

STATE OF NEVADA

JOE LOMBARDO
Governor



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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
January 22, 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.** Director Schneider opened the live meeting at 12:08p.m. and read into the record- “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., Dan Lyons, O.D., and Julie Alamo-Leon, O.D. were present via Zoom. Public Member Balecha not present. Quorum established.
- 3. Public Comment.** Director Schneider invited public comment 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. Complaint 26-03- proposed Stipulation for Settlement and presentation from Deputy Attorney General.** Trailed to the last Action Item of the Agenda before Adjournment. DAG Todd Weiss confirmed that the Board members received the proposed Stipulation for Settlement between the Board and Dr. Koenig, and summarized the same as to the facts and proposed disciplinary terms. Dr. Koenig’s counsel, Jacob Sommer, Esq., present. Dr. Smith stated her trust in DAG Weiss’ experience in the legal issues and for the precedence of the monetary amounts proposed, and moved to accept as-is. Dr. Austin seconded. Motion passed 4-0.
- 5. Action Item. Consideration and approval of December 10, 2025 Board Meeting Minutes for: 1) Regular Meeting; 2) Notice of Intent to Take Action on Regulation re R056-25.** Dr. Smith confirmed all present Board members had an opportunity to review the drafts. Dr. Austin moved to accept all proposed Minutes as-is. Dr. Smith seconded. Motion passed 4-0.
- 6. Action Item. Complaint 26-10** 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.

Three longstanding patients (Mother Patient 1 and two teenage sons Patients 2-3) with Licensee 1 agreed to Optomap and OCT imaging copays verbally. One of the teenagers agreed to CL fitting in writing. Upon checkout, Mother stated she did not agree to CL fitting and instead only the imaging. Mother paid for 3 copays for imaging but not the CL fitting or any exam copays. Mother called to dispute that any imaging was done and would not be paying any fitting or exam copays. Copies of imaging sent to Mother. Mother did not believe that was proof of imaging. As seen in the meeting materials of a email string between Licensee and Mother, Licensee 1 agreed to waive CL fitting fee, but 3 exam copays were due per EyeMed contract. Mother refused and filed complaint with Board. 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 for why not to advise the complainant.

Dr. Smith stated the conduct was not unprofessional in her opinion. The teenager who agreed to the fitting was over the age of 18 and able to agree to it on his own. It was gracious of Licensee 1 to waive part of the fee. The evidence shows the three images were performed. It might be recommended to Licensee 1 to get these kinds of agreements in writing to avoid any he-said-she-said in the future. Regardless, the contact lens fittings were agreed to and performed, and the imaging was agreed to verbally and performed. The complainant's monetary dispute thereafter is not something the Board deals with, but instead can be addressed through other avenues. Drs. Lyons and Alamo-Leon agreed. Dr. Austin agreed, added that this is for small claims court should the complainant want to pursue it there, and advised that the disposition letter needs to state there was no clinical unprofessional conduct and instead is about confusion on pricing and costs which is not something the Board deals with.

Dr. Smith moved to close the inquiry with no further action and for Director Schneider to advise the complainant accordingly incorporating Dr. Austin's suggestions on what to include in the letter. Dr. Austin seconded. Motion passed 4-0.

7. Action Item. Proposed letter re: R101-24(5) (optometric telemedicine licensee requirements) versus NRS 636.346 (supervision of authorized activities of assistants; conduct of final eye examination of patient). Director Schneider directed the Board to the meeting materials of the draft letter for approval or edits based upon his research into the telemedicine statutes and regulations, and the Board's 2024 discussions as to the Board's intent.

Dr. Austin inquired into the proposed response to statement no. 1. Part of the letter states an allowance of a glasses lens prescription via synchronous optometric telemedicine. Later in the letter it states the need for a manifest refraction. Those positions seem to disagree with each other. Director Schneider advised "agreed" was stated on purpose when reviewing subsection three of the statute allowing for synchronous optometric telemedicine and his understanding that manifest refraction can be performed via optometric telemedicine through the appropriate technology presently in existence. Director Schneider asked if manifest refraction was being defined as only in-person, because if not, then "agreed" from his review of the law and the Minutes would be the accurate answer.

Director Schneider discussed the basis of the "disagree" answer for statement no. 2. Then he discussed as stated in the letter there is no contemplation in the statute on when it applies to a medical examination versus a separate scenario of only for a glasses prescription.

Director Schneider reminded the Board of its discussions in January 2024 about trying to capture all scenarios and business models and being as complete as possible, but that statements nos. 1-2 present new scenarios that the Board did not discuss in 2024. If the letter is not reflective of the Board's position, then the Board needs to advise and engage in efforts to close that loophole.

