

NEVADA STATE BOARD OF OPTOMETRY



CHEN K. YOUNG, O.D.
Board President

JEFFREY K. AUSTIN, O.D.
Board Member

Post Office Box 1824
Carson City, Nevada 89702
Telephone: (775) 883-8367
Facsimile: (775) 305-0105
E-Mail: admin@nvoptometry.org

CAREN C. JENKINS, ESQ.
Executive Director
cjenkins@nvoptometry.org

MARIAH L. SMITH, O.D.
Board Member

DREW JOHNSON
Public Board Member

NOTICE

THE NEVADA STATE BOARD OF OPTOMETRY
WILL HOLD A REGULAR MEETING
Tuesday, April 17, 2018, beginning at 8:30 a.m.

The Public is invited to attend. Join the Board in person at the Hampton Inn Tropicana, 4975 Dean Martin Drive, Las Vegas, NV 89118. This meeting will **NOT** be teleconferenced.

Pursuant to NRS 241.020(6) PLEASE TAKE NOTICE:

- (1) Items on the agenda may be taken out of order;
- (2) Two or more agenda items may be combined for consideration; and
- (3) At any time, an agenda item may be removed or discussion of the item may be delayed.

AGENDA

- **Welcome and Call to Order, Roll Call.**
- **Public Comment.** Public Comment will be received prior to the commencement of the regular meeting. If no one appears to address the Board, the Board will proceed with its regular meeting at 9:00 a.m. A time limit may be set for each individual wishing to address the Board. Action will not be taken on any issues presented by the public, either in forum or during the Board Meeting. In accordance with the Nevada Open Meeting Law, any issue requiring action will be placed on the agenda for a future Board Meeting.
- 1.* **For Possible Action. Consideration and adoption of minutes** of February 20, 2018 meeting (Materials available**).
- 2.* **For Possible Action. Evidentiary hearings, Petitions for Declaratory Orders & determinations on Complaints** (Materials may be available**).
 - *A. Complaint 18-03 – **Amel Yousef, O.D., Lic. 449 - Advertising - Evidentiary Hearing**
For Respondent: Candace C. Herling, Esq., Alverson Taylor Mortensen & Sanders.
For Complainant/Board: Caren C. Jenkins, Esq., Executive Director, Nevada Board of Optometry.
Deputy Attorney General Sophia Long, Counsel to the Board
 - *B. Complaint 18-04 – **Bela Svoboda, Jr., O.D., Lic. 314 - Patient Records - Status Report after hearing**
 - *C. Complaint 18-16- **Just & Sufficient Cause** - office configuration and separation from optical
 - *D. Complaint 18-17- **Just & sufficient Cause** - advertising and LASIK
 - *E. **Petition for Declaratory Order** brought by Mark Lee, Lic. No 390 regarding propriety of prescribing and selling a new ophthalmic device.

- 3.* **For Possible Action. Executive Director's report** (Materials may be available**).
 *A. Consideration of Mobile Optometry practice model for underserved Nevadans.
 *B. Banking, Audit & Bookkeeping - acceptance of one-year audit report
 *C. Proposed revised Board Policies for Board Approval
 D. Miscellaneous reports
- 4.* **For Possible Action. Subcommittee on Statute and Regulation Review - Report and final Work Session** (by Dr. Smith and others, Materials may be available **)
 *A. Review and adoption of statutory changes to be proposed to Legislative Drafters.
 B. Discussion of bill introduction strategy, forming alliances with interested entities and legislator, lobbyist & community education efforts before the measure is heard.
- **Public Comment on this Agenda Item is welcomed. Please bring written materials and statements to add to our record.**
5. **Announcements and Board Member requests** for future Board consideration (No action).
- 6.* **Adjournment.**
- **Public Comment.** *A time limit may be set for each individual wishing to address the Board. Action will not be taken on any issues presented by the public, either in this forum or during the Board Meeting. In accordance with the Nevada Open Meeting Law, any issue requiring action may be placed on an agenda for a future Board Meeting.*

THE BOARD IS PLEASED TO MAKE REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WHO WISH TO ATTEND THE MEETING. PLEASE CALL EXECUTIVE DIRECTOR CAREN C. JENKINS AT (775) 883-8367 IN ADVANCE TO MAKE ARRANGEMENTS.

***INDICATES ACTION MAY BE TAKEN.**

****Materials supporting an agenda item will be available for public review on the Board's website as early as possible, but not fewer than 5 business days before a noticed meeting.**

Agenda Item

1

NEVADA STATE BOARD OF OPTOMETRY



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MINUTES OF THE THE NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING on Tuesday, FEBRUARY 20, 2018 at 9:00 a.m.

This meeting was held at the University of Nevada School of Medicine in **RENO** in the Whittemore-Peterson Building, Rm. CMM-113, then at 1 pm, at the Pennington Health Sciences Building, Room PHS-233), and **via Video Tele-conference** at University of Nevada School of Medicine in **LAS VEGAS**, 1701 W. Charleston Blvd., Rm S670 (Computer Lab Room).

➤ **Welcome and Call to Order, Roll Call.**

President Chen Young called the meeting to order at 9:05 am. All members present. Also present were Shelly Capurro, Lea Cartwright, Denis Humphreys, O.D., Executive Director Caren C. Jenkins, and Licensing Specialist Krystie Manke.

➤ **Public Comment.**

No public comment was offered. President Young welcomed Public Member Drew Johnson to his first Board meeting and asked Mr. Johnson to introduce himself.

REGULAR MEETING OF THE BOARD

1.* **For Possible Action. Consideration of minutes** of December 5, 2017 meeting.

Draft minutes circulated by Executive Director Jenkins were reviewed, and the proposed new paragraph explained. Motion to approve as presented by Dr. Smith, seconded by Dr. Austin, passed unanimously.

2.* **For Possible Action. Petition for Advisory Opinion or Declaratory Order** regarding delegation of tasks to technicians, submitted by Denis Humphreys, O.D.

Dr. Humphreys introduced his petition and his concerns about the current optometry practices. The practices are reasonable, but the law is behind. The statutes adopted in 1961 as they currently stand impede licensees' ability to work to the full scope of their licenses, help patients access efficient patient care and keep optometrists in compliance with the law. Only the optometrist should have the ability to assess information collected by unlicensed personnel, create treatment plans, and perform the subjective refractions. Medical assistants are permitted under NRS 630.0129, so why not allow optometric assistants similar authority?

After a thorough discussion of the need for legislative and regulatory changes to NRS 636 relating to assistants, Dr. Smith moved and Dr. Austin seconded a motion to include proposed revisions to the statutes allowing optometrists to delegate certain types of tasks to technicians. Factors include efficiency, public protection, automation of testing and data collection equipment, among others, but the diagnosis and treatment of patients must remain an optometrist task and cannot be delegated. These changes should be included in the 2019 legislative proposals. Passed unanimously.

3.* For Possible Action. Evidentiary hearings & determinations on Complaints

A. Complaint 18-03 – Amel Youssef, O.D., Lic. No. 449 - Advertising

The parties have agreed to propose an Amended Complaint and continue this matter to an in-person evidentiary hearing in Las Vegas on April 17 at 9 am. Motion by Drs. Smith & Austin to accept the continuance and the Amended Complaint as proposed. Unanimous.

B. Complaint 18-04 – Bela Svoboda, O.D., Lic. No. 314 - Patient Records

Dr. Svoboda appeared before the Board and was sworn by President Young. He admitted the Complaint's allegations that his patients (through his practice known as Northern Nevada Eyecare) health records, glasses, and contact lens deliveries have been greatly delayed since he closed his Winnemucca practice in June 2017 and his Lovelock practice in November 2017. He explained his attempts to correct the matter from a home-based office. He stated that he had addressed the issues raised and reported by several complainants, but still has had delays in notifying former patients and delivering materials and records to the various parties. After significant discussion, the Board commented that:

- Ultimate responsibility for his actions lies with Dr. Svoboda regardless of the circumstances and the individuals to whom he delegated tasks.
- Imposition of a financial penalty would likely create a hardship on the licensee, and
- An equitable remedy would be more appropriate in this instance.

Motion by Dr. Smith and seconded by Dr. Austin finding violations of NRS 636.295 and imposing discipline requiring Dr. Svoboda to:

1. Within 7 days of entry of the Board's Order, post signs on office doors, change outgoing voicemail message at office phone numbers, change website and make all reasonable efforts to provide valid contact information directly to patients.
2. Within 30 days of the Board's Order, mail a notification, by first-class mail or postcard to his entire patient list/callback list informing them that the offices are closed, providing current mail, phone and e-mail contact information and notifying them that they may obtain their patient records within the next 30 days, and notifying them of the method to request patient records after that time.
3. Within 60 days of the Board's Order, notify all patients who have not requested their records, by certified mail, return requested, of the manner in which patient records may be obtained - even if those records are turned over to a custodian other than Dr. Svoboda. In the alternative, Dr. Svoboda may mail the records directly to the patients by certified mail, following up on any returned mail with a reasonable effort to obtain a forwarding address.
4. Accept license suspension for 90 days from the date of the Board's Order, within which he must perform 1, 2, and 3 above and report progress to the Board in writing.
5. If the requirements imposed in paragraphs 1 through 4 above are not satisfied, on the 91st day, a \$5,000 penalty will attach to this disciplinary action, and Dr. Svoboda must come

before the Board to request any future reinstatement of his license. If the requirements are met in a satisfactory manner, the license will be automatically reinstated.

C. Complaint 18-07 - Mark Ohriner, O.D., Lic. No. 249 - Prescribing

A proposed Stipulation for Settlement of the Complaint was discussed, and a motion by Dr. Smith, seconded by Dr. Austin, passed unanimously to accept the settlement.

D. Complaint 18-11 - Just & Sufficient Cause - Location & Fill-in Reporting

After discussion a motion by Dr. Smith, seconded by Dr. Austin, that just and sufficient cause exists to move the matter to a hearing; however, the Board will accept a \$500 penalty if the Respondent agrees to stipulate to forego a hearing. Motion passed with Drs. Young, Smith, and Austin voting Aye and Mr. Johnson voting Nay due to the penalty being imposed being too high.

E. Complaint 18-05 - Request to reconsider and revise December 12, 2017 Order

Ms. Jenkins and Counsel Keegan presented the matter, and after Board discussion, a motion by Dr. Smith, seconded by Dr. Austin, passed unanimously to issue the revised Order presented.

F. Complaint 18-05 - Petition for Rehearing based upon 12/22/17 letter from counsel.

This item was removed from the agenda based on the outcome of Agenda item 3.F.

4.* For Possible Action. Executive Director's report

A. Financial Report/Audit Reports - Ms. Jenkins responded to an Audit request from PERS regarding October 2017 and commented that the one-year audit of FY 2017 remains in process.

B. Licensing & Renewal Report - Ms. Jenkins reported that As of January 1, 2018, Nevada had 501 licensed optometrists, including 449 active and 52 inactive licensees. We're growing. In 2017-18, the Board revoked 14 licenses for non-renewal, and added 53 new optometric licensees. Of the current 501 licensees, 74 hold a DPA certificate, 348 hold both DPA & TPA certifications, and 78 have DPA, TPA and Glaucoma certifications. No discipline resulted in revocation or suspension of an optometry license in 2017-18, but the Board revoked one TPA certificate and imposed approx. \$28,000 in disciplinary penalties among three disciplined licensees. It also imposed certain additional CE requirements and other agreed-upon remedies as discipline. Only one licensee's discipline was reported to the National Practitioner Databank.

C. Request for 1/23/2018 Board CE to be accepted in 2018-19 renewal period - A motion was made by Dr. Austin, seconded by Dr. Smith, to allow the AB 474 compliance CE offered jointly by the Board and the Nevada Optometric Association on January 23, 2018 to be accepted for the March 1, 2018 through February 28, 2019 CE year if it was not already applied to the licensee in license year 2018. Passed unanimously.

D. Request for direction regarding endorsement application with no NBEO score - Ms. Jenkins asked for guidance regarding NBEO scores obtained before 1993 and endorsement applicants who have been practicing in jurisdictions that do not require NBEO passage for licensure. She presented the example of applicant Roberto Lucca, a practitioner in Puerto Rico for years who wishes to gain Nevada licensure, but has not taken the NBEO.

Motion by Dr. Smith, seconded by Dr. Austin to deny licensure to any applicant who either has not taken the NBEO or took the exam before the required date. Unanimous passage. Dr. Young

commented that he hopes to review the statutory and regulatory framework related to this topic and to endorsement requirements generally in the upcoming session.

- E. Request for performance review of Executive Director - Ms. Jenkins requested a formal performance review annually. Ms. Jenkins waived notice of her performance review for purposes of the agenda and this meeting.

President Young expressed gratitude to Ms. Jenkins for her vision and accomplishments at the Board since joining as Executive Director in July 2016, offered constructive suggestions regarding her accessibility and deadlines, and invited each member to share other feedback on the record. All offered positive comments. President Young then moved to provide Ms. Jenkins with a bonus of \$5,500, and to authorize Board reimbursement for her monthly cellphone expenses. Motion seconded by Dr. Smith, passed unanimously.

- 5.* **For Possible Action. Board Policies** - proposed revision regarding 3-day opioid measurement and adding AMA category 1 CME hours as acceptable CE. Dr Austin recommended a change to the Board Policies regarding measurement of the 3-day limit on prescribing opioids. He suggested the 3-day limit be measured as being not greater than 90 MME per day (or 270 MME for 3 days) rather than a set number of pills. Motion by Smith, seconded by Mr. Johnson to approve the change, passed unanimously.

Dr. Austin also recommended accepting relevant AMA Category 1 CME to the coursework acceptable for the annual required two opioid prescribing, misuse or abuse education hours. However CME should not be accepted to meet the remaining general CE requirements. Dr. Austin moved to change the policy recommended, seconded by Dr. Smith, passed unanimously.

- 6.* **For Possible Action. Subcommittee on Statute and Regulation Review Report and Work Session** - Dr. Smith led the Board through all statutes suggested to be updated, and additional ideas were added. This work session will continue at the next Board meeting, with the hope to conclude the process and send the proposal for preparation of a bill draft.

7. **Adjournment** moved by Dr. Smith, seconded by Mr. Johnson at 3:38 pm.

- **Public Comment.** None offered.
- **Announcements and Member requests** for future Board consideration. None.

THESE MINUTES WERE APPROVED BY BOARD ACTION ON:

NEVADA STATE BOARD OF OPTOMETRY

DATE

by Caren C. Jenkins, Executive Director

Agenda Item

2. A

BEFORE THE NEVADA STATE BOARD OF OPTOMETRY

CAREN C. JENKINS, ESQ.,
Executive Director of the
Nevada State Board of Optometry,

Complainant,

CASE NO. 18-03

vs.

AMEL YOUSSEF, O.D.

PROPOSED
AMENDED COMPLAINT

Respondent.

_____ /

The BOARD OF OPTOMETRY OF THE STATE OF NEVADA ("BOARD"), by and through its Executive Director, CAREN C. JENKINS, ESQ. hereby notifies AMEL YOUSSEF, O.D. ("RESPONDENT") of an administrative hearing before the BOARD, which hearing will be held pursuant to Chapters 233B and Chapter 636 of the Nevada Revised Statutes ("NRS") and Chapter 636 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine whether the RESPONDENT should be subject to an administrative penalty as set forth in NRS 636.295 and NRS 636.420, and the discipline to be imposed if violations are proven.

JURISDICTION

RESPONDENT was at all relevant times mentioned in this Complaint licensed by the Board as an optometrist under License Number 449, and is therefore subject to the jurisdiction of the Board and the provisions of NRS Chapter 636 and NAC Chapter 636.

ALLEGATIONS

1. Respondent is an optometrist duly licensed in the State of Nevada, and has held license #449 since 2002.

2. In or about July 2017, the Board received a complaint from a member of the public, alleging that one of Respondent's July 2017 advertisements, a July 2017 newspaper advertising article and her July 2017 website failed clearly to state that she is an optometrist or that an individual other than Respondent would perform the LASIK services advertised. The two printed newspaper clippings and a print of Respondent's website are attached hereto as Exhibit 1. The Complainant, despite his licensure as an optometrist, was not only confused, but also was unable to conclusively determine from the advertisements or website whether Respondent is an optometrist or ophthalmologist, or whether Respondent herself performs LASIK procedures for her patients.

3. NRS 636.380 Right to advertise, provides: A licensee shall be entitled fairly, ethically and truthfully to advertise the practice of optometry.

4. As shown in Exhibit 1 hereto, and incorporated herein by this reference, advertisements in July 2017 for "Vision by Amel", the fictitious business name under which Respondent practices optometry and which Respondent registered with the Board in 2015, promote LASIK which are not truthful, or, if they are truthful, would fall outside of the permissible practice of optometry. Accordingly, Respondent is not entitled to advertise in this manner.

5. NAC 636.140 Printed advertisements, states: "Any printed advertisement must contain the full name of the optometrist and his professional designation. Any disclaimer in the advertisement must be printed in such a manner as to allow a reasonable person to read and understand it."

6. The advertisements promoting Respondent's practice, which were submitted with the Complaint, did not contain either her full name or her professional

designation or lacked both. Additionally, Respondent's internet advertisements, provided as Exhibit 2, attached hereto and incorporated herein, found in September 2017 through January 2018, fail to include a disclaimer that would allow a reasonable person to know that Respondent collaborates with a physician who presumably performs the LASIK procedures Respondent advertises. Such advertisements mislead the reader to suggest that Respondent performs the LASIK procedure herself.

7. NAC 636.145 Symbols for advertising, provides: A licensee may use a symbol for advertising if it is: 1. Displayed with the full name and professional identification of the licensee; and 2. Printed no more prominently than the name and professional identification of the licensee.

8. Respondent's advertising promotes "LASIK," a symbol (an object or word that usually stands for something else) for laser-assisted in situ keratomileusis, without referring to either the licensee's full name or professional identification or designation. Further, LASIK appears more prominently than Respondent's name in some advertising, e.g. Respondent's storefront, if her name appears at all, as shown in Exhibit 3, attached hereto and incorporated herein,.

9. NRS 636.373 Associations or other business relationships with physicians, applies to Respondent's practice, providing:

1. An optometrist may form an association or other business relationship with a physician to provide their respective services to patients.
2. If such an association or business relationship is formed, the optometrist may:

(c) Advertise and promote the services provided by the association or business consistent with the restrictions on advertising set forth in NRS 636.302.

10. If Respondent has a business relationship with a physician to offer pre- and post-surgical care to the physician's LASIK patients, Respondent is entitled to advertise that

affiliation; however, Respondent's advertisements for LASIK services attached as Exhibits to this Complaint do not mention an affiliation thereby violating NRS 636.302 (3) - Advertising in any manner that will tend to deceive, defraud or mislead the public.

11. NRS 636.295 outlines the grounds for disciplinary action when they are committed, engaged in, omitted, or being suffered by a licensee, including: 8. false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services; 10. unethical or unprofessional conduct in the practice of optometry; and 12. violating any provision of NRS 636 or NAC 636.

12. NRS 636.420 provides that a person found to have violated any provision of NRS 636 or NAC 636 is liable to the Board for an administrative fine of not less than \$100 or more than \$5000.

THEREFORE, PETITIONER PRAYS THE BOARD FIND RESPONDENT COMMITTED:

- A. One or more violations of NRS 636.380 by falsely advertising her provision of LASIK, which falls outside of the permissible practice of optometry;
- B. One or more violations of NRS 636.302 (3) by advertising in a manner that will tend to deceive, defraud or mislead the public.
- C. One or more violations of NAC 636.140 by failing to exhibit her full name and/or professional designation in advertisements, and failing to include a disclaimer that would allow a reasonable person to know that Respondent associates or collaborates with a physician who presumably performs the LASIK procedures Respondent advertises;
- D. One or more violations of NAC 636.145 by using the symbol "LASIK" in advertising optometric services without properly displaying her full name and professional designation; and

- E. One or more violations of NRS 636.373(10) by failing to advertise her affiliation with a physician to perform the LASIK services she advertises.

FURTHER, Respondent should be ordered to pay an administrative fine of between \$100 and \$5000 for each violation found, per NRS 636.420.

Accordingly, for each violation, the Executive Director recommends imposing:

- A. an administrative penalty of \$2,000, and
- B. a requirement that Respondent complete one Continuing Education hour related to optometric office management, particularly regarding advertising for optometrists and business associations with non-optometrists, in addition to the 30 CE hours required before her next license renewal.

FURTHER, the Board should strongly urge Respondent to revise or remove all of her non-conforming advertisements, in addition to those reviewed by this Board, as quickly as is practicable , and to have all future advertisements comply with the requirements of NRS 636.

FINALLY, Respondent should be ordered to reimburse the Board for the out-of-pocket costs of the investigation and hearing of this matter, including its attorney's fees and costs.

Respectfully submitted,

Caren C. Jenkins, Esq.
Executive Director
Nevada State Board of Optometry

Date

BEFORE THE NEVADA STATE BOARD OF OPTOMETRY

CAREN C. JENKINS, ESQ.,
Executive Director
of the
Nevada State Board of Optometry,

Complainant,

CASE NO. 18-03

vs.

AMEL YOUSSEF, O.D.

NOTICE and SCHEDULING ORDER

Respondent.

The Board will consider this matter at its next regular public meeting scheduled for _____, **2018, commencing at 9:00 a.m.** at the Hampton Inn Tropicana, 4975 Dean Martin Dr, Las Vegas, NV 89118. Your hearing is one of several agenda items during the all-day meeting. Your matter may be called at any time.

SERVICE: The Board hereby accepts, and you are assumed to have accepted, service of this and all future documents related to this matter via email. Please direct service of all documents to cjenkins@nvoptometry.org. If you do not agree to accept service via email at your address of record, you must notify the Board via mail or email. Email service will be discontinued and replaced by mail service as of the date of the Board's receipt of such notice.

RESPONSE: You may respond to this complaint by causing the Optometry Board to receive your written response no later than _____ at 4:00 p.m., either by mail at Post Office Box 1824, Carson City, Nevada 89702 or by email.

DISCOVERY: Parties are required to exchange copies of all discoverable relevant documents and a list of witnesses with appropriate contact information without the need for formal discovery requests no later than _____, 2018 at 4:00 p.m.

EXHIBITS: An original set plus 6 complete copies of expected Exhibits (preferably a single Exhibit Binder, without duplicate exhibits, prepared jointly), marked, tabbed and bound or stapled must be received at the Board's office no later than _____, 2018 at 4:00 p.m., along with each party's list containing names of witnesses to be called, their cellular phone

numbers, mailing addresses and email addresses, as well as the expected subject matter and length of their examination.

RESPONDENT AND WITNESSES IN LAS VEGAS: The Respondent is required to attend the hearing in person. All witnesses should appear at the meeting location. In rare circumstances, a witness may be permitted to offer testimony via telephone or video-teleconference, with advance arrangements.

HEARING PROCEDURES: Please consult NRS 636, NRS 233B and NAC 636. You may be represented by counsel, and offer witness testimony, documents and other evidence on your behalf. The Board's staff will also bring evidence and witnesses. You or your counsel and the Board may examine/cross examine any witness whose name appears on the witness list.

Following the presentation of evidence, closing statements may be permitted. Thereafter, in open session, the Board will determine whether any violations of law occurred. If a violation is found, the Board will then determine appropriate sanctions for the conduct.

OPEN PUBLIC MEETING: The public is invited to attend this open meeting of the Board. No part of this proceeding is expected to be confidential or closed, except attorney-client communications between a party and his/its counsel, or Settlement negotiations. Any motions, stipulations, or proposed settlement agreements offered by the parties for Board consideration must be presented in writing to the Board office not less than three (3) business days before the hearing date.

Caren C. Jenkins, Esq.
Executive Director
Nevada State Board of Optometry

Date

AFFIDAVIT OF SERVICE

I, _____, an employee of the Nevada State Board of Optometry, on _____, 2018, emailed the foregoing NOTICE AND SCHEDULING ORDER and COMPLAINT to Respondent at her email address of record:

_____@_____.

And placed the foregoing into the hands of the United States Postal Service by certified mail on the date listed below, both items being addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Date:

Signature

EXHIBIT 1

EXHIBIT 1

KARL M. LARSEN, O.D., LTD.

8660 W. CHEYENNE #120

LAS VEGAS, NV 89129

July 24, 2017

Nevada State Board of Optometry

P.O. Box 1824

Carson City, Nv 89702

Dear members of Board:

I have enclosed an advertisement that was in the Review Journal July 10, 2017. I was confused as to whether Dr. Youssef was a new Ophthalmic surgeon in town or an Optometrist. This advertisement does not say what she is so I went to her web site.

Her advertisement says she provides the patient with a full lasik facility. The profession is not in the copy. She does mention a full Optometric examination tucked away in one sentence of the services she provides.

If I was fooled into thinking she is a surgeon then the public would really be fooled. I feel that maybe the Board needs to make some suggestions to this doctor to let her know she must identify herself as an O.D. not an M.D.. If she is fronting for an Ophthalmic surgeon then he needs to be identified.

Thank You,



Karl M. Larsen, O.D

INSIGHTS BY DR. AMEL YOUSSEF

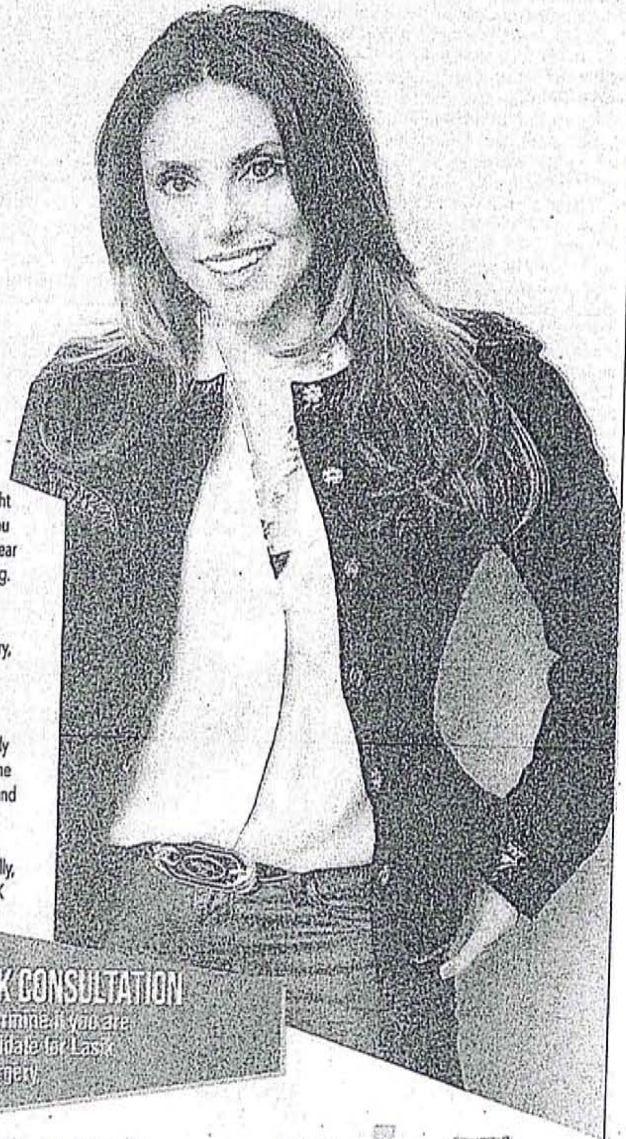
THE PROCEDURE BEFORE, DURING, AND AFTER LASIK EYE SURGERY.

Before: A thorough eye exam will be conducted to ensure your eyes are healthy enough for the procedure. Your doctor will evaluate: the shape and thickness of your cornea; pupil size; refractive errors (myopia, hyperopia and astigmatism); as well as any other eye conditions. The moistness of your eyes will also be evaluated, and a precautionary treatment may be recommended to reduce your risk of developing dry eyes after LASIK. Your doctor will also note your general health history and any medications you are taking to determine if you are a suitable candidate for LASIK.

During: Before your surgery begins, numbing eye drops are applied to your eye to prevent any discomfort during the procedure. Your doctor may also give you some medication to help you relax. Your eye will be positioned under the laser, and an instrument called a lid speculum is used to keep your eyelids open. The surgeon uses an ink marker to mark the cornea before creating the flap. A suction ring is applied to the front of your eye to prevent eye movements or loss of contact that could affect flap quality. After the corneal flap is created, the surgeon then uses a computer to adjust the excimer laser for your prescription. You will be asked to look at a target light for a short time while your surgeon watches your eye through a

microscope as the laser sends pulses of light to your cornea. The laser light pulses painlessly reshape the cornea, although you may feel some pressure on your eye. You'll also hear a steady clicking sound while the laser is operating. LASIK is performed on each eye separately, with each procedure taking only about five minutes.

After: Upon completion of your LASIK surgery, your surgeon will have you rest for a bit. You may feel a temporary burning or itching sensation immediately following the procedure. You should expect some blurry vision and haziness immediately after surgery; however, clarity should improve by the very next morning. Your eyesight should stabilize and continue to improve within a few days, although in rare cases it may take several weeks or longer. For most people, vision improves immediately. Generally, you will return to see your eye doctor or your LASIK surgeon the day after surgery.



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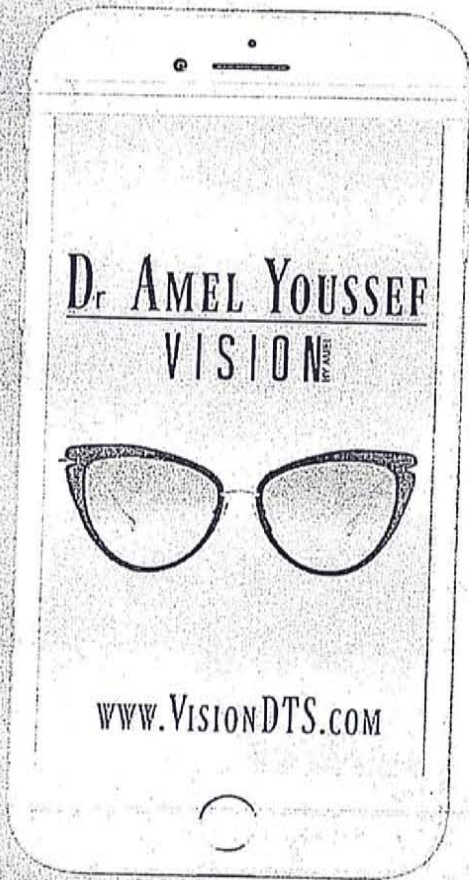


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Dr. AMEL YOUSSEF

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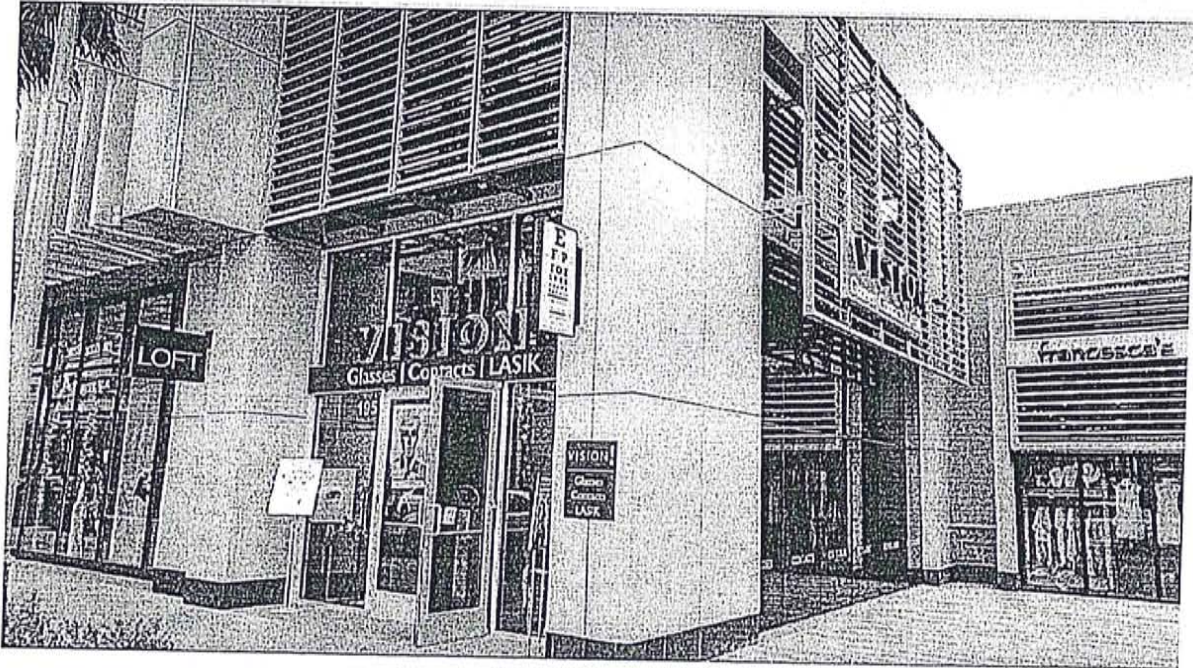
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Dr. Amel Youssef and her staff are dedicated to providing a community-driven, family friendly eye care practice. Dr. Youssef has built one of the most successful optometry practices in Las Vegas by offering a wide range of eye care services and personalized attention for each individual patient. Our Downtown Summerlin location is the largest of its kind in the Las Vegas area, providing our patients with a full LASIK facility, thousands of name brand contact lenses in stock for same-day fittings, and all of the top designer frames. With our online appointment scheduling, our contact lens and eyewear home delivery, and 24-hour patient care service, we serve our local community with quality and convenience in mind.

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S e r v i c e s

General Eye Exam

General eye exams are available at VISION by AMEL. A general eye exam assesses the overall health of the eyes. The external appearance of the eyes, the eyelids, lashes, tear ducts, and the skin surrounding the eye will be inspected. The ability of the eyes to move normally and in coordination with each other will also be examined. The health of the eyes will be carefully assessed. A full exam, with the use of a microscope, will be conducted to ensure that all visible structures of the eyes are healthy.

Adult & Pediatric Comprehensive Eye Exams

Regardless of your age, routine eye exams are important for your health. Eye exams do more than just evaluate vision—they can detect eye diseases as well as conditions like high blood pressure and diabetes, and provide an indicator for your overall health.

At our practice, we provide comprehensive eye exams for people of all ages, including glaucoma and cataract testing, computerized peripheral vision testing and retinal photography, diagnosis and treatment of various eye diseases, LASIK surgery consultation for those interested in laser vision correction, and more.

Contact Lens Eye Exams & Fitting

We give each individual patient specialized care to make sure we prescribe the right contact lenses for you. Our contact lens exams include all of the regular components of a comprehensive vision exam, plus a

measurements, and we test your tear production.

Once we have your prescription ready, we'll check for the proper fit and comfort of your lenses. We also provide training for insertion and removal, proper lens care, and we can answer any questions or concerns you may have about your new lenses. With our large stock of thousands of quality contact lenses, we can get you tested, fitted, and walking out the door with crystal clear vision all in one day.

LASIK

Also known as Laser Assisted In-Situ Keratomileusis, LASIK is the most common type of vision correction surgery. The procedure is highly effective, with many patients claiming to see better than at any other time in their life after they recover from surgery. It can be performed to correct myopia, hyperopia, and astigmatism.

Although LASIK is common, it is still a serious procedure that may not be right for everyone. That's why we offer a comprehensive screening process to determine whether or not you're a LASIK candidate. We'll provide in-depth discussion and careful guidance to ensure that you're fully prepared for your procedure.

If you do decide to undergo LASIK surgery, we also offer a series of follow-up visits to determine the health of your eyes and evaluate your satisfaction with the results.

How LASIK Works:

During the procedure, anesthetic eye drops are applied and a LASIK surgeon will create a flap in the outer layer of the cornea to allow the lasers to access the underlying tissue.

Computer eye tracking is used to ensure precision of the lasers, and the cornea then receives controlled pulses of laser light in order to reshape the inner corneal layer.

needs, the surgeon repositions the flap to its original position and protective patches are placed over the eyes for the next few hours as the flap heals naturally.

Other Types of LASIK:

Custom LASIK – This is the most precise form of LASIK surgery, which involves using Wavefront Technology to measure exactly how light travels through your eyes, providing a detailed analysis of your entire optical system. This gives the computer system an additional level of data to better correct your vision.

Bladeless LASIK – While traditional LASIK requires a surgeon to use a blade to create the corneal flap, as the name implies, Bladeless LASIK allows the surgeon to use a laser to create a more precise corneal flap.

Co-Management

With our onsite LASIK and optometric facilities, we can provide everything from pre-LASIK screening, to the actual LASIK procedure, to post-operative care. However, if you decide to have your LASIK procedure performed elsewhere, we can still provide co-management for your surgery by offering all the pre and post-operative care you need. We'll work closely with experienced and trustworthy surgeons to make sure your procedure goes as smoothly as possible.

24 Hrs On-Call Medical Service

Our dedicated team of eye care experts are here for you and your family 24 hours a day, 7 days a week. Should you have any questions or need any assistance with eye care services we've provided, please do not hesitate to call our help desk any time of the day. Our staff is also available for emergency appointments if need be. You can reach us at (702) 858-4362.

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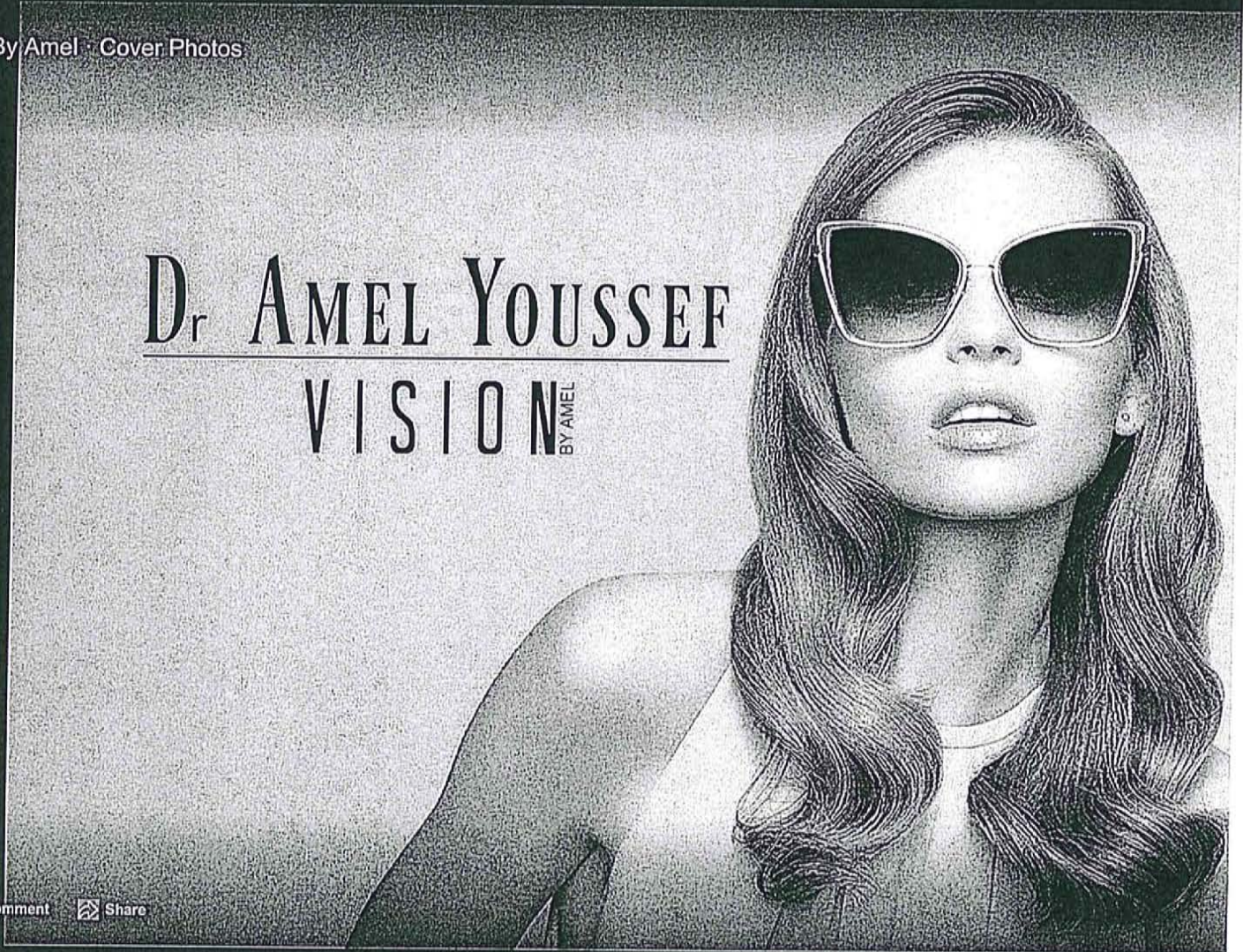
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INSIGHTS BY DR. AMEL YOUSSEF



THE PROCEDURE BEFORE, DURING, AND AFTER LASIK EYE SURGERY.

Before: A thorough eye exam will be conducted to ensure your eyes are healthy enough for the procedure. Your doctor will evaluate: the shape and thickness of your cornea; pupil size; refractive errors (myopia, hyperopia and astigmatism); as well as any other eye conditions. The moistness of your eyes will also be evaluated, and a precautionary treatment may be recommended to reduce your risk of developing dry eyes after LASIK. Your doctor will also note your general health history and any medications you are taking to determine if you are a suitable candidate for LASIK.

During: Before your surgery begins, numbing eye drops are applied to your eye to prevent any discomfort during the procedure. Your doctor may also give you some medication to help you relax. Your eye will be positioned under the laser, and an instrument called a lid speculum is used to keep your eyelids open. The surgeon uses an ink marker to mark the cornea before creating the flap. A suction ring is applied to the front of your eye to prevent eye movements or loss of contact that could affect flap quality. After the corneal flap is created, the surgeon then uses a computer to adjust the excimer laser for your prescription. You will be asked to look at a target light for a short time while your surgeon watches your eye through a

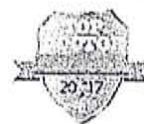
microscope as the laser sends pulses of light to your cornea. The laser light pulses painlessly reshape the cornea, although you may feel some pressure on your eye. You'll also hear a steady clicking sound while the laser is operating. LASIK is performed on each eye separately, with each procedure taking only about five minutes.

After: Upon completion of your LASIK surgery, your surgeon will have you rest for a bit. You may feel a temporary burning or itching sensation immediately following the procedure. You should expect some blurry vision and haziness immediately after surgery; however, clarity should improve by the very next morning. Your eyesight should stabilize and continue to improve within a few days, although in rare cases it may take several weeks or longer. For most people, vision improves immediately. Generally, you will return to see your eye doctor or your LASIK surgeon the day after surgery.

