

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES OF PUBLIC MEETING

September 28, 2013

Reno, Nevada

Members Present:	Eric Gerken, Allison Stephens, Kittima Conrad
Members Absent:	Linda Frasier, Ronald Tulak
Staff Present:	Loretta L. Ponton, Executive Director, Henna Rasul, Senior Deputy Attorney General
Public Present:	None

The meeting was called to order at 11:02 p.m. by Eric Gerken, Chair. A roll call confirmed a quorum was present.

Public Comment – No Public were in attendance.

Approval of the Agenda – Allison made a motion, seconded by Kittima to approve the agenda. The motion passed.

Approval of the Minutes – Eric asked if there were any comments or revisions to the minutes of the meeting of June 15, 2013. No comments or revisions were heard.

Allison made the motion, seconded by Kittima to approve the minutes of the June 15, 2013 meeting. The motion passed.

Disciplinary Matters – Case No. C13-01 – Loretta stated Case C13-01 was found to be unsubstantiated and therefore is recommended for dismissal. Allison made the motion, seconded by Kittima to formally dismiss Case C13-01. The motion passed.

Contract Performance Review – Lorylynn Ltd. – Eric stated that all members completed and submitted the performance evaluation forms. Overall performance was rated above standard. Eric summarized the comments provided by members during the performance evaluation. Discussion was heard regarding a performance award.

Allison made the motion to approve the full performance award of \$7,500 for continued outstanding service to the Board. Kittima seconded the motion. The motion passed.

Executive Director's Report – Loretta directed the members to the written report in the board packet.

Licensure Statistics – Loretta provided an update on licensure statistics as of September 1st indicating an increase of over 5% in number of licensees over the previous year. It was reported 85 individuals did not renew licenses and those licenses have expired.

Financial Reports - Loretta summarized the financials reports stating the reports reflect status through FY 2013 ending June 30, 2013. Loretta reported that licensing revenue exceeded budget by \$9,712.55 at year end; total income from all sources was \$191,055.88.

Expenditures for the year were under budget by \$17,473.94; total expenses were \$185,528.38.

Cash assets, including deferred revenue from license renewal fees, investment income and reserves are \$727,705.48; of which approximately \$593,715 is in reserve funds.

Board Conferences – Loretta reported that Eric, Ron and Kittima will be attending the NBCOT conference in Cincinnati, Ohio, November 8th and 9th.

Monitoring – The OTR and COTA Supervisory Audit and the CE Audit are in progress with no deficiencies noted to date. Audits should be completed by November 1st.

Legislative items - Loretta reported she attended training on AB 21 regarding new administrative requirements for collecting and reporting licensee information to the State Controller's office for the purposes of debt collection. The revision of all license applications including the on-line license renewal application are being completed to incorporate legislative approved requirements in SB 21, debt collection; AB 155, notice of mandatory reporting of abuse or neglect of a child and SB 236 requiring all forms to be in available and submitted in electronic format.

Disciplinary Actions - Loretta reported there are two (2) pending complaints in process.

Request for Proposal for Executive Director Services – Loretta explained that contract services must be opened for competitive proposal at a minimum every four (4) years. The current contract for executive director services will expire August 31, 2014. The last RFP was issued in October 2009; resulting in a contract award for the full 4 years. Loretta explained that the proposed RFP and Timeline being presented for consideration is based upon the previous RFP terms and conditions which have been updated to reflect the changes made by the Board to move to an official office and add an additional part-time staff position.

Allison asked if it would be more appropriate at this time to move the Executive Director position to an employee status rather than an independent contractor position. Discussion was heard regarding employee vs. independent contractor and comparable salary and benefits available as an employee which are not available to an independent contractor. Loretta stated that she had concerns regarding her ability to be an employee of the Board in regards to the effect of potential benefits such as participating in the public employees' retirement system. Loretta stated she would do more research and determine whether she would be prohibited from accepting an employee status.

Henna stated the Board could rescind the RFP at a later date if they wished. There was consensus to move forward with the RFP process at this time.

Loretta facilitated a review of the proposed RFP explaining the changes to previous RFP sections and timeline for issuance, receipt, review and award. It was noted on the cover page the deadline for submitting questions should read November.

