

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES OF PUBLIC MEETING

May 26, 2018

Members Present: Elizabeth Straughan, Melissa Genovese, Sol Magpantay
Members Absent: Allison Stone, Public Member (Vacant)
Staff Present: Loretta L. Ponton, Executive Director,
Sophia Long, Sr. Deputy Attorney General
Paula Berkley, Lobbyist
Public Present: Santila Terry, Russell E. Marsh, Shaun Conway

Elizabeth Straughan, Chair, called the meeting to order at 11:00 a.m. A roll call confirmed a quorum was present.

Public Comments – Ms. Straughan asked for public comments. No comments.

Approval of Minutes - Liz Straughan asked if there were any comments or revisions to the minutes of the meeting of March 24, 2018. Hearing none, called for a motion.

Sol Magpantay made the motion, seconded by Melissa Genovese to approve the minutes of March 24, 2018 as presented. The motion passed.

Liz Straughan stated Agenda Items will be taken out of order to facilitate consideration of the Consent Decree for Santila Terry who will be present shortly with her attorney Russell Marsh.

Board Policy 02 - Provisional and Temporary Licenses - Liz Straughan called on Loretta Ponton to present. Ms. Ponton explained the policy revision brings the term of a standard license issued as the result of conversion of a provisional or temporary license in line with the new 2-year term for a Standard license, with no increase in fees. The policy establishes the end date of a standard license as 2-years from the start date of the original provisional or temporary license, thereby ensuring conformance with the 2-year term of a new standard license. The policy also removes obsolete references to supervision requirements.

Liz Straughan asked if there were any questions or comments. Hearing none, called for a motion.

Sol Magpantay made the motion, seconded by Melissa Genovese to approve Policy 02 - Provisional and Temporary Licenses as revised. The motion passed.

Liz Straughan stated Ms. Terry is now present; the next item will be consideration of the Consent Decree.

Consent Decree - Case No. C17-01, Santila Terry, OTR - Loretta Ponton stated Ms. Terry has entered into a Consent Decree for consideration by the Board. The document was distributed for Board review and consideration. Ms. Ponton explained the terms and conditions of the agreement.

Upon approval by the Board, Ms. Terry's license would be suspended, the suspension stayed pending completion of the terms and conditions of the Consent Decree. The suspension would be dismissed upon successful completion of the terms of the agreement.

Ms. Terry's license will be placed on probation for two years, beginning September 19, 2017, the date the Board first heard Ms. Terry's case; additional terms are payment of legal and investigative costs, completion of continuing education on Ethics and the Nevada jurisprudence examination.

After discussion, Liz Straughan called for a motion.

Sol Magpantay made the motion, seconded by Melissa Genovese to approve the Consent Decree in Case No. C17-01, Santila Terry, OTR, License No. 16-0743. The motion passed.

Ms. Terry and Mr. Marsh thanked the Board and staff and stated they will follow-up with Ms. Ponton with any questions.

Presentation by the National Board for Certification in Occupational Therapy - Liz Straughan introduced Shawn Conway, Senior Director, External & Regulatory Affairs, NBCOT.

Mr. Conway provided an educational and informative presentation on the NBCOT Certification process including value-added benefits of retaining certification after initial examination. Information was presented on the NBCOT Navigator program, assessment tools and continuing competency / professional development platform as well as information on VCVV eligibility certification and NBCOT disciplinary actions.

Questions regarding advance practice competencies such as dry needling and use of Graston techniques in occupational therapy; and how PDU credits are determined in comparison to AOTA credits for continuing education were fielded.

Liz Straughan recessed the meeting at 12:45 p.m. for lunch. The meeting reconvened at 1:05 p.m.; a quorum was confirmed present.

Disciplinary Matters - Recommendation for Dismissal - Loretta Ponton stated one complaint case is presented with a recommendation for dismissal as the complaint was not within the jurisdiction of the Board as it did not pertain to the practice of Occupational Therapy.

