

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

**May 23, 2020
10:00 a.m.**

Teleconference Access:

1-888-273-3658 Access Code: 8751529

Pursuant to Governor's Declaration of Emergency – No Public Access Location

If the Declaration of Emergency is terminated prior to the meeting date:

Public Access:

Board of Occupational Therapy
Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

Teleconference Access:
1-888-273-3658 Access Code: 8751529

AGENDA

The State of Nevada Board of Occupational Therapy may: (a) address agenda items out of sequence, (b) combine agenda items, and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030). Action by the Board on an item may be to approve, deny, amend, or table.

1. Call to Order, Confirmation of Quorum
2. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
3. Approval of the Minutes of Board Meetings (for possible action)
 - February 8, 2020
 - April 4, 2020
4. Disciplinary Actions - Recommendation for Dismissal (for possible action)
 - Complaint Case No. C20-09
 - Complaint Case No. C20-10
 - Complaint Case No. C20-11
5. Disciplinary Actions - Consent Decrees (for possible action)
 - Complaint No. C20-07 & C20-08 Michel Rantissi, OTR License No. 0662
 - Complaint No. C20-12 & C20-13 Kerry Morris, OTR License No. OT-2023

Possible closed session for the Board to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030)
6. Request for Extension of Provisional License due to COVID-19 lay-off and closure of Prometric Testing sites (for possible action)
 - Fiona Wong, OTA License No. OTA-2383 Provisional

7. Request for Release from Probation Pursuant to Consent Decree (for possible action)
 - Adriane Boynton, OTR License No. 11-0113 – Case C16-02, November 19, 2016
8. Consideration of Approval of Completion of Terms of Consent Decree (for possible action)
 - Donna Costa, OTR License No. 13-0323 – Case C18-02, February 9, 2019
9. Consideration of License Application – Paul Vallarta, COTA (for possible action)
10. Legislative Report - JK Belz & Associates (informational)
11. Report from Nevada Occupational Therapy Association (NOTA) (informational)
12. Consolidation, Additions, & Revisions to Board Policies and Guidelines (for possible action)
 - Board Policy Manual (new); Disciplinary Guidelines (revised)
13. Executive Director’s Report (for possible action)
 - Fiscal Year 2020 Financial Reports, 3rd Quarter FY20, ending March 31, 2020
 - Recommendation of Sunset Subcommittee, Follow Up Report on Reserve Funds
 - Sunset Subcommittee, Special Survey of Regulatory Boards
 - NBCOT Interim Degree Verification Policy / Eligibility Confirmation Notice
 - Status of Research on Wound Care, Dry Needling and Pelvic Floor Therapy
14. Consideration of Biennial Budget - Fiscal Year 2021 and FY 2022 (for possible action)
 - Fiscal Year 2021, Ending June 30, 2021 Proposed Draft
 - Fiscal Year 2022, ending June 30, 2022 Projected
15. Report from Deputy Attorney General (informational)
16. Report from Board Chair and Members (for possible action)
 - Board Meeting Schedule
 - Future Agenda Items
17. Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
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18. Adjournment (for possible action)

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. Public comment will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the Chairperson, additional public comment may be heard when that item is reached. The Chairperson may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. (NRS 233B.126)

Notice: Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 746-4101; or fax (775) 746-4105 no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.

*THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED
IN THE FOLLOWING LOCATIONS:*

(Declaration of Emergency Directive 006)

Washoe County Courthouse 75 Court Street Reno, NV 89501	Office of the Attorney General 100 North Carson Street Carson City, Nevada 89701	Office of the Attorney General 5420 Kietzke Lane, Ste 202 Reno, Nevada 89511
Grant Sawyer State Office Building 555 E. Washington Avenue #3900 Las Vegas, Nevada 89101	Board of Occupational Therapy 6170 Mae Anne Ave., Suite 1 Reno, Nevada 89523 and Website www.nvot.org	Washoe County Clerk 1001 E. 9 th St. Bldg A P.O. Box 11130 Reno, NV 89520
Public Libraries	State of Nevada Public Notice Website www.nv.gov	Legislative Counsel Bureau Administrative Regulation Notices https://www.leg.state.nv.us

This agenda has been sent to all members of the State of Nevada Board of Occupational Therapy and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

Supporting material relating to public meetings of the Board of Occupational Therapy is available at the Board of Occupational Therapy administrative offices located at 6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523 or by contacting Loretta L. Ponton, Executive Director at (775) 746-4101 or email board@nvot.org.

Anyone desiring additional information regarding the meeting is invited to call the Board office at (775) 746-4101.

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 3: Approval of the Minutes

The minutes of the Board meeting of February 8, 2020 and April 4, 2020 are presented for consideration and approval.

Minutes have not yet been approved and are subject to revision at the next meeting.

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES BOARD MEETING & REGULATORY HEARING

February 8, 2020

Members Present: Elizabeth Straughan, Allison Stone, Sol Magpantay, Mel Minarik, Phil Seitz
Members Absent: None
Staff Present: Loretta L. Ponton, Executive Director, Stacey Whittaker, Executive Assistant, Henna Rasul, Sr. Deputy Attorney General
Public Present: Jeanette Belz, Linda Frasier, Shaina Meyer, Alyssa Gremban, Dorothy Palomo, Judy Ishibashi, Susan Kopy, Stephanie Schoen, Shannon Martin, Touro University Students: Jessica Mars, Annie Slater, Aleka Brock, Cecile Alvarez, Brittney Roberts, Justina Selim, Anna Redd, Ell Gunderson, Malysa Adams, Melissa Salcedo, Christy McWhorter, Ester Hammond, Christy Carmichael, Sara Gutner, Chris Daulton, Hannah Wood, Veronica Anduha, Rachel Taylor

Elizabeth Straughan, Chair, called the meeting to order at 9:06 a.m. A roll call confirmed a quorum was present. Liz Straughan stated that the Public Hearing is scheduled for 10:00 a.m.; agenda items may be taken out of order until 10:00 a.m.

Public Comments – Dorothy Palomo, COTA informed the Board of the concerns regarding reimbursement changes for COTA services that are affecting the livelihoods of practitioners. The elimination of reimbursement for treatments provided by a COTA is causing layoffs and elimination of positions. COTA's could become obsolete. There are not enough OT services being provided and realignment of duties by employers is jeopardizing the quality of services provided to the patients.

Judy Ishibashi, OTR commented there is a shortage of OT's in northern Nevada; if COTAs are not available the patients will not get appropriate care. OTRs are being asked to perform tasks normally delegated to a COTA affecting the health and safety of the clients.

Election of Chair and Vice Chair - Elizabeth Straughan stated the Chair and Vice Chair positions are open for appointment.

Sol Magpantay made the motion to appoint Liz Straughan to continue as Chair. Allison Stone seconded the motion. The motion passed with Liz Straughan abstaining.

Mel Minarik made the motion, seconded by Sol Magpantay to appoint Allison Stone as Vice Chair. The motion passed with Allison Stone abstaining.

Approval of the Minutes - Elizabeth Straughan asked if there were any corrections, revisions or other discussion of the minutes of the November 23, 2019.

It was noted Mel Minarik was present at the November 23rd meeting, however; she joined the meeting at 11:00 a.m. Ms. Straughan called for a motion.

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Allison Stone made the motion to approve the minutes of the Board meeting of November 23, 2019 as revised. Sol Magpantay seconded the motion. The motion passed with Phil Seitz abstaining.

Disciplinary Matters - Ms. Straughan called on Loretta Ponton. Ms. Ponton stated that after review of all documentation received in regards to Complaint Cases C20-02, C20-03, C20-04, C20-05 and C20-06; it is recommended the Board formally dismiss the cases as referenced.

Four of the cases were as a result of one individual complainant who alleged unprofessional conduct, unethical conduct, falsification of records and failure to complete documentation timely. Case C20-03 alleged promotion of unethical behavior, instructing others to falsify documentation and creating a hostile workplace.

Ms. Straughan asked if there were any questions; hearing none called for a motion.

Allison Stone made the motion to dismiss Complaint Cases C20-02, C20-03, C20-04, C20-05 and C20-06. Sol Magpantay seconded the motion. The motion passed.

Operating Policies and Procedures - Liz Straughan asked Loretta Ponton to present. Ms. Ponton summarized the updates to the Operating Policies and Procedures and explained the addition of Section 9 that establish a process by which an individual can petition to the Board for an early review of potential criminal history that may disqualify the individual from obtaining a license. Ms. Ponton explained that AB 319 of the 80th Legislative Session requires all regulatory agencies to develop a process. Some Boards are creating a process by regulation, others by policy.

Liz Straughan stated she is impressed with the changes in policies and procedures and the work of the Executive Director to keep the Board processes up-to-date. Ms. Straughan asked if there were any questions. Hearing none, called for a motion.

Allison Stone made the motion, seconded by Mel Minarik to approve the Operating Policies and Procedures as revised. The motion passed.

Occupational Therapy Practice Survey Data - Liz Straughan asked Loretta Ponton to facilitate. Ms. Ponton stated the survey data publication is presented for comment and discussion as to where the Board would like the information disseminated. The overall response rate to the survey was 14% but does reflect the overall demographics of OT practice in Nevada.

Ms. Ponton recommended distribution to the higher education institutions and Legislative representatives; especially those with interests in workforce development, occupational and professional regulation and health care in general, including rural areas and veterans services.

Allison Stone suggested distribution to all schools, not just OT schools, NOTA, NBCOT and AOTA. Linda Frasier suggested high schools be included as they are career path opportunities. Judy Ishibashi agreed stating students do not know about OT as a career.

Mel Minarik stated the Ethics piece is good for studies, problem solving; there is movement in health services and there is a need for this type of information for didactic and practicums and with interdisciplinary groups.

Liz Straughan called for a motion.

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Allison Stone made the motion to approve the survey publication and distribute to all parties as discussed. Mel Minarik seconded the motion. The motion passed.

