

# History of the Board of Occupational Therapy

## 1992 - 2019

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### Legislation - Nevada Revised Statutes (NRS) 640A

#### June 18, 1991            Board of Occupational Therapy was Created

- 1991        SB246: Created the Board of Occupational Therapy and established the initial role and responsibilities of the Board to license and regulate the practice of occupational therapy.
- 1995        SB 3: Removed the requirement that the OT Association must refer individuals to the Governor for appointment to the Board and established a process for the Governor to fill positions when a member resigns prior to the end of their term.
- 2003        SB 27: Added Athletic Trainers to professions exempt from licensure by the Board.
- 2005        SB 163: Added prohibition for renewal of a license if the person does not comply with child support orders; requires an applicant to provide their social security number on the application for licensure.
- 2007        SB 412: Clerical revisions to reference “Chapter” replacing reference to “Section”.
- 2009        SB 362: Requires complaints to be retained 10 years and added to unprofessional conduct subject to disciplinary action, the operation of a facility while that facilities license has been suspended or revoked.
- 2013**        **SB 153:** The Board’s bill making major revisions and updates to NRS 640A. Added Occupational Therapists as a “provider of health care” in NRS 622 Healing Arts; and updated the Scope of Practice among other areas. Every section of the law was updated and/or revised to reflect current practices.
- SB 246: Added authority for inspection of premises, citations for unlicensed practice, filing of anonymous complaints, and referrals of complaints to appropriate Board or entity.
- 2015        AB 89: Provides authority for but does not require license by endorsement and expedited licensing for veterans, members of the military and families and establishes processing timelines for such applications.
- SB 68: Similar to AB 89 authorizing license by endorsement for other than military related individuals.
- 2017        SB 69: Requires Boards not otherwise authorized, to issue a license by endorsement, establishes timelines for issuance of a license by endorsement, and adds additional reporting requirements related to licensing activities; limits the term of a Board member to 12 years unless there are 250 or less licensees regulated; and revised provisions relating to payment of fees for legal services on a contingent basis.

AB 19: Revises veteran-related information reporting requirements on licensees who have applied, been issued and renewed a license; report to be submitted annually.

AB 328: Increased the revenue cap from \$75,000 to \$200,000, before an audit of the financial records are required. Under \$200,000 in revenue, a Board may provide an annual balance sheet; prohibits a person from being “employed” as an Executive Director for more than one Board; and prohibits an attorney employed by a Board from also prosecuting a case before the Board.

SB 137: Adds additional questions that must be answered by a veteran applying for licensure.

2019 AB 275: Prohibits certain regulatory bodies from denying licensure of an applicant based upon his or her immigration or citizenship status; allows an applicant to provide a personal identification number if a social security number has not been issued when submitting an application.

AB 319: Allows a person to petition a board for a determination of whether a criminal history will disqualify the person from obtaining a license. The bill also requires a regulatory body to submit information to the Sunset Subcommittee on how many petitions were received and the determination of the Board on those petitions.

SB 219: Authorizes the acceptance of credit cards for all regulatory boards and charge a convenience fee; requires a board to establish written internal controls for all monetary withdraws and a review of expenditures and supporting documentation on a regular basis.

SB 323 Requires an itemized statement of any legal fees and costs assessed to an individual as a result of a disciplinary action.

SCR 6 Directs the Legislative Commission to conduct an interim study concerning professional and occupational licensing boards.

## **Regulations - Nevada Administrative Code (NAC) 640A**

**The first regulations of the Board were adopted effective 12/23/92; additional implementing provisions were added effective 5/23/95.**

The formal administrative process for adoption of regulations was implemented after 1995. The state’s Administrative procedures require a complete review every 10 years and interim reviews every 3 years to ensure regulations are current.

R083-99 Adopted 9/27/99: Adopted AOTA Code of Ethics and Standards of Practice, moved expiration date of license to June 30<sup>th</sup>, clarified continuing education activities, established OT can be provided in non-medical setting.

R179-01 Adopted 9/20/02: Created a provisional license and established the requirements for obtaining that license, term of license, fee, and supervision of COTA and provisional licensee.

