

STATE OF NEVADA

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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
July 31, 2025

1. **Call to Order.** Director Schneider opened the live meeting at 12:00p.m.
2. **Roll Call.** Director Schneider read the Zoom log-in information into the record for AB 219 compliance as Meeting ID: 879 0910 6662, Passcode: 673378, telephone 1 669 900 6833. Board members Sally Balecha, Mariah Smith, O.D., Julie Alamo-Leon, O.D., Jeffrey Austin, O.D., and executive director Adam Schneider, Esq. were present via Zoom. Quorum established.
3. **Public Comment.** Director Schneider invited public comment. No public comment received.
4. **For Board Discussion and Possible Action.** Election of Board President, Vice-President and Financial Officer re FY2025-26. Dr. Austin moved for Dr. Smith to be president. Dr. Alamo seconded. No other nominations. Motion passed unanimously. Dr. Smith moved for Dr. Austin to be vice-president. Dr. Alamo seconded. No other nominations. Motion passed unanimously. Dr. Smith sought clarification that Dr. Alamo was the Board's FY2025 financial officer, and then moved for Dr. Alamo to be financial officer. Dr. Austin seconded. No other nominations. Motion passed unanimously.
5. **For Board Discussion and Possible Action.** Complaint 25-15.

Director Schneider stated all Complaints on this Agenda are being presented in a double blind manner, i.e., the Board is not being told who the complainant is or who the subject licensee is, and the materials associated with this agenda item are redacted to eliminate any identification of party identities.

As to Complaint 25-15:

The inquiry letter lays out the history that Licensee 1's dies years ago, and Licensee 1's lawyer told the Board about the death and that the Subject Licensee would be the successor to the stock of Licensee 1's entity. Those emails were provided during the course of the investigation.

Subject Licensee admits he never filed a Fictitious Name for several years after he took over the business from the deceased Licensee 1, and claims not to have known about advertising the services of the deceased Licensee 1 on the business' website. The Board was reminded about in the past

issuing a fine for an OD who claimed he/she did not know or control the content of his/her own website.

Licensee 1's last name is common to at least one other licensee in the same area of the State, which potentially led to a siphoning of patients looking for the same surname when Licensee 1 has been deceased for years.

Subject Licensee has moved to WA, and no longer practices in NV, sold his interest in the business, and the new OD-owner timely filed Fictitious Name applications.

Entity 1's website has changed and the advertising on the doors have changed.

Director Schneider is not advocating one way or another for a sanction, but ala last meeting's Complaint 25-14 of belatedly filed Fictitious Name and illegal partial ownership of the OD's spouse, should a fine be issued, any fine should be administrative and not something reportable to the Databank.

Director Schneider invited Dr. Austin's comments. Dr. Austin stated the Board encountered the same kind of thing as Complaint 25-14, and there is no malintent, and recommended an administrative fine for that same amount. Dr. Smith recognized the Complaint is about the Subject Licensee but also noted timely compliance by the new owners and the correction of the advertising once they were aware of the issues. Dr. Alamo agreed.

Dr. Smith moved for \$200 administrative fine. Dr. Alamo seconded. Motion passed unanimously.

6. **For Board Discussion and Possible Action.** Complaint 25-16. The summary is a patient upset that the patient cannot go to a different OD due to the Subject Licensee already using the yearly benefits where the patient wanted the OD to rewrite the prescription from 2.75 to 3.0 so the patient can order contacts elsewhere.

The review of the billing shows it was billed for the fitting and not any products. The question for the Board is when, where, and how the patient's \$75 visual plan benefit is spent or billed and if it arises to the level of unprofessional conduct.

Director Schneider invited Dr. Smith's comments. Dr. Smith stated different plans have different billing parameters, and the OD cannot use 2023 benefits for 2024, and any misquote by an administrative person of the OD does not arise to the level of unprofessional conduct. Dr. Austin stated the OD appears to have done the billing correctly, that this is an insurance company issue, and what the patient sought is something that the OD cannot do for benefits that no longer exist. Dr. Alamo agreed, and stated patients do not always understand how their vision or medical insurance plan works. Public Member Balecha agrees, and that the patient tried to use a benefit that had already passed and was no available any longer, and the patient should contacted her insurance company.

Dr. Smith moved to dismiss with no further action. Public Member Balecha seconded. Motion passed unanimously.