Nevada Occupational Therapy Association - Liz Straughan welcomed the representatives of NOTA.

Linda Frasier, Alyssa Gremban and Shaina Meyer introduced themselves.

Linda Frasier, NOTA Treasurer, provided an update on the NOTA activities directing the members to the NOTA handout of events. NOTA's focus has previously been in the south. NOTA has been conducting outreach in northern Nevada, to promote membership, hoping to create a northern Nevada division of the Association.

NOTA is holding a conference in Las Vegas June 6th and is helping host a Western Regional conference in Las Vegas with the California Association.

Ms. Frasier reported there are about 200 members currently, membership cost \$50 per year, \$20 for students and members receive free continuing education and many other things.

Shaina Meyer, NOTA Legislative Chair, was asked if NOTA would be addressing the billing issues reported earlier. Ms. Meyer reported that the CMS regulations, Medicare and Medicaid, are the driving force for the billing issues reported earlier. The Association does not have an opportunity to fight CMS but is working with AOTA in this area to try to address these issues.

Mel Minarik stated NOTA may want to include the academic perspective, research adds value. Focus efforts on evidence based practice and look at outcomes.

Alyssa Gremban, Membership Chair reported on outreach efforts such as the NOTA Nuggets, reviews of OT practice and research evidence.

The NOTA members expressed their appreciation for being able to present to the Board and expressed interest in working cooperatively with the Board in the upcoming Legislative session.

Legislative Update - Jeanette Belz introduced herself and provided a background on her firm and legislative experience. Ms. Belz disclosed that she also represents the State Board of Cosmetology.

Ms. Belz reported on the history behind the focus on boards and commissions, including the executive branch audit committees June 2018 audit which covered the use of the Attorney General's Office; levels of reserve funds, contract approvals by BOE, government funding, and salaries of executive directors. A second June 2019 audit focused on recommendations for increased oversight, shared services and consideration of pulling boards under the Department of Business and Industry. These are recommendations at this point. It was identified that there may be a need for general fund appropriations. It is likely that there will be a Bill Draft in the next Legislative Session coming out of the Governor's Office.

Ms. Belz also reported on SCR 6, which authorized an Interim Study by the Sunset Subcommittee. Their first meeting was in January 2020; the interim study was not discussed. The Sunset Subcommittee selected some Boards for review, those that were originally reviewed in 2012. The Dental Board and Pharmacy Board have both been in the headlines and are both subject to additional audits.

Ms. Belz reported that she expects an active Legislative Session and she will work hard to distinguish the Board of Occupational Therapy.

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Mel Minarik stated Loretta has done a great job, with integrity. Jeanette Belz stated that was a key deciding factor in contracting with this Board.

Liz Straughan called for 5-minute break at 9:53 a.m. The meeting reconvened at 10:01 a.m.

Regulatory Hearing - LCB File R105-19

Loretta Ponton, Executive Director called the hearing to order at 10:01 a.m. Ms. Ponton stated the purpose of the hearing was to receive comments from interested parties regarding the adoption of LCB File No. R105-19, Chapter 640A of Nevada Revised Statutes. The proposed regulation revises provisions requiring a licensee to provide notification to the Board of Occupational Therapy after obtaining employment or changing employment status and revises provisions relating to continuing education requirements to conform to the 2-year license renewal period.

Ms. Ponton opened the hearing for public comments on the regulation.

Stephanie Schoen stated she had a question, not a specific comment. Ms. Schoen asked why the Board was requesting employment information, seems to be micro-management. The Nursing Board does not require this information, and asked whether other Boards are requiring this type of data.

Ms. Ponton responded that the information is necessary for data reporting and supervisory reporting. There are multiple instances where licensees are working for multiple employers; it is also used in disciplinary case reviews when trying to track down licensees when only an employer is identified by a complainant. Ms. Ponton added that reporting employment information is an on-line process and not burdensome to a licensee.

Judy Ishibashi commented that knowing employment information is in-line with the mission to protect the public.

Ms. Ponton asked if there were any further comments or concerns. Stephanie Schoen stated she is not in opposition with the information provided.

Ms. Ponton closed the hearing at 10:09 a.m.

Consideration of Public Comments on LCB File No. R105-19 - Ms. Straughan asked members if they had any concerns or additional comments for discussion. There were no concerns or comments for consideration.

Adoption of Regulation LCB File No. R105-19 - Elizabeth Straughan stated the Board has considered public comments and called for a motion.

Allison Stone made the motion to adopt LCB File No. R105-19 as presented with no revisions. Phil Seitz seconded the motion. The motion passed.

Board Work Session - Liz Straughan asked Loretta Ponton to facilitate. Ms. Ponton provided background information stating the Board work session topics are the result of the public comments and opposition and concerns expressed about regulating invasive procedures and the relationship to occupation based practice. Areas for discussion include dry needling, internal pelvic floor therapy, protocols for specialized practice in these areas and relationship to OT occupation based practice. Ms. Ponton explained the Board does not license establishments, but could develop protocols for specific procedures and identify areas that may need to be addressed such as what is appropriate for the practice of

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OT. The work session is an informational gathering session. Ms. Ponton stated she has received 10 letters from patients of Advanced Manual Therapy in Las Vegas who have received dry needling therapy, requesting that OT's be allowed to perform dry needling so they don't have to be referred to an Acupuncturist and pay additional medical costs. Ms. Ponton stated Advanced Manual Therapy provides both OT and PT Services and that PT's are allowed to perform dry needling, if properly trained.

Ms. Ponton asked the members to consider whether dry needling is "occupation based" and whether referral is the appropriate thing to do.

Phil Seitz stated it is used in outpatient hand therapy, it is PT driven. Does it benefit patients - yes, but should OT's be doing it? Other modalities available can be used. Other states require certifications, which is not necessarily what we want to do; it can be a burden to the clinicians. There are also new modalities coming out.

Sol Magpantay stated that for PAMs, Florida requires CE and supervision be documented and submitted to the Board; California has modality certifications. Pelvic Floor Training for certification can be very invasive, OT's need to protect their license.

Liz Straughan stated that AOTA has not taken a stand on dry needling or pelvic floor therapy. She questioned whether individual licensees are getting training and performing them.

Shaina Meyer stated that it is a concern that it will be taken completely off the table.

Allison Stone asked what constitutes training/certification?

Linda Frasier stated these are very specialized areas, usually not covered in university curriculum. She stated we have not heard from enough practitioners, we do not want to restrict areas of practice; lymphedema certification also requires significant training.

Mel Minarik asked where is the research; dry needling vs acupuncture?

Liz Straughan stated again that AOTA's stance is that we should not be doing it.

Stephanie Schoen stated that the practitioner is responsible for their education / certification. They need to protect their professional license in addition to the public. Perhaps they should send their certifications to the Board in case a complaint is filed. It was commented the Board would need to request certification for many modalities, not just dry needling.

Loretta Ponton reiterated the State Legislative Counsel Bureau Legal Opinion states dry needling must be within the scope of practice delineated in law; including the educational requirements. Ms. Ponton reported the PT Board was successful in including in their NRS scope of practice; however their regulation for educational requirements has not been approved; the Legislative Commission wanted more specifics in the regulation.

Ms. Ponton stated that if this Board feels they want more information/evidence, they would need to start now, as it would take legislative authority; it is too late for the 2021 Legislative Session so a target would be the 2023 Legislative Session.

Mel Minarik stated we could work with the PT Board; Ms. Ponton stated they have their National Association APTA's support; AOTA has not taken a stance.

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Phil Seitz stated dry needling is not done in many settings - there is a limited scope. Sol Magpantay added mostly hand therapy and outpatient services.

Liz Straughan reiterated that we should refer to AOTA for guidance.

Mel Minarik asked what other states are doing. Loretta Ponton replied that many states said no, a few are recognizing dry needling for OT. Sol Magpantay added there is no evidence-based research right now.

Liz Straughan asked what the hand therapy association is recognizing.

Sol Magpantay again stated California requires specialty certification; should Nevada go this route?

Loretta Ponton explained that Nevada has historically chosen to be least restrictive in regulation; the OT should be responsible for obtaining the expertise necessary. Nevada requires appropriate training, proof of expertise and/or training would be requested if a complaint were filed. There is a fine line between protecting the public and restraining practice. The Board should not be imposing requirements that restrain practice. As the Board licensee base grows, more instances are being brought up. Maybe it is time to address areas in question.

Stephanie Schoen stated she supports the idea of treading cautiously, not micro managing which could be detrimental; focus on areas of concern.

Allison Stone stated the Board should focus on the more invasive areas.

Liz Straughan stated she was not hearing a general plan, that the Board needs more research.

It was suggested to utilize NOTA to do some of the research, which would save the Board time and money.

Allison Stone recommended obtaining more information on the following certifications:

- Dry Needling,
- Pelvic Floor, and
- Wound Care.

Loretta Ponton stated more research would be conducted in these three areas and it would be brought back to the Board for further discussion.

Ms. Ponton inquired about the use of CBD products in OT Practice. Allison Stone responded in her facility they cannot have an opinion or comment since it is not federally approved.

Executive Director's Report - Loretta Ponton reported on licensure statistics stating the total number of licensees as of December 31, 2019 was 1544, an increase of 14.1% and 191 licensees compared to the same period last year.

FY 2020 Financial Statements: Ms. Ponton summarized the financial statements, reporting that moving expenses totaled \$9,264 of which was less than the approved budget of \$12,500.

Revenue is at \$105,773 in licensing and other fees (57.29% of budget) with additional income from recaptured legal fees of \$14,437, interest income and cost sharing income of \$15,769 for a total of \$123,543 in revenue.

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Expenses totaled \$148,695 (50.17% of budget) for a net loss of (\$ 27,153) as of December 31, 2019.

Balance sheet cash is \$667,223 with \$105,003 in deferred revenue.

Ms. Ponton reported the approved Budget does not include authority for the new Legislative Services contract, which will be \$12,000 during FY 20. Ms. Ponton proposed the Board formally approve a revision to the Budget increasing the Professional Fees category \$12,000.00.

