

## MINUTES

### NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING

March 27<sup>th</sup>, 2009  
Office of the Nevada State Board of Optometry  
1000 East William  
Suite 109  
Carson City, Nevada

A regular meeting of the Nevada Board of Optometry was called to order by Acting Board President, Geoffrey F. Chiara, O.D., at 1:30 p.m. on March 27<sup>th</sup>, 2009, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

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

Ms. Kennedy introduced William F. Harvey, O.D., as a new Board member.

Ms. Kennedy requested nominations for Board President. Ms. Settlemeyer nominated Dr. Chiara. Dr. Gassen seconded the nomination. The vote was unanimous.

Identifying themselves as participating were:

Geoffrey Chiara, O.D., Board President  
Vincent Gassen, O.D., Board Member  
William F. Harvey, O.D., Board Member  
Sherese Settlemeyer, Board Member  
Cameron Vandenberg, Deputy Attorney General

Participating and present at the Board office was:

Judi Kennedy, Executive Director

Agenda Item 4. The Minutes of the Boards's January 9<sup>th</sup>, 2009, meeting were presented for approval. Dr. Gassen moved the Minutes be approved as drafted. Ms.

Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Margaret T. Perkins vs. David P. Yesnick, O.D. Dr. Chiara outlined the contents of the complaint, noting it had first been considered by the Board at its January 9<sup>th</sup>, 2009, meeting. The matter was continued after the Board determined further information was necessary. After discussion, Ms. Settelmeyer stated Ms. Perkins' only request for relief was a refund of her money. Dr. Harvey agreed. Dr. Gassen stated the treatment was proper. Ms. Settelmeyer moved the complaint be dismissed based on lack of jurisdiction. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 6. Complaint of Lucy Brow vs. David P. Smith, O.D. The Board discussed Ms. Brow's symptoms, the treatment rendered by Dr. Smith, the subsequent visit to her primary care doctor, and the referral by her primary care doctor to an ophthalmologist who diagnosed a detached retina. Dr. Gassen said he felt the Board needed further information, specifically, a copy of Ms. Brow's records sent by Dr. Smith to Dr. Gothelf. Dr. Gassen moved the matter be continued. Ms. Settelmeyer seconded the motion. The vote was unanimous.

Agenda Item 7. Complaint of Jun V. Garrovillas vs. Eric R. Kroll, O.D. Dr. Chiara recapped the contents of the complaint, noting Mr. Garrovillas was not happy with the glasses prescribed by Dr. Kroll. Dr. Chiara continued stating it appeared his dissatisfaction grew following a visit to an ophthalmologist who diagnosed cataracts. Dr. Gassen stated Dr. Kroll had met the standard of care, and noted Mr. Garrovillas became disruptive when he returned to Dr. Kroll's office. Ms. Settelmeyer said she believed Dr. Kroll had been very patient in his dealings with the patient, and noted Mr.

Garrovillas was seeking a refund of monies paid. Ms. Settlemeyer moved the complaint be dismissed based on lack of jurisdiction. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 8. Complaint of Judi D. Kennedy, as Executive Director vs. Toan D. Ha, O.D. The Board reviewed the complaint and the response of Dr. Ha. Dr. Chiara opined Dr. Ha could not be exempted from disciplinary action based on his assertion of confusion. Ms. Settlemeyer pointed out if the Board exempted Dr. Ha, everyone similarly situated would have to be exempted. Dr. Gassen moved the Board direct Ms. Kennedy to correspond with Dr. Ha advising him the proposed administrative fine must be paid, or the Board would proceed with the filing of a formal accusation. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 9. Complaint of Judi D. Kennedy, as Executive Director vs. Mark Robert Lee, O.D. Ms. Kennedy explained Dr. Lee had changed office locations without having first given written notice to the Board, and paying the required fee. Ms. Settlemeyer, noting receipt of the fee and the proposed administrative fine, moved the complaint be dismissed based on resolution. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 10. Complaint of Judi D. Kennedy, as Executive Director vs. Ryan T. McBee, O.D. Ms. Kennedy explained it was the same situation as with the previous agenda item, that Dr. McBee had changed office locations without first having sent written notice to the Board, and paying the required fee. Ms. Settlemeyer, noting receipt of the fee and the proposed administrative fine, moved the complaint be dismissed based on resolution. Dr. Gassen seconded the motion. The vote was

unanimous.

Agenda Item 11. The Board discussed COPE's request for endorsement of Marla Plecha, O.D. as a COPE course reviewer. Dr. Chiara told the Board he is acquainted with Dr. Plecha and considers her competent. Ms. Settelemeyer moved the Board endorse Dr. Plecha. Dr. Gassen seconded the motion, based on Dr. Chiara's recommendation. The vote was unanimous.

Agenda Item 12. Ms. Vandenberg reported a Petition for Judicial Review had been filed by counsel for Dr. Elise Millie, and briefly outlined the procedures that would be followed during the process.

Agenda Item 13. Ms. Kennedy asked if the Board had questions regarding the cash in bank, license renewal or pending application figures contained in the meeting booklets. There were no questions.

Dr. Chiara told the Board he had discussed the issue of remuneration with Ms. Kennedy. Dr. Chiara advised the Board, that Ms. Kennedy had requested the amount of her annual bonus be decreased. Ms. Kennedy explained the request for a reduction was based on an additional premium assessment from the Public Employee's Benefits Program. Dr. Chiara asked if the bonus was \$9,000 in 2008. Ms. Kennedy replied in the affirmative. Dr. Harvey stated he saw no reason to decrease the amount of the bonus. After further discussion, Dr. Gassen moved Ms. Kennedy be given a bonus in the amount of \$8,000. Dr. Harvey seconded the motion. The vote was unanimous.

The Board set a regular meeting for May 29<sup>th</sup>, 2009, in Las Vegas. The Board scheduled a meeting to be held via telephone conference for July 31<sup>st</sup>, 2009.

Dr. Gassen moved the meeting adjourn. Ms. Settlemeyer seconded the motion. The vote was unanimous. The meeting adjourned at 2:20 p.m.