FREE LASIK CONSULTATION
to determine if you are a candidate for Lasik eye surgery

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Siems Advance LASIK Center
Las Vegas, NV

Dr. Amel Youssef

Phone: 702.858.4362

Contact Siems Advance LASIK Center:
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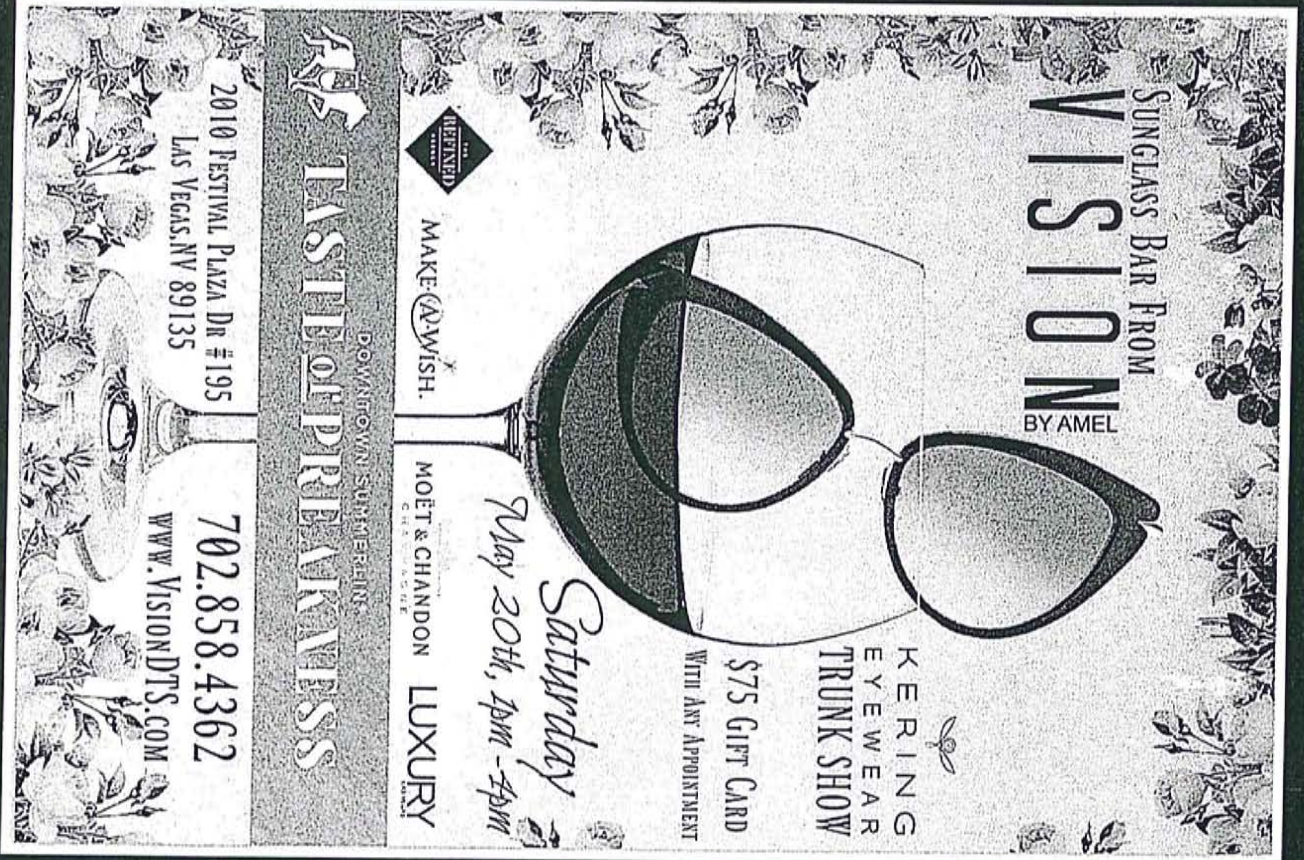
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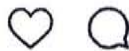


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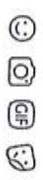
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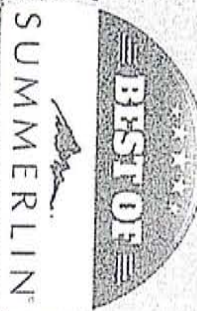
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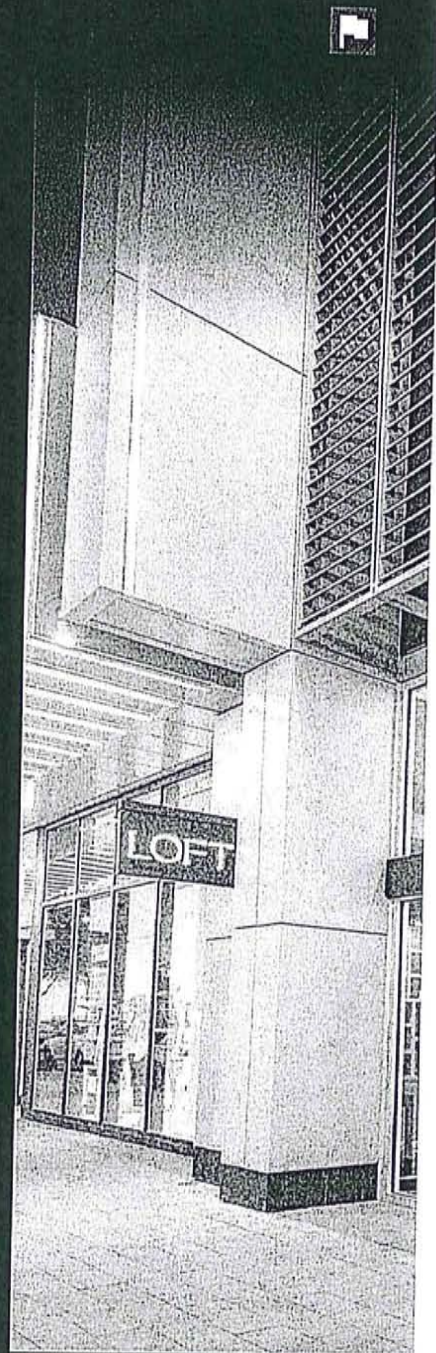
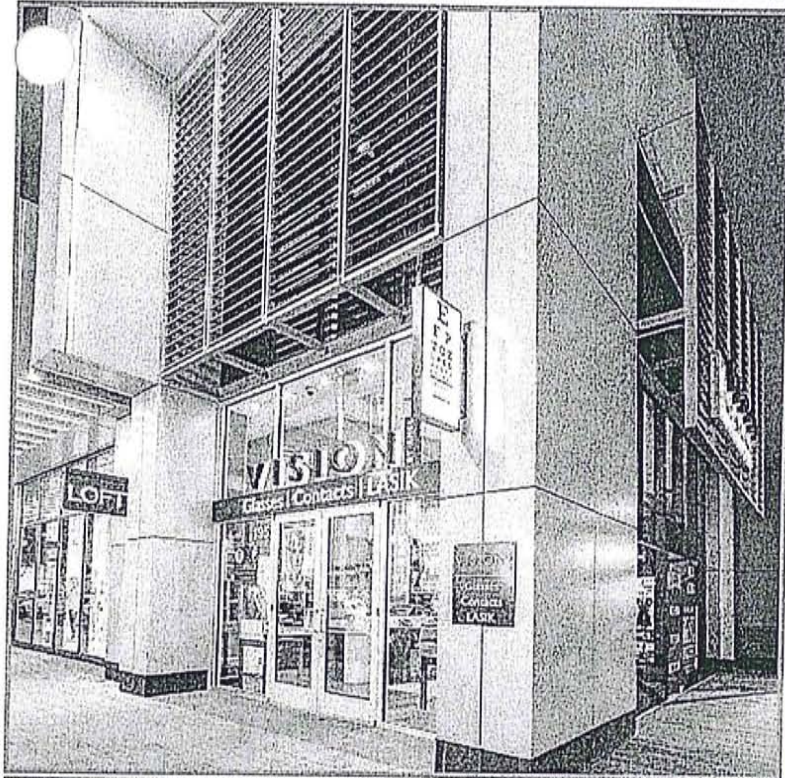
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Caren Jenkins

From: Candace Herling <CHerling@AlversonTaylor.com>
Sent: Thursday, January 25, 2018 2:17 PM
To: Caren Jenkins
Cc: David Mortensen; Steph Prescott; Jessica Gandy; Tya Frabott
Subject: Complaint 18-03 / Youssef, Amel OD adv. NV Board of Optometry / Our File No. 25277
- RESPONSIVE PLEADING
Attachments: Motion to Dismiss.pdf

Good Afternoon Ms. Jenkins:

Please find attached Dr. Youssef's responsive pleading to the Complaint served January 9, 2018 in the above-referenced matter.

Please contact me with any questions or concerns.

Thanks,

Candace

Candace C. Herling, Esq.



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4 Nevada Bar No. 2547
5 CANDACE C. HERLING, ESQ.
6 Nevada Bar No. 13503
7 6605 Grand Montecito Parkway, Suite 200
8 Las Vegas, Nevada 89149
9 Phone: (702) 384-7000
10 Facsimile: (702) 385-7000
11 efile@alversontaylor.com
12 Attorneys for Respondent
13 *Amel Youssef, O.D.*

14 NEVADA STATE BOARD OF OPTOMETRY

15 CAREN C. JENKINS, ESQ.
16 Executive Director of the Nevada State Board
17 of Optometry,
18 Complainant,
19 vs.
20 AMEL YOUSSEF, O.D.
21 Respondent

CASE NO.: 18-03

DEFENDANT AMEL YOUSSEF, O.D.'S
MOTION TO DISMISS, OR IN THE
ALTERNATIVE, MOTION FOR A MORE
DEFINITIVE STATEMENT AND
CONTINUANCE OF PROCEEDINGS
UNTIL THE SAME HAS BEEN
PROVIDED

22 COMES NOW, Respondent AMEL YOUSSEF, O.D., by and through her attorneys of
23 record David J. Mortensen, Esq. and Candace C. Herling, Esq. of the law firm ALVERSON,
24 TAYLOR, MORTENSEN & SANDERS, and hereby files this Motion to Dismiss, or in the
25 Alternative, Motion for a More Definitive Statement and Continuance of Proceedings until the
26 same has been provided.

27 ///

28 ///

///

///

1 This Motion is made and based on the pleadings and papers on file herein, the attached
2 memorandum, and any oral argument that may be permitted at the time of hearing on this matter.

3 DATED this 25th day of January, 2018.

4
5 ALVERSON, TAYLOR
MORTENSEN & SANDERS

6
7 
8 DAVID J. MORTENSEN, ESQ.

Nevada Bar No. 2547

CANDACE C. HERLING, ESQ.

Nevada Bar No. 13503

6605 Grand Montecito Parkway, Suite 200

Las Vegas, Nevada 89149

Phone: (702) 384-7000

Facsimile: (702) 385-7000

efile@alversontaylor.com

Attorneys for Respondent

Amel Youssef, O.D.

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MEMORANDUM OF POINTS AND AUTHORITIES

- I. THE COMPLAINT DOES NOT COMPLY WITH THE REQUIREMENTS OF NAC 636.490, THUS MUST BE DISMISSED IN ITS ENTIRETY
- II. IF THE BOARD WILL NOT DISMISS THE COMPLAINT AGAINST DR. YOUSSEF, IT MUST PROVIDE A MORE DEFINITIVE STATEMENT OF ALLEGATIONS PURSUANT TO NAC 636.490 AND GRANT A CONTINUANCE TO ALLOW AN APPROPRIATE RESPONSE

STATEMENT OF FACTS

On January 9, 2018, Dr. Amel Youssef (hereinafter “Dr. Youssef” or “Respondent”), by and through her attorneys, was served with Nevada Board of Optometry Complaint No. 18-03 (hereinafter the “Complaint”), which alleges the following violations of NRS 636 and NAC 636:

1. The Board received a complaint from the member of the public alleging Respondent’s advertisements failed to state that she is an optometrist or that an individual other than Respondent would perform the LASIK services she advertised; (Complaint at ¶ 2)
2. Advertisements for Vision by Amel, the fictitious business name under which Respondent practices optometry, promote LASIK services which are not truthful and fall outside the permissible practice of optometry; (Complaint at ¶ 4)
3. *Certain advertisements* do not contain Respondent’s full name or her professional designation, or both; (Complaint at ¶ 6) [emphasis added]
4. Respondent’s advertisements rarely contained a disclaimer that would allow a reasonable person to know that Respondent collaborates with a physician who presumably performs the LASIK procedures advertised, misleading the reader to suggest Respondent performs LASIK herself; (Complaint at ¶ 6)
5. Respondent’s advertising promotes LASIK without referring to licensee’s full name or professional identification; (Complaint at ¶ 8)

1 6. "LASIK" appears more prominently than Respondent's name in *some advertising*;
2 (Complaint at ¶ 8) [emphasis added] and

3 7. Respondent's advertisements for LASIK services to not mention a relationship with a
4 physician, in violation of NRS 636.302 (3) – tending to deceive, defraud, or mislead the
5 public. (Complaint at ¶ 10)

6
7 The Board of Optometry (hereinafter the "Board") requested Dr. Youssef's written Answer no
8 later than January 25, 2018 and set this matter for hearing at its next regular public meeting on
9 February 20, 2018.

10 **LEGAL ARGUMENT**

11 **I. THE COMPLAINT DOES NOT COMPLY WITH THE REQUIREMENTS OF**
12 **NAC 636.490, THUS MUST BE DISMISSED IN ITS ENTIRETY**

13 Pursuant to NAC 636.490, a Complaint alleging grounds for disciplinary action pursuant
14 to NRS 636.295 must adhere to the following: 1) Facts constituting grounds for disciplinary
15 action **must be stated with such particularity** as to enable the respondent to identify the
16 charges against him; 2) All applicable decisions, statutes, rules and regulations, or orders of the
17 Board must be cited in the accusation, together with **the dates on which the acts or omissions**
18 **complained of allegedly occurred**; and 3) If more than one cause of action is alleged, **each**
19 **cause of action must be stated and numbered separately**. NAC 636.490 (emphasis added).

20 Here, Complainant fails to meet that burden; thus, the Board should dismiss the Complaint for
21 failure to comply with NAC 636.295.

22
23 As written, the Complaint **fails to specify a single act in violation** of NRS 636 or NAC
24 636 which would subject Dr. Youssef to Board discipline. Rather the Complaint refers to Dr.
25 Youssef and Vision by Amel's advertising practices *in general* and alleges they do not meet the
26 standards set forth in NRS 636.140, 636.145, or 636.302. Not once is a single advertisement
27
28

1 identified by its dates, time or medium, as an alleged violation of NRS 636 or NAC 636, thus
2 making it impossible for Dr. Youssef to respond appropriately to the same.

3 Pursuant to NAC 363.490 (1), Dr. Youssef is entitled to a plain statement of facts
4 constituting grounds for disciplinary action, sufficient to prepare a response. This Complaint
5 does not provide any specific facts, instead referring to: "some of Respondent's advertisements"
6 (Complaint at ¶ 2); "certain advertisements" (Complaint at ¶ 6); "Respondent's advertising" and
7 "some advertising" (Complaint at ¶ 8), and "most of Respondent's advertisements for LASIK
8 services" (Complaint at 10). None of these statements are specific enough to "enable the
9 respondent to identify the charges" the Board is alleging against her. In fact, this Complaint
10 requires Dr. Youssef to utterly guess what advertisements, if any, could be in violation of the
11 above-referenced statutes and regulations. This is not her burden. As such, she cannot properly
12 prepare a response, *as she cannot determine the exact nature of the allegations.*

13
14
15 Further, pursuant to NAC 636.490 (2), the Complaint must specify the exact date and
16 time of the alleged violations. Here, the Complaint makes general, sweeping allegations against
17 Dr. Youssef, but does not specify the date or time of any alleged violations, where the allegedly
18 deficient advertisements are located or can be found, or whether any of the alleged violations are
19 ongoing. Thus, Dr. Youssef cannot prepare an appropriate defense or attempt to cure any
20 perceived deficiencies, as she cannot determine which past or current advertisements, if any, are
21 allegedly violating Nevada Statute.

22
23 Pursuant to NAC 636.490 (3), a Complaint must enumerate each alleged breach or
24 violation. Here, the Board fails to enumerate each alleged violation, but recommends an
25 administrative penalty of \$2000.00 for **each violation** (Complaint at ¶ E) (emphasis added). Dr.
26 Youssef does not have adequate notice as to how many violations the Board is alleging, or how
27 the Board is defining an individual "violation" in the context of her advertising, making this a
28

1 potentially limitless fine. Furthermore, NRS 636.420 states that any licensed optometrist found
2 to be in violation of any provision shall be liable to the Board for a "fine of not less than \$100 or
3 more than \$5000." Contrary to the Board's statement and recommendation, the statute does not
4 require a fine for *each violation*; it only states that an individual found in *violation of any*
5 *provision* shall be fined. Moreover, the Board has recommended an arbitrary and potentially
6 excessive fine to a licensee with no prior disciplinary history, making it unreasonably harsh
7 given the impermissibly vague and generic nature of the Complaint.
8

9 As the Board's Complaint is deficient in all three areas required by the Nevada
10 Administrative Code and Statutes, it violates Dr. Youssef's due process rights in that it
11 completely fails to provide her with adequate notice as to what allegations are being levied
12 against her. As such, Dr. Youssef respectfully requests the Board dismiss the Complaint against
13 her for failure to provide specific facts relating to the allegations against her, failing to provide
14 any dates or times of alleged violations, failing to enumerate the specific violations, and
15 recommending an arbitrary and limitless fine for these alleged, unenumerated violations.
16

17 **II. IF THE BOARD WILL NOT DISMISS THE COMPLAINT AGAINST DR.**
18 **YOUSSEF, IT MUST PROVIDE A MORE DEFINITIVE STATEMENT OF**
19 **ALLEGATIONS PURSUANT TO NAC 636.490 AND GRANT A CONTINUANCE**
20 **TO ALLOW AN APPROPRIATE RESPONSE**

21 Even if this Board declines to dismiss the Complaint against Dr. Youssef, which it should
22 not, the Board must cure the defects which prevent Dr. Youssef from preparing an appropriate
23 Response and mounting an adequate defense to the Board's Complaint. As written, the
24 Complaint against Dr. Youssef is impermissibly vague and fails to detail the alleged violations
25 with any level of specificity.

26 Without the level of detail required by NAC 636.490, including 1) specific facts relating
27 to the alleged violations; 2) the dates and times of any alleged violations; and 3) enumeration of
28

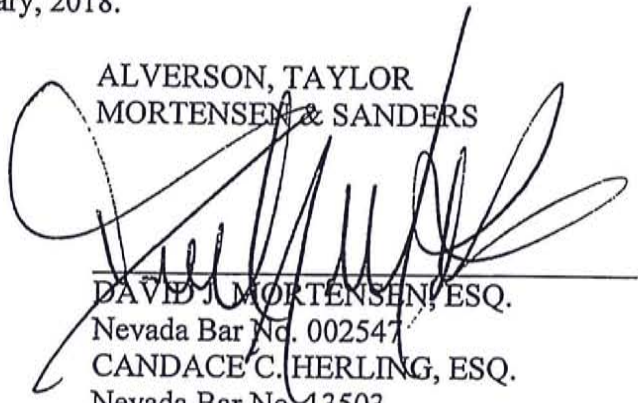
1 the specific, individual violations alleged, Dr. Youssef cannot properly respond to the Board's
2 allegations, *because she cannot be certain what those allegations are.* The NAC requires this
3 level of detail so a respondent may provide a thorough Answer and fully respond to any and all
4 allegations. Dr. Youssef must be afforded this opportunity and granted a continuance of
5 proceedings to prepare an appropriate response to the specific allegations set forth.
6

7 CONCLUSION

8 For the foregoing reasons, Respondent Amel Youssef, O.D. respectfully requests that the
9 Board GRANT her Motion to Dismiss, or in the Alternative, Motion for a more Definitive
10 Statement and Continuance of Proceedings until the Same has been Provided.

11 DATED this 25th day of January, 2018.

12
13 ALVERSON, TAYLOR
MORTENSEN & SANDERS



14
15
16 DAVID J. MORTENSEN, ESQ.
17 Nevada Bar No. 002547
18 CANDACE C. HERLING, ESQ.
19 Nevada Bar No. 13503
20 6605 Grand Montecito Parkway, Suite 200
21 Las Vegas, Nevada 89149
22 Phone: (702) 384-7000
23 Facsimile: (702) 385-7000
24 E-Mail: efile@alversontaylor.com
25 Attorneys for Respondent
26 *Amel Youssef, O.D.*
27
28

Caren Jenkins

From: Caren Jenkins
Sent: Thursday, January 4, 2018 10:21 AM
To: 'David Mortensen'
Cc: Candace Herling; Steph Prescott; 'jolivo@alversonTaylor.com'
Subject: RE: ATMS NO. 25277/Representation

Mr. Mortensen:

As a courtesy, I wanted to let you know that the evidentiary hearing on Complaint No. 18-03 (Youssef) will be held in RENO on February 20, 2018 as part of the Board's regular meeting agenda, beginning at 9 am. Your client will need to appear in person, though we will be teleconferencing the meeting to Las Vegas. Any witnesses are asked to appear in person as well, as veracity is a difficult thing to assess via a TV screen. I hope this advance notice provides you extra time to make reasonable travel arrangements.

Best,

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
P.O. Box 1824
Carson City NV 89702
75-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

From: Caren Jenkins [<mailto:cjenkins@nvoptometry.org>]
Sent: Friday, December 1, 2017 12:06 PM
To: Jackie Olivo <JOlivo@AlversonTaylor.com>
Cc: David Mortensen <DMortensen@AlversonTaylor.com>; Candace Herling <CHerling@AlversonTaylor.com>
Subject: Re: ATMS NO. 25277/Representation and Request for Redaction

Thank you for this notice. I may be easily reached by cellphone at any time at 775-720-1181.

Please note that the 12/5 meeting is to determine only whether just and sufficient cause exists to move the complaint forward. Will you be submitting any response at all prior to that time?

Caren C. Jenkins, Esq.

18124 Wedge Parkway #158
Reno NV 89511
775-720-1181

On Dec 1, 2017, at 11:44 AM, Jackie Olivo <JOlivo@AlversonTaylor.com> wrote:

Good Afternoon Ms. Jenkins,

Please see attached correspondence from David Mortensen, Esq.

Thank you for your time,

Jacqueline Olivo

LEGAL ASSISTANT

<image003.jpg>

6605 Grand Montecito Pkwy., Suite 200. Las Vegas. NV 89149

702.384.7000 **Office** 702.385.7000 **Fax**

[website](#) | [map](#) | [email](#)

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<NBO re retention and redaction (signed).pdf>

Caren Jenkins

From: Caren Jenkins
Sent: Friday, January 26, 2018 4:24 PM
To: 'David Mortensen'; Candace Herling
Cc: Steph Prescott
Subject: RE: ATMS NO. 25277/Representation and Request for Redaction

Candace & David:

I left a voicemail for Candace this afternoon, hoping to discuss entering a stipulation to continue the Youssef hearing, allow for an amended Complaint, or stipulating to certain dates of alleged violations with attachments showing the advertisements in question. In most instances, motions are heard immediately before the evidentiary hearing, so we would both need to prepare to proceed on Feb 20. In the unlikely event a dismissal is granted, or if a continuance is granted, the pre-hearing preparation and attendance would inconvenience the witnesses and the parties and waste client and Board resources.

If we can stipulate to the amendments and a continuance, the Board would likely need to convene in Las Vegas or Reno in late March or early April to hear the matter. The costs of the hearing typically are assessed against the licensee if violations are found, so having an independent hearing would raise those costs significantly, rather than allowing the Respondents to share the travel, court reporter and other costs of the three hearings on Feb. 20. If that risk is amenable to your client, let's see what we can do.

Please let me know if you are open to such a stipulation as soon as possible.

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
P.O. Box 1824
Carson City NV 89702
775-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

From: David Mortensen [<mailto:DMortensen@AlversonTaylor.com>]
Sent: Saturday, December 2, 2017 7:59 AM
To: Caren Jenkins
Cc: Candace Herling; Steph Prescott
Subject: RE: ATMS NO. 25277/Representation and Request for Redaction

Dear Ms. Jenkins,

Thank you for your email.

We were not retained in sufficient time to prepare any sort of response by the stated deadline. We would, however, request that the hearing of this matter be delayed until the next available hearing date in order to allow us time to prepare a substantive response, which we believe would allow the Board to more effectively and efficiently assess whether there is "just cause" to move the complaint forward.

Finally, can you confirm that our requested redaction has been effectuated?

Thank you and I look forward to hearing from you.

Dave

DAVID J. MORTENSEN, ESQ
ALVERSON TAYLOR MORTENSEN & SANDERS
6605 Grand Montecito Pkwy. Suite 200
Las Vegas, NV 89149
Office: 702.384.7000
Fax: 702.385.7000
DMortensen@alversontaylor.com

From: Caren Jenkins [<mailto:cjenkins@nvoptometry.org>]
Sent: Friday, December 1, 2017 12:06 PM
To: Jackie Olivo <JOlivo@AlversonTaylor.com>
Cc: David Mortensen <DMortensen@AlversonTaylor.com>; Candace Herling <CHerling@AlversonTaylor.com>
Subject: Re: ATMS NO. 25277/Representation and Request for Redaction

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Caren C. Jenkins, Esq.

18124 Wedge Parkway #158
Reno NV 89511
775-720-1181

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Good Afternoon Ms. Jenkins,

Please see attached correspondence from David Mortensen, Esq.

Thank you for your time,

Jacqueline Olivo

LEGAL ASSISTANT

<image003.jpg>

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<NBO re retention and redaction (signed).pdf>

Caren Jenkins

From: Caren Jenkins
Sent: Tuesday, January 30, 2018 3:44 PM
To: Candace Herling
Cc: David Mortensen
Subject: RE: Any news for me?

Candace:

Thank you for agreeing to the matters below. This email confirms that the exchange of discovery is NO LONGER due by 4 pm today, and a hearing on Complaint No. 18-03 will be re-scheduled to be held in Las Vegas. A new scheduling order will be issued once the hearing date is set. I sent proposed dates in my earlier email and look forward to hearing from you very soon.

I will serve an amended Complaint on your office within the next few days.

Best,
Caren

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry

P.O. Box 1824
Carson City NV 89702
775-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

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From: Candace Herling [<mailto:CHerling@AlversonTaylor.com>]
Sent: Tuesday, January 30, 2018 12:01 PM
To: Caren Jenkins
Cc: David Mortensen
Subject: RE: Any news for me?

Hello Ms. Jenkins:

Please be advised that we will agree to allow the Board to amend its Complaint in exchange for a continuance of the hearing to be conducted in Las Vegas and all pending deadlines.

Thanks,
Candace

Candace C. Herling, Esq.
Alverson Taylor Mortensen & Sanders
702.384.7000 | alversontaylor.com

From: Caren Jenkins [<mailto:cjenkins@nvoptometry.org>]
Sent: Tuesday, January 30, 2018 10:55 AM
To: Candace Herling
Subject: Any news for me?

Without a stip for a continuance, discovery is due to be exchanged TODAY by 4 pm.

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
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Caren Jenkins

From: Candace Herling <CHerling@AlversonTaylor.com>
Sent: Wednesday, January 31, 2018 9:12 PM
To: Caren Jenkins
Subject: RE: Any news for me?

Hi Caren:

I am out of the office defending depositions in Texas. I will be back in the office on Friday and will address the new hearing date and prepare a stipulation then.

Thanks,

Candace

Candace C. Herling, Esq.
Alverson Taylor Mortensen & Sanders
702.384.7000 | alversontaylor.com

From: Caren Jenkins [<mailto:cjenkins@nvoptometry.org>]
Sent: Tuesday, January 30, 2018 2:10 PM
To: Candace Herling
Subject: RE: Any news for me?

Il let you pick a few dates to continue the hearing to one day among March 26-29, 2018 or April 2-5, 2018. Please respond ASAP with 4 available dates for a one-day hearing starting at 9 am, in order of preference. Your client will be expected to attend, along with any witnesses you wish to bring.

Upon presentation of your top 4 days, I'll see what I can do to coordinate a place, time, reporter, travel and 4 Board members, 3 staff and the Complainant. Deal? Hope to have your proposal by 2 pm tomorrow, or I may need to go ahead and schedule the room so we can re-issue the notice and deadlines for discovery. We typically have our meetings at Hampton Inn on Dean Martin.

The only matter to be heard on Feb 20 is the Board's acceptance of our stipulation to continue the hearing and to allow an amended Complaint. You need not attend, but are welcome to do so. Would you please prepare a stipulation document for my signature?

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
P.O. Box 1824
Carson City NV 89702
775-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

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From: Candace Herling [mailto:CHerling@AlversonTaylor.com]
Sent: Tuesday, January 30, 2018 12:01 PM
To: Caren Jenkins
Cc: David Mortensen
Subject: RE: Any news for me?

Hello Ms. Jenkins:

Please be advised that we will agree to allow the Board to amend its Complaint in exchange for a continuance of the hearing to be conducted in Las Vegas and all pending deadlines.

Thanks,

Candace

Candace C. Herling, Esq.
Alverson Taylor Mortensen & Sanders
702.384.7000 | alversonstaylor.com

From: Caren Jenkins [mailto:cjenkins@nvoptometry.org]
Sent: Tuesday, January 30, 2018 10:55 AM
To: Candace Herling
Subject: Any news for me?

/without a stip for a continuance, discovery is due to be exchanged TODAY by 4 pm.

Caren C. Jenkins, Esq.
Executive Director

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Response

ALVERSON, TAYLOR, MORTENSEN & SANDERS

J. BRUCE ALVERSON
ERIC TAYLOR
DAVID J. MORTENSEN
LEANN SANDERS
KURT R. BONDS
JONATHAN B. OWENS
KARIE N. WILSON
SHIRLEY BLAZICH
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MATTHEW W. SMITH
CANDACE HERLING
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ALEXANDER M. BROWN
TREVOR WAITE
BRADY L. DAVIES

LAWYERS

LAS VEGAS OFFICE

6605 GRAND MONTECITO PARKWAY, SUITE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000 FAX (702) 385-7000

RENO OFFICE

200 S. VIRGINIA, 8TH FLOOR, RENO, NEVADA 89501
Telephone (775) 398-3025
www.alversontaylor.com

MICHAEL T. McLOUGHLIN
JENNIFER SANTANA
SARA D. WRIGHT
DANIELLE A. OTERO
LIAM Q. O'GORMAN-HOYT
JESSICA R. GANDY
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McKAY OZUNA
MARIAN MASSEY

ALEXANDER P. WILLIAMS
JOEL K. BROWNING
HOLLY GALLOWAY
JUSTIN L. DEWEY
JACQUELYN J. KELLEY

OF COUNSEL
JOHN F. WILES
JACK C. CHERRY
(1932 - 2015)

REPLY TO: Las Vegas Office Reno Office

April 4, 2018

VIA E-MAIL TRANSMISSION

cjenkins@nvoptometry.org

Caren C. Jenkins, Esq.
P.O. Box 1824
Carson City, NV 89702

Re: Client : Amel Youssef, D.O.
Claimant : Nevada State Board of Optometry
Our File No. : 25277

DR. AMEL YOUSSEF'S RESPONSE TO NEVADA STATE BOARD OF OPTOMETRY'S MARCH 19, 2018 CORRESPONDENCE REGARDING NBO AMENDED COMPLAINT NO. 18-03 AND REQUEST FOR RESPONSE

Dear Ms. Jenkins:

Please allow this correspondence to serve as Amel Youssef, D.O.'s formal response to the above-referenced correspondence from the Nevada Board of Optometry ("Board") dated March 19, 2018 regarding Complaint No. 18-03. This Response is timely submitted pursuant to a deadline of April 4, 2018.

In said correspondence, the Board offered Dr. Youssef the opportunity to respond to allegations set forth therein to assist the Board in its investigation as to whether there has been a violation of Nevada Statute or Regulations. Dr. Youssef denies any and all allegations, express or implied, that she violated any provision of the Nevada Revised Statutes (NRS), Nevada Administrative Code (NAC), or any other applicable authority. Please find below a section outlining Dr. Youssef's objections and requests for clarification, a statement of relevant facts, the allegations set forth in the Board's correspondence and Dr. Youssef's corresponding responses.

...

...

...

OBJECTIONS AND REQUESTS FOR CLARIFICATION

Dr. Youssef formally objects to the inclusion of allegations that, by their express terms, relate to events or online postings that are outside her sphere of influence. Specifically, the Board's correspondence to Dr. Youssef refers to various advertisements and internet postings which were created by entities other than Dr. Youssef or any agent acting on her behalf. The inclusion of these allegations related to public statements by other entities not acting with the permission or on behalf of Dr. Youssef is entirely improper. Indeed, just as a provider of health care is liable only for his or her own conduct in a civil action, Dr. Youssef cannot and must not be disciplined for conduct attributable to another party that is not within her sphere of influence. As such, Dr. Youssef hereby requests clarification as to the specific allegations made against her individually, such that he may properly defend against the same in accordance with his due process rights under the Nevada Constitution and the Constitution of the United States of America.

The allegations set forth in the Board's correspondence are vague with respect to which statutory violations, if any, are attributable to Dr. Youssef. The impermissibly vague nature of the allegations violates Dr. Youssef's due process rights and she formally requests clarification as to the specific alleged conduct attributable to her and the specific statutory provision it allegedly violates.

Furthermore, Dr. Youssef objects to the allegations in the Complaint in that they violate Dr. Youssef's due process right to an impartial tribunal. Both the United States Supreme Court and the Nevada Supreme Court have opined to the appropriateness of regulatory action in which one party may have pecuniary interest in the outcome.¹ In those cases, the Court has held that the Board should proceed with an abundance of caution as not to violate the due process rights of the accused.

In the present Complaint, Complainant Dr. Larsen alleges violations of NRS § 636 with regard to advertising and that Dr. Youssef "may need guidance in her advertising practices." In his complaint, Dr. Larsen states he "was confused as to whether Dr. Youssef was a new Ophthalmic surgeon in town or an Optometrist" and was "fooled into thinking she is a surgeon." Given Dr. Youssef's regular advertising, numerous local awards, long-time presence in the Las Vegas Valley, and competing optometry business **only a few miles away** from Dr. Larsen's practice, Dr. Larsen is undoubtedly aware of Dr. Youssef and her practice.² Any adverse finding against Dr. Youssef will likely benefit Dr. Larsen, as findings against Dr. Youssef become part of the public record as well as part of her licensing history and may redirect potential patients away from Dr. Youssef's practice. As Dr. Larsen practices in the same area, those patients may be redirected to Dr. Larsen. This potential pecuniary interest in the outcome of the disciplinary

¹ See *Natchez v. State*, 102 Nev. 247 (1986) (holding that economic gain by a participant to the action may violate a regulatory defendant's due process right to a fair and impartial tribunal); *Gibson v. Berryhill*, 411 U.S. 564, 93 S.Ct. 1689, 36 L.Ed.2d 488 (1973) (holding that were the Alabama Board of Optometry had a pecuniary interest in the proceedings, the Board was disqualified from overseeing the complaint in question).

² See Karl M. Larsen, O.D. online at <https://karlm.larsenod.com/>. Dr. Larsen advertises the same type of services as Dr. Youssef, including the same specialty treatments.

action by a fellow optometrist requires heightened scrutiny by the Board to ensure Dr. Youssef is not subject to bias by the Board or **any participant** in the proceedings against her.

Notwithstanding the foregoing objections and subject to the same, Dr. Youssef will respond in full to the allegations set forth in the Board's correspondence. Dr. Youssef, however, reserves the right to supplement this response as new allegations or additional information becomes available.

STATEMENT OF RELEVANT FACTS

Dr. Youssef and Vision by Amel

Dr. Amel Youssef received her Nevada Optometry License in 2002 and has become a well-known face in the Las Vegas Optometry community. In 2014, she opened her independent, full-service optometry practice and attached retail storefront, "Vision by Amel" in Downtown Summerlin. Dr. Youssef has been in the same Summerlin location for over three years, and has built a strong reputation as a quality optometrist in the Summerlin community. It should be noted that the Vision by Amel storefront and signage have undergone a facelift since it was originally placed; photographs are attached hereto as **Exhibit 1**.

Dr. Youssef consistently advertises her services as "optometry" services, which include eye exams, contact lens fittings, LASIK **screenings**, and post-surgical LASIK **follow up care**, as directed by the Board of Optometry.

Dr. Amel was voted Summerlin "Doctor of the Year" for 2017, for her skill and dedication as an optometrist. See "Best of Summerlin" Winners 2017, attached hereto as **Exhibit 2**. She has also been voted Best Eyecare/Eye Doctor and Best Eyewear Shop in Las Vegas in 2016 and 2017. See "Best of Las Vegas" Winners 2017, attached hereto as **Exhibit 3**. Both of these organizations listed Dr. Youssef as an **Optometrist**, and describe her optometry practice and boutique eyewear shop. The Las Vegas Review Journal created advertisements to promote the nomination, which did not list Dr. Youssef's professional designation; however, the advertisements Dr. Youssef created noted her O.D. designation.³ Furthermore, all of Dr. Youssef's professional social media pages clearly list Dr. Youssef as "O.D." or "Optometrist," and do not include any language to indicate Dr. Youssef performs or offers LASIK procedures.⁴

July 10, 2017 Review Journal Advertisement

In 2017, Dr. Youssef discussed advertising opportunities and options with the *Las Vegas Review Journal* to correspond with her "Best of Las Vegas" and "Best of Summerlin"

³ See e.g. https://www.instagram.com/p/BZJ37VwHWBV/?taken-by=vision_by_amel, noting advertisement created by @91public.

⁴ See, Vision by Amel on Twitter at <https://twitter.com/visionbyamel>, Vision by Amel on Instagram at https://www.instagram.com/vision_by_amel/, Vision by Amel on Facebook at <https://www.facebook.com/visionbyamellv/>, Vision by Amel on Yelp at <https://www.yelp.com/biz/vision-by-amel-las-vegas>

ALVERSON, TAYLOR, MORTENSEN & SANDERS

Page Number : 4

Continuing Letter : April 4, 2018

nominations. Dr. Youssef planned a series of advertisements to offer general information about Dr. Youssef's services, as well as to advertise Vision by Amel; onsite LASIK services were never discussed in any way.

At the same time, the *Review Journal* staff published a profile of Dr. Youssef and Vision by Amel in their "Best of Las Vegas" magazine on July 10, 2017, but did not provide copy to Dr. Youssef for final approval before the ad was printed. Tracey Fosso, Retail Advertising Director of the Las Vegas Review Journal stated that the copy in the July 10 advertisement was "pulled from general information that we found online" and did not come from Dr. Youssef. See letter, attached hereto as **Exhibit 4**.

As such, Dr. Youssef did not have an opportunity to make any changes to the advertisement before it was printed, and was not able to review the final layout to correct any potential errors. Thus, the printed advertisement did not meet Dr. Youssef's standards or needs and was immediately canceled.

Dr. Youssef **did not use that advertisement after its initial printing**. Instead, she began using advertisements which included contact information of and services provided by the Siems Vision Center. See LASIK advertisement, attached hereto as **Exhibit 5**.⁵ She uses this identical signage inside Vision by Amel to advise patients and customers of available LASIK **screenings** and contact information of a local LASIK center where patients may choose to explore surgical options.

Vision by Amel Website and Social Media by 91PR Group

Dr. Youssef hired the Los Angeles-based 91PR Group⁶ ("91PR") in 2016 to increase her digital presence through website, social media, a mobile "app," and general advertising tasks. 91PR promotes itself as specializing in "creative" and "innovative" businesses partnerships and social media campaigns to market local businesses through online "influencers."⁷ Based on 91PR's portfolio and previous success, Dr. Youssef believed 91PR could tap into her desired demographics and increase her business exposure through active social media campaigns and trendy online advertising.

Despite 91PR's impressive portfolio and assurance that they could market Vision by Amel within the Nevada Board of Optometry guidelines for advertising, 91PR was unable to deliver on its promises. Dr. Youssef noticed 91PR consistently placed incorrect information on the Vision by Amel website and mobile app and used incorrect designations in social media postings. When Dr. Youssef discussed these issues with 91PR, the firm was unresponsive and would not immediately take corrective action.

...

⁵ See also, LASIK screening advertisement, attached hereto as **Exhibit 6**

⁶ See generally, <https://www.91public.com/>

⁷ See generally, <https://www.91public.com/company/>

Ultimately, Dr. Youssef terminated her agreement for further services with 91PR due to its inability or unwillingness to provide appropriate advertising within the Board's guidelines.

RESPONSE TO ALLEGATIONS

1. Dr. Youssef Denies falsely advertising her provision of LASIK, which falls outside the scope of permissible practice of optometry, in Violation of NRS 636.380

NRS 636.380 states that an optometry licensee "shall be entitled to fairly, ethically, and truthfully advertise the practice of optometry." Dr. Youssef has always advertised her services and her practice in a manner that is fair, ethical, and truthful.

Dr. Youssef has **never** held herself as a surgeon or provider of LASIK surgery. Her website clearly states that she provides "Co-Management" of LASIK services with an on-site surgeon **or any surgeon of the patient's choosing**. There is no language to indicate Dr. Youssef performs surgery. Furthermore, the exterior of Vision by Amel includes Dr. Youssef's designation as an optometrist and clearly indicates LASIK surgery is "performed off site by a refractive surgeon." *See Exhibit 1.*

Dr. Youssef's current advertising shows an association between Vision by Amel and the Siems LASIK Centers. *See Exhibit 5 and Exhibit 6.* Dr. Youssef has used the attached advertisements and social media designations since mid-2017; these advertisements do not imply that Dr. Youssef provides surgical services of any type. To the contrary, they indicate Vision by Amel offers glasses, sunglasses, contact lenses, and eye examinations. LASIK services are only associated with the Seims LASIK portion of the advertisement.

As discussed in detail above, the July 10, 2017 advertisement provided to the Board was published **without Dr. Youssef's final approval or permission** (BOARD18-03 00002; 00011).⁸ As it did not meet Dr. Youssef's standards, she immediately called to ensure the advertisement was not run in the Las Vegas Review Journal again; in fact, the online version of the advertisement notes that it is an "Expired Ad" (BOARD18-03 00014 – 00015). Unfortunately, Dr. Youssef does not have any control over the internet caching of Las Vegas Review Journal advertising and cannot remove every copy of the image from the internet. However, the **referenced advertisement does not appear on any of the websites or social media pages over which Dr. Youssef holds control**. Similar to the Review Journal advertisement, Dr. Youssef does not have any control over the EyeDoctorGuide.com website provided in the Board's Complaint (BOARD18-03 00016). Although Dr. Youssef is an affiliated optometrist of the Siems Advance LASIK Center, she is uncertain how or why she is listed as the doctor on their EyeDoctorGuide.com webpage. Notably, Dr. Youssef does not provide services at the 10777 W. Twain location and there is not an active website at <http://dramelyoussef.com>, nor does that page redirect to the Vision by Amel website.⁹

⁸ The Board's exhibits have been Bates-stamped BOARD18-03 00001 – 00024, and attached hereto for ease of reference.

⁹ Dr. Youssef owns the domain name in question, but there is not an associated website.

Thus, Dr. Youssef asserts that she has not participated in any advertising that indicates that she performs or LASIK surgery or offers LASIK surgery at Vision by Amel. Further, she denies knowledge of any active advertisements which indicate practice outside of her permissible scope, or any false advertisements in violation of NRS 636.380, as she immediately requested removal of the Review Journal advertisement which may have been considered misleading, and has not approved any signage or advertising that indicates she performs LASIK surgery.

2. Dr. Youssef Denies Advertising in any Manner that would Tend to Deceive, Defraud, or Mislead the Public, in Violation of NRS 636.302 (3)

Nevada Revised Statute 636.016 defines advertising as “commercial use of any medium... *by an optometrist* to bring the services of materials of the optometrist to the attention of members of the general public” (emphasis added). NRS 636.302 restricts circulating or publishing “false, fraudulent, or misleading statements” relating to an optometrists’ practice, skills, services, or those of another licensee and advertising in a way that would “tend to deceive, defraud, or mislead the public.”

The relevant language of NRS 636.016 requires advertisements subject to discipline or oversight by NRS 636 and NAC 636 be *by an optometrist*. As such, the unapproved advertisement created by the Review Journal staff and published on July 10, 2017 does not meet this definition.

At all times, Vision by Amel and Dr. Amel Youssef have complied with all applicable regulations under NRS § 636 and NAC § 636. Vision by Amel never misrepresented or omitted relevant facts relating to the qualifications, experience, or licensure of its optometry professionals or the services offered at Vision by Amel. The Vision by Amel website offers prospective patients a brief overview of available services and professional qualifications. The second sentence of Dr. Youssef’s biography clearly states “Dr. Youssef has built one of the most successful **optometry** practices in Las Vegas” (emphasis added). Further, the website suggests patients “schedule an eye exam or contact lens fitting with Dr. Amel Youssef.”¹⁰

On her website, Dr. Youssef discusses the benefits of LASIK, the different types of LASIK, and some general information about the procedure; she has provided this information as a service to patients that are considering the procedure. She tells readers about the chronology of LASIK, as well as services that will provided by “**your doctor**” and services provided by “**your surgeon**.” She further states that she can **coordinate aftercare** with a patient’s chosen surgeon. Dr. Youssef does not make any claims that she is a surgeon, nor does she encourage patients to come to her for surgical treatment. Nothing on the website discusses LASIK pricing, intake forms for potential LASIK patients, or invites patients to call for a LASIK consultation. A reasonable consumer would not be led to believe that Dr. Youssef offers LASIK procedures. Similarly, all social media pages specifically state that Dr. Youssef is an optometrist and do not indicate the availability of LASIK services.

¹⁰ See Vision by Amel website: Appointments, at <https://www.visiondts.com/appointments/>.

ALVERSON, TAYLOR, MORTENSEN & SANDERS

Page Number : 7

Continuing Letter : April 4, 2018

Although the Board alleges an individual statement or photo may appear to be ambiguous when taken out of context, social media pages are, by their very nature contextual. An individual photograph or hashtag, taken by itself cannot paint a complete picture of Dr. Youssef's practice or services. Individual posts must be read in the context of the entire page. For example, BOARD 18-03 00017 depicts a pair of sunglasses sitting in a glass of wine, and mentions the Preakness horse race. A reasonable consumer would not mistake Vision by Amel for a wine bar or a sportsbook, because that is not the context of the photograph. When viewed in the context of the page, a consumer will understand this is an advertisement for sunglasses, as the "home" page for Vision by Amel specifies that it is an eyewear boutique with an in-house optometrist.

Further, upon information and belief, the *only* complaint regarding misleading advertising brought before any board or regulatory agency is the present Board Complaint filed by Dr. Larsen. Dr. Youssef is not aware of any past or present consumer complaints before this Board, the Office of Consumer Affairs, or any other agency. Dr. Youssef is not aware of any patients or potential patients expressing disappointment or frustration because they believed LASIK services were available at Vision by Amel. As such, Dr. Larsen's Complaint appears to be a disingenuous attempt to harm a successful competing business, and not a good-faith attempt to bring awareness of Board regulations to a new colleague.

In short, Dr. Youssef and Vision by Amel did not make any false or misleading claims about the services provided, and never made claims or implied that Dr. Youssef performed LASIK procedures. While the original complainant claimed he was "fooled into thinking" Dr. Youssef was a surgeon based on a single advertisement that ran for a single day in the Review Journal *without her approval or permission*, Dr. Youssef is not aware of, and has not approved any advertisements or social media posts which indicate she is a surgeon or performs LASIK procedures.

3. Dr. Youssef Denies Failing to Exhibit her Full Name and/or Professional Designation in Advertisements, and failing to Include a Disclaimer that would Allow a Reasonable Person to Know that Dr. Youssef Associates or Collaborates with a Physician who Performs LASIK Procedures, in Violation of NAC 636.140

NAC 636.140 provides that "any printed advertisement must contain the full name of the optometrist and his professional designation. Any disclaimer in the advertisement must be printed in such a manner as to allow a reasonable person to read and understand it." NAC 636.140 does not make any mention of disclaimers related to associations or collaborations with a physician that performs LASIK procedures. Further, NAC 636.140 does not **require** a disclaimer of any type; it merely sets out the guidelines for disclaimers when they are included. Pursuant to NAC 636.190, the **only** circumstance under which a disclaimer is required in advertising is when an optometric examination does not include an expected component, as listed in NAC 636.190 a – j. As Dr. Youssef performs all of the listed services in each examination, she is not required to place a disclaimer in her advertising.

All advertising for vision or optometry services, as defined by NRS 636 and NAC 636, include Dr. Youssef's full name and/or professional designation, in compliance with NAC

636.140. As detailed above, Dr. Youssef does not perform LASIK procedures, and does not advertise the availability of LASIK surgery. Any and all advertisements that mention the availability of LASIK *procedures* are created in conjunction with Seims Eye Center (**Exhibit 5; Exhibit 6**).

Dr. Youssef maintains a physical separation between her optometry practice and the retail boutique/dispensing ophthalmologists, as required by NAC 636.250; thus, Vision by Amel operates as a retail establishment, separate from Dr. Youssef's optometry services. General advertisements for the independent retail boutique, Vision by Amel, *which do not include optometry services* of any type, such as advertisements for non-prescription and designer sunglasses (for example, BOARD 18-03 00017; 00019), do not include Dr. Youssef's name and/or professional designation as they are retail promotions, separate from optometry advertisements, and are outside the jurisdiction of this Board.

Based on the foregoing, Dr. Youssef denied any and all allegations that her advertising practices, as they relate to her optometry practice and other licensed services fail to exhibit her full name and professional designation, as required by NAC 636.140. Further, Dr. Youssef denies that any of her advertising relating to her optometry practice requires a disclaimer of any type, and any disclaimers that may be used in advertising comply with NAC 636.140.

4. Dr. Youssef Denies Using the Symbol "LASIK" in Advertising Optometric Services Without Properly Displaying her Full Name and Professional Designation, in Violation of NAC 636.145

NAC 636.145 states that symbols may be used in advertising if they are "displayed with the full name and professional identification of the licensee" In her advertisements for optometric services, Dr. Youssef's name and designation are prominently displayed. As discussed above, advertisements solely for retail services, which do not include any mention of optometry, may or may not list Dr. Youssef's name and/or designation, however, her name and/or designation is not required on advertisements for retail services, pursuant to NAC 636.145.

All of Dr. Youssef's *current* advertising for optometric services includes her full name and designation. As previously detailed, Dr. Youssef ensures all of her advertising meets the applicable regulations contained in NRS 636 and NAC 636. Old advertising including cross-promotions with LASIK vision centers, including the December, 2014 contest promotion (BOARD18-03 00018) is no longer visible on any webpage or social media site controlled by Dr. Youssef or Vision by Amel. Like the Review Journal advertising, some of these outdated advertisements may be available as cached images on Google searches (or similar), but Dr. Youssef has ensured that all outdated cross-promotions have been removed from her social media pages to avoid any unintentional ambiguity in her previous cross-promotions.