Contract Awards: Contracts were awarded to JK Belz for Legislative Services and Haynie and Company for Audit Services.

The Legislative Commission approved regulation R067-19 on December 30, 2019. The new fee schedule became effective January 1, 2020.

Sponsored Seminar: Ms. Ponton reported a 4-hour Ethics seminar would be presented by Donna Costa in Las Vegas on April 18, 2020 and in Reno on April 25, 2020. Save the date emails have been sent to licensees.

Board Training: Ms. Ponton reported on three training opportunities for Board members; CLEAR Introduction to Regulatory Governance Webinar Series; Orientation for New OT Regulators in Chicago on April 2 offered by NBCOT and the NBCOT OT State Regulatory Leadership Forum May 12-13 in Atlanta, Georgia.

Phil Seitz and Mel Minarik stated they would be interested in the New OT Regulator's Training; Allison Stone and Sol Magpantay expressed interest in attending the NBCOT OT State Regulatory Leadership Forum.

Complaints: Ms. Ponton reported six (6) complaints are pending in various stages of investigation and negotiation. The Summary Suspension in Cases C20-07 / C 20-08 remains in affect pending Hearing.

Board Member Manual: Ms. Ponton directed the members to the new Board Member Manual provided to all the members. The manual will be utilized in addition to Board orientation and outside trainings and is intended as a tool for members in the performance of their duties and responsibilities on the Board.

Liz Straughan called for a motion to approve the Executive Director's report and FY 2020 Budget revision.

Allison Stone made the motion to approve the Executive Director's Report and FY 20 Budget Revision to increase the Professional Services line item by \$12,000 to fund the Legislative Services contract. Mel Minarik seconded the motion. The motion passed.

Legal Report - Henna Rasul, Sr. DAG, stated she had no report.

Report from Board Chair - Liz Straughan confirmed the proposed 2020 meeting schedule. The next meeting is scheduled for May 23, 2020 by teleconference. The August 15, 2020 meeting was changed to an in-person meeting in Las Vegas.

The proposed dates for Disciplinary Hearing were discussed. All members confirmed availability for a Hearing on Friday and Saturday, June 26 - 27, 2020 to be held in Las Vegas.

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Future agenda items identified are a review of the strategic plan, legislative updates, approval of the FY 2021 Budget and report on research on modalities and specialties.

The members requested a presentation from PIMA University on the new COTA program in Las Vegas be added as a future agenda item.

A possible strategic planning session and legislative tour may be scheduled during the 2021 Legislative Session.

Sol Magpantay asked about the Occupational Therapy Model Compact initiative being supported by AOTA and NBCOT. Ms. Ponton stated that a compact will have costs associated, adds another layer of administration, will require a cross-state databank for disciplinary reporting and is intended to expedite or eliminate duplicate licensure in compact states. Compacts have not yet become effective; they require a minimum of 10 states to sign on. Legislation would be required to join a compact. Ms. Ponton stated that Nevada's licensing process already is expedited with on-line applications and 3-5 day maximum processing time. Some states take weeks or months to issue a license.

The OT Compact will be added as a future agenda item.

Public Comment - Elizabeth Straughan asked if there were any public comments. No comments.

Adjournment – Elizabeth Straughan adjourned the meeting at 11:27 a.m.

Minutes have not yet been approved and are subject to revision at the next meeting.

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES BOARD MEETING

April 4, 2020

Members Present: Elizabeth Straughan, Allison Stone, Sol Magpantay, Mel Minarik
Members Absent: Phil Seitz
Staff Present: Loretta L. Ponton, Executive Director, Stacey Whittaker, Executive Assistant,
Henna Rasul, Sr. Deputy Attorney General
Public Present: Jeanette Belz, Shaina Meyer, NOTA, Kristen Neville, AOTA

Elizabeth Straughan, Chair, called the meeting to order at 11.31 a.m. A roll call confirmed a quorum was present.

Public Comments – None

COVID-19 Emergency Items - Elizabeth Straughan called upon Loretta Ponton.

Temporary License by Endorsement: Ms. Ponton explained the special provisions requested to facilitate the access and/or continuation of OT services to residents of Nevada, including students primarily in rural and border states, who are on variances to attend out-of-state schools as well as services by telehealth and existing on-site services.

The special emergency provisions include waiver/deferral of the license fee for a new Temporary License by Endorsement for individuals who:

- Hold a current and active license in good standing in another state;
- Has active or inactive NBCOT certification; and
- Request a waiver/deferral due to COVID-19 Emergency Declarations and Directives

Special Emergency Provisions waived or deferred:

- Nevada Jurisprudence Exam waived for initial term of 6 months
- Staff to assist in NBCOT and State license verifications on-line
- Initial license fee waived if not renewed or converted. (\$300 / \$250)

If a licensee with a temporary license issued under the special emergency provisions wishes to renew or convert the license to a standard license:

- Initial license fee initially waived, will be due upon renewal or conversion (\$400 / \$ 325)
- Nevada Jurisprudence Exam required for renewal or conversion
- Active NBCOT certification required for renewal or conversion

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

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Allison Stone made the motion, seconded by Mel Minarik to approve the special provisions for issuance of a temporary license by endorsement as presented. The motion passed.

Deferral of License Renewal Fees: Ms. Ponton stated the economic conditions are affecting licensees, individuals and families with layoffs and closures, putting a strain on financial resources.

Ms. Ponton explained the proposal is not to extend the license expiration dates or renewal period but to consider deferring payment only of the license renewal fees.

The majority of the licensees, 52%, are due for the first renewal of their biannual licenses by June 30, 2020. That number increases to over 65% due by September 30, 2020.

The effect of the 2-year term on the accurate count of active licenses in Nevada cannot be determined until the majority of the licenses are renewed. Practitioners who no longer practice in Nevada have not been removed from the current licensee base since 2018; it is imperative to obtain as accurate a record as possible of current licensees in order to project budget revenue for the next biennial period.

The license renewal period opens 60 days prior to the expiration date of a license and late renewal ends 30 days after the expiration date of a license.

Individuals would be provided an option to defer payment which would be selected at time of license renewal on-line. Deferral would not be automatic; licensee could choose to pay at time of renewal. Late renewal fees would still apply if renewed during the late renewal period.

Ms. Ponton explained that all deferred renewal fees would be collected by approximately November 30, 2020; still within the fiscal year for budgetary purposes. Deferral of renewal fees would affect cash flow; however, will not impact revenue to any great extent, dependent upon the actual number of renewals.

Ms. Ponton summarized available cash resources which will be available for payment of operating expenses, if necessary. The Board has sufficient cash resources to cover expenses during the period of payment deferral.

Ms. Ponton reported that the Governor's Directive 009 related to extension of licenses and permits issued by the State of Nevada, Boards, and Commissions, provides for a 90 day and 60 day extension if reduced government operations due to the state of emergency makes timely renewal of the license or permit impracticable or impossible. The Board office remains fully operational and all license renewals are available on-line; therefore the extension directive does not apply.

Ms. Ponton recommended the Board consider adding a statement to the proposed recommendation to include language that mirrors the language in Directive 009 to read "or from the date the state of emergency is terminated, whichever is later".

Ms. Ponton recommended a deferral schedule for payment only of the renewal fees for licenses renewed during the 90 day renewal period as follows:

- Deferral of license renewal fees until September 30, 2020 or from the date the state of emergency is terminated, whichever is later, for license renewals due through June 30, 2020.
- Deferral of license renewal fees for 60 days or from the date the state of emergency is terminated, whichever is later, for license renewals due after June 30, 2020 through September 30, 2020.

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

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Allison Stone made the motion to approve the deferral of license renewal fees as presented. Sol Magpantay seconded the motion. The motion passed.

Policy Statement - Liz Straughan called upon Loretta Ponton.

Ms. Ponton presented proposed new sections on license fees and reserve funds to be added to the Board Policy Manual. In line with the actions taken on the previous agenda item, these sections address fees and variances to reserve funds as a result of a “declaration of emergency” and are provided for consideration and approval for inclusion in the Board Policy Manual. The Boards’ approval of fee waiver/deferrals will impact the Board’s reserve fund balance, necessitating the policy revision.

01:03 Licensing Fees

01:034 Deferral or Waiver of Fees during Declaration of Emergency - Deferral and/or waiver of fees for licensure in Nevada are authorized to ensure vital and essential healthcare services are available and reduce the economic impact to licensees, individuals and families affected by a national or state Declaration of Emergency.

06:02 Reserve Funds

06:025 Variance to Reserve Fund Balance

If extenuating circumstances arise that may affect the “Reserve Fund Balance” either due to extraordinary operating expenses or events outside the administration of the Board which were not anticipated or included in fund set-asides, the Board may take immediate action, including but not limited to approving a variance to the Fund Reserve policy.

06:026 Use of Reserve Funds during Times of Declared Emergency

A variance to the Fund Reserve policy is automatically approved upon a Declaration of Emergency. During times of declared emergency and related directives, deferral and/or waiver of fees for licensure in Nevada are authorized to ensure vital and essential healthcare services are available and reduce the economic impact to licensees, individuals and families affected by a national or state Declaration of Emergency.

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

Allison Stone made the motion to approve the policy statements as presented. Sol Magpantay seconded the motion. The motion passed.

Public Comment - Elizabeth Straughan asked if there were any public comments.

Shaina Meyer thanked the Board for their support of all practitioners.

Mel Minarik commented that licensees should have the opportunity to request installment payments, if necessary.

Kristen Neville commented that AOTA appreciates what the Board is doing and offered any assistance if the Board had any questions or wanted to know what other states are doing.

Adjournment – Elizabeth Straughan adjourned the meeting at 11:49 a.m.

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 4: Disciplinary Matters
--

Recommendation for Dismissal and Close Files:

C20-09, C20-10, C20-11

After review of all documentation received in regards to the above referenced complaints, it has been determined that there is insufficient evidence to file a formal complaint for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 640A of the Nevada Revised Statutes or the Nevada Administrative Code.

