

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES OF PUBLIC MEETING

**February 1, 2014  
Las Vegas, Nevada**

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Members Present:	Eric Gerken, Ronald Tulak, Allison Stephens, Kittima Conrad
Members Absent:	Linda Frasier
Staff Present:	Loretta L. Ponton, Executive Director, Henna Rasul, Senior Deputy Attorney General
Public Present:	Donna Costa, OTR; Yvonne Randall, OTR; Ashley Fecht, OTR; Joyce Mosely, OTR; Liz Straughan, OTR; John Whalen, COTA; Deborah Brownell, OTR

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The meeting was called to order at 10:32 a.m. by Eric Gerken, Chair. A roll call confirmed a quorum was present.

**Public Comment** – No Public comments were made at this time.

### **PUBLIC WORKSHOP**

Loretta Ponton stated the purpose of the public workshop was to solicit public comments on proposed additions and revisions of regulations pertaining to Chapter 640A of the Nevada Administrative Code. Board members and public in attendance introduced themselves.

Loretta facilitated the review of the proposed regulations stating the regulations were drafted to address new legislative requirements and authority for the Board passed at the last legislative session. Loretta explained the review would take sections out of order grouped by topic areas. Sections 1, 2, 5, 12 and 14 have revisions related to advertising. No comments were received on sections 1 or 2. .

Section 5, relates to display of licensure information and name tags. Discussion and comments were heard regarding advertising the wording on display of credentials, use of initials, and the intent of the regulation. Discussion continued on wearing of name tags. Comments were made regarding mental health facilities, and that name tags could be inappropriate or harmful in certain situations and settings other than during sterile procedures in a health care facility. The type of identifying information and format of a “name tag” was also discussed, including imprinting on uniforms. There was general consensus that the term “licensed” should be spelled out such as “licensed occupational therapist” or “licensed occupational therapy assistant”.

No comments were made on Sections 12 Advertising and 14 unprofessional conduct.

Sections 3, 9 relate to references to telepractice. Discussion and comments were heard regarding the term “telepractice” as opposed to telemedicine or telerehabilitation which are more commonly known.

Comments were also heard on Section 9, with questions on whether the term “telepractice setting” was appropriate and whether inclusion in this section regarding referrals was necessary.

Sections 6 and 7 regarding citations and administrative fines were explained; comments were received regarding consistency in dates; a change in section 6 (2) to delineate less than 31 days and 31 days or more was proposed for clarification.

Section 8 regarding renewal and late renewal of a license was reviewed. The proposed change would allow for a late renewal up to 30 days from date of expiration.

Section 10 pertains to practice by occupational therapy assistant or provisional licensee with a revision to allow the licensee to delegate duties to an aide or technician.

Section 11 address the supervision of occupational therapy aide or technician by designating authority for an occupational therapy assistant to provide such supervision.

No comments were received on Section 13 regarding the removal of the requirement that a complaint must be signed.

Section 15 pertained to fees; with the fee for name change and duplicate license being removed as licensees may now print their own licenses at any time. An additional revision was proposed to change the first sentence to include “may not exceed” so that the Board had flexibility in reducing fees if deemed appropriate in the future. No public comments were made.

Written comments received from the public are attached as Exhibit A.

The workshop was concluded at 12:20 p.m.; the meeting was adjourned for lunch.

## **BOARD MEETING**

The meeting was called back to order by Eric Gerken, Chair at 1:10 p.m. A quorum was confirmed present.

It was noted that John Whalen, COTA was the only member of the public in attendance at this time.

**Election of Chair and Vice Chair** – Eric Gerken asked for nominations for Chair and Vice Chair positions.

Ron Tulak made the motion to appoint Eric Gerken as Chair, Kittima Conrad seconded the motion. The motion passed with Eric Gerken abstaining.

Ron Tulak made the motion to appoint Allison Stephens as Vice-Chair, seconded by Kittima Conrad. The motion passed with Allison Stephens abstaining.

