

STATE OF NEVADA

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Executive Director

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

MINUTES
OF PUBLIC MEETING
March 12, 2026

- 1. Call to Order and statement of purpose to protect public health and safety, and the general welfare of the people of this State.** Live meeting opened at 12:01p.m. and the following was read into the record for NRS 241.020(3)(d)(8) compliance- "Because this meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment is the following- telephone number 669-900-6833, meeting ID 775 883 8367, Passcode 8367."
- 2. Roll Call.** Executive Director Schneider present via Zoom. Board members Mariah Smith, O.D., Jeffrey Austin, O.D., Julie Alamo-Leon, O.D., Sally Balecha, and Dan Lyons, O.D. present via Zoom. Quorum established.
- 3. Public Comment.** Public comment was invited with a reminder that no action will be taken at this meeting on any issues presented as public comment and the maximum time is three minutes. No public comment received.
- 4. Action Item. Consideration and approval of January 22, 2026 Regular Board Meeting Minutes.** Director Schneider noted a typo at the bottom of the draft of "five Board members" when it should say "four." It was confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept the proposed Minutes as-is with Director Schneider's correction. Dr. Alamo-Leon seconded. Motion passed unanimously.
- 5. Action Item. Complaint 26-15** Director Schneider stated this Complaint is 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.

Patient alleges mis-scheduling and thus a potential lack of employee supervision. Patient has the emails from Practice Location 1 telling him to show up on 12/31 and yet when he arrived he was not on the schedule. Licensee 1 through counsel has provided a detailed response plus internal screen shots of Practice Location 1's EMR showing they tried to get ahold of the Patient to cancel but no response and that License 1 individually was not aware.

The question for the Board is does the Licensee's conduct rise to the level of unprofessional conduct? And if not, Board needs to provide a reason why so as to advise the complainant.

Public Member Balecha stated that the licensee should not be liable where three voicemails, two text messages and re-scheduling options including a wait-list were provided to the patient which the patient declined, and thus no merit to this complaint. Dr. Smith agreed, but noted the concerns of Director Schneider as to the gray area of employee supervision where the scheduling is performed by persons not under the supervision of the licensee but that Licensee 1 should not be penalized for this specifically, and that Practice Location 1 should be tracked for any similar complaints upon it. Director Schneider stated no memory of Practice Location 1 having any similar complaints upon it, but that it may be worthwhile for the disposition letter to advise that similar complaints will be taken into account in the future. Dr. Lyons agreed. Dr. Austin agreed, noting this has nothing to do with healthcare and was a scheduling issue where the patient was advised that lack of confirmation would result in a cancellation.

Dr. Smith moved to close the inquiry with no further action and without penalty but noting to keep tabs of any similar complaints upon this practice location in the future. Public Member Balecha seconded. Motion passed unanimously.

6. Action Item. License by Endorsement qualifying NBEO scores. Director Schneider prefaced that the Board and membership know that the NBEO has three parts inclusive of the TMOD (Treatment and Management of Ocular Disease). The Board was directed to the meeting materials of a Florida optometrist inquiring into the Board's License by Endorsement (LBE) process if he passed all parts of the NBEO at the time he took it in 1980s but he has never passed TMOD or Part III which is the Patient Encounters and Performance Skills part of the NBEO. The LBE law quoted in the materials says "each." There is no grandfathering language. There is no express language that an applicant qualifies for LBE if the applicant passed all parts at the time they took the exam pre-TMOD or pre-Part III. Each optometry member of the Board may have taken the NBEO at different times across the decades where the NBEO's parts and subparts were numbered differently.

The Florida optometrist also has certification of ocular disease through the State of Florida, but not NBEO's TMOD.

The question for the Board is whether he is eligible for LBE, and if so, is he eligible for OPAC if he has never passed the TMOD?

Dr. Smith stated what would be appropriate is eligibility for LBE but not for OPAC, and that she has no understanding of what the State of Florida standards are. Dr. Austin agreed, and discussed the NBEO used to be Part 1 and Part 2A and Part 2B. Colloquy on whether to contact State of Florida and/or NBEO on how their respective tests compare. Director Schneider and Dr. Austin agreed that NBEO allows for taking only the TMOD. Dr. Alamo-Leon advised for the sake of uniformity and to avoid allegations of cherry picking that the Board advise that OPAC eligibility can only occur if the applicant passes NBEO's TMOD. Dr. Austin agreed. Dr. Lyons stated he took and passed the Florida examination, noting it was 2 days and quite extensive. Colloquy on Kentucky's proposed regulations in 2025 and now in 2026 for alternative kinds of tests in the event the applicant cannot pass the NBEO.

Dr. Smith moved for Director Schneider to write the Florida optometrist a letter summarizing the Board's discussion for LBE eligibility but no OPAC eligibility until proof of passing the TMOD provided by NBEO. Dr. Austin seconded. Motion passed unanimously.