Case No. C20-09: Alleged unprofessional conduct, and unethical conduct; unable to verify allegations, no witnesses

Case No. C20-10: Referred from another Board; licensee not identified, no response from Complainant

Case No. C20-11: Alleged unprofessional conduct: failure to inform a client of the risks associated with specific treatment, failure to obtain consent of client; no response from complainant

The Board is requested to formally dismiss all Cases listed.

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AGENDA ITEM 5: Consent Decrees

Complaint Case No. C20-07 and C20-08	Michael Rantissi, OTR	License No. 0662
Complaint Case No. C20-12 and C20-13	Kerry Morris, OTR	License No. OT-2023

Complaints will be distributed to members prior to the Board meeting under separate cover.

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AGENDA ITEM 6: Request for Extension of Provisional License
--

Fiona Wong, OTA License No. OTA-2383 Provisional

Ms. Wong holds a Provisional COTA license, which was renewed on March 13, 2020 and expires September 15, 2020. Ms. Wong was laid-off from her employment on March 17th as a result of COVID-19 pandemic and is experiencing financial difficulties as a result.

Due to the closure of the Prometric testing centers, Ms. Wong is not able to schedule and take her OTA certification examination. It is unknown as to how long the testing facilities in Nevada will be closed.

Ms. Wong is requesting an emergency extension to her provisional license due to extenuating circumstances directly related to the COVID-19 pandemic.

Recommendation: It is recommended the Board approve a one-time extension of three (3) months to December 15, 2020 or 90 days from the date the state of emergency is lifted, whichever is sooner.

Attachment:

Extension Request

Re: From Fiona Wong

fiona wong <fionawong1210@gmail.com>

Tue 4/14/2020 7:00 PM

To: Loretta Ponton <board@nvot.org>

Good Afternoon Ms. Loretta,

Thanks for reaching out to me, and I really appreciate it. Yes, I want to extension to my provisional license. Please let me know how it goes in May. Thanks again for helping me out that means a lot to me at this point time.

Thank you very much

Fiona Wong

On Tue, Apr 14, 2020 at 10:55 AM Loretta Ponton <board@nvot.org> wrote:

Hello Fiona,

At this time, your provisional license does not expire until September, 2020. There are no provisions in law/regulation that allow a license to be cancelled once it has been issued and/or renewed.

As you were informed when you renewed your provisional license, you are required to provide a new authorization to exam letter from NBCOT, and schedule and take your certification examination prior to your license expiration date. Due to the closure of the Prometric Exam Centers due to the COVID-19 pandemic, you may not be able to complete the requirements prior to your expiration date.

I will add your request for an emergency extension to the Board agenda for their next meeting in May to authorize an emergency extension to your provisional license. If you do not want to move forward with the extension request, please let me know as soon as possible.

In case you are not aware, I would recommend that you immediately file for unemployment benefits. There are special provisions for those affected by the COVID-19 and have been laid off, including individuals working as independent contractors (1099). Also, there has been a Governor's Directive that allows deferral of rent payments, make sure you contact your landlord and explain your situation.

Stay Healthy, Stay Well

Loretta Ponton, Executive Director

From: fiona wong <fionawong1210@gmail.com>

Sent: Tuesday, April 14, 2020 12:12 AM

To: Loretta Ponton <board@nvot.org>

Subject: From Fiona Wong

Good Morning Ms. Loretta,

My name is Fiona Wong. I have tried to call NVOT but no answer. I have something that I really needed your help and I don't know what to do. I work at outpatient, and that is a part time job and they offered 1099. You have renewed my provisional license on 3/13(Friday),and then my manager laid off me on 3/16(Monday) due to COVID-19. I have no job from 3/16 until now. I have talked to my manager and asked him that when can I go back to work, and he told me that he doesn't know until June. I beg you if you can extend my provisional license please. I lived in Las Vegas by myself and I have no backup. I extended my one private student and five government student loans until June, but I still have to pay for rent and my car payment and insurance. I can prove that I have no job on 3/16 until now which I have a letter of laid off from my manger if you needed.

I don't know how to do with my provisional license. I really wanted to cancel it if I can do that with you and then I renew it when I back to work in summer. I wanted to ask you if I can pay \$75 again to renew the license for 6 months when I back to work. I really needed this job this year. There is no job for COTA in Las Vegas because all the facilities want OTR not COTA anymore. I have talked to Stacy about my situation, but I don't have her contact information so I cannot reach out to her. Ms. Loretta, please help me out this time. I really appreciate you.

Thank you very much

Fiona Wong

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 7: Release from Probation
--

Andriane Boynton, OTR License No. 11-0113 Case C16-02, November 19, 2016

Ms. Boynton entered into a Consent Decree approved by the Board on November 19, 2016, which placed her License No. 11-0113 on probation for 5 years.

The Consent Decree has a provision for requesting release from probation after 3 years.

Ms. Boynton has been in compliance with all terms of the Consent Decree including payment of legal and investigative fees, submittal of drug tests, and annual reporting by her employer of satisfactory performance.

Attachments

Request for Release from Probation; Current Drug screening and Letter from Employer
Original Consent Decree

Re: Adriane Boynton OT License

a.boynton@hotmail.com <a.boynton@hotmail.com>

Tue 4/28/2020 1:32 PM

To: Loretta Ponton <board@nvot.org>

Good afternoon, I am contacting the board to request early termination of probation of my Nevada Occupational Therapy license as specified in my consent decree after completing 3 years. My drug test has been completed with results to be sent to the board as well as letter from my boss. Thank you so much for the consideration.

On Apr 21, 2020 1:35 PM, a.boynton@hotmail.com wrote:

Thank you

On Apr 21, 2020 1:35 PM, Loretta Ponton <board@nvot.org> wrote:

Please send to Board of Occupational Therapy, PO Box 34779, Reno, NV 89533.

From: a.boynton@hotmail.com <a.boynton@hotmail.com>

Sent: Tuesday, April 21, 2020 1:22 PM

To: Loretta Ponton <board@nvot.org>

Subject: Re: Adriane Boynton OT License

I will write that up and lastly what is the address to send drug test results to?

On Apr 21, 2020 12:58 PM, Loretta Ponton <board@nvot.org> wrote:

Make sure your written request references early termination as specified in your consent decree - I look forward to receiving your documents!

Loretta Ponton, Executive Director

From: a.boynton@hotmail.com <a.boynton@hotmail.com>

Sent: Tuesday, April 21, 2020 12:53 PM

To: Loretta Ponton <board@nvot.org>

Subject: Re: Adriane Boynton OT License

Great yes I would. Is there anything specific that I need to write or just that I'm requesting early termination? And I will have my letter from my supervisor and drug test completed as well. Thank you

On Apr 21, 2020 12:26 PM, Loretta Ponton <board@nvot.org> wrote:

Hello Adriane,



RE: Boynton, Adriane Number: 5182W Date Collected: 4/24/2020 Time: 2:16 PM
 SSN: 000-00-5667 Time from referral: _____ Date Received: 4/27/2020 Time: 12:32 PM
 Requesting Agency: Out Patient Date Reported: 4/27/2020 Time: 3:43 PM

Test(s) Requested	
Requested Test: Urine-5+A1c	
Drugs Tested For:	
Hair - Screening Cutoff	Urine - Screening Cutoff
	Alcohol 0.025%
	Amphetamines 500 ng/ml
	Cocaine Metabolite 150 ng/ml
	Opiates 2000 ng/ml
	Phencyclidine 25 ng/ml
	THC Metabolite 50 ng/ml
Blood - Screening Cutoff	Other - Screening Cutoff

HAIR DRUGS	RESULTS	OTHER DRUGS	RESULTS
Not Requested		Not Requested	

REPORT NOTATIONS	
Raymond C. Kelly, Ph.D. DABFT Laboratory Director	

4/21/20

To Whom It May Concern:

Re Adriane Boynton, license #11-0113

I am writing to confirm that Adriane Boynton is employed with AFFIRMA Rehabilitation at Silver Ridge Healthcare in the capacity of Director of Rehabilitation. She has held this position since August 2018 and has continued to develop her skills in the position. She continues to be professional and lead her therapy department in developing their skills and be an integrated part of the facility team.

There have been no areas of concern regarding her professional or personal behavior.

Please contact me if you have any further questions at FHazlehurst@affirmarehabilitation.com or on 510-673-3341.

Sincerely,

Fiona Hazlehurst, PT
Regional Director of Therapy Services.



Brian Sandoval
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

P.O. BOX 34779
Reno, Nevada 89533-4779
Phone: (775) 746-4101 / Fax: (775) 746-4105 / Toll Free: (800) 431-2659
Email: board@nvot.org / Website: www.nvot.org

Loretta L. Ponton
Executive Director

November 22, 2016

Adriane Boynton, OTR
4929 Flower Dance Ct.
Las Vegas, NV 89131

Re: Consent Decree; Case #: C16-02

Dear Ms. Boynton,

The Board of Occupational Therapy considered and approved the Consent Decree in the above referenced case at their meeting of November 19, 2016. A copy of the fully executed Consent Decree is provided. Your Nevada OTR License No. 11-0113 is hereby placed on Probation for a term of 5 years beginning November 19, 2016 during which time you must remain employed in Nevada.

Pursuant to the terms of the Consent Decree, the following is required:

1. Payment of \$493.00 in legal and investigative fees within 45 days;
2. Submittal of a drug test within 30 days after approval of the Consent Decree;
3. Submittal of a letter from your employer stating satisfactory performance, due at time of license renewal each year your license is on probation.

Upon successful completion of three (3) years of the probationary period; you may apply to the Board in writing for release from probation.

If you have any questions, please feel free to contact the Board office.

Sincerely,

A handwritten signature in cursive script that reads "Loretta L. Ponton".