In addition, the Vision by Amel storefront clearly indicates Dr. Youssef is an Optometrist, and LASIK services are "performed off sit by a refractive surgeon." See **Exhibit 1**. The images provided by the Board were taken shortly after Vision by Amel opened and do not

properly represent the current signage and professional designations on the building; however, Dr. Youssef has provided current photographs to show her compliance with all applicable regulations.

As such, Dr. Youssef denies any and all allegations that her current advertising or signage uses the LASIK symbol, or any other symbol, without properly displaying her full name and professional designation, in violation of NAC 636.145. As indicated in the attached Exhibits, all of Dr. Youssef's current advertising and signage clearly indicates Dr. Youssef is an Optometrist and any reference to LASIK is used in conjunction with a disclaimer that LASIK is performed by an off-site refractive surgeon.

5. Dr. Youssef Denies Failing to Advertise Her Affiliation with a Physician who Performs LASIK Services, in Violation of NRS 636.373 (10) [sic]

NRS 636.373 (1) provides that "an optometrist *may* form an association or other business relationship with a physician to provide their respective services to patients." If the optometrist does so, "the optometrist *may* advertise and promote the services provided by the association" in a manner consistent with NRS 636.302 (emphasis added).

Here, Dr. Youssef asserts that she does not have an **exclusive** relationship with a single LASIK surgeon, as discussed in detail above. Dr. Youssef, as part of her regular practice, discusses LASIK options with her patients, and coordinates pre- and post-surgical care with a patient's chosen LASIK surgeon. Dr. Youssef works with all LASIK providers in the Las Vegas Valley, and offers patients care based on their surgeon's recommendations.

Occasionally, Dr. Youssef enters into temporary, short-term advertising campaigns with the Seims Eye Center to showcase the availability of LASIK procedures and offer start-to-finish eye care to patients interested in undergoing the same. When Dr. Youssef participates in those advertising campaigns, all relevant materials include separate and distinctive contact information of both Dr. Youssef and the Seims Eye Center, as separate entities. (**Exhibit 5, Exhibit 6**).

As such, Dr. Youssef has not created an association with a surgeon which would *require* the disclosure of an association with a surgeon or a surgical center. Furthermore, NRS 636.302 *allows* Dr. Youssef to advertise and promote a relationship with a physician (here, a LASIK surgeon); however, it does not *require* her to advertise a relationship where none exists. Therefore, Dr. Youssef denies any and all allegations that she has failed to advertise her relationship with a physician that performs LASIK, in violation of NRS 636.373 (10).

CONCLUSION

At all relevant times, all of the information contained on the Vision by Amel website and published in *approved* advertisements was and is accurate, and complied with all applicable local and national advertising guidelines, including NAC § 636, which regulates optometry advertising. Further, all Vision by Amel signage includes Dr. Youssef's full name and professional designation, pursuant to NRS § 636 and NAC § 636.

ALVERSON, TAYLOR, MORTENSEN & SANDERS

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As set forth in detail in this Response, Dr. Youssef denies any and all allegations, express or implied, that she has engaged in any deceptive or misleading advertising, or violated any section of NRS or NAC Chapter 636, NAC or any other applicable authority. As such, Dr. Youssef respectfully requests that the Board close this Complaint.

Thank you for your attention to this matter. Should you have any questions following your review of this correspondence and supporting documentation, please feel free to contact me.

Very truly yours,

ALVERSON TAYLOR
MORTENSEN & SANDERS

/s/ Candace Herling

Candace C. Herling, Esq.

CCH/tf

Encl.

n:\ls2_djm.grp\clients\25277\letters\nbo response to amended complaint.docx

Exhibit 1

VISION BY AMEL

Glasses | Contacts | LASIK



Dr. Amel Youssef
Ast. & Primary Ophthalmologist

Business Hours
Mon. - Sat. • 10am - 6pm
Sunday • 11am - 2pm



Exhibit 2

SUMMERLIN®

More than a place to live. A way of life.™

2017 Best of Summerlin – Winners

2017 Best of Summerlin Winners!

Summerlin offers so many great places to eat, play, relax and more. But there are those places that are just a notch above the rest. Thank you for voting in the 2017 Best of Summerlin competition. Here are the winners!



Best Park

Vistas Park



Best School Spirit

Bishop Gorman High School

Visit website (<https://www.bishopgorman.org/page>)



Best Place to Work Out

Life Time Athletic

Visit website (<https://www.lifetime.life/life-time-locations/nv-las-vegas-summerlin.html>)



Best Doctor

Dr. Amel Youssef (Optometrist)

Visit website (<https://www.visiondts.com/>)



Best Veterinarian

Dr. Charlotte Pulliam

Visit website (<https://towncentervet.com/>)



Best Locally-Owned Restaurant or Eatery

Rachel's Kitchen

Visit website (<http://rachelskitchen.com>)



Best Kid's Menu

BJ's Restaurant and Brewhouse

Visit website (<https://www.bjsrestaurants.com/locations/nv/summerlin>)



Best Public Golf Course

TPC Las Vegas

Visit website (<https://tpc.com/lasvegas/>)



Best Romantic Restaurant

Vintner Grill

Visit website (<http://www.vglasvegas.com/>)



Best Community Event

Summerlin Festival of Arts

Visit website (<http://summerlin.com/festivalofarts/>)



Best Small Retail Business

Leather Couture by Jessica Galindo

Visit website (<https://leathercouture.com/>)



Best Large Retail Business

Trader Joe's

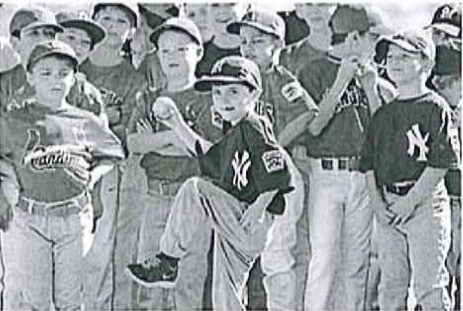
Visit website (<https://www.traderjoes.com/>)



Best Place to Dine with your Dog

Lazy Dog Restaurant & Bar

Visit website (<https://www.lazydogrestaurants.com/news/yourneighborhood/Summerlin>)



Best Kids' Athletic Program

Summerlin North Little League

Visit website (<http://www.snll.org/>)



Best Weekend Activity

Red Rock Canyon National Conservation Area

Visit website (https://www.blm.gov/nlcs_web/sites/nv/st/en/prog/nlcs_new/REDROCK_NCA.html)

| 10801 West Charleston Blvd, 3rd Floor, Las Vegas, NV 89135, 702.791.4000 | © 2017 The Howard Hughes Corporation. All Rights Reserved.

This is not intended to be an offer to sell nor a solicitation of offers to buy real estate in Summerlin by residents of Connecticut, Hawaii, Idaho, Illinois, New Jersey, New York, Oregon, Pennsylvania, or South Carolina, or any other jurisdiction where prohibited by law. This offer is void where prohibited by law. Obtain the Property Report required by Federal law and read it before signing anything. No Federal agency has judged the merits or value, if any, of this property.

Notice to New York Residents

The developer of Summerlin and its principals are not incorporated in, located in, or resident in the state of New York. No offering is being made in or directed to any person or entity in the state of New York or to New York residents by or on behalf of the developer/offeror or anyone acting with the developer/offeror's knowledge. No such offering, or purchase or sale of real estate by or to residents of the state of New York, shall take place until all registration and filing requirements under the Martin Act and the Attorney General's regulations are complied with, a written exemption is obtained pursuant to an application is granted pursuant to and in accordance with Cooperative Policy Statements #1 or #7, or a "No-Action" request is granted.



Exhibit 3



BEST OF LAS VEGAS 2017

Congratulations to all our winners!

Click for Full Category Menu

Listings in Best Eyecare/Eye Doctor and 2017 Gold Winner

Showing 2 of 2 results

  RELEVANCY ▼ REFINE



2016 2017 2017 2016

Dr. Amel Youssef

in 2017 Gold Winner, 2017 Silver Winner, Best Eyewear Shop, Best Eyecare/Eye Doctor, 2016 Gold Winner, 2016 Bronze Winner

Dr. Amel Youssef has built one of the most successful optometry practices in Las Vegas by offering a wide range of eye care services and personalized attention for each individual patient.

2010 Festival Plaza Dr.
Las Vegas, Nevada

[Is this your business?](#)

[Bookmark this](#)



[Review this](#)

702-858-4362

[Visit Website](#)



2016

2017

Center For Sight

in 2017 Gold Winner, Best Eyecare/Eye Doctor, 2016 Gold Winner

Center For Sight in Las Vegas believes that personal service and attention to detail is the key to ensuring the best possible results and the highest level of patient care. The center uses state-of-the-art techniques and equipment.

[Bookmark this](#)



[Review this](#)

702-724-2020

[Visit Website](#)



Site Content

- [Home \(/\)](#)
- [News & Stories \(/article/\)](#)
- [2016 Best Of Winners \(/listing/\)](#)
- [Events \(/event/\)](#)
- [Advertise With Us \(/advertise\)](#)

- [Review-Journal \(http://www.reviewjournal.com\)](#)
- [Deals \(/deals/\)](#)
- [Store \(https://www.bestoflasvegas.com/store.html\)](#)

Contact Us

- [Contact your Las Vegas Review-Journal media representative today! Not sure who your representative is? Call us and we will connect you with your](#)

Follow Us

- [Facebook \(https://www.facebook.com/TheBestOfLV/\)](#)
- [Twitter \(https://twitter.com/thebestoflv\)](#)


[Contact us \(/contactus\)](/contactus)

[FAQ \(/faq\)](/faq)

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[Official Rules \(/officialrules\)](/officialrules)

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representative!
 702-383-0388

 Instagram

(<https://www.instagram.com/thebestoflv/>)

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Exhibit 4

LAS VEGAS REVIEW-JOURNAL

1111 W. Bonanza Road, Las Vegas, NV 89106 lvrj.com 702-383-0396

To: Nevada Board of Optometry

Fm: Tracey Fosso, Retail Advertising Director

Da: January 15, 2018

Re: Dr. Amel Youssef advertising

To whom it may concern,

Regarding Dr. Amel Youssef's ads that have published in the Las Vegas Review Journal, onsite Lasik services were not mentioned in them. We did publish a description of her business in our Best of Las Vegas magazine that mentions Lasik services on site but this description was pulled from general information that we found online. Dr. Youssef did not directly provide this information to us.

Additionally, we do not promote Dr. Youssef as a doctor that performs Lasik services directly.

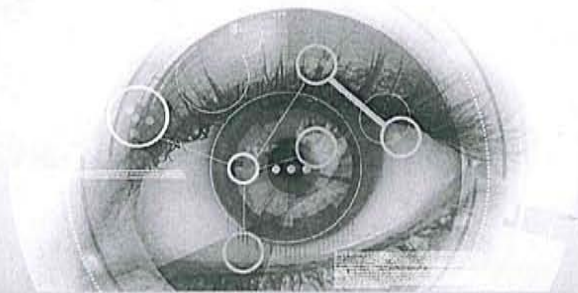
Thank you.

Exhibit 5

COMPREHENSIVE EYECARE

Siems LASIK & **VISION**^{BY AMEL}

TO SEE YOUR BEST, SEE THE BEST



LASIK
CATARACT SURGERY
COSMETIC EYELID SURGERY
CORNEA TRANSPLANT SURGERY
KERATOCONUS

Siems LASIK

HENDERSON
1776 W HORIZON RIDGE PARKWAY SUITE # 100
702.948.2010

SUMMERLIN
10777 W TWAIN AVE SUITE # 150
702.948.2010

www.SiemsLasik.com

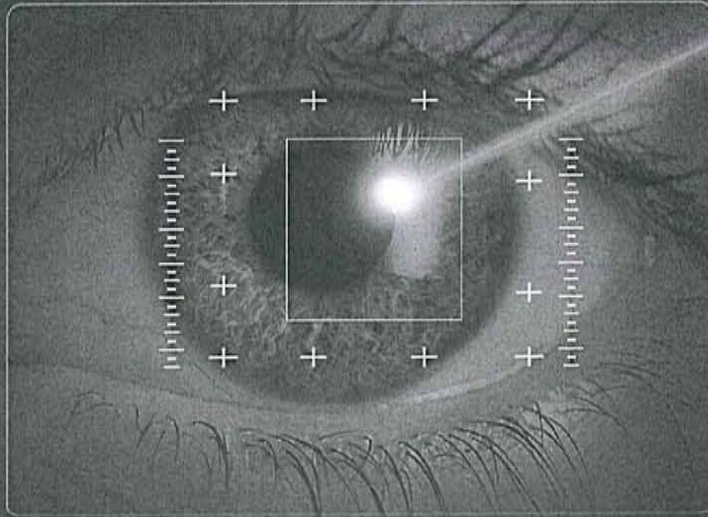
GLASSES
CONTACTS
LUXURY EYEWEAR
ADULT & PEDIATRIC EYE EXAMS
ONSITE LAB
(SV GLASSES MADE IN 1/2 HR)

VISION^{BY AMEL}

DOWNTOWN
SUMMERLIN
2010 FESTIVAL PLAZA DRIVE # 195
702.858.4362

www.VisionByAmel.com

Exhibit 6



DISCOVER
LASIK

AND THE WORLD BEYOND GLASSES AND CONTACTS

ARE YOU A CANDIDATE?

PLEASE COME IN FOR A CONSULTATION

VISION BY AMEL

S IEMS
Eye Center

DOWNTOWN

SUMMERLIN

702.858.4362

2010 FESTIVAL PLAZA DRIVE #195
LAS VEGAS, NV 89135

www.VisionByAmel.com

BOARD18-03
(00001 – 00024)

EXHIBIT 1

EXHIBIT 1

INSIGHTS BY DR. AMEL YOUSSEF



THE PROCEDURE BEFORE, DURING, AND AFTER LASIK EYE SURGERY.

Before: A thorough eye exam will be conducted to ensure your eyes are healthy enough for the procedure. Your doctor will evaluate: the shape and thickness of your cornea; pupil size; refractive errors (myopia, hyperopia and astigmatism); as well as any other eye conditions. The moistness of your eyes will also be evaluated, and a precautionary treatment may be recommended to reduce your risk of developing dry eyes after LASIK. Your doctor will also note your general health history and any medications you are taking to determine if you are a suitable candidate for LASIK.

During: Before your surgery begins, numbing eye drops are applied to your eye to prevent any discomfort during the procedure. Your doctor may also give you some medication to help you relax. Your eye will be positioned under the laser, and an instrument called a lid speculum is used to keep your eyelids open. The surgeon uses an ink marker to mark the cornea before creating the flap. A suction ring is applied to the front of your eye to prevent eye movements or loss of contact that could affect flap quality. After the corneal flap is created, the surgeon then uses a computer to adjust the excimer laser for your prescription. You will be asked to look at a target light for a short time while your surgeon watches your eye through a

microscope as the laser sends pulses of light to your cornea. The laser light pulses painlessly reshape the cornea, although you may feel some pressure on your eye. You'll also hear a steady clicking sound while the laser is operating. LASIK is performed on each eye separately, with each procedure taking only about five minutes.

After: Upon completion of your LASIK surgery, your surgeon will have you rest for a bit. You may feel a temporary burning or itching sensation immediately following the procedure. You should expect some blurry vision and haziness immediately after surgery; however, clarity should improve by the very next morning. Your eyesight should stabilize and continue to improve within a few days, although in rare cases it may take several weeks or longer. For most people, vision improves immediately. Generally, you will return to see your eye doctor or your LASIK surgeon the day after surgery.

FREE LASIK CONSULTATION
to determine if you are
a candidate for Lasik
eye surgery

VISION BY AMEL
GLASSES | CONTACTS | LASIK

702.858.4362
www.VisionDTS.com

BEST!
LAS VEGAS
Las Vegas Review-Journal



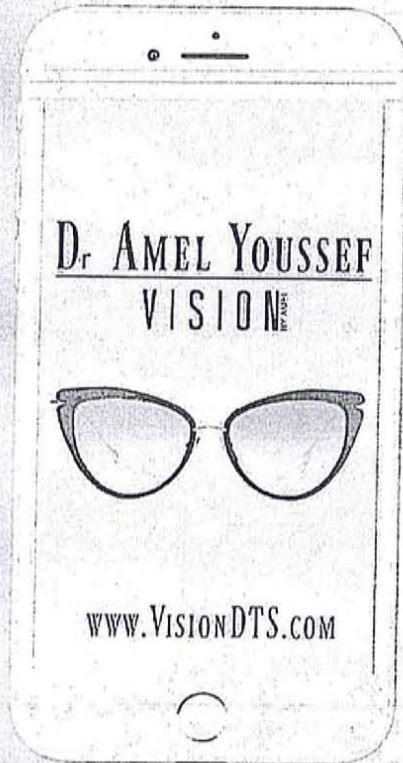
DOWNTOWN SUMMERLIN 2010 Festival Plaza Drive # 195



Dr. AMEL YOUSSEF

VISION BY AMEL

LUXURY EYEWEAR | SUNGLASSES | CONTACTS | LASIK



DOWNLOAD OUR APP TODAY!

& RECEIVE A \$75 GIFT CARD GOOD AT VISION BY AMEL

(gift card will be given at store)



Just search "Vision By Amel" in your app store! You'll get exclusive access to promotions, discounts, news, & events via push notifications and much more!

DOWNTOWN

SUMMERLIN®

2010 FESTIVAL PLAZA DR #195

LAS VEGAS, NV 89135

702.858.4362



TWITTER
INSTAGRAM
FACEBOOK

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Dr. Amel Youssef and her staff are dedicated to providing a community-driven, family friendly eye care practice. Dr. Youssef has built one of the most successful optometry practices in Las Vegas by offering a wide range of eye care services and personalized attention for each individual patient. Our Downtown Summerlin location is the largest of its kind in the Las Vegas area, providing our patients with a full LASIK facility, thousands of name brand contact lenses in stock for same-day fittings, and all of the top designer frames. With our online appointment scheduling, our contact lens and eyewear home delivery, and 24-hour patient care service, we serve our local community with quality and convenience in mind.

FACEBOOK

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Amor, Yousaf, Vision By Day All Rights Reserved

S e r v i c e s

General Eye Exam

General eye exams are available at VISION by AMEL. A general eye exam assesses the overall health of the eyes. The external appearance of the eyes, the eyelids, lashes, tear ducts, and the skin surrounding the eye will be inspected. The ability of the eyes to move normally and in coordination with each other will also be examined. The health of the eyes will be carefully assessed. A full exam, with the use of a microscope, will be conducted to ensure that all visible structures of the eyes are healthy.

Adult & Pediatric Comprehensive Eye Exams

Regardless of your age, routine eye exams are important for your health. Eye exams do more than just evaluate vision—they can detect eye diseases as well as conditions like high blood pressure and diabetes, and provide an indicator for your overall health.

At our practice, we provide comprehensive eye exams for people of all ages, including glaucoma and cataract testing, computerized peripheral vision testing and retinal photography, diagnosis and treatment of various eye diseases, LASIK surgery consultation for those interested in laser vision correction, and more.

Contact Lens Eye Exams & Fitting

We give each individual patient specialized care to make sure we prescribe the right contact lenses for you. Our contact lens exams include all of the regular components of a comprehensive vision exam, plus a

measurements, and we test your tear production.

Once we have your prescription ready, we'll check for the proper fit and comfort of your lenses. We also provide training for insertion and removal, proper lens care, and we can answer any questions or concerns you may have about your new lenses. With our large stock of thousands of quality contact lenses, we can get you tested, fitted, and walking out the door with crystal clear vision all in one day.

LASIK

Also known as Laser Assisted In-Situ Keratomileusis, LASIK is the most common type of vision correction surgery. The procedure is highly effective, with many patients claiming to see better than at any other time in their life after they recover from surgery. It can be performed to correct myopia, hyperopia, and astigmatism.

Although LASIK is common, it is still a serious procedure that may not be right for everyone. That's why we offer a comprehensive screening process to determine whether or not you're a LASIK candidate. We'll provide in-depth discussion and careful guidance to ensure that you're fully prepared for your procedure.

If you do decide to undergo LASIK surgery, we also offer a series of follow-up visits to determine the health of your eyes and evaluate your satisfaction with the results.

How LASIK Works:

During the procedure, anesthetic eye drops are applied and a LASIK surgeon will create a flap in the outer layer of the cornea to allow the lasers to access the underlying tissue.

Computer eye tracking is used to ensure precision of the lasers, and the cornea then receives controlled pulses of laser light in order to reshape the inner corneal layer.

needs, the surgeon repositions the flap to its original position and protective patches are placed over the eyes for the next few hours as the flap heals naturally.

Other Types of LASIK:

Custom LASIK – This is the most precise form of LASIK surgery, which involves using Wavefront Technology to measure exactly how light travels through your eyes, providing a detailed analysis of your entire optical system. This gives the computer system an additional level of data to better correct your vision.

Bladeless LASIK – While traditional LASIK requires a surgeon to use a blade to create the corneal flap, as the name implies, Bladeless LASIK allows the surgeon to use a laser to create a more precise corneal flap.

Co-Management

With our onsite LASIK and optometric facilities, we can provide everything from pre-LASIK screening, to the actual LASIK procedure, to post-operative care. However, if you decide to have your LASIK procedure performed elsewhere, we can still provide co-management for your surgery by offering all the pre and post-operative care you need. We'll work closely with experienced and trustworthy surgeons to make sure your procedure goes as smoothly as possible.

24 Hrs On-Call Medical Service

Our dedicated team of eye care experts are here for you and your family 24 hours a day, 7 days a week. Should you have any questions or need any assistance with eye care services we've provided, please do not hesitate to call our help desk any time of the day. Our staff is also available for emergency appointments if need be. You can reach us at (702) 858-4362.

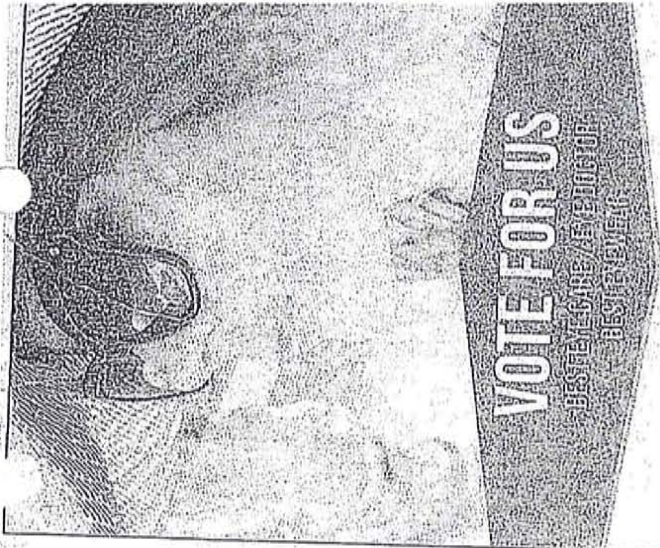
TWITTER

INSTAGRAM

FACEBOOK

Powered by The 91PR Group / Copyright © 2019

Amr Youssef, Vision By Amr / All Rights Reserved



VOIE FOR US

BEST CARE/EYE/PT
BEST EYE/PT

VISION
BY AMEL

GLASSES | CONTACTS | LASIK

WINNER
BEST
LAS VEGAS
Las Vegas Vision Award
Best of Las Vegas

VOTE AT BESTOFLASVEGAS.COM

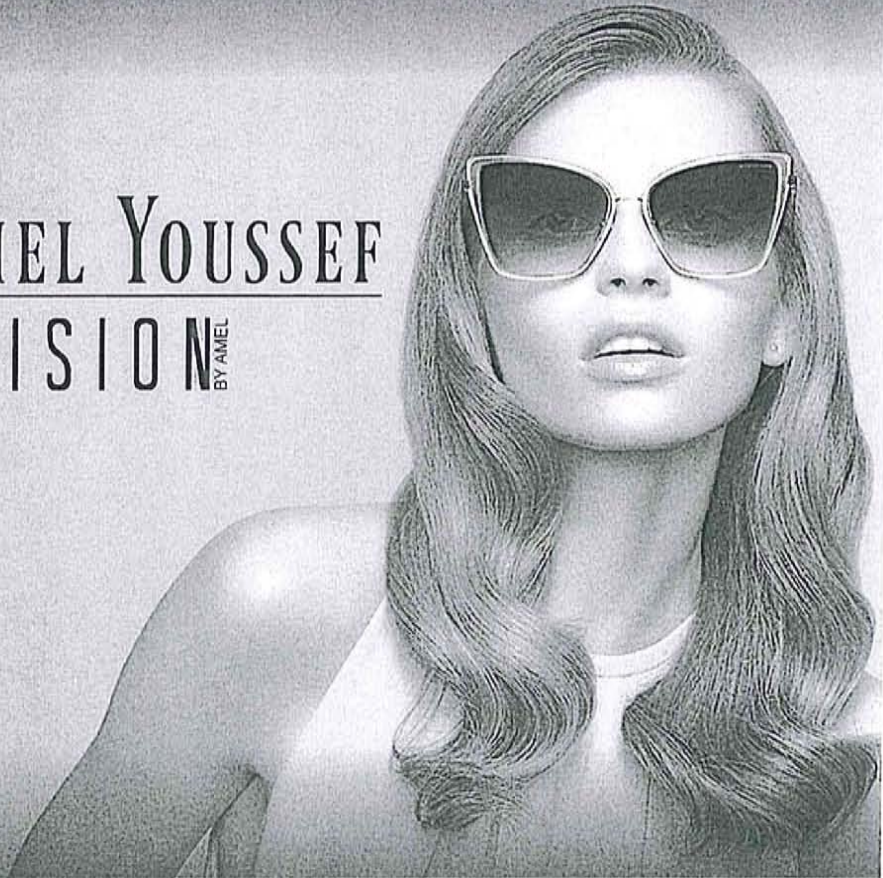
DOWNTOWN SUMMER
2010 Festival Plaza Drive, #105
702.858.4862 | www.visitdts.com

EXHIBIT 2

EXHIBIT 2

🖼️ Vision By Amel - Cover Photos
1 of 3

Dr. AMEL YOUSSEF
VISION BY AMEL



👍 Like 💬 Comment ➦ Share

INSIGHTS BY DR. AMEL YOUSSEF

THE PROCEDURE BEFORE, DURING, AND AFTER LASIK EYE SURGERY.

Before: A thorough eye exam will be conducted to ensure your eyes are healthy enough for the procedure. Your doctor will evaluate: the shape and thickness of your cornea; pupil size; refractive errors (myopia, hyperopia and astigmatism); as well as any other eye conditions. The moistness of your eyes will also be evaluated, and a precautionary treatment may be recommended to reduce your risk of developing dry eyes after LASIK. Your doctor will also note your general health history and any medications you are taking to determine if you are a suitable candidate for LASIK.

During: Before your surgery begins, numbing eye drops are applied to your eye to prevent any discomfort during the procedure. Your doctor may also give you some medication to help you relax. Your eye will be positioned under the laser, and an instrument called a lid speculum is used to keep your eyelids open. The surgeon uses an ink marker to mark the cornea before creating the flap. A suction ring is applied to the front of your eye to prevent eye movements or loss of contact that could affect flap quality. After the corneal flap is created, the surgeon then uses a computer to adjust the excimer laser for your prescription. You will be asked to look at a target light for a short time while your surgeon watches your eye through a

microscope as the laser sends pulses of light to your cornea. The laser light pulses painlessly reshape the cornea, although you may feel some pressure on your eye. You'll also hear a steady clicking sound while the laser is operating. LASIK is performed on each eye separately, with each procedure taking only about five minutes.

After: Upon completion of your LASIK surgery, your surgeon will have you rest for a bit. You may feel a temporary burning or itching sensation immediately following the procedure. You should expect some blurry vision and haziness immediately after surgery; however, clarity should improve by the very next morning. Your eyesight should stabilize and continue to improve within a few days, although in rare cases it may take several weeks or longer. For most people, vision improves immediately. Generally, you will return to see your eye doctor or your LASIK surgeon the day after surgery.



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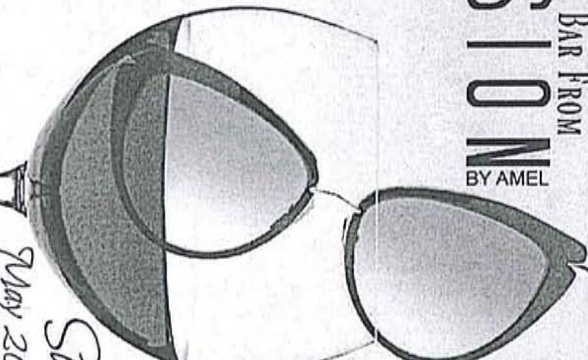
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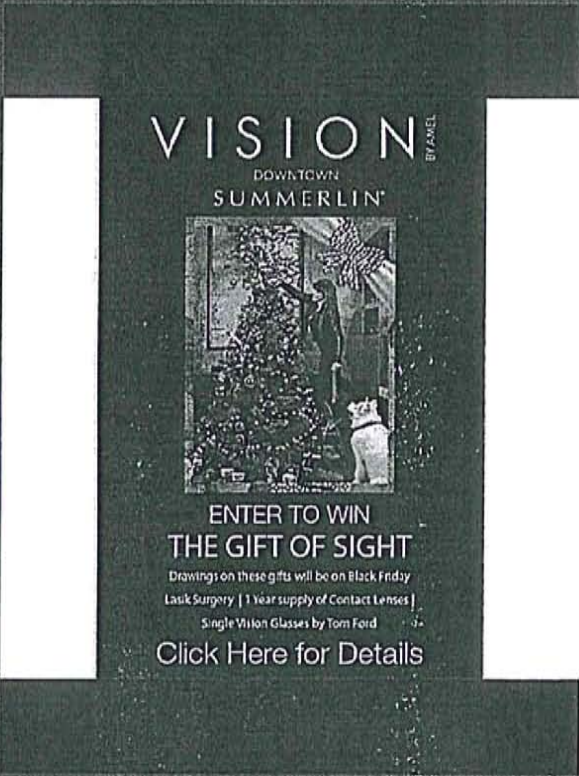
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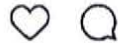


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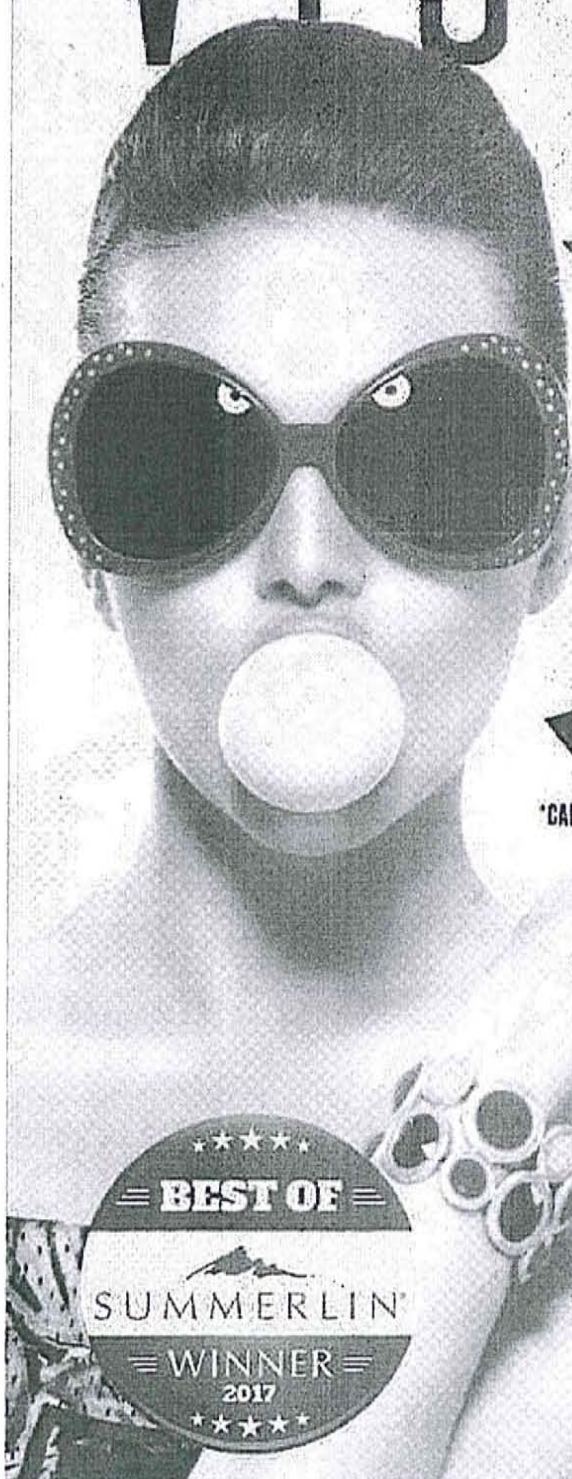


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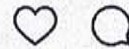


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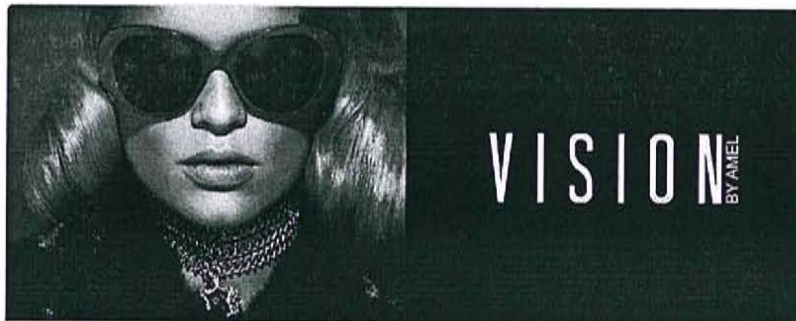
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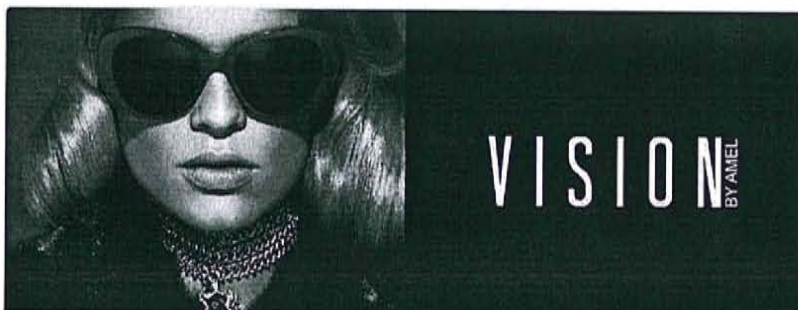


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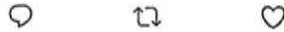
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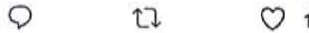
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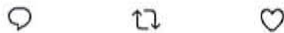
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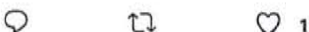
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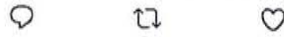
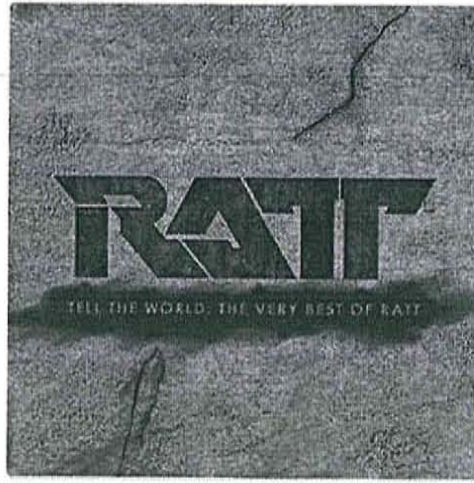
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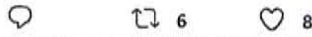


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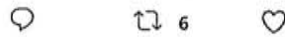


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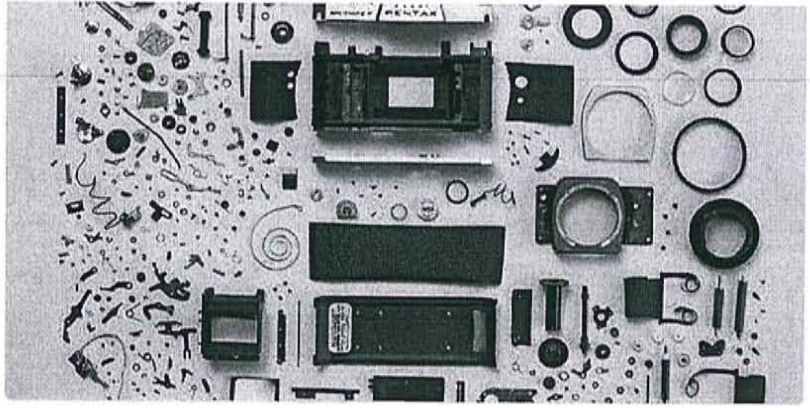
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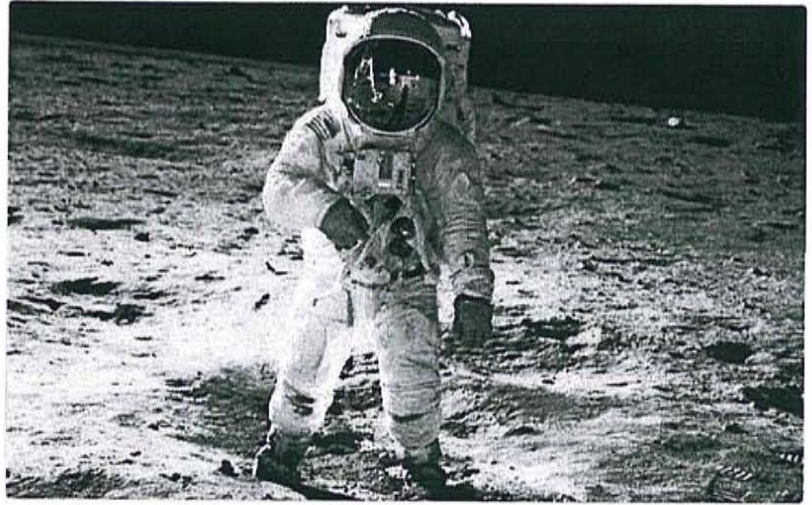
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#EYEFACTS Astronauts can't cry in space due to the absence of gravity.



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#DIDYOUKNOW You blink more when you talk.

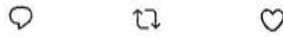


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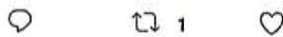


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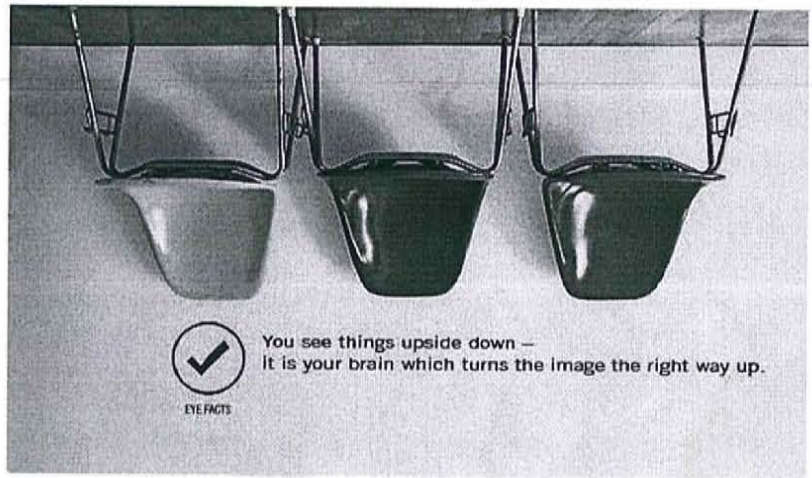
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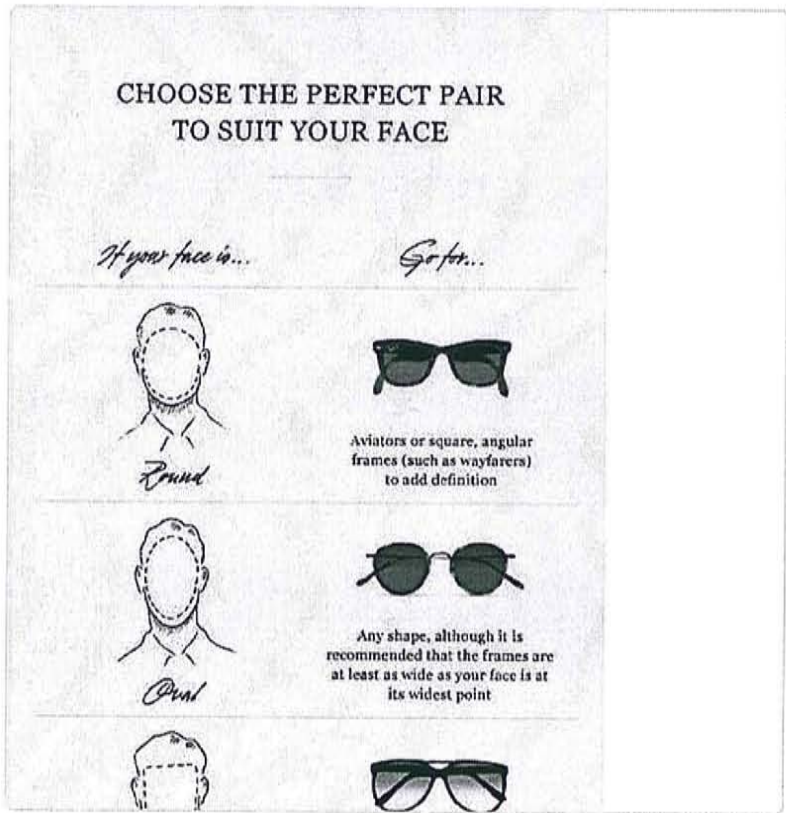


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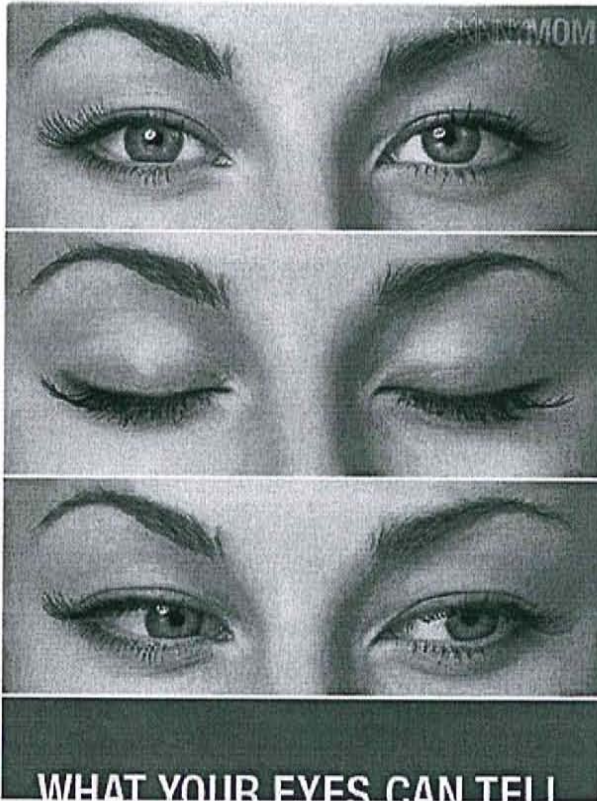


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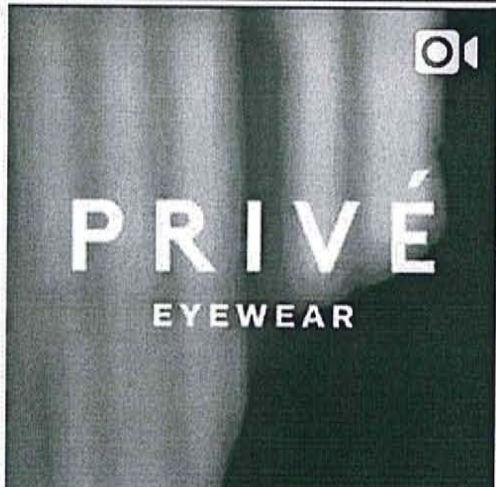
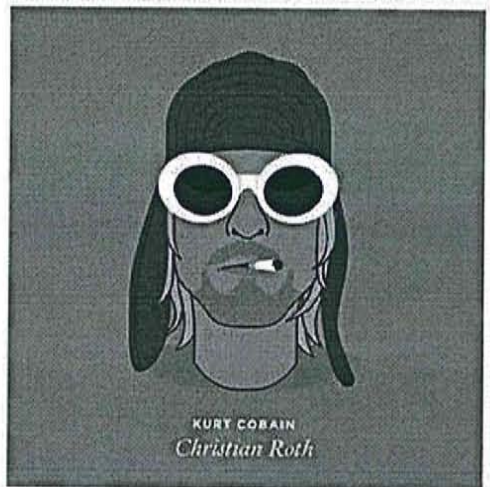
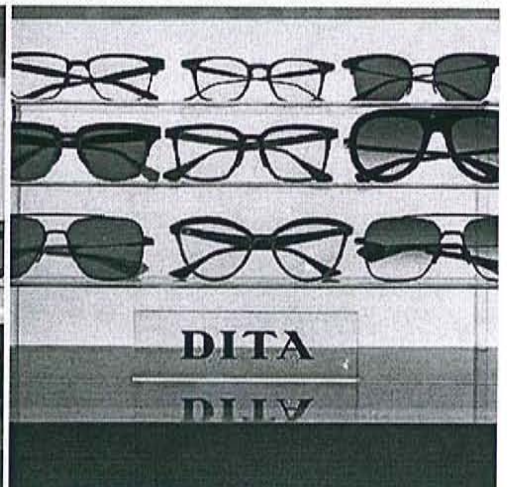


