

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES OF PUBLIC MEETING

September 20, 2014

Las Vegas, Nevada

---

Members Present:	Eric Gerken, Kittima Conrad, Linda Frasier, Deena Spaulding
Members Absent:	Allison Stephens
Staff Present:	Loretta L. Ponton, Executive Director, Henna Rasul, Senior Deputy Attorney General
Public Present:	Paula Berkley; Liz Straughan

---

The meeting was called to order at 1:02 p.m. by Eric Gerken, Chair. Eric Gerken welcomed Deena Spaulding the new COTA representative on the Board; Liz Straughan and Paula Berkley. A roll call confirmed a quorum was present.

**Public Comments** – No public comments were made.

**Approval of the Agenda** - Eric Gerken stated there are no revisions to the agenda.

**Board Orientation** – Loretta Ponton provided an overview of the structure of the Board including staffing and general operations; administrative requirements to include the State Administrative Manual, open meeting law, budget process and audits; Board policies; licensing and regulatory data collection system; roles and responsibilities of Board members referencing the Nevada Board and Commission Manual, Open Meeting Law Manual, administrative rule making process; explaining the difference between the Nevada Revised Statutes and Nevada Administrative Code.

Loretta Ponton stated the Attorney General's Office provides a Board and Commission training annually. Henna Rasul stated the training will be held October 29, 2014 video conferenced between Carson City and Las Vegas.

Eric Gerken stated that looking back, the Board has come a long way from keeping information on hand written yellow tablets just a few years ago to the current day with the GL Suite system; Loretta does a great job creating efficiencies and making things better all the time.

Loretta Ponton stated for the record that Ron Tulak, who could not attend today, has served on the Board for six years as our COTA representative, Mr. Tulak has been an outstanding Board member, serving as vice chair and also on the investment committee; he always stepped up to the plate when needed. There is a recognition award for Ron which will be mailed.

**Approval of Minutes** – Eric Gerken asked if there were any comments, revisions to the minutes of June 14, 2014. Kittima Conrad noted that under public in attendance, Crystal Hand is a COTA not an OTR.

Kittima Conrad made the motion, seconded by Linda Frasier to approve the minutes of the meeting of June 14, 2014 as corrected. The motion passed with Deena Spaulding abstaining.

**Policy 13 – Moral Character** – Eric Gerken stated Loretta has put together a written policy for consideration; the policy will be helpful since he was volunteered to be on a panel discussion at the NBCOT conference regarding this issue.

Loretta Ponton explained the policy was developed to provide guidance and formalize the process for review and determination if an applicant should be brought before the Board for determination of appropriate moral character when legal issues are reported by new applicants or licensees on applications submitted to the Board for licensure or renewal of a license.

Loretta Ponton reviewed the policy in detail; after Board member discussion, there was consensus with the following revisions:

Page 2, Legal Factors Not Considered Potential Moral Character Issues, number 8. - add the word “professional” to read “8. Prior professional disciplinary action, satisfactorily resolved with no re-occurrence;

Page 2, Legal Factors Considered Potential Moral Character Issues – within the previous 10 years, 3. – add Domestic Violence to read :3. Sexual Abuse, Elder or Child Abuse, Domestic Violence or related convictions;”; 5. Correct clerical error in spelling to change the word “on” to the word “in”.

Discussion was heard regarding child support enforcement reporting by applicants; it was agreed that child support enforcement is covered under a separate section on all applications and would go straight to disciplinary action if not in compliance.

A question was asked how the legal questions were developed; Loretta Ponton answered they were established when the application was developed and are similar to other Board’s legal questions.

Eric Gerken asked if there were any further discussions or revisions; hearing none called for a motion. Kittima Conrad made the motion, seconded by Linda Frasier to approve Policy 13 Moral Character as revised. The motion passed unanimously.

**Website IT Services** – Eric Gerken asked Loretta Ponton to present. Loretta Ponton provided a short history of the status of website services provided by the previous contractor, including the fact the previous contractor refused to obtain the necessary business licenses in order to continue services.

Loretta Ponton stated a solicitation for website services was issued; several website developers were contacted and after determining the website was not built in current language nor easily manageable, the only proposal received was from TAO Consultants who were knowledgeable of the older language of HTML and ASP and recommends moving the website to more current format. In addition, the proposal provides recommendations for cost savings in moving the website hosting to a more cost effective service provider. Loretta reported that TAO Consultants, during their review of the website, worked closely with the current website host to

obtain access to the site and they were found to be very difficult to work with. TAO Consultants has updated the website to reflect the new Board membership and address change without cost to the Board; and has been very responsive during the entire process.

Loretta Ponton reviewed the proposal elements, recommending not to include the ecommerce function at this time; the proposed contract cost is recommended at \$7,500 with \$6,500 for website update and \$1,000 for maintenance billed at \$125 per hour as needed, through June 30, 2015. The current budget for Website / IT services for FY 15 is \$4,500 which includes internet and hosting services. The approval of a contract for \$7,500 would increase the budget authority by \$5,000 to \$9,500, to fund the new contract.