Loretta L. Ponton
Executive Director

OCT 24 2016

**BEFORE THE NEVADA STATE BOARD OF
OCCUPATIONAL THERAPY**

IN THE MATTER OF
ADRIANE BOYNTON
OTR NO. 11-0113

Respondent.

CASE NO. C16-02

CONSENT DECREE

The State of Nevada BOARD of Occupational Therapy ("BOARD") having jurisdiction over licensee ADRIANE BOYNTON ("BOYNTON"), pursuant to NRS 640A.010; an accusation against said licensee having been received alleging violations of the Nevada statutes and regulations controlling the practice of occupational therapy; and the parties being mutually desirous of settling the controversy between them relative to the pending accusation;

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

VOLUNTARY WAIVER OF RIGHTS

BOYNTON is aware of, understands, and has been advised of the effect of this Consent Decree, which she has carefully read and fully acknowledges. BOYNTON has had the opportunity to consult with competent counsel of her choice.

BOYNTON has freely and voluntarily entered into this Consent Decree, and she is aware of her rights to contest the charges pending against her. These rights include representation by an attorney at her own expense, the right to file an answer in response to a formal complaint, the right to a public hearing on any charges or allegations formally filed, the right to confront and cross-examine witnesses called to testify against her, the right to present evidence on her own behalf, the right to testify on her own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint, and the right to obtain judicial review of the decision. All of

1 these rights are being voluntarily waived by BOYNTON in exchange for the BOARD'S
2 acceptance of this Consent Decree.

3 If the Consent Decree is not accepted by the BOARD, no member of the BOARD
4 will be disqualified from further hearing of this matter, by reason of his or her
5 consideration of the Consent Decree and BOYNTON hereby waives any claim of bias or
6 prejudice based upon said consideration by any member of the BOARD in any subsequent
7 disciplinary hearing conducted by the BOARD.

8 JURISDICTION

9 BOYNTON acknowledges that the BOARD has jurisdiction over her and the
10 conduct that has precipitated this Consent Decree. BOYNTON acknowledges that the
11 BOARD has the legal power and authority to take disciplinary action, including, but not
12 limited to, the revocation of her license to practice occupational therapy in Nevada.

13 BOYNTON acknowledges that the BOARD will retain jurisdiction over this matter
14 until all terms and conditions set forth in this Consent Decree have been met to the
15 satisfaction of the BOARD.

16 PUBLICATION OF CONSENT DECREE

17 BOYNTON acknowledges that at the time this Consent Decree becomes effective, it
18 also becomes a public document and will be reported to the State of Nevada, Legislative
19 Council Bureau, Disciplinary Action Reporting System; and such other national
20 databases as required by law. It is also understood that any meeting during which the
21 BOARD considers and accepts or rejects this Consent Decree is open to the public and
22 that the minutes of the BOARD meeting are a public document, available for inspection
23 by any person so requesting.

24 STIPULATED FACTS AND CONCLUSIONS OF LAW

25 BOYNTON understands the nature of the allegations under consideration by the
26 BOARD. She acknowledges that the conduct described below constitutes violations of the
27 Nevada Occupational Therapy Practice Act (NRS and NAC 640A). She acknowledges
28 that if this matter were to be taken to a disciplinary hearing before the BOARD, the

1 following allegations could be proven by substantial evidence and that by acknowledging
2 the same, she is subject to disciplinary action by the BOARD:

3 1. BOYNTON was originally licensed as an Occupational Therapist on or about
4 July 23, 2010 through June 30, 2013, which is the date her license expired.

5 2. BOYNTON later submitted an application for reinstatement of her license
6 on December 25, 2015.

7 3. At the time of the application, BOYNTON held a Utah OTR license that was
8 issued on October 26, 2012.

9 4. During the BOARD investigation, it was discovered that BOYNTON failed to
10 notify the BOARD of a disciplinary action taken by Utah resulting in a five (5) year
11 voluntary surrender of BOYNTON's OTR license under a consent decree effective March
12 17, 2016.

13 a. BOYNTON stipulated in this consent decree that prior to
14 reapplication of her Utah OTR license, she must document that she has not used alcohol
15 or drugs for a period of one year prior to application.

16 b. Documentation would be in the form of drug tests, submitting
17 substance use disorder evaluation, and completion of all criminal sanctions, if any.

18 5. An accusation was filed by the BOARD on May 24, 2016 for failure to notify
19 the BOARD of disciplinary action taken in another jurisdiction and concealing
20 information that may result in harm to the public health, safety and welfare.

21 6. This conduct violated NAC 640A.200(4)(a) and (c) which states that
22 unprofessional conduct includes: the obtaining of a license by fraud or through the
23 misrepresentation or concealment of a material fact; and the violation of any provisions of
24 this chapter or regulation of the Board adopted pursuant to this chapter.

25 7. This conduct violated NAC 640A.350 which states, in addition to those acts
26 specified in subsection 3 of NRS 640A.200, the following acts, among others, constitute
27 "unprofessional conduct";
28

1 4. Failing to report or otherwise concealing information
2 related to a violation of this chapter or NRS 640A.200 which
3 could result in harm to the public health and welfare;

4 ...

5 11. Violating a provision of the Occupational Therapy Code of
6 Ethics or the Standards of Practice for Occupational Therapy,
7 adopted by reference in NAC 640A.205.

8 ...

9 15. Making false statements, providing false information or
10 omitting pertinent information in connection with an application
11 for licensure or renewal of a license.

12 8. This conduct violated the AOTA Occupational Therapy Code of Ethics,
13 Principle 2. Occupational therapy personnel shall intentionally refrain from actions that
14 cause harm. Occupational therapy personnel shall:

15 E. Recognize and take appropriate action to remedy personal problems
16 and limitations that might cause harm to recipients of services, colleagues, students,
17 research participants, or others.

18 F. Avoid any undue influences, such as alcohol or drugs, which may
19 compromise the provision of occupational therapy services, education, or research.

20 9. This conduct violated the AOTA Occupational Therapy Code of Ethics,
21 Principle 6. Occupational therapy personnel shall provide accurate information when
22 representing the profession. (VERACITY) 5. Occupational therapy personnel shall:

23 E. Accept responsibility for their professional actions that reduce the
24 public's trust in occupational therapy services and those that perform those services.

25 10. This conduct violated the AOTA Occupational Therapy Standards of
26 Practice, Standard I: Professional Standing and Responsibility:

27 2. An occupational therapy practitioner is knowledgeable about and
28 delivers therapy services in accordance with AOTA standards, policies, and guidelines,
and state and federal requirements relevant to practice and service industry.

4. An occupational therapy practitioner abides by the AOTA
Occupational Code of Ethics.

1 2. Within forty-five (45) days of the approval and execution of this Consent
2 Decree, BOYNTON shall pay the BOARD Four Hundred Ninety Three Dollars (\$493.00)
3 in legal and investigative fees.

4 3. The period of probation shall commence upon execution of this Consent
5 Decree by the presiding member of the BOARD. After the probation has been in effect for
6 a three (3) year time period, BOYNTON may apply to the BOARD in writing for relief
7 from the probationary status of her occupational therapy license number 11-0113. Upon
8 application for relief from probation, BOYNTON agrees to meet with the Chair of the
9 BOARD or her/her designee, the Executive Director and BOARD counsel, if so requested,
10 for evaluation of her compliance with the Consent Decree and for their recommendation
11 for termination of probation, full reinstatement, or additional disciplinary action at a
12 separate hearing before the BOARD.

13 4. During the term of probation, BOYNTON agrees to comply with the
14 following terms and conditions:

15 a. Submit to a drug test within ten (10) days prior to the
16 November 19, 2016 BOARD meeting and thirty (30) days after approval of the consent
17 decree by the BOARD.

18 b. Submit to random drug testing after the thirty (30) days mentioned in
19 subsection 4(a) at the request of the BOARD.

20 c. License renewal shall be contingent upon receipt of letter of
21 satisfactory performance from her employer each year, to be submitted at the time of
22 renewal.

23 d. BOYNTON shall obey all federal, state and local laws, and orders of
24 the BOARD, which are not inconsistent with this Consent Decree, pertaining to the
25 practice of occupational therapy in this State. Any and all violations shall be reported by
26 BOYNTON to the BOARD in writing within seventy-two (72) hours.

27 e. BOYNTON is required to notify the BOARD in writing within
28 seventy-two (72) hours after any change in occupational therapy employment, including

1 self-employment, consulting or volunteering. Any notification of termination shall
2 contain a full explanation of the circumstances surrounding it.

3 f. BOYNTON shall receive credit toward service of her probation period
4 only while employed as a licensed Occupational Therapist in the State of Nevada.

5 g. BOYNTON shall notify all current and potential employers of the
6 terms and conditions of probation which will affect her employment. BOYNTON shall
7 provide a copy of the consent decree to each employer during the length of probation.
8 Such notification shall be signed by each employer. BOYNTON shall submit, upon
9 request by the BOARD or its designee, satisfactory evidence of compliance with this term
10 of probation.

11 5. BOYNTON's license shall automatically be revoked and BOYNTON will not
12 be eligible to re-apply for licensure for a period of five (5) years if:

13 a. A positive drug test result is received by the BOARD during the period
14 of probation; or

15 b. BOYNTON leaves the State of Nevada prior to completing all of the
16 terms of this consent decree; or

17 c. BOYNTON discontinues practice as an Occupational Therapist.

18 6. BOYNTON agrees that she will be financially responsible for all
19 requirements of this Consent Decree, including any reasonable financial assessments by
20 the Board for the cost of monitoring her compliance or carrying out the provisions of this
21 Consent Decree.

22 VIOLATION OF TERMS OF CONSENT DECREE

23 BOYNTON understands that the BOARD may, upon thirty (30) days' notice to
24 BOYNTON, convene a hearing for the limited purpose of establishing that she has, in
25 fact, been in violation of the terms of this Consent Decree. If such a hearing results in a
26 finding of a violation of this Consent Decree, the BOARD may impose any penalty upon
27 BOYNTON authorized by NRS 640A.200 including, but not limited to, revocation of her
28 license to practice occupational therapy in the State of Nevada.

