

STATE OF NEVADA

JOE LOMBARDO
Governor



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Director

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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

MINUTES
OF PUBLIC MEETING
September 25, 2025

1. **Call to Order.** President Smith opened the live meeting at 12:02p.m.
2. **Roll Call and statement of purpose to protect public health and safety and the general welfare of the people of this State.** Board members Sally Balecha, Mariah Smith, O.D., Jeffrey Austin, O.D., were present via Zoom. Quorum established. Executive Director Schneider present at Nevada Business Center Tahoe Room 3300 W. Sahara Ave., 4th Floor Las Vegas, Nevada 89102.
3. **Public Comment.** President Smith invited public comment. No public comment received.
4. **Action Item. Consideration and approval of July 31, 2025 Board Meeting Minutes.** President Smith confirmed all present Board members had an opportunity to review the draft. Dr. Austin moved to accept as written. Dr. Smith seconded. Motion passed 3-0.
5. **Action Item. Possible 2027 Legislative goals.** President Smith discussed that this topic was agendized due to NOA approaching her about 2027 legislative goals but she had not thought that far ahead due to 2025 legislative session just ending. Director Schneider directed the Board to the meeting materials that a licensee wants the Board to pursue legislation for "advanced aesthetic procedures." Director Schneider stated possibly the better place for this pursuit is NOA because this would not be to expand the scope of per se *optometry*, even if ODs incidentally have the training to do so. Director Schneider anticipated thousands of dollars in lobbyist fees not to mention substantial pushback from Cosmetology, Ophthalmology, and/or Dermatology lobbies. There is nothing to prevent an OD from pursuing a cosmetology license in theory. Director Schneider mentioned that while this Board does not adhere to everything that the California Board does, the California Board recently created regulations for radiofrequency specifically limited to dry eye disease/syndrome, not for an aesthetic purpose, or after the optometric purpose of the treatment has been achieved.

President Smith agreed that ODs have the skillset to do so, but is not something that this State Board should pursue at this time. Dr. Austin agreed when the proposal would be for only aesthetic purposes and the interested OD could seek a cosmetology license, and the Board to the extent possible should look to not spending money out of the budget on lobbyist services for the

next legislative session.

Dr. Smith moved for the Executive Director to advise the licensee of the Board's decision and rationale at this time. Dr. Austin seconded. Motion passed 3-0.

6. Action Item. Possible changes to continuing education credits due to AB183(9). Director Schneider reminded the Board that AB183(9) is the new statute which eliminates the OMD supervision requirement in order to obtain OPAC. The OD still has to pass the TMOD and attest they have complied with NRS 636 and NAC 636 in order to obtain OPAC .

The meeting materials include the Board's email to a new OPAC OD and that 30 hours can be applied to their 50 CE hours for license renewals.

The question for the Board is now that those 40 hours of OMD supervision are no longer required, what does the Board want to do about those 30 hours of allocated CEs? One perspective is keeping the 30 hour allocation as-is would still provide incentive for all ODs to obtain OPAC in order to lessen their CE requirement and to practice to full scope. Another perspective is that now that the 40 hour supervision requirement is gone, so too should the 30 hour continuing education credit. President Smith agreed with the latter. Dr. Austin agreed with Dr. Smith.

Dr. Smith moved to eliminate the 30 hour credit provided to ODs who receive an OPAC. Dr. Austin seconded. Motion passed 3-0.

7. Action Item. Possible budget changes re I.T. security and board personnel wages/pay-outs and executive director authority. Director Schneider stated this was a two item topic impacting the budget.

1. The State government was recently hacked, which begs the question how secure the Board's systems are and what to spend to increase the security. This topic is for the Board's office systems, separate from the Board's website.

Director Schneider explained the meeting materials of the Board's present invoice of \$173/month and its features. The Board already spends \$2,076 on this level of security. There are two increased security proposals with line-items: 1) \$250 set-up plus additional \$57 month i.e. \$2760/year; or 2) \$187 set-up plus additional \$20 month i.e. \$2316/year. The upside to the former is it is the maximum security offered. The upside to the latter is that it is hundreds of dollars less expensive and clearly more budget-conscious yet still an enhancement.