Sol Magpantay made the motion, seconded by Melissa Genovese to dismiss Case No. C17-05. The motion passed. (Note - Case file number correction)

Consent Decree - Case No. C17-04, Rachel Frosburg, OTR, - Loretta Ponton stated Ms. Frosburg has entered into a Consent Decree for consideration by the Board. Ms. Ponton distributed copies for Board review and consideration. Ms. Ponton explained the terms and conditions of the agreement consisting of a public reprimand, continuing education and payment of legal and investigative fees.

Liz Straughan asked if there were any questions or comments; hearing none, called for a motion.

Sol Magpantay made the motion, seconded by Melissa Genovese to approve the Consent Decree in Case No. C17-04, Rachel Frosburg, OTR, License No. 14-0422. The motion passed.

Legislative Activities Report - Paula Berkley reported the Sunset Subcommittee reviewed the Board April 20, 2018 and on May 21, 2018 approved continuance of the Board with a recommendation to develop a Reserve Funds policy. Ms. Berkley reported on attendance at interim Health Committee and

Legislative Commission meetings; stating she stays on top of issues that may affect the Board and possible issues that may result in Bills at the upcoming Legislative session.

Paula Berkley and Loretta Ponton provided an update on the Governor's Executive Audit Committee audit report, stating the draft report contains findings relating to the salaries of Executive Directors, in particular the unique situation with the Board's Executive Director having contracts with the two other regulatory boards.

The Board members cannot review the audit until it is issued at the Audit Committee meeting on June 14, 2018. The draft audit, findings and recommendations were shared with the Board Chair, Liz Straughan, as a written response was requested for inclusion in the final report.

The emphasis of the audit was on "salaries of Executive Directors" with findings and recommendations in the areas of legal services, reserve funds and adherence to Board audit requirements. There were no findings or recommendations to improve oversight of Board administration other than salaries.

Overall, the audit report was disappointing in lack of understanding of Boards independent status and exemption from state personnel, state budget act and financial constraints of funding by fees alone.

Ms. Ponton stated she and Paula Berkley would be attending the June 14th meeting.

Executive Director's Report - Loretta Ponton directed the members to the written report.

Ms. Ponton summarized the licensing statistics as of March 31, 2018 stating license numbers have increased by 123 from the same period last year.

Ms. Ponton reported on the 3rd quarter financial statements and summarized the profit and loss statement and balance sheet.

Ms. Ponton stated a preliminary FY 2019 Budget and cash reserves analysis is under development. Due to the change in license terms to 2-years, and the current renewal period, there is insufficient data available to complete the FY 2019 Budget at this time. The budget will be on the agenda for approval at the August Board meeting.

Ms. Ponton reported the new licensing system went live April 26th and all licensing functions, including on-line renewals are being processed through the new system. Notice has been given to GL Solutions that we will not be continuing their services.

Ms. Ponton provided an update on the August Board Retreat, stating a facilitator has been obtained to assist in the planning session on Friday; a Mock Hearing training is scheduled for Saturday prior to the Board meeting.

Ms. Ponton stated planning for a Sponsored Seminar in September has been difficult due to the lack of topic and other time sensitive administrative matters such as the executive branch audit, sunset review and board retreat. After discussion, there was consensus that the sponsored seminar would be cancelled for 2018 and discussion of continuance will be included at the retreat planning session.

Complaints - Ms. Ponton reported she has hired Mr. Wayne Springmeyer as the Board's investigator. There are six (6) complaints in the investigative process.

Board Member Report - Sol Magpantay provided a very comprehensive report on her attendance at the NBCOT Regulatory Conference and the AOTA Conference in Salt Lake City.

Legal Report - Sophia Long stated she had no report.

Report from Board Chair - Liz Straughan stated she had nothing to report and asked members if they had any comments. No comments were made.

Public Comments – There were no public comments at this time.

Adjournment – Liz Straughan adjourned the meeting at 3:25 p.m.