

NEVADA STATE BOARD OF OPTOMETRY



MINUTES OF PUBLIC MEETING October 30, 2024

- 1. Call to Order.** Mariah Smith, O.D. opened the live meeting at 12:04p.m.
- 2. Roll Call.** Deputy Attorney General (DAG) Joseph Ostunio, Esq., and Board members Mariah Smith, O.D., Jeffrey Austin, O.D., Julieta Alamo-Leon, O.D. were present via Zoom, Meeting ID: 836 9525 4557, Passcode: 2232260, telephone 1 669 900 6833¹ and therefore quorum was established. Executive Director Adam Schneider attended in-person at Nevada Business Center, Tahoe Room, 3300 W. Sahara Ave., 4th Floor, Ste. 440, Las Vegas, NV 89102.
- 3. Public Comment.** Dr. Smith invited public comment. No comments provided.
- 4. Action Item. NRS 636.025(2) application to Light Adjustable Lenses.** Director Schneider noted he received a scope of practice question regarding light adjustable lenses (herein LAL) and mentioned: 1) the relevant Nevada law in the materials that distinguishes between what is allowed and what is not allowed; and 2) the compiled law from other States for the membership's edification, and that Nevada would be in the majority of States should the Board deem LAL not at least not outside the scope of practice; and 3) similar to what the Board did in June 2024 that IPL and RF are deemed not outside the scope of practice and/or within the scope of practice, all that would be needed is a vote and formal codification would not be necessary. Dr. Austin agreed with Director Schneider's statements, and stated this is clearly not outside the scope of practice, is not a laser, does not cut or burn human tissue, and is only the adjustment of the prescription of the intraocular lens using UV light, and therefore sees no reason not to allow it as within the scope of practice. Dr. Alamo-Leon stated there is no problem with deeming LAL within the statutes. Dr. Smith agreed, stating it would be within the statutes as written and not something that the statutes would need to be re-written in order to allow. Dr. Austin moved to deem adjustments of LAL is not outside the scope of practice and thereby allowed. Dr. Smith seconded. Motion passed 3-0.
- 5. Action Item. Consideration and approval of Minutes for September 26, 2024 regular Board Meeting.** Dr. Smith confirmed all present Board members had an opportunity to review the draft. Dr. Austin Smith moved to accept as proposed. Dr. Smith seconded. Motion passed 3-0.

¹ Public Member Balecha not present due to scheduling conflict.

6. Executive Director report re meeting with Department of Business and Industry.

Director Schneider stated at the request for Business and Industry (B&I), he and the Board's lobbyist had a meeting with B&I administrators. Statistics were discussed including that there are 315 known Boards when originally they thought that only 220 existed, and that 33% of known Boards are of the occupational license variety. They discussed a number of Boards in non-compliance with State audits or their own statutes, and some boards only exist to collect fees, but then do not do anything proactive for its membership. B&I was clear that this Board is not one of those.

B&I is working on a bill to be posted in mid-November, where if it passes would eliminate redundancies, cut expenses by 45%-50%, and give the Executive Branch more authority over the State's Board and Commissions based upon some Boards not following B&I's recommendations.

The proposed bill would include a new Board of Vision, Speech, and Mobility Professions which would be a consolidation of Speech Language Pathology, Audiology and Hearing Aid Dispensing, Podiatry, Licensed Dispensing Opticians, and Optometry. The laws would stay separate. The employees of the Boards would be offered a job into that new Board or provided opportunities into other areas of government. The websites, accounting/bookkeeping, usage of hearing officers for formal complaint hearings would be consolidated. The new Board would consist of 11 persons inclusive of two optometrists and one dispensing optician. Director Schneider stated he raised the question about the Board desiring a fifth member to break ties, and B&I's response was essentially that that bill would be trumped by B&I's proposed bill for a consolidated board.

Director Schneider stated the bill still has to be drafted and approved, and then lobbied to get it passed in the 2025 legislative session. Then if it passes, the onboard process would take between one to two years to actually be implemented.

Director Schneider stated he will attend a meeting with other executive directors in mid-November, and this topic will be agendaized for the December meeting for additional updates.

Dr. Austin asked who was proposing the bill. Director Schneider replied his belief was it was coming from the Governor's office, using the Iowa template for more one-stop-shopping for the public for any number of licensees or Boards, and for the executive branch to give more oversight over non-compliant boards.

Dr. Smith noted a prior effort from the Governor's office to eliminate Boards which were not in the majority of other States. She stated her position as being neutral, but sees an upside to less spending and increasing efficiencies but with that comes pros and cons. She would want to continue with an effort to obtain a fifth member in the event that B&I's bill does not pass or takes years to implement and thereby the Board would have two years of votes which would not be subject to a tie. She spoke with Assemblyman Dr. Koenig about the fifth member and that he feels less strong than he did in light of B&I's proposed bill but would still be the Board's sponsoring legislator for whatever the Board decides.

Responding to Dr. Smith's question, Director Schneider stated that the Board would not be subsumed within the Medical Board, and that Chiropractors while having to do with mobility is not a part of this proposed new Board. Colloquy on how B&I chose which Boards to comprise

the new proposed Board. Director Schneider inferred it had to do with boards which were self-funded, had limited employees, and a limited number of licensees such as 600 member and under.

7. **Executive Director report re licensing transactions since start of FY2025.** Director Schneider listed the following numbers as stated in the Agenda:

9/20/2024 - 10/23/2024	FY2025 cumulative
New licenses: 4	8
Licenses by endorsement: 2	5
Glaucoma: 0	2
OPAC: 1	10
Fictitious Name: 2	12
Location changes: 4	18
Additional locations: 1	28
LOGS: 7	31
PRR: 5	9
Refunds: 2	3
Mobile: 0	0
Substitute location: 1	3
Public complaints: 2	7
2026-2028 CE review: 0	1

8. **Public Comment.** Dr. Smith invited public comment. Dr. Kopolow sees the upside to a super board in that it consolidates, but sees problems with non-optometrists speaking on legal or clinical issues of eye care and is unfortunate that convenience is being prioritized over the patients’ best interests, and asked hypothetically if this Board could have a sub-board for administrative purposes.

9. **Action Item.** Dr. Smith moved to adjourn the regular meeting. Dr. Austin seconded. Motion passed unanimously. Meeting adjourned at 12:26p.m.

11 persons attended virtually, inclusive of Board members and Deputy Attorney General. No role call conducted or sign-in sheets provided.

1 person attended in-person, inclusive of the Executive Director. No role call conducted or sign-in sheets provided.

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FY 2024-2025 Regular meeting schedule

Wednesday 12/11/2024 12:15p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Thursday 1/23/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Tuesday 2/18/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

These minutes were considered and approved by majority vote of the Nevada State Board of Optometry at its meeting on December 11, 2024.

/s/ Adam Schneider
Adam Schneider, Executive Director