

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
April 23, 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., 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 March 12, 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. Complaint 26-16** 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 provided a summary as follows:

No medical records were provided due to lack of relevance to Patient's allegations.

Patient alleges Licensee 1's/Location 1's refusal to see her for an ongoing and/or recurrent bilateral eye infection and being hung-up on my Licensee 1's staff. Licensee 1

prescribed eyedrops but did not resolve the symptoms. Patient's allegations do not make mention of Licensee 1's referral to an OMD, and that Licensee 1 did not take the patient's medical insurance, or the ongoing communications in February 2026 for the issues. Licensee 1 was not in the office at the time of the patient's phone call and when the patient was told to see the OMD and/or was hung-up on the patient felt abandoned leading to the complaint. Licensee 1's narrative contests the patient's allegations, spoke with the staff directly upon receipt of the inquiry letter, and initiated supplemental training regarding location-to-patient communications.

Director Schneider asked 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 Licensee 1 was not present when the call occurred, the staff told patient to seek immediate care elsewhere given Licensee 1 was unavailable. Patient had history of recurrent eye conditions and to seek specialist care, which suggests Licensee 1 took appropriate steps in the care. She appreciates the Licensee 1 took additional steps with his staff upon receiving the inquiry letter. Dr. Smith agrees, recognizes there is always some he-said-she-said involved, but that Licensee 1's care was appropriate including offering time slots for the patient to be seen. Dr. Austin agrees, noted the communication string was confusing which is dated February 5th compared to the inquiry letter which says March 5th, but nonetheless there is no unprofessional conduct at issue here and this inquiry should be closed. Director Schneider commented he takes the complaint as he receives it, that sometimes the patients are prone to typos or choose not to provide an accurate chronology including here where the licensee had already directed the patient to Ophthalmology. Dr. Lyons agrees with the other Board members' comments.

Dr. Smith moved to close the investigation with no further action. Public Member Balecha seconded. Motion passed 4-0.

6. Action Item. Complaint 26-17 Director Schneider summarized that Patient presented for monovision contact lens fitting and after a few monovision and multifocal trials, the patient became frustrated and wanted her fee back, which suggests the patient's battle might be with her insurance company to get her benefits reinstated. Licensee 1 documented the fitting in his chart notes. Patient then goes to Licensee 2 where there is a small difference in the glasses prescription. But the main complaint was for the contact lens prescription, and the ironic issue is that Licensee 1 and Licensee 2's spherical equivalent are the same.

Licensee 2's handwritten records were copies of jpegs of pdfs of copies and are very difficult to read and not relevant to the complaint, but Licensee 2 comments that although patient is technically legal to drive without glasses, it was strongly encouraged for the patient to wear spectacles for driving. But there are no written comments about difficulty adapting or about complaints with Licensee 1's prescriptions.

Director Schneider asked 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 Licensee 1 was very attentive to the patient and this matter should be closed. Dr. Smith agreed, noted the prescriptions were very similar, prescriptions can change on the same patient from morning to night, and that Licensee 1 was within his or her right not to refund the fee when he or she performed the work. Dr. Austin agreed. Dr. Lyons agreed, noting Licensee 1 went above and beyond the average optometrist.

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

7. Action Item. Complaint 26-19 Director Schneider summarized that Patient presented for a contact lens fitting, trials were ordered but were on back-order. Patient was contacted but did not present in a timely manner within the timeframe that she signed the paperwork about, apparently due to back surgery. Some exceptions were attempted but the prescription was not finalized. Patient alleges violation of the Contact Lens Rule and what she believes to have been a final fit/official prescription.

The EMR formatting looks to be OfficeMate where the information auto-populates. So patient also alleges records keeping violation due to an entry made in 8/2025 for events occurring in 12/2024 once the patient started to complain about the situation of which there is a lengthy email string of the OD's staff and/or the OD himself or herself explaining the contact lens trialing process and that it was never finalized. Then in 3/2026 the OD terminated the relationship.

Director Schneider asked 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? And the question is two-fold: 1) is there probable cause for a Contact Lens Rule violation; and 2) is there a probable cause for a records-keeping violation? And there is a series of relevant laws provided in the materials for the Board's review.

Public Member Balecha deferred to the optometrists as to any violation of the Contact Lens Rule but as that there were too many inconsistencies and errors in the charting and should be referred to the Attorney General. Dr. Smith commented about the EMR issues and the licensee's charting was lacking, and needs to be corrected for the future but not to the extent that a formal complaint should be sought. As to the contact lens issue, Licensee 1 never saw the patient with contact lenses on her eyes that year and therefore had justification in advising the patient that no final prescription had occurred requiring the patient to come back. Dr. Austin believes record-keeping is poor, but Addendums are legal so long as accurate which is what occurred here and nothing else rises to level of unprofessional conduct. Dr. Lyons commented he believes contact lens fitting requires teamwork, and the patient did not present for the final fit.

Director Schneider inquired into the Board whether the disposition letter to the licensee should include an admonition or warning that this matter will be considered for future documentation error inquiries. Dr. Smith replied that while the Board's comments can be included in the letter, it does not need to include that kind of warning.

Dr. Smith moved to close the investigation with no further action with a summary of the Board's comments to please do a better job with record keeping for future patients. Dr. Austin seconded. Motion passed 4-0.

8. Executive Director report re R074-25. Director Schneider updated the Board he attended the workshop, provided the Board's comments to it in advance of the workshop per the Board's vote on 3/12/2026, and plans to attend the Notice of Intent to Act on Regulation meeting on 5/11/2026 and will advise the Board at the May 2026 meeting. It is noted that seemingly none of the Board's comments were incorporated into any changes of the proposed regulation, and other Boards are taking issue with that lack of incorporation as well. Director Schneider asked the Board for any comments to state at the Notice of Intent hearing. Dr. Austin wanted to know why B&I is not factoring in the Boards' comments.

9. **Executive Director report re ARBO 2026 Annual Meeting- Phoenix AZ, June 13-14, 2026.** Director Schneider advised the membership about the ARBO 2026 Annual Meeting in P Phoenix, AZ to be held on June 13-14, 2026, that ARBO has encouraged membership attendance in light of it occurring in the Southwest, and that he will attend the optional Friday as well as be a panel speaker.

10. **For Board Discussion and Possible Action.** Director Schneider inquired into proposed items for future Board meetings. None received.

11. **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. None received.

12. **Action Item. Adjournment.** President Smith moved to adjourn. Dr. Austin seconded. Motion passed 4-0. Adjournment occurred at 12:25p.m.

7 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 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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FY 2026-2027 Regular meeting schedule

Thursday 8/6/2026 12:00p.m. (pst) Reg. Bd. Meeting- phone or Zoom
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 May 28, 2026.

/s/ Adam Schneider

Adam Schneider, Executive Director