

NEVADA STATE BOARD OF OPTOMETRY



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MARIAH L. SMITH, O.D.
Board Member

SHERESE SETTELMEYER
Public Board Member

MINUTES OF A REGULAR MEETING

Las Vegas, NV

Thursday, June 15, 2017

1. Public Comment.

No public comments were offered.

2. Call to Order, Roll Call.

All Board members were present, and Caren C. Jenkins, Executive Director and Krystie Manke, Administrative Assistant, attended. President Harvey called the meeting to order at 9:35 am.

*3. Consideration of **minutes** of May, 2017 Board meeting.

Ms. Settelmeyer moved, and Dr. Smith seconded a motion to accept the minutes as presented. Passed unanimously.

*4. Detailed review of **financial matters** of the Board.

After Ms. Jenkins presented a spreadsheet summarizing the actual Board expenses for the past several years, she and Dr. Young offered a proposed budget for the 2018 Fiscal Year. Considerations included increased staffing, one-shot expenses for computers and web development, decreased need for postage and copying, and the Governor's award of a 3% cost of living adjustment for all state employees. The Board discussed raising certain fees to address the need for additional operational revenue, including the service fee for credit card use, application fees as of July 1, 2017. Motion by Dr. Young, seconded by Dr. Smith to raise application fee for a new licensee to be 2x the endorsement application fee so we will comply with the statute, and adjusting merchant fees to a percentage rather than a flat processing fee -- +/- 3.3%. Approved unanimously.

At 10:30 am a brief recess was taken. The meeting was called back to order at 10:37 am.

*5. Executive Director's report.

A. Ms. Jenkins requested that a subcommittee of the Board be appointed to shepherd the revision of optometry laws. Dr. Smith volunteered for the post and President Harvey appointed her to join with other board members and licensees for input regarding the subcommittee's work. Dr. Young asked to be appointed, and Dr. Harvey gave the two board members permission to seek a non-board member to join the group to make recommendations to the Board.

B. Ms. Jenkins proposed that a board policy be adopted to define a 72-hour prescription of hydrocodone with acetaminophen, either 5-325 or 10-325 as a maximum of 18 pills. Moved by President Harvey, seconded by Dr. Young. Passed unanimously.

C. Ms. Jenkins asked permission to include information about membership in the Nevada Optometric Association with new licenses; however, the Board determined that the role of the licensing board should not include promoting the association.

D. Clarification regarding NRS 636.120 which requires the Board to provide a roster of licensees to each licensee – must include name and primary practice address only. Board should not provide any additional information to any requester, no matter whether the requester is a licensee or not. Never e-mail addresses or phone numbers.

E. Ms. Jenkins queried the Board to respond to past policies regarding licensing clinical facilities, but the Board determined that the subcommittee to revise optometric laws should propose a clarification when it meets.

F. Dr. Young moved and Dr. Smith seconded a motion to revise the Board's policies to add a prohibition on contacting Board members with complaints without addressing the matter with the staff first.

*6. Complaints:

17-01 Alleged prescription violation – not addressed in response. Ms. Settelmeyer moved, Dr. Smith seconded motion to move the matter forward to an evidentiary hearing. Unanimous.

17-02 Alleged prescription violation – licensee no longer practicing in NV, but claimed to have miscalculated the number of pills to prescribe. Dr. Young expressed his appreciation that the issue was addressed and explained and understood by the members. Motion by Dr. Harvey, seconded by Dr. Smith to dismiss 17-02, all approved.

17-03 Alleged prescription violations – no explanation for the conduct was offered in response other than the licensee believed he acted within the scope of his authority. In response to the Complaint licensee claims he registered with the PMP, though the PMP shows he registered in 2014. Motion by Dr. Harvey, seconded by Dr. Smith to move forward to evidentiary hearing. Approved.

17-04 Professional demeanor complaint. No indication of unprofessional behavior alleged that would amount to a violation of NRS 636. Motion to dismiss by Dr. Smith, Second by Dr. Young. Approved.

17-05 Low vision patient feels over-treated. Dr. Young expressed that the licensee used all of the tools available to best assess and help the patient. Patient could have left the exam, but didn't presumably for his own convenience. Ms. Settlemeyer offered that the patient seems to feel exploited. She related this complaint to a similar matter the Board had addressed in the past, and suggested that the matter should move forward to an evidentiary hearing. Dr. Harvey seconded. Approved unanimously.

17-06 Board discussed the potential personality conflict or threatening behavior alleged. No unprofessional behavior alleged that was not explained. Motion to dismiss by Dr. Young/ Dr. Smith, Approved.

17-07 Patient complaints regarding requirement to return for eye health checks. No unprofessional conduct alleged. Motion to dismiss by Dr. Harvey/Dr. Smith seconded. Approved.

17-08 Withdrawn.

17-09 Dr. Smith moved to dismiss, Ms. Settlemeyer seconded. Unanimous.

7. Public Comment.

None.

8. Adjournment at 12:03 pm.

*Unanimous approval
7/21/17*


Caren C. Jenkins, Executive Director