

STATE OF NEVADA

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

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ADAM SCHNEIDER
Executive Director

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

MINUTES
OF PUBLIC MEETING
June 25, 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 12:00p.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 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 May 28, 2026 Regular Board Meeting Minutes.** Director Schneider confirmed all present Board members had an opportunity to review the draft. Dr. Smith moved to accept the proposed Minutes as-is. Dr. Austin seconded. Motion passed 4-0.
- 5. Action Item. Consideration and approval of FY2026-2027 budget; Review of FY2025-26 Income and Expenditures; Consideration and decisions regarding proposed budget and factors for FY2026-2027.**¹ Director Schneider called this Item out of order as the first action item. Director Schneider summarized his efforts with Accountant Berg with the overarching question of is the Board in a position to reduce renewal fees back to \$750 for Active and \$500 for Inactive once and for all, yet still be fiscally viable into 11/2029, and not merely 11/2027.

The Board's overall renewal amounts inclusive of Additional Practice Location fees and late

¹ Taken out of order at Director Schneider's discretion.

renewals offset by the Board's monthly expenses/losses during November 2025 – March 2026 was \$435,000, i.e., \$165,000 as of end of October 2025 to end of March 2026. The Board has to live off of that from April 2026 to November 2027, i.e., 20 months which is \$21,750/month. The Board operates in the red six out of eight quarter years, the only exceptions being Q4 of odd numbered years and Q1 of even numbered years.

Accountant Berg discussed her analysis of the projected profits and losses, and projects a surplus of \$66,000 over the two year cycle with the reduced fees back to its original structure, which is a perfect amount of not too much and not too little. This is a conservative surplus which is appropriate given future uncertainties. She complimented the Board's efforts toward cost-cutting measures. She projects \$199,000 in expenditures over the next 12 months validated from two perspective of actual expenditures over the last 12 months and known monthly billing cycles. Dr. Smith expressed her support and noted the potential to reduce renewal fees was encouraging.

Dr. Smith moved to approve the budget as proposed. Dr. Austin seconded. Motion passed 4-0.

The Board thanked Accountant Berg for her work, and who then exited the Zoom.

6. Action Item. Complaint 26-22 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.

Director Schneider summarized the allegations as a purchase of Chanel glasses with a portion covered with VSP benefits. The glasses broke and Licensee 1 offered a variety of remedial measures. Licensee1 concluded to the Director that a full refund is trying to be offered to the patient but the patient is non-communicative. The patient also accused License1 of racial discrimination, which License1 wholly denies the allegation in the narrative.

Does the information presented rise to the level of probable cause for involvement of the Attorney General for investigation into unprofessional conduct of Licensee 1?

Public Member Balecha commented that after review of the materials, this is a consumer service dispute rather than patient care or an unprofessional conduct issue. Licensee 1 made multiple attempts and offered a refund. She does not see evidence of discrimination, and based upon the evidence presented she would be in favor of closing the file unless additional evidence is presented. Dr. Smith agreed, and noted the office when above and beyond by providing a free pair of glasses even though no refund was required under the patient's signed policy. Dr. Austin agreed. Dr. Alamo agreed.

Dr. Smith moved to dismiss the allegations with no further action. Dr. Austin seconded. Motion passed 4-0.

7. Action Item. Board of Applied Behavior Analysis position re R074-25. Director Schneider reminded the Board about B&I oversight bill of other boards, and asked whether the Board wanted to advise the relevant committee chair to know this Board's position in agreement or not with the Board of Applied Behavior Analysis.

Dr. Smith's position is she agrees with that board. Dr. Austin agrees and strongly disagrees with R074-25. Dr. Alamo agreed that the Board needs to make a strong stance.

Dr. Smith moved for Director Schneider to issue a letter of agreement with the other board. Dr. Alamo seconded. Motion passed 4-0.

