

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAEERER
Deputy Directors

ADAM SCHNEIDER
Executive Director

**DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY**

Meeting Materials

for March 18, 2025

Board Meeting

Materials for Item No. 4 re

- Minutes – Board Meeting 2-18-25

STATE OF NEVADA

JOE LOMBARDO
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DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

MINUTES OF
PUBLIC MEETING
February 18, 2025

1. **Call to Order.** Mariah Smith, O.D. opened the live meeting at 12:04p.m.
2. **Roll Call.** Dr. Smith read the Zoom log-in information into the record for AB 219 compliance as Meeting ID: 897 6774 5945, Passcode: 804146, telephone 1 669 900 6833. Deputy Attorney General (DAG) Todd Weiss, Esq., and Board members Sally Balecha, Mariah Smith, O.D., Jeffrey Austin, O.D. and executive director Adam Schneider, Esq. were present via Zoom.¹ Quorum was established.
3. **Public Comment.** Dr. Smith invited public comment.

Dr. Steve Girisgen as president of the Nevada Optometric Association (NOA) stated while not opposed to SB78 in its entirety, the NOA is opposed to a board with Optometry and other non-doctor professions, and believes the public is not well served to have non-doctors being tasked with regulation of statutes designed to protect the public, and urges the Board to obtain a consensus position and informing the Governor's office in writing of that position.

Dr. Ken Kopolow as treasurer and secretary of the NOA stated NOA's lobbyist desires the Board to create a position statement and circulate it to the legislature, and asked if the Board has had any discussions with other professions or associations of the professions about SB 78 given it appears to be a moving target.

Dr. Austin wants to agendize BDR 151 as soon as possible about concerns he has, and at the advice of Board counsel is not allowed to discuss the concerns without first proper agendizing.

DAG Weiss stated Dr. Austin's concerns are best addressed at the next meeting upon proper agendizing.

Dr. Smith stated she has been in contact with Dr. Koenig who is BDR 151's sponsor who has stated it is his bill but is willing to have the Board as input-givers, and that any

¹ Dr. Alamo at the January 2024 regular meeting advised the Board due to a scheduling conflict of being a presenter for a scholarship committee that she would not be able to attend this meeting.

requested changes by the Board he will either agree or disagree, but that changing the BDR at this stage may be problematic and may reflect poorly on him and his bill. A hearing may occur in a week or the week after, where any amendment may push that back. At the end of this meeting, the Board can schedule a meeting sooner than the presently scheduled March meeting.

4. Action Item. Consideration and approval of January 23, 2025 regular Board Meeting Minutes. Dr. Smith confirmed all present Board members had an opportunity to review the draft. Dr. Austin moved to accept as proposed. Dr. Smith seconded. Motion passed 3-0.

5. Action Item. Consideration and approval for legislative consultant services re SB 78. Director Schneider directed the Board to the Nevada Independent article in the materials and its hyperlinks. Director Schneider advised the Board that the NOA has issued its position that consolidation of Opticians with Optometry would not be in the best interests of the public. At B&I Director Sanchez's request for a call or a meeting with any board's legislative services consultant, Director Schneider has done so but B&I stated while open to a meeting no meeting would take place until after SB 78's amendments were drafted. Director Schneider asked the Board: 1) how the Board would want to utilize the Board's legislative consultant about this proposed consolidation; and 2) if a newsletter to the membership asking for membership input on their position to then provide those results to the legislative consultant. Answering Dr. Smith's question, Director Schneider confirmed that the Board's legislative consultant is already tracking SB 78 and is aware of the Board's position and the Minutes expressing the Board's concerns about SB 78's proposed consolidation. The purpose of this Action Item/vote would make it official for the legislative consultant to have a directive to educate the voting members of the Nevada Assembly on the Board's concerns.

Dr. Smith suggested at the next meeting regarding BDR 151 that the Board also add an Action Item for a written position about SB 78, and that she has an email written in her personal capacity for Director Schneider to incorporate into a draft letter for the entire Board's approval. Dr. Smith inquired into the Board to confirm that the positions of concern from the last meeting still remain today. Board members responded in the affirmative. Dr. Smith moved to allow the Board's legislative consultant to educate the legislature on the Board's concerns using the Board's written position to be discussed at this next meeting. Public Member Balecha seconded. Motion passed 3-0.

