

MINUTES

NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING

May 20th, 2014
Airport Plaza Hotel & Conference Center
Concord Room
1981 Terminal Way
Reno, Nevada

A regular meeting of the Nevada State Board of Optometry was called to order by Board President, Vincent A. Gassen, O.D., at 9:30 a.m. on May 20th, 2014, in the Concord Room at the Airport Plaza Hotel & Conference Center, 1981 Terminal Way, Reno, Nevada.

Present were:

Vincent A. Gassen, O.D., Board President
William F. Harvey, O.D., Board Member
Chen K. Young, O.D., Board Member
Sherese Settlemeyer, Board Member
Judi D. Kennedy, Executive Director
Louis Ling, Esq., Board Counsel
William F. Stone, O.D.
Don P. Nguyen, Jr., O.D.
Cam-tu Nguyen, O.D.
Keith Marcher, Chief Deputy Attorney General
Hall Taylor, Esq., Counsel for Dr. Don P. Nguyen, Jr.
Gail Conkey, Nevada Optometric Association

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

Agenda Item 2. Formal Hearing. Accusation of Judi D. Kennedy as Executive Director vs. Don P. Nguyen, License Number 346. Case No. 14-01

Dr. Gassen opened the formal hearing.

Mr. Ling identified himself as Board Counsel; Mr. Taylor identified himself as counsel for Dr. Nguyen; and Mr. Marcher identified himself as Board counsel for the hearing.

The Board heard direct testimony, testimony under cross-examination and recross examination from William F. Stone, O.D.

The Board heard direct testimony, and testimony under cross-examination from Don P. Nguyen, Jr., O.D.

The Board members posed questions to Dr. Nguyen.

After deliberation, three members of the Board found Dr. Nguyen guilty of the allegations contained in the First Cause of Action. The fourth member of the Board found Dr. Nguyen not guilty. The Board found Dr. Nguyen not guilty of the allegations contained in the Second Cause of Action. The Board unanimously found Dr. Nguyen guilty of the allegations contained in the Third Cause of Action.

The Board voted unanimously to place Dr. Nguyen's license on probation for a period of 16 months. Dr. Nguyen's license will be reported as on probation as of the date the Order in this matter is signed; however, because Dr. Nguyen is not currently practicing in the State, the sixteen month probationary period will not begin to run until such time as Dr. Nguyen returns to the State to practice optometry. The Board ordered Dr. Nguyen to reimburse the attorney fees incurred by the Board in the prosecution of this case.

Dr. Gassen closed the formal hearing at 12:10 p.m.

Agenda Item 3. The Minutes of the Board's March 18th, 2014, regular meeting were presented for approval. Dr. Young moved the Minutes be approved as drafted. Ms. Settlemeyer seconded the motion. The vote was unanimous.

Agenda Item 4. Complaint of Judi D. Kennedy as Executive Director vs. Optometrist "C".

The Board reviewed the documents. The Board noted Optometrist "C" had submitted the proposed administrative fine. Ms. Settlemeyer moved the Complaint be dismissed based on resolution. Dr. Harvey seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Judi D. Kennedy as Executive Director vs. Optometrist "D".

The Board reviewed the documents. The Board noted Optometrist "D" had submitted the proposed administrative fine. Ms. Settlemeyer moved the Complaint be dismissed based on resolution. Dr. Young seconded the motion. The vote was unanimous.

Agenda Item 6. Complaint of Judi D. Kennedy as Executive Director vs. Optometrist "E".

The Board reviewed the documents. The Board noted Optometrist "E" had submitted the proposed administrative fine. Dr. Harvey moved the Complaint be dismissed based on resolution. Ms. Settlemeyer seconded the motion. The vote was unanimous

Agenda Item 7. Correspondence from Jeffrey Austin, O.D.

After discussion, the Board directed Ms. Kennedy to contact Dr. Austin and request clarification. The possibility of inviting Dr. Austin to attend the Board's September, meeting was also discussed.

Agenda Item 8. Proposal of David A. Pringle, CPA, LTD to conduct the bi-annual audit for the years 2013 and 2014.

The Board voted unanimously to accept the proposal and move forward with the audit.

Agenda Item 9. Discussion regarding “opternative.com”

After a brief discussion it was determined no action was necessary.

The Board confirmed a meeting to be held via telephone conference on July 22nd, 2014. The Board scheduled a regular meeting to be held in Las Vegas, on September 16th, 2014.

Dr. Young moved the meeting adjourn. Dr. Gassen seconded the motion. The meeting adjourned at 12:31 p.m.