7. **For Board Discussion and Possible Action.** Complaint 25-17. This Complaint was received from the Board of Medical Examiners. The summary is a patient presented to the practice but did not want to adhere to pre-testing protocols and the exam was an add-on beyond the OD's last scheduled patient of the day. Claimant alleged an American with Disabilities (ADA) violation or that accommodations should have been provided but never stated what those accommodations should have been. The Subject Licensee assessed the visual acuities which per the Subject Licensee were

compliant with the drivers license vision regulation of NAC 483.340.

Director Schneider is not advocating one way or another for a disposition, but an option to the claimant could be a referral to the Office of ADA to file a complaint there.

Director Schneider invited Dr. Smith's comments. Dr. Smith stated a recommendation for dismissal. The front office or optician would not necessarily know the patient's medical conditions or information within the medical records. Dr. Austin agreed. Dr. Alamo agreed. Public Member Balecha agreed and that the doctor tried to get to the patient but the patient refused certain testing.

Dr. Smith moved to dismiss with no further action. Dr. Austin seconded. Motion passed unanimously.

8. **For Board Discussion and Possible Action.** Complaint 25-18. This can be categorized as an alleged rude behavior complaint, in addition the patient likely does not understand how many steps need to occur during the trial fitting process. As to the alleged inappropriate touching/brushing, these are uncorroborated with no corroborative witnesses. Plus the Subject Licensee's legs could have touched the patient's legs incidental to the exam process, and those can occur in a professional manner.

Director Schneider invited Public Member Balecha's comments. Public Member Balecha commented the OD can be very close to the patient's body and in her own examinations is not uncomfortable because that is a necessary process for the examination, and recommended to dismiss the case. Dr. Smith stated in practice that ODs can brush into patients accidentally, where she would then apologize, but that is the nature of the examination sometimes. Dr. Alamo agreed with Dr. Smith, and that ODs are in close proximity to the patient which is normal depending on what equipment is being used.

Colloquy that the Board takes these allegations seriously but with these facts and lack of evidence, this particular matter should be dismissed but that patients can take their grievance to other appropriate avenues. Director Schneider stressed that with additional corroborative evidence for similar allegations, he would investigate further as part of his job duties. Dr. Smith agreed.

Dr. Smith moved to dismiss with no further action. Dr. Austin seconded. Motion passed unanimously.

9. **For Board Discussion and Possible Action.** Possible conversion of Stripe to FiServ/Clover re licensee electronic transaction software. With Stripe, the Board pay fees of 3.25% per electronic transaction, decreased from years past of Quickbook's 3.45%, where the transaction after subjecting that fee goes into Board's accounts-receivable Nevada State Bank (NSB). FiServ/Clover offers a rate of 2.7%. Plus it is NSB approved software, so it should result in an easy connection from the Board's website into the Board's NSB account.

There are service charges associated with using Clover. Essentially for \$0.50/day, i.e. \$15/month, i.e., \$180/year, the Board can avail itself to 0.55% in further lessened electronic transaction fees.

On licensee renewals alone, the projection is \$540,000 comprised of 600 renewals x \$900. If the Board stays with Stripe's 3.25%, the Board pays \$17,550 in transaction fees. If the Board goes with FiServ/Clover's 2.7%, the Board pays \$14,580 in transaction fees. Factoring in the \$180/year in service charges, this would mean the Board keeps \$2,790 more with Clover than with Stripe.

The next question is how much does install cost, to make sure this is not cost-prohibitive. The Board's I.T. vendor, Reno Techs, bills at \$65/hour for our 11 forms where we receive funds from

licensees, and a projected \$650 for those 11. FiServ's I.T. says the project should only take an hour or two. So even by spending \$800 comprised of \$650 install with Reno Techs plus \$180/subscription with Clover, the Board captures an additional \$2,000. Essentially this results in the Board saving money by spending money.

The recommendation is for the Board to vote Yes. Dr. Alamo stated the due diligence has been conducted and that with Director Schneider running the numbers as he did, this proposal would save the Board money in the short-term and long-term. Dr. Smith stated she trusted Director Schneider's analysis and recommendation.

Dr. Smith voted to authorize the expenditure and change in software. Dr. Alamo seconded. Motion passed unanimously.

10. **For Board Discussion and Possible Action.** Consideration and approval of June 16, 2025 Board Meeting Minutes. Director Schneider confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept as written. Dr. Austin seconded. Motion passed unanimously.