Discussion of the changes to the website structure, administrative access, need for restructuring, costs, and budget authority were heard.

Linda Frasier made the motion to approve the contract with TAO Consultants, Inc., seconded by Deena Spaulding. The motion was approved.

Eric Gerken recessed the meeting for a short break at 2:25.

Eric Gerken reconvened the meeting at 2:35. A quorum was confirmed present.

Eric Gerken stated Item 9 Legislative Update would be heard next as Liz Straughan had questions on telehealth.

**Legislative Update**– Eric Gerken stated Paula Berkley will report on the Board bill and telehealth. Eric asked Liz Straughan to address the Board. Liz stated she had concerns relating to telehealth; what are the trends and specifically what is direct service. Paula Berkley stated the Board's bill gives the Board the ability to regulate, and require licensure in Nevada. There is another bill which is more global which includes all health care professionals. Mr. Oscarson's bill has controversial elements which may cause problems with the Legislature. Paula Berkley gave a brief summary of Mr. Oscarson's bill stating the Governor is supporting this bill. Both bills will be potentially submitted so as to ensure telehealth for Occupational Therapy will be authorized.

Loretta stated she believes Liz's concern is what will happen when telehealth is authorized; what will happen with implementation; the billing and liability issues, contracting agencies, for example, will all need to be addressed when telehealth does become authorized. Telehealth is happening in Nevada, there is nothing that says it can't be done. We currently require all individuals to hold a current Nevada license to practice or provide services to anyone in the State of Nevada.

Paula Berkley provided an explanation of the bill draft request (BDR) process; and her responsibilities to monitor proposed bills to determine if they may have an impact on the Board or the profession. The Board's bill has been posted as BDR 238 which is being sponsored by Senator Hardy. Paula explained that a Board member will be required to attend any hearings on the bill when they are scheduled.

Liz Straughan stated that in the Clark County School District, some professions get extra pay if they are nationally certified. There has been some discussions to pursue legislation to provide

occupational therapists the same pay incentive for national certification. Liz asked Paula if that is something the Board would be taking a stand on. Paula answered that is an issue more appropriate for the Association as they are responsible for advocating for the practitioners; the Board's responsibility is to protect the public.

Eric Gerken stated that the Board last year attempted to include telehealth language in our regulations; the legislative counsel bureau did not allow it, stating there was not authority in law to regulate telehealth. That is why we are where we are today, trying to authorize telehealth through our bill.

**Educational Seminar** – Loretta Ponton stated she contacted AOTA regarding a presenter for an educational seminar for licensees on the new Practice Framework, 3<sup>rd</sup> edition. Debbie Amini, Director of Professional Development for AOTA and who was the Chairperson for the Commission on Practice has agreed to be the presenter for seminars in Reno and Las Vegas. Ms. Amini stated that September 2015 is preferred; and also recommended a second topic - “client centered and occupation based documentation” for a full day of continuing education.

Discussion was heard on the logistics of the proposed seminars; there was consensus that the Las Vegas seminar should be held on a Friday, with Reno being held on Saturday of the same week.

**Executive Director's Report** - Loretta Ponton directed the members to the written report. Loretta stated the license statistics continue to increase with an 8% increase from the previous year. License renewal went smoothly with 68 not renewing and 2 renewing during the late period.

The financial statements for the 4th Quarter of FY 2014 were summarized; with no questions from the Board.

Loretta Ponton reported the biennial audit of the board's financial statements is in process; the administrative office was successfully moved with small issues in obtaining internet service which has subsequently been resolved. Discussion was heard regarding retaining the MiFi internet access hot spot. Loretta was directed to explore the possibility of “pay per use” instead of monthly subscription.

Loretta concluded reporting the annual NBCOT conference reservations have been finalized with five people attending.

Loretta Ponton stated that Kittima Conrad has volunteered to be an additional signer on the Board's banking accounts, replacing Ron Tulak. Eric Gerken, Kittima Conrad and Loretta Ponton will be the authorized signers.

**Board Chair Report** – Eric Gerken asked if there were any future agenda items. Eric Gerken stated the next meeting will be by teleconference on November 19<sup>th</sup>, at 5:00 p.m.; and February 7<sup>th</sup> will be held in Las Vegas. Eric Gerken asked Henna Rasul who would run the meeting if he could not attend since Ron Tulak was the Vice Chair. Henna responded that the Executive Director could facilitate the meeting, if needed. Eric Gerken asked Loretta to provide a tentative meeting schedule for the balance of 2015 to be considered at the November 19<sup>th</sup> meeting. It was recommended that an outdoor retreat be considered for the June or September meeting.

**Legal Report** – Henna Rasul reported the Office of the Attorney General will be providing the Board and Commission Training October 29<sup>th</sup> which will be video conferenced between Las Vegas and Carson City. Henna Rasul added that it would be very informative, new information has been added to the training, and that all members would benefit from attending. There may be a possibility that the training will be live-streamed for those who may not be able to attend.

**Public Comment** – There were no public comments.

**Adjournment** –Deena Spaulding made the motion, seconded by Kittima Conrad to adjourn. The motion passed. The meeting was adjourned at 3:40 p.m.