1 In the event that a violation of the terms of the Consent Decree is alleged,
2 BOYNTON agrees to surrender her license to the Executive Director, if the Executive
3 Director so requests, and refrain from practicing occupational therapy until entry of a
4 final order of the BOARD or a court of competent jurisdiction, whichever last occurs,
5 regarding a potential violation. BOYNTON agrees to waive her right to appeal the
6 substantive legal basis of the original disciplinary action, which is the basis for this
7 Consent Decree. In the event an alleged violation of the Consent Decree is taken to
8 hearing and the facts which constitute the violation are determined to be not proven, no
9 disciplinary action shall be taken by the BOARD.

10 **ACCEPTANCE BY THE BOARD**

11 This Consent Decree was presented and accepted by the BOARD with a
12 recommendation for approval from the Attorney General's Office at its next meeting.

13 **COMPLETE CONSENT DECREE**

14 This Consent Decree embodies the entire agreement between the BOARD and
15 ADRIANE BOYNTON. It may not be altered, amended, or modified without the express
16 written consent of the parties.

17 DATED this 20 day of October, 2016.

18
19 By: ADP
20 ADRIANE BOYNTON, OTR

21 ///

22 ///

23 ///

24 ///

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1 The foregoing Consent Decree between ADRIANE BOYNTON and the STATE OF
2 NEVADA BOARD OF OCCUPATIONAL THERAPY in Case No. C16-02 is approved as to
3 form and content.

4 DATED this 24 day of OCTOBER, 2016.

5 ADAM PAUL LAXALT
6 Attorney General

7
8 By: 

9 HENNA RASUL
10 Senior Deputy Attorney General
11 100. N. Carson Street
12 Carson City, Nevada 89701
13 (775) 684-1234
14 Counsel to the State of Nevada
15 Board of Occupational Therapy
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ORDER

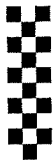
By a majority vote on the 19th day of November, 2016, the State of Nevada Board of Occupational Therapy approved and adopted the terms and conditions set for the in the attached Consent Decree with Adriane Boynton.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this _____ day of _____, 2016.

By: Linda Frasier OTR/L

LINDA FRASIER, OTR/L
Chair of the Board of Occupational Therapy



3340 Sunrise Ave. Suite 104 Las Vegas, NV 89101
Phone: (702) 452-4999 Fax: (702) 314-1368

RE: Boynton, Adriane Number: 3666P Date Collected: 11/10/2016 Time: 8:00 AM
 SSN: 000-00-1985 Time from referral: Date Received: 11/10/2016 Time: 3:01 PM
 Requesting Agency: Out Patient Date Reported: 11/10/2016 Time: 3:42 PM

Requested Test: Urine-10+Alc
 Drugs Tested For:

Hair - Screening Cutoff	Urine - Screening Cutoff	Blood - Screening Cutoff	Other - Screening Cutoff
	Alcohol	0.02%	
	Amphetamines	500 ng/ml	
	Barbiturates	300 ng/ml	
	Benzodiazepines	300 ng/ml	
	Cocaine Metabolite	150 ng/ml	
	Methadone	300 ng/ml	
	Methamphetamine	500 ng/ml	
	Opiates	2000 ng/ml	
	Phencyclidine	25 ng/ml	
	Propoxyphene	300 ng/ml	
	THC Metabolite	25 ng/ml	

URINE RESULTS

Negative

A negative result indicates that none of the drugs listed above were detected at a concentration greater than their listed cutoff levels.

BLOOD DRUGS

Not Requested

BLOOD RESULTS

HAIR RESULTS

Not Requested

OTHER DRUGS

Not Requested

OTHER RESULTS

REPORT NOTATIONS

Raymond C. Kelly, Ph.d. DABFT
Laboratory Director

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 8: Approval of Completion of Terms of Consent Decree

Donna Costa, OTR License No. 13-0323 Case No C18-2, February 9, 2019

Ms. Costa entered into a Consent Decree approved by the Board on February 9, 2019.

Ms. Costa has complied with all terms of the Consent Decree and was released from probation May 24, 2019. Ms. Costa provided a written report on April 9, 2020 and provided documentation of notice to her employer of her disciplinary status in compliance with the Consent Decree.

One last term remains, providing a presentation on Ethics at the Board Sponsored Seminar to be held prior to June 30, 2020.

Due to the COVID-19 pandemic the Board cancelled the sponsored seminars schedule in April 2020. Ms. Costa has provided the slide presentation materials which would have been utilized at the Board seminars.

The Board is requested to consider approval of completion of all terms of the Consent Decree due to the COVID-19 emergency requiring cancellation of the Board Seminars. Ms. Costa has complied in good faith with preparation for her presentation on Ethics as the remaining term of the Consent Decree.

Attachments

Letter dated February 12, 2019 outlining terms of the Consent Decree
Letter dated May 24, 2019 – release from probationary status
Paper on Ethics and Conflict of Interest dated April 10, 2019
Ethics Presentation Slides



Steve Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

P.O. BOX 34779
Reno, Nevada 89533-4779
Phone: (775) 746-4101 / Fax: (775) 746-4105
Email: board@nvot.org / Website: www.nvot.org

Loretta L. Ponton
Executive Director

May 24, 2019

Donna Costa, OTR
2079 Oliver Springs St.
Henderson, NV 89052

Re: Case No. C18-02 - Release from Probationary Status

Dear Ms. Costa,

Pursuant to the terms of the Consent Decree entered into with the Board of Occupational Therapy, having completed all the terms of probation, your license is hereby released from probationary status.

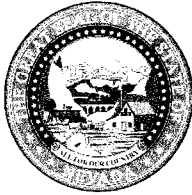
The Board will be determining the dates of the Board seminars in the near future and anticipate the seminars will be scheduled between April and June, 2020. If there are any dates that may conflict with your schedule, please let me know as soon as possible. Otherwise, I will notify you of the selected seminar dates. If you wish to expand your presentation from the required 2 hours to 4 hours, as indicated in your report, please let me know and I will accommodate the scheduling of the session.

If you have any questions, please feel free to contact the Board.

Sincerely,

A handwritten signature in cursive script, reading "Loretta L. Ponton".

Loretta L. Ponton
Executive Director



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Loretta L. Ponton
Executive Director

February 12, 2019

Donna Costa, OTR
2079 Oliver Springs St.
Henderson, NV 89052

Re: Case No. C18-02

Dear Ms. Costa,

The Board of Occupational Therapy considered and approved the Consent Decree in the above referenced case at their meeting of February 9, 2019. A copy of the fully executed Consent Decree is provided.

Pursuant to the terms of the Consent Decree, the following actions are required:

1. License is placed on Probation beginning February 9, 2019, probationary status will be lifted upon completion of the following:
 - a) Payment of \$5,941.67 in legal and investigative fees;
 - b) Six (6) hours of continuing education in Ethics related to "conflict of interest";
2. No later than April 10, 2019, provide a written report on challenges and solutions to maintaining professional integrity when confronted with a potential conflict of interest, lessons learned and solutions to potential conflicts;
3. Develop a two (2) hour CE presentation for a Board sponsored seminar based upon best practices and lessons learned in addressing potential conflict of interest situations in the workplace, at school or in private practice.
4. Deliver the two (2) hour CE presentation no later than June 30, 2020 as scheduled by the Board;
5. Provide a copy of the first page of the Consent Decree signed and dated by your employer.

Payment of the legal and investigative fees may be made by check or credit card through the Click to Pay tab, Miscellaneous fee option on the website.

If you have any questions, please feel free to contact the Board.

Sincerely,

A handwritten signature in black ink, reading "Loretta L. Ponton".

Loretta L. Ponton
Executive Director

PAPER FOR NEVADA BOARD OF OCCUPATIONAL THERAPY
ETHICS AND CONFLICT OF INTEREST POLICIES

Donna Costa, DHS, OTR/L, FAOTA

April 10, 2019

This paper is being written to fulfill the requirements as set forth in the consent decree. Prior to enrolling in the selected course, I did an extensive internet search for ethics training involving conflict of interest. It was very difficult to find courses that met the 6- hour requirement. Most of the ethics courses that I found were focused on conflicts of interest in research. Following receiving approval from Ms. Loretta Ponton of the Nevada Board of Occupational Therapy, I completed an online 8-hour ethics course titled Conflict of Interest: Ethical Dilemmas written by Patsy Barnes, RN, BA. The course presented a broad overview of conflicts of interest, with specific applications written for nurses, case managers, rehabilitation counselors, and disability management specialists. While the content of the course did not address occupational therapy specifically, the material presented is applicable to occupational therapists. The types of conflicts of interest covered in this course included those such accepting gifts from pharmaceutical companies, romantic relationships in the workplace, nepotism, policies about accepting gifts from patients, sexual relationships with clients/former clients, gifts given for referrals, and funding of continuing medical education.

The Institute of Medicine has defined conflict of interest as “a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest”. (Institute of Medicine, 2009). There are several different types of conflicts of interest, with one of them being a conflict of commitment. This occurs when

there is an outside relationship that may deter an individual from devoting an appropriate amount of time, energy, creativity, or other personal resources to his or her responsibilities. (Barnes, n.d.)

The course presented several ethics theories that underlie conflicts of interest. One of these is consequentialism which holds the view that the correct moral response is related to the outcome, or consequence, of the act. This theory states that the consequence of the decision, not the method of getting there, is the important fact. This theory essentially is “the ends justifies the means”. Another theory is that of deontology which is based on one’s duties and rights and which respects individuals as ends in themselves. It places value on the intentions of the individual (rather than the outcomes of any action) and focuses on rules, obligations and duties. The course material made the point of stating that one of the key criticisms in healthcare is that applying a strictly deontological approach to healthcare can lead to conflicts of interest between equally entitled individuals which can be difficult or even seemingly impossible to resolve. Essentially this theory is “the means justifies the ends”.

