

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

May 19, 2020

1. President Chen Young, O.D. opened the meeting at 12:02 pm, and asked for public comment. None was offered.
2. President Young, Vice President Mariah Smith, O.D., Jeff Austin O.D. and Drew Johnson were all in attendance. Also present were Executive Director Caren C. Jenkins, Board Counsel Asheesh Bhalla, Esq., and Licensing Specialist Nancy Padilla. Public attendees included Steve Girisgen, O.D., Jeff Cooper and others.
3. Consideration and approval of the minutes of the January 21, 2020 and March 19, 2020 Board meetings. All members having had an opportunity to consider the proposed minutes, Dr. Smith moved, and Mr. Johnson seconded to adopt the minutes without correction. Unanimous.
4. Just and Sufficient Cause determinations:

Ms. Jenkins introduced the Complaints provided with the meeting materials and asked for the Board's guidance respecting the "unethical or unprofessional conduct" provision in NRS 636.295, and how the Board envisioned its application independent of any other violation being found.

COMPLAINT 20-10 The Board reviewed the redacted Complaint and supporting information alleging a violation of NRS 636.295-unethical or unprofessional conduct in the practice of optometry. After a full discussion of the allegations and evidence as well as analysis of the Board's role to protect the public regarding health care concerns, Dr. Smith moved and Dr. Austin seconded a motion to dismiss the Complaint for lack of jurisdiction. The Board expressed a desire to be able to impose mentoring regarding good business practices including providing patients with information regarding refund policies, re-making lenses and other policies so that patients are aware that after cataract surgery, glasses sometimes must be re-made or prescriptions adjusted. The diagnoses were less troubling than the monetary issues and the offer of a refund without follow-through. Call for the question resulted in unanimous approval to dismiss the complaint.

COMPLAINT 20-11 The Board considered the Complaint and evidence submitted and discussed that this complaint fails to fall within the jurisdiction of the Board. The Board has no authority over consumer/small claims or business contracts. Although it is unfortunate that a conflict like this has arisen, the complainant has alternative remedies available and the Board's role is protection of the public related to its health

concerns rather than financial concerns. As a result, this business-related complaint does not fall within the jurisdiction of the Board. Dr. Smith moved and Dr. Austin seconded a motion to dismiss. Approved unanimously.

5. Upon discussion whether any temporary regulations are required to address direction to licensees during the COVID-19 pandemic, the Board agreed to direct staff to modify acceptance of CE to the standards adopted by COPE and to apply those standards to all CE providers during the period the standards are utilized by COPE.

6. The Executive Director requested ratification of a temporary waiver to fictitious name application fees for good cause during the transition to the new requirements. She also asked for guidance regarding the Board's role in responding to state or national emergencies, and the Board determined that it should act as an information resource rather than a policy making body. Motion by Dr. Austin, seconded by Dr. Smith to approve the waiver and the role of the Board in emergencies. Unanimous passage.

Staff presented its impressions regarding working remotely and the strengths and weaknesses of our office systems, and asked board members to bring to the next meeting any items to be addressed as goals for the next fiscal year, including budgeting.

7. Staff announced dates for the final board meeting of this year and proposed dates for next fiscal year. The dates appeared to be fine for all board members, and the schedule was finalized. FY21 meetings will be held on August 11, October 13 and December 15, 2020, February 9, April 13 and June 8, 2021.

8. No public comment was offered.

9. Motion to adjourn at 12:55 pm by Dr. Smith, Seconded by Dr. Austin, unanimous. Dr. Young adjourned the meeting.

Approved by majority vote on June 16, 2020



Caren C. Jenkins, Executive Director