11. **For Board Discussion and Possible Action.** NRS 636.346(2)(e) interpretation. Question from an OD on whether trained techs can perform IPL under OD supervision. Director Schneider directed the Board to Item nos. 3 and 5 in the 6/2024 Minutes in the meeting materials provided for background which was the last time the Board discussed IPL in earnest and IPL is considered within the scope per the Board's vote in 6/2024.

Director Schneider discussed the relevant law, i.e., the practice of optometry includes "directing the use of [a] . . . device to treat an abnormality of the eye or its appendages" per NRS 636.025(1)(h). So as long as assistants are under the direct supervision of the OD and the OD performs the final exam (NRS 636.346(3), assistants can "use an ophthalmic device" per NRS 636.346(2)(e).

The question for the Board is whether IPL devices are deemed an "ophthalmic device" in order for ODs to provide direct supervision of assistants when using those devices.

Director Schneider asked for Dr. Smith's comments. Dr. Smith stated the intent of the law was that techs can use ophthalmic devices, and not just IPL, under the OD's direct supervision so long as the OD performs the final examination and assumes the responsibility for the tech's conduct. Dr. Austin agrees with Dr. Smith regarding the intent of the law, and it is reasonable to allow the assistants to perform services to assist the OD in their practice so long as the OD provides the direct supervision, performs the final exam, and assumes the responsibility for the assistant's work. Public Member Balecha abstained from any comment as the topic was beyond her expertise compared to the optometry members of the Board. Dr. Smith moved that the answer to the question is Yes inclusive of other modalities if it meets the statutory definitions, with requisite OD direct supervision, the OD performing the final examination, and the OD assuming the responsibility for the tech's conduct. Dr. Alamo obtained clarification that the motion was in fact inclusive of OD direct supervision. Dr. Austin seconded. In light of Public Member Balecha's abstention, motion passed 3-0.

Following all Action Items requiring a vote, Director Schneider acknowledged that Public Member Balecha had to leave the meeting early.

12. **Executive Director report re Casey Neilon audit.** The meeting materials includes a standard auditor terms of engagement from years past. The \$16,500 maximum is an increase from 2023's \$11,800 maximum and 2024's \$15,000 maximum. When asking around to other Boards, the going rate appears to be \$20,000 with other auditors, so the Board is still under market. Plus Casey Neilon has a good familiarity with the Board's transactions and documents from years past.

13. **Executive Director report re R0008-25 and communications with LCB.** The Board was reminded that R0008-25 is the Board's temporary regulation for non-optometry business relationships. In Director Schneider's experience, a Board's perspective versus what LCB is tasked with does not always line up, so LCB has reviewed the temporary regulations, and LCB is looking to: 1) consolidate certain subsections; and 2) remove certain subsections as duplicative or stated elsewhere somewhere in NRS 636 per the meeting materials. Director Schneider directed the Board's attention to the meeting materials where the footnotes to LCB's proposed revisions describe the changes from what the Board submitted in January 2025 after multiple workshop sessions in the summer of 2024.

There is nothing out of bounds from a rule-making perspective that LCB is asking for, and it seems like the Board does not need to contest any revisions. There is nothing for the Board to vote on today, and instead that will occur at the next meeting on September 25, 2025.

Colloquy regarding the proposed removal of subsection 2 as duplicative of an already existing statute NRS 636.375(5), and R0008-25 is a temporary regulation needing to be converted to a permanent regulation for NAC 636. No objections voiced as to proceeding with the proposal as presented.

14. **Executive Director report re ARBO Conference, Minneapolis, MN Saturday June 21-Tuesday June 24, 2025.** To honor ARBO's request to present a summary of the convention in light of being awarded a scholarship, Director Schneider highlighted his attendance as follows:

Saturday June 21, 2025 was a session before the start of the convention, led by ARBO counsel Dale Atkinson where regulatory law was discussed on topics like conflicts of interest and due process to investigated licensees, and open meeting law. For example, certain boards offer free CEs for Board meeting attendance which might be something for this Board to consider.

Sunday June 22, 2025's highlights included a discussion of nationwide events. For example, South Carolina and Stanton Optical are involved in litigation. Minnesota after a 20 year process now can perform injectables and small lump removals. Opternative, Inc. (aka Visibly) has sued the South Carolina Board of Medical Examiners regarding restrictions on online examinations, and is in front of South Carolina Supreme Court. Director Schneider met with the ARBO liaison for Nevada, Dr. Luanne Chubb. Dr. Smith presented a video for the 2025 Nominating Committee.