Allison made the motion to approve and issue the RFP as presented. Allison amended the motion to approve and issue the RFP with a correction to change the month to November as noted; Kittima seconded the motion. The motion passed.

Website IT Services, Temporary Employee – Eric asked Loretta to present. Loretta explained that a solicitation for website upgrade was issued and one response was received from a vendor that indicated that actual services would be provided by Victor Polyshko as an employee of the respondent. Victor developed and maintains the current website. His company 5 Pixels Studios is in the process of merging with another company and he does not have current business licenses.

Subsequent to contract negotiations, the vendor informed the Board they were withdrawing their proposal and would not be able to perform the services.

Due to the above special circumstances, it is proposed that the Board approve a temporary employee position specifically to complete the upgrade of the website and provide necessary maintenance through June 30, 2014. The Board has a budget of \$4,500 for IT services; the estimated cost for the temporary employee would be within the budget for IT services.

Discussion was heard regarding the need for completion of the website and continuity of website maintenance services.

Allison made the motion, seconded by Kittima to approve a temporary employee position through June 30, 2014 as presented.

Work Session

Website Status – Loretta stated that Mr. Polysko was ill but had provided the links to view the status of the new website format. Loretta presented an overview of the new website demonstrating the use of the search feature and various pages that were in development.

NAC 640A – Proposed Regulations

Eric asked Loretta to provide a general overview of the regulatory process and timeline.

Telepractice – The proposed definition and language for use of telepractice in occupational therapy services was discussed with revisions noted to change the word “and” to “or” in the first sentence of the definition to read “assessment, intervention or consultation.” and to change the word “equivalent” to “comparable” in paragraph 2 d.

AB 349 made changes to Chapter 622 which allows but does not require licensing by endorsement for veteran’s at a reduced fee. After discussion, there was consensus to table this option at this time.

AB 456 made mandatory disclosure requirements for advertising by health care professionals to include the title and specialty or certification, if applicable and mandates identifying name tags be worn. Individuals who work in medical facilities are exempt from specific disclosure requirements required to be communicated to prospective and current clients. The Board has

current regulations referencing advertising in NAC 640A.310 and 640A.350. There was consensus that regulation revisions would be required to bring the Board into compliance with AB 456.

SB220 made revisions to NRS 640A, the Board's law, allowing complaints to be filed anonymously and gives new authority regarding investigating unlicensed practice including cease and desist orders, issuance of citations and assessing administrative fines. The Board's current regulation NAC 640A.340 addresses filing complaints which requires an individual signature when filing a complaint with the Board. A discussion of the additional authority provided by SB 220 was heard. The establishment of a process for issuing citations and the need to have a standardized citation form and establishing administrative fine amounts was also discussed. There was consensus that regulations would be necessary to delineate and implement the provisions of this bill.

SB 153 is the Board's bill which allows the Board to revise the licensure term to more than one year which also impacts license renewal regulations. The bill also addresses supervision of occupational therapy aides or technicians. NAC 640.275 is the regulation on supervision; discussion of proposed revised language to include allowing occupational therapy assistants to supervise aides was held with a consensus that the proposed language was acceptable. After discussion of extending the licensure term to more than one year, there was a consensus to table this item at this time and make no immediate decision on extending the licensure period

AB 155 added occupational therapy to the professions that are mandated to report child abuse or neglect. This bill made administrative requirements for informing licensee and maintaining records of the licensee notification. After discussion, it was determined no additional regulations were needed at this time.

Eric directed Loretta to proceed with drafting necessary regulations based upon the discussions and consensus of the Board; to be considered at the next Board meeting.

Report from Board Chair – Eric referenced the proposed meeting scheduled and stated the next meeting is proposed for January 25th in Las Vegas. Allison stated that she could not attend a January meeting. Discussion of optional dates was heard. The 2014 Board Meeting schedule was revised to reflect February 1st, in Las Vegas; April 12th in Reno; June 28th as a workshop and meeting in Las Vegas; September 20th as a public hearing and meeting in Reno; and November 19th as a teleconference.

Report from Legal Counsel – Henna stated there was nothing to report.

Public Comment – No public was in attendance.

Adjournment – Kittima made the motion, seconded by Allison to adjourn. The motion passed. The meeting was adjourned at 2:55 p.m.