R210-07 Adopted 9/18/08: This was the first major revision to the regulations after the Board conducted a complete review of its regulations codified in NAC 640A. New sections were added and existing sections were revised and updated, including the fee structure.

R017-14 Adopted 10/24/14: Added requirements passed at the 2013 Legislative Session to require name tags, and to assess an administrative fine for practice with an expired license; establish

the late renewal period at 30 days after expiration, allow a COTA to delegate duties to a technician or aid and removed fees for a name change and duplicate license.

- R048-15 Adopted 2/19/16: Updated continuing education requirements increasing the number of hours required to 12 hours annually. Twelve (12) hours of CE was required for license renewals beginning in 2017.
- R067-17 Adopted 3/24/18: Changed the term “Active” license to “Standard” license and extended the term of a Standard license to two (2) years with no increase in fees. Added passage of the Nevada jurisprudence exam as a requirement for licensure and mandated the jurisprudence exam to be completed at least once every five (5) years. Established a reduced fee for initial licensure for veterans, active members of the military and spouses of veterans and active members of the military. Revises the supervisory requirements for COTA and Provisional licensees to require a primary supervisor for each employer and the responsibilities of a treating occupational therapist and primary supervisor in the supervision of a licensee.
- R062-19 Adopted 12/30/19: Increased fees for biennial renewal of a license, and corresponding related fees for reinstatement and conversion of a license.

## **Other Applicable Laws and Legislation**

The Board of Occupational Therapy is governed by additional laws and legislation and must adhere to those requirements in conducting its business and operations. The Board is exempt from the State Budget Act (NRS 353.005) and receives no funding from the State General Fund. A partial listing of applicable laws include but is not limited to the following:

Title 17 State Legislative Department - NRS 218G Legislative Audits

Title 18 State Executive Department - NRS 232A Appointments by the Governor to Public Bodies, NRS 232B Legislative Review of Public Agencies, NRS 233B Nevada Administrative Procedures Act

Title 19 Miscellaneous Matters Relating to Government and Public Affairs - NRS 241 Meetings of State and Local Agencies (Open Meeting Law)

Title 23 Public Officers - NRS 281 General Provisions, NRS 281A Ethics in Government; NRS 282 Official Bonds and Oaths and NRS 283 Resignations, Vacancies and Removals

Title 54 Professions, Occupations and Business - NRS 622 General Provisions, NRS 622A Administrative Procedures and NRS 629 Healing Arts

In addition to State laws, the Board has the responsibility to adhere to specific requirements contained in the State of Nevada Administrative Manual (SAM).

## **Board Operations**

### **Board Staff**

Loretta Ponton, Executive Director      September 1, 2006 to June 30, 2014, Independent Contractor  
July 1, 2014 Salaried Employee

Stacey Whittaker      September 1, 2017 to present  
Executive Assistant/Licensing Specialist

Brooke Megill, Licensing Assistant      September 17, 2017 to present; part time

### **Previous Staff**

Lorraine Pokorski, Administrator      1994 to 2006, Independent Contractor  
Erica Mendoza, Licensing Specialist      August 1, 2011 to December 31, 2012, part-time employee  
Angela Nichols, Licensing Specialist      December 13, 2012 to July 24, 2017, part-time employee

### **Administrative Office**

1992 - July 30, 2011      Home Based Office  
August 1, 2011 - July 31, 2014      1595 Robb Drive, Unit 3, Reno, Nevada 89523  
752 Square Feet - landlord did not renew lease  
August 1, 2014 - October 31, 2019      6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523  
1252 Square Feet  
November 1, 2019 - present      6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523  
1450 Square Feet

Co-location Agreements:

- 2/1/12 Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
- 9/1/15 Board of Registered Environmental Health Specialists

## **Board of Occupational Therapy**

The Board was created by Legislative action, effective June 18, 1991. The first Board members were appointed to staggered terms beginning with three members appointed effective January 1, 1992. Two additional members were appointed in 1994 and served through 2000, one year past their term end date. This created a situation of four positions being open at the same time. After thorough research by the Governor's office at the request of the Board, staggered terms were reinstated with appointments to modified terms beginning in 2014. The Board member positions are now back to staggered terms with no more than 2 positions open for appointment in any one year.

