

Minutes have not yet been approved and are subject to revision at the next meeting.

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES OF PUBLIC MEETING

April 12, 2014

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:	Paula Berkley, Jennifer Kandt, John Whalen

The meeting was called to order at 10:38 a.m. by Eric Gerken, Chair. A roll call confirmed a quorum was present. Eric asked the public to introduce themselves.

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

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 February 1, 2014 as presented; seconded by Kittima Conrad. The motion passed.

Eric Gerken stated the Executive Director's report will be taken out of order and will be heard next.

Executive Director's Report – Loretta reported that the Board has received notice from Leasing Services that the lease for the Board's administrative office is not being renewed due to another tenant's expansion needs; however the landlord has stated they have other lease space which they will make available.

Loretta stated that in order for the State Leasing Services to begin negotiations they are requiring a Board Resolution authorizing the executive director to act on behalf of the Board in leasing a new office and signing a lease agreement or contract.

Loretta stated that two (2) locations have been identified; one in the adjacent building and the other approximately one block away. Both locations are larger in square footage.

Loretta explained the first space is approximately 1147 square feet, located in the back of the adjacent building and would require build out as it is unfinished; the proposed cost is \$1.65 per square foot. There is concern that adequate access and parking might be an issue with the expansion of the St. Mary's facility as access and parking is an issue currently.

The second location is approximately 1252 square feet, with good access and lighting and is currently finished in an open area format with a restroom and storage room; the proposed cost is

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\$1.52 per square foot. The open area would be segregated by adding an office and large conference room for board functions. This location is the preferred location as it is open, bright with windows and parking and access are very good.

Loretta added that the Board of Examiners for Audiology and Speech Pathology would continue to be co-located with the Board and would continue with the cost sharing agreement at the new location. The current lease is approximately \$1258 per month; the new lease at the second location would be approximately \$1850 per month with the Audiology and Speech Board offsetting approximately one-third of the cost.

Allison Stephens made the motion, seconded by Kittima Conrad to approve the Board Resolution authorizing the Executive Director, Loretta Ponton to enter into a lease contract and execute any necessary legal documents on behalf of the Board of Occupational Therapy as stated in the Board Resolution. The motion passed.

Loretta continued with licensure statistics, reporting that new licensees will reach the projected number of 135 prior to fiscal year end. Loretta provided an update on the Board investments, the on-line renewal upgrades, status of number of complaints pending and also reported that she and Paula Berkley attended the Legislative Commission on Health meeting on April 9th where our regulations were on the agenda for review. There were no questions on the proposed regulations. Loretta stated that also on the agenda was an item on tele-health which provided information pertinent to our discussion on tele-health that Paula will report on in her presentation.

Eric Gerken asked whether there was also requirements regarding forms being on the website. Loretta responded there is a legislative requirement that all forms must be available for download and that all the Board's forms are on the website. Loretta also reported that good feedback has been received on the new website.

Disciplinary Matters – Loretta Ponton stated that Case #C13-03 and Case #C13-04 were being brought before the Board for formal dismissal. They are two separate cases which are not related. After conclusion of informal investigation, it was determined that evidence was insufficient to establish a violation of Chapter 640A of the Nevada Revised Statutes or the Nevada Administrative Code.

Allison Stephens made the motion to dismiss Case #C13-03 and Case #C13-04. Kittima Conrad seconded the motion. The motion passed.

LCB File No. R017-14 – Regulations – Eric Gerken asked Loretta to present. Loretta stated that the regulations were submitted to the Legislative Counsel Bureau and returned in revised format. The LCB removed sections that were repetitive of language in 629 and also removed all provisions relating to telepractice as not authorized in law. Loretta summarized each section of the regulations as drafted by LCB.

Eric Gerken asked if public comments received at the public workshop needed to be addressed; Loretta answered that most of the public comments were on sections that were not included by LCB as they are already in law over which we do not have authority. Pertinent comments were already incorporated into the draft regulation submitted to LCB.