President Smith commented she did not have a strong position one or another, unless Advantage whom she is familiar with, had a strong advocacy for the more expensive package. Dr. Austin commented about the need to be budget conscious as well, but he did not have a good understanding of the listed features given he is not in the I.T. field although a family member of his is. Colloquy as to I.T. security and avoiding what the State experienced recently which would result in the Board not being able to conduct its business. Director Schneider stated that if the less expensive package, he simply needs to be more discerning on what emails he clicks on, and thus far in his tenure there have been attempted hacks but nothing successful with the level of security that the Board has presently.

Dr. Smith moved to purchase the above-listed option #2 and thus increase the security budget by \$20/month after the \$187 install fee. Dr. Austin seconded. Motion passed 3-0.

2. Director Schneider stated that Board employee Nancy Padilla is now working for another governmental agency, who is now paying her salary and benefits.

The short-term issue is the Board owes her a pay-out as a former employee. The Board's accountant using NRS 284.355 calculates \$8,139.90 based upon 5.7 years of service but only approximately \$5,700 will come out of the Board's budget due to how payroll and payroll taxes work. Ms. Padilla has agreed to stay on in the interim as an independent contractor, and the amount of hours is the subject of negotiation where Director Schneider increases his responsibilities to keep the business of the Board running. Colloquy on the need for a full-time administrative employee or independent contractor and that the needs change during the course of renewals in Q1 of even-numbered years, and the Board needing administrative work for, e.g., 3 hours per weekday in non-renewal times. Colloquy on the Board's need for two employees because if the Board has only one employee, the Board could not function if that one employee becomes unavailable, inclusive of Dr. Austin stating it was imperative that a new hire be sought in order for the Board to have two personnel at all times.

Dr. Austin moved for Director Schneider in consultation with Dr. Alamo-Leon as the Board's treasurer to be provided with negotiation authority with Ms. Padilla on what works best for her, Director Schneider's needs and the Board's needs, while a search occurs for Ms. Padilla's replacement. Dr. Smith amended the motion to authorize Director Schneider to enter into an independent contractor agreement with Ms. Padilla with parameters that are in the Board's best interests for an amount of hours that Ms. Padilla knows she can accommodate. Dr. Austin accepted the amendment to his motion. Dr. Smith seconded. Motion passed 3-0.

8. Executive Director report re licensing transactions for FY2026. Director Schneider summarized the below.

7/24/2025 – 9/19/2025	FY2026 cumulative	FY2026 licensee fees cumulative	Less 3.25% transaction fees
New licenses: 3	5	1,687.50	1637.07
Licenses by endorsement:4	4	1,800.00	1,746.60
Glaucoma: 1	1	175.00	169.62
OPAC: 6	7	525.00	507.64
Fictitious Name: 16	20	1,000.00	965.00
Location changes: 9	14*	350.00	335.58
Additional locations: 13	16	3,200.00	3102.40
LOGS: 11	15	375.00	359.55
Active to Inactive Status:0	0	0.00	0.00
Mobile: 0	0		
Substitute location: 4	4	800.00	775.60
Refunds: 2	3	700.00	-745.48
Public complaints:7	8		
PRR: 5	5		
2026-2028 CE review: 10	13		
Total	115	\$9,912.50	\$8,853.58

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

Director Schneider asked the attendees to submit their CEs early to help alleviate the stress on the Board staff at the time of renewals. President Smith commented that such numbers need only be provided to the Board twice a year. Dr. Austin agreed, notwithstanding something outlandish needing the Board's attention.

9. Action Item. Proposed items for future Board meetings. Dr. Smith proposed an item on how Board staff can count Continuing Education credits at the time of renewals, be it a selected audit for certain days of submission, or a certain percentage, or certain letters of the licensees' last names. Director Schneider stated this will be agendized for the next meeting on October 30.

10. Public Comment. Director Schneider invited public comment. Dr. Ken Kopelow inquired into the upcoming workshop and its scope. Director Schneider responded consistent with the Notice and the associated meeting materials, it was for all NAC 636 regulations, i.e., R066-19, R101-24, R049-25 which is specific to fees, and any new regulations to correspond with AB183 which is the new set of statutes that the Board passed in the 2025 legislative session.

11. Action Item. Adjournment. President Smith moved to adjourn. Dr. Austin seconded. Adjournment occurred at 12:34p.m.

8 persons attended virtually, inclusive of three Board members. 1 person attended in-person, inclusive of the Executive Director. No role call conducted or sign-in sheets provided.

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FY 2025-2026 Regular meeting schedule

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 October 30, 2025.

/s/ Adam Schneider

Adam Schneider, Executive Director