8. Action Item. Department of Taxation Notice of Intent to Take Action on Regulation R085-26(2). Director Schneider reminded the Board about the Department of Taxation's proposed regulation on glasses taxes. Director Schneider advised the Board that the regulation does not remove optometrists from the existing statute, meaning optometrists are still not considered retailers for purposes of glasses sales and to his understanding the Board of Opticians is not taking a position on the regulation. He reminded the Board about its previous attempts two years ago to seek clarification from the Department of Taxation, which declined to respond to boards. Dr. Alamo raised the question of how the regulation might affect the medical device tax exemption for patients and whether it could impact Nevada optometrists, and that former board member Dr. Stephanie Lee attempted to find out this clarification as well. Director Schneider stated his understanding that the regulation does not change anything for optometrists and that the primary addition to the proposed regulation is the inclusion of opticians whether licensed or not.

Dr. Smith moved to stand by and monitor for any developments that may affect the board. Public Member Balecha seconded. Motion passed 4-0.

9. Executive Director report re ARBO convention. Director Schneider summarized the 2.5 day meeting as follows:

Friday- NBEO presentation on testing parameters and statistics, followed by meeting with the other board executive directors where conflicts of interest of board members themselves were discussed.

Saturday- ARBO's new national counsel of the law firm Hedrick Gardner Kincheloe & Garofalo presented tips and trick on Board meeting conduct and some case studies, when to closed sessions are allowed or to be in violation of open meeting law; speaker on Roberts Rules of Order and being to amend the amendment of a motion and things of that nature; discussion of disciplinary cases including First Amendment Rights at Open Meetings; OE Tracker discussion and possible financial incentives to get the licensees to use it exclusively and ARBO audit services

Sunday- attorney panel which Director Schneider was a panel member with Maryland's board counsel and Illinois' board counsel. Disciplinary factors were discussed where Nevada's R056-25 was mentioned, which multiple Boards had inquired about. The rest concerned how different States changed regulations and adhered to open meeting laws; presentation from the Arizona Board's lobbyist and the obstacles he faces with the OMD lobby; another Executive Director meeting where mobile optometry and license by endorsement was discussed; NBEO discussed the Kentucky Board of Optometry issues and attempting to allow students to bypass NBEO's Part III in order to still be licensed; the Dean of Midwestern College discussed the newer generation of graduates and graduation rates and usage of anxiety therapy available on staff, and that students nationally struggle with passing Part III which is the human interaction phase of the testing.

10. Executive Director report re license renewal numbers for 3/2026-2/2028 cycle. Director Schneider advised as to the below:

Renewed active- 508

Renewed inactive- 42

Non-renewals from 3/2024-2/2026 licensees- 80

11. Executive Director report re Complaint 26-13 update. Director Schneider reminded the Board about their vote on Complaint 26-13 and CEs. Director Schneider reminded the Board about NRS 636.420(3)(a) that administrative fines cannot occur with issues regarding “the care of a patient.” So consistent with the Board’s intent that those CEs were converted to recommended/voluntarily CEs and not mandated CEs and doing so avoids any basis for an appeal with the District Court. This was explained to Licensee 1’s counsel who understood the position, agreed with the position, and Licensee 1 is in the process of seeking out CEs on those enumerated topics at the May 2026 meeting.

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

13. 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.

Public Member Balecha stated she would not attend the 11/2026 meeting due to a prior engagement.

Dr. Ken Kopolow noted his prior career as an optician, and wanted to make sure the right questions were being asked as to use tax versus sales tax and distinguishing between paying sales tax on wholesale goods versus charging it, and referencing a past audit experience. Director Schneider referred back to Board’s prior discussion today and the Board’s efforts two years ago on the same topic.

14. Action Item. Adjournment. President Smith moved to adjourn. Dr. Austin seconded. Motion passed 4-0. Adjournment occurred at 12:46p.m.

8 persons attended virtually, inclusive of four 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 6/25/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

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FY 2026-2027 Regular meeting schedule

Thursday 10/1/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Thursday 11/5/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

Thursday 12/10/2026 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 October 1, 2026.

/s/ Adam Schneider

Adam Schneider, Executive Director