

## MINUTES

### NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

May 14<sup>th</sup>, 2013  
Conference Room 2, Cox Pavilion  
University of Nevada Las Vegas  
4505 Maryland Parkway  
Las Vegas, Nevada

A regular meeting of the Nevada State Board of Optometry was called to order by Board President, Vincent A. Gassen, O.D., at 9:30 a.m. on May 14<sup>th</sup>, 2013, in Conference Room 2, Cox Pavilion, University of Nevada Las Vegas, 4505 Maryland Parkway, Las Vegas, Nevada.

Present were:

Vincent A. Gassen, O.D., Board President  
William F. Harvey, O.D., Board Member  
Chen K. Young, O.D., Board Member  
Sherese Settelmeyer, Board Member  
Judi D. Kennedy, Executive Director  
Louis Ling, Esq., Board Counsel  
Hilaire Pressley, O.D., Nevada Optometric Association  
Joseph Fermin, O.D., Nevada Optometric Association

Dr. Gassen asked for public comment. There was no public comment.

Agenda Item 2. The Minutes of the Board's March 26<sup>th</sup>, 2013, regular meeting were presented for approval. Ms. Settelmeyer moved the Minutes be approved as drafted. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 3. Accusation of Judi D. Kennedy, as Executive Director vs. Jasmine T. Nguyen, O.D., License No. 750.

The Board reviewed the Accusation. Ms. Kennedy advised the Board Dr. Nguyen had submitted the proposed \$500 administrative fine, and that the doctor had obtained duplicate licenses for all her additional practice locations. After discussion, Dr. Young moved the Accusation be dismissed based on resolution. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 4. Complaint of Judi D. Kennedy, as Executive Director vs. Optometrist "A."

Dr. Gassen stated this case had been continued from the March 26<sup>th</sup>, 2013, regular meeting because the response from Optometrist "A" had not been received in time for the Board to review it when it considered the Complaint. The members reviewed and discussed the allegations of the Complaint and the response of Optometrist "A." At the conclusion of the discussion, it was determined that Optometrist "A" had violated the provisions of NRS 636.370[1] and NRS 636.143. Dr. Harvey moved a formal accusation be filed in the case. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Optometrist "B" vs. Optometrist "C."

Dr. Gassen outlined the allegations of the Complaint, and noted the Board had copies of the original sublease agreement that was the subject of the Complaint, as well as the revised sublease agreement. The Board discussed the allegations of the Complaint, including certain provisions of the lease that had been revised, the issue of separation of the optometric practice from the optical practice, and the issue concerning VSP [Vision Service Plan]. Dr. Gassen stated he believed with revisions to the sublease, and the changes made in the advertising regarding VSP, Optometrist "C" was in compliance with

the statutes and regulations. Ms. Settlemeyer moved the Complaint be dismissed based on resolution. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 6. Correspondence from Mariah Smith, O.D.

Dr. Young advised he had done some research regarding the issue, and had determined amniotic membrane therapy would be within the scope of practice for optometry. Dr. Gassen agreed, stating it was essentially the insertion of a special contact lens. After further discussion, the Board directed Ms. Kennedy to send a letter to Dr. Smith advising of the Board's decision.

Agenda Item 7. Report of Board Counsel.

Mr. Ling stated he had nothing to report

Agenda Item 8. Report of Executive Director.

The Board reviewed and discussed the proposal from The Gresh Group for interim lobbying services. Dr. Young moved the proposal be accepted. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 9. Review and discussion of NRS 636.260(2)(3).

Dr. Harvey opened the discussion by stating he believed the number of hours required annually had become burdensome financially, and in some cases duplicative in content. Dr. Young stated he believed the hours should be reduced based, in part, on the comparison of the requirements in other states presented by Dr. Harvey. Mr. Ling cautioned that the legislature takes very seriously, the requirement for continuing education in the professions. He continued stating any reduction in hours should be contained in legislation proposed by the Nevada Optometric Association rather than the Board. Ms. Settlemeyer stated as the public member she would be opposed to lowering the

number of required continuing education hours needed for license renewal. No action was taken.

Agenda Item 10. Public Comment.

Dr. Hilaire Pressley stated she was attending the meeting on behalf of the Nevada Optometric Association. Dr. Pressley asked when the requirement for initial licensure in Nevada had been changed. Ms. Kennedy explained the change was made a number of legislative sessions ago when a law was passed that required if a professional licensing board accepted a national test, it accept the grading methods used by the national testing agency. Ms. Kennedy continued explaining it was because of the passage of that law that applicants were no longer required to attain a score of 75 or higher on each section of the national test. There was further discussion of the continuing education requirements.

The Board confirmed a meeting to be held via telephone conference on July 16<sup>th</sup>, 2013. The Board scheduled a regular meeting to be held in Las Vegas, on September 17<sup>th</sup>, 2013.

Dr. Young moved the meeting adjourn. Dr. Gassen seconded the motion. The meeting adjourned at 11:10 a.m.