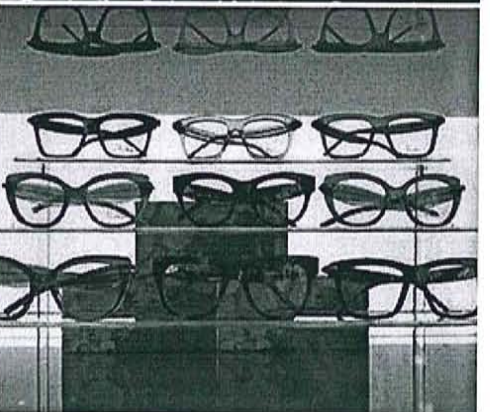
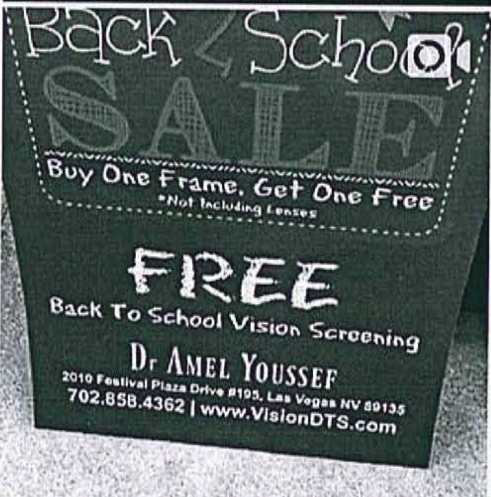
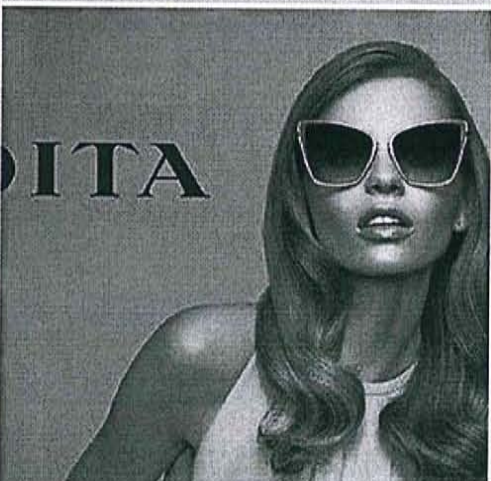
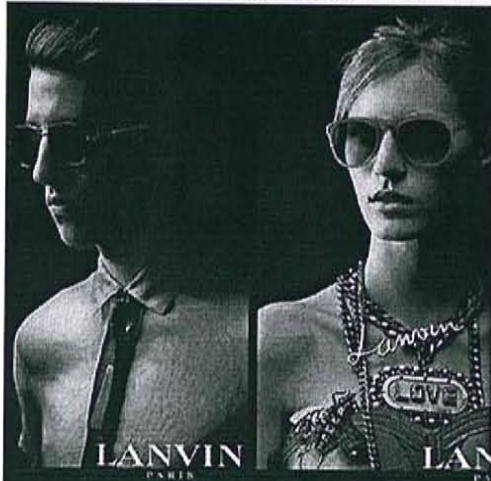


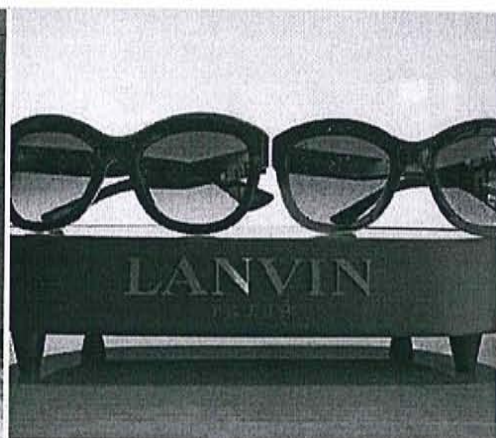
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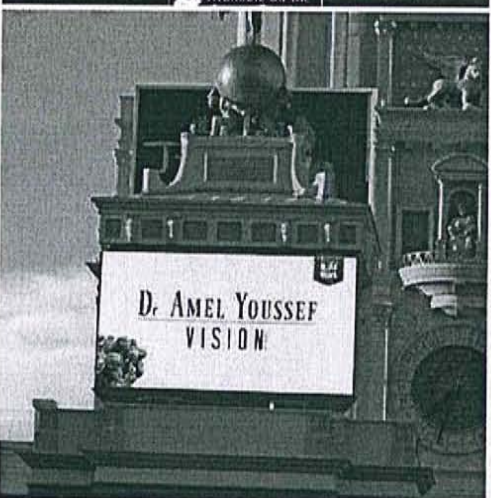






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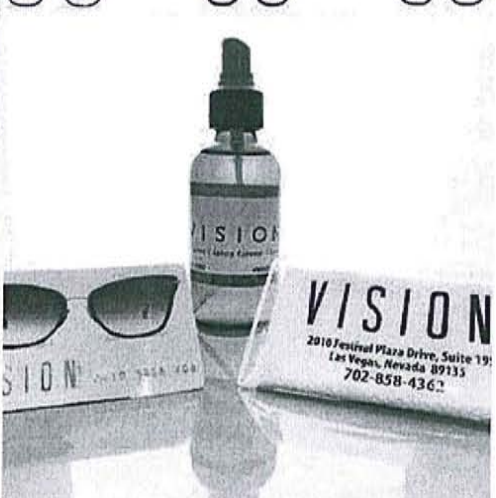
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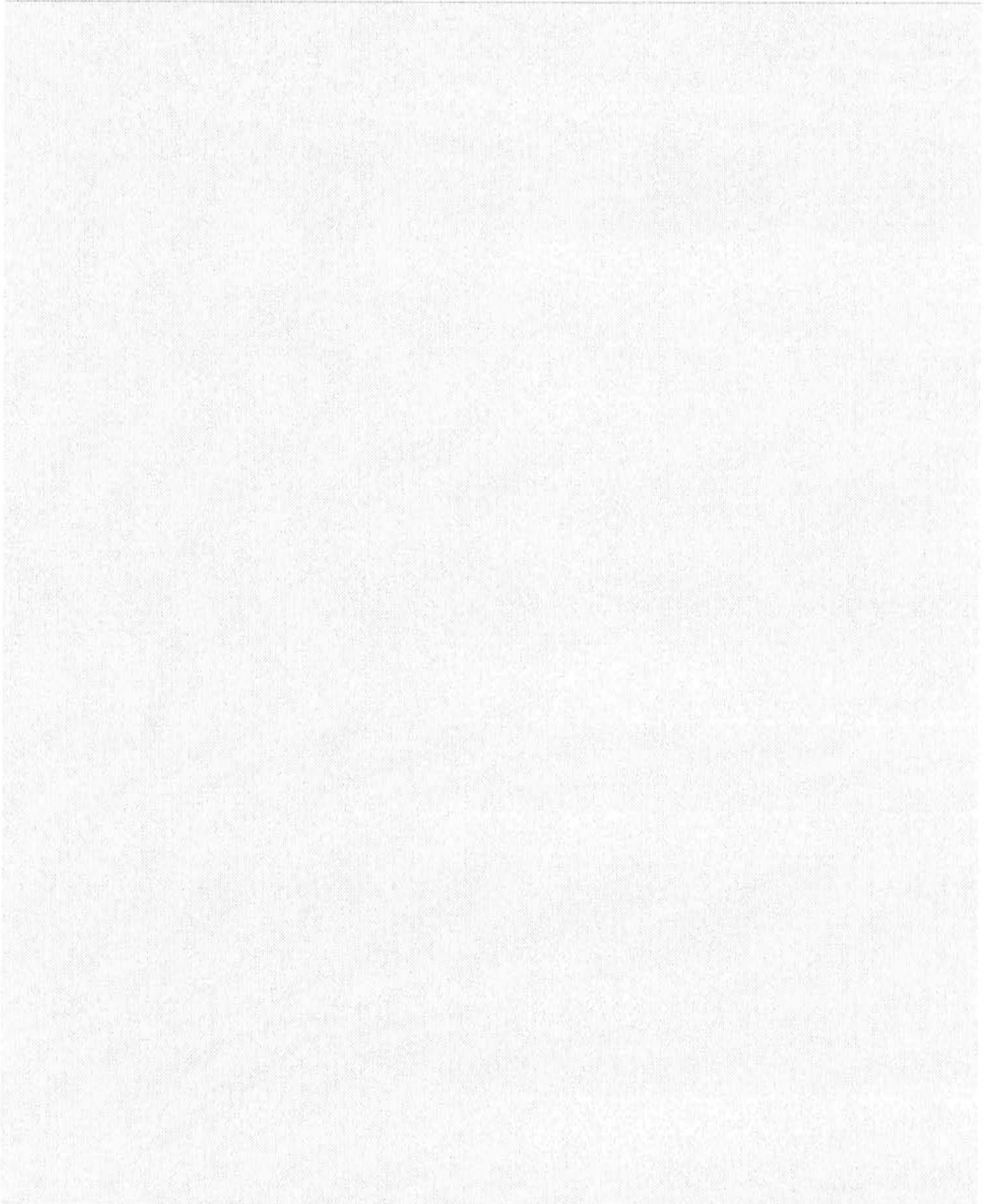
 A woman in a black bikini top is wearing large sunglasses and posing.


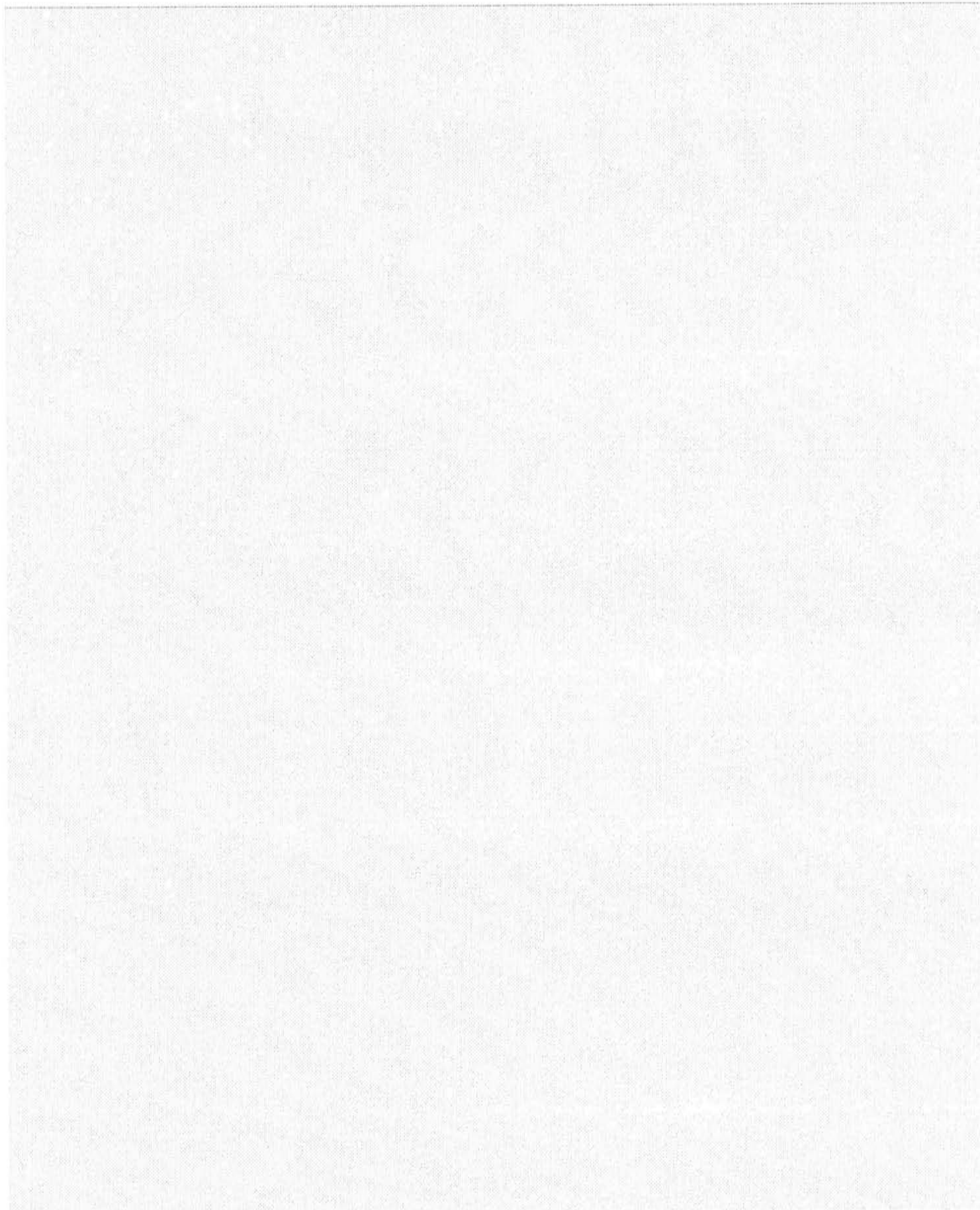
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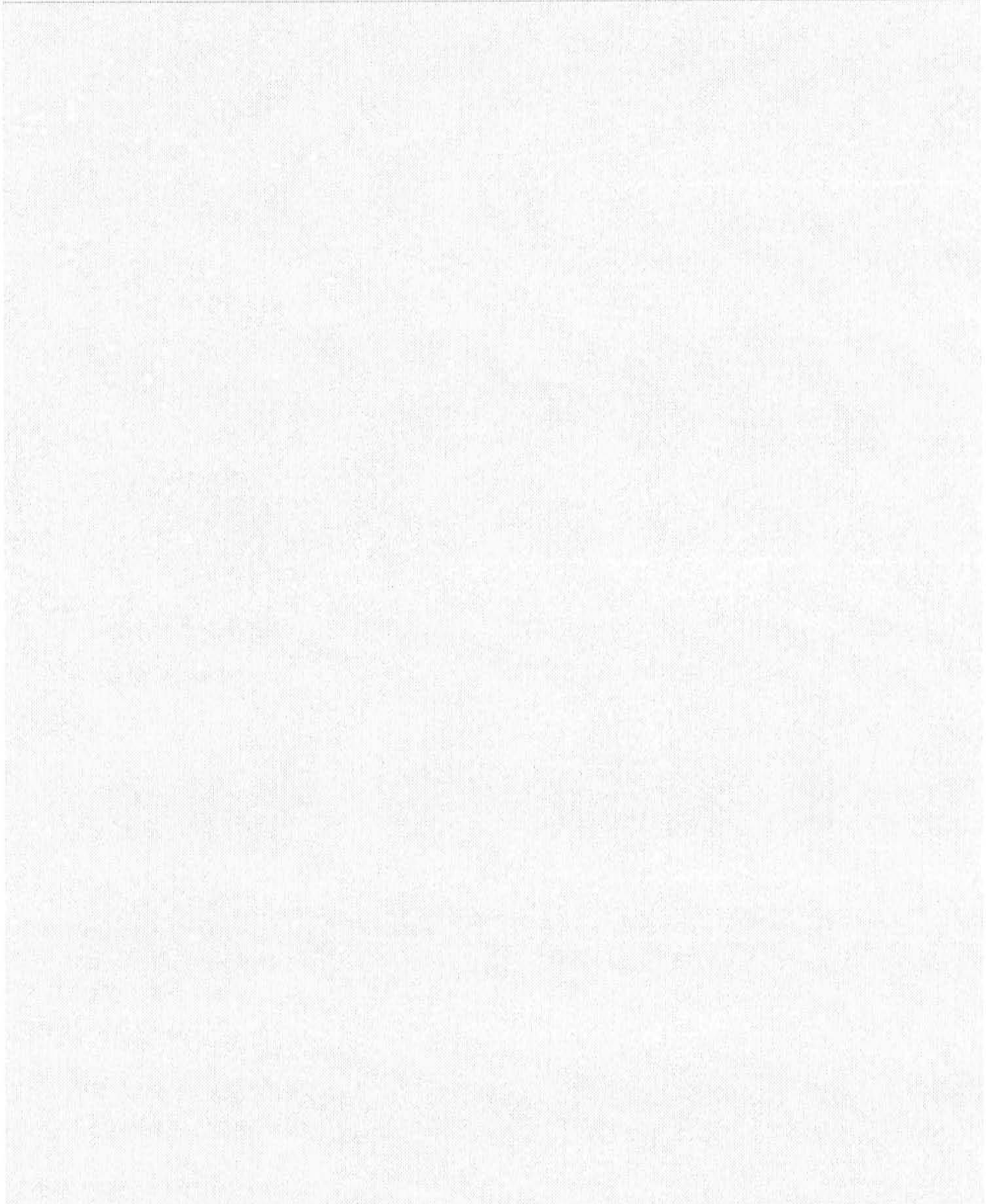
 A man wearing sunglasses is featured in the advertisement.

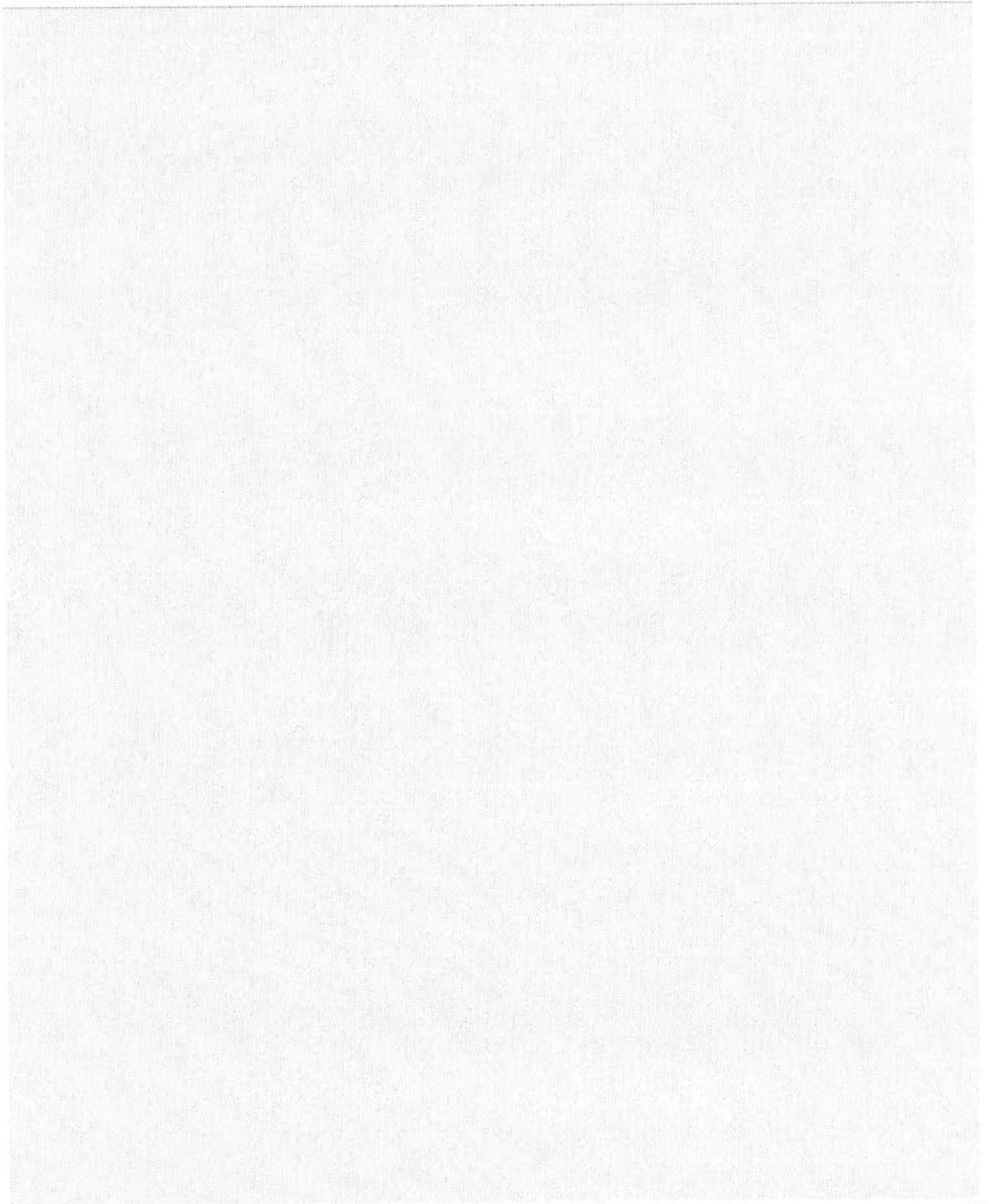
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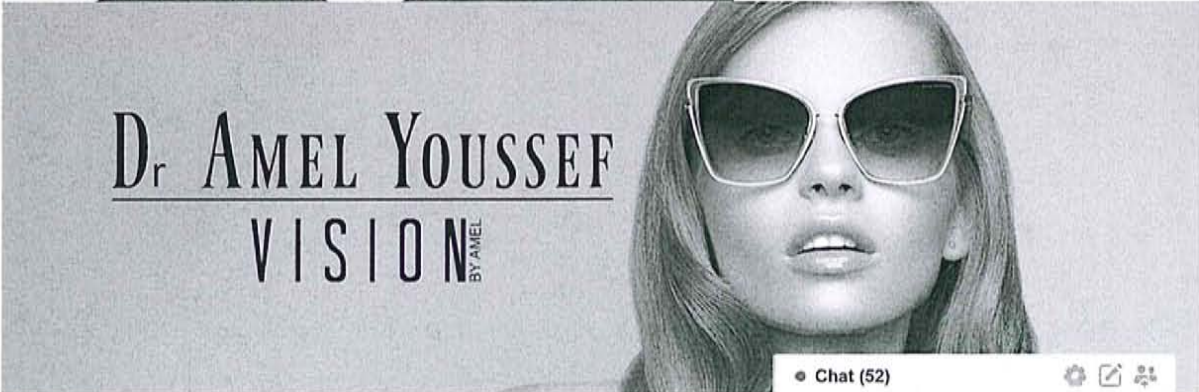
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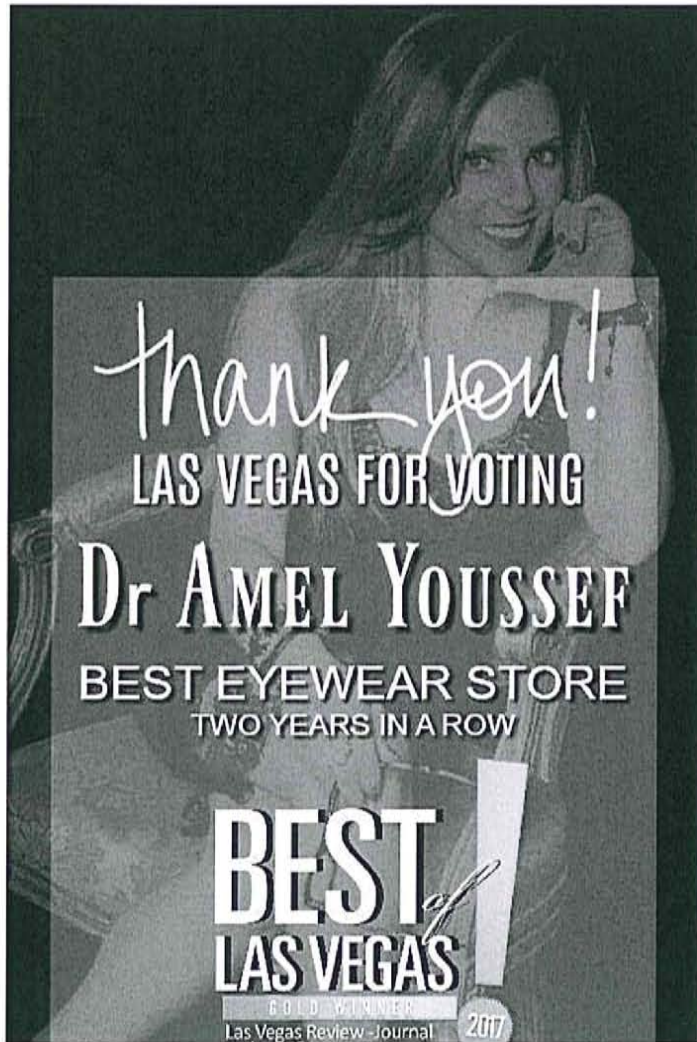


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#DrAmelYoussef #Vision #Sunglasses



Vision By Amel @visionbyamellv

Vision By Amel Optometrist

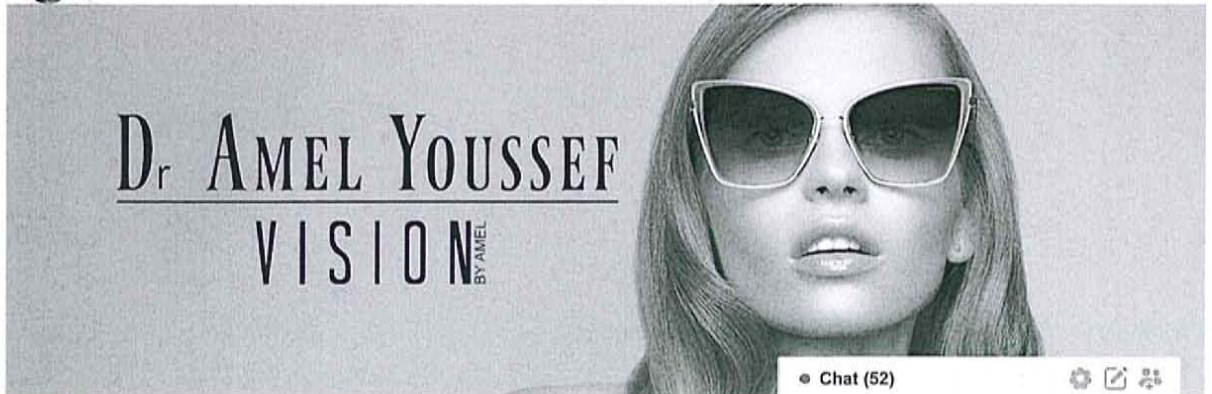
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6 Chronological

Jackie Lichten Hafter Woo hoo Like · Reply · 20w

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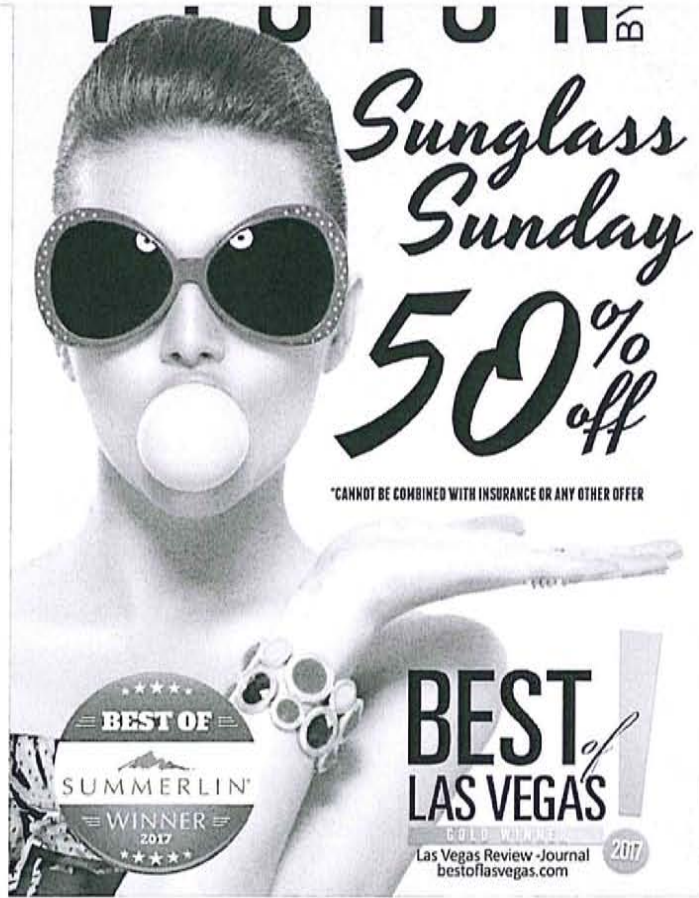
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@visionbyamellv

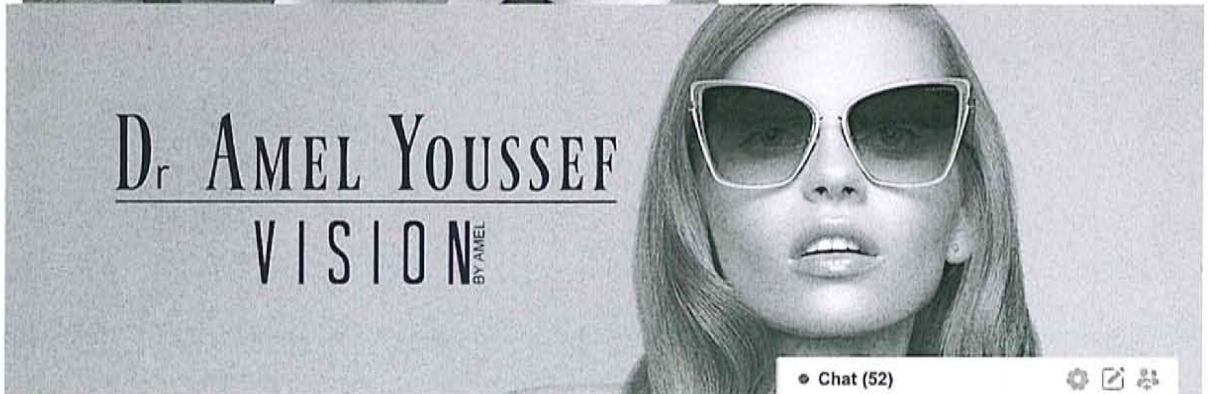
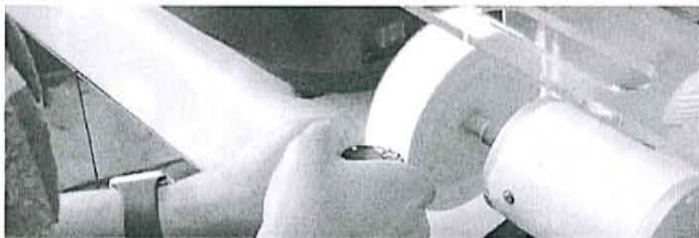


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Vision By Amel shared their video.
November 10, 2017



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May 30, 2017 · 🌐

Specialty eyeglass work done on the premises. Make sure to visit us in @downtownsummerlin #visionbyamel #vision #dramelyoussef #sunglasses #summerlin #lasvegas #sunglasses #eyewear #eyeglasses

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Vision By Amel @visionbyamellv

Vision By Amel shared Best of Las Vegas's post. November 9, 2017 · 🌐

Yayyyyyyyy

Best of Las Vegas November 8, 2017 · 🌐

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604 winners in 227 categories inside your Las Vegas Review-Journal! Coming November 12!



THE WINNERS ARE IN! BEST OF LAS VEGAS 2017! MAGAZINE

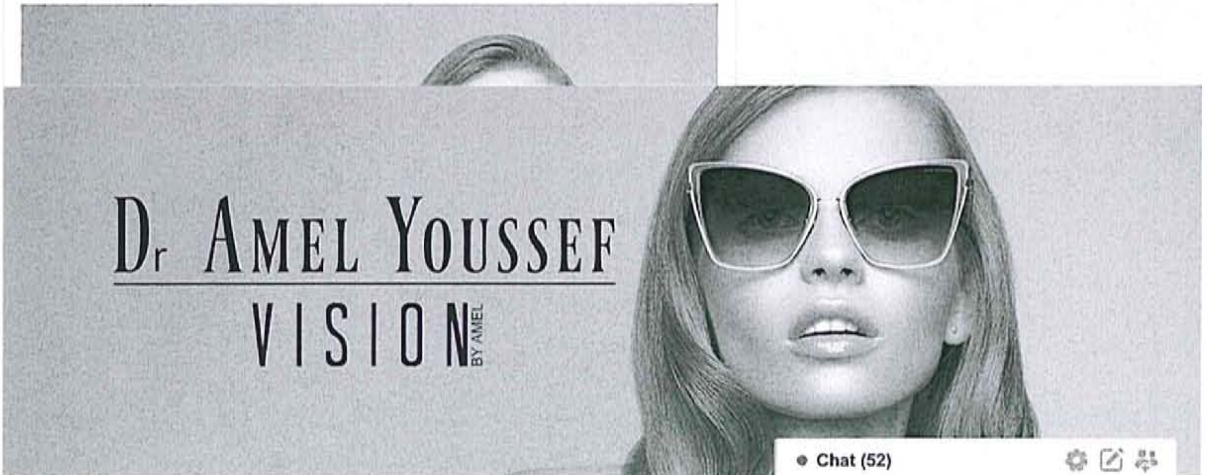
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CHECKOUT.REVIEWJOURNAL.COM

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Vision By Amel November 8, 2017 · 🌐



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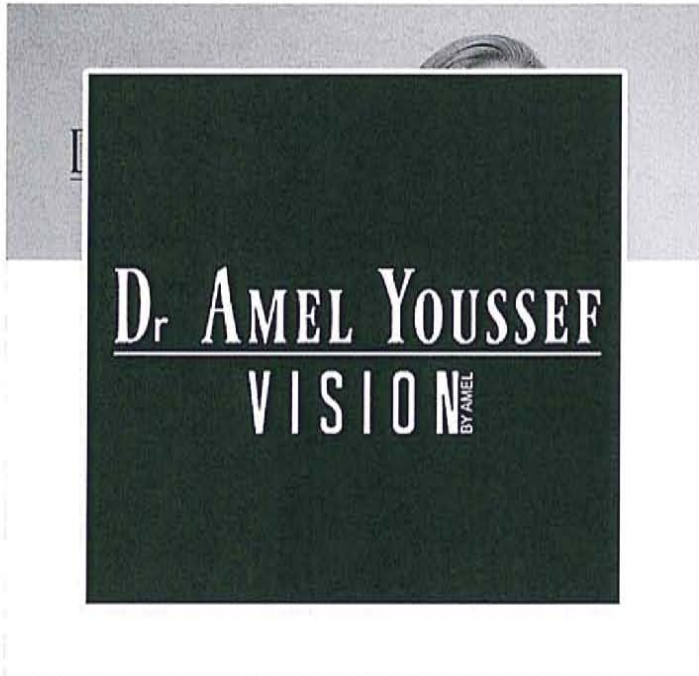
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Vision By Amel updated their profile picture. November 8, 2017 ·



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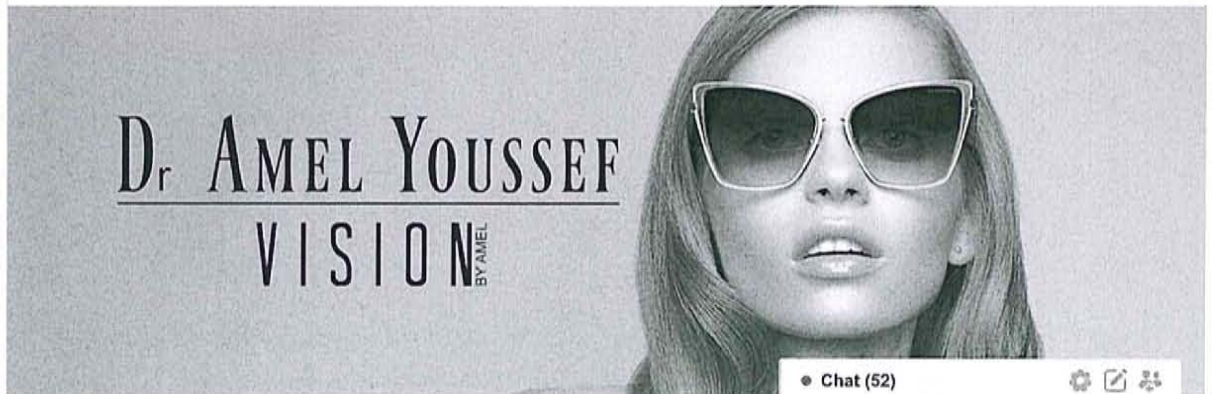
Comment on this photo...

Vision By Amel October 18, 2017 ·

Thank You So Much Summerlin!!!!!! For voting us Best Doctor in Summerlin. I am beyond grateful for all the love and support we have received! Thank you to all my patients and new patients for entrusting us with your eye care needs!

Visit us in Downtown Summerlin

Thank you so much Summerlin... See More



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2017 Best of Summerlin Winners | Las Vegas, Nevada



2017 Best of Summerlin Winn Nevada

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Vision By Amel is at Vision By Amel.

October 7, 2017 · Las Vegas ·

Prive Eyewear is now available at Vision By Amel. Visit us in Downtown Summerlin to view the entire collection #VisionByAmel #Prive #priverevaux #Eyewear #Sunglasses #LasVegas #Vision



24 Views

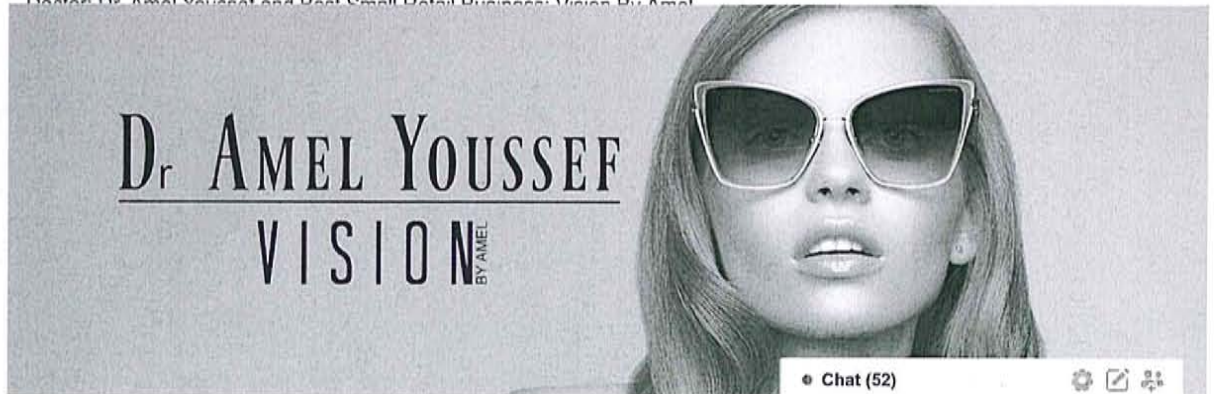
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Vision By Amel

September 20, 2017 ·

Please vote for us for Best of Summerlin in the following categories. Best Doctor: Dr. Amel Youssef and Best Small Retail Business: Vision By Amel



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@visionbyamellv

FOR US!

BEST OF SUMMERLIN
NOMINATIONS 2017

BEST DOCTOR
Dr Amel Youssef

BEST SMALL RETAIL BUSINESS
Vision By Amel

VISION BY AMEL

2010 Festival Plaza Drive #195
Las Vegas, NV 89135
702.858.4362
www.VisionDTS.com

TOP DOCTOR 2017

WINNER BEST LAS VEGAS GOLD
Las Vegas Review-Journal 2016
BestOfLasVegas.com

<http://summerlin.com/2017-best-of-summerlin-vote-now>

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Vision By Amel is at Vision By Amel.
September 17, 2017 · Las Vegas ·

We have been nominated for Best of Summerlin! Please vote for us in the following categories: "Best Doctor" Dr Amel Youssef, OD and "Best Small Retail Business" Vision By Amel. We appreciate all your love and support throughout the years. Thank you Las Vegas & Summerlin!

<http://summerlin.com/2017-best-of-summerlin-vote-now>

Dr. AMEL YOUSSEF

VISION BY AMEL

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@visionbyamelv




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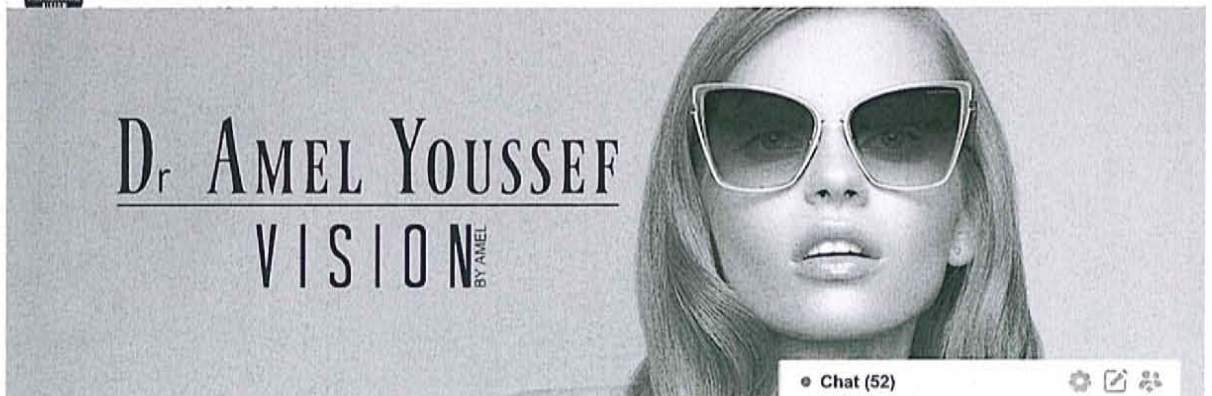
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 D Thomas Martinez I vote fricken hot
Like · Reply · 26w

 Christopher Kovach A hot cougar (^_^)
Like · Reply · 26w

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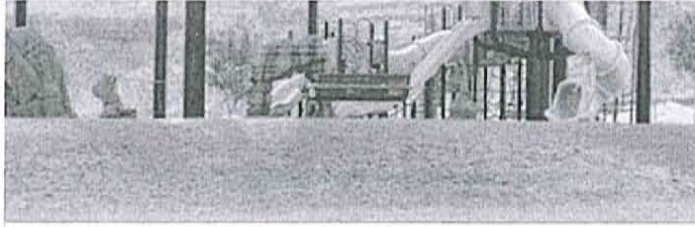


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2016 Best of Summerlin Nominations | Las Vegas, Nevada

We offers so many great places to eat, play, relax and more but there are those places that are just a notch above the rest. You decide Best of Summerlin 2016
SUMMERLIN.COM

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Vision By Amel shared their post.

September 12, 2017 ·

Patients & Followers get your last vote in for the day! Today is the last day to vote. I want to THANK YOU for all the love and support you have shown me thoughtout this campaign. I truly appreciate it from the bottom of my heart. Love Dr. Amel Youssef! #BOLV #BestOfLasVegas

Dr. AMEL YOUSSEF

VISION BY AMEL



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@visionbyamellv

BEST of LAS VEGAS
Las Vegas Review-Journal 2017
BestofLasVegas.com

VOTE FOR US!

BEST EYE CARE EYE DOCTOR EYEWEAR SHOP

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702.858.4362
WWW.VISIONDTS.COM

Vision By Amel
September 6, 2017 · 🌐

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Patients & Friends, please click on the link below to vote for us. It will take you directly to our categories and just click submit! I really do appreciate all...
See More

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Vision By Amel
September 6, 2017 · 🌐

Patients & Friends, please click on the link below to vote for us. It will take you directly to our categories and just click submit! I really do appreciate all the love and support....Love Dr. Amel Youssef

<https://www.research.net/r/VisionbyAmel>

#BestOfLasVegas #LasVegas #BOLV #EyeCare #EyeDoctor #Vision #Sunglasses #DowntownSummerIn

Dr. AMEL YOUSSEF
VISION BY AMEL

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BEST of LAS VEGAS
Las Vegas Review-Journal 2017
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3 Top Comments

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Jessica Macht Love that you can vote daily!!
Like · Reply · 29w

Jessica Macht Voted again! ✓
Like · Reply · 29w

Vision By Amel
September 5, 2017 ·

Best Of Las Vegas!!! Voting is now easier! Click on the link below and it will

Dr. AMEL YOUSSEF
VISION BY AMEL

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1 Chronological

Jessica Macht Best Eye Care Doctor ever! 1
Like · Reply · 30w

Vision By Amel Thank you so much Jessica!!! 1
Like · Reply · 30w

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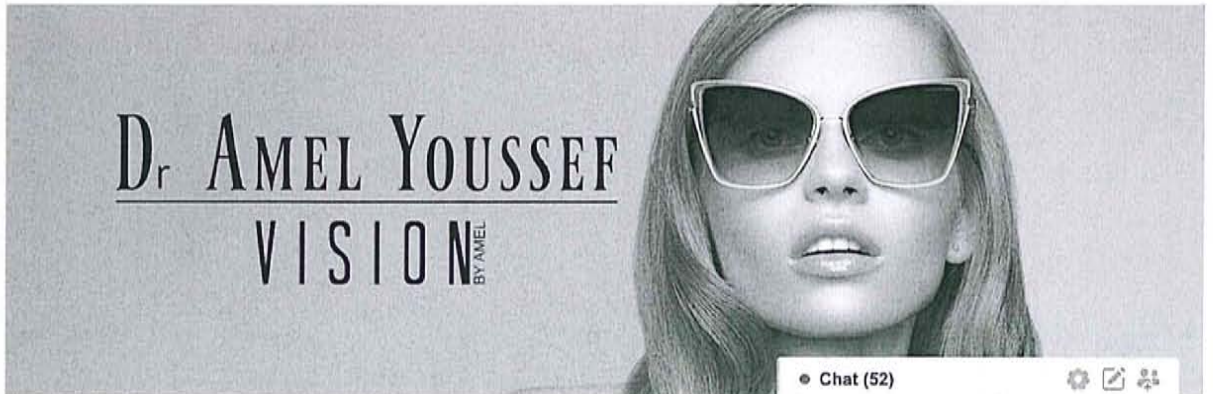
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Vision By Amel
September 5, 2017 ·

Best Of Las Vegas!!! Voting is now easier! Click on the link below and it will take you directly to the categories we are nominated for! Thank you for the votes!

<http://votebestoflasvegas.com/visionbyamel>

#BOLV #BestOfLasVegas #DrAmelYoussef #VisionByAmel #LasVegas
#DowntownSummerlin



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5 Shares

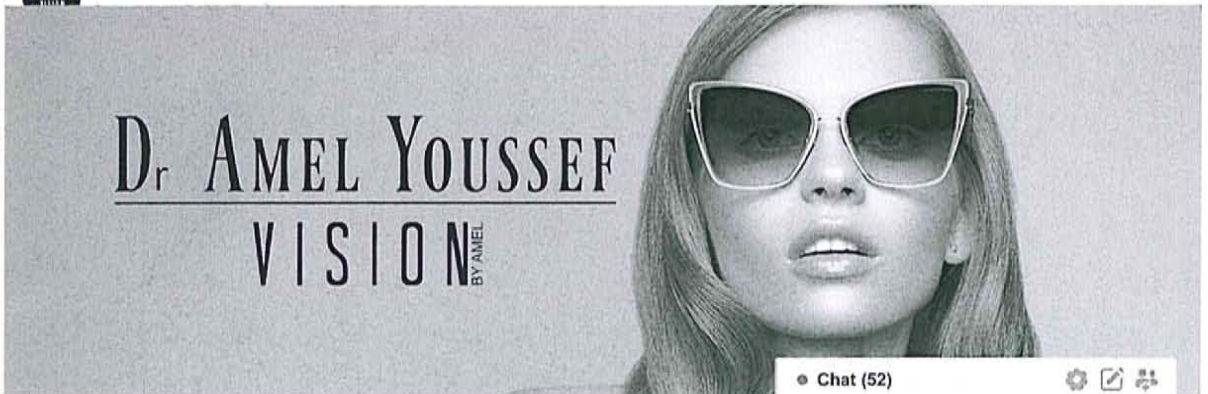
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Jeff Ranowel Stern
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Herbie Begay Gorgeous beauty
Like · Reply · 29w

Comment on this photo... [emojis]

Vision By Amel



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Vision By Amel
August 31, 2017 · 🌐

We are extremely honored that we are nominated this year again for Best of Las Vegas! Please vote for us under the following categories:
Health & Beauty:
Best Eye Care / Eye Doctor
Shopping:
Best Eyewear Shop... See More



2.5K Views

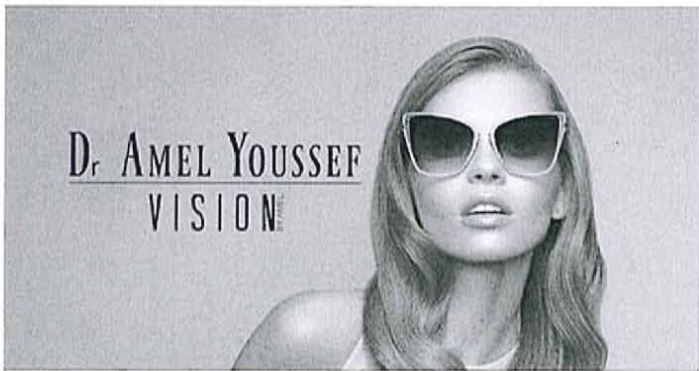
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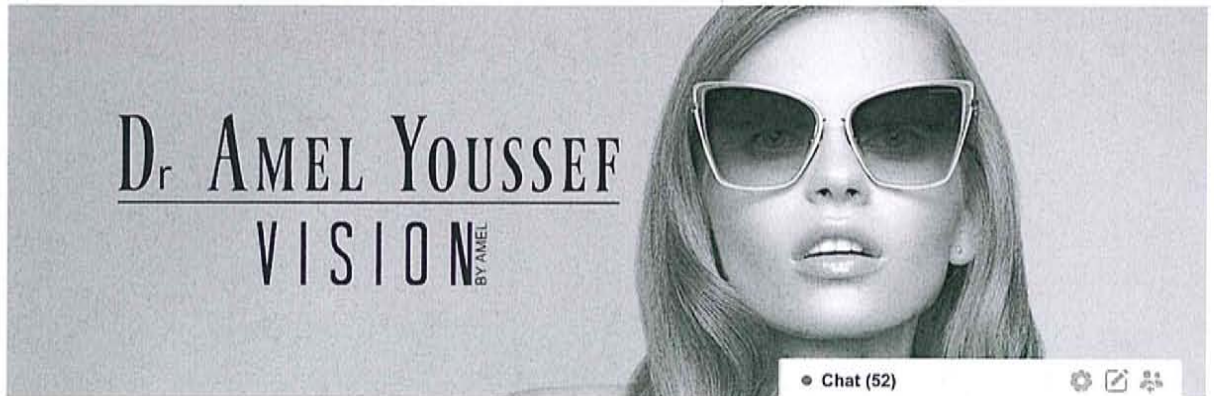
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Vision By Amel
August 19, 2017 · 🌐



Vision By Amel updated their address.



