

MINUTES

NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

January 13th, 2015
Airport Plaza Hotel & Conference Center
Gulfstream Room
1981 Terminal Way
Reno, Nevada

A regular meeting of the Nevada State Board of Optometry was called to order by Board President, Vincent A. Gassen, O.D., at 9:00 a.m. on January 13th, 2015, in the Gulfstream Room at the Airport Plaza Hotel & Conference Center, 1981 Terminal Way, Reno, 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
Dan Lyons, O.D., Nevada Optometric Association
Gail Conkey, Nevada Optometric Association
Fred Hillerby, Lobbyist for the Nevada Optometric Association
Jeanette Belz, Lobbyist for the Nevada Ophthalmological Society
Stephen J. Avillo

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

Agenda Item 7.

Review and discussion of changes to NAC 636.290 as proposed by the Nevada Optometric Association.

Dr Gassen opened the item for discussion.

Mr. Hillerby, on behalf of the Nevada Optometric Association, presented a legislative history of the statute relating to glaucoma certification. Mr. Hillerby outlined the process to be followed regarding the proposed regulatory change. Mr. Hillerby continued stating the Association desired to move ahead with the workshop portion of the regulatory change and then to a final hearing which would open the change to public input. Specifically addressing the requirement in the regulation that a co-managing optometrist conduct an optometric examination of the patient at least once every 4 months for not less than 1 year, Mr. Hillerby, asserted the requirement was burdensome and difficult to attain. He proposed the co-management could be done by way of a treatment plan agreed to by the co-managing ophthalmologist and could be carried out in a group setting, i.e. four optometrists would examine up to 20 patients per day. Mr. Hillerby stated he had spoken with Brenda Erdoes, Chief Counsel at the Legislative Counsel Bureau, and that she advised the proposed change could be accomplished through regulatory revision.

Dr. Lyons stated he believed there was going to be a shortage of optometrists certified to treat glaucoma, citing the aging population. Dr. Lyons touched briefly on how the proposed regulatory changes could be implemented.

Dr. Gassen asked for Mr. Ling's input.

Mr. Ling advised the Board he and Ms. Kennedy had had meetings with the representatives of the Association, and that at each meeting he and Ms. Kennedy had expressed concern that the statute as written requires a one-on-one relationship between the patient, the ophthalmologist and the optometrist. Mr. Ling continued stating Ms. Erdoes' opinion as relayed by Mr. Hillerby would not preclude a legislator taking issue with the regulatory action. Mr. Ling pointed out this was not the only option open to the

Association, that it could proceed to introduce a Bill that would change the statutory language and that the changes could then be implemented through a revised regulation. Mr. Ling concluded by stating he could not tell the Board what to do, but that in his opinion the statute indicates singular treatment. Dr. Gassen asked if Mr. Hillerby had a confirming letter from Ms. Erdoes. Mr. Hillerby replied he did not.

Drs. Gassen and Harvey related some of their experiences relative to the glaucoma certification, each included concerns about the group setting. Dr. Young added group learning in some circumstances had advantages. Drs. Gassen, Harvey and Young had no concern with changing the provision requiring an examination of the patient every 4 months, and stated they would have no issue with changing that provision to make it more accommodating both to the treating optometrist and ophthalmologist, but to the patient as well. There was a discussion among the members as to potential problems for a patient desiring to file a complaint relating to the treatment received in the proposed group setting.

Dr. Gassen stated he has a problem with the group setting concept and made a motion that the Board not move forward with a regulatory revision allowing the group setting co-management. Dr. Harvey seconded the motion. The vote was unanimous.

The Board turned to the issue of the 4 month examination requirement. Dr. Gassen moved Board staff go forward with developing regulatory language to revise the requirement. Dr. Young seconded the motion. The vote was unanimous.

Agenda Item 2. The Minutes of the Board's November 18th, 2014, regular meeting were presented for approval. Dr. Harvey moved the Minutes be approved as drafted. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 3. Complaint of Karen Ericsson vs. Optometrist "A".

The Board reviewed the documents before it. Dr. Young stated he believed the examination was thorough. Dr. Gassen expressed concern about the patient waiting 8 months to contact the doctor about the problem. Dr. Harvey moved the Complaint be dismissed for lack of merit with Board findings that the examination was thorough, that the patient's delay in contacting the doctor was not reasonable, and that there were no violations of the statutes or regulations. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 4. Complaint of Robert Stiles vs. Optometrist "B".

The Board reviewed the documents before it. After discussion the Board determined there was no evidence to support the allegation that the patient's records were mishandled. Dr. Young moved the Complaint be dismissed for lack of evidence. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 5.

The Board discussed SB 68 and AB 72. No action was taken.

Agenda Item 6.

After discussion, the Board concluded an optometrist who is not certified to treat glaucoma could monitor a patient with ocular hypertension, but that the optometrist could not treat the patient without first becoming glaucoma certified as the treatment for both conditions are basically the same.

Agenda Item 8.

Report of Legal Counsel. Mr. Ling stated he had nothing to report.

Agenda Item 9.

Public Comment.

Ms. Belz requested that agendas for future meetings be furnished to her and stated she had no specific comments at this time

The Board confirmed a meeting to be held via telephone conference on March 24th, 2015. The Board scheduled a regular meeting to be held in Las Vegas, on May 12th, 2015.

Dr. Young moved the meeting adjourn. Dr. Harvey seconded the motion. The meeting adjourned at 10:17 a.m.