**Approval of the Minutes** – Eric Gerken asked if there were any revisions to the minutes. No changes were noted.

Allison Stephens made the motion to approve the minutes of September 28, 2013 as presented; seconded by Kittima Conrad. The motion passed with Ron Tulak abstaining.

Allison Stephens made the motion to approve the minutes of October 30, 2013 as presented; seconded by Ron Tulak. The motion passed.

**Disciplinary Hearing – Case No. C13-02 – Gregory Squires, COTA License #1049**

Kittima Conrad made the motion to revoke the occupational therapy assistant license #1049 held by Mr. Gregory Squires and approve the recommendations of legal counsel for disciplinary actions as discussed and revised. Ron Tulak seconded the motion. The motion passed.

\*Note – official transcript of the disciplinary hearing in Case No. C13-02; Gregory Squires, COTA license #1049 is maintained in the office of the Board of Occupational Therapy.

**Executive Director Employment Agreement** – Eric Gerken asked if there were any comments regarding the employment agreement. Loretta Ponton stated the revisions requested by the Board have been made and are incorporated into the employment.

Ron Tulak made the motion to approve the executive director employment agreement with Loretta Ponton; seconded by Allison Stephens. The motion passed.

**Executive Director's Report** – Loretta Ponton directed the members to the written report. Loretta Ponton reported licensure statistics show an increase of 3% in total licensees with active licenses increasing by 7.5%; provisional, temporary and inactive licenses have decreased over the previous year.

The financial statements for the 2<sup>nd</sup> Quarter of FY 2014 were summarized; revenue was reported at approximately 48% of budget with expenditures at approximately 43% of budget. Cash assets as of December 31, 2014 totaled approximately \$169,000 in operating and \$509,000 in investments. There were no questions on the financial reports.

Loretta Ponton reported she attended the GL Suite User conference and also spent a full day at the GL Suite office meeting with staff. There was no cost to the board for attendance.

The annual CE Audit, OTR and COTA Supervisory audits for 2013 were completed; 207 licensees were audited with all licensees found to be in compliance.

Loretta Ponton reported the new website was up and operational and thanked Eric for his help on the update; Eric Gerken added the website is very attractive and incorporates the features discussed by the Board.

**Legal Report** – Henna Rasul stated she had nothing new to report.

**Board Schedule** – Eric Gerken asked if there were any conflicts with the future meeting dates. Ron Tulak and Eric Gerken indicated potential conflicts with the June 28<sup>th</sup> meeting date. Eric Gerken confirmed the next meeting for April 12<sup>th</sup> in Reno. Future dates will be discussed at that time.

**Board Member Report** – Eric Gerken, Kittima Conrad and Ron Tulak provided a summary of the NBCOT Conference presentations. Eric Gerken presented on professional boundaries; Ron Tulak reported on the NBCOT development and examination process and legal challenges facing boards with an example of the North Carolina Board of Dentistry anti-trust legal case brought by the Federal Trade Commission; Kittima Conrad reported on the use of social media and implications for board members; Kittima continued reporting on use of tele-health. Ron Tulak added there are inter-state compacts in some areas between nursing boards and also physical therapy boards to allow practice across state lines. Eric Gerken stated he felt that national licensure may be the direction taken to ensure services are not restricted at the state level. Discussion was heard regarding the possibility of Nevada taking the initiative; Ron Tulak stated The Counsel of State Governments (CSG) would most likely be spearheading the initiative nationwide.

**Public Comment** – Mr. John Whalen commented that tele-health should be allowed especially in rural areas and within close proximity of state lines.

**Adjournment** –Allison Stephens made the motion, seconded by Ron Tulak to adjourn. The motion passed. The meeting was adjourned at 3:27 p.m.

**EXHIBIT A**

**WRITTEN COMMENTS**

**PUBLIC WORKSHOP**