6. Executive Director report re BDR 54-221. Director Schneider discussed that he is monitoring many bills on the Board's behalf and BDR54-221 is an all boards' License By Endorsement (LBE) statute which potentially contradicts the Board's specific LBE statute. He inquired into B&I about the intent of the bill. B&I was not able to interpret the BDR, but advised who was the author. Therefore Director Schneider emailed the author of the BDR, Senator Stone, about potential internally inconsistent language and whether the intent of the BDR is to trump the Board's statute specific to LBE and in Dr. Koenig's BDR. At the time of this meeting, Senator Stone had replied but to ask to get back to Director Schneider. Director Schneider anticipated placing this into the March agenda to keep the Board apprised.

7. Executive Director report re licensing transactions since start of FY2025. Director Schneider listed the following numbers as stated in the Agenda and stated a correction to the Public Records Request total to be 31 and not 24 as stated in the Agenda:

1/16/2025 - 2/11/2025

FY2025

	cumulative
New licenses: 0	10
Licenses by endorsement: 0	7
Glaucoma: 2	6
OPAC: 0	16
Fictitious Name: 2	23
Location changes: 4	49
Additional locations: 0	36
LOGS: 3	41
PRR: 7	31
Refunds: 1	6
Mobile: 0	1
Substitute location: 1	6
Public complaints: 0	8
2026-2028 CE review: 2	4

8. Action Item. Consideration and approval of proposed letter for ARBO 2025

scholarship. Director Schneider directed the Board to the materials about the 2025 convention and a draft letter to ARBO to obtain a full scholarship to attend ARBO's 2025 convention in Minnesota. Director Schneider discussed the value of attending, and if attending, he would want to attend the pre-convention voluntary meeting with ARBO counsel on regulatory matters. Director Schneider asked the Board: 1) is the draft letter approved or are suggestions needed; and 2) it is budgeted, but if he is not awarded the scholarship, does the Board want to incur the expense for him attending?

Dr. Smith's position is ARBO meetings are very valuable, especially how other Boards handle similar issues. Dr. Smith moved to submit the draft letter as written, and if no scholarship is awarded that Director Schneider use the budgeted funds to attend regardless. Public Member Balecha seconded. Motion passed 3-0.

9. Action Item. Consideration for Padilla hiring anniversary and possible wage

increase. Director Schneider advised that Licensing Manager Padilla is the Board's multi-year licensing manager and processes much of the Board's administrative functions. Director Schneider stated Ms. Padilla is a great asset to the Board, cares about the Board, is dedicated, cares about her job, takes calls from Director Schneider on off-hours when she is not required to answer. Director Schneider stated none of this is in dispute, that the Board loves her, but there is always the possibility of any person seeking a higher paying job in exchange for more hours and more stress. She has been employed with the Board for 5 years and 1 month, and she seeks a raise for all the reasons stated in the materials and in addition to the recent COLAs over the past years. Director Schneider noted if classified as an Admin III employee, she is 82 cents/hour away from being at the very top of that scale on a pro rata basis.

Dr. Smith noted that based upon the Board's prior Director agendaizing raises at the end of a fiscal year and calendar year, she has compiled a spreadsheet of raises and bonuses of Board employees. She noted a January 2021 bonus of 5%, a January 2022 bonus of \$2,000, a February 2023 utilities stipend which is not a factor in the decision but wanted to state that as something not listed in the materials. She felt Ms. Padilla was well compensated for the job description, and any increase in pay is something the Board cannot afford bearing in mind the Executive Director and admin employees are at the highest amounts per licensee, and at some point the employees reach the top of the threshold of what the Board can pay. This is not a situation of the

Board ignoring Ms. Padilla over the past five years, where over that time the pay has increased approximately eight to nine dollars per hour. Therefore Dr. Smith's position is to keep the hourly rate at the present rate. This is not to discount or diminish Ms. Padilla who Dr. Smith believes is fabulous, but as stewards of the Board the present rate is what the Board can afford.

Public Member Balecha inquired into any 2024 increases in pay. Director Schneider stated the materials reflected a summer 2024 COLA of 4%, which Dr. Smith stated was approximately \$1/hour increase. Because Ms. Padilla gets yearly increases in pay including one last summer, Public Member Balecha stated it is better that the Board take this up next year.