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John Whalen asked whether there are any regulations governing supervision of students; Loretta answered that students are not under the purview of the Board, we do not regulate students.

Allison Stephens made the motion to accept the regulations as stated in R017-14 and move to Public Hearing. The motion was seconded by Kittima Conrad. The motion passed.

Consideration of Legislative Bill on Tele-Health - Eric Gerken turned this item over to Paula Berkley. Paula reported that she and Loretta attended the Legislative Committee on Health meeting in Carson City at which a presentation was made by the Nevada Hospital Association on tele-health in Nevada. The Nevada Hospital Association and the Nevada Rural Hospital Association are developing bills to expand tele-health services throughout the state. After the hearing she spoke with them that our Board was interested in a bill on tele-health and the Audiology and Speech Pathology board was also including tele-health in a bill; that it might be good to have one bill which would cover all health care professions instead of having each board coming to the legislature with their own bill; it would be good to have similar language throughout the laws. Paula reported they were very receptive to the idea. After the meeting, draft bill language was sent to the legislative commission and to the lobbyist for the Rural Hospital Association and the Nevada Hospital Association. Paula reported that she will be attending subsequent Legislative Commission on Health meeting to make sure there is follow-through in this issue; and she has offered to do the work on the bill for the Commission.

Allison Stephens added that she attended a Health Care Workforce Sector meeting, under the Department of Employment, Training and Rehabilitation, wherein tele-health was discussed in relation to the expanding workforce and economic development efforts in the State; there is high level collaboration occurring in addressing tele-health and she made sure they include occupational therapy in the discussions.

Paula asked for contact information of the individuals Allison spoke with at the sector meeting so she can follow up with them. Paula stated that not all professions are venues for tele-health services and provided an example of domestic violence perpetrators required to participate in group therapy sessions. We will need to keep an eye on the small print in the bill.

Jennifer Kandt added that batterers treatment prevention committee just recently approved a pilot program to allow offenders to attend sessions via tele/video media from approved locations. It hasn't started yet as the details are being worked out.

Allison Stephens mentioned a rural program under consideration for mental health issues which would incorporate some form of tele-medicine.

Paula explained that a consolidated bill for all health care professions would add language to each of the licensing boards' laws giving them the authority for tele-health; each Board would then create their own regulations specific to their profession.

Eric Gerken asked Paula who would be paying for her time in supporting a consolidated bill. Paula answered the Board would; it would a lot less time and expense than having a single Board bill.

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Eric reported that the Veterans Administration has an active tele-medicine program and they have regular meetings and a monthly occupational therapy conference call which he attended. The American Telemedicine Association has a State Policy Toolkit with sample legislative language; Eric stated he will forward the website link to Loretta and Paula.

Loretta stated that she would do an email update to all individuals who attended the workshop to keep them informed of what is happening with tele-health since it has been removed from the regulation.

Loretta reported that a new contract will need to be negotiated with Paula Berkley for legislative services for the upcoming session. The amount will be determined after the Legislative Commission on Health makes a decision on whether they will be doing a tele-health bill.

Board Chair Report – Eric Gerken reported that the June meeting date has been changed to June 14th in Reno and will be in-person. Loretta added that a Public Hearing will be on the same date with action taken on the regulations at that meeting as well as approval of the Fiscal Year 2015 budget.

Allison Stephens provided an update on the status of the occupational therapy assistant program at College of Southern Nevada. They are working on a joint program between the north and the south with one of the northern institutions and they are working closely with AOTA to make sure the accreditation can be maintained. The accreditation will expire in 2015 so this needs to happen quickly.

Eric asked to include some type of tele-conference equipment for conference calls in a new location.

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

Public Comment – Mr. John Whalen stated that he has checked with the Governor's office on his eligibility for appointment and was informed he must be a resident for six months. He also stated he is a certified investigator and would be willing to work with the Board if needed.

Adjournment –Allison Stephens made the motion, seconded by Kittima Conrad to adjourn. The motion passed.