

History of the Board of Occupational Therapy

FY 1992 – FY 2021

Board of Occupational Therapy

Legislation - Nevada Revised Statutes (NRS) 640A Laws

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.
- 2021 AB253 Revises the requirements for conduct of public meetings to include meetings conducted by remote technology and revises posting requirements for public meetings and hearings.
- SB 196 Prohibits in certain circumstances, the conduct of a pelvic examination by a provider of health care.
- SB 217 Establishes the Board of Applied Behavior Analysis as an independent regulatory Board and adds Applied Behavior Analysts as providers of health care.
- SB 379 Directs the establishment of a health care provider databank for collection of specific demographic information; requires specific medical professions to collect the information upon renewal; and makes it optional for other health care regulatory boards to collect and submit the data.

Nevada Administrative Code (NAC) 640A

Regulations

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 30th, 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.
- R105-19 Adopted 02/08/20: Requires notification to the Board of employment or change in employment status; revises provisions relating to continuing education requirements to concur with a biennial renewal cycle;
- R001-21 Adopted 11/06/21: Establishes requirements for practice by telehealth; clarifies "treating occupational therapists" responsibilities; requires licensee to take certain measures to avoid actual or perceived conflicts of interest; sets forth requirements for the content of a verification of licensure; establishes different fees for a retired licensee to renew or convert an inactive license, revises provisions relating to delegation of duties to and supervision of occupational therapy assistants and provisional licensees.

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

Executive Director	Loretta Ponton	September 1, 2006 to Present
Licensing Coordinator/Executive Assistant	Stacey Whittaker	September 1, 2017 to present
Licensing Assistant	Vacant	
Investigator (intermittent/part time)	Wayne Springmeyer	April 16, 2018 to present;

Administrative Office

1992 - July 30, 2011	Home Based Office
August 1, 2011 - July 31, 2014	1595 Robb Drive, Unit 3, Reno, Nevada 89523
August 1, 2014 - October 31, 2019	6160 Mae Anne Ave., Suite 3, Reno, Nevada 89523
November 1, 2019 - present	6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523

Co-location / Co-working Agreements:

2/1/12	Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
9/1/15	Board of Environmental Health Specialists
11/14/20	Board of Athletic Trainers
7/1/21	Board of Applied Behavior Analysis

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 handle the Board's 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.

In 2008, the Board licensing process was automated with the addition of a 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. During 2020, the Board implemented on-line license applications to supplement the existing on-line license renewals, becoming almost 100% electronic expediting the issuance and renewal of licenses.

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 Executive Director position was moved from an independent contractor to a salaried employee effective July 1, 2014. The Board Administrative office relocated August 1, 2014 and November 1, 2019.

The current office includes a conference room for Board meetings, video or teleconferences and other activities, and sufficient space to accommodate co-locations within the facility.

In 2018, the Board established a Reserve Funds Policy establishing guidelines for managing the Board's cash reserves. The Board, acknowledging their strong financial position, set a goal of reducing cash reserves by extending the standard license term to 2-years without an increase in fees. This change resulted in cash savings to licensees resulting in a projected reduction of over \$250,000 in the Board's cash reserves. In 2020, the license renewal fees were slightly increased but new applicant fees remained at the previous levels.

Due to the impact of the COVID-19 state of emergency, the Board licensees decreased in FY 2021 for the first time since 1992, impacting the Board's revenue. It is projected the licensee base will again begin to grow in FY 2022 which will increase the Board's revenues with an operating cost break-even point projected for FY 2024 and achievement of the Board's reserve funds goal.

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 received and investigated 55 complaints; 25 complaints resulted in disciplinary actions imposed by the Board. Four (4) complaints resulted in revocation of licensure.

Board Activities

The Board provided no-cost Continuing Education Seminars for licensees through 2019. The seminars were 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.

COVID-19 Declaration of Emergency

Board Sponsored Seminars were cancelled for 2020 and future seminars have been put on hold due to the COVID-19 Declaration of Emergency.

The Board implemented two (2) emergency provisions to address the health care emergency in the State of Nevada due to COVID-19 state of emergency.

Emergency Temporary License

The Board approved emergency provisions for issuance of a temporary license by endorsement to include the waiver of the license fee and jurisprudence exam; and extended NBCOT certification to allow "inactive status" for new applicants who hold a current license in good standing in another state.

Option to Defer Renewal Fee

The Board approved the option to defer renewal fees for licensees whose current license expires prior to October 1, 2020.

Historical Licensing History

As of 6/30/2021

Fiscal Year	Total Licensees
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
2020	1635
2021	1587

Historical Revenue Budget to Actual

FY 2007 to FY 2021

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	261,870	207,018
2020	206,967	231,449
2021	249,890	235,906

Balance Sheet

FY 2021

Ended June 30, 2021

ASSETS

Cash and cash equivalents	\$ 698,118
Accounts receivable	8,880
Prepaid expenses	<u>13,248</u>
Total Assets	<u>\$ 720,246</u>

LIABILITIES

Accounts payable and payroll	\$ 4,243
Accrued leave	27,954
License fees received in advance	<u>196,887</u>
Total Liabilities	\$ 229,084

FUND BALANCE / NET POSITION

Unrestricted	<u>491,162</u>
Total net position	<u>\$ 491,162</u>
Total Liabilities and Fund Balance	<u>\$ 720,246</u>

Board Member Appointments

As of 01/01/21

		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)
Allison Stone	OTR	01/01/20 - 12/31/20	01/01/21 – 12/31/23
		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	
Phillip Seitz	COTA	01/01/20 - 12/31/22	
		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	
Melanie Minarik	Public	06/25/18 - 12/31/20;	01/01/21 – 12/31/23
		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
Maria Magpantay	OTR	01/01/16 - 12/31/18;	01/01/19 - 12/31/21
		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
Elizabeth Straughan	OTR	01/01/17 - 12/31/19	01/01/20 - 12/31/22