Dr. Austin would love to pay Ms. Padilla more, but she is already at the top of an Admin III range. It is best to hold off to see what this year's COLA is, when the past two COLAs have been 8% and 4% which are very good raises.

Dr. Smith moved to keep Ms. Padilla's pay as-is. Public Member Balecha seconded. Motion passed 3-0.

10. Public Comment. Dr. Smith invited public comment. No public comment received. DAG Weiss advised that emergency meetings can occur at the Chairperson's discretion. Colloquy on scheduling options. Board agreed to Monday February 24, 2025 7:30am to include action items of BDR 151 and SB 78.

11. Action Item. Dr. Smith moved to adjourn the regular meeting. Dr. Austin seconded. Motion passed 3-0. Meeting adjourned at 12:31p.m.

12 persons attended virtually, inclusive of Board members, Deputy Attorney General and Executive Director. No roll call conducted or sign-in sheets provided.

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FY 2024-2025 Regular meeting schedule

Tuesday 2/18/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 2/24/2025 7:30a.m. (pst) Reg. Bd. Meeting- phone or Zoom
Tuesday 3/18/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 4/21/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 5/19/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 6/16/2025 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 March 18, 2025.

Adam Schneider, Executive Director

Materials for Item No. 5 re

- Minutes – Board Meeting 2-24-25

STATE OF NEVADA

JOE LOMBARDO
Governor



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Director

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DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF OPTOMETRY

MINUTES OF
PUBLIC MEETING
February 24, 2025

1. **Call to Order.** Mariah Smith, O.D. opened the live meeting at 7:33a.m.
2. **Roll Call.** Director Schneider read the Zoom log-in information into the record for AB 219 compliance as Meeting ID: 775 883 8367, Passcode: 8367, telephone 1 669 900 6833. Deputy Attorney General (DAG) Todd Weiss, Esq., and Board members Sally Balecha, Mariah Smith, O.D., Jeffrey Austin, O.D. and executive director Adam Schneider, Esq. were present via Zoom. Quorum was established.
3. **Public Comment.** Director Schneider invited public comment. No public comment received.
4. **Action Item. Consideration of BDR 151/AB183 for possible proposed revisions and communications to Assemblyman Koenig regarding same.** Dr. Austin discussed that Section 5 stating "analgesic or non-analgesic" regarding Schedules III-V drugs is redundant and therefore proposed to recommend to Dr. Koenig that "analgesic or non-analgesic" be removed and replaced with "any drug," still within Schedule III-V, which will make the statute cleaner, more understandable and less open to confusion. Because of this change, and because NRS 636.0215 cites to NRS 636.288, NRS 636.288(2) which regards morphine equivalents would need to be clarified too. Director Schneider directed the Board to the materials which cites to NRS 636.288, and that NRS 453 is the Controlled Substance chapter which defines narcotic drug and opiate. Dr. Smith asked for proposed language. Dr. Austin stated that NRS 636.288(2) only makes sense in the context of narcotics or opioids, so it would be a small change but would make it clearer. Dr. Austin moved to recommend to Dr. Koenig that BDR 151(5) be revised to remove "analgesic or non-analgesic," replaced with "any drug," and accordingly that NRS 636.288(2) be revised to instead start with "If a narcotic opioid analgesic is prescribed . . ." Dr. Smith seconded. Motion passed unanimously.
5. **Action Item. Consideration of SB 78's proposed consolidation with other Board(s) and communications to Board's legislative services consultant regarding same.** Director Schneider directed the Board to the meeting materials and the draft letter, which if approved the Board's legislative services consultant can use when talking with the Nevada Assembly to

educate them on their vote. Dr. Smith stated the letter looked great to her, and moved to for the Board to take an official position that the Board opposes SB 78's consolidation of Optometry with Opticianry, and that the Board approve the draft letter. Dr. Alamo seconded. Motion passed unanimously.

6. Public Comment. Director Schneider invited public comment. No public comment received.

7. Action Item. Dr. Smith moved to adjourn the regular meeting. Public Member Balecha seconded. Motion passed unanimously. Meeting adjourned at 7:44a.m.

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

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FY 2024-2025 Regular meeting schedule

Monday 2/24/2025 7:30a.m. (pst) Reg. Bd. Meeting- phone or Zoom
Tuesday 3/18/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 4/21/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 5/19/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Monday 6/16/2025 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 March 18, 2025.

Adam Schneider, Executive Director