Dr. Austin stated the common understanding of a manifest refraction means it is performed in-person, but understood what Director Schneider was attempting to explain in the letter based upon what the law says. Dr. Austin suggested at the end of the first sentence after "agreed" that it should add clarifying language that manifest refraction can be performed in-person or by synchronous technology but if the latter the licensee has to have control of the appropriate refraction technology and is performing the manifest reaction himself or herself and not reliant upon a technician talking to the licensee on the phone for example.

Director Schneider discussed the Board's January 2024 discussions for the telemedicine regulations. The most discussion at that time as to manifest refractions occurred as to differentiating it from auto-refraction which ultimately resulted in section 9 of NRS 636.394. But as to whether manifest refraction was synonymous with in-person, that was not discussed. Dr. Austin stated it was his memory of the Board's intent was that a licensee can perform a remote refraction so long as they use the appropriate technology where the licensee has actual control of the phoropter in real time. With the above suggestions, Dr. Austin approved of the draft.

Dr. Smith discussed her memory of her concerns in 2024 of persons potentially misinterpreting the laws, despite the Board's efforts at the time to make the language clear and contemplating all scenarios. Dr. Smith discussed the letter's emphases on: 1) "the" licensee, which was something that Dr. Lyons addressed at the prior meeting; and 2) the licensee has to have the records of a comprehensive examination within the past two years at or by the time of the examination, and not after. "Comprehensive examination" is defined in Nevada law, which not all States have. But it needs to be made clear that a licensee cannot ignore one element of a "comprehensive examination" in order to make it a noncomprehensive examination, and that the licensee still has to abide by the standard of care. An example for the intention of a noncomprehensive examination would be a contact lens follow-up or taking a phone call at 7pm for a potential red eye. Director Schneider and Dr. Smith agreed that the Board's discussion in January 2024 involved when a comprehensive or noncomprehensive examination was appropriate and it would be nearly impossible to list in the laws all of those possible clinical scenarios. But it is that vagueness of not listing all scenarios that a bad actor could use to their advantage.

Dr. Austin commented these issues are taken from two different directions of a comprehensive examination for what needs to occur in an examination, versus how to bill for it. Even a comprehensive examination, with every possible test performed, can be billed as a noncomprehensive examination if the licensee so chooses. But under no circumstance can a licensee bill for a comprehensive examination if the licensee did not perform all the elements of a comprehensive examination.

Dr. Smith commented that it is the insurance companies that use the terms comprehensive and noncomprehensive, and that the Board could have used the term "standard of care examination" or a phrase to that effect.

Dr. Austin felt the draft is great, and Dr. Smith agreed there is nothing she would change once Dr. Austin's earlier suggestion is incorporated. Dr. Lyons felt the draft was really good and as good as it was going to get. Dr. Alamo-Leon felt the draft looks good and to go with what is stated.

Dr. Smith moved to adopt the letter as-is with incorporation of Dr. Austin's proposed edits. Dr. Lyons seconded. Motion passed 4-0.

8. Action Item. Insurance panels statuses for 2028-2030 renewal applications. Director Schneider directed the Board to the meeting materials which involved research into health insurance contracts or doctor-insurer professional agreements, health insurance related NRSs such as 689A with consistent phrases of "medical incompetency or professional misconduct." The Board was asked to advise on making more succinct or more understandable from a licensee perspective but making sure the questions were broad enough for the Board to know about potential licensee misconduct. Director Schneider also advised that the present renewal applications does not ask if the licensee has been sued regarding the practice of optometry since the prior cycle, so those questions are added as well.

Dr. Smith felt that if the additional questions are in line with other healthcare boards' renewal applications, then that is a good thing and worth incorporating for this Board. The questions are not unclear, and they serve the purpose of what the Board intended. Director Schneider anticipated 99% of the licensees would mark "No" to these questions, but nonetheless something that the Board needs to know well earlier than, e.g., 4 years after a lawsuit settlement.

Dr. Smith moved to accept as-is, subject to Director Schneider's edits for typographical errors. Dr. Alamo-Leon seconded. Motion passed 4-0.

9. Action Item. Proposed items for future Board meetings. Director Schneider noted nothing from his perspective at this point other than one complaint. Dr. Smith inquired into Director Schneider's participation at the 6/2026 ARBO conference, which Director Schneider confirmed. Colloquy as to future draft letter for the Board's approval at the March meeting for Director Schneider's scholarship application. ARBO liaison Dr. Wang advised in the chat that the scholarship application period would open next month. No other topics proposed.

10. Public Comment. Director Schneider invited public comment. No comments received.

11. Action Item. Adjournment. President Smith moved to adjourn. Dr. Alamo seconded. Motion passed 4-0. Adjournment occurred at 12:50p.m.

10 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 1/22/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom

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 March 12, 2026.

/s/ Adam Schneider

Adam Schneider, Executive Director