

## MINUTES

### NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

September 17<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 September 17<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 Settlemeyer, Board Member  
Judi D. Kennedy, Executive Director  
Louis Ling, Esq., Board Counsel  
Karen J. Hsueh, O.D.  
Michael Lin, Esq., Counsel for Dr. Hsueh  
Hilaire Pressley, O.D., Nevada Optometric Association

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

Agenda Item 3.

Accusation of Judi D. Kennedy, as Executive Director vs. Karen J. Hsueh, O.D. [License No. 536]

Mr. Ling introduced Dr. Hsueh and her attorney, Mr. Lin, to the Board and stated they were present at the meeting to respond to questions posed by the Board relative to the case pending against Dr. Hsueh. Mr. Ling continued, stating an Accusation had been filed against Dr. Hsueh which contained two causes of action relating to her treatment of Mr. Kuo. Mr. Ling further stated that he and Mr. Lin had engaged in negotiations to the end of settling the case. Finally, Mr. Ling presented a proposed Letter Agreement for the Board's consideration.

Mr. Ling directed the Board's attention to Page 2 of the Letter Agreement and outlined for the Board the proposed discipline, which included the payment of an administrative fine, reimbursement of the Board's fees and costs incurred in the investigation and preparation of the case, a period of three (3) three years probation, and additional continuing education.

Dr. Gassen opened the matter for discussion. Ms. Settlemeyer said she believed the agreement was satisfactory. Dr. Young concurred. After a discussion regarding the probationary period, Ms. Settlemeyer moved the Letter Agreement be accepted. Dr. Young seconded the motion. The vote was unanimous.

Agenda Item 2. The Minutes of the Board's May 14<sup>th</sup>, 2013, regular meeting were presented for approval. Ms. Settlemeyer moved the Minutes be approved as drafted. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 4. Accusation of Judi D. Kennedy, as Executive Director vs. James S. Herzman, O.D., License No. 343.

Ms. Settlemeyer recused herself, stating Dr. Herzman is her optometrist.

The Board reviewed the Accusation, correspondence received from Dr. Herzman dated June 3<sup>rd</sup>, 2013, and correspondence to Dr. Herzman from Ms. Kennedy dated June 18<sup>th</sup>, 2013, and August 20<sup>th</sup>, 2013. After discussion, Dr. Harvey moved Dr. Herzman be found guilty of the charges set forth in the Accusation. Dr. Young seconded the motion. The vote was unanimous. Dr. Gassen requested discussion regarding the discipline to be imposed. After discussion, Dr. Gassen moved an administrative fine in the amount of \$500 be imposed. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 5. Report of Board Counsel

Mr. Ling stated he had nothing to report.

Agenda Item 6. Report of Executive Director

Ms. Kennedy presented the Board's 2013-14 Budget for approval. After discussion, Dr. Young moved the Budget be approved as prepared. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 7. Public Comment.

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

The Board confirmed a meeting to be held via telephone conference on November 19<sup>th</sup>, 2013. The Board scheduled a regular meeting to be held in Reno, on January 14<sup>th</sup>, 2014.

Dr. Harvey moved the meeting adjourn. Ms. Settlemeyer seconded the motion. The meeting adjourned at 11:05 a.m.