Chat (52)



Vision By Amel
@visionbyameliv

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Taste of Preakness 2017

On Saturday, May 20, 2017 from 1 p.m. to 4 p.m., Downtown Summerlin and Luxury Las Vegas magazine hosted "Taste of Preakness", a sip and taste soiree celebra...

YOUTUBE.COM

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Vision By Amel

August 12, 2017 ·

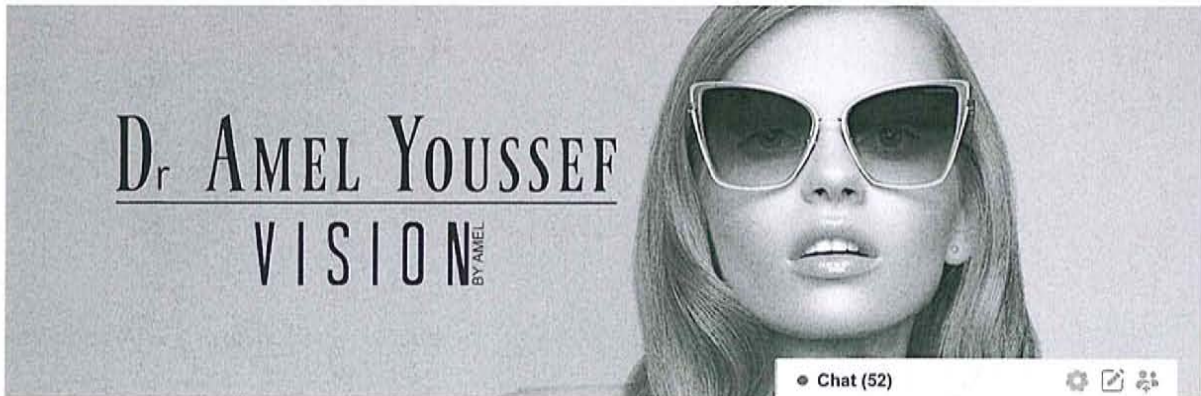
Come visit our table in Downtown Summerlin today from 10am - 4pm. We are giving away goodie bags for the kids. We are also giving away \$75 gift cards for any appointment made. We are having Free Back To School Vision Screening! #VisionByAmel #DownTownSummerlin



26 Views

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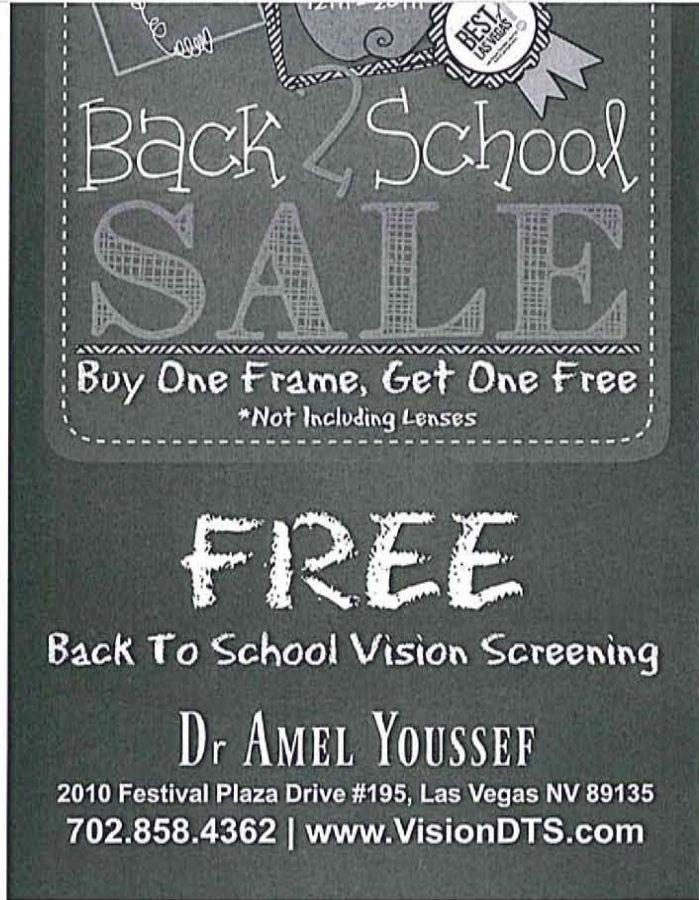
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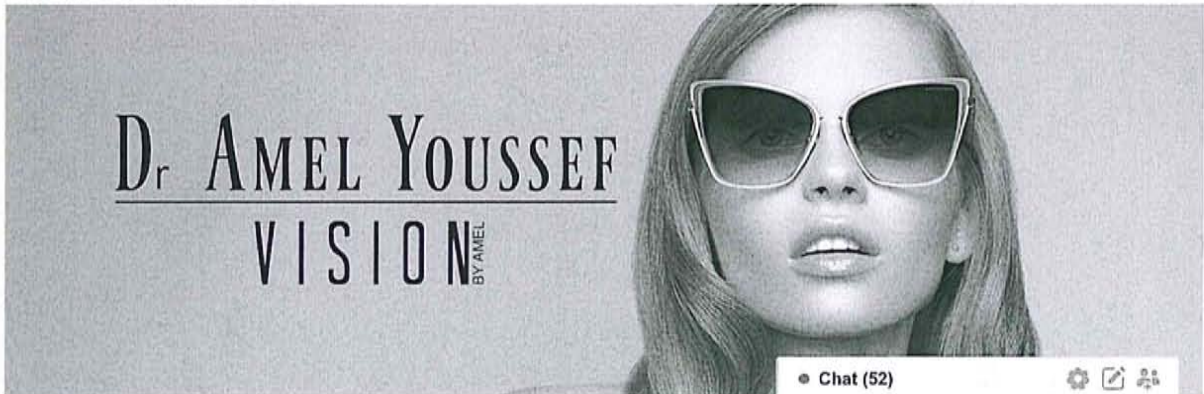
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Vision By Amel is at Vision By Amel.
August 6, 2017 · Las Vegas ·

Visit our booth this Saturday August 12th from 10am - 4pm at The Cox's Back to School Event in Downtown Summerlin. Take advantage of our Back to School Special "Buy One Frame, Get One Free" Adult/Kids Glasses Included. As take advantage of our Free Back to School Vision Screening. We will also be giving away lots of school supply treats and bubbles for the kids. (While Supplies Last) See you there!!!! #backtoschool #lasvegas #summerlin #downtownsummerlin #dramelyoussef #visionbyamel #glasses #sunglasses #vision #eyewear



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BACK TO SCHOOL

August 12th - 20th

Buy One Frame
Get One Free
*Not including lenses

FREE
Back to School
Vision Screening

VISION
BY AMEL

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Vision By Amel
August 2, 2017 ·

Nominations are still open for Best Of Las Vegas.....don't forget to Vote For Us when voting officially opens! #BOLV #DrAmelYoussef #VisionByAmel #DowntownSummerlin #Eyewear #Sunglasses #LasVegas #Summerlin

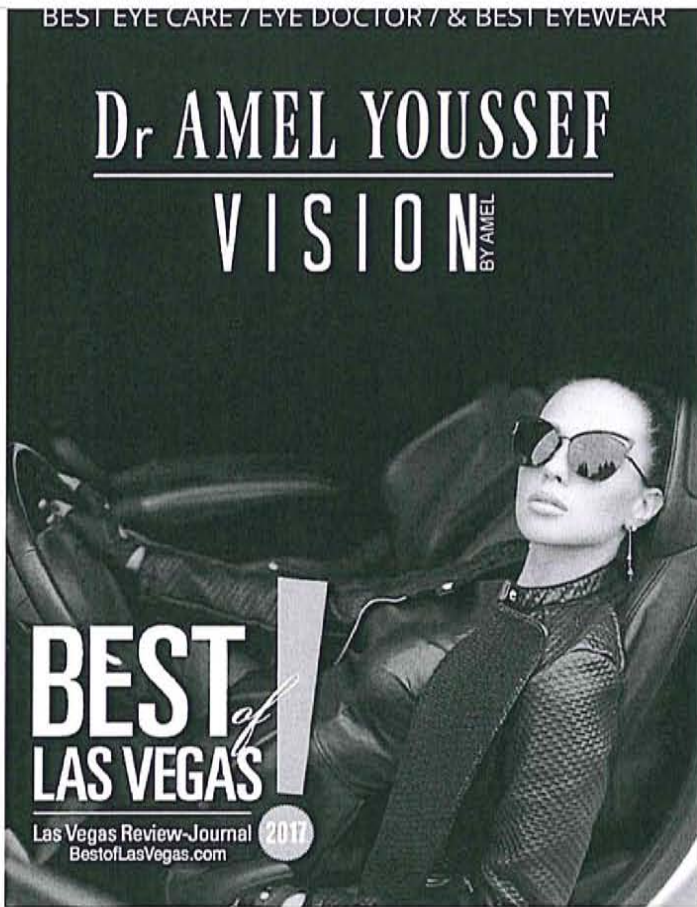
Dr. AMEL YOUSSEF

VISION
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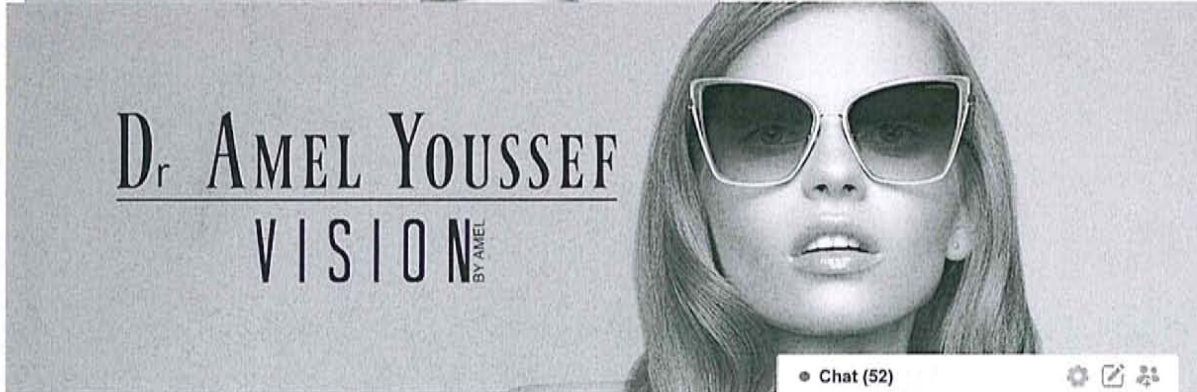
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Vision By Amel July 17, 2017

You can now schedule your appointment online. www.visiondts.com

Visit us in Downtown Summerlin

#lasvegas #summerlin #visionbyamel #DrAmelYoussef #vision #lasik #contacts #sunglasses #eyewear #eyeglasses #glasses



About See All



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www.research.net/r/VisionbyAmel

Optometrist · Optician

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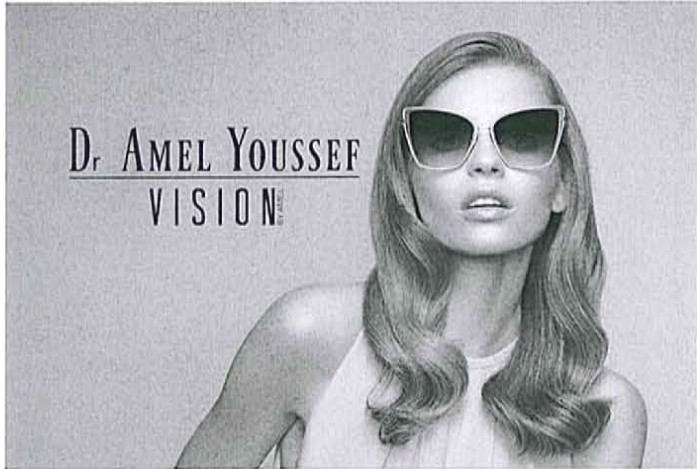
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Vision By Amel updated their cover photo. July 17, 2017 ·



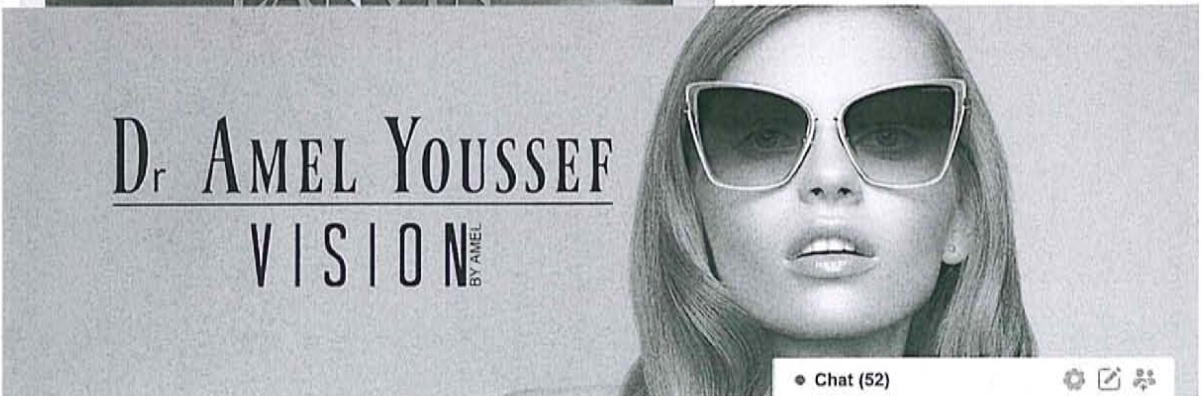
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Vision By Amel July 10, 2017 ·

Lanvin now available at Vision By Amel located in Downtown Summerlin #lanvin #vision #eyewear #sunglasses #lasvegas #summerlin #downtownsummerlin



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#lasveags

A promotional graphic for Vision By Amel. At the top is a white star. Below it, the text reads "4TH OF JULY" in large, bold, outlined letters, followed by "JULY 1ST - 4TH" in smaller outlined letters. The main offer is "50% OFF SUNGLASSES" in very large, bold, outlined letters. Below this, in smaller text, it says "50% OFF SALE OR GIFT CARD CANNOT BE COMBINED WITH INSURANCE" and "\$75 GIFT CARD WHEN YOU DOWNLOAD OUR APP". There is an "Available on the App Store" logo. At the bottom, the store name "Dr. AMEL YOUSSEF VISION BY AMEL" is on the left, and the address "2010 FESTIVAL PLAZA DRIVE #195 LAS VEGAS, NV 89135" and phone number "702.858.4362" are on the right.

Vision By Amel @visionbyamellv

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Vision By Amel is at Vision By Amel. June 27, 2017

National Sunglasses Day at Vision By Amel. All Sunglasses are 35% TODAY ONLY. Visit us in Downtown Summerlin #nationalsunglassesday

A promotional graphic for Vision By Amel. On the left, the text reads "Dr. AMEL YOUSSEF VISION BY AMEL" in a serif font. On the right is a close-up photograph of a woman with long blonde hair wearing large, dark sunglasses.

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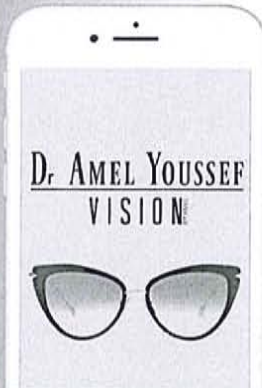


Vision By Amel is at Vision By Amel.
June 23, 2017 ·

Download the Vision By Amel App and receive a \$75 Gift Card good at Vision By Amel in Downtown Summerlin #giftcard #visionbyamel #vision #lasikeyesurgery #sunglasses #eyewear #contacts #dramelyoussef

Dr. AMEL YOUSSEF VISION BY AMEL

LUXURY EYEWEAR | SUNGLASSES | CONTACTS | LASIK*



**DOWNLOAD OUR
APP TODAY!**

& RECEIVE A \$75
GIFT CARD GOOD AT
VISION BY AMEL
(gift card will be given at store)



Dr. AMEL YOUSSEF VISION BY AMEL



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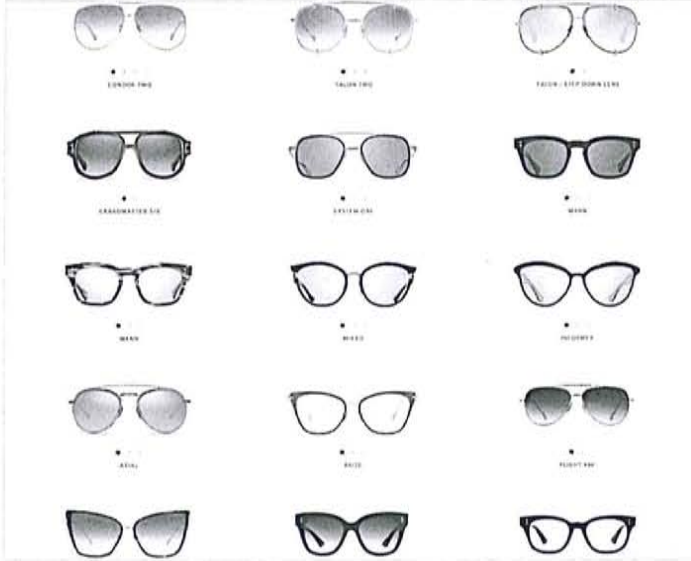
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Vision By Amel
June 20, 2017 · 🌐

DITA EYEWEAR is available at Vision By Amel in Downtown Summerlin
#vision #eyewear #ditaeyewear #sunglasses #lasvegas #visionbyamel #dramelyoussef



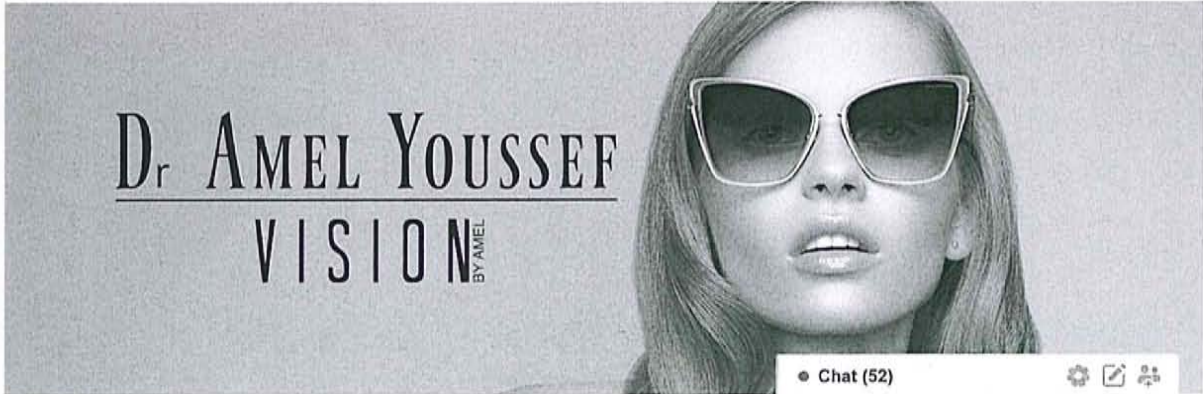
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Vision By Amel added 2 new photos — at Vision By Amel.
June 19, 2017 · Las Vegas · 🌐

Dita now available at Vision By Amel in Downtown Summerlin #dita
#visionbyamel #dramelyoussef #lasvegas #summerlin #eyewear
#sunglasses #contacts #asiksurgery #lasikeyesurgery



Chat (52) ⚙️ 📧 🗿

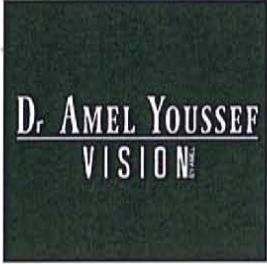
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Vision By Amel



Father's Day BOGO Sale going on now at Vision By Amel. Buy one for Dad, and get second full pair half off for You. Visit us in Downtown Summerlin #visionbyamel #downtownsummerlin #lasvegas #father #dad #fathersday #vision #sunglasses

BOGO
BUY ONE GET ONE FREE

FATHER'S DAY SALE

Dr. AMEL YOUSSEF
VISION BY AMEL

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LAS VEGAS, NV 89135

WINNER
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BUY ONE, AND GET SECOND FULL PAIR HALF OFF. PLEASE SEE STORE ASSOCIATE FOR DETAILS

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VISION BY AMEL

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WINNER BEST LAS VEGAS GOLD
Las Vegas Review-Journal
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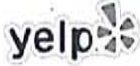
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Find tacos, cheap dinner, Max's

Near Delray Beach, FL

Restaurants Nightlife Home Services Write a Review Events Talk Log In



Vision By Amel Claimed

31 reviews [Details](#)




\$\$ · Optometrists, Eyewear & Opticians [Edit](#)



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-  "Her office girl, Giovanna is the SWEETEST and most helpful receptionist ever!" in 2 reviews
-  "Dr. Youssef is extremely professional, down-to-earth, and knowledgeable." in 2 reviews
-  "They did her eye exam right there and because her script is very common, the guy was able to cut her glasses immediately." in 2 reviews

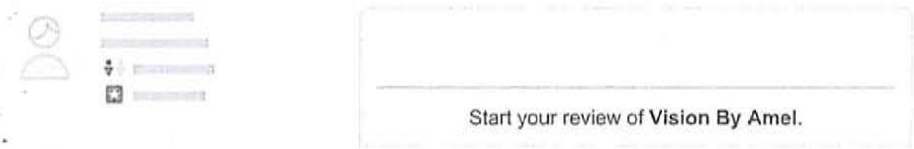
Ask the Community

Yelp users haven't asked any questions yet about Vision By Amel.

Recommended Reviews for Vision By Amel

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. [Learn more.](#)

Search within the reviews Sort by **Yelp Sort** Language **English (31)**



Start your review of Vision By Amel.



Byron B.
Las Vegas, NV
0 friends
1 review

2/3/2018

My experience with the Dr was great. Getting my glasses was even better. This fine a** Sicilian girl Jen? helped me. Believe me shes worth the trip. I can see her better now too lol.

Today 10:00 am - 9:00 pm **Open now**

Price range **Moderate**



Only 12 days left to file your taxes.

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Hours
By appointment only

Mon	10:00 am - 9:00 pm
Tue	10:00 am - 9:00 pm
Wed	10:00 am - 9:00 pm Open now
Thu	10:00 am - 9:00 pm
Fri	10:00 am - 9:00 pm
Sat	10:00 am - 9:00 pm
Sun	11:00 am - 7:00 pm

[Edit business info](#)

More business info

Accepts Credit Cards **Yes**
Bike Parking **Yes**



Erin L. Henderson, NV
49 friends
12 reviews
2 photos

12/28/2017 · Updated review

I'm only giving them a star because Dr. Amel got us in right away (we were walk-ins). We were told they were having a special for \$53 appointments, so my husband and I decided to get our eyes checked because we both needed them done. Then with the appointment we'd get a \$100 credit towards a pair of glasses - ever better! Too good to be true! YEP.

We went in on a Saturday and was told since my prescription was really strong they'd need to order my lenses and my husbands they had in stock. They told us the both of them would be ready on Tuesday or Wednesday of next week. AWESOME! Not too bad.

Tuesday comes - talk with Tiffany who advised me that they weren't ready yet, but would text her co-worker to get an ETA. No call back!

Wednesday comes along - I call again. Talked with Tiffany. Not ready! I was like ok well we were told otherwise. Whatever. Then she tells me it would take 5-7 business days to get my lenses in. REALLY? Well I wasn't told that at first???? Ok, whatever. My husbands wasn't done either

NEXT Tuesday comes along and I call again. AGAIN spoke with Tiffany. Who said my husbands was ready but she'd have to get ahold of her co worker to find out the ETA (AGAIN) and call me back. Ok, another call back I didn't get a call back after a few hours so I called back again and she told me she still hasn't talked to her Co worker. We just decided whatever we will pick up my husbands glasses tonight and find out if they found out anything about mine.

Get there to pick up husbands glasses. I ask and the lady said "oh yeah, we're picking yours up tonight! They should be ready tomorrow morning" ok awesome!!! NOT!!!!

I try calling today. Phone disconnected me, try calling back went to voicemail. Call back again a few hours later, Tiffany answers and I say hello and my name and immediately CLICK. Like she hung up on me?!!

I asked my husband to call later for me because I am probably overdoing it by calling so much. But wouldn't you if you got the run around so much and lied to???

Here's the kicker - my husband calls and speaks to the gentlemen who advised him it takes up to TWO WEEKS to get my lenses in! What?!? If I was told this in the first place it wouldn't have been a huge deal but i was given the run around and lied to.

So I went to pick up my glasses and the frames were cracked. I asked for a refund. They gave me my refund no problem. I really wanted to like this place! The doctor was super awesome and friendly.

By Appointment Only **Yes**

Accepts Insurance **Yes**

Bhushan A.
First to review

From the business

Lasik*, Eyeglasses, Sunglasses, Contacts, Luxury Eye wear, Eye Exams, Pediatric & Adult Eye Exams

Learn more about Vision By Amel

You might also consider

People also viewed

Amel Youssef, OD
7 reviews

iFocus Vision Center
75 reviews
Dr. Velasco and her staff are very friendly and caring!!

Visionworks
35 reviews
I will definitely be coming back for annual eye exam.

Other places nearby

Find more Eyewear & Opticians near Vision By Amel

Find more Optometrists near Vision By Amel

Browse nearby

- Restaurants
- Nightlife
- Shopping
- ... Show all

Near Me

Eye Doctor Near Me

12/27/2017 · Previous review

I'm only giving them a star because Dr. Amel got us in right away (we were walk-ins). We were told... Read more



Barbara O.
Las Vegas, NV
17 friends
49 reviews
16 photos

3/15/2018

This was my first time coming here. The doctor was ok but the front of the house is horrible. I needed contacts and they ordered me a trial and they were the wrong script. Called them to let them know and had to call back three times, mind you talking with three different people. Once I got them no one called me to see if the script was right or not. It seems the doc is more interested in her friends and high powered clients!



Echo B.
Las Vegas, NV
157 friends
135 reviews
341 photos
Elite '18

7/19/2017

1 check-in

I was sent here after I got my lasik done because they partner with the Lasik Vision Institute. It's been 2 years of coming here for my annual exams to make sure everything is still good. There are a few things that I like here and a few things that I don't.

What I like:

The staff is super nice and helpful. The Dr knows her stuff and can answer any questions you may have. They're welcoming and friendly. The place is small and clean.

What I don't like:

They tend to cancel my appointments and make me reschedule them last minute, like the day before. If I'm taking off work for an appt, I expect to go to my appt, not have to reschedule for another day where I have to take another day off. Then they book a couple people for the same time so you have to wait to be seen by the Dr. Since I have insurance and don't need contacts or glasses anymore, I can't say anything about their pricing for any of that.



Stacey G.
Las Vegas, NV
51 friends
20 reviews

2/22/2018 · Updated review

Went in to check out sunglasses and was not acknowledged. I had my service dog with me so I'm sure they'll remember me. Well, apparently they had 'just sold the last pair' of Maui Jim's, so they couldn't assist me. Well, I went to Dillard's and dropped over \$500 on 2 pair of sunglasses: I hope that Amel can appreciate that my money goes where I'm treated well. And it won't be going to your store.

2/20/2018 · Previous review

Went in to check out sunglasses and was not acknowledged. I had my service dog with me so I'm sure... Read more



Julie L.
Rancho Cucamonga, CA

23 friends
30 reviews
3 photos

12/16/2017

I was able to walk in on a Saturday morning and have the best experience with the eye doctor that I've ever had. I suffer terribly with dry eyes and she was quick to make a plan to put me on the path of making tears! She was friendly and professional, her staff was also. Her office is beautiful and very welcoming. She wants to see me the next time I'm in town and hopefully when she see me again my eyes will be 100% happier and not so dry. Thank you so much.



Michael T.
Las Vegas, NV

37 friends
60 reviews
20 photos

12/15/2017

I have had nothing but an amazing experience with this company, they're always super friendly and informative. The doctor is one of the best i have ever seen and always got me right in. Keep up the good work im super happy with my vison



Nachan S.
Las Vegas, NV

48 friends
18 reviews
1 photo

2/20/2018

I know there are some bad reviews on this place, but I had a really great experience with them! Dr. Amel was so nice and professional and the assistant, Tiffany was super nice, too. Thank you for everything!



Jessica L.
Las Vegas, NV

0 friends
7 reviews

8/5/2017

I got my eye exam here! GROUPON sent me here. It was time for me to get an eye exam. Let me tell you the staff was very helpful and greeted me once I walked in! I waited about 15 mins after my appointment time, but it was worth it! Dr.Youssef was such a doll! She explained to me how contacts worked since it was my first time wearing contacts. She explained how to put it on and even put a video for me on the iPad. She even checked up after on me to see how I was doing. I will be coming back here!

OH YEAH she has great Sunnies for women! Love Love Love it!!!



Ashley E.
Oakland, CA
249 friends
10 reviews
3 photos

10/3/2017

Booked appt here for advertised special- eye exam and 6mo contact lenses for \$112. I verify the price and what is included over the phone when booking. Arrive today and after filling out my paperwork I'm told there's an additional \$65 fee to fit the contacts. Really shady marketing practice. Advertise a great deal, then slap the client with additional fees when they get there and more or less force them to at way more than what was advertised. What a waste of my time.



Ashleen P.
Henderson, NV
12 friends
99 reviews
56 photos

7/18/2017

I'm giving this place 3 star only because I purchased a deal on groupon for eye exam and contacts for 6 months. Once you get here there are some hidden fee charges that you don't know about. I ended up paying \$70 more on top of my Groupon deal. The contacts almost took a month to arrive!! Not sure why it takes so long to ship. I've been wearing contacts for almost 15 years now and not once waited a month for contacts to arrive! Other than that the staffs are friendly but I don't know if I would order contacts from here again.



Roni H.
Las Vegas, NV
127 friends
22 reviews

5/13/2017

Extremely disappointed. I got a phone call 30 minutes before my appointment to re schedule my visit. I couldn't re schedule because of work being done at our house, and my husbands work schedule on top of having my infant son.

I originally booked a appointment for a Monday, I changed it the same exact day to Saturday. I received a absurd amount of text messages for my newly confirmed appointment that I confirmed via text and then phone calls. The day of my appointment I received a phone call and text for the Monday appointment that I cancelled. I called 1 1/2 hours before my appointment to let them know that "Monday" appointment was cancelled they assured me they knew and it was done by mistake.

Then I received a phone call 30 minutes before to cancel my appointment. When I said I can not reschedule the staff said "we are sorry" and then silence. That clearly left me with no option but to cancel. It's really unfortunate. After reading the reviews I'm glad this all happened, probably saved me a huge headache.

SUGGESTION: have better customer service, train your staff, have your schedule more clear, finally realize the clients you are treating poor are the ones keeping your establishment open and essentially giving you all a pay check.



Asia V.
Las Vegas, NV
169 friends
9 reviews

★★★★★ 2/1/2017

I was a little apprehensive to check this place out due to poor Yelp reviews but I did not experience any of that. I have nothing but good things to say about Dr. Youssef and her staff. I purchased a Groupon for an eye exam and credit towards glasses, and got my prescription and new pair of glasses at a very reasonable price 2 days later. 5 stars from a very satisfied customer!



Steve S.
Las Vegas, NV

2 friends
3 reviews
6 photos

★★★★★ 4/4/2017

I had my glasses and eye exam done here about a year ago , everyone was super helpful and friendly.



Sam M.
Southwest, Las Vegas,
NV

75 friends
23 reviews
18 photos

☆☆☆☆☆ 12/6/2016

These guys called me to schedule my yearly check up and seemed eager to get me in , couple weeks after scheduling the appointment, I called to see if I can push the appointment back couple hours. I ended up on hold for 15min while listening to the girl confirming an order on the other line and then having a personal conversation with a friend in the store while I'm on hold and to top that they just hung up on me. Better and much more costumer friendly places in town to waste time or your money here.



Sally A.
Las Vegas, NV

0 friends
50 reviews

☆☆☆☆☆ 4/4/2017

Yes, they have a lovely selection of eyeglass but that is where it stops. The office and billing are a nightmare to deal with. They "accidentally" billed my insurance company for eye surgery which I never had. The only dealings I have had with them included purchasing eyeglasses for which I already had a prescription. The glasses were paid in full when ordered. They have since said I have a \$250 balance due, billed my insurance company for eye surgery and just called me about my Lasik procedure (never had that either). I'm really beginning to think there is some sort of insurance scandal going on here. I have just received a refund check from my insurance company for the non existent surgery and now it my issue to deal with. Major pain in the a**.



Maricela P.
Sunrise, Las Vegas, NV

0 friends
5 reviews
2 photos

☆☆☆☆☆ 7/28/2016

Stay away from this place this is the most unethical optometrist office I have ever been to. They were full of scams from the very beginning! I originally saw there groupon for an eye exam and 6 month supply of contacts which initially I thought was awesome so I called them to confirm because I know most places charge extra for a contact lens exam and sure enough they did but the guy on the phone said it was just at extra \$35 on top of the \$125 form the groupon which is still a great deal so I went ahead and scheduled for 6/11/16. Once I got there everything was fine but sure enough as soon as it was time to check out they tell me I have to pay and extra \$75 for the contact lense exam even though I have a regular no astigmatism prescription on top of that they denied ever telling me it was going to be \$35. At this point I should have probably known they were full of sh**. But I paid and I told them to go ahead

and order my 6 month supply of contacts, it took over a month to revive them and what upset me the most is that when I picked them up it was only a 3 month supply and on top of that they were TRIAL LENSES! Which it clearly says on the box are NOT FOR SALE! These are contacts that Cooper Vision the manufacturer of biofinity gives them for free so that customers can try them. Since I worked for an optometrist office for over 2 years I know exactly what they are doing! Finally nearly two months after my original appointment they had the rest of my order ready and when I picked them up and asked why they are selling me trial lenses when I know is illegal to sell trial lenses the very rude Filipino lady that's calls you sweetie all the times and always promise to return your calls and never does said that they weren't selling them to me that they were "free" which is obviously not true since the groupon clearly says you are purchasing an exam and 6months supply of contacts! I hope the Cooper Vision rep sees this and cuts them off because what they are doing is called stealing and is extremely unethical. This office looks very nice and fancy but stay away it's all smoke and mirrors in reality they are money hungry and unprofessional.



Tasia H.
Seattle, WA

0 friends
2 reviews
1 photo

3/3/2017

Tried to make an appointment with my Groupon. After being told my eye exam would include a contact fitting fee and I would have to pay for it there. So "Giovanna" tries telling me that glasses and contacts are two different exams hmmm well no shit! But I've worn contacts and glasses for 15 years, every year getting a eye exam I have never paid two fees. When you print out a prescription it comes with both exams every time for the around the same fee (\$100-\$120). 15 years and the first time someone has charged me to "fit" my contacts. So for this eye exam (at full price) it's going to be \$100 plus a contact fitting fee. After I try to explain to her that no other offices out here are doing that so maybe your extra fee is bullshit. So guess what she did... instead of offering a supervisor she HUNG UP on me. Thankfully she answered the phone when I called back to get her name and leave a message with the manager.

How hurt are you when your trying to make fees up. Thankfully I can return the Groupon and add onto the low ass star rating this place has...

No wonder you guys need to make Groupon. Good thing I didn't go these are my freaking eyes and this wack jobs don't even know something as little as customer service I don't need to leave more blind.



Jami H.
Las Vegas, NV

305 friends
18 reviews

1/23/2017

If I could give zero stars I would. The most unprofessional experience I have ever had. First off, I waited 30 minutes after my appointment to see her. When I mentioned this to the front desk they put me in front of someone that had been waiting longer, really? While I was having my eye exam we were repeatedly interrupted by staff coming in to ask her questions about other clients. They actually talked about obvious problems with clients in front of me during my eye exam. I left feeling that the situation was unbelievably inappropriate. When I picked up my contacts a couple weeks later they handed me a plastic bag with loose contacts. When I questioned why the contacts were not in their original packaging the front desk girl said that that is how the contact company sends them. I'm sorry, I've been getting contacts for about 15 years, not one time was I ever given contacts without their original packaging. Fail, Amel you should be embarrassed and you have no business holding the responsibility for anyone's vision.



Veronica M.
Las Vegas, NV
2 friends
28 reviews
39 photos

4/19/2017

1 check-in

Dr. Amel is very caring! She's smart and very thorough. Her office girl, Giovanna is the SWEETEST and most helpful receptionist ever! She's extremely patient, resourceful, and brings a beautiful atmosphere to the office with her personality. Sometimes in other offices it feels uncomfortable to try on a lot of glasses but not here! Giovanna was very helpful in trying to make sure my dad got the frames he wanted. Love this place!

10 other reviews that are not currently recommended

Best of Yelp Las Vegas – Optometrists



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Other Eyewear & Opticians Nearby

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
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Schedule An Appointment

TO SCHEDULE AN EYE EXAM OR CONTACT LENS FITTING WITH DR. AMEL YOUSSEF, JUST CLICK ON THE LINK BELOW,

You can schedule one for you and your family in just a few minutes.

Annual eye exams not only keep your prescription up to date, they help detect early signs of eye conditions and health issues like diabetes and high blood pressure.

[Schedule Appointment Here](#)

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Dr. Amel Youssef

Dr. Amel Youssef and her staff are dedicated to providing a community-driven, family friendly eye care practice

Dr. Youssef has built one of the most successful optometry practices in Las Vegas by offering a wide range of eye care services and personalized attention for each individual patient. Our Downtown Summerlin location is the largest of its kind in the Las Vegas area, providing our patients with a full LASIK facility, thousands of name brand contact lenses in stock for same-day fittings, and all of the top designer frames.

With our online appointment scheduling, our contact lens and eyewear home delivery, and 24

Agenda Item

2. B

March 30, 2018

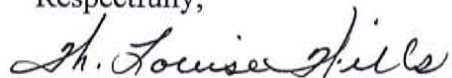
Caren Jenkins
Executive Director
NV State Board of Optometry
P O Box 1824
Carson City, NV 89702

RE: REQUESTED UPDATE

Enclosed you will find the report on the actions taken so far by the doctor.
Not being sure if board members needed a copy I have enclosed 7 copies of the report.

If anything else is required please email me at nneyecare@gmail.com or call me on my cell at 775-304-9656.

Respectfully,



W. Louise Wills

RECEIVED
APR 05 2018

March 30, 2018 TO WHOM IT MAY CONCERN

RE: Requested Update

To date the following actions have been completed or are in progress.

Signs on doors of Winnemucca office and Lovelock office.

Winnemucca office- This office closed June 28, 2017 and a sign was put on the door at that time notifying patients of the move and requesting they call the Lovelock office at the number that was active at the time.

Lovelock office-A sign was posted on the door in January. We were out of the office February 7, 2017. The owner of the building would not let the sign be posted on the door after that date.

Forwarding phone number

AT&T would not forward the phone calls from Lovelock office phone to the current phone number because the current phone is not an AT&T phone but a Verizon phone. The only way they would do the forward is if the phone in Lovelock was kept active. This could not be done because the line was shut off after our move.

Web site notification

There has been no access to the web site and the information concerning it has not been found. The person who was office manager has not responded with the information to date.

Newspaper ads

Ads were placed on February 28 ,2017 placed in 3 newspapers .Areas covered were Winnemucca, Battle Mountain, Rye Patch and Lovelock.

The ad read:

NORTHERN NEVADA EYECARE Sadly after 20 years has closed due to health issues. Patients can contact Dr. Bela Svoboda O.D. at 775-625-0924 or Fanny Chan at 775-356-3937. Patients may also send email to nneyecare@gmail.com . Thank you for understanding

Patients records

DR. Bengoa O.D. request for patients records. All requests are current. That office receives their request within 24 to 48 hours.

Order sent

All complaints

All patients request

All others are been copied and sent or are in the process.

Returns

Post office forwards if they have forwarding address.

Respectfully

A handwritten signature in black ink, appearing to read 'B. Svoboda', with a stylized flourish at the end.

Bela Svoboda O.D.

Agenda Item

2. C

NEVADA STATE BOARD OF OPTOMETRY



CHEN K. YOUNG, O.D.
Board President

MARIAH SMITH, O.D.
Board Member

Post Office Box 1824
Carson City, Nevada 89702
Telephone: (775) 883-8367
Facsimile: (775) 305-0105

CAREN C. JENKINS, ESQ.
Executive Director
cjenkins@nvoptometry.org

JEFFREY AUSTIN, O.D.
Board Member

DREW JOHNSON
Public Board Member

April 5, 2018

Dear Dr. O'Brien:

Enclosed you will find a copy of a complaint filed with the Board of Optometry. The Board will consider the complaint at its meeting on April 17, 2018, beginning at 8:30 am at the Hampton Inn Tropicana, 4975 Dean Martin Drive, Las Vegas, NV 89118. The public is invited to attend. **NO TESTIMONY WILL BE TAKEN AT THIS POINT.**

Your identity will be shielded from the Board unless the Board finds that further action is required based on the facts alleged. The Board will make its determination based solely on the Complaint and the redacted version of the materials enclosed with this letter. The unredacted version will be withheld from the Board at this meeting.

The Complaint may be dismissed at the April 17 meeting. However, if the board deems further action is required, an evidentiary hearing will be scheduled and you will be permitted to bring evidence and witnesses on your behalf.

You are invited to submit a response to the Complaint. If you choose to do so, please direct it, in writing, by mail or by email to the address above, Your response must be received by the Board by April 13, 2018.

Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Jenkins", is written over a horizontal line.

Caren C. Jenkins, Esq.
Executive Director

BEFORE THE NEVADA STATE BOARD OF OPTOMETRY

Executive Director
of the
Nevada State Board of Optometry,

Complainant,

CASE NO. 18-16

vs.

OPTOMETRIST 'R,'

COMPLAINT

Respondent.

_____ /

COMES NOW, Caren C. Jenkins, Executive Director of the Nevada State Board of Optometry, and pursuant to NRS 636.295, complains of the above-named respondent as follows:

1. I am the Executive Director of the Board of Optometry of the State of Nevada;
2. Respondent is an optometrist duly licensed in the State of Nevada, having been issued a license by the Board.
3. In March 2018, the State Board of Optometry received a Complaint from a member of the public, alleging that: Respondent's facility violates NAC 636.240 by failing to separate the space in which Respondent practices from that of the retail host. Further the Complaint alleges that the advertising practices of Respondent's company create an advantage in favor of an unlicensed entity in violation of NRS 636.300(2).
4. NRS 636.295 outlines the grounds constituting sufficient cause for disciplinary action by the Board.

5. NRS 636.420 provides that any person who is found to have violated any provision of NRS 636 is liable to the Board for an administrative fine of not less than \$100 or more than \$5000.

IT IS THEREFORE PRAYED THE BOARD FIND

1. The Respondent violated NRS the above mentioned provisions of NRS and NAC Chapters 636; and
2. Respondent should be ordered to pay an administrative fine between \$100 and \$5000.

DATED this 5th day of April, 2018.



NOTICE

You may respond to this complaint by causing the Optometry Board to receive your written response on or before April 13, 2018, either by mail at Post Office Box 1824, Carson City, Nevada 89702 or by email to cjenkins@nvoptometry.org.

The Board will consider this complaint and your response, if any, and determine whether action is warranted at its next regular public meeting scheduled for **Tuesday, April 18, 2018, commencing at 8:30 a.m.** at the Hampton Inn Tropicana, 4975 Dean Martin Drive, Las Vegas, NV 89118. The public is invited to attend. **YOU WILL NOT BE ABLE TO PROVIDE TESTIMONY AT THAT MEETING.**

Your identity will not be disclosed to the Board unless and until the Board finds that further action is required based solely on the facts alleged. Thereafter, if the board deems further action is required, an evidentiary hearing will be scheduled and you will be permitted to bring evidence and witnesses on your behalf.

AFFIDAVIT OF SERVICE

I, _____, on _____, 2018, emailed the foregoing to Respondent at his email address of record:

And placed the foregoing COMPLAINT into the United States mail, first class postage prepaid, and also placed it into the hands of the United States Postal Service by certified mail on the date listed below, both items being addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Date:

Signature

18-16

Anonymous Complaint and Request for Inquiry

March 5, 2018

RE:

To whom it may concern:

There is reason to believe the association between Dr. _____ located at _____ Las Vegas, NV _____ represents the following violations.

1. In violation of NAC 636.240 (3), the facility's floor plan, signage, and general appearance fail to clearly distinguish the space occupied by the Licensee and the space occupied by the unlicensed retail host. The conspicuous lack of separation is confusing to the public and fails to clearly indicate whether Dr. _____ is independent of the host, employed by the host, employed by an unlicensed person or entity, or is employed by another Licensee.
2. _____ career advertisements on the Nevada Optometric Association website offer remuneration generally reserved for employees while failing to identify any Licensee as the prospective employer. The ads call into question the arrangement of any Licensee affiliated with _____ and create an unfair and unlawful competitive advantage in favor of an unlicensed individual or entity and represent a violation of NRS 636.300 (2).

