

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

May 19, 2022

Preliminary Matters: Call to Order and Public Comment. President Mariah Smith, O.D. opened the telephonic meeting at 12:01 p.m. and asked for public comment. No public comments were offered.

1. **Roll Call.** President Mariah Smith, O.D., Vice President Jeff Austin, O.D., Stephanie Lee, O.D., and Drew Johnson were all in attendance. Also present were Board Counsel Asheesh Bhalla, Esq., and Licensing Specialist, Nancy Padilla. Executive Director Caren C. Jenkins was not present.
2. **Consideration and approval of the proposed minutes of the March 24, 2022, Board meeting.** The following proposed changes were presented by President Mariah Smith, O.D. and Jeff Austin, O.D.

Policy #6. CE Providers

Section B. Other Providers

- a. Add: "Cope and"
- b. Remove "the Nevada License number",
- c. Add: "(when applicable)"
- d. Add: "the date of the course"
- e. Add: "that may be required with current COPE guidelines"
- f. Remove: with not less than a 70% score
- g. Add: "The Board has placed a limit of 10-CE hours to be accepted within a 24-hour timeline."

The OE Tracker validity for COPE coursework will be acceptable, and no certificate is required for COPE courses listed on that Summary. Certificates of attendance are required for any COPE and non-COPE courses, and must include, at a minimum, the licensee's name ~~and Nevada license number~~, the COPE Course number (when applicable) or an indication of the Pre-approved Provider, name of the presentation, instructor's name, number of credit hours attended, a stamp or signature verifying attendance, the date of the course, and, if it is a non-interactive online course, evidence

that the licensee passed a post-course test that may be required with current COPE guidelines with not less than a 70% score. Incomplete certificates will not be accepted.

Policy #6. CE Providers

Section A. Educational Institutions:

- h. Remove: "or ophthalmology"
- i. Add: "All ophthalmology training programs that are accredited in the US or Canada."

All schools and colleges of optometry ~~or ophthalmology~~ that are accredited in the US or Canada, but not their affiliates. (For example, alumni associations are affiliates and are not pre-approved providers). All ophthalmology training programs that are accredited in the US or Canada.

Item # 5 Potential Changes to 2023 Legislation:

- j. Remove - " and administered by the patient."
- k. Item #6 The following legislative changes were accepted for inclusion in the 2023 legislative BDR:
Add: Define Telemedicine scope of practice "and guidelines".

Dr. Jeff Austin proposed that the changes to the 3/24/2022 meeting minutes be incorporated, reviewed, and accepted at the next Board meeting.

3. Proposed action regarding legislative matters including potential bill sponsor, selecting a lobbyist and final content for stakeholders meeting in June.

Regarding potential sponsors, Drew Johnson suggested Assemblyman Steve Yeager (Democrat) from the assembly with whom we have previously worked and Senator Fabian Donate (Democrat) (a fraternity brother of Drew's) who has a health policy background. The Board agreed generally and assigned Drew Johnson and Caren Jenkins to determine the next action required to officially secure a person as our bill sponsor.

As the Board's potential lobbyist, President Mariah Smith, O.D. asked Caren Jenkins to reach out to our previous lobbyist for the sake of familiarity. Dr. Lee and Dr. Austin both agreed to utilize our previous lobbyist if possible. Drew Johnson asked if this session, because our bill is significantly less complex, the cost of hiring our lobbyist would be reduced.

4. Executive Director's Reports

A. A licensee sent in an email to all Board members, which could have caused Open Meeting Law issues. President Mariah Smith presented the Executive Director's report on behalf of Caren Jenkins. She discussed an email that was sent to all Board members directly from a licensee without going through Board staff. The email could have been seen as an open meeting law breach, even though there was no open discussion about the licensee's question. To abide by Open Meeting Laws, the licensee has since been redirected to submit any questions for decision by the Board to Board staff or the executive director. Asheesh Bhalla, Esq. reminded Board members that they should avoid serial communication. He also clarified that a discussion between two Board members (without a quorum) and the Executive Director is not considered a meeting, and isn't subject to the open meeting law, so long as no

action is taken. Drew Johnson suggested that the next Board newsletter should indicate that licensees are not to email Board members directly about policy issues or concerns about Board matters, and to please direct those inquiries to the Executive Director.

Non-exempt staff overtime – ratification of Pres. Smith’s action approving payment. On May 5, 2022, to comply with federal and state wage hour laws, President Smith authorized payment of overtime incurred during renewals in February 2022 to Nancy Padilla. The Board paid \$2700.00 for overtime, payroll taxes and retirement. President Smith asked that overtime expenses be included in future budgets. A nonexempt employee who works more 8 hours in a day and over 40 hours in a week must be paid time and half for those hours.

Dr. Stephanie Lee moved to ratify the approval of the payment of overtime to Nancy Padilla and to budget for overtime in the future. Dr. Jeff Austin seconded the motion. Motion passed unanimously.

5. **Public Comment.** No public comments were provided.
6. **Adjournment.** Motion to adjourn at **12:21** p.m. by Drew Johnson, seconded by Dr. Jeff Austin. Unanimous motion carried.

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FY 2022-2023 Regular meeting schedule

Thurs. September 8 – Regular Board meeting – Noon – phone
Thurs. October 13 – Reg. Bd. meeting – Noon – phone
Thurs. December 8 – Reg. Bd. meeting – Noon – phone
Thurs. February 23 – 8:30 am **ALL DAY** in Las Vegas or by Zoom
Thurs. April 20 – Reg. Bd. meeting – Noon – phone
Thurs. June 22 – 8:30 am **ALL DAY** in Reno or by Zoom

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These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on July 21, 2022.


Caren C. Jenkins, Executive Director