7. Action Item. Scope of Practice- Valeda. The Board received an inquiry whether Valeda would be approved for usage, which is an FDA-approved light device for dry ARMD. The Board has discussed various devices over the years involving light, and would appear to be in the same category as the IPL in so far as it is a modality that does not violate the law of NRS 636.025 where any human tissue is cut, burned or vaporized.

Dr. Smith stated based upon the materials reviewed that it does not violate the law. Drs. Alamo-Leon, Austin, and Lyons agreed. Drs. Austin and Lyons questioned the efficacy of the modality according to the studies, that there is a difference between effectiveness versus doing no harm. But as to the central question posed to the Board, the modality does not violate the law and is within the scope of practice.

Dr. Smith moved for Director Schneider to advise the inquiring party in a letter summarizing the Board's discussion as not violative of the law and within the Nevada optometrist's scope of practice so long as the licensee has the proper training to administer upon patients. Dr. Austin seconded. Motion passed unanimously.

8. Action Item. Commentary or suggestions for R074-25RP3 Director Schneider noted this the latest proposed regulation of Boards and Commissions seeks more oversight and reporting requirements of the other Boards. This primarily affects executive directors' administrative duties rather than the Board itself, but if the Board has comments those can be sent along for this regulation's workshop.

Dr. Smith commented: 1) this does affect the Board in terms of the potential need for additional staff; 2) section 15 regards tracking of bills but would be a difficult task and if one bill is missed then the Board could be seen as non-compliant for any bill that might affect the Board; 3) section 12 regards the Board members having to attend Attorney General training/presentation on auditing and that the Board is required to pay the Attorney General for it; 4) section 18 regards quarterly reports on licensing which there is value to that, but the section also requires a report every two years to the Legislature despite the Board already reporting its licensing data quarterly; 5) section 19 regards budgets and audits being publicly available, and yet those are already on the Board's website every June and that B&C can obtain those just like any member of the public can; 6) the regulations appear to make more work for the boards.

Director Schneider commented that Dr. Smith's comments were consistent with other executive directors who have similarly situated boards with limited staff and resources.

Dr. Austin commented the oversight board's purpose is to make it less cumbersome and more efficient for the licensees, and instead makes it more expensive which those costs will have to be passed onto the licensees and is the opposite of B&C's purpose. Dr. Smith referenced a governor's report from approximately ten years ago comparing boards and salaries, but these regulations appear to create more work with already limited resources. Dr. Austin agreed.

Dr. Smith moved for Director Schneider to submit the Board's comments to B&C for its workshop consistent with the Board's discussions. Dr. Alamo-Leon seconded. Motion passed unanimously.

9. Action Item. Authorization for seeking administrative fines re Fictitious Name location closures, dissolutions and violations, Location Change violations, Additional Practice Location/Fill-In Request violations. Director Schneider commented that an appreciable minority of licensees provide incomplete, outdated, or misinformation after swearing under oath that their application is true and correct. Substantial amount of time is then spent matching up what the licensee states to the Board under oath as true versus what is reality, and then allowing the licensee to explain the basis of that false or incomplete answer. Licensees often wonder why does it take a week or so to get their license renewed, and the answer is due to the lack of wholly truthful information.

There were multiple belated Fictitious Name (FNs) registrations, belated Location Changes (LCs), belated Additional Practice Locations (APLs), and one licensee who never filed a single Fill-In who initially stated she only had a few in 2025 and then when advised a subpoena would be issued for the days surrounding those shifts she then supplied 30+ belated Fill-Ins post hoc.

The process is the licensees are told what laws they appear to have violated and if true, to get them out of arrears they need to submit the transaction post hoc as if they had done so timely many months prior. All licensees timely do so.

The question for the Board is what does the Board want to do about it, if anything, now the licensees' false or incomplete answers have been "caught."

Fictitious Name registrations are \$50. Location Changes are \$25. Additional Practice Locations are \$200. The question for the Board is does it want to issue administrative fines for the same amount? Twice that? Nothing at all? Make every location-based or fictitious name-based violation across the board a \$200 fine? A warning or admonishment letter, and then if they do it again, then a fine gets issued?

Colloquy of the need for administrative fines, without which there is no incentive for licensees to follow the law. Public Balecha noted for the Realtors Board those fines are \$100, \$500, \$1000. Dr. Alamo-Leon stated the licensees are professionals and need to be held responsible for abiding by the Board's regulations. She discussed the fines should be the same, regardless of the kind of violation and proposed a tiered system of increasing amounts, of first then second then third, each due within 30 days of notification. Colloquy on a fine per offense, and the amounts of the tiered fines, resulting in \$200 first tier, \$500 second tier, \$1000 third tier (post hoc identified as consistent with the maximum allowed under NRS 636.420). Upon the third offense the licensee would be ordered to appear before the Board for potential disciplinary action. Director Schneider noted in 2024 the Board expanded the deadline of 90 days for Fictitious Name registrations. Dr. Lyons noted these issues are addressed in the Newsletters and the licensees need to be held responsible for reading it. Dr. Alamo-Lyon noted that the Board of Medical Examiners' fines were \$1,000 for the first offense and \$2,500 for the second offense, so this Board's tiers are more than acceptable comparatively.

