

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

May 16th, 2008
Airport Plaza Hotel
Aztec Room

1981 Terminal Way
Reno, Nevada

Dr. Stewart asked for public comment. John Ohlson, Esq. stated he and his client, Farnaz Khankhanian, O.D., had been compelled to appear at the meeting to assure themselves that no item involving Dr. Khankhanian appeared on the Agenda for the meeting. After reviewing a copy of the Agenda, Mr. Ohlson stated he would be filing a letter of complaint with the Board regarding Judi D. Kennedy, the Executive Director for the Board. Mr. Ohlson concluded, stating he and Dr. Khankhanian would be exiting the meeting.

A regular meeting of the Nevada State Board of Optometry was called to order by Board President, Brad C. Stewart, O.D., at 9:41 a.m. on May 16th, 2008, in the Aztec Room of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Present were:

Brad C. Stewart, O.D., Board President
Geoffrey F. Chiara, O.D., Board Member
Vincent A. Gassen, O.D., Board Member
Sherese Settlemeyer, Board Member
Judi D. Kennedy, Executive Director
Cameron Vandenberg, Deputy Attorney General
Daniel T. Rowan, O.D.

Agenda Item 2. The Minutes of the Board's March 21st, 2008, regular meeting

were presented for approval. Dr. Chiara moved the Minutes be approved as drafted. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 3. Complaints of Linda B. Garcia and David Garcia vs. Daniel T. Rowan, O.D. Dr. Stewart noted both Linda and David Garcia had written to the Board requesting the Complaints be withdrawn, stating the allegations of the Complaints had been resolved to their satisfaction. Dr. Rowan stated he was in attendance to furnish the Board whatever further information it deemed necessary. A lengthy discussion ensued between Dr. Rowan and the members of the Board. The discussion included, but was not limited to, prior complaints filed against Dr. Rowan. The prior complaints, as with the complaints of Linda and David Garcia, raised issues regarding to explanations given to patients relating to procedures to be performed, and the fees to be charged for the procedures. The Board questioned Dr. Rowan about the statutorily required co-management agreement signed by his patients. Dr. Rowan agreed to furnish a copy of the agreement. At the conclusion of the discussion and questioning, Dr. Chiara moved the Complaints be dismissed based on resolution. Dr. Gassen seconded the motion. Dr. Stewart asked for further comment. After discussion, the Board directed Ms. Kennedy to send a letter to Dr. Rowan, cautioning him there should be no further complaints by his patients filed with the Board relating to the issues of procedures and/or fees to be charged for those procedures. The vote was unanimous.

Agenda Item 4. Accusation of Judi D. Kennedy, as Executive Director vs. Scott B. Wayment, O.D. Dr. Stewart stated he believed the proposed payment of a \$2,000 administrative fine and the reimbursement of \$600 in legal fees, would constitute proper discipline of Dr. Wayment. Dr. Gassen agreed, and moved the proposal of settlement

be accepted. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Lisa C. Sabatello vs. Eric Larsen, O.D. Dr. Chiara stated Ms. Sabatello was apparently unhappy with her prescription, adding that Dr. Larsen had made attempts to correct the situation, and it appeared Ms. Sabatello was seeking a refund. Dr. Chiara moved the Complaint be dismissed based on lack of jurisdiction. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 6. Correspondence from Don P. Nguyen, Jr., O.D. The Board reviewed the correspondence, which requested a waiver of the provision of NRS 636.2893 requiring co-management for glaucoma certification be accomplished with an ophthalmologist licensed in the State of Nevada. The Board also reviewed Ms. Kennedy's prior responses to Dr. Nguyen regarding the request. The Board directed Ms. Kennedy to once again respond to Dr. Nguyen, reiterating the provision of the statute is clear and unambiguous, and that it cannot be waived.

Agenda Item 7. Correspondence from Richard Kim, O.D. The Board reviewed the correspondence, noting Dr. Kim was proposing a mobile optometry clinic. After discussion, the Board directed Ms. Kennedy to respond to the correspondence, advising the laws of Nevada governing the practice of optometry do not allow such a practice. Dr. Gassen suggested an item addressing the issue be included in the Board's 2008 Newsletter.

Agenda Item 8. The Board reviewed certain forms that had been drafted for applicants applying licensure by endorsement. The Board determined the matter should be tabled.

Agenda Item 9. Report of Executive Director

The Board concluded the request of the NBEO that the Nevada Law Exam be administered via the Internet, should be considered when further details were made available.

The Board approved the revised renewal documents for use beginning with the 2009-2010 license year.

The Board determined Ms. Kennedy's attendance at the Department of Health and Human Services forum was not warranted.

The Board approved the purchase of a new computer for the Board office.

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

The Board scheduled a meeting for July 18th, 2008, to be held via telephone conference, and a September 19th, 2008, meeting to be held in Las Vegas.

Dr. Chiara moved the meeting adjourn. Ms. Settlemeyer seconded the motion. The vote was unanimous. The meeting adjourned at 10:55 a.m.