

## MINUTES

### NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

November 16<sup>th</sup>, 2007  
Office of the Nevada State Board of Optometry  
1000 East William  
Suite 109  
Carson City, Nevada

Dr. Stewart asked for public comment. There was no public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Brad C. Stewart, O.D., at 8:00 a.m. on November 16<sup>th</sup>, 2007, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Brad C. Stewart, O.D., Board President  
Geoffrey Chiara, O.D., Board Member  
Vincent Gassen, O.D., Board Member  
Robert Whitney, Deputy Attorney General

Participating and present at the Board office were:

Judi Kennedy, Executive Director  
Daniel Rowan, O.D.

Dr. Stewart welcomed Dr. Gassen to the Board, and expressed appreciation for the service of Dr. Jack Sutton, whose term expired October 31<sup>st</sup>, 2007.

Agenda Item 4. The Complaint of April Ross vs. Daniel T. Rowan, O.D. Dr. Stewart stated it seemed Ms. Ross had become upset because Dr. Rowan had missed two scheduled appointments. Dr. Stewart asked if Dr. Rowan wished to comment. Dr. Rowan stated the written record was complete, but went on to explain the reasons for the missed

appointments and the attempts he had made to ameliorate the situation, and compensate Ms. Ross. The Board and Dr. Rowan discussed Ms. Ross' allegation that punctal plugs had not been inserted. Dr. Chiara pointed out there was no way to check the plugs because they are dissolving. Dr. Chiara continued, stated there was no evidence Ms. Ross' health had been put at risk, nor that she had been damaged. Dr. Chiara moved the Complaint be dismissed. Dr. Gassen seconded the motion. The vote was unanimous. Dr. Stewart thanked Dr. Rowan for attending the meeting and addressing the Board.

Agenda Item 2. The Minutes of the Boards's September 21<sup>st</sup>, 2007, meeting were presented for approval. Dr. Chiara moved the Minutes be approved as drafted. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 3. Complaint of Bertha Jean Gray vs. Linda M. Bayerkohler, O.D. Dr. Stewart outlined the allegations of the Complaint. After discussion, the Board found none of the allegations were actionable, finding Ms. Gray had become angry, but that Dr. Bayerkohler was simply attempting to conduct a complete eye examination. The Board noted Dr. Bayerkoher had issued a refund, and that Ms. Gray's insurance had been reinstated. Dr. Chiara moved the Complaint be dismissed for lack of merit. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Timothy Hipkins vs. Joel G. Adler, O.D. The Board discussed the allegations of the Complaint. Noting there was no evidence to support the allegations, Dr. Chiara moved the Complaint be dismissed for lack of merit. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 6. Complaint of Judi D. Kennedy, as Executive Director, vs. Frances J. Saboo, O.D. The Board noted Dr. Saboo had remitted the change of address fee and a

\$250 administrative fine to dispose of the Complaint. Dr. Chiara moved the Complaint be dismissed based on resolution. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 7. Complaint of Judi D. Kennedy, as Executive Director, vs. David P. Yesnick, O.D. The Board noted Dr. Yesnick had submitted a \$500 fine to dispose of the Complaint, but that he had not, as of the date of the meeting, submitted the documentation necessary for the issuance of a Certificate of Registration of Fictitious Name. Dr. Chiara moved the matter be continued to the next meeting, pending receipt of the documentation. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 8. Complaint of Judi D. Kennedy, as Executive Director, vs. Van T. Tran, O.D. Noting Dr. Tran had failed to file a response to the Complaint, Dr. Gassen moved a formal Accusation be filed against Dr. Tran. Dr. Chiara seconded the Motion. The vote was unanimous.

Agenda Item 9. The Board approved Ms. Kennedy's attendance at the FARB convention in January, 2008.

The Board approved the Board's 2008 Newsletter as drafted, approved the use of a signature stamp for the renewal cards, and voted unanimously to keep the renewal fees the same for the 2008-09 renewal year.

Dr. Stewart asked for public comment. There was no public comment.

The Board set a regular meeting for January 11<sup>th</sup>, 2008, in Las Vegas, and a meeting via telephone conference for March 21<sup>st</sup>, 2008.

Dr. Chiara moved the meeting adjourn. Dr. Gassen seconded the motion. The vote was unanimous. The meeting adjourned at 8:40 a.m.