Monday June 23, 2025's highlights included a discussion of a California federal court lawsuit of Total Vision vs. Vision Services Plan that is in the process of potential settlement. ARBO discussed Council on Endorsed Licensure Mobility for Optometrists aka CELMO, where the licensee pays that program to perform license by endorsement applications. NBEO gave a lengthy presentation on its testing and part III which includes 12 stations inclusive of 10 kinds of patient encounters.

Tuesday June 24, 2025's highlights included some praise for Nevada. One of the Boards' lawyers on the panel had recommended to all the Boards to look at Nevada's board policy when it comes to retiring licensees and medical record access. A spokesperson for the Council for State Governments-Interstate Compact Enactments gave a presentation of licensure compacts. This evoked a large discussion about the differences in scope of practice across the country.

Director Schneider emphasized the importance of Nevada continuing to attend ARBO's national convention given the amount of information provided and goes to the purpose of what the Board does. ARBO-national appreciated Nevada being more participatory than in years past, including Director Schneider attending both ED meetings also the attorney meetings. He has been invited as a speaker or on a panel for next year.

Dr. Smith echoed the importance of Nevada's participation, and the need to place this cost into the budget given the attendance is worthwhile for the information to be obtained from other Boards nationally. She thanked Director Schneider for attending it, as well as attending both the ARBO ED meeting and the ARBO attorney meetings, and agreed it made sense for ARBO to have Director Schneider be a speaker given his background and education.

15. **Executive Director report re licensing transactions for FY2025.** Director Schneider summarized the below, and noted how much the Board relies upon renewals in Q1 of even numbered years to function.

6/10/2025 – 6/30/2025	FY2025 cumulative	FY2025 licensee fees cumulative	Less 3.45% transaction fees
New licenses: 4	17*	9337.50	9030.88
Licenses by endorsement: 2	11	4950	4779.23
Glaucoma: 0	6	1050	1013.78
OPAC: 4	23	1665	1665.49
Fictitious Name: 3	34	1700	1641.35
Location changes: 3	53	1475	1424.11
Additional locations: 9	60	12000	11586
LOGS:1	52	1300	1255.15
PRR: 2	40	0	0
Refunds: 0	5		
Mobile: 0	2	1087.50	1049.98
Substitute location: 0	6	1200	1158.60
Public complaints: 2	21	0	0
2026-2028 CE review: 3	9	0	0
Total	341	\$35,765.00	\$34,604.57

* (1) application submitted with check. \$450 not subject to 3.45% transaction fee.

16. **Executive Director report re licensing transactions for FY2026.** Director Schneider summarized the below:

7/1/2025 – 7/23/2025	FY2026 cumulative	FY2026 licensee fees cumulative	Less 3.25% transaction fees
New licenses: 2	2	712.50	689.34
Licenses by endorsement:	0		
Glaucoma:	0		
OPAC:	1	75	72.56
Fictitious Name:	4	200	193.50
Location changes	6*	300	291.06
Additional locations:	3	600	580.50
LOGS:	4	100	96.75
Active to Inactive Status	0		
PRR:	0		
Refunds:	0		
Mobile:	0		
Substitute location:	0		
Public complaints:	1		
2026-2028 CE review:	2		
Total	23	\$1987.50	\$1923.71

* (1) application submitted with check. \$25 not subject to 3.25% transaction fee.

17. **For Board Discussion and Possible Action.** Proposed items for future Board meetings. None stated.

18. **Public Comment.** Director Schneider invited public comment. No public comment received. Dr. Smith inquired into whether next meeting will include a workshop on the new NRSs passed in the summer. Director Schneider stated the next meeting would include: 1) a regular meeting; 2) a workshop for updated NACs inclusive of the regulation to increase the fee limitation of \$825 and make consistent with the statutory cap of \$1200 per license; and 3) a Notice of Intent to Take Action on the Board's temporary regulations as both the CE definitions and business relationships. He will attend at the Nevada State Business Center Building on 3300 W. Sahara to comply with statute.

19. **For Board Discussion and Possible Action.** Dr. Smith moved to adjourn. Dr. Austin seconded. Adjournment occurred at 12:52p.m.

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

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FY 2025-2026 Regular meeting schedule

Thursday 7/31/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 9/25/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 10/30/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Wednesday 12/10/2025 12:00p.m. (pst) Reg. Bd. Meeting- phone or 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 September 25, 2025.

/s/ Adam Schneider

Adam Schneider
Executive Director