The licensing activities of the Board began in 1993 when the first 111 individuals obtained their state OT licenses. The Board's first Administrator was hired on a contract basis to work to handle the Board administration. The Board did not have sufficient funding to open an office; all activities were conducted from the home of the Administrator.

By 2005, the number of licensees had increased to 586; the Board had new members who were knowledgeable of state financial and administrative requirements. The Board formally issued a Request for Proposals for a part-time executive director and selected Loretta Ponton as their executive director, as an independent contractor effective September 1, 2006. The Board administration continued as a home-based position.

In 2008, the Board licensing process was automated with the addition of the GL Suite, licensing and regulatory software system. All current licensee records were converted and historical licensees' data was manually input into the system. The system includes automated on-line license renewal and compliance modules for auditing continuing education and supervision requirements.

In March, 2010 the Board adopted an investment policy and moved funds to an account to be invested in one to five year certificates of deposit.

By 2011, the number of licensees increased to 770 and the Board finances had strengthened. The Board approved a move to a physical office and the Board's Administrative Office opened to the public on August 1, 2011. A part-time licensing specialist was hired; and the Board considered moving the Executive Director position to employee status; however, decided to keep the position as a contractor.

In November 2011, the Board approved a proposal by the Executive Director to provide contract executive director services for the Board of Examiners for Audiology and Speech Pathology, contingent upon co-location with the Board of Occupational Therapy. The proposal was accepted and a co-location agreement was signed by both Boards, effective February 1, 2012.

The Executive Director position was moved from an independent contractor to a salaried employee on July 1, 2014.

The Board Administrative office relocated August 1, 2014. The new location included a conference room for Board meetings, teleconferences and other activities, and sufficient space to accommodate co-locations within the facility. The Board of Registered Environmental Health Specialists asked to share administrative space in September 2015 and joined the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board in co-location with the Board of Occupational Therapy offices on a cost-sharing basis.

The number of licensees has increased steadily; as of June 30, 2019, there are 1421 licensees, an increase of 1310 since the initial 111 were licensed in 1992.

## **Complaints and Disciplinary Actions**

The Board of Occupational Therapy is charged with the protection of the public through the investigation and disposition of Complaints that may result in disciplinary action taken against an occupational therapy practitioner. Since 2006, the Board has investigated 38 complaints; 19 complaints resulted in disciplinary actions imposed by the Board. Four (4) complaints resulted in revocation of licensure.

## **Board Activities**

The Board provides no-cost Continuing Education Seminars for licensees annually. The seminars are held in both Las Vegas and Reno normally in the late fall. Seminar topics are selected based upon emerging practice and areas of interest with national presenters brought in to conduct the seminars.

The Board members are offered the opportunity to attend conferences and seminars; the National Board for Certification in Occupational Therapy provides an annual or semi-annual regulatory conference for state regulators that has been well attended by Board members and staff.

## Historical Licensing History

As of 6/30/2019

<b>Year</b>	<b>Total Licensees</b>
1992	111
1993	146
1994	172
1995	213
1996	248
1997	299
1998	350
1999	383
2000	412
2001	463
2002	499
2003	521
2004	564
2005	586
2006	610
2007	647
2008	668
2009	677
2010	716
2011	770
2012	849
2013	871
2014	956
2015	1017
2016	1111
2017	1201
2018	1321
2019	1421

## Historical Revenue Budget to Actual

FY 2007 to FY 2019

Fiscal Year	Budget	Actual Revenue
2007	116,600	127,857
2008	130,000	133,090
2009	137,700	134,914
2010	132,950	139,745
2011	144,400	163,823
2012	158,000	173,586
2013	176,600	191,056
2014	190,775	190,194
2015	209,500	202,711
2016	207,383	229,193
2017	230,275	248,219
2018	254,598	281,388
2019	246,827	183,068

### Balance Sheet

FY 2019

Ended June 30, 2019

#### ASSETS

Cash and cash equivalents	\$ 748,263
Accounts receivable	3,035
Prepaid expenses	11,793
Capital Assets	<u>1,001</u>

