

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

November 11, 2021

1. **Call to Order and Public Comment.** President Mariah Smith, O.D. opened the telephonic meeting at 12:04 p.m. and asked for public comment. No public comments were offered.
2. **Roll Call.** President Mariah Smith, O.D., Jeff Austin, O.D., Chen Young, O.D., and Drew Johnson were all in attendance. Also, present were Executive Director Caren C. Jenkins, Board Counsel Chief Deputy Attorney General Rosalie Bordelove, Esq., and members of the public, including Tiffany Bengoa, and Shaune Wallace, O.D.
3. **Consideration and approval of the proposed minutes of the July 13, 2021, Board meeting.** All members having had an opportunity to consider the proposed minutes, Mr. Drew Johnson moved, and Dr. Austin seconded the motion to adopt the minutes without correction. Unanimous passage.
4. **Consideration of Requests for Declaratory relief.**
 - A. **Prescribing *Acthar Gel* injections** – Upon the request of a licensee, the Board considered whether a Nevada optometrist could prescribe *Acthar Gel* for patient self-injection. Dr. Austin moved to reject the premise on several levels, most particularly that optometrists may not prescribe the material under the authority granted them in NRS 636.0215. Dr. Young seconded the motion. The motion passed unanimously.
 - B. **Time permitted to transfer practice ownership after death of optometrist.** Dr. Chen Young moved to allow, and at the next opportunity, to attempt to revise the statutes to include, a limitation of 12 months for a surviving spouse to transfer an optometry practice to a licensed optometrist upon the death of the owner. Dr. Austin seconded the motion. The motion passed without opposition.
5. **Consideration of Potential Changes to Legislation, Regulation and Policy.**
 - A. Rosalie Bordelove, Esq. provided an overview of the process of changing statutes, regulations, and policies: timeline, information, and processes.
 - B. Conceptual changes to the optometry laws were discussed by all Board members.
 - a. Regulation of optometrists' supervision of students v. assistants/employees.

- b. Optometrist inclusion in Professional Entities (PC/PLLC) under Chapter 89.
 - c. Require post-CE test for non-live CE and extend COPE Policy through 7/1/2022.
 - d. Revise opioid CE requirement to prescribe only Categories 3-5.
 - e. Optometrist CLIA waiver access.
 - f. Codify 2-year expiration for glasses Rx/no lensometry repro without valid Rx.
 - g. Can a non-optometrist own any portion of an optometry practice?
- C. Board discussion and determination of next steps. President Mariah Smith, O.D. moved to begin the necessary steps for the next legislative session for items a, b, e, f, and g. Dr. Chen Young seconded the motion. Motion passed unanimously.

6. Executive Director's report.

- A. Executive Director Caren Jenkins presented the Budget and finance matters.**
- a. Caren Jenkins reported on the FY 2021 audit status, indicating that Casey Neilon would be ready to submit the audit to the Legislative Counsel Bureau by the December 1, 2021. It will be brought before the Board for approval and adoption at the next Board meeting.
 - b. FY 2022 Budget proposal and determination of "adequate" reserves. Drew Johnson gave praise to Caren for her fiscal management. Drew Johnson proposed that the Board retain a full year of funds in reserves. Chen Young, O.D., Caren Jenkins and Jeff Austin agreed with keeping a full year in reserves.
 - c. Caren Jenkins presented various options to spend-down excess reserves and asked for other proposals from the Board members.
 - i. OE Tracker Access for each licensee (approx. \$8,000/ biennium)
 - ii. ARBO CE Auditing Services (approx. \$10,000/biennium after initial set-up)
 - iii. One-time \$200 per licensee credit toward renewal 2022 (\$112,000)
 - iv. Revise our Board website(approx. \$30,000)
 - v. Ratification of President Smith's 10/29/21 approval to eliminate processing fees for credit card use (approx. \$8,000/biennium)

President Mariah Smith moved that the Board ratify her prior approval to eliminate the 3.5% processing fees for credit card use to our licensees. Jeff Austin seconded the motion. Motion passed unanimously.

President Smith moved to reduce our reserves to a one-year operating expense, plus set aside \$40,000 for 2023 lobbying, and \$30,000 for our website, with the remainder of our reserves to be refunded by the end of the fiscal year to those licensees who have held their license for the last 4 consecutive years or longer. Dr. Chen Young seconded the motion. Motion passed with all in favor.

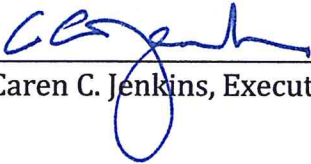
- B. Announcements:** Caren Jenkins reported on emails and questions from licensees and reported scam phone calls being received by Nevada optometrists from callers alleging to be Board staff members asking for credit card information.

7. Public Comment. Dr. Young gave thanks to each Board member and staff who made the last 9 years of his tenure so rewarding.

8. Adjournment. Motion to adjourn at 2:12 p.m. by Dr. Young, seconded by Dr. Smith. Unanimous motion carried.

FY 2021-2022 Regular meeting schedule Tuesdays at Noon by telephone: January 27, 2022, March 24, 2022, May 19, 2022, July 21, 2022, September 22, 2022, and November 17, 2022. Additional meetings may be called on an as-needed basis.

These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on January 27, 2022.



Caren C. Jenkins, Executive Director