This complaint is respectfully and anonymously submitted in hopes the Board will investigate and take appropriate action to preserve the integrity of Nevada optometric statutes as defined in NRS 636 and NAC 636.

Anonymous

RECEIVED
MAR 13 2018

is looking for ODs to fill state of the art brand new locations in Las Vegas

Currently accepting applications for OD positions in Las Vegas. Each one of these positions provides unique settings that allow optometrists to practice to the full scope of optometry that is allowed by Nevada law. We are seeking highly motivated OD's with comfort in treating anterior segment disorders, Diabetic eye exams, comprehensive eye exams for contact lenses and eyeglasses. We offer a high guaranteed wage plus a generous bonus structure and a very attractive benefits package including Medical, Dental, vacation days, personal days, 6 paid holidays, CE days, 401K plan, Life Insurance, etc. We have a full staff and an Optometric Tech who will do all the Pre-tests for you. All of our offices use BHRs. All of our offices have brand new equipment. All inquiries are confidential. Please call [redacted] O.D. or [redacted] O.D. or email curriculum vitae to [redacted] n. New Graduates Welcome!

is the largest provider of EyeCare in the state of [redacted] and has expanded to Nevada and Florida. Please check out our website at [www.\[redacted\].com](http://www.[redacted].com)

 Collapse

Posted 02/15/2018

Expires 12/31/2018

Contact Information

Contact Name: [redacted], D.

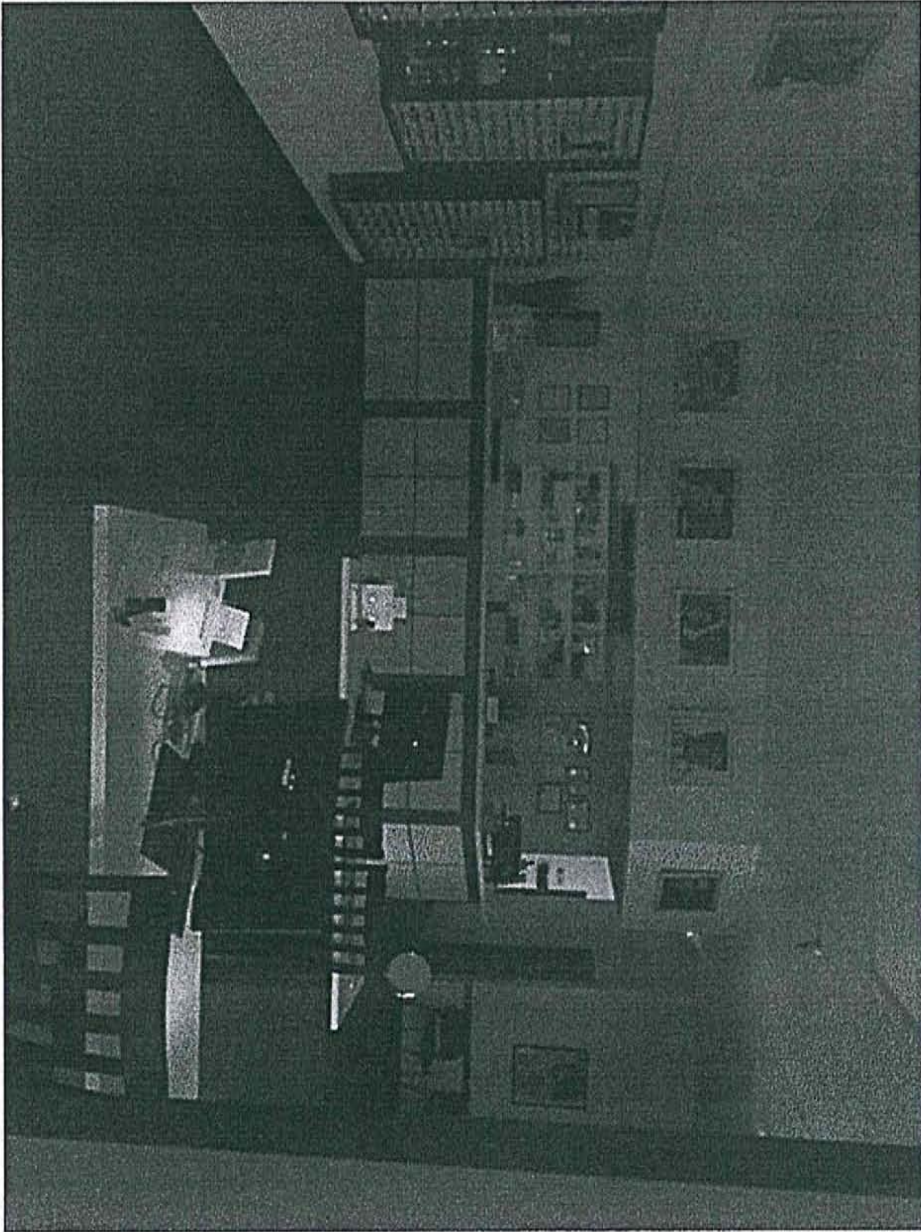
City: Las Vegas

State: NV

Work Phone: [redacted]

Email: [redacted]





Agenda Item

2. D

NEVADA STATE BOARD OF OPTOMETRY



CHEN K. YOUNG, O.D.
Board President

MARIAH SMITH, O.D.
Board Member

Post Office Box 1824
Carson City, Nevada 89702
Telephone: (775) 883-8367
Facsimile: (775) 305-0105

CAREN C. JENKINS, ESQ.
Executive Director
cjenkins@nvoptometry.org

JEFFREY AUSTIN, O.D.
Board Member

DREW JOHNSON
Public Board Member

April 5, 2018

Dear Dr. Brooker:

Enclosed you will find a copy of a complaint filed with the Board of Optometry. The Board will consider the complaint at its meeting on April 17, 2018, beginning at 8:30 am at the Hampton Inn Tropicana, 4975 Dean Martin Drive, Las Vegas, NV 89118. The public is invited to attend. NO TESTIMONY WILL BE TAKEN AT THIS POINT.

Your identity will be shielded from the Board unless the Board finds that further action is required based on the facts alleged. The Board will make its determination based solely on the Complaint and the redacted version of the materials enclosed with this letter. The unredacted version will be withheld from the Board at this meeting.

The Complaint may be dismissed at the April 17 meeting. However, if the board deems further action is required, an evidentiary hearing will be scheduled and you will be permitted to bring evidence and witnesses on your behalf.

You are invited to submit a response to the Complaint. If you choose to do so, please direct it, in writing, by mail or by email to the address above. Your response must be received by the Board by April 13, 2018.

Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Jenkins", is written over the typed name of the Executive Director.

Caren C. Jenkins, Esq.
Executive Director

BEFORE THE NEVADA STATE BOARD OF OPTOMETRY

Executive Director
of the
Nevada State Board of Optometry,

Complainant,

CASE NO. 18-17

vs.

OPTOMETRIST 'S,'

COMPLAINT

Respondent.

_____ /

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1. I am the Executive Director of the Board of Optometry of the State of Nevada;
2. Respondent is an optometrist duly licensed in the State of Nevada, having been issued a license by the Board.
3. In March 2018, the State Board of Optometry received a Complaint referred by the Nevada State Board of Medical Examiners, which it received from a member of the public, alleging that: Respondent falsely claims to be a doctor who "specializes in advanced LASIK surgery treatments", advertises himself as a LASIK surgeon, and provides LASIK services to patients in his practice group. NRS 636.110 through 636.200 regulate advertising by optometrists and may be implicated by the alleged actions of Respondent, particularly NRS 636.210 which prohibits holding oneself out to the public as a specialist.
4. NRS 636.295 outlines the grounds constituting sufficient cause for disciplinary action by the Board.

5. NRS 636.420 provides that any person who is found to have violated any provision of NRS 636 is liable to the Board for an administrative fine of not less than \$100 or more than \$5000.

IT IS THEREFORE PRAYED THE BOARD FIND

1. The Respondent violated the above mentioned provisions of NRS Chapter 636;
and
2. Respondent should be ordered to pay an administrative fine between \$100 and \$5000.

DATED this 5th day of April, 2018.



NOTICE

You may respond to this complaint by causing the Optometry Board **to receive** your written response on or before April 13, 2018, either by mail at Post Office Box 1824, Carson City, Nevada 89702 or by email to cjenkins@nvoptometry.org.

The Board will consider this complaint and your response, if any, and determine whether action is warranted at its next regular public meeting scheduled for **Tuesday, April 18, 2018, commencing at 8:30 a.m.** at the Hampton Inn Tropicana, 4975 Dean Martin Drive, Las Vegas, NV 89118. The public is invited to attend. **YOU WILL NOT BE ABLE TO PROVIDE TESTIMONY AT THAT MEETING.**

Your identity will not be disclosed to the Board unless and until the Board finds that further action is required based solely on the facts alleged. Thereafter, if the board deems further action is required, an evidentiary hearing will be scheduled and you will be permitted to bring evidence and witnesses on your behalf.

AFFIDAVIT OF SERVICE

I, _____, on _____, 2018, emailed the foregoing to Respondent at his email address of record:

And placed the foregoing COMPLAINT into the United States mail, first class postage prepaid, and also placed it into the hands of the United States Postal Service by certified mail on the date listed below, both items being addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Date:

Signature

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Suite 301
Reno, NV 89502-2144

CMPLT
18-17

Rachakonda D. Prabhu, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



March 13, 2018

Re: Dr.

We have received your complaint; however, for the reason(s) indicated below, we either cannot investigate your complaint as stated, or we do not have jurisdiction to investigate:

- You have not identified a health care provider (a person).
- The person you identified is NOT a licensee of this Board.
- No jurisdiction. Your complaint has been forwarded to the listed agency, who we believe has jurisdiction. A copy HAS been retained by us.

Nevada State Board of Optometry, O.D.
PO BOX 1824
Carson City, NV 89702

- No jurisdiction. NRS 630 (the Medical Practice Act) does not cover (provide us with jurisdiction over) the situation you describe, and we cannot identify any agency which might have jurisdiction.
- This case has already been investigated under case #.
- We are unable to read and understand your complaint. Please resubmit a copy stating specifically what your complaint is.
- Other:

If you have any questions about this determination, please write or call at the contact information provided below. In State Toll Free: (888) 890-8210 or Out of State (775) 688-2559.

Investigations Division, Intake, Nevada State Board of Medical Examiners.

Samantha M. Hendricks

From: Samantha M. Hendricks
Sent: Tuesday, February 27, 2018 5:47 PM
To: Samantha M. Hendricks
Subject: Complaint

RECEIVED

FEB 26 2018

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

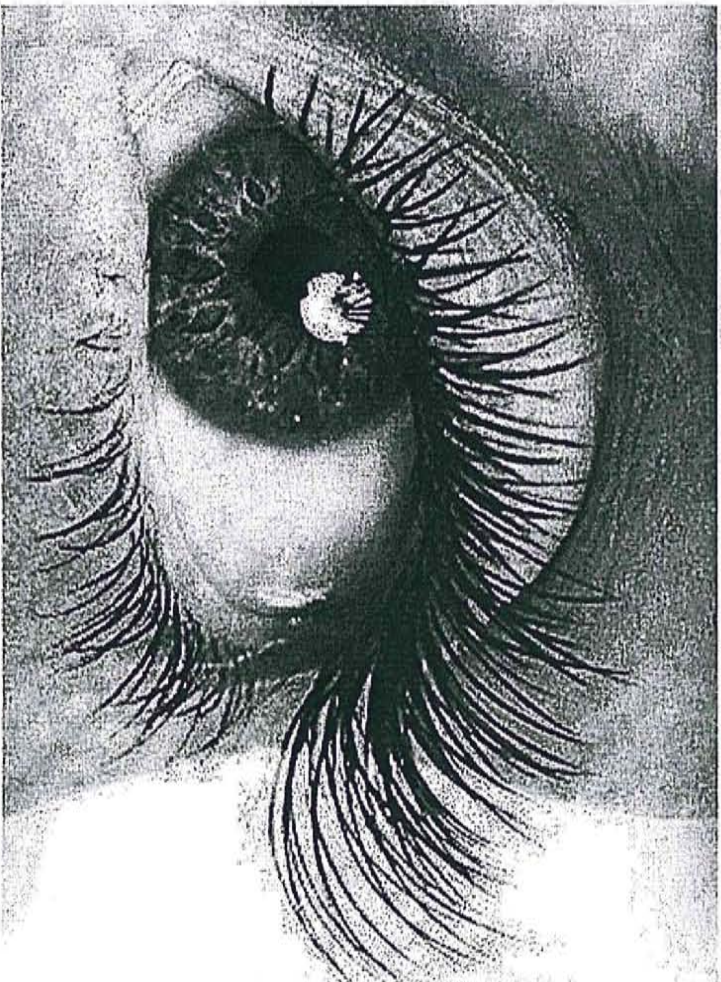
Data from form "Complaint Form" was received on 2/27/2018 5:47:00 PM.

Complaint Form

Field	Value
Complainant_Name	M
Complainant_Gender	Female
Complainant_Phone	
Complainant_Address	
Complainant_City	Las Vegas
Complainant_State	NV
Complainant_ZipCode	
Patient_Name	
Patient_Gender	Female
Patient_BirthDate	
HCPProfessional1_Name	
HCPProfessional1_Address	
HCPProfessional1_City	Las Vegas
HCPProfessional1_State	NV
HCPProfessional1_ZipCode	
HCPProfessional1_Phone	
HCPProfessional2_Name	
HCPProfessional2_Address	
HCPProfessional2_City	
HCPProfessional2_State	
HCPProfessional2_ZipCode	
HCPProfessional2_Phone	
HCPProfessional3_Name	
HCPProfessional3_Address	
HCPProfessional3_City	
HCPProfessional3_State	1 8935

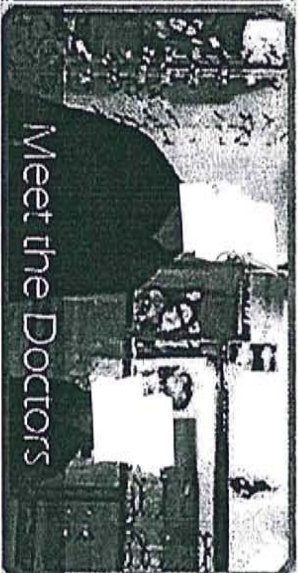
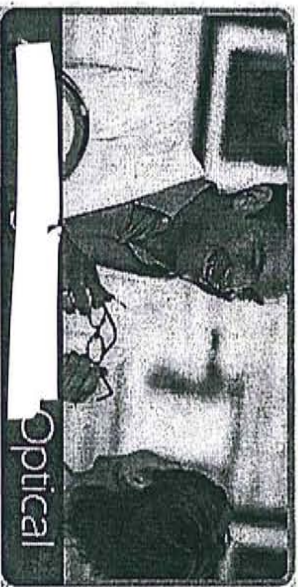
Field	Value
HCPProfessional3_ZipCode	
HCPProfessional3_Phone	
Occurrence_Date	February 27 2018
Treatment_PhysicianOffice	true
PhysicianOffice_Name_Address	
Treatment_Hospital	false
Hospital_Name_Address	
Treatment_OtherFacility	false
OtherFacility_Name_Address	
SecondOpinion_Obtained	No
SecondOpinion_PhysicianName	
SecondOpinion_PhysicianAddress	
SecondOpinion_Diagnosis	
Complaint_Summary	<p>..... O.D. is pretending to be a LASIK surgeon. He is falsely claiming to be an MD on his website and when you call and speak with his lead tech "Dave". He states on his website the following</p> <p>"Our LASIK surgeon, Dr. has extensive experience conducting research for IntraLASIK and training doctors worldwide on surgical techniques. He is passionate about sharing his expertise with patients seeking clearer vision. Dr. has even gone through the surgery himself, and after six years is still seeing better than 20/20."</p> <p>Dr is an optometrist, not an ophthalmologist. He is practicing without a license and falsifying his qualifications.</p>
Attestation	true
Date_Submitted	2/27/2018

Email "Complaint" originally sent to shendricks@medboard.nv.gov from shendricks@medboard.nv.gov on 2/27/2018 5:47:00 PM.



Superior Eye Care with a Personal Focus

At the **we know a patient's**
vision is unique so we strive to provide personalized
eyecare.

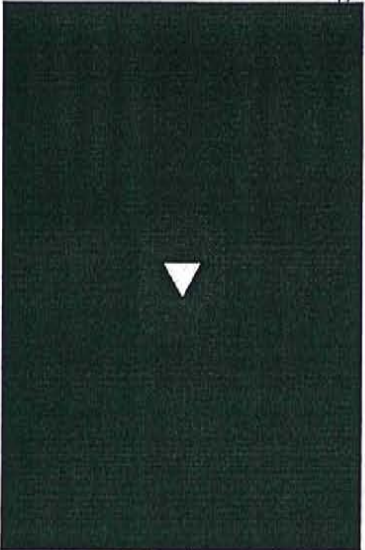


Optometrist Las Vegas

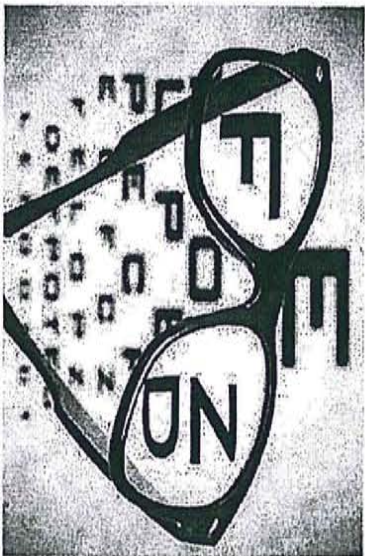
At **we provide the most advanced optometrist services in Las Vegas.** Our team is focused on providing a customized experience to meet your individual eye care and vision needs.

Regardless of your vision needs, we provide the preventative care, maintenance, and treatment you need for your specific condition. Our suite of eye care services includes LASIK, prescription sunglasses, prescription eyeglasses, contact lens prescriptions and services, and treatments for dry eyes, red eyes and eye injuries. We are also skilled at experienced in caring for patients with cataracts and diabetes and provide vision therapy and laser vision correction evaluations to our loyal patients.

The _____ is the community's most comprehensive source for vision care for the entire family. Our office utilizes the latest technologies in vision care to enhance your optical health – including alternatives to wearing prescription eye glasses or contact lenses. The _____ is also home to _____, which offers a wide selection of name brand fashion eye wear and prescription glasses.



An Optometrist You Can Trust



The _____ has been serving the Las Vegas community since January 2005. Our doctor _____, are two of the best optometrists in Las Vegas.

Born and raised in Nevada, _____ specializes in advanced LASIK surgery treatments along with ocular disease and specialty contact lenses. Not only does _____ practice excellent patient care, but he also travels the world offering educational opportunities in the optometric community.

_____ also a native of Las Vegas is experienced in the treatment of glaucoma, refractive surgery management and cataract evaluation and management.

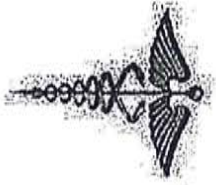
Optometrist in Las Vegas

At the _____ your vision is our primary concern. Come see us to experience the best eye care available.

Contact us today to schedule an examination.



ESCRS
EUROPEAN SOCIETY OF CONTACT & REFRACTIVE SURGEONS



Las Vegas Eye Care Services

Las Vegas Eye Care Services offers complete Las Vegas eye care services. Our Optometrists are all Board Certified in the Treatment and management of Ocular Diseases. All equipment used is State of the Art Diagnostic Equipment, providing the latest technologies to serve your eye care needs. We also offer complete health checks, which includes a blood pressure assessment and diabetic retinal evaluation.



Our complete Las Vegas eye care services include:

- Pediatric Examinations, beginning at age 6mos.
- Vision Therapy as an alternative to glasses
- Laser Vision Correction Consultations and Post Operative care; just mention that you saw it on the web
- Custom LASIK
- Non-invasive topical laser vision correction:
- IntraLASIK
- Emergency eye care
- Treatment of eye infections
- Red Eye Evaluations
- Diabetic Eye Exams
- Cataract Evaluation

- Dry Eye Treatment
- Allergies, Headaches, Infections and Blurred Vision Treatment

Contact Lenses:

- Customized visual lenses
- Disposable contacts
- Soft contact lenses
- Toric lenses
- Various colors
- Bifocal lenses

Glasses:

- Generous selection
- Designer frames
- Price sensitive frames
- Bifocals
- Trifocals
- Most glasses are same day serviced

Our team is committed to providing exceptional customer service to meet all of your Optometrist Vision Therapy needs. If a service you need, is not mentioned above please, feel free to contact our representatives for further questions. We accept most payment methods, and most insurances are accepted.

Call for more information [\(800\) 833-3333](#). We will be more than happy to assist you in finding your best personal eye care.

Types of Payment Accepted

We accept Cash, Personal Checks, Debit Card, American Express®, MasterCard®, Visa®, Discover®, and Care Credit.

Insurance Plans

We participate with VSP, Medicare, Medicaid, and Culinary, Union Insurances, Aetna, Davis Vision, Eyemed.

WE ACCEPT MOST INSURANCES SO PLEASE CALL FOR MORE INFORMATION.

3/15/2018

Check with our staff if you have other types of coverage.

Languages Spoken

Our staff speaks English and Spanish.

your source for superior eye care, is also your source for LASIK surgery. LASIK, also known as IntralASIK or I-LASIK, is a valuable and significant breakthrough in eye care. The Intralase laser, which is the laser commonly used in LASIK surgeries, demonstrates significant technological advancement, as it is able to generate light pulses as short as one-quadrillionth of a second.

This bladeless laser, developed by a team of physicists, biomedical engineers and ophthalmologists about 15 years ago, is far more accurate and safe than the instruments once used for LASIK surgeries. As a LASIK patient, this means that your vision correction surgery is virtually painless while being safer and more accurate than ever before.

During your *Las Vegas LASIK* surgery, your doctor will use an infrared beam of light to precisely separate tissue in a process called photodisruption. This process allows focused laser pulses to divide matter at the molecular level, without heat or impact to the surrounding tissue.

LASIK Surgery

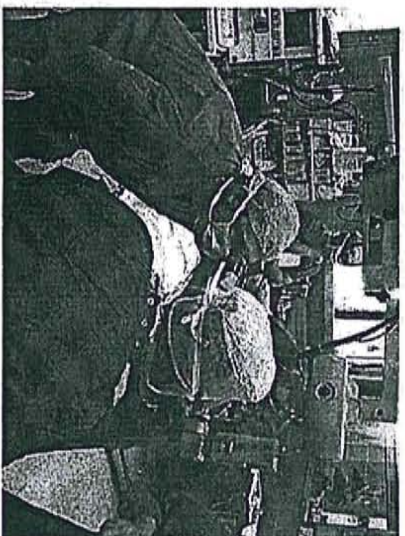
The first step of your LASIK surgery requires the surgeon to use the laser to create a thin protective corneal flap. The surgeon then lifts the flap in order to reshape the corneal surface with the help of another laser, called the CustomVue VISX. This reshaping corrects your vision to your optimal prescription. The surgeon then repositions the protective flap, which heals into place within two minutes. From start to finish, your procedure will take no more than a few minutes!

While some surgeons still use a traditional bladed LASIK approach, studies have shown that IntralASIK procedures resulted in more patients with 20/20 vision or better than those who received a bladed surgery. And without the use of surgical blades, your LASIK procedure is also safer than ever. Plus, the IntralASIK



approach incorporates computer precision that allows the surgeon to obtain extremely accurate results.

In an all-laser LASIK procedure, recovery is generally quick and easy, as the laser causes very little trauma to the eye. Many of our patients see 20/20 or better as quickly as the day after their procedure.



Are You a Candidate for LASIK Surgery?

The most important component of a successful IntraLASIK procedure is a non-biased evaluation to determine whether you're a good candidate for the procedure. Your eye doctor can complete this important evaluation.

"There are so many factors to evaluate when determining if a patient is a good IntraLASIK candidate," said "I like to check each factor carefully to make sure the procedure will be safe for my patients and allow them to achieve good results even 30 years down the line."

At , our experienced eye doctors have developed a specific pre-operative treatment regiment that will help you achieve better results and a quicker recovery. When it comes to selecting a LASIK doctor, experience counts.

Paying for Your LASIK Surgery

You've likely seen a number of local eye clinics touting deals and sales on LASIK surgery. These gimmicks can lead to confusion about the true cost of laser vision correction surgery. A customized procedure as advanced as IntraLASIK simply cannot be performed for \$500. Often, these "deals" are actually for procedures that use outdated technology and do not include pre- and post-operative care.

Typically, an IntraLASIK procedure will range from \$1,800 to \$2,700 per eye — or around \$5,000 per individual. This price includes all of your pre-surgery tests and evaluations as well as post-operative care and follow-up exams for one year.

If you're worried about paying for your LASIK surgery, don't! We offer financing programs that will help you obtain the vision you want sooner than you expected. Many of our patients pay as little as \$89 per month.



When it comes to your vision, don't trust it to just anyone offering a cheap deal; advanced technology, extensive experience and superior care are imperative to a successful procedure.

Our LASIK surgeon, [Dr. \[Name\]](#) has extensive experience conducting research for IntraLASIK and training doctors worldwide on surgical techniques. He is passionate about sharing his expertise with patients seeking clearer vision. Dr. [\[Name\]](#) has even gone through the surgery himself, and after six years is still seeing better than 20/20.

If you're ready to permanently correct your vision, give us a call today to set up a consultation and examination. Leave the blur in the past — your future is crystal clear.

About Us

O.D., FAAO

Dr. [REDACTED] was born and raised in Las Vegas. He graduated from [REDACTED] and received a combined academic and athletic scholarship to play soccer at [REDACTED] University. After suffering a leg injury during a game, [REDACTED] transferred to [REDACTED], where he graduated with honors in the field of Health Care Sciences. He then went on to pursue his passion for vision at the [REDACTED] of Optometry where he graduated with honors at the top of his class.

[REDACTED], OD Curriculum Vitae

Publications

- Review Ophthalmology article ETB ARVO
- ARTICLE_-_2-22-2011_-_UV_Protection
- Progressions in Presbyopia Advanced Ocular Care Oct 2011
- HD Analyzer Advanced Ocular Care Feb 2013
- ESCRS Milan 2012 Post-LASIK
- Advanced Ocular Care Cutting Edge Technology
- PostLasik scientific paper ARVO
- Visual Fields Scientific ARVO poster
- Inlays Global Outcomes Academy 2013 Poster
- Visual Field Inlays Academy 2013 Poster

- ASCRS 2013 VF poster
- Nvision Program
- ARVO/OCME Certificate 125801AM13
- ARVO refractive surgery session 2013 abstracts

Dr.



Dr.

Dr. grew up in Las Vegas where she attended a local high school. She attended the University of where she completed bachelor degrees in psychology and biology. She then completed her doctorate in optometry at the Dr. is committed to her profession and believes in giving excellent care to all of her patients. She is also experienced in glaucoma, refractive surgery management and cataract evaluation and management. She also has a passion for fitting contact lenses and ensuring all of her patient's visual needs are met.

Dr. was born and raised in University where she completed bachelor's degree in biology. Having a strong interest in health science, chemistry and physics in her undergraduate education, Dr. believes optometry is where her passion is. She then completed the doctor in optometry at until Dr. attended the optometry program when she realized she suffered from a binocular vision disorder. It is a special passion for her to ensure patients can not only see clearly but also comfortably, free of double vision, eye fatigue and headache. She is experienced in pediatric vision, binocular vision disorders, contact lens fitting, as well as cataract evaluation and management

Dr.

Dr. specializes in primary care for all ages including pediatrics and geriatrics. She is available for routine eye exams, red eye treatment involving infection or trauma, and dry eye management. She has a special interest in contact lens fitting for astigmatism, presbyopia, and "difficult to fit eyes".

Dr. received her doctor of optometry from [redacted] optometry in 2002 after completing her [redacted] University.

\$85

Rejuvenation Treatment

This is a deep hydration treatment designed to restore the youthful look of the skin around the eyes by reducing puffiness, dark circle formations and hydrating fine lines.

- Skin lightening hydration serum treatment to exfoliate and hydrate these areas
- Facial hydrating mist
- Eye Cloud Cool treatment
- Eye Therapy
- Aroma Therapy
- Essential hydrating, collagen stimulating formula massaged around the eyes and surrounding skin

KAMRA - Permanent Vision restoration procedure that eliminates the need for reading glasses \$4200

LASIK - Laser Vision Correction \$3800

ASA - Advanced Surface Laser Vision Correction \$1000



Lashes.

Lash Perm Therapy | \$50

This treatment is designed to prepare the eyelid margin and eyelashes for any desired lash treatment, correct eyelid shape to a normal position, promote growth through Latisse therapy, lift or perm, it strengthens and lifts the longer lasting lash treatment (Latisse).

Warm aroma therapy application to heat up the skin on the eye globe.

Manual exfoliation of the eyelid margin and eyelashes, to remove any impurities of bacteria, debris, non-biodegradable mascara, eye makeup, eye cream, eye shadow, eye liner and other debris with a medical grade eyelid sponge.

A delicate hot line of application is applied to prevent heat, bacteria and oils from entering the base of the eye lashes. This is followed by a cool aroma therapy.

Lash Perm | \$65

Lash tint | \$35

BROWS.

eyebrow contour | \$25

(wax method)

eyebrow tint | \$20

Lashes.

Lash enhancements |

Natural.

\$180



- Package includes:
- Consultation
 - Pre-treatment
 - Latisse Prescription
 - Follow Up Evaluation
 - Result Assessment

Instant.

Medical Grade Eyelash Extensions \$150

Classic Eyelash Extensions \$150

Level 1 Fill (2-3 weeks) \$65

Level 2 Fill (4-5 weeks) \$85

Volume Eyelash Extensions \$250

Level 1 Fill (2-3 weeks) \$90

Level 2 Fill (3-4 weeks) \$120



skin.

Diamond Dermalinfusion treatments
by SILKPEEL®

face.

- | 1 \$175 | 3 \$450 |
- | 6 \$800 | 8 \$1000 |
- Hydrating Formula
- Anti-Aging Formula
- Brightening Formula
- Clarifying Formula



eyes.

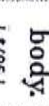
- Tired Eyes Rx
- Aging Eyes Rx



lips.

Peel, Smooth, Rehydrate.

| \$25 |



hands.

| \$65 |



body.

| \$70 |

Silk Sliders

Head to toe
silk peel

SILKPEEL®
DERMALINFUSION

eyes.

eyelid.

\$100

- exfoliation
- Warm Aroma therapy
- Blephex treatment
- Cold Aroma therapy

Level one

eyelid.

\$150

- exfoliation
- Warm Aroma therapy
- Blephex treatment
- Cold Aroma therapy
- Gland Expression

Level two

Eye . Soothing . Treatment

- (Seasonal Allergies)
 - Tea Tree Eyelid Cleansing
 - Application of cocktail Rx eye drops
 - Eye Cloud Soothing aromatic cold therapy
 - Eye hydrating E3 skin application
- Designed to quench the itching, irritation, and redness caused by seasonal pollen and air debris and to reduce the appearance of puffy eyes.

Home » Locations

Locations

- Summerlin
- Henderson

Henderson

Las Vegas, NV
Phone:
Fax:

Summerlin

Las Vegas, NV
Phone:
Fax:

Monday	9:00 AM - 5:00 PM	Monday	9:30 AM - 5:00 PM
Tuesday	9:30 AM - 5:00 PM	Tuesday	9:30 AM - 6:30 PM
Wednesday	9:00 AM - 5:00 PM	Wednesday	9:00 AM - 5:00 PM

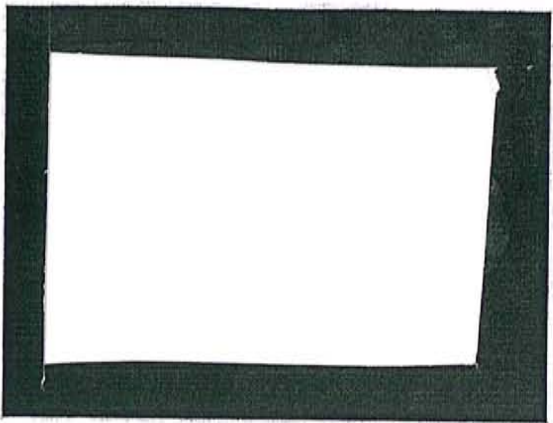
3/15/2018

Contact Us - Two great locations!

Friday	9:00 AM - 5:00 PM	Thursday	9:30 AM - 6:30 PM
		Friday	9:00 AM - 5:00 PM

Saturday availabilities by Appointment Only.

Other hours available by appointment. Also on call emergency hours available.



OPTOMETRIST, OD

LAS VEGAS, NV

[Directions](#)

[\(702\) ...](#)



[Visit My Website](#)

[Request Appointment](#)

3.7  [3 Reviews](#)

About

At **...**, we provide the most advanced optometrist services in Las Vegas. Our team provides a customized experience to meet your individual eye care and vision needs.

Regardless of your vision needs, we provide the preventative care, maintenance, and treatment you need. Our suite of eye care services includes LASIK, prescription sunglasses, prescription eyeglasses, contact lens services, and treatments for dry eyes, red eyes and eye injuries. We are also skilled at experienced in cataracts and diabetes and provide vision therapy and laser vision correction evaluations to our loyal patients.

The **...** is the community's most comprehensive source for vision care for the entire family. We offer the latest technologies in vision care to enhance your optical health – including alternatives to wearing glasses.

[Kids Vision](#)

[Vision Correction](#)

[Eye Problems & Diseases](#)

[Videos & Fun Stuff](#)

[Find a Doctor Near Me](#)





Comprehensive Eye Exams

LASIK

Premium Eyeglass Lenses

Prescription Sunglasses

Fashion Eyewear

Contact Lenses

Treatments for Dry Eyes, Red Eyes, and Eye Injuries

Diagnosis and Treatment of Cataracts, Diabetic Retinopathy, Glaucoma, and Macular Degeneration

Vision Therapy

Certifications

University of
 of Science in Health Care Sciences, May 1997 Southern California College Of Optometry, Fullerton, CA.
 2001 Intralase MD Certification Course 2006 Intralase Enabled Keratoplasty Trainer 2006 ACRP (Clinic
 CRA Certification 2008 Citi Human Research Certification 2008 Citi Good Clinical Research Certification
 Entering Clinical Trial Results 2008 Acufocus Surgical Trainer Certification 2009 VISX Operators Custom
 Certification CPR and Emergency Response Certification

Hours

MON: 9:30am - 5:00pm

TUE: 9:30am - 5:00pm

WED: 9:30am - 5:00pm

THU: 9:30am - 5:00pm

FRI: 9:00am - 5:00pm

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

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MEMBER
AMERICAN OPTOMETRIC ASSOCIATION

Insurance Accepted

- AETNA
- Avesis
- Blue Cross Blue Shield
- Cigna
- Davis Vision
- EyeMed
- Medicare
- Straight Medicaid
- Superior Vision Plan

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me



Customer Reviews



3 Reviews



Chris Durbin

★★★★★ 20 days ago



Claire Jang

★★★★★ 5 months ago

The receptionist on the phone was not professional. She asked me my husband's full social full name on the phone. Normally, office receptionist doesn't ask our full social number on the information, I was disconnected twice. They never got back to me. Very uncomfortable experience.



Debi Rivkin

★★★★★ almost 2 years ago

I started being seen by several years ago. At that time, my vision was really bad. Other eye Docs had told me that not only was I not a good candidate for the laser surgeries but I was also not a good candidate for contact lenses. I was going to go on a cruise and re scuba dive. However, I would not be able to see anything without my glasses. I visited Dr. not only could he fit me with contact lenses, but that with the advances in the laser surgeries The only drawback was that with my age, there was a good possibility that I would need real lenses on my cruise and was able to FINALLY be in the water and see clearly. After the cruise the process to get Lasix on both of my eyes. 2 Days after the surgery, I remember riding in my followup visit and seeing the leaves on trees without my glasses for the first time in 30 years to wear reading glasses however. Dr. id all of my follow up care and was really great the results, I really wanted to be free of all glasses. Dr. id me that there was a new stages of approval by the FDA. It was the KAMRA inlay treatment. This surgery would free me at me know when it was approved because I was definitely interested. About

Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me

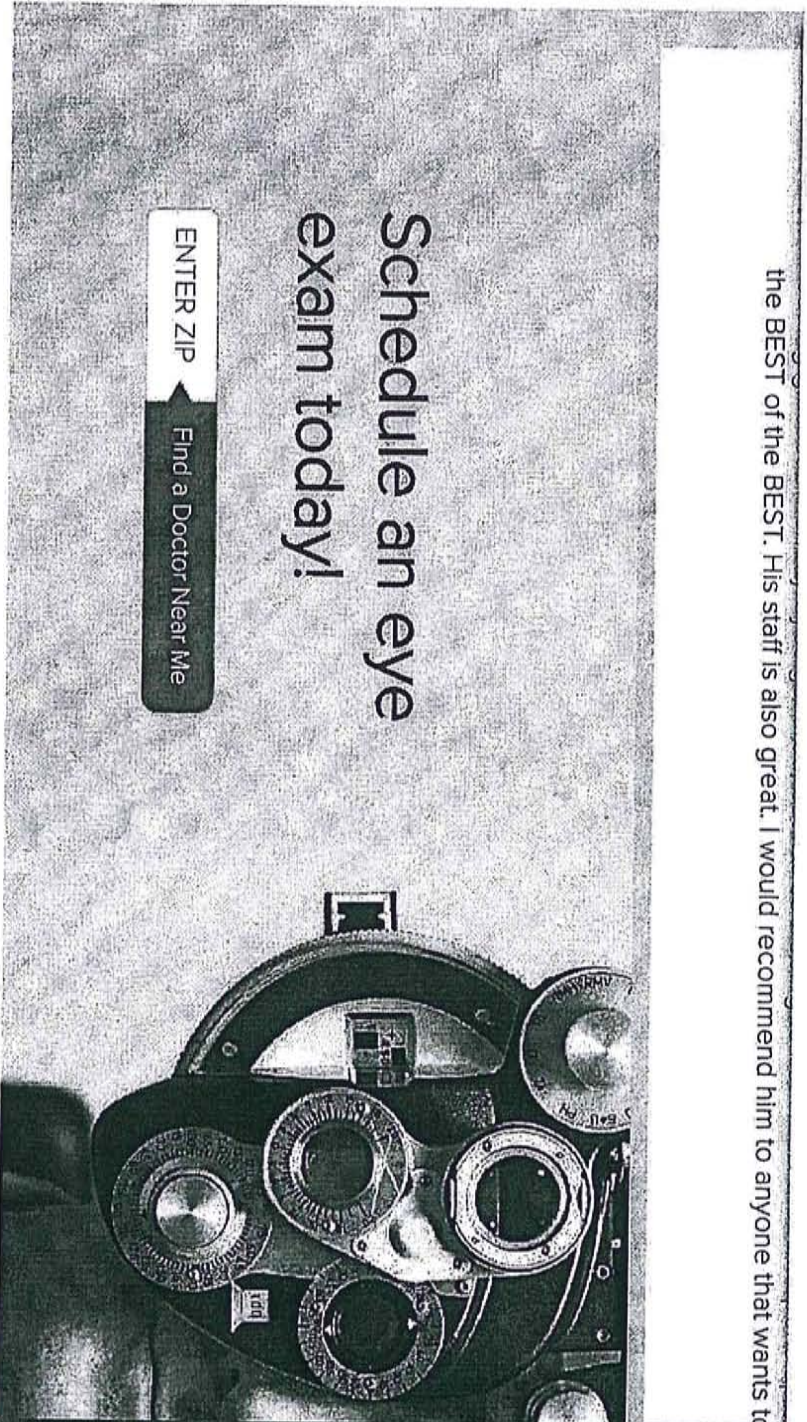




the BEST of the BEST. His staff is also great. I would recommend him to anyone that wants to

Schedule an eye exam today!

ENTER ZIP



[Kids Vision](#)

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Are you a doctor?

Doctor Resources

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Kids Vision

Vision Correction

Eye Problems & Diseases

Videos & Fun Stuff

Find a Doctor Near Me



Agenda Item

2. E

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BEFORE THE STATE OF NEVADA
BOARD OF OPTOMETRY

Mark Lee, O.D., Lic. No. 390,

Petitioner.

PETITION FOR ADVISORY OPINION

OR DECLARATORY ORDER

This Petition for Advisory Opinion or Declaratory Order ("Petition") is brought by Petitioner, MARK LEE, O.D., Nevada licensed optometrist #390, pursuant to NRS 636.650, **requesting clarification of the propriety of optometrists prescribing, recommending and/or offering for sale at their practice location(s) a medical device known as TrueTear.** I have provided the Patient Brochure as an Exhibit to this Petition.

I. RELEVANT LAWS

NRS 636.025 Acts constituting practice in optometry.

1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:

(b) ?

(d) Prescribing, *directing the use of or using any **optical device*** in connection with ocular exercises, orthoptics or visual training.

(h) Prescribing, *directing the use of or using a **therapeutic pharmaceutical agent*** to treat an abnormality of the eye or its appendages.

NAC 636.055 "Ophthalmic products" defined. (NRS 636.125) "Ophthalmic products" means *any materials used for the correction or relief of or remedy for any abnormal condition or inefficiency of the eye or visual process.* The term includes, but is not limited to, spectacle frames, spectacle lenses, contact lenses, and ocular solutions and ointments.

NAC 636.150 Ophthalmic products. (NRS 636.125, 636.302, 636.380) *Advertising of ophthalmic products* must include the following information and, if printed, the information must be printed as prominently as the words promoting the product:

1. A statement whether the price or discounted price includes an examination of the eyes.

1 2. If applicable, a statement that the product is a second or has been discontinued.

2 3. A notice, "Do not meet the specifications of the American National Standards Institute" if the ophthalmic products do not meet the applicable specifications of the American National Standards Institute.

4 **NRS 636.022 "Prescription" defined.** "Prescription" means:

5 1. An order given individually for the person for whom prescribed, directly from a licensed optometrist who is certified to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, or his or her agent, to a pharmacist or indirectly by means of an order signed by the licensed optometrist or an electronic transmission from the licensed optometrist to a pharmacist; or

7 2. A written direction from a licensed optometrist to:

8 (a) Prepare an ophthalmic lens for a patient; or

9 (b) Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

10 **NRS 636.024 "Therapeutic pharmaceutical agent" defined.** "Therapeutic pharmaceutical agent" means:

11 1. A topical medication;

12 2. An oral antibiotic;

13 3. An oral medication for allergies that does not contain steroids; or

14 4. An analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds, approved by the Food and Drug Administration for the treatment of abnormalities of the eye or its appendages.

15 II. THE ISSUES

16 1. Do the current Nevada optometry laws permit a licensed optometrist to prescribe ophthalmic devices such as TrueTear? Does prescribing this ophthalmic device require Therapeutic Pharmaceutical Agent Certification?

19 2. May a licensed optometrist offer devices such as TrueTear for sale within an optometry practice?

22 III. ANALYSIS


23 The Nevada statutes and regulations related to the practice of optometry are
24 ambiguous regarding optometrists' use of this new treatments to address abnormalities
25 of the eye, especially since this new product is a class 2 medical device (not an
26 pharmaceutical agent) per the FDA. As current president of the NV Optometric
27 Association I was approached by the manufacturer of TrueTear, and asked whether I
28

1 would like to make it available to my patients either by prescription or for purchase from
2 my practice. I was unable to determine from current statute whether any limitations
3 exist regarding the prescribing or selling the product TrueTear.

4 The Nevada Board of Optometry is requested to clarify the laws, report its
5 determination to the profession, and, if necessary, advocate for changes to the Nevada
6 legal framework to allow modern practitioners to practice reasonably within the
7 constraints of the Board's authority.

8 I request that the Board hold an open public hearing on this petition at its earliest
9 opportunity. Thereafter, I request that emergency regulatory changes be put into place
10 and that the matter be brought to the next legislative session to clarify the ability of
11 optometrists to utilize all reasonable resources to address their patients' needs.
12

13
14 DATED this 5 day of April, 2018.

15
16 By 
17 Mark Lee, O.D., Lic. No. 390
18 President, Nevada Optometric Association
19 Petitioner
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**Patient Guide for
the TrueTear™ Intranasal
Tear Neurostimulator**



t r u e t e a r™

Patient Guide for the TrueTear™ Intranasal Tear Neurostimulator

Please read this entire guide. If you have any questions, discuss with your doctor to make sure you understand how to use the TrueTear™ Intranasal Tear Neurostimulator.

The TrueTear™ Intranasal Tear Neurostimulator (TrueTear™ device) is intended to provide a temporary increase in tear production during neurostimulation in adult patients.

Rx Only—Federal law restricts this device to sale by or on the order of a physician or properly licensed practitioner.



The TrueTear™ Device Patient Information Guide

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Glossary

Adverse event

Base unit

Cardiac pacemaker or defibrillator

Clinical studies

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Cornea

Disposable tip

Dry Eye Disease

Eligibility criteria

Hypersensitivity

Intranasal Tear Neurostimulator (TrueTear™ device)

Neurostimulation

Precautions

Schirmer test

Transient electrical discomfort

Warnings

An undesirable effect associated with use of a medical product.

The base unit produces the neurostimulation and provides a connection to the charger.

Device placed in (cardiac pacemaker) or in close proximity to (defibrillator) the heart to maintain cardiac rhythm.

Clinical studies are conducted to evaluate the use of a drug or device.

Cases where the TrueTear™ device should not be used.

Clear tissue located in the front of the eye covering the colored area of the eye.

The disposable tip of the TrueTear™ device connects to the base unit and is inserted into the nose.

Dryness of the eye(s) resulting from inadequate tear production or tears that evaporate too quickly. Dry Eye may be caused by advanced age, contact lens wear, certain medications, eye diseases, other medical conditions, or environmental factors.

Characteristics or criteria used to determine whether a person can participate in a clinical study.

Allergy or reaction to materials that may come into contact with the skin or to medications taken.

A device that provides small electrical pulses to stimulate tear production.

Delivery of small electrical currents to activate the nerves in the nose.

A precaution provides information regarding any special care to be exercised by the doctor and/or the patient for the safe and effective use of the device.

A test in which a paper strip inserted inside the eyelid for several minutes to evaluate tear production.

Temporary (short-term) discomfort resulting from electrical stimulation.

A warning alerts the user about serious adverse reactions and potential safety hazards, limitations in use imposed by them, and steps that should be taken if they occur.

Introduction

This guide is intended to help you decide whether to use and how to use the TrueTear™ device to provide a temporary increase in tear production. This device provides small electrical pulses to stimulate production of your own natural tears. The electrical pulses are delivered by a disposable tip attached to the TrueTear™ device that you will place in your nose for short periods of time.

Your doctor has determined that the TrueTear™ device may work for you. Please read this entire guide and discuss your questions with your doctor. You can then consider the expected benefits versus the risks and make an informed decision.

Facts About Dry Eye

In some people, the eye does not produce enough tears. In other people the tears may evaporate too quickly; this may happen if the tears are not of the right composition. In both of these situations, the tears do not adequately bathe the surface of the eye. As a result, the eye may feel dry and painful.