When a person is faced with making an ethical decision, that person needs to be aware of the ethical issues involved. He or she needs to use a method for exploring the various ethical aspects of their decision and weigh the alternatives for the various courses of action possible. Healthcare providers should regularly practice an ethical decision-making model so that the process is automatic for them. When encountering more complex situations, it is advised that healthcare providers should seek out their colleagues to engage in a dialogue about the dilemma. This will lead to careful exploration of the problem, and by soliciting advice from others, one will be led to making good ethical choices in such situations.

In this course, the author presented multi-step framework for ethical decision making and for exploring ethical dilemmas and identifying ethical courses of action. There are five steps in this process as follows:

1. *State the Ethical Issue* – When first looking at the situation, it is helpful to look at whether there is something wrong personally, interpersonally, or socially. Questions that should be asked include: “Could the conflict, the situation, or the decision be damaging to people or to the community? Does the issue go beyond legal or institutional concerns? Will it harm the patient, institution or profession?” (Barnes, n.d.)

2. *Gather the Facts* – The next step in the process is to look at the relevant facts of the case? Questions that should be asked include: “What facts are unknown? What individuals and groups have an important stake in the outcome? Do some have a greater stake because they have a special need or because we have special obligations to them? What are the options for acting? Have all the relevant persons and groups been consulted? If you showed your list of options to someone you respect, what would that person say?” (Barnes, n.d.)

3. *Evaluate Alternative Actions from Various Ethical Perspectives* – Once you have gathered the facts, then one can begin to consider what options are available to you. Questions that one should ask include: “Which option will produce the most good and do the least harm? Is there one action that will be best for all parties involved? There are several ethical principles that can be utilized in approaching the best action to take.

- **Utilitarian Approach:** The ethical action is the one that will produce the greatest balance of benefits over harms. Even if not everyone gets all they want, will everyone's rights and dignity still be respected?

- Rights Approach: The ethical action is the one that most dutifully respects the rights of all affected. Which option is fair to all stakeholders?
- Fairness or Justice Approach: The ethical action is the one that treats people equally, or if unequally, that treats people proportionately and fairly. Which option would help all participate more fully in the life we share as a professional, a community, and as a society?
- Common Good Approach: The ethical action is the one that contributes most to the achievement of a quality common life together. Would you want to become the sort of person who acts this way (e.g., a person of courage or compassion)? Would you want a disabled family member to be treated by a professional in this way?
- Virtue Approach: The ethical action is the one that embodies the habits and values of humans at their best.” (Barnes, n.d.)

4. Choose a Decision and Test It – The next step in the process after considering all these perspectives, is to decide which of the options is the right or best thing to do. Questions that one should be asking include: “It may be helpful to imagine telling someone that you respect why you chose this option, and then ask yourself what would that person say? Alternatively, if you had to explain your decision on television, would you be comfortable doing so?” (Barnes, n.d.)

5. Act and Then Reevaluate the Decision at a Later Time – The final step in this process is to implement your decision. At a later point in time you should reflect on how your decision turned out for all concerned. The main question that should be asked is: “If you had it to do over again, what would you do differently?” (Barnes, n.d.)

This five step process is an alternative process from the CELIBATE method which I have previously taught to occupational therapy students for decades. This approach is outlined in the book *Ethics in Rehabilitation: A Clinical Perspective*, 2nd Ed. (Kornblau & Burkhardt, 2012). The authors developed this CELIBATE method which stands for Clinical Ethics Bait All Therapists Equally. The steps involved in this process include:

1. What is the problem?
2. What are the facts of the situation?
3. Who are the interested parties? – Facility, patient, other therapists, observers, payers, others
4. What is the nature of their interest? Why is this a problem? – professional, personal, business, economic, intellectual, societal
5. Is there an ethical issue?
6. Is there a legal issue?
7. Do I need more information?
8. Brainstorm possible action steps.
9. Analyze action steps.
10. Choose a course of action (considering ethical principles and philosophies) (Kornblau & Burkhardt, 2015, p. 82)

This course also included a full length reprint of an article titled *The Moral Psychology of Conflicts of Interest: Insights from Affective Neuroscience* (Thagard, 2007). This article presented an overview of the moral psychology of decisions that involve a conflict of interest from the perspective of the field of affective neuroscience, which is the study of the neurobiology of emotional systems in the brain. The author of this article attempts to explain

why healthcare professionals are often unaware that a conflict of interest exists and that these dilemmas are much more common than we suspect. Each of us react to ethical situation differently and when faced with a conflict of interest do not always employ rational thought. Thagard defines conflicts of interest as situations that arise when people make decisions biased by their personal goals, neglecting their responsibilities to consider the interests of others. The author posits that “effective decision making requires integration of reasoning with positive and negative emotional reactions based on memories of previous experiences.” He further lists several implications that are most important for understanding conflicts of interest.

- “1. Human decision making is not a purely verbal/mathematical process, but requires integration of cognitive and emotional processing.
2. Cognitive-emotional processing requires interconnections among multiple brain areas.
3. The result of decision making is a feeling about what is the right or wrong thing to do.
4. People have no conscious access to the process of cognitive-affective integration, so that they cannot know why they have particular feelings about what to do.”

The author concludes with the following: “People naturally have personal goals that may conflict with their professional responsibilities, but lack a mental mechanism to detect such divergences. Moreover, they usually lack knowledge of the complex neuropsychological processes, that can easily produce decisions generated by prospects of immediate reward rather than by global calculation. Hence people usually remain unaware that they are acting immorally as the result of a conflict of interest.”

This ethics course then goes into common types of conflict of interest that are encountered in the workplace and how to address them. These include the following:

- Fraternization – This generally applies to managers or supervisors who are not permitted to date or pursue romantic or sexual relationships with employees whom they supervise directly or indirectly.
- Nepotism - This type of conflict of interest exists when one uses a position of power or authority to influence the hiring or promotion process of a spouse, partner, sibling, child or other relative.
- Relative or Friends Employed by Suppliers or Customers – This category refers to policies that employees avoid any activity that shows favoritism towards family members or the perception of such favoritism.

This course also contained a section on the issue of gift-giving in therapy, primarily about situations where patients/clients give gifts to therapists. This is a topic that is very prevalent in the behavioral health field and the guidelines involves psychotherapeutic principles. The author discusses how gifts are important social rituals that are often given by patients/clients to their therapists as an expression of gratitude and appreciation. It is generally recommended that therapists accept gifts as it is important to avoid damaging the therapeutic relationship which could occur if the therapist rejected the gift. In psychotherapy, therapists generally will discuss the meaning of the gift-giving with the client as part of the therapy process. Some of the issues that will be relevant are the nature of the therapeutic alliance and therapeutic setting, the patient's/client's' cultural background, the therapists' cultural background, the type and length of treatment and the quality of the therapeutic relationship. Other factors that may be relevant include the clients' history, the problem or issue that brought them to therapy, their diagnosis, and issues related to financial background. Therefore, every gift given needs to be evaluated for its timing, monetary value, frequency, etc. Those gifts that are inappropriate, such as those that

are very expensive, ill-timed or those with sexual or offensive themes, should not be accepted by therapists. Therapists should discuss the reasons why these gifts are inappropriate so that the patient understands the boundary violation.

The last section of this course focuses on managing conflict of interest in healthcare innovation. This refers to the relationships between health care professionals and the pharmaceutical drug, device, and biotechnology industries who offer “incentives” such as product training sessions or conferences, sales and promotional meetings, consulting or investment arrangements, research and trial arrangements, economic remuneration, grants, or charitable donations. These collaborations are aimed at promoting public health through sharing and exchanging information between health care. But they can also unduly influence healthcare professionals because of the inherent conflict of interest they present. The main way we see these managed are through disclosures made by healthcare professionals at conferences, in publications, and in research grant applications.

So what was learned through this course? In all honesty, having been an occupational therapist for 46 years, and having taught ethics to students for decades, most of the information was not new to me. But if look at many of the examples presented in this course and the other written materials I have referenced in this paper, I do not think that occupational therapy practitioners understand conflict of interest policies. It is not a topic that is usually covered in ethics courses taught to students, nor is it explicitly addressed in the AOTA Code of Ethics (AOTA, 2015). OT practitioners frequently have to sign non-compete clauses when they are hired, particularly in small privately owned businesses, and while that is related to conflict of interest, it is distinctly different. In academic work settings, conflict of interest policies are more prevalent, but they are usually connected to research. I have taught in a variety of academic

institutions since 1995, and only recently have been asked to sign conflict of interest statements. In my experience, these are written in such detailed legal language that they are not readily comprehensible. I am not sure how many people, including myself, read them carefully and understand the scope of their intent.

With regards to the situation I have found myself in, the conflict of interest policy put in place at Touro University Nevada changed over time. Initially, it was a one page statement given to me along with the offer of employment and led me to disclose those companies that I worked for and received compensation for. The policy evolved over the next few years, resulting in being sent a long legal document sent electronically to all employees. It was a much more robust policy but was written in such legal language that to be honest, I did not think most of it applied to me. I continued to disclose the two companies I worked for in addition to my primary employment as a professor. What I failed to do was notify the university and file an addendum to the required annual disclosure when I began working with UNLV. Part of that stemmed from the nature of the employment contract at Touro University Nevada which allowed faculty one day per week to pursue outside employment.

So why did I fail to file the addendum to the conflict of interest annual disclosure? This oversight was due in part because there was no information provided by Human Resources about the process required. It was also due in part because I did not think that I had to do so since I was not on the payroll of UNLV. I wrote a proposal for UNLV demonstrating the need to develop an additional occupational therapy education program which they then used to get approval from Nevada State Higher Education (NSHE). I also had decided to leave Touro University Nevada, reducing my employment to half-time and having submitted in writing my intent to leave Touro. In my mind, this constituted separation, but I now realize that I should have either left Touro

earlier, or delayed my involvement with UNLV until I had fully separated from Touro. This was essentially an issue of timing. At no time was anyone harmed by my actions. The work I did was prompted by the need to expand the occupational therapy workforce in the state of Nevada and so in my mind, the ends justified the means of serving the greater good. I have developed an entry-level occupational therapy doctorate (OTD) program which will start in June 2020, a post-professional occupational therapy doctorate program which will be offered completely on-line at a very affordable cost, and am developing a Bachelor's level occupational therapy assistant program. These programs will serve the community well, both in terms of expanding the occupational therapy workforce in Nevada, but also in providing advanced education opportunities for occupational therapists to earn their doctorates.