Dr. Smith moved for Director Schneider to initiate administrative fees upon the violating licensees accordingly to the prior discussion. Dr. Alamo-Leon seconded. Motion passed unanimously.

Director Schneider then discussed specific to Fictitious Names- does the licensee have to report when their business closes and thus they have a change in ownership to 0%? What about when their location closes which uses the Fictitious Name but they still keep the name active with the Secretary of State? And even if the Board does not make them submit a formal Fictitious Name registration and pay the \$50 to say they have 0% ownership, should the licensees still be made to tell the Board via email? And does that failure warrant a warning or admonishment letter only? Or \$200 fine?

Dr. Smith understood why the Board needs that information but also why licensees might forget to tell the Board that information. Director Schneider noted that untimely fictitious name registrations can occur due to a contentious business partner divorce or a marital divorce, and proposed an option of an admonishment letter noting that change of ownership to 0% requirements notification under NAC 636.215 and future violations will result in administrative penalties. Dr. Austin expressed a concern about a licensee who still holds a license but sold the practice because if the licensee is retired then that kind of requirement could be overly cruel. Director Schneider noted that the untimely fictitious name registrations or changes in ownership that he was encountering were not due to retirement, and suggested in those instances that the remaining owner be the one to file the notification with the Board and not the newly non-owner. Dr. Alamo-Leon suggested an inquiry letter to have the licensee describe the circumstance but to correct it right away. Dr. Smith inquired into Director Schneider on his thoughts if a fine should be issued. Director Schneider replied it was not his place to say, and noted the fictitious name law appears to be designed for still-active businesses as opposed to when a business closes down and thus the ownership becomes 0% and thus making the licensee pay \$50 to advise the Board of that closure could seem punitive.

Dr. Smith moved for Director Schneider to issue letters to the relevant licensees noting a violation of the law, that no administrative fine will be issued, but any additional violation would be deemed a second tier offense. Dr. Lyons seconded. Motion passed unanimously.

10. Executive Director report re ARBO Update Q1 2026. Director Schneider summarized the ARBO Update including the ARBO national convention in Phoenix in June 2026, various regulatory Zoom meetings that he attends including one on April 7 regarding surrender of a license, and Continuing Education courses that he attends as well.

11. Executive Director report re R056-25 legislative committee approval. Director Schneider advised he attended the legislative committee hearing to provide supportive testimony on February 26, and announced that R056-25 is now law and on the website and that a Newsletter will be circulated. Director Schneider reminded the membership that R056-25 regards the process for the Board to temporarily suspend a license, factors in sentences for a disciplinary hearing, and expanding the glaucoma endorsement to include approval from any OMD and not just a Nevada-licensed OMD and that the document does not have to be an affidavit but can be a sworn declaration not requiring a notary.

12. Executive Director report re ARBO Scholarship award. For the upcoming June convention from June 12-June 14, 2026, normally the Board submits a letter of recommendation for a scholarship. But because Director Schneider will be on one of the attorney panels at the conference, ARBO will pay and no need for the scholarship application. This will last from Friday June 12 through Sunday June 14, 2026.

13. Executive Director report re license renewal summary. Director Schneider commented that he has gone through all the renewals and CE Summary Forms, and while licensees could apply late before the May 31, 2026 license revocation deadline, the following are the numbers as of March 12, 2026:

Renewed active- 501
Renewed inactive- 39
Non-renewals thus far- 80

14. For Board Discussion and Possible Action. Proposed items for future Board meetings. None received.

15. Public Comment. Public comment was invited with a reminder that no action will be taken at this meeting on any issues presented as public comment and the maximum time is three minutes. Dr. Steven Girisgen commented as to Item no. 5 Complaint 26-15 that the Board should consider: 1) the attending OD claimed to have no responsibilities of the practices, management, and scheduling activities, and reminded the Board about R066-19 that an OD must have organizational and financial independence from a non-licensee entity; 2) the OD stated he or she is not the custodian of records but which is contrary to the law that an OD must be the custodian; 3) the licensee's response stated that the practice location staff manages the scheduling and in-office complaints and that the practice leadership provides direction, but is the practice leadership OD-owed because if not then the OD and the practice management staff must be separate and must operate at the direction of the OD; 4) there appears to be ambiguity as to the ownership structure of the practice other than what was offered that it is a professional entity which owns and operates the optometric practice; 5) he would ask the Board to ask more questions about the structure and its staff and systems to protect the public, and in this case it is unclear who is the responsible OD when there is an unclear and obfuscated ownership structure in place. No other comments received.

16. Action Item. Adjournment. President Smith moved to adjourn. Dr. Alamo seconded. Motion passed unanimously. Adjournment occurred at 1:17p.m.

8 persons attended virtually, inclusive of five 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 3/12/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 4/23/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 5/28/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
Thursday 6/25/2026 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 April 23, 2026.

/s/ Adam Schneider
Adam Schneider, Executive Director