

MINUTES

NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

January 9th, 2009
Airport Plaza Hotel
Gulfstream Room
1981 Terminal Way
Reno, Nevada

A regular meeting of the Nevada State Board of Optometry was called to order by Acting Board President, Geoffrey F. Chiara, O.D., at 10:00 a.m. on January 9th, 2009, in the Gulfstream Room of the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

Present were:

Geoffrey F. Chiara, O.D., Acting Board President
Vincent A. Gassen, O.D., Board Member
Sherese Settlemeyer, Board Member
Judi D. Kennedy, Executive Director
Cameron Vandenberg, Deputy Attorney General
Doug Walther, Deputy Attorney General

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

Ms Kennedy advised the Board she had received notice that Dr. Elise Millie and her attorney had, in error, gone to the Board office in Carson City. The Board agreed it would delay the scheduled hearings, consider other Agenda items while waiting for their arrival.

Agenda Item 4. The Minutes of the Board's November 14th, 2008, regular meeting were presented for approval. Dr. Gassen moved the Minutes be approved as drafted. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 5. Subpoena to Produce Documents served on Jacqueline Tung, O.D. The Board discussed Dr. Tung's employment with Valley Eye Center, during which, based

on her response to the Subpoena, she had a verbal employment agreement. Ms. Kennedy advised the Board Dr. Tung had left the State after Valley Eye Center was ordered closed, and was currently residing in the State of California. After further discussion, Dr. Gassen moved the matter be suspended until such time as Dr. Tung returned to the State of Nevada. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 6. Complaint of Va Tran vs. Evan Pritchett, O.D. The Board considered the allegations of the Complaint and the Response of Dr. Pritchett. Dr. Chiara asked for discussion, stating he believed the Response of Dr. Pritchett was thorough. Dr. Gassen stated there was no issue of patient safety, and that Dr. Pritchett and his office had attempted to reach out to the patient. Dr. Gassen moved the Complaint be dismissed for lack of merit. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 7. Complaint of Margaret Perkins vs. David P. Yesnick, O.D. The Board discussed the allegations of Ms. Perkins' Complaint, noting Ms. Perkins was unhappy with the low vision devices that had been furnished by Dr. Yesnick. Dr. Gassen stated he was displeased there had been no formal response to the Complaint filed by Dr. Yesnick, and indicated he believed the Board needed more information. Dr. Gassen moved the matter be continued. Ms. Settelmeyer seconded the motion. The Board directed Ms. Kennedy to contact Dr. Yesnick and request a formal response be filed. The vote was unanimous.

Agenda Item 8.

The Board considered and discussed Policy 12, which revised the method in which licensees would submit their continuing education information to the Board. The Board reviewed a revised form to be used with the submission of the information. Ms.

Settelmeyer moved the Policy be adopted as drafted, and that the form be approved as prepared. Dr. Gassen seconded the motion. The vote was unanimous.

The Board considered the request for endorsement received from COPE. Dr. Chiara advised the Board he was acquainted with Dr. Brian Kawasaki, and provided an overview of his background and credentials. The Board directed Ms. Kennedy to advise COPE it endorsed Dr. Kawasaki to serve as a COPE course reviewer.

Noting that Dr. Millie and her attorney still had not arrived, Dr. Chiara recessed the meeting until 10:30 a.m.

The meeting reconvened at 10:34 a.m., at which time Dr. Millie and her attorney, Robert L. Goldstucker, Esq. joined the meeting.

Dr. Chiara opened the Formal Hearing in Case No. 08-09, Accusation of Judi D. Kennedy, as Executive Director vs. Elise A. Millie, O.D. at 10:40 a.m. Dr. Chiara introduced the members of the Board, Ms. Kennedy, Ms. Vandenberg and Mr. Walther.

The Board heard the opening statements of Cameron Vandenberg, Deputy Attorney General for the Board, and Robert L. Goldstucker, Esq., counsel for Dr. Millie.

The Board heard the testimony of, and questioned Dr. Millie.

The Board heard closing statements of Ms. Vandenberg and Mr. Goldstucker.

The Board determined it would proceed to the second case before entering its ruling on discipline.

Dr. Chiara opened the Formal Hearing in Case No. 08-10, Accusation of Judi D. Kennedy, as Executive Director vs. Elise A. Millie, O.D. at 11:27 a.m.

The Board heard opening statements of counsel for the Board, counsel for Dr. Millie, and the testimony of Dr. Millie.

The Board heard the testimony of, and questioned Dr. Millie.

The Board heard closing statements of Ms. Vandenberg and Mr. Goldstucker.

As to Case No. 08-09, the Board found Dr. Millie violated the provisions of NRS 636.024 when she prescribed the oral steroid, Prednisone. The Board found Dr. Millie violated the provisions of NRS 636.300[3] when she signed the name of Dr. Chou on Dr. Chou's prescription pad. Dr. Millie violated the provisions of NRS 636.374 by failing to enter into a co-management agreement prior to collaborating to care for a patient regarding a surgical procedure.

As to Case No. 08-10, the Board found Dr. Millie violated the provisions of NRS 636.300[2] by accepting employment, directly or indirectly, from a person not licensed to practice optometry in the State of to assist him in such practice or enabling him to engage therein.

Dr. Gassen moved the Board impose discipline as follows: [1] Dr. Millie's license to practice optometry was suspended for a period of ninety [90] days, commencing January 9th, 2009; [2] Dr. Millie's license to practice optometry was placed on probation for a period of one [1] year, commencing on the first day following the 90 day suspension; and [3] Dr. Millie was assessed an administrative fine in the amount of \$1,000 to be paid within sixty [60] days from the end of the suspension of her license. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Dr. Chiara closed the hearing at 12:24 p.m.

Ms. Settlemeyer moved to adjourn. Dr. Gassen seconded the motion. The meeting adjourned at 12:26 p.m.