Total Assets \$ 764,092

#### LIABILITIES

Accounts payable and payroll	\$ 3,697
Accrued leave	17,393
License fees received in advance	<u>145,227</u>

Total Liabilities \$ 166,317

#### FUND BALANCE / NET POSITION

Invested in capital assets	\$ 1,001
Unrestricted	<u>596,775</u>

Total net position \$ 597,776

Total Liabilities and Fund Balance \$ 764,093



## Board Member Appointments

As of 01/01/20

### Position 1: Occupational Therapist

Charles Scharn,	OTR	01/01/92 - 12/31/94	
Kimberly Hart	OTR	02/22/95 - 12/31/97;	01/01/98 - 12/31/00
William Shahrooz	OT	03/06/01 - 12/31/03	(resigned early)
Tonda Finley	OTR	11/15/01 - 12/31/03;	01/01/04 - 12/31/06
David Tanabe	OTR	01/01/07 - 12/31/09;	01/01/10 - 12/31/12
Linda Frasier	OTR	01/14/13 - 12/31/14;	01/01/15 - 12/31/17
Melissa Genovese	OTR	01/01/18 - 12/31/19	(resigned early)
<b>Allison Stone</b>	<b>OTR</b>	<b>01/01/20 - 12/31/20</b>	

### Position 2: Occupational Therapist or Occupational Therapy Assistant

Chelsea Szklany	OTR	01/01/92 - 12/31/92;	01/25/93 - 12/31/95
Karen Dubry	COTA	02/22/95 - 12/31/95;	01/01/96 - 12/31/98;
		01/04/99 - 12/31/01	(resigned early)
Diana Bossart	COTA	10/01/01 - 12/31/01;	01/01/02 - 12/31/05
Kathryn Staley	COTA	01/05/06 - 12/31/08	
Ron Tulak	COTA	01/01/09 - 12/31/11;	01/01/12 - 12/31/14
Deena Spaulding	COTA	07/01/14 - 12/31/16	
Allison Stone	OTR	01/01/17 - 12/31/19	
<b>Phillip Seitz</b>	<b>COTA</b>	<b>01/01/20 - 12/31/22</b>	

### Position 3: Public Member

Gary Waters	Public	01/01/92 - 12/31/94;	01/01/95 - 12/31/96
Ryan Arnold	Public	03/06/01 - 12/31/03;	01/01/04 - 12/31/06
Ronda Moore	Public	01/01/07 - 12/31/09	
Allison Stephens	Public	01/15/10 - 12/31/12;	01/01/13 - 12/31/14
Stacey Henderson	Public	03/17/15 - 12/31/17	
<b>Melanie Minarik</b>	<b>Public</b>	<b>06/25/18 - 12/31/20</b>	

### Position 4: Occupational Therapist

Susan Kopy	OT	01/01/94 - 12/31/96;	01/07/97 - 12/31/99 (holdover to 3/01)
Elizabeth Aeillo	OT	03/06/01 - 12/31/03;	01/01/04 - 12/31/06
Penelope Fairbanks	OTR	01/01/07 - 12/31/09	
Eric Gerken	OTR	01/01/10 - 12/31/12;	01/01/13 - 12/31/15
<b>Maria Magpantay</b>	<b>OTR</b>	<b>01/01/16 - 12/31/18;</b>	<b>01/01/19 - 12/31/22</b>

### Position 5: Occupational Therapist

Elizabeth Straughan	OTR	01/01/94 - 12/31/96;	01/01/97 - 12/31/99 (holdover to 3/01)
Margaret Feyge	OTR	03/06/01 - 12/31/03;	01/01/04 - 12/31/06
Elizabeth Straughan	OTR	01/01/07 - 12/31/09;	01/01/10 - 12/31/12
Kittima Conrad	OTR	01/12/13 - 12/31/13;	01/20/14 - 12/31/16
<b>Elizabeth Straughan</b>	<b>OTR</b>	<b>01/01/17 - 12/31/19</b>	<b>01/01/20 - 12/31/22</b>