

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

August 21, 2018

Members Present: Elizabeth Straughan, Allison Stone, Sol Magpantay, Mel Minarik
Members Absent: Melissa Genovese
Staff Present: Loretta L. Ponton, Executive Director,
Stacey Whittaker, Executive Assistant
Henna Rasul, Sr. Deputy Attorney General
Paula Berkley, Lobbyist
Public Present: Kristen Neville, AOTA; Robyn Otty, OTR

Elizabeth Straughan, Chair, called the meeting to order at 5:02 p.m. A roll call confirmed a quorum was present.

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

New Board Member Orientation - Liz Straughan welcomed Mel Minarik to the Board. Ms. Minarik provided a summary of her experience, and career in health care, she is currently a professor at UNR.

Loretta Ponton provided an overview of the structure and operations of the Board. The presentation included the History of the Board of Occupational Therapy. Other topics covered were staffing and general operations; state administrative requirements, applicability of the State Administrative Manual, open meeting requirements, 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.

Approval of Minutes - Liz Straughan asked if there were any comments or revisions to the minutes of the meeting of May 26, 2018. Hearing none, called for a motion.

Sol Magpantay made the motion, seconded by Liz Straughan to approve the minutes of May 26, 2018 as presented. Allison Stone and Mel Minarik recused, as they were not present at the May meeting. The motion passed.

Disciplinary Matters - Recommendation for Dismissal - Liz Straughan requested that Loretta present. Loretta Ponton stated two (2) complaint cases are recommended for dismissal. Case C18-01 alleged falsification of treatment records and unprofessional conduct; Case C18-03 alleged patient abandonment and unprofessional conduct.

Ms. Ponton stated that after review of all documentation received, there is insufficient evidence to support the facts set forth in the accusations to establish a violation of Chapter 640A.

Liz Straughan asked if there were any questions, hearing none call for a motion.

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Allison Stone made the motion to dismiss complaint cases C18-01 and C18-03; seconded by Mel Minarik. The motion passed.

Governor's Executive Audit Committee Audit Report and Response - Liz Straughan stated Paula Berkley and Loretta Ponton would present. Paula Berkley provided background information on why the audit was conducted, citing the on-going concerns of governors and the legislatures over the past 30 years in providing oversight and control of professional licensing boards. Paula summarized the audit report findings in general and explained the concerns identified in the report that are being challenged.

Ms. Berkley informed the Board that the auditors were instructed to request an Attorney General's Opinion on the applicability of NRS 281 to Boards and added that the Contractor's Board has also requested an Attorney General's Opinion on NRS 281 specific to their Board personnel system.

Loretta Ponton stated the Board Response to the audit was submitted prior to the audit report being made public and it is that response that is being presented for Board approval as written or supplemented if the Board so chooses. The Board has an opportunity to provide more input that would be included in the 6-month follow up status report. The response would be due by October 30, 2018.

Ms. Ponton also stated that a second Boards2 audit is in process and directed the members to the correspondence and information request from the auditors. A response will be submitted by the August 31 deadline.

Liz Straughan asked the members if they had any comments or wished to provide additional information for inclusion in the official Board response to the Audit.

Allison Stone stated she supports the response to the Audit as written; Sol Magpantay had no comments. Mel Minarik stated it was a great response, audits are like evaluations; she would suggest that the state provide standards for measurement of the Boards, such as accreditation standards for institutions and hospitals, to assist Boards.

Discussion was heard with a consensus the Board would submit an additional letter with recommendations as discussed regarding standards for Boards.

Liz Straughan called for a motion. Allison Stone made the motion to draft a letter with recommendations as discussed to be brought back to the Board for approval at their next meeting. Mel Minarik seconded the motion. The motion passed.

Legislative Activities Report - Paula Berkley reported on the Sunset Subcommittee recommendations to the Legislative Committee that may result in BDR's for the 2019 Legislative Session. Ms. Berkley stated Bill Draft Requests have begun to be posted on the Legislative site and she has begun tracking bills related to Board activities.

Ms. Berkley reported on the national interest in professional and occupational licensing as it relates to restraint of trade and regulatory impacts on increasing employment opportunities for in-demand occupations. Nevada has legislative representation on the National Conference of State Legislatures (NCSL), National Licensing Project that is looking at the professions. The Occupational Therapy Assistant is one of the selected professions; it has been reported that Nevada has the highest number of professions regulated in the United States.

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

Ms. Ponton summarized the licensing statistics as of June 30, 2018 stating license numbers have increased a net total of 120 from the same period last year, an increase of 10%.

Ms. Ponton reported on the FY 2018 4th quarter financial statements and summarized the profit and loss statement and balance sheet. Revenue exceeded budget by \$55,987 and operating expenses were in line with budget; the addition of the Board Investigator position accounted for the slight overage in the personnel line item. Net income after expenses was reported at \$61,557.68. Cash assets as of year-end totaled \$874,162.53.

Complaints - Ms. Ponton reported there are five (5) complaints in the investigative process.

Fiscal Year 2019 Budget - Loretta Ponton presented the FY 2019 Budget, explaining composition and calculation of each line item.

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

Allison Stone made the motion, seconded by Sol Magpantay to approve the FY 2019 Budget as presented. The motion passed.

Board Member Report - None.

Legal Report - Henna Rasul 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.

Future agenda items were discussed to include approval of the biennial audit report, legislative activities and approval of the supplemental audit report response letter.

Discussion of current and proposed 2019 meeting schedule and Board Retreat resulted in the following schedule:

September 15, 2018 by teleconference at 5:00 p.m.

November 17, 2018 in Las Vegas

March 29-30, 2019 Board Retreat in Reno, to include a Legislative Tour on Friday March 29th

The balance of the meeting schedule will be decided at a future date.

Public Comments – Liz Straughan asked if there were any public comments.

Kristen Neville commented on the AOTA efforts and interest in the National Conference of State Legislatures, Occupational Licensing Project reviewing professional and occupational licensing throughout the states.

Adjournment – Liz Straughan adjourned the meeting at 7:04 p.m.