Indications for Use

The TrueTear™ Intranasal Tear Neurostimulator provides a temporary increase in tear production during neurostimulation in adult patients.

Potential Benefits of the TrueTear™ Device

Use of the TrueTear™ device should temporarily increase your tear production when you use it, though not all patients may respond to this device to the same degree.

Potential Complications With Using the TrueTear™ Device

Potential complications include the following:

- Discomfort or pain in the nose
- Nosebleeds
- Excessive sneezing
- Irritation or numbness of the nose
- Infection, abrasion, or inflammation of the nose
- Irritation or sensitivity of the target nasal tissue
- Headache
- Facial pain

- Increased saliva production
- Sensation of teeth vibrating
- Excessive runny nose
- Temporary increase in symptoms associated with nasal allergies
- Allergic reaction to contact materials

Contraindications, Warnings, and Precautions

CONTRAINDICATIONS

Contraindications are situations where it is advisable not to use the TrueTear™ device. If you have any of the following, you should NOT use this device:

- A cardiac (for your heart) pacemaker, implanted or wearable defibrillator, or other implanted metallic or electronic device (eg, cochlear implant) in the head or neck
- Chronic or frequent nosebleeds, a bleeding disorder (eg, hemophilia), or another condition that can lead to increased bleeding
- A known hypersensitivity (allergy) to the hydrogel material that comes into contact with the inside of your nose

WARNINGS

Warnings alert the user about serious adverse reactions and potential safety hazards, limitations in use imposed by them, and steps that should be taken if they occur, as identified below:

- Follow the Instructions for Use when using the TrueTear™ device
- Do not use the TrueTear™ device if electronic monitoring equipment is being used. This type of equipment includes heart monitors or electrocardiogram (ECG) alarms since this equipment may not operate properly when the TrueTear™ device is being used
- Do not use the TrueTear™ device when in the bath or shower
- Do not use the TrueTear™ device while driving, operating machinery, or during any activity in which sneezing or watery eyes may put you at risk of injury
- Do not apply the TrueTear™ device to the neck, chest, or areas other than the nose

Contraindications, Warnings, and Precautions

WARNINGS (continued)

- Do not continue using the TrueTear™ device if your nose is irritated since further use may cause injury to the tissues inside your nose
- Do not use the TrueTear™ device within 3 feet of shortwave or microwave therapy equipment since this equipment may make the stimulation from the TrueTear™ device unstable
- Do not use the TrueTear™ device in the presence of a flammable anesthetic mixture with air or with oxygen or nitrous oxide as there is a remote possibility (comparable to the risk of a mobile phone) it could ignite the gas
- The safety and effectiveness of the Intranasal Tear Neurostimulator for the treatment of aqueous deficient dry eye disease has not been established.
- In a clinical study, the safety and effectiveness of intranasal electrical stimulation was evaluated over a 6-month period of time. The safety and effectiveness of the device for longer periods of use has not been established. Periodic examination of the nose is recommended if the device is used over a longer period of time.
- Clinical study results demonstrate a trend of decreased effectiveness (tear production) over time. The mechanism for this decrease has not been identified and was not analyzed as part of the study.
- The clinical study was not designed to evaluate any changes in nerve sensitivity
- The safety of the Intranasal Tear Neurostimulator has not been established in the following conditions and patient populations:
 - Pregnancy;
 - Patients under 22 years of age;
 - Nasal or sinus surgery, including a history of nasal cautery, or significant trauma;
 - Severe nasal airway obstruction (e.g., severe septal deviation or inferior turbinate hypertrophy) or vascularized polyp (abnormal nasal mucosa with dense network of blood vessels);

WARNINGS (continued)

- Disabling arthritis, neuropathy, severe dexterity impairment or limited motor coordination affecting self-handling of the device.
- Active and severe:
 - Systemic allergy;
 - Chronic seasonal allergies;
 - Rhinitis or sinusitis requiring treatment such as antihistamines, decongestants, oral or aerosol steroids;
 - Untreated nasal infection;

PRECAUTIONS

Precautions provide information regarding any special care to be exercised by the doctor and/or patient for the safe and effective use of the device.

- Consult your doctor before using the TrueTear™ device
- If you feel pain, discomfort, or numbness in your nose with higher levels of stimulation or a longer duration of stimulation, reduce the level and/or the number of times you use the TrueTear™ device. If symptoms persist, discontinue use and contact your doctor
- Discard the disposable tip daily and replace with a new tip for proper operation and good hygiene
- Remove any studs, nose rings, or other piercings from the nose prior to using the TrueTear™ device as this could obstruct the device and/or cause discomfort if the electrical stimulation is conducted to surrounding areas
- Do not use prescription eye medications (eye drops, gels, or ointments) or nasal sprays within 30 minutes before or after using the TrueTear™ device
- Talk to your doctor about precautions and/or recommendations if you have suspected or diagnosed heart disease
- This device should be kept out of the reach of children
- If you have a severe fear of placing anything in your nose, you may not be able to use the TrueTear™ device.

Are You a Good Candidate for Use of the Intranasal Tear Neurostimulator?

You are a good candidate for the TrueTear™ device if you:

- Are at least 22 years old
- Have dry eye from inadequate tear production
- Are able to use the Intranasal Tear Neurostimulator
- Do not have a cardiac pacemaker, implanted or wearable defibrillator, or other implanted metallic or electronic device in the head or neck
- Do not have a known hypersensitivity to the hydrogel material that contacts the nasal mucosa
- Do not have chronic or recurrent nosebleeds, a bleeding disorder or another condition that can lead to increased bleeding

Questions to Ask Your Doctor

You may want to ask your doctor the questions below to help you decide if the TrueTear™ device is right for you.

- What other options do I have for my dry eye?
- What are the benefits of the TrueTear™ device?
- Can I use the TrueTear™ device as often as I want?
- Will I be able to use artificial tears, gels and ointments in addition to using the TrueTear™ device?
- Will I be able to use dry eye drugs in addition to using the TrueTear™ device? Are there any risks if I use the TrueTear™ device with dry eye drugs?

Summary of Important Information

- The TrueTear™ device provides a temporary increase in tear production during use
- You should not use the TrueTear™ device if you have any of the following conditions:
 - A cardiac pacemaker, implanted or wearable defibrillator, or other implanted metallic or electronic device in the head or neck
 - Chronic or recurrent nosebleeds, a bleeding disorder or another condition that can lead to increased bleeding
 - A known hypersensitivity (allergy) to the hydrogel material that comes into contact with the inside of your nose
- You should follow all instructions to make sure you use the TrueTear™ device correctly

Instructions for Use

OVERVIEW OF THE TrueTear™ DEVICE COMPONENTS

The TrueTear™ device consists of four components. These are:

- 1 A daily **disposable tip**, which is inserted into the nasal cavity and stimulates the target tissue in the nose
- 2 A reusable **base unit**, which produces the neurostimulation and enables the patient to control the neurostimulation
- 3 A reusable **cover** to protect the disposable tip
- 4 A **charger** to recharge the battery inside the base unit

The disposable tip (tip) is connected to the base unit for stimulation. The tip contains a hydrogel material similar to materials used in contact lenses. The tip provides the contact for conducting the stimulation current, which is produced by the base unit, to the target site on the inside of the nose.

The tip should be removed and replaced each day. The reusable cover can be used to protect the tip between uses. Once the tip is removed, the base unit can be placed onto the charger to recharge the battery in the base unit. Charge the base unit daily.

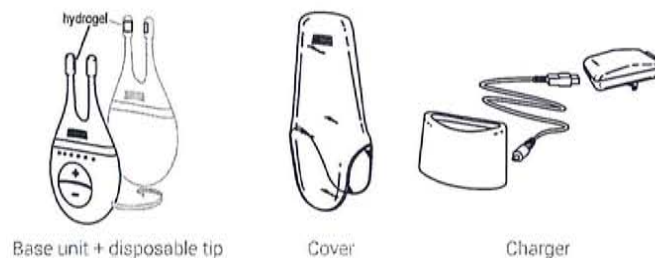


Figure 1. TrueTear™ components.

CHARGING THE BATTERY

NOTE: Only use the provided AC adapter for attaching the charger.

- 1 Ensure the base unit is fully charged when using the device for the first time.
- 2 Connect the charger to a wall outlet (120 to 240V) using the micro USB wall adapter and cable (Figure 2).
CAUTION: The AC adapter provides protection from high voltages and should only be plugged into easily accessible outlets.

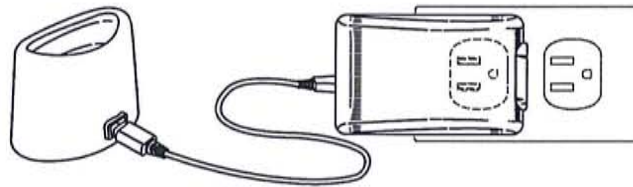


Figure 2: Connecting the charger.

- 3 If the tip is attached to the base unit, remove tip by rocking the tip away from the buttons—the disposable tip should disconnect easily. The base unit can then be placed on the charger. An LED indicator light turns to a steady orange to indicate that the base unit is charging (Figure 3).

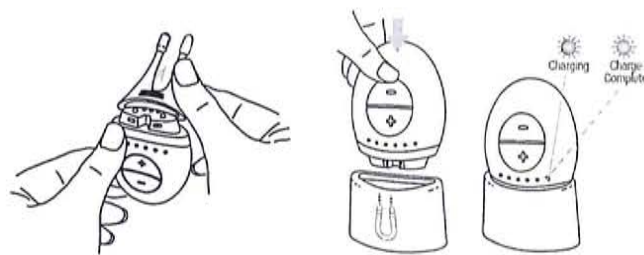


Figure 3: Placement of base unit on the charger.

- 4 Remember to charge the base unit daily. The charging process should take less than 4 hours. An LED indicator light turns green to indicate that charging is complete. The base unit may be removed or left on the charger when charging is complete (Figure 4).
- 5 If the TrueTear™ device was fully charged and used briefly, it is not necessary to wait for the device to fully charge to use.



Figure 4: Remove or leave the base unit in the charger.

ASSEMBLY

- 1 Ensure the base unit is fully charged if using the device for the first time (see CHARGING THE BATTERY).
- 2 Tear open the tip pouch at notch and remove the tip from the pouch by grasping the base (as shown in Figure 5). Avoid touching the hydrogel.

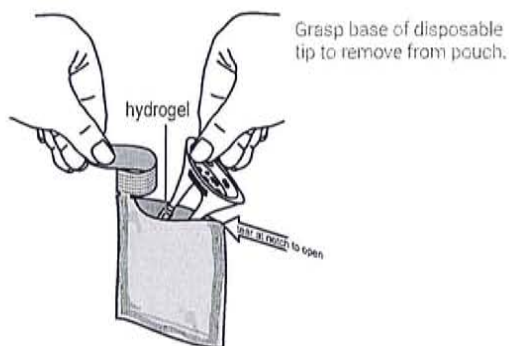


Figure 5. Remove the tip from the pouch.

- 3 Connect the tip to the base unit by aligning the post on the underside of the tip with notch on base unit, then rotate forward until the tip snaps into place, as shown in Figure 6.

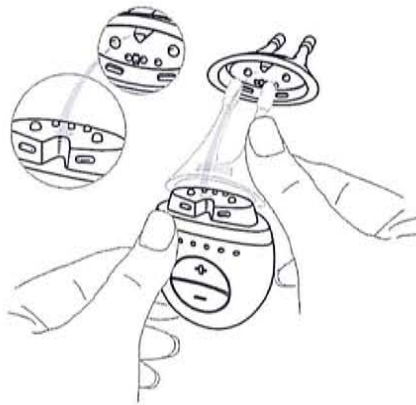


Figure 6. Align the tab to the notch for setup. The tip only fits one way.

IMPORTANT: DO NOT USE A DISPOSABLE TIP FOR MORE THAN ONE DAY. Tip should be replaced daily or every 24 hours. Failure to replace the disposable tip may cause the hydrogel to dry out and the TrueTear™ device may not work properly.

STIMULATION

There are 5 stimulation intensity levels. The base unit vibrates briefly when a button is pressed to indicate an increase or decrease in stimulation level. The blue LED indicator light will be lit to indicate the stimulation level selected.

Your doctor will confirm that you understand these instructions, including having you demonstrate the stimulation technique and the tearing response, prior to prescribing the device and, if necessary, at subsequent visits:

- 1 With the device fully assembled, hold the + button for 2 seconds to turn on the device. The LED indicator lights on the base unit flash, followed by a green LED indicator light, which remains lit as shown in Figure 7.

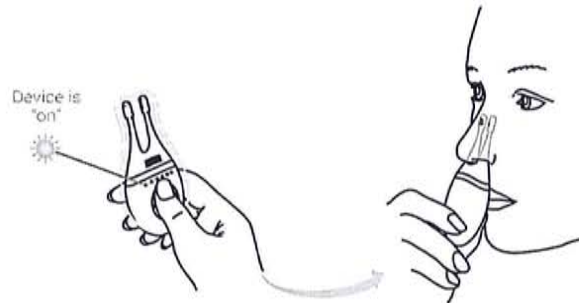


Figure 7. Turning on the device and placing it into the nose.

- 2 Press the + button to select a desired stimulation intensity level. Blue LED indicator lights show the level selected.
- 3 Place thumb near buttons of base unit, then insert the tip into the nose with the buttons pointing towards your lips and face, as shown in Figure 7.
- 4 For effective stimulation, insert the tip all the way to the top and front of the nose, as shown in Figure 8.

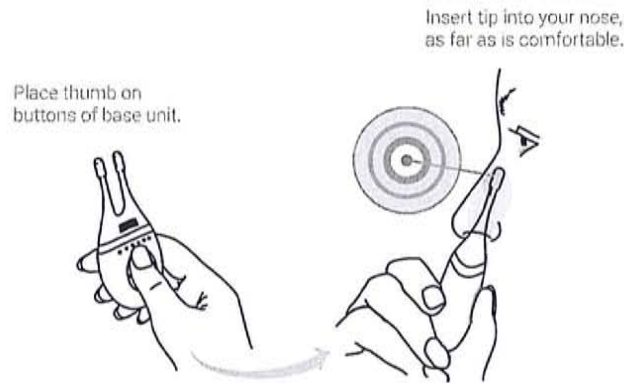


Figure 8. Target zone for correct insertion of disposable tip.

- 5 The + button is for increasing the intensity and the – button is for decreasing the intensity. You may gradually increase and adjust intensity (using the + and – buttons) until you feel a gentle tingling; this feeling lets you know that you are stimulating the correct tissue location and tears form. Stimulation should last no longer than 3 minutes (or 3 sequential cycles), but may be stopped sooner if you are satisfied with tear production.

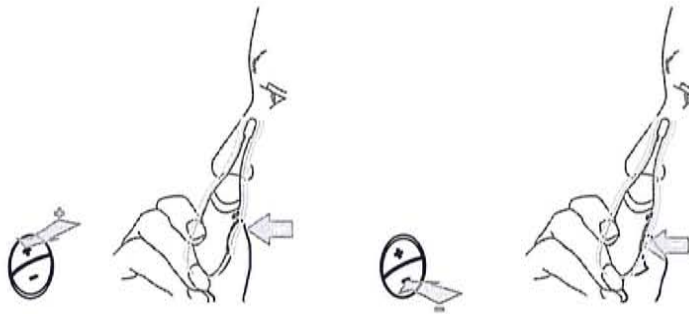


Figure 9. Adjust stimulation by pressing the + or – buttons.

- 6 There are 5 intensity levels. The base unit vibrates briefly when a button is pressed to indicate an increase or decrease in intensity level. The blue LED indicator light is lit to indicate the stimulation level selected (Figure 9).

- 7 Reposition the tip inside the nose for desired stimulation. The feeling should be mild at its maximum intensity.
- 8 Use a new tip and try again if you do not feel any sensation.
- 9 Remove the tip from your nose at any time if you feel uncomfortable during stimulation.
- 10 The device automatically turns off at the one (1) minute session limit. The device may also be turned off by pressing the – button for 2 seconds. The device vibrates and the LED indicator lights turn off to indicate that the power has been switched off.
- 11 If you prefer a longer stimulation time, turn on the device again if it automatically turns off.
- 12 When finished, clean the device with an alcohol pad, if needed (see CARING FOR YOUR DEVICE), prior to placing the cover on to protect the tip between uses (Figure 10).



Figure 10: Cover attached to base unit to protect disposable tip.

RECOMMENDED STIMULATION SCHEDULE

Use the TrueTear™ device at least twice a day, as needed. Stimulation longer than 3 minutes (or 3 sequential cycles) is not recommended and you should wait for at least 60 minutes before proceeding to the next application. The device may be used for up to 30 minutes per 24-hour period and has a built-in single-day usage limit of 30 minutes. If this daily limit has been reached, the TrueTear™ device will turn on and then off immediately. The device will not deliver stimulation.

CARING FOR YOUR DEVICE

- 1 When needed, use alcohol pads to clean the disposable tip and device between uses.
- 2 Use alcohol pads to clean the durable parts of the device including the base, charger, and cover (including the interior of the cover), as shown in Figure 11. Clean the inside of the cover weekly or more often if needed to ensure proper hygiene.

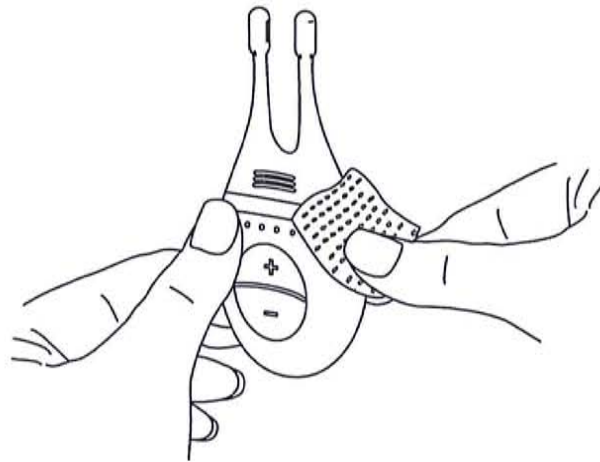


Figure 11: Cleaning with alcohol pads.

- 3 Do NOT place or submerge the base unit, electrical plug, or charger in water or other liquid (Figure 12).

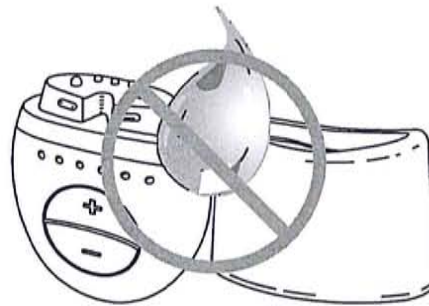


Figure 12: Do not rinse base unit or charger in water or any other liquid.

- 4 Handle with care. Store the device in a clean, cool, and dry location. Avoid exposure to extreme temperatures and humidity.

CAUTION: Exposure to direct heat can cause the hydrogel in the disposable tip to dry out and may result in ineffective stimulation. Avoid touching the metal contacts of the base unit or charger if either part is exposed to high temperature extremes (such as sitting in a hot car).

The expected service life for the base unit and charger is 3 years from the date of manufacture. The expiration date of the disposable tips is provided on the product packaging.

DISPOSAL AND REPLACEMENT

The base unit, charger, and AC adapter should be returned to the local distributor for recycling and disposal in accordance with any applicable local, state, and national regulations for disposal of electronic equipment, or otherwise returned to your doctor or physician.

The tips may be discarded with regular trash. Contact your physician or the manufacturer if any portion of the device is not operating properly or if you need additional supplies.

Bluetooth®

This device includes *Bluetooth®* Smart wireless technology. This optional feature can be turned on to allow you to download your TrueTear™ device data so you can view and track your usage on your smartphone via the TrueTear™ mobile app. The *Bluetooth®* feature does not have to be on for you to use the TrueTear™ device. For more information on using *Bluetooth®* and the TrueTear™ mobile app, please visit www.truetear.com/app.

Bluetooth® wireless technology is the global wireless standard enabling simple, secure connectivity for an expanding range of devices and serves as the backbone of the connected world. *Bluetooth®* Smart technology, through an updatable platform and low power consumption, creates new application opportunities for the mobile phone, consumer electronics, PC, automotive, health and fitness, and smart home industries.

The *Bluetooth®* word mark and logos are registered trademarks owned by Bluetooth SIG, Inc. and any use of such marks by Oculeve is under license. Other trademarks and trade names are those of respective owners.

FCC COMPLIANCE

This device contains FCC ID: T9JRN4020. This device complies with Part 15 of the FCC Rules. Operation is subject to the following two conditions: (1) this device may not cause harmful interference, and (2) this device must accept any interference received, including interference that may cause undesired operation.

This equipment has been tested and found to comply with the limits for a Class B digital device, pursuant to part 15 of the FCC Rules. These limits are designed to provide reasonable protection against harmful interference in a residential installation. This equipment generates, uses, and can radiate radio frequency energy, and if not installed and used in accordance with the instructions, may cause harmful interference to radio communications. However, there is no guarantee that interference will not occur in a particular installation. If this equipment does

cause harmful interference to radio or television reception, which can be determined by turning the equipment off and on, the user is encouraged to try to correct the interference by one or more of the following measures:

- Reorient or relocate the receiving antenna
- Increase the separation between the equipment and receiver
- Connect the equipment into an outlet on a circuit different from that to which the receiver is connected
- Consult the dealer or an experienced radio/TV technician for help

ELECTRICAL SPECIFICATIONS

Base unit output	Max current	5mA
	Max voltage	13V AC
	Max pulse width	300 µs
	Frequency	30-60 Hz
Charger	Input	5V DC
	Output	6V AC
AC adapter	Input current	0.3A
	Input voltage	120-240V AC
	Output current	1.0A
	Output voltage	5.0V DC

ELECTROMAGNETIC COMPATIBILITY

The TrueTear™ device has been tested for immunity to electrostatic discharge, radio frequency interference, proximity RF fields from wireless equipment, and power frequency magnetic fields as specified in the table below. Emissions of energy are not likely to cause interference with nearby electrical equipment.




IEC 60601-1-2: 2014-02		
Basic Standard	Phenomenon	Test Specification
IEC 61000-4-2	Electrostatic discharge	Contact discharge: ± 8 kV
		Air discharge: ± 15 kV
IEC 61000-4-3	Radiated RF EM fields	10 V/m, 80-2700 MHz, 80% AM at 1 kHz
IEC 61000-4-6	Proximity fields from RF wireless communications equipment	3 Vrms, outside ISM bands between 0.15 MHz-80 MHz 6 Vrms, inside ISM bands between 0.15 MHz-80 MHz 80% AM (1 kHz)
IEC 61000-4-8	Power frequency magnetic fields	30 A/m at 50 Hz/60 Hz

ENVIRONMENTAL OPERATING CONDITIONS

Ambient temperature range: 5°C-40°C (41°F-104°F)

Relative humidity range: 20%-90%

SYMBOLS AND MARKINGS

Symbol	Description	Symbol	Description
	Type BF applied part	R_x only	Federal law restricts this device to sale by or on the order of a physician or properly licensed practitioner.
IP22	Base unit is protected against solid foreign objects of 12.5 mm Ø and greater. Protection against vertically falling water drops when enclosure tilted up to 15°.	IP21	Charger is protected against solid foreign objects of 12.5 mm Ø and greater. Protection against vertically falling water drops.
	Nonionizing electromagnetic radiation	 Bluetooth	<i>Bluetooth</i> [®] / <i>Bluetooth</i> [®] Smart mark

Summary of Clinical Studies

CLINICAL STUDY OCUN-009—SINGLE STUDY VISIT (ONE-TIME USE)

This clinical study was designed to evaluate the effectiveness and safety of the TrueTear™ device during use at a single study visit.

To qualify for enrollment in this study, potential participants were required to be 22 years of age or older and have Dry Eye based on the level of dryness in the eye(s) measured on standard Dry Eye scales used by eye doctors.

Potential participants were excluded from the study if they had such severe Dry Eye that the surface of the cornea had irregularities; if they had bleeding from the nose or previous sinus surgery or trauma; if they had coagulation problems (bleeding problems), a cardiac pacemaker, implanted defibrillator, or another implanted electronic device. Potential study participants with disabling arthritis or limited motor coordination were also excluded from participating in the study since these conditions could interfere with use of the TrueTear™ device.

This study was conducted at two sites in the United States, and 48 people were tested. The study population, on average, was 57 years old. The majority of people who participated in the study were female. Each patient in the study underwent three applications of stimulation. On the study day visit, each subject received 3 applications in random order, with the Intranasal Tear Neurostimulator applied correctly, i.e., inside the nose, an inactive Intranasal Tear Neurostimulator applied inside the nose, i.e., no stimulation, and the Intranasal Tear Neurostimulator applied outside of the nose with stimulation.

In this study, the TrueTear™ device used as intended resulted in a large increase in tear production. This is shown in the graph in Figure 13. The average Schirmer score (a standard measurement of Dry Eye that measures tear production) was approximately 25 mm during neurostimulation, compared with approximately 9 mm, i.e., less tear production, for the inactive control application and in people who used the TrueTear™ device on the outside of the nose, where it would not be effective.

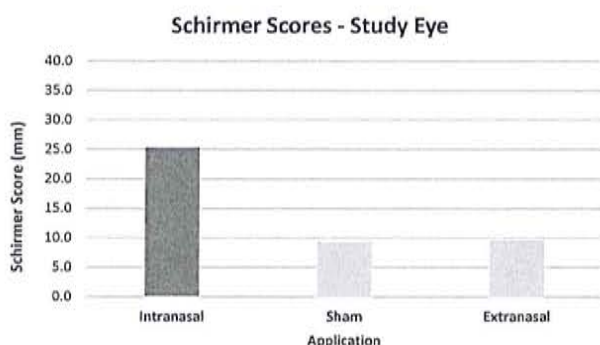


Figure 13. Tear production score (Schirmer).

The direct clinical benefit of temporarily increasing tear production as a therapy for patients with Dry Eye Disease was not assessed as part of this clinical trial.

There were no adverse events that led to discontinuation from the study. Two adverse events were deemed related to or possibly related to the device. These included transient lightheadedness and intermittent nose itching. No changes of nasal tissue were observed with examination of the nasal cavity.

CLINICAL STUDY OCUN-010—6-MONTH STUDY

This study was designed to evaluate the safety and effectiveness of the TrueTear™ device at multiple time points during the study (7, 30, 90, and 180 days) for patients with Dry Eye.

Eligibility for enrollment in this study required potential participants to be 22 years of age or older and have Dry Eye based on the level of dryness in the eye(s) measured on standard Dry Eye scales used by eye doctors.

Potential participants were excluded from the study if they had such severe Dry Eye that the surface of the cornea had irregularities; if they had bleeding from the nose or previous sinus surgery or trauma; if they had coagulation problems (bleeding problems), a cardiac pacemaker, implanted defibrillators or another implanted electronic device. Potential study participants with disabling arthritis or limited motor coordination were also excluded from participating in the study since these conditions could interfere with use of the TrueTear™ device.

Eligible participants were enrolled in the study and provided with a TrueTear™ device for home use. Participants were instructed to use the TrueTear™ device at least two times a day and as often as 10 times per day, as needed, and no more than three minutes per use. Study participants were examined at days 7, 30, 90, and 180.

Ninety-seven (97) people with Dry Eye were enrolled at three sites in the United States. The study population, on average, was 61 years old, and the majority of people who participated in the study were females.

Tear production at each follow-up visit including 180 days (6 months) is shown in Figure 14. At 180 days, the study participants used the TrueTear™ device without stimulation and then with active stimulation to evaluate whether there was a difference in tear production with and without active stimulation. In this study, tear production was much greater with active stimulation than without stimulation. In comparing the stimulated vs unstimulated tear production during the study, following the initial stimulation, there was a trend toward decreased effectiveness (tear production) with time with the use of the TrueTear™ device; this trend appeared to plateau toward the end of the study. The average difference in Schirmer score (stimulated vs unstimulated) was 18.0 mm on the first day of use, 13.1 mm at 1 week, 8.1 mm at 1 month, 8.3 mm at 3 months, and 9.4 mm at 6 months.

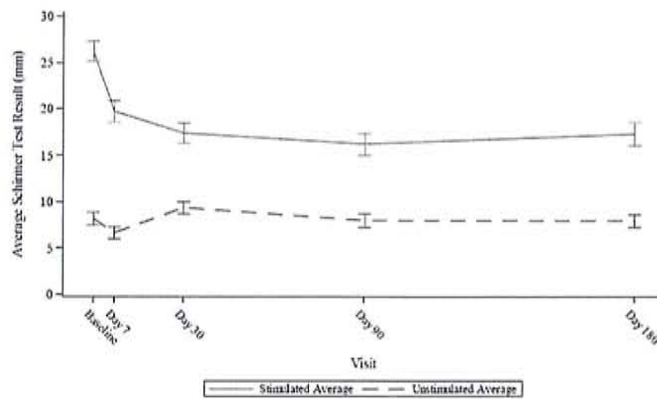


Figure 14: Acute tear production at day 180.

Safety and effectiveness of intranasal electrical stimulation was evaluated over a 6-month period of time. The safety and effectiveness of the device for longer periods of use has not been established. The direct clinical benefit of temporarily increasing tear production as a therapy for patients with Dry Eye Disease (for example, a change in symptoms) was not assessed as part of this clinical trial.

In this study, safety was acceptable with no serious adverse events (AEs) and only mild device-related AEs that were largely nasal in nature. The types and percentages for each type of AEs are presented in Table 1.

All device-related AEs (mostly mild discomfort or nosebleed) were evident to the patients and therefore self-limiting (with the exception of one case of chapped skin around the nostrils which resolved with over-the-counter medication) since patients could remove the device and discontinue stimulation at any time. The incidence of device-related AEs decreased over the course of the study, with the highest number occurring in the first month.

Table 1: Proportion of Study Patients Experiencing Adverse Event Related or Possibly Related to Device

Adverse Event Description	Number of Study Patients (Number of patients = 97)	Percentage
Nasal pain, discomfort, or burning	10	10.3%
Transient electrical discomfort	5	5.2%
Nosebleed	5	5.2%
Nasal congestion	3	3.1%
Headaches	2	2.1%
Trace blood in nostril	2	2.1%
Facial pain	2	2.1%
Sore eye	1	1.0%
Sinus pain	1	1.0%
Pain around the eye	1	1.0%
Runny nose	1	1.0%
Nasal ulcers	1	1.0%
Light-headedness	1	1.0%

*Some patients had more than one adverse event.

The device was applied for an average of 1.7 times per day with an average daily application time of 130 seconds/day (2.16 minutes/day). Subjects applied the device a total of 27,338 times during the study, and the total device application time for the study was 34,726 minutes. Therefore, this small number of device-related mild AEs occurred in a large number of stimulation events. In all, 30 study patients (30.9% of those studied) had at least one of the adverse events listed in the above table.

Warranty Information

Oculeve Inc., warrants to the original purchaser of the TrueTear™ device that your device is free from defects in materials and workmanship for three (3) years from the date of original purchase. This warranty extends to only the original purchaser and is not transferable. **Keep your invoice or receipt safe as this is your proof of purchase and the date marked on it shall be deemed the date of purchase.**

If during this three (3)-year period, the device does not function properly because of a defect in materials or workmanship, Oculeve Inc., will replace it with a new device or equivalent product free of charge. The warranty of the replacement device will expire on the date of the original warranty expiration. The purchaser's exclusive remedy with respect to the TrueTear™ device shall be replacement.

This warranty covers the original purchaser and cannot be transferred with sale or other transfer of the TrueTear™ device to any other person or entity.

EXCLUSIONS

This warranty does not apply if the device has been:

- Changed or modified by any person or entity other than Oculeve Inc.
- Serviced or repaired by any person or entity other than Oculeve Inc.
- Damaged by an act of God, external causes, misuse, abuse, negligence, accident, wear and tear, unreasonable use, use not in accordance with product instructions, failure to perform required maintenance, involvement of parts or components not supplied by Oculeve Inc., or by other causes unrelated to defective materials or workmanship

WARRANTY CLAIM PROCEDURE

You must notify Oculeve Inc., of the claimed defect within the warranty period by writing or calling: Oculeve Inc., 395 Oyster Point Blvd., Suite 501, South San Francisco, CA 94080; Telephone: 1-866-502-TEAR (8327) and Fax: 1-855-637-4959. The claim must include the date of purchase, model number, serial number, and a description of the claimed defect. Oculeve Inc.'s authorization must be obtained prior to returning the TrueTear™ device. If authorized, the TrueTear™ device must be properly packaged and returned in the TrueTear™ Return Kit to Oculeve Inc. Oculeve Inc. will pay all freight and transportation charges, where applicable, incurred in returning and replacing your TrueTear™ device under this warranty.

MISCELLANEOUS

REPLACEMENT AS PROVIDED UNDER THIS WARRANTY IS YOUR EXCLUSIVE REMEDY. ANY APPLICABLE IMPLIED WARRANTIES, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE LIMITED IN DURATION TO THE DURATION OF THIS WARRANTY. IN NO EVENT SHALL OCULEVE INC., ITS SUPPLIERS, OR ITS DISTRIBUTORS BE LIABLE FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES FOR BREACH OF ANY EXPRESS OR IMPLIED WARRANTY ON THE TrueTear™ DEVICE. Some states do not allow limitation on how long an implied warranty lasts, and some states do not allow the exclusion or limitation of consequential or incidental damages, so the above limitations or exclusions may not apply to you.

This warranty gives you specific legal rights, and you may also have other rights, which vary from state to state. This warranty is valid only in the United States.

NO OTHER WARRANTY

Unless modified in writing and signed by both parties, this warranty is understood to be the complete and exclusive agreement between the parties, superseding all prior agreements, oral or written, and all other communications between the parties relating to the subject matter of this agreement. No employee of Oculeve Inc. or any other party is authorized to make any warranty in addition to those made in this warranty.

Contact Information

If you wish to report a problem, please contact the doctor who provided you with the TrueTear™ device, or contact Oculeve:

Oculeve, Inc.

395 Oyster Point Blvd, Suite 501
South San Francisco, CA 94080 USA
1-866-502-TEAR (8327)
truetear.com



t r u e t e a r™

If your Dry Eye symptoms become intolerable or you experience any complications using the device, please contact your doctor.



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C-0400 Revision E (April 2017)

Agenda Item

3.B

NEVADA STATE BOARD OF OPTOMETRY



CHEN K. YOUNG, O.D.
Board President

MARIAH SMITH, O.D.
Board Member

Post Office Box 1824
Carson City, Nevada 89702
Telephone: (775) 883-8367
Facsimile: (775) 305-0105

CAREN C. JENKINS, ESQ.
Executive Director
cjenkins@nvoptometry.org

JEFFREY AUSTIN, O.D.
Board Member

DREW JOHNSON
Public Board Member

March 30, 2018

Steele & Associates, LLC
611 N. Nevada Street
Carson City, NV 89703

This representation letter is provided in connection with your audits of the financial statements of Nevada State Board of Optometry, which comprise the respective financial position of the governmental activities as of June 30, 2017, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of March 30, 2018, the following representations made to you during your audit.

Financial Statements

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP and for preparation of the supplementary information in accordance with the applicable criteria.
- 2) The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the primary government and all component units that generally accepted accounting principles require to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.

- 6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with U.S. GAAP.
- 7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements.
- 8) The effects of uncorrected misstatements are immaterial, both individually and in the aggregate, to the financial statements as a whole for each opinion unit. A list of the uncorrected misstatements is attached to the representation letter.
- 9) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.
- 10) Guarantees, whether written or oral, under which the Nevada State Board of Optometry is contingently liable, if any, have been properly recorded or disclosed.

Information Provided

- 11) We have provided you with:
 - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
 - b) Additional information that you have requested from us for the purpose of the audit.
 - c) Unrestricted access to persons within the Nevada State Board of Optometry from whom you determined it necessary to obtain audit evidence.
 - d) Minutes of the meetings of Nevada State Board of Optometry or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) All material transactions have been recorded in the accounting records and are reflected in the financial statements.
- 13) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- 14) We have no knowledge of any fraud or suspected fraud that affects the Nevada State Board of Optometry and involves—
 - Management,
 - Employees who have significant roles in internal control, or
 - Others where the fraud could have a material effect on the financial statements.
- 15) We have no knowledge of any allegations of fraud or suspected fraud affecting the Nevada State Board of Optometry's financial statements communicated by employees, former employees, regulators, or others.
- 16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- 17) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
- 18) We have disclosed to you the identity of the Nevada State Board of Optometry's related parties and all the related party relationships and transactions of which we are aware.

Government-specific

- 19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 20) The Nevada State Board of Optometry has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 21) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.
- 22) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
- 23) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- 24) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.
- 25) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 26) As part of your audit, you assisted with preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.
- 27) The Nevada State Board of Optometry has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 28) The Nevada State Board of Optometry has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 29) The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.
- 30) The financial statements properly classify all funds and activities in accordance with GASB Statement No. 34.
- 31) All funds that meet the quantitative criteria in GASBS Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
- 32) Components of net position (net investment in capital assets; restricted; and unrestricted) and classifications of fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.

- 33) Investments, derivative instruments, and land and other real estate held by endowments are properly valued.
- 34) Provisions for uncollectible receivables have been properly identified and recorded.
- 35) Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- 36) Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- 37) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
- 38) Deposits, investment securities, and derivative instruments are properly classified as to risk and are properly disclosed.
- 39) Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.
- 40) We have appropriately disclosed the Nevada State Board of Optometry's policy regarding whether first to apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.
- 41) We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.
- 42) We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.

Signature:  4/4/18

Title: Executive Director



Jonathan S. Steele, CPA CGMA

Vanessa L. Davis, CPA CGMA
Benjamin C. Steele, CPA CGMA

January 02, 2018

To Caren C. Jenkins, Esq.

Nevada State Board of Optometry
1000 E. William Street #109
Carson City, NV 89701

We are pleased to confirm our understanding of the services we are to provide Nevada State Board of Optometry for the year ended June 30, 2017. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of Nevada State Board of Optometry as of and for the year ended June 30, 2017. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Nevada State Board of Optometry's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Nevada State Board of Optometry's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies Nevada State Board of Optometry's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1) Statement of Revenue and Expenditures – Budget & Actual

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Nevada State Board of Optometry's financial statements. Our report will be addressed to the board members of Nevada State Board of Optometry. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

811 N. Nevada Street
Carson City, Nevada 89703
Phone: (775) 882-7198
Fax: (775) 883-4346

Members of: CPA Connect
Nevada Society of Certified Public Accountants
American Institute of Certified Public Accountants
Affordable Housing Association of Certified Public Accountants

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Nevada State Board of Optometry's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also assist in preparing the financial statements of Nevada State Board of Optometry in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial

statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

The audit documentation for this engagement is the property of Steele & Associates, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to State of Nevada or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Steele & Associates, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the State of Nevada or its designee. The State of Nevada or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

We expect to begin our audit on approximately January 2018 and to issue our reports no later than March 31, 2018. Jonathan S. Steele, CPA, CGMA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$9,500. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Nevada State Board of Optometry and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Steele & Associates, LLC

Steele & Associates, LLC

RESPONSE:

This letter correctly sets forth the understanding of Nevada State Board of Optometry.

Management signature: *[Signature]*
Title: Exec. Dir
Date: 4/5/18

Governance signature: _____

Title: _____

Date: _____

NEVADA STATE BOARD OF OPTOMETRY
FINANCIAL STATEMENTS
JUNE 30, 2017

DRAFT

Nevada State Board of Optometry

**FINANCIAL STATEMENTS
YEARS ENDED JUNE 30, 2017**

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INDEPENDENT AUDITOR'S REPORT

To the Board Members of
Nevada State Board of Optometry
Carson City, Nevada

We have audited the accompanying financial statements of the governmental activities of the Nevada State Board of Optometry as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise the Board's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities of the Nevada State Board of Optometry as of June 30, 2017, and the changes in financial position for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and pension information on pages 3 through 6, 25 and 26, respectively, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 30, 2018, on our consideration of the Nevada State Board of Optometry's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Nevada State Board of Optometry's internal control over financial reporting and compliance.

Carson City, Nevada
March 30, 2018

Management Discussion and Analysis

This section of the Nevada State Board of Optometry annual financial report presents our discussion and analysis of the Board's financial performance during the fiscal year that ended June 30, 2017. Please read it in conjunction with the Board's financial statements, which immediately follow this section.

Financial Highlights

- Revenue for the fiscal year ended June 30, 2017 was \$202,575 representing an increase of 1.14% over the fiscal year ended June 30, 2016.
- For the fiscal year ended June 30, 2017, there was a increase in long-term liabilities of \$1,783 and a decrease in pension expense of \$9,641 as a result of required adjustments under GASB 68.

Overview of Financial Statements

This discussion and analysis are intended to serve as an introduction to the Board's basic financial statements. The Board's basic financial statements comprise three components: 1) government-wide financial statements; 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Board's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the Board's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Board is improving or deteriorating.

The statement of activities presents information showing how the Board's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., earned but unused compensated absences).

The government-wide financial statements outline functions of the Board that are principally supported by license fees. The governmental activities of the Board include licensing and

regulation of Optometrists and to accredit schools of optometry in the State of Nevada. The government-wide financial statements can be found on pages 8 and 9 of this report.

Fund Financial Statements

A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Board uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Board uses only one governmental fund.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as government activities in the governmental-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the Board's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the governmental-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for government activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Board's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenue, expenditures and changes in fund balance provide a reconciliation to facilitate this comparison between governmental funds and governmental activities. These reconciliations are on pages 8 and 9, respectively.

In accordance with Nevada Revised Statutes, the Board maintains its financial information in a special revenue fund. The basic governmental fund financial statements can be found on pages 8 and 9 of this report.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 10 through 23 of this report.

Other Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the Board's budget process. The Board adopts an annual budget and a budgetary comparison has been provided in the governmental fund statement of revenue, expenditures and change in fund balance on page 25 of this report.

Condensed Financial Statements

The Condensed Statement of Net Position is as follows:

	<u>6/30/2017</u>	<u>6/30/2016</u>
Assets		
Current & other assets	\$599,171	\$595,276
Deferred outflows of resources	39,265	17,263
Capital assets	<u>4,017</u>	<u>800</u>
Total Assets	<u>642,453</u>	<u>613,339</u>
LIABILITIES		
Current liabilities	170,872	133,116
Deferred inflows of resources	54,160	19,565
Long-term liabilities	<u>109,795</u>	<u>139,436</u>
Total Liabilities	<u>334,827</u>	<u>292,117</u>
Net Assets		
Non-spendable Capital assets	4,017	800
Assigned for: Board activities	<u>303,609</u>	<u>320,422</u>
Total Net Position	<u>\$307,626</u>	<u>\$321,222</u>

The Condensed Statement of Activities is as follows:

Revenue		
Program revenue-services	\$201,833	\$199,563
General revenue-investments	<u>742</u>	<u>732</u>
Total Revenue	202,575	200,295
Expenses		
Optometry Board operations	<u>216,171</u>	<u>142,231</u>
Excess of Revenue over Expenditures	<u>(13,596)</u>	<u>58,064</u>
Change in Net Position	<u>\$(13,596)</u>	<u>\$ 58,064</u>

Government-wide Financial Analysis

Net assets may serve over time as a useful indicator of a government's financial position. In the case of the Board, assets exceeded liabilities by \$307,626 and \$321,222 as of June 30, 2017 and 2016, respectively.

Changes in Net Position

The Board's total revenues for the fiscal year ended June 30, 2017 were \$202,575. The total costs of all programs and services were \$216,171. The 2017 increase in operating expenses is due to the Board starting to accept most payments online which increased online processing fees and payments to a contracted administrative assistant in the 2017 fiscal year.

Financial Analysis of the Board's Funds

As noted earlier, the Board uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds

The focus of the Board's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Board's financing requirements. In particular, unreserved fund balance may serve as a useful measure of the Board's net resources available for spending at the end of the fiscal year.

The financial performance of the Board as a whole is reflected in its governmental funds. As the Board completed the year, its governmental funds reported a balance as of June 30, 2017 of \$428,299.

Budgetary Highlights

The Board prepares its budget prior to the start of each year. A comparison of this budget with actual results is provided in the Statement of Revenue and Expenditures - Budget and Actual.

Capital Assets and Debt Administration

Fixed assets increased \$3,217 in 2017 due to the purchase of three assets. In government-wide financial statements, these assets are reflected at their historical costs less accumulated depreciation. Additional information can be found in the footnotes to these financial statements.

Economic Factors and Next Years' Budget and Rates

The Board used no specific economic factors in preparing its budget for fiscal years 2016/2017. The Board's revenue is limited by maximum license fees specified in the Nevada Revised Statutes and the Nevada Administrative Code. For expenses, the Board typically assumes an increase of around 20% over the prior year.

BASIC FINANCIAL STATEMENTS

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Nevada State Board of Optometry
Statement of Net Position and Governmental Fund Balance Sheet
June 30, 2017

	Government Fund	Adjustments (Note 9 & 10)	Statement of Net Position
ASSETS			
Cash and cash equivalents	\$ 596,707	\$ -	\$ 596,707
Prepaid expenses	1,464	-	1,464
Refundable security deposit	1,000	-	1,000
Capital assets, net of accumulated depreciation		4,017	4,017
TOTAL ASSETS	599,171	4,017	603,188
Deferred outflows of resources			
- Pension requirement		39,265	39,265
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	\$ 599,171	43,282	642,453
LIABILITIES			
Payroll taxes payable	15,243	-	15,243
Employee benefits payable	16,346	-	16,346
Licensing fees received in advance	139,283	-	139,283
Net pension liability	-	99,946	99,946
Accrued compensated absences		9,849	9,849
Total Liabilities	170,872	109,795	280,667
Deferred inflows of resources			
- Pension requirement		54,160	54,160
TOTAL LIABILITIES AND DEFERRED INFLOWS OF RESOURCES	170,872	163,955	334,827
FUND BALANCE/NET POSITION			
Fund Balance Assigned for:			
Board activities	428,299	(428,299)	-
TOTAL LIABILITIES AND FUND BALANCE	\$ 599,171		
Net Position			
Invested in capital assets, net of related debt		4,017	4,017
Unrestricted		303,609	303,609
TOTAL NET POSITION		\$ 307,626	\$ 307,626

See Accompanying Notes to Financial Statements

Nevada State Board of Optometry
Statement of Activities and Governmental Fund Revenue, Expenditures,
and Changes in Fund Balance
For the Year Ended June 30, 2017

	Government Fund	Adjustments (Note 9 & 10)	Statement of Activities
EXPENDITURES/EXPENSES			
Optometry board operations	\$ 236,437	\$ (20,266)	\$ 216,171
Total Expenditures/Expenses	236,437	(20,266)	216,171
PROGRAM REVENUE			
Charges for services	201,833	-	201,833
Net Program Revenue	(34,604)	20,266	(14,338)
GENERAL REVENUE			
Investment income	742		742
Excess of Revenue over Expenditures	(33,862)	33,862	
Change in Net Position		(13,596)	(13,596)
FUND BALANCE/NET POSITION			
Fund Balance/Net Position June 30, 2016	525,153	(140,939)	384,214
Prior Period Adjustment - Correction of an Error (Note 10)	(62,992)	-	(62,992)
Fund Balance/Net Position, as Restated June 30, 2015	462,161	(140,939)	321,222
Fund Balance/Net Position, June 30, 2017	<u>\$ 428,299</u>	<u>\$ (120,673)</u>	<u>\$ 307,626</u>

See Accompanying Notes to Financial Statements

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 1 - NATURE OF OPERATIONS

The Nevada State Board of Optometry (the Board) was created in 1913 by the Nevada State Legislature. The Board is regulated by the Nevada Revised Statutes, which also specify the authorized activities of the Board. The Board is the licensing and regulatory agency for optometrists, and has the power to accredit schools of optometry in the State of Nevada.

