3. Discussion and Updates on ABO/NCLE Advanced and Practical Exams (for possible action)
(Item taken out of order)

Ms. Sedran stated the first round of licensing exams administered by the ABO had just been completed. She asked Mr. Morris for clarification on the registration process for the exams. Mr. Morris stated the ABO is working on online registration for Nevada applicants with a projected start date of August 2017. They have also been working with their exam-scheduling affiliate and the various testing centers to eliminate any glitches with testing windows and/or the exam software. After this May testing window, examinees will receive their results immediately via email. Due to an exam "health check" scheduled to take place after the February and May exams, scores are delayed several weeks for those testing windows only. Mr. Morris asked whether the Board has a policy on whether applicants must sit out a testing window after failing either an Advanced or Practical exam. The Board members decided applicants who fail one exam should be allowed to test again after three months for the remainder of the 2017 testing dates. This will allow the first round of applicants to acclimate to the new exam structure. After 2017, the standard policy will resume.

Motion: Ms. Costuros moved to waive the requirement that applicants sit out a testing window after failing an exam for the remainder of 2017. Thereafter, the examinees may fail an exam twice before they are required to sit out a testing window.

Motion to Amend: Mr. Grover moved to amend the motion to require 2018 and beyond examinees to sit out a testing window after failing an exam just once. Ms. Costuros accepted the amendment to her motion.

Vote: Passed, unanimous.

4. Approval of previous board meeting minutes (for possible action):
February 8, 2016 Board Meeting

Motion: Ms. Brainard moved approval of the minutes as presented.

Vote: Passed, unanimous.

5. Prior experience credit request; request for determination on education equivalence; request for education enrollment extension (for possible action):

- a. **Esquivel, Rubi** (enrollment extension)

Discussion: Ms. Sedran stated Esquivel would like to enroll in courses at CSN to fulfill her ophthalmic education requirement, however, she did not attempt to enroll until after the start of

spring semester and courses are not available again until fall. This will take her past the six-month enrollment allowance. Ms. Williams stated there will be more instances of late enrollment if the Board allows an extension in this case. Ms. Costuros agreed Esquivel had adequate time to enroll at CSN.

Motion: Ms. Costuros moved to deny the request for an enrollment extension.

Vote: Passed, unanimous.

b. **Klafke, Cameron** (prior experience credit)

Discussion: Ms. Williams noted Klafke had been working 25 hours per week during his prior employment.

Motions: Ms. Costuros moved to grant Klafke one year of prior experience credit.

Vote: Passed, unanimous.

c. **Pangilinan, Jennifer** (prior experience credit, determination on education equivalence)

Discussion: Ms. Benavides noted Pangilinan holds a Doctorate of Optometry from the Philippines. Ms. Sedran stated Pangilinan would like to apply for a full optician's license and would like the Board to honor her education and training as fulfilling the apprenticeship training requirements.

Motion: Ms. Benavides moved to approve Pangilinan's request to apply for an optician's license with full education and experience requirements being acknowledged by the Board.

Vote: Passed, unanimous.

6. Continuing education credit/course approval requests (for possible action):

David Leonard, OD: May 4, 2017 and May 11, 2017

Ms. Sedran stated the Board is now able to approve continuing education providers, rather than reviewing individual courses. She suggested the Board review Dr. Leonard's qualifications under the item for the Committee on Continuing Education Course Providers.

7. Discussion and decision on future regulation changes (for possible action)

Ms. Sedran asked the Board for any proposals for regulation changes. She asked Mr. Ling for a timeline for constructing the next proposed regulation. Mr. Ling stated he will bring draft language recommendations to the next meeting. Due to the legislative session currently taking place, the Board will not be able to begin the rulemaking process until after October 1st. The board members did not have any proposals this meeting.

8. Report and Recommendations by Committee on Apprentice Training Requirements (for possible action)

Ms. Benavides, Committee Chair, submitted two new apprentice training forms for the Board's consideration: Neutralization and Final Inspection. Ms. Costuros is in favor of the new training requirements and noted the high quality of the new forms. She is concerned the various specialty lenses required for the training may be difficult to obtain. Mr. Ling recommended the notarization requirement be removed from the forms as each form might include signatures from several

individuals. The form should instead include a declaratory statement at the top that applies to any individual who signs the form. He stated these new training requirements will need to be added to the Board's regulations before they can be implemented.

