

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING

February 23, 2023

1. **Roll Call, Call to Order, Welcome, Introductions.** President Mariah Smith, O.D. opened the Zoom meeting at 8:31 a.m. President Mariah Smith, O.D., Vice President Jeff Austin, O.D., Board Member Stephanie Lee, O.D., Executive Director Caren C. Jenkins, and Board Counsel Rosalie Bordelove, Esq. Public attendee, Steve Girisgen, O.D. Board member Drew Johnson joined the meeting for Agenda item No. 5.
2. **Public Comment.** No public comment was offered.
3. **Consideration of drafts and approval of Board Meeting Minutes.**
 - A. Minutes of December 15, 2022 Meeting
 - B. Minutes of January 16, 2023 Meeting
 - C. Minutes of January 25, 2023 MeetingJeff Austin, O.D. moved for approval of the minutes as written. Stephanie Lee, O.D. seconded the motion. All voting Board members voted Aye. Motion passed.
4. **Comprehensive review of the Board's requested Bill Draft, propose and approve any required revisions.** The Board was unable to address this agenda item as the bill draft was not available from the Legislative Counsel Bureau.
5. **Discussion and direction regarding matters before the Nevada Legislature that may affect the Board or its licensees.** Caren C. Jenkins reported several measures before the legislature that could affect optometry laws. President Smith added that a doctor remote tele-optometry measure may be proposed by the industry. If she is asked to participate by commenting on a bill, she will provide feedback as an individual optometrist, rather than as the Optometry Board President. Caren C. Jenkins thanked Rosalie Bordelove for providing Board members with written legislative guidelines. She summarized the guidelines as follows.
 - Board members may not appear on behalf of their Board unless specifically authorized to do so during a public meeting. Our Board has authorized Mariah Smith, O.D. to appear and testify on its behalf.

- The Executive Director may appear before the legislature without authorization to explain the effect of legislation or legislative action related to the Board.
- Employees of the Board may only explain the effects of legislation related to their Board, or otherwise provide information to the legislature. Advocating for or against any legislation will be considered lobbying and registration as a lobbyist may be required.
- Board members may always appear before the legislature on their own behalf and may identify their relationship to the Board but must specify that they are not speaking for the Board.

Jeff Austin, O.D. suggested that the Board instruct its lobbyist to lobby against the doctor remote tele-optometry bill if it is proposed. After further discussion, Dr. Austin later suggested that we add a provision to our bill that no other telehealth is authorized for optometry besides what is approved by the Optometry Board.

Public Board member Drew Johnson commented that opposing the bill would take a majority vote of the Board and suggested that taking a stance either way is not appropriate.

Mariah Smith, O.D. reported that after the Board voted not to include tele-optometry in its bill draft, the Board received an email indicating that nothing in the current Nevada statutes prohibiting optometrists from providing a tele-optometry model of care.

Steve Girisgen, O.D. reported that he heard the tele-optometry bill may not find a home and may not be introduced. He also commented that certain parties believe that Nevada does not have anything in statute to prohibit optometrists from providing a tele-optometry model of care. He also mentioned a generic telehealth bill being introduced by Assemblyman Orentlicher.

E.D. Jenkins also has been hearing discussion that no authority prohibits tele-optometry, however, NRS Chapter 636 requires direct supervision of a technician and has been interpreted to disfavor tele-optometry. She recommends that the Board weigh in if there is a bill introduced for tele-optometry, as that it would be dangerous not to participate or respond.

6. **Discussion of staff restructuring concepts effective July 1, 2023.** Stephanie Lee, O.D. gave an overview of proposed staff position descriptions. The two full-time positions recommended are Executive Director and Licensing Manager. The E.D. position is required by statute. She hopes to have job descriptions for the positions defined for approval at the April 20, 2023, meeting, so the open positions may be posted by May 1, 2023, interviews scheduled in June, and the positions to begin on July 1, 2023. She suggested that a physical office in Carson City is not required.

7. **Executive Director's Report**

- A. **Licensing quarterly report:** No data was available for this meeting.

- B. **Progress of Thentia implementation:** Director Jenkins reported that the project has been progressing slowly, due to staffing issues. User acceptance testing is among the next steps.
- C. **Gov. Lombardo's Executive Orders to submit various comprehensive reports:** Executive orders 23-003 and 23-004 impose comprehensive reporting requirements on the Board. Each Board is required to review their regulations and propose the elimination of ten regulations. Any proposal to change regulations requires a stakeholders meeting. The Board suggested March 30, 2023, at 6:30 p.m. for the stakeholders meeting.
- D. **OSLE updates:** Drs. Austin & Lee have been tasked with updating and creating new questions for the OSLE exam.
- E. **ARBO Conference in Arlington VA, June 2023:** Stephanie Lee, O.D. will attend the ARBO conference via Zoom. If she is the only attendee, she will be our delegate to vote on behalf of Nevada.
- F. **Official Announcement: Intention to retire as Executive Director as of August 15, 2023:** Director Jenkins officially announced her intended retirement date. From July 1, forward, she will use accrued leave for approximately 6 weeks until the official termination of her employment.
- G. **Other reports or announcements:** As the Board requested, staff asked for PMP query reports from the Pharmacy Board for review.

8. **Public Comment.** No public comment was offered.

9. **Adjournment.** Stephanie Lee, O.D. moved to adjourn. Jeff Austin, O.D. seconded the motion. Motion carried unanimously. The meeting adjourned at 10:12 a.m.

FY 2023 Regular meeting schedule

Thurs. April 20 – Reg. Bd. meeting – Noon – Zoom or telephone

Thurs. June 22 – 8:30 am **ALL DAY** in Reno or by Zoom

These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on April 20, 2023.



Caren C. Jenkins, Executive Director