

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

MINUTES OF A REGULAR MEETING

THE NEVADA STATE BOARD OF OPTOMETRY TELEPHONIC MEETING

Thursday October 16, 2018, at 12:00 p.m.

* * * * *

1. Public Comment. TELEPHONE ONLY - No public comment was offered.
2. Welcome and Call to Order, Roll Call
President Young called the meeting to order at 12:03 p.m., and all Board members attended telephonically, via internet or both. Executive Director Caren C. Jenkins, Esq. and Board Counsel, Senior Deputy Attorney General Sarah Bradley, Esq. and various members of the public attended telephonically. As the Board considered each agenda item, the relevant meeting materials were available via screen sharing to the members and the public throughout the meeting.
- 3.* **For Possible Action. Consideration of minutes of July 12, 2018, meeting**
Dr. Smith offered a correction to the minutes reflecting her request that the physical address of the office be posted on the Board website in addition to the hours of operation. Motion by Dr. Smith, seconded by Dr. Austin, to accept the minutes as corrected. Approved unanimously.
- 4.* **For Possible Action. Consideration of Complaint 18-04 re: Bela Svoboda, O.D. Remediation Period (materials attached).**
The Executive Director presented information and evidence that Dr. Svoboda had met the basic terms of the Order within the time required, other than paying the penalty imposed, which is due before December 31, 2018. Motion by Dr. Austin, seconded by Dr. Smith to remove all restrictions that had been on his ability to practice, pending timely receipt of the penalty payment. The motion passed unanimously.

5.* **For Possible Action. Determination whether just and sufficient cause exists to hear complaints (materials attached).**

Executive Director Jenkins reviewed the three complaints and materials submitted therewith. She recommended that each be found to present just and sufficient cause to be investigated and forwarded for hearing.

- a. Complaint 19-01 - Retail layout
- b. Complaint 19-02 - Optometric management and practices
- c. Complaint 19-05 - HIPAA & billing practices

Motion by Dr. Smith, seconded by Dr. Austin that just and sufficient cause is found to investigate and forward for hearing the three complaints discussed. Approved unanimously.

- d. Complaints 08-22, 19-03, 19-04, 19-06, 19-07, 19-08 - Recommend finding of no jurisdiction to consider the Complaint.

Motion by Dr. Smith, seconded by Dr. Austin to dismiss these complaints for insufficient evidence to investigate and forward for hearing. Approved unanimously.

6.* **For Possible Action. Executive Director's report (materials attached).**

- a. Licensing & CE status report

Ms. Jenkins reported that Laura Adair, Licensing Specialist, has undertaken an update of the Licensee Database and is already processing 2019 renewals. The Opioid CE requirement has brought numerous inquiries to the office, and licensees seem to be having trouble finding obviously appropriate CE. A suggestion was made to send communication to the licensees offering guidance and options.

- b. Bill Draft Request status & legislative planning

Ms. Jenkins has been working with the LCB Bill Drafter to prepare the BDR, and hopes to have a complete draft to share with the board shortly. She intends to call a meeting of stakeholders to inform them of the Board's bill and ask for feedback. Dr. Smith offered to review the LCB Draft as soon as it is available and present it to the Board at her earliest opportunity.

- c. Status of ongoing investigations (18-05, 18-14, 18-15, 18-16; 18-12, 18-13; 18-17, 18-19)

The investigations continue to be undertaken by the Executive Director. Either Recommendations for Dismissal, Stipulated Settlements or Hearings will likely be presented at the January 29, 2019 meeting of the Board in Las Vegas.

- d. Newsletter archive request

A licensee suggested that an archive of Board Newsletters be added to the website as a resource for licensees. The Board discussed the propriety of the request and determined that the newsletters could be provided on request, but because the law, regulations and procedures have and will continue to change over time, making the archive publicly available may confuse the reader. The Board directed staff not to post the past newsletters on the website

- e. Other reports/information - None.