The financial statements of the Board have been prepared in accordance with generally accepted accounting principles as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

Effective July 1, 2001, Chapter 353 of the Nevada Revised Statutes (NRS) was amended to exempt certain professional and occupational boards from the state budget act and the provisions governing the administration of state funding. The provisions of Chapter 353 do not apply to boards created pursuant to chapters 590.485 and 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of the NRS and the officers and employees thereof. Accordingly, the Board's budgeting and accounting practices and procedures have been removed from the oversight of the Department of Administration.

The Board's financial statements are not included in the financial statements of the State of Nevada since the State does not exercise financial or administrative control over the Board. This conforms with GASB codification Section 2100, *Defining the Government Reporting Entity*.

Basis of Presentation

The Board is defined as a single-program special-purpose entity under GASB Statement No. 14, paragraph 131 as amended by GASB Statement No. 39. This classification allows for the preparation of GASB 34 financial statements under an optional reporting method which combines the fund and government-wide statements into a single presentation. Under standard GASB 34 methodology, the government-wide statement of net position and statement of activities are presented independently from the respective fund balance sheet and statement of revenues, expenditures, and fund balance. A reconciliation of adjustments provided on the modified financial statements demonstrates the changes from fund financial statements to the government-wide financial statements in order to assist the reader in evaluating these statements. The Board has utilized this optional method of presentation.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Basis of Presentation (Continued)

GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*, requires the Board to apply all applicable GASB pronouncements and, unless they conflict with or contradict GASB pronouncements all Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Research Bulletins issued on or before November 30, 1989. Accordingly, the Board has not applied FASB pronouncements issued after that date.

Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenue is recognized as soon as they are both measurable and available. "Measurable" means the amount of the transaction can be determined and "available" means collectable within the current period or soon enough thereafter to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. By provision of statute, the Board administers its licensing registration annually. Revenue derived from renewals is recognized ratably over the license term.

The Board has only governmental fund types.

Fund Accounting

Under chapter 636.110 of the Nevada Revised Statutes, the general fund of the Board is used to account for the proceeds of specific revenue sources that are legally restricted to expenditures to be used solely for the Board's benefit. According to statute, any money deposited to Nevada State Board of Optometry does not revert to the State of Nevada's general fund. The net assets of the general fund are restricted solely to be used by the Board to meet its obligation of licensing and regulating the practice of optometry in the State of Nevada.

In the fund financial statements, fund balance for the governmental fund are reported in classifications that comprise a hierarchy based primarily on how amounts can be spent. These include "non-spendable" which are not expected to be converted to cash, such as inventory or prepaid items, "restricted" by conditions of law, regulation grants or contract with external parties, "committed" which arise from acts of the Board, "assigned" which reflect an intent by management of the Board or "unassigned" which is the residual amount.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Fund Accounting (Continued)

The Board first utilizes restricted resources to finance qualifying activities then unrestricted resources as they are needed. In the governmental environment, resources are often assigned or committed to specific purposes, indicating that those amounts are not considered available for general operations. In contrast to restricted amounts, these types of constraints are internal and can be removed or modified. Therefore, assignments and commitments are not presented in the statements of net position.

The Board has adopted GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*. The Board has no amounts classified as deferred outflows or inflows of resources at June 30, 2017, other than those related to GASB 68. Accordingly, there is no material impact to the Board's financial position as a result of this pronouncement. However, equity is now classified as net position and displayed in three different components. These include "Net invested in capital assets" which consist of capital assets, net of accumulated depreciation and any related debt; "Restricted net position which consists of net position with constraints placed on their use either by (1) external groups such as creditors, grantors, contributors, or laws and regulations of other governments; or (2) law through constitutional provisions or enabling legislation; or "Unrestricted net position which is a net position that is neither classified as "invested in capital assets" nor as "restricted."

Deferred Outflows and Inflows of Resources

In addition to assets, a separate section is reported for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period and will not be recognized as an outflow of resources (expense/expenditure) until then. The changes in proportion and differences between employer contributions and proportionate share of contributions as well as contributions made after the measurement period for pensions qualify for reporting in this category.

In addition to liabilities, a separate section is reported for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and will not be recognized as an inflow of resources (revenue) until that time. Differences between expected and actual experience and between projected and actual investment earnings on pension plan investments qualify for reporting in this category.

Budget Data

The Board prepares an annual budget. The budget is prepared on a basis similar to generally accepted accounting principles under the modified accrual basis of accounting. All annual appropriations lapse at fiscal year end.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources and pension expense, information about the fiduciary net position of the Public Employees' Retirement System of Nevada (PERS) and additions to/deductions from PERS' fiduciary net position have been determined on the same basis as they are reported by PERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Cash and Cash Equivalents

Cash is maintained in various commercial banks in Carson City, Nevada. The Board participates in the State of Nevada collateralization program to assure that funds deposited are protected. By statutes, all cash must be deposited in entities that are located in the State of Nevada.

Risk Management

The Board collects licensing fees in the State of Nevada. Financial instruments which potentially subject the Board to concentrations of credit risk consist primarily of cash equivalents. The Board has not experienced any significant losses in such accounts, nor does the Board believe it is exposed to any significant credit risk.

The Board has bank accounts, which are insured by the Federal Deposit Insurance Corporation up to \$250,000. On June 30, 2017 the bank balances were within federally insured limits.

Subsequent Events

In preparing these financial statements, the Board has evaluated events and transactions for potential recognition or disclosure through March 30, 2018, the date the financial statements were available to be issued. Subsequent events after that date have not been evaluated.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Reclassifications

Certain amounts in the current period have been reclassified to conform to appropriate government fund presentation. Deferred revenues have been included in the government fund balance sheet as they represent current liabilities which are required to be included in the government fund balance sheet. The beginning fund balance in the government fund statement of revenue, expenditures, and changes in fund balance reflect the inclusion of the prior year's deferred revenue balance as originally reported. This reclassification has no impact on previously reported net income.

Capital Assets

Capital assets, which include furniture, fixtures and equipment are reported in the net asset column in the government-wide financial statements. Capital assets are defined by the Board as assets with an initial, individual cost of \$1,000 and an estimated useful life of at least one year. Such assets are recorded at historical cost. Donated assets are recorded at estimated fair market value at the date of donation. Expenditures for minor replacements, maintenance, and repairs are charged to expense as incurred. Depreciation is provided over the estimated useful lives of 5 years of the related capital assets using the straight-line method for financial statement purposes.

Under the modified accrual basis of accounting, acquisitions are considered expenditures in the year purchased.

Compensated Absences

The Board accrues a liability for compensated absences that meet all of the following criteria:

- A. The Board's obligations relating to employee's rights to receive compensation for future absences is attributable to services already rendered;
- B. The obligation relates to rights that vest or accumulate;
- C. Payment of compensation is probable, and
- D. The amount can be reasonably estimated.

Vacation and sick leave may be accumulated by employees up to certain maximums, and is payable upon retirement or termination. No liability is reported for unpaid accumulated vacation or sick leave on the general fund balance sheet as no amounts were paid within 60 days subsequent to year end. Accumulated unused vacation and sick leave earned as of June 30, 2017 is reflected in the statement of net position.

NOTE 3 - COMPLIANCE WITH NEVADA STATUTES AND ADMINISTRATIVE CODES

During our audit of the fiscal year ended June 30, 2017, no apparent violation of statutory constraints on the Board's financial administration were noted.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 4 - CAPITAL ASSETS

The Board has custodial responsibility to the State of Nevada for furniture, fixtures and equipment acquired with resources of the Board. The capital asset activity during the year is as follows:

	<u>June 30, 2016</u>	<u>Increases</u>	<u>Decreases</u>	<u>June 30, 2017</u>
Capital assets, not being depreciated				
None				
Capital assets, being depreciated				
Office furniture and equipment	\$ 26,148	\$ 3,777	\$ -	\$ 29,925
Less accumulated depreciation	(25,348)	560	-	(25,908)
Total capital assets, being depreciated net	800	4,337	-	4,017
Net capital assets	<u>\$ 800</u>	<u>\$ 4,337</u>	<u>\$ -</u>	<u>\$ 4,017</u>

NOTE 5 - OPERATING LEASES

The Board leases office space in Carson City, Nevada. The prior lease was set to expire January 31, 2016. Management exercised their right to hold possession of the leased premises on a month to month basis, effective February 1, 2016 until they could secure new office space. The initial monthly rental payment is \$688 with escalation clauses as detailed in the lease. Total amount charged to expense for the fiscal year ended June 30, 2017 was \$5,169.

The Board entered into a new office lease on February 1, 2017. The term shall be four years and will expire on January 31, 2021. The monthly rental payment is \$800 per month, which does not include CAM expenses of \$280 per month. The lease required a \$1,000 refundable security deposit. The total amount charged to expense for the fiscal year ended June 30, 2017, was \$3,200 for rent and \$1,218 for CAM expense. The following is a schedule by years of future minimum lease payments:

<u>Year ending June 30</u>	
2018	9,720
2019	10,012
2020	10,312
2021	6,119
	<u>\$ 36,163</u>

The Board leases a copy machine. The existing lease expires on November 13, 2017. The monthly minimum payment is \$149 plus the expense per copy. The total amount charged to expense for the fiscal year ended June 30, 2017, was \$1,785. Total future minimum lease payments are \$744 and are due in the fiscal year ended June 30, 2018.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 6 - CHANGES IN LONG-TERM LIABILITIES

	Balance June 30, 2016	Additions (Reductions)	Balance June 30, 2017	Due Within One Year
Compensated absences	\$ 6,678	\$ 3,171	\$ 9,849	\$ -

NOTE 7 - DEFINED BENEFIT PENSION PLAN

**General Information about the Pension Plan
Plan Description**

The Public Employees' Retirement System of Nevada (PERS or the System) administers a cost-sharing, multiple-employer, defined benefit public employees' retirement system which includes both Regular and Police/Fire members. The System was established by the Nevada Legislature in 1947, effective July 1, 1948. The System is administered to provide a reasonable base income to qualified employees who have been employed by a public employer and whose earnings capacities have been removed or substantially impaired by age or disability.

Benefits Provided

Benefits, as required by the Nevada Revised Statutes (NRS or statute), are determined by the number of years of accredited service at time of retirement and the member's highest average compensation in any 36 consecutive months with special provisions for members entering the System on or after January 1, 2010, and July 1, 2015. Benefit payments to which participants or their beneficiaries may be entitled under the plan include pension benefits, disability benefits, and survivor benefits.

Monthly benefit allowances for members are computed as 2.5% of average compensation for each accredited year of service prior to July 1, 2001. For service earned on and after July 1, 2001, this factor is 2.67% of average compensation. For members entering the System on or after January 1, 2010, there is a 2.5% service time factor and for regular members entering the System on or after July 1, 2015, there is a 2.25% factor. The System offers several alternatives to the unmodified service retirement allowance which, in general allow the retired employee to accept a reduced service retirement allowance payable monthly during his or her lifetime and various optional monthly payments to a named beneficiary after his or her death. Post-retirement increases are provided by authority of NRS 286.575 - .579.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 7 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

General Information about the Pension Plan (Continued)

Vesting

Regular members entering the System prior to January 1, 2010, are eligible for retirement at age 65 with five years of service, at age 60 with 10 years of service, or at any age with thirty years of service. Regular members entering the System on or after January 1, 2010, are eligible for retirement at age 65 with five years of service, or age 62 with 10 years of service, or at any age with 30 years of service. Regular members who entered the System on or after July 1, 2015, are eligible for retirement at age 65 with 5 years of service, or at age 62 with 10 years of service or at age 55 with 30 years of service or any age with 33 1/3 years of service.

The normal ceiling limitation on monthly benefits allowances is 75% of average compensation. However, a member who has an effective date of membership before July 1, 1985 is entitled to a benefit of up to 90% of average compensation. Both Regular and Police/Fire members become fully vested as to benefits upon completion of five years of service.

Contributions

The authority for establishing and amending the obligation to make contributions and member contribution rates, is set by statute. New hires, in agencies which did not elect the Employer-Pay Contribution (EPC) plan prior to July 1, 1983, have the option of selecting one of two contribution plans. Contributions are shared equally by employer and employee. Employees can take a reduced salary and have contributions made by the employer (EPC) or can make contributions by a payroll deduction matched by the employer.

The System's basic funding policy provides for periodic contributions at a level pattern of cost as a percentage of salary throughout an employee's working lifetime in order to accumulate sufficient assets to pay benefits when due.

The System receives an actuarial valuation on an annual basis indicating the contribution rates required to fund the System on an actuarial reserve basis. Contributions actually made are in accordance with the required rates established by the Nevada Legislature. These statutory rates are increased/decreased pursuant to NRS 286.421 and 286.450.

The actuarial funding method used is the Entry Age Normal Cost Method. It is intended to meet the funding objective and result in a relatively level long-term contributions requirement as a percentage of salary.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 7 - DEFINED BENEFIT PENSION PLAN (CONTINUED)
General Information about the Pension Plan (Continued)

Contributions (continued)

For the fiscal year ended 2016 the Statutory Employer/employee matching rate was 14.5% for Regular and 20.75% for Police/Fire. The Employer-pay contribution (EPC) rate was 28% for Regular and 40.50% for Police/Fire.

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2017 the Board reported a liability of \$99,946, for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2016 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The Board's proportion of the net pension liability was based on total contributions due on wages paid during the measurement period. Each employer's proportion of the net pension liability was based on their combined employer and member contributions relative to the total combined employer and member contributions for all employers for the period ended June 30, 2016. At June 30, 2016 the Board's proportion was 0.00074%.

For the year ended June 30, 2017, the Board recognized pension expense of \$5,014. Amounts totaling \$27,604, resulting from Board contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2017. For the year ended June 30, 2017, the Board contributed \$27,604 under the statutory requirements based upon covered payroll of \$91,814 which equates to 30.07% overall to the plan. At June 30, 2017, the Board reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ -	\$ 6,693
Net difference between projected and actual earnings on pension plan investments	9,291	-
Changes in proportion and differences between Board contributions and proportionate share of contributions	2,370	47,467
Board contributions subsequent to the measurement date	27,604	-
Total	<u>\$ 39,265</u>	<u>\$ 54,160</u>

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 7 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (Continued)

Deferred outflows/(inflows) of resources excluding the changed in proportion and differences between actual contributions and proportionate share of contributions will be recognized as follows:

<u>Year ending June 30</u>	
2018	(767)
2019	(767)
2020	3,282
2021	1,588
2022	(611)
2023 and later	(135)

The net difference between projected and actual investment earnings on pension plan investments will be recognized over five years, all the other above deferred outflows and deferred inflows will be recognized over the average expected remaining service lives, which was 6.48 years for the measurement period ending June 30, 2016.

Actuarial Assumptions

The System's net pension liability was measured as of June 30, 2016 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The total pension liability was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation rate	3.50%
Payroll growth	5.00%, including inflation
Investment rate of return	8.00%
Productivity pay increase	0.75%
Projected salary increases	Regular: 4.60% to 9.75%, depending on service Police/Fire: 5.25% to 14.5%, depending on service Rates include inflation and productivity increases
Consumer price index	3.50%

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 7 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (Continued)

Actuarial Assumptions (Continued)

Actuarial assumptions used in the June 30, 2016 valuation were based on the results of the experience review completed in 2013. The discount rate used to measure the total pension liability was 8.00% as of June 30, 2016. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rate specified in statute. Based on that assumption, the pension plan's fiduciary net position at June 30, 2016 was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability as of June 30, 2016.

Investment Policy

The System's policies which determine the investment portfolio target asset allocation are established by the Board. The asset allocation is reviewed annually and is designed to meet the future risk and return needs of the System. As of June 30, 2016 PERS' long-term inflation assumption was 3.5%. The following was the Board adopted policy target asset allocation as of June 30, 2016:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Geometric Expected Real Rate of Return</u>
Domestic Equity	42%	5.50%
International Equity	18%	5.75%
Domestic Fixed Income	30%	0.25%
Private Markets	10%	6.80%

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 7 - DEFINED BENEFIT PENSION PLAN (CONTINUED)

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (Continued)

Sensitivity of the Board's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the Board's proportionate share of the net pension liability of the PERS as of June 30, 2016 calculated using the discount rate of 8.00%, as well as what the Board's share of the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (7.00%) or 1 percentage-point higher (9.00%) than the current discount rate:

	<u>1% Decrease (7.00%)</u>	<u>Discount Rate (8.00%)</u>	<u>1% Increase (9.00%)</u>
Board's proportionate share of the net pension liability on June 30, 2016	<u>\$ 145,969</u>	<u>\$ 99,583</u>	<u>\$ 60,990</u>

Pension Plan Fiduciary Net Position

Additional information supporting the Schedule of Employer Allocations and the Schedule of Pension Amounts by Employer is located in the PERS Comprehensive Annual Financial Report (CAFR) available on the PERS website at www.nvpers.org under Quick Links - Publications.

NOTE 8 - OTHER POST EMPLOYMENT BENEFITS

Public Employees Benefits Program of the State of Nevada

The employees of the Board are covered by the Public Employees Benefits Program of the State of Nevada (PEBP) a multiple employer, self insurance trust fund. PEBP provides health insurance benefits for current and retired employees of the State of Nevada and other public employers. Chapter 287 of the Nevada Revised Statutes established the benefit provisions provided to the participants of PEBP. These benefit provisions may only be amended through legislation. The Nevada Public Employees Benefits Program issues a publicly available financial report that includes financial statements and required supplementary information for PEBP. That report may be obtained by writing the the Nevada Public Employees Benefits Program, 901 South Stewart Street, Suite 1001, Carson City, Nevada 89701, or by calling (775) 684-7000.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 8 - OTHER POST EMPLOYMENT BENEFITS (CONTINUED)

Public Employees Benefits Program of the State of Nevada (Continued)

Under the plan, the employee pays a portion of the health insurance and the employer contributes the balance. Employer payments for health insurance totaled \$12,100, \$9,041, and \$10,694, for the years ended June 30, 2017, 2016 and 2015, respectively. Retirement benefit costs are billed to the employer as they occur. Currently, the Board has no employees that fall under the retirement benefit provisions, so no amounts relating to post employment benefits have been paid, nor are any due.

The Nevada Public Employees Deferred Compensation Program

The Board employees are now eligible to participate in the Nevada Public Employees Deferred Compensation Program. The Program, established in 1977, is a voluntary tax-deferred supplemental retirement plan (IRC 457(b)), which provides participants and their beneficiaries with a supplement to their other retirement savings. The Program operates solely in the interest of the plan participants and beneficiaries. As a voluntary, participant-directed plan, participants bear the ongoing responsibility for deciding the amount of current compensation to defer and the selection of investment allocation and options. There are no employer contributions. The amount of deferred compensation due to participant accounts by the Board as of June 30, 2017 was \$1,850.

NOTE 9 - CONVERSION TO GOVERNMENT-WIDE FINANCIAL STATEMENTS

Adjustments on the face of the financial statements were made to the fund balance sheet and statement of revenue, expenditures, and changes in fund balance in order to reconcile the fund financial statements to the government-wide statements of net assets and activities. As of June 30, 2017 these adjustments detail the effect of the capitalization of fixed assets of \$29,925, accumulated depreciation of \$25,908, depreciation expense of \$560, the recognition of liabilities for unpaid compensated absences of \$9,849, and the recording of the Board's proportionate share of deferred outflows of resources of \$39,265, deferred inflows of resources of \$54,160 and net pension liability of \$99,946 relating to the defined benefit pension plan detailed in Note 7.

Nevada State Board of Optometry
Notes to Financial Statements
June 30, 2017

NOTE 10 - CORRECTION OF AN ERROR IN PREVIOUSLY ISSUED FINANCIAL STATEMENTS

Unrestricted net position at the beginning of the year ended June 30, 2016, has been adjusted to account for an adjustment to the deferred optometry license fees estimate.

Previously issued financial statements included deferred optometry license fees for July 2016 through March 2017, that were underestimated. The accompanying financial statements have been adjusted to reflect a restatement of beginning net position to fully reflect the June 30, 2016 deferred revenue. This prior period adjustment and the restatement represent an increase in current liabilities of \$62,992, with an offsetting decrease to the beginning governmental activities net position on the government wide statement of activities and the fund balance on the government fund statement of revenue, expenditures and changes in fund balance.

REQUIRED SUPPLEMENTARY INFORMATION

DRAFT

Nevada State Board of Optometry
Statement of Revenue and Expenditures - Budget and Actual
For the Year Ended June 30, 2017

	Original & Final Budget <i>(unaudited)</i>	Actual	Variance Favorable (Unfavorable)
REVENUES			
License renewal	\$ 176,360	\$ 175,737	\$ (623)
Application and exam fees	9,000	14,356	5,356
Duplicate license fees	700	-	(700)
Fines	25	-	(25)
Other	8,865	11,740	2,875
Interest income	50	742	692
Total Revenues	<u>195,000</u>	<u>202,575</u>	<u>7,575</u>
EXPENDITURES			
Operations			
Salaries	139,000	120,636	18,364
Operating expense	63,713	67,600	(3,887)
Employee benefits	25,900	37,384	(11,434)
Professional services	16,422	5,640	10,782
Travel	5,500	5,227	273
Total Expenditures	<u>250,535</u>	<u>236,437</u>	<u>14,098</u>
Excess (Deficiency) of Revenue over Expenditures	<u>\$ (55,535)</u>	<u>\$ (33,862)</u>	<u>\$ 21,673</u>

See Accompanying Notes to Financial Statements

Nevada State Board of Optometry
Schedules of Required Supplementary Information
For The Year Ended June 30, 2017

**SCHEDULE OF THE BOARD'S PROPORTIONATE SHARE OF THE
NET PENSION LIABILITY**
Nevada State Public Employees Retirement System

	<u>6/30/16</u>	<u>6/30/15</u>	<u>6/30/14</u>
Board's proportion of the net pension liability (asset)	0.00074%	0.00116%	0.00118%
Board's proportionate share of the net pension liability (asset)	\$ 99,946	\$ 132,758	\$ 122,979
Board's covered-employee payroll	\$ 59,101	\$ 66,736	\$ 67,441
Board's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	169.11%	198.93%	182.35%
Plan fiduciary net position as a percentage of the total pension liability	72.20%	75.10%	76.30%

SCHEDULE OF BOARD CONTRIBUTIONS
Nevada State Public Employees Retirement System

	<u>6/30/16</u>	<u>6/30/15</u>	<u>6/30/14</u>
Actuarially determined contribution	\$ 15,302	\$ 17,398	\$ 17,804
Relation to the actuarially determined contributions	12,594	16,666	16,579
Contribution deficiency (excess)	\$ 2,708	\$ 732	\$ 1,225
Board's covered-employee payroll	\$ 59,101	\$ 66,736	\$ 67,441
Contributions as a percentage of covered-employee payroll	21.31%	24.97%	24.58%

Notes: All contributions shown reflect employer-paid contributions only. Member contributions are excluded. Actuarially determined contributions above are based on actuarially determined contributions rates (employer portion only) from most recent rate setting year prior to year shown, applied to covered payroll for year shown.

See Accompanying Notes to Financial Statements

REPORTS ON INTERNAL CONTROL & COMPLIANCE

DRAFT

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND
OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Board Members of the
Nevada State Board of Optometry
Carson City, Nevada

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities of the Nevada State Board of Optometry as of and for the years ended June 30, 2017, and the related notes to the financial statements, which collectively comprise the Board's basic financial statements, and have issued our report thereon dated March 30, 2018.

Internal Control over Financial Reporting

In planning and performing our audit, we considered the Board's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of Nevada State Board of Optometry's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or, significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs that we consider to be material weaknesses, 2017-1.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Board's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Carson City, Nevada
March 30, 2018

DRAFT

NEVADA STATE BOARD OF OPTOMETRY
Schedule of Findings and Questioned Costs
For the Year Ended June 30, 2017

**FINDINGS - FINANCIAL STATEMENTS AUDIT
SIGNIFICANT DEFICIENCIES
INTERNAL CONTROL OVER FINANCIAL REPORTING**

FINDING NO. 2017-1:

Statement of Condition: During the course of the audit several adjustments were proposed to the financial statements. The effect of these adjustments were material to the financial statements taken as a whole.

Criteria: NRS 218G-400 requires that the Board's financial statements be prepared in accordance with generally accepted principles of accounting for special revenue funds.

Effect of Condition: Failure to reconcile the financial statements on a monthly, quarterly, or annual basis, results in inaccurate information being provided to those charged with governance. Further the financial statements are not prepared in accordance with generally accepted principles of accounting for special revenue funds. This is a violation of NRS 218G-400

Cause of Condition: The Board's management failed to perform reconciliations of significant accounts in a timely or accurate manner.

Recommendation: In order to make the decisions necessary to manage the Board, management should reconcile all accounts at least quarterly.

Comments: The Board agrees with the finding and will endeavor to reconcile all significant accounts at least quarterly.

AUDITOR'S COMMENTS

DRAFT

To the Nevada State Board of Optometry

We have audited the basic financial statements of the Nevada State Board of Optometry for the years ended June 30, 2017, and have issued our report thereon dated March 30, 2018. Professional standards require that we provide you with the following information related to our audit.

Our Responsibility under U. S. Generally Accepted Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects in conformity with U. S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Other Information in Documents Containing Audited Financial Statements

Our responsibility for the other information in the Management's Discussion and Analysis which contains the Board's financial information and report does not extend beyond the financial information identified in the audit report. We do not have an obligation to perform any procedures to corroborate any of the other information contained in the Management's Discussion and Analysis. We did, however, read the information contained therein. As a result, nothing came to our attention that caused us to believe that such information, or its manner of presentation, is materially inconsistent with the information, or manner of its presentation appearing in the financial statements.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Nevada State Board of Optometry are described in the financial statements. GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*, as amended by GASB No. 71, *Pension Transitions for Contributions Made Subsequent to the Measurement Date* was adopted in the prior period. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the financial statement was Management's estimation of deferred revenue.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following material misstatements detected as a result of audit procedures were corrected by management:

1. Record a prior period adjustment for the recalculation of deferred revenue and the related change in estimate in the amount of \$66,992.
2. Record in additional deferred revenue for the current fiscal year of \$11,400.
3. Adjust various payroll accruals resulting in a reduction of expenses recorded of \$16,708.
4. Adjust compensated absences in the amount of \$9,849.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated March 30, 2018.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition of our retention.

As required by generally accepted auditing standards and the terms of our engagement, in planning and performing our audit, we considered the internal control solely to determine the auditing procedures to be employed for the purpose of enabling us to express our opinion on the financial statements and not to for the purpose of expressing an opinion on the effectiveness of the Board's internal control over financial reporting. Therefore, we express no opinion or other form of assurance thereon.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. Our report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated March 30, 2018, noted no significant deficiencies, but did not one issue

that rose to the level of a material weakness. We determined that the quantity and nature of the adjustments proposed to the financial statements constituted a material weakness in internal control and was included in the schedule of findings and questioned costs.

This information is intended solely for the use of management and the Board and is not intended to be and should not be used by anyone other than these specified parties.

Carson City, Nevada
March 30, 2018

DRAFT

Agenda Item

3.C

Board Policies

(as of July 1, 2017)

These policies of the Nevada State Board of Optometry were adopted to assist the consistent enforcement of Nevada's statutes and regulations applicable to the practice of optometry and to conduct the Board's authorized functions under the law.

These policies do not replace our statutes and regulations (NRS & NAC Chapters 636), and where they conflict, the statutes and regulations shall take precedence.

Policy Number 1 – Correspondence

All official correspondence with the Board must be made through the Board's website, to the Executive Director by mail at Post Office Box 1824, Carson City, Nevada 89702, by email to admin@nvoptometry.com or via fax to 775-305-0105.

Policy Number 2 – Change in Location of Practice

NRS 636.370 and this policy require each optometrist to notify the Board of the place of his or her practice or any change in location of that practice, in writing prior to the date the change becomes effective. Fees may apply to any change in address.

Policy Number 3 – Application Fees

The Application for Licensure as an optometrist in the State of Nevada may be downloaded from the Board's website <https://nvoptometry.org>. The applicant must submit the application, all required supporting materials and the fee to the Board. Once the applicant has passed the online law exam, and all required documentation in support of the application has been received in the Board office, the Executive Director will review, reject or approve the application and provide notice to the applicant within 30 days. These policies apply both to new licensees and applicants for licensure by endorsement.

Upon receipt of notice of approval of his/her application, the applicant must submit the required license printing fee and identify his/her practice location to the Board.

Within 60 days of receipt of all required information, the licensee will be provided a licensure certificate for display.

Policy Number 4 – Duplicate Document Fees

The Board is authorized by law to charge a reasonable fee for duplication of documents. The Board has approved a charge up to \$0.60 per page for copying, mailing and duplication of physical documents:

The current charge for copying is \$0.25 per page.

Nevada State Board of Optometry Board Policies

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Policy Number 5 – License Renewal

Pursuant to NRS 636.250, active and inactive licensees must renew their license by March 1 of each year, regardless of the initial license approval date. For renewal by mail to be timely, mail must be postmarked before March 1 by the United States Postal Service. Electronic renewal is effective upon the Board's receipt of all required information and fees. Responsibility for assuring or confirming receipt of renewal materials rests solely on the renewing licensee.

If a license has not renewed by March 1, the license will be suspended. A license may be relieved from suspension if the licensee files a renewal application and submits the required CE documentation before July 1 and pays a penalty of \$250.00 as authorized by NRS 636.285, plus the renewal fee. If the license is renewed after June 30 and before January 1, an additional \$250 penalty will attach to relieve a license from suspension.

As of January 1, the license will expire, and if the former licensee wishes to practice in Nevada, he or she must apply as though no previous licensure existed.

Policy Number 6 – License Renewal and Education Requirements

Pursuant to NRS 636.250, a licensee must renew his/her license by March 1 of each year. License renewal requires a completed renewal application, fees and proof of appropriate Continuing Education based on license and certification requirements. (See Policy No. 7 for appropriate CE)

Policy Number 7 – Continuing Education

NRS 636.260[2] requires the licensee

renewal application and renewal fee to be accompanied by satisfactory evidence that the licensee, within the 12- month period immediately preceding license renewal, has completed the required number of hours of continuing education approved by the Board.

The continuing education requirements for licensees certified in diagnostic pharmaceutical agents may not exceed 24 hours per 12 month period. The Board has established 18 hours as the requirement for licensees who have been certified in diagnostic pharmaceutical agents, of which up to 5 hours may be related to practice management.

The requirement for licensees who have been certified in therapeutic pharmaceutical agents may not exceed 50 hours per 12 month period. The Board has established 30 hours as the requirement for licensees who are certified in therapeutic pharmaceutical agents. Of the 30 hours, not fewer than 15 hours must be TPA-related, and at least 2 of the hours must be related to opioid prescribing, use or misuse. Up to five hours may be related to practice management.

The Board counts hours in 0.25 hour increments using the 1/4 hour nearest the actual teaching time, with the exception that 50-minute lectures are counted as one hour in accord with academic tradition.

Any or all of the CE hours may be completed by live attendance, or by Internet, correspondence or video. Licensees submitting courses taken via the Internet, correspondence or video must submit proof they have received a grade of 70% or higher on the course exam.

The Board reviews pre-approved providers periodically to verify adherence to established standards and hours for reporting.

Nevada State Board of Optometry Board Policies

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The Board has established two categories of acceptable and approved continuing education:

1. Pre-approved – This category requires the licensee to submit a signed or verified Continuing Education Attendance form or an ARBO summary through which attendance is certified. Other certifications may be submitted. Certification can be by stamp or signature. A list of pre-approved providers may be found below.

PRE-APPROVED PROVIDERS

A. All schools and colleges of optometry, but not their affiliates. For example, alumni associations are affiliates and are not considered pre-approved providers.

NOTE: Continuing Education will NOT be accepted for coursework from Optocase and/or Queens University.

2. AOA & U.S. Affiliated Associations:

- Alabama Optometric Association
- Alaska Optometric Association
- Arizona Optometric Association
- Arkansas Optometric Association
- Armed Forces Optometric Association
- California Optometric Association
- Colorado Optometric Association
- Connecticut Optometric Association
- Delaware Optometric Association
- Optometric Society of the District of Columbia
- Florida Optometric Association
- Georgia Optometric Association
- Hawaii Optometric Association
- Idaho Optometric Association
- Illinois Optometric Association
- Indiana Optometric Association
- Iowa Optometric Association
- Kansas Optometric Association
- Kentucky Optometric Association
- Louisiana State Association of Optometrists
- Maine Optometric Association
- Maryland Optometric Association
- Massachusetts Society of Optometrists
- Michigan Optometric Association
- Mississippi Optometric Association
- Missouri Optometric Association
- Montana Optometric Association
- Nebraska Optometric Association
- Nevada State Optometric Association
- New Hampshire Optometric Association
- New Jersey Optometric Association

- New Mexico Optometric Association
- New York State Optometric Association
- North Carolina Optometric Association
- North Dakota Optometric Association
- Ohio Optometric Association
- Oklahoma Optometric Association
- Oregon Optometric Association
- Pennsylvania Optometric Association
- Rhode Island Optometric Association
- South Carolina Optometric Association
- South Dakota Optometric Society
- South Dakota State Board of Optometric Examiners
- Tennessee Optometric Association
- Texas Optometric Association
- Utah Optometric Association
- Vermont Optometric Association
- Virginia Optometric Association
- Washington Optometric Association
- West Virginia Optometric Association
- Wisconsin Optometric Association
- Wyoming Optometric Association

3. Regional Councils:

- Mountain West Council of Optometrists
- New England Council of Optometrists
- North Central States Optometric Council
- Optometric Council of the National Capital Region
- Southern Council of Optometrists
- Southern Council of Optometry
- Great Western Council of Optometry(GWCO)

4. U.S. Government:

- Veterans Administration
- Academy of Health Sciences, USA
- Air National Guard Optometric Society
- Brooke Army Medical Center
- Dept. of the Army – Office of the Surgeon General, 18th Med. Command, 2291st U.S.A.H. [Reserve]
- Ireland Army Community Hosp. Optometry Section
- Naval Med. Command – SW Region–Naval Hospital
- School of Health Care Sci, USAF, Sheppard AFB, TX
- Department of Biomedical Sciences MSDB
- Tri Service Optometric Society – Naval Medical Clinic,
- Barbar's Point Naval Air Station

5. OEPEF:

- Optometric Extension Program Foundation, Inc.
- Eastern State Optometric Congress
- Great Lakes Optometric Congress
- Heart of American Optometric Congress
- The Invitational Skeffington Symposium
- Mid-American Vision Conference
- Mountain States Congress of Optometry
- New Jersey Optometric Extension Program
- Northeast Congress of Optometry
- Northwest Congress of Optometry
- Northeast Vision Conference
- Reading Advanced Behavioral Vision Seminar
- Rosario Seminar
- San Jose Vision Therapy Conference
- Southwest California Behavioral Vision Seminar
- Southern California Vision Forum
- Summerville Behavioral Seminars
- Sun Valley Behavioral Vision Seminar

Nevada State Board of Optometry Board Policies

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6. Special:

- American Academy of Optometry
- National Eye Research Foundation
- Northern Rockies Optometric Conference
- Council on Practitioner Education of the IAB
- College of Optometry and Vision Development [COVD]

7. Any state ophthalmologic or optometric society.

8. Any regional or national ophthalmologic association.

9. Any medical school affiliated ophthalmology residency program.

10. Any COPE approved course. **EXCEPTION: The Board will not accept CE from Queens University or Optocase, regardless of COPE approval.**

11. Category I CME (Continuing Medical Education) coursework will NOT be accepted generally, but may be submitted for the 2 hours required per renewal period related to opioid prescribing, use and misuse.

B. Other – Other providers will be approved on an individual basis. Such providers may submit the course syllabus or programs in advance for approval or may be considered when the licensee submits a CE Summary Form. The licensee will receive notice from the Board only if the course is not approved.

Policy Number 8 – Accredited Colleges of Optometry

Pursuant to NRS 636.135, only certain schools and colleges of optometry are accredited by the Nevada Board of Optometry. The Board shall rely on the Accreditation Council on Optometric Education for information regarding accreditation.

Policy Number 9 – Multiple Verifications of License

Any person requesting multiple verifications of licenses may be required to make such requests in writing and pay a fee of \$25.00.

Any person requesting physical copies of disciplinary information concerning a licensee, or physical copies of a file must make the request in writing, and pay a fee of \$5.00 for any file up to 20 pages, and \$0.25 per page thereafter.

Policy Number 10 – Fictitious Name

NRS 636.350 requires that, prior practicing under an assumed or fictitious name, the licensee must be issued a certificate from the Board. The Fictitious Name Application must be submitted by each licensee who holds an ownership interest in the entity operating under the assumed or fictitious name must be approved before commencing its use. Any licensee practicing at a medical or surgical facility who applies for registration of an assumed name to be used at the facility must include his/her professional designation in the assumed name.

Policy Number 11 – Continuing Education Reporting

A licensee shall not report or submit his/her continuing education information to the Board until the licensee has sufficient hours to fulfill the total requirements for the license year. Interim submission of continuing education

Policy Number 12 – Operating Expenses

The Board shall maintain in an account separate from its operating account liquefiable funds estimated to be sufficient to pay the operating expenses of the Board for a thirteen (13) month period.

Nevada State Board of Optometry Board Policies

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Policy Number 13 – Contact with Members of the Board

Licensees should refrain from contacting members appointed to the State Board of Optometry at their homes or offices regarding Board matters and operations, and should instead contact the Executive Director at the Board office. Only when a licensee wishes to shield his or her identity from the staff for good cause, or the issue involves the conduct of the Executive Director, should a licensee contact a Board member directly.

Policy Number 14 – Hydrocodone with Acetaminophen

The presumed maximum prescribed dosage for Hydrocodone with Acetaminophen is not more than 90 MME or Maximum Morphine Equivalents each day for up to 3 days/72 hour period.

PROPOSED Policy Number 15 – Mobile Optometry permitted for certain at-risk or underserved populations

To help secure the availability of quality vision care services for patients in remote

or underserved areas in Nevada and patients who need specialized types of cost-effective health care, a mobile optometric practice, which may include a trailer or vehicle that may be moved from one location to another, may apply for consideration as a certified practice location. A mobile optometric practice must be owned by one or more licensees, a nonprofit or charitable organization, a government agency or a school. Such mobile facilities may be registered as a practice location, so long as the operating licensee completes a mobile optometry certificate application, meets the requirements set by the Board and submits the application and appropriate fee before offering services in this manner.

The Executive Director shall review and approve or deny all applications, based on the Board approved criteria posted on the Board website. Optometrists who establish or provide optometric services through a certified mobile practice shall be relieved of the requirement to notify the Board of each practice location at which he or she offerd optometric services using mobile optometric equipment. Certified mobile optometry practices must apply for renewal of the certification by March 1 of each year.

Agenda Item

4.B

Caren Jenkins

From: Caren Jenkins
Sent: Thursday, April 5, 2018 2:46 PM
To: 'Nevada Board of Dispensing Opticians'
Subject: RE: Opticians filling prescriptions

Corinne-

Lovely to hear from you, and yes, let's try to meet before things go crazy. Perhaps the E.D.s for optometry, opticians and ophthalmology should get together with the Professional Associations and any involved lobbyists to hash things out before they go public! We could meet at a restaurant in Reno – some like Silver Peak are really slow in the late afternoons - - 1:30 to 4:30 pm. You and I could pick a date in September perhaps, and could invite the chairman of our boards to attend? I know mine would fly up from LV to such a meeting.

THE FOLLOWING IS MY OPINION ONLY, as the Board has not yet interpreted or applied this statute to my knowledge.

“the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly” means:

The first requirement appears unambiguous - - the date after which the patient or dispensing optician/optometrist can no longer act upon the prescription.

The second infers that the prescription itself was for a certain number of lenses. The number of refills needs to relate to refilling the initial number of lenses approved for the patient.

Finally, such other information, in my mind, should include directives such as...Not to exceed a combined 12 months of lenses dispensed in one or several lots during the prescription period. Of course, that requires a central database to check how many lenses have already been dispensed, like pharmacies have.

Caren

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
P.O. Box 1824
Carson City NV 89702
775-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

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From: Nevada Board of Dispensing Opticians [mailto:Info@nvopticians.org]

Sent: Thursday, April 5, 2018 2:24 PM

To: Caren Jenkins

Subject: Re: Opticians filling prescriptions

Hello again Ms. Jenkins,

Thanks very much for taking the time to respond to my questions. I apologize for my own delayed response - I wanted to check in with my board attorney regarding this issue as we've been trying to get this settled at our last couple of board meetings. You're correct that my question was phrased in terms of what an optician should or shouldn't do. My attorney suggested a better question, and what our licensees need to know, is what needs to be included on a valid contact lens prescription? This is the section of your law I've been looking at:

NRS 636.387 Requirements for prescriptions for ophthalmic lenses; requirements for initial fitting of contact lenses.

1. The form for any prescription which is issued for an ophthalmic lens by an optometrist in this State must contain lines or boxes in substantially the following form:

Approved for contact lenses..... _____
Not approved for contact lenses..... _____

2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.
3. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.
4. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.
5. As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contacts may be approved pursuant to subsection 1.
(Added to NRS by 1987, 1698; A 1997, 1257; 2003, 512)

I'm interpreting this to mean a contact lens prescription must include 3 items (in addition to the prescription itself) in order to be valid: a check mark indicating whether the prescription is approved for contacts, an expiration date, and the number of refills allowed. Are there any additional items that must be included, and would you say that for pre-boxed lenses, a number of boxes must be indicated to satisfy the requirement for number of refills?

Thanks again for taking the time to respond and I'd be very happy to meet with you before the start of session as I'm sure many of our legislative concerns overlap. I will let you know the next time I will be in Carson City (or you can let me know when you'll be in Reno) and we can set up a meeting.

Also, you can feel free to call me by my first name. Have a great afternoon!

Corinne Sedran
Executive Director

NV Board of Dispensing Opticians
4790 Caughlin Pkwy. #241
Reno, NV 89519-0907
(775) 689-0132 (phone)
(775) 689-0133 (fax)

From: Caren Jenkins <cjenkins@nvoptometry.org>
Sent: Friday, March 23, 2018 4:37 PM
To: Nevada Board of Dispensing Opticians
Subject: RE: Opticians filling prescriptions

Ms. Sedran-

Thank you for reaching out regarding our statute. As you know, laws can be interpreted in a number of ways, and we expect to propose a measure to the 2019 Legislature to address certain outdated or ambiguous portions of NRS 636. Until the law is clarified, I urge you to consider your two main issues below:

“Some of our opticians have refused to fill a prescription for prepackaged lenses that does not include a number of boxes and others continue to dispense as many boxes as requested by the customer.”

“If a prescription is presented to an optician that omits either a number of number of boxes for prepackaged lenses or a specific expiration date, should the optician refuse to fill it as it is considered invalid under your law?”

Please note that both of these sentences address the **actions of an optician, rather than an optometrist**. Certainly, my Board desires clarification of the laws affecting our licensees, as well as the effect of those actions on other professionals. But we are not in a position to dictate what a dispensing optician should or should not do with an optometrist’s written prescription - - that would be no more appropriate than our Board instructing a pharmacist to act in a particular manner that might be contrary to his or her Board’s direction.

From a patient services perspective, I recommend that a dispenser who is uncertain of the intent of the prescriber telephone or reach out in another manner to the prescriber before filling the prescription, just to be certain the prescription is being interpreted correctly. Alternatively, if the prescription does not offer sufficient information to allow it to be filled properly, and this deficiency is recurring or egregious rather than a mere oversight, the optician may wish to make a formal complaint to the Optometry Board that the optometrist is in violation of NRS636.387(3). However, **your Board should be the entity regulating the acts of your licensees**.

I would be pleased to meet with you to discuss our proposed changes to NRS 636 well before the session begins. You could offer a valuable perspective that we might not consider otherwise. In fact, I welcome any

input and suggestions you might provide, and look forward to collaborating to make Nevada's regulatory framework more seamless.

Best wishes,

Caren C. Jenkins, Esq.
Executive Director

Nevada State Board of Optometry
P.O. Box 1824
Carson City NV 89702
775-883-8367 - office
775-305-0105 – fax
www.nvoptometry.org

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From: Nevada Board of Dispensing Opticians [<mailto:Info@nvopticians.org>]
Sent: Friday, March 23, 2018 3:58 PM
To: Caren Jenkins
Subject: RE: Opticians filling prescriptions

Hello Ms. Jenkins,

I believe one of my board members recently contacted you in regards to a question about filling prescriptions. Specifically, the requirements for a valid prescription included here:

NRS 636.387 Requirements for prescriptions for ophthalmic lenses; requirements for initial fitting of contact lenses.

1. The form for any prescription which is issued for an ophthalmic lens by an optometrist in this State must contain lines or boxes in substantially the following form:

Approved for contact lenses..... _____
Not approved for contact lenses..... _____

2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.

3. If the prescription is for a contact lens, the form must set forth the expiration date of the prescription, the number of refills approved for the patient and such other information as is necessary for the prescription to be filled properly.

4. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.

5. As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contacts may be approved pursuant to subsection 1.

(Added to NRS by 1987, 1698; A 1997, 1257; 2003, 512)

I wanted to obtain clarification from you as to whether your board interprets "number of refills" to mean number of boxes when the prescription is for pre-boxed contact lenses. Some of our opticians have refused to fill a prescription for prepackaged lenses that does not include a number of boxes and others continue to dispense as many boxes as requested by the customer. Also, our law specifies that if the prescription does not include an expiration date, the date is assumed to be two years from the date the prescription is written. As the optometry laws are your purview, I don't want to instruct our opticians to refuse filling various prescriptions without your guidance. If a prescription is presented to an optician that omits either a number of number of boxes for prepackaged lenses or a specific expiration date, should the optician refuse to fill it as it is considered invalid under your law? Our law does define the filling of a prescription in violation of the number of refills or expiration date specified as an unlawful act, however, it does not stipulate whether a prescription missing either of these items should be rejected by the filler.

Thanks very much for your response,

Corinne Sedran
Executive Director

NV Board of Dispensing Opticians
4790 Caughlin Pkwy. #241
Reno, NV 89519-0907
(775) 689-0132 (phone)
(775) 689-0133 (fax)