9. Report and Recommendations by Committee on Licensure by Endorsement (for possible action)

Mr. Ling advised the Board of Senate Bill 354, which would require the occupational boards to license by endorsement. The Governor has made it clear to all licensing boards that they are to continue protecting the public, but there should not be any artificial barriers to entering the professions. If our board's licensing standards are substantially the same as a sister state's standards, licensed persons from the sister state should be allowed practice here without encountering burdensome licensing requirements. This particular bill would require the Board to recognize a license from any state that has same or higher standards than ours. The bill does not require the boards to lower current standards.

Ms. Costuros, Committee Chair, has been compiling a list of states with substantially equivalent education and training requirements. If those requirements are met, the Board would be able to issue licenses once the applicants pass the ABO Advanced and Practical Exams.

10. Report and Recommendations by Committee on Continuing Education Course Providers (for possible action)

Mr. Grover, Committee Chair, recommended the Board approve the following CE course providers:

Academy for Certification of Vision Rehabilitation and Education Professionals
American Occupational Therapy Association for Low Vision Specialists
American Society of Ocularists
Council on Optometric Practitioner Education
Join Commission on Allied Health Professionals in Ophthalmology
Dr. David Leonard, OD
Wayne Davis
Robert Olds
Northern Nevada Association of Ophthalmic Dispensers
Henderson Nevada Association of Ophthalmic Dispensers

Motion: Ms. Benavides moved to approve all providers on the list recommended by the committee chair.

Vote: Passed, unanimous.

11. Creation of Legislative Session Committee (for possible action)

Ms. Sedran asked the Board to appoint a committee of one to advise her throughout the legislative session on whether the Board should take stances on particular bills. Most proposed legislation does

not directly address ophthalmic dispensing, but rather occupational licensing as a whole.

Motion: Ms. Costuros moved to create the committee and name Ms. Brainard as committee chair.

Vote: Passed, unanimous.

12. Legislative Session Updates (for possible action)

Mr. Ling advised the Board of Assembly Bill 328, which would prevent the individual agencies from employing attorneys as part-time employees. Boards would be allowed to retain their attorneys as full-time employees or independent contractors only. If the bill passes it is his intention to continue representing the Board by way of contract. This would affect the Board's ability to terminate him at will.

Assembly Bill 219, in its present form, would prevent companies from issuing prescriptions based upon refractions done via cell phone camera, kiosk, computer camera, etc. A licensed optometrist or ophthalmologist would need to issue the prescription.

13. Scheduling of Board-sponsored Continuing Education Course (for possible action)

Ms. Benavides and Ms. Costuros volunteered to teach portions of the course which will take place Wednesday, May 31st.

14. Financials (for possible action):

Review and acceptance of **February and March 2017** financial statements

Motion: Ms. Brainard moved to accept the financial reports as presented.

Vote: Passed, unanimous.

15. Executive Director's Report (for possible action)

Ms. Sedran did not have any items to report.

16. Board Counsel's Report (for possible action)

Mr. Ling did not have any items to report.

17. Public Comment

Jennifer Ryan stated she is not a licensed optician, however, she appreciates the ophthalmic education this state provides. She asked whether this education covers the topics applicants will encounter on the ABO and NCLE Advanced Exams. She believes the Board's new policy of preventing apprentices from being relicensed for 12 months after failing to complete their

requirements will take away their ability to prepare for the exams.

Tamara Sternod commented on the new requirements proposed by the Committee on Apprentice Training Requirements. She is concerned apprentices who work for large corporations will not have access to the various lenses required for the training. She suggested having a lab create the apparatuses to use as study aids; individual opticians could take responsibility for conducting training on specific lenses that are difficult to obtain. Ms. Sternod also spoke on the issue of licensure by endorsement, noting the law already makes allowances for military spouses. She stated as a former Board member, she researched the ABO and NCLE Advanced and Practical Exams extensively and found the material on the exams closely matches that covered in the required education courses.

There was no further public comment.

Ms. Costuros adjourned the meeting at 3:49 p.m.