

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

November 14th, 2008
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 14th, 2008, 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
Sherese Settlemeyer, Board Member
Cameron Vandenberg, Deputy Attorney General

Participating and present at the Board office were:

Judi Kennedy, Executive Director
Ryan Bauman, JK Belz & Associates
Rocky Finseth, Carrara Nevada
Chris Lepore, Johnson&Johnson
Jimmy Myers, Vistakon

Agenda Item 3. Correspondence from Chris Lepore of Johnson&Johnson. Dr. Stewart summarized the content of the correspondence. Johnson&Johnson is seeking an opinion of the Board regarding prescribing and dispensing contact lenses, not yet available, which could be used to dispense topical drugs. Dr. Stewart stated he

believed the members agreed a licensed optometrist in the State of Nevada would be able to prescribe and dispense the lenses if he/she were certified in therapeutic pharmaceutical agents. Dr. Stewart asked for comment from the members. Dr. Chiara asked if the lenses would contain a specific drug, or if several different drugs would be used. Mr. Lepore stated initially the drug would be Ketotifen, but that there would most probably be other drugs in the future. After further discussion, the Board re-affirmed its position that an optometrist certified in therapeutic pharmaceutical agents would be able to prescribe and dispense the lenses.

Agenda Item 2. Minutes of the September 19th, 2008, Minutes. Dr. Chiara stated Ms. Vandenberg's name on Page 1 of the Minutes was misspelled, and should be changed. With that change Dr. Chiara moved the Minutes be approved. Ms. Settlemyer seconded the motion. The vote was unanimous.

Agenda Item 4. Complaint of Judi D. Kennedy, as Executive Director vs. Elise A. Millie, O.D. The Board reviewed and discussed the Complaint, and the Response filed by Robert L. Goldstucker, Esq., counsel for Dr. Millie. Dr. Stewart stated he believed the Board should proceed with a formal accusation. Dr. Chiara agreed, stating the defenses were just denial, and he believed Dr. Millie to be in violation of the statutes cited. Dr. Gassen agreed, stating the agreement between Dr. Millie and Comp Health constitutes an employment agreement. Ms. Settelmeyer agreed. Dr. Chiara moved a formal accusation be filed against Dr. Millie. Dr. Gassen seconded the motion. Dr. Stewart asked for further discussion. There was none. The vote was unanimous.

Agenda Item 5. Complaint of Alnisia Cruz vs. Elise A. Millie, O.D. The Board

reviewed and discussed the Complaint. At the conclusion of the discussion the Board found the allegations of the Complaint to be meritorious including, but not limited to: (1) no co-management had been signed by the patient; (2) Dr. Millie forged the name of Dr. Stella Chou to one of Dr. Chou's prescription blanks; and (3) Dr. Millie prescribed an oral steroid in violation of NRS 636.024. Dr. Gassen moved a formal accusation be filed. Dr. Chiara seconded the motion. The vote was unanimous.

The Board discussed a request that the Office of the Attorney General investigate certain allegations of the complaint to determine whether the filing of criminal charges should be pursued. Ms. Kennedy was directed to furnish copies of all documents in the Board's possession to Ms. Vandenberg so the matter could be turned over to an investigator.

Agenda Item 6. Complaint of Judi D. Kennedy, as Executive Director vs. Joanne Nassar, O.D. After discussion, the Board found Dr. Nassar had violated the provisions of NAC 636.210(1)(b) by referring to herself as a "Refractive Surgery Specialist." The Board acknowledged she had remitted the proposed \$250 administrative fine. Dr. Chiara moved the Complaint be dismissed based on resolution. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 7.

The Board approved the 2008 Newsletter as prepared.

Dr. Chiara moved the fees currently charged by the Board remain the same. Dr. Gassen seconded the motion. The vote was unanimous.

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

The Board set a meeting for January 9th, 2009, in Reno, Nevada.

Dr. Gassen moved the meeting adjourn. Ms. Settelemeyer seconded the motion. The meeting adjourned at 8:40 a.m.