Moving forward I have learned the need to apply an ethical decision-making framework when confronted with a potential conflict of interest such as the one presented in the course that I summarized in this paper. Employing this multi-step process forces one to consider the various aspects of the conflict of interest, generate alternative solutions, and explore the ramifications of each of those potential decisions. I believe that occupational therapy practitioners could greatly benefit from learning more about this topic and so I am delighted to have the opportunity to work with the Nevada Board of Occupational Therapy to develop a continuing education seminar about this topic. It may be that two hours will not be adequate to address the topic adequately and so the Board may want to consider a 4 hour course.

References:

Thagard, P. (2007). The Moral Psychology of Conflicts of Interest: Insights from Affective Neuroscience. *Journal of Applied Philosophy* 24(4), 367 – 380. DOI: 10.1111/j.1468-5930.2007.00382.x

Barnes, P. (n.d.) Conflict of Interest: Ethical Dilemmas. Course offering in AAA CEUs: Online Continuing Education for Healthcare Professionals.

https://www.aaaceus.com/course_overview.asp?course=1619

Howard, B. S., & Kennell, B. (2018). Ethical concerns in OT/OTA education: Navigating treacherous waters. *OT Practice*, 23(11), 14–20. <https://doi.org/10.7138/otp.2018.2311.f2>

Institute of Medicine 2009. *Conflict of Interest in Medical Research, Education, and Practice*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/12598>.

Kornblau, B., & Burkhardt, A. (2012). *Ethics in Rehabilitation: A Clinical Perspective*. 2nd Ed. Slack: Thorofare, NJ.

Scott, J., ^ Reitz, M. (2017). *Practical Applications for the Occupational Therapy Code of Ethics*. AOTA Press: Bethesda, MD.

Reed, K. (2018). *Ethical Decision-Making in Occupational Therapy*, 2nd Ed. Western Schools: Brockton, MA. Available at <file:///G:/Ethics%20course%20Kitty%20Reed%20H9015.pdf>

American Occupational Therapy Association (2015). Occupational Therapy Code of Ethics. *American Journal of Occupational Therapy*, 69(Suppl. 3), 1-8. <https://ajot.aota.org/article.aspx?articleid=2442685>. doi:10.5014/ajot.2015.696S03

State of Nevada
Board of Occupational Therapy

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Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 9: Consideration of License Application
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Paul Vallarta, COTA

Mr. Paul Vallarta has submitted an application for licensure in Nevada.

Mr. Vallarta was previously licensed as an Occupational Therapy Assistant in Nevada on April 15, 2015, which license was placed on probation for two-years, with a provision the probation must be completed within 4 years from the date of issuance, through a stipulated agreement with the Board.

Mr. Vallarta did not obtain employment in Nevada prior to the 4 year expiration date.

Mr. Vallarta's request for an extension of the probationary period was denied by the Board on February 9, 2019. His license was automatically revoked April 15, 2019 pursuant to the stipulated agreement; the Board action allows Mr. Vallarta to reapply for licensure after one (1) year.

Mr. Vallarta has a current license in good standing in the State of Utah and has current NBCOT certification.

An informal criminal history investigation did not find any charges or arrests since the original reported offenses.

Attachments

License Application
Stipulated Agreement dated April 2015



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Personal Information

License Information

I am applying for

- ☐ Occupational Therapist*
- ☒ Occupational Therapy Assistant*

Application Type

- ☒ Standard*
- ☐ Temporary*
- ☐ Provisional*

Applicant Information

Please complete the information below. Your name should be entered how it is to appear on your license.

First Name*	Middle Name	Last Name*	Suffix
<input type="text" value="Paul"/>	<input type="text"/>	<input type="text" value="Vallarta"/>	<input type="text"/>
Other Names you have used	Social Security Number / Taxpayer Identification Number*	Gender*	
<input type="text"/>	<input type="text" value="551-69-2026"/>	<input type="text" value="Male"/>	
Date of Birth*	Place of Birth*		
<input type="text" value="05/20/1972"/>	<input type="text" value="Mexico"/>		
US Citizen <input type="radio"/> Yes <input checked="" type="radio"/> No			

Authorized to Work in the USA

☒ Yes

☐ No

Contact Information

Mailing Address*

PO Box 91052

City*

Pasadena

State*

CA

ZIP Code*

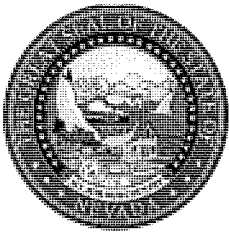
91109

Contact Phone Number*

626-394-1710

E-mail Address*

paul.vallarta@yahoo.com



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Miscellaneous

Education Information

Educational Institution*

Mount Saint Mary's University

City*

Los Angeles

State*

CA

Date Graduated*

May, 2001

Degree Awarded*

Associate Degree

NBCOT Information

Are you currently certified by NBCOT? ☒ Yes* ☐ No*

Certification Number

1054547

Other State License Information

Are you now or have you ever been licensed, certified or registered in any jurisdiction? ☒ Yes* ☐ No*

List each license held in the previous 5 years.

State/Jurisdiction*

UT

License Number*

8884485-4202

Issue Date*

01/15/2014

Expiration Date*

05/31/2021

?

State/Jurisdiction*

NV

License Number*

15-1278

Issue Date*

04/15/2015

Expiration Date*

04/15/2019

?

Please select the add button for additional rows.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Employment Information

Employment Information/Location

Please provide your current/previous employment information. Select the add button to add additional employer information.

Employment Information/Location

Remedy Therapy Services

?

Address

7262 Engle Road Suite 350

City

Middleburg Heights

State

OH

ZIP Code

44130

Business Phone

833-340-8385

Business Fax

999-999-9999

Email Address

user@domain.com

Start Date

02/22/2014

End Date

04/25/20

Current Employer

Yes

Employment Information/Location

Sand Hollow Healthcare Inc

Address

1032 East 100 South

City

Saint George

State

UT

ZIP Code

84770

Business Phone

435-628-0488

Business Fax

999-999-9999

Email Address

user@domain.com

Start Date

11/15/2019

End Date

04/25/20

Current Employer

Yes

?

Click the add button to add additional current or previous employer information.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Legal Questions

Legal Information

If the answer to any of the questions below is "Yes", you will be required to provide full details.

Has there ever been a complaint filed, investigation or legal action taken against your professional license for any reason?*

☐ Yes* ☒ No*

Are there any pending legal actions, complaints, investigations or hearings in process?*

☐ Yes* ☒ No*

Have you ever had a professional license, certification or registration denied, restricted, suspended or revoked?*

☐ Yes* ☒ No*

Have you ever relinquished responsibilities, resigned a position or been fired while a complaint was pending against you?*

☐ Yes* ☒ No*

Have you ever been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? (Exclude minor traffic violations.)*

☒ Yes* ☐ No*

Military Service / Veterans Status

Select one of the following options.

☒ None*

☐ Uniformed Military*

☐ Veteran*

☐ Military Spouse*

☐ Veteran Spouse*



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Explanation

Explanation

Please provide details and/or upload documentation to explain each question with a "yes" answer. If further information is required, you will be notified.

Have you ever been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? (Exclude minor traffic violations.)

Answer:

Uploaded File(s)

Uploaded File



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Information

Nevada Business License Information

- ☒ I do NOT have a Nevada state business license number.*
- ☐ I have applied for a Nevada business license with the Nevada Secretary of State in compliance with the provision of NRS Chapter 76 and my application is pending.*
- ☐ I have a Nevada Business License number assigned by the Secretary of State in compliance with the provisions of NRS Chapter 76.*

Child Support Information

- ☒ I am not subject to a court order for the support of a child.*
- ☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*
- ☐ I am subject to a court order for the support of one or more children and am NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Declaration

Notice as Mandatory Reporter of Abuse or Neglect

- ☒ I acknowledge I have been informed of my duty as a mandatory reporter of abuse or neglect of a child pursuant to NRS 432B.

Declaration

- ☒ I declare, under penalty of perjury, all the information supplied herein is to the best of my knowledge true, accurate and complete and I have not withheld, misrepresented, or falsely stated any information relevant to my application, education, training, experience or my fitness to practice the profession for which I am applying.

Photograph

Please upload a 2x2 photograph. Driver's License is acceptable.

Uploaded File(s)

[Uploaded File](#)

Verification of NBCOT Certification

Please upload current certification status. Acceptable documentation include:

- on-line verification printout from NBCOT; or
- request written verification from NBCOT to be sent directly to the board.

Uploaded File(s)

[Uploaded File](#)

Verification of Licensure in Another State

Please upload Verification of Licensure in Another State.

Verification of your license status and disciplinary history must be provided for all jurisdictions in which you have held a license in the previous 5 years.

Acceptable documentation for verification purposes:

- Written verification received directly from the regulatory entity; or
- On-line verification printout from official regulatory entity website dated within 10 days of date of application; or
- Electronic verification received directly from the regulatory entity.

Uploaded File(s)

Uploaded File

Military Service / Veterans Documentation

Please attach documentation of Veteran or Active Military status.

April 25, 2020

State of Nevada Board of Occupational Therapy

6170 Mae Anne Ave

Las Vegas, NV 89523

To: Whom It May Concern:

I, Paul Vallarta feel that I am rehabilitated and have proven that by holding my COTA license in the State of Utah since 2014, without any restrictions. I made the decision to apply for my COTA license in the state of Nevada once again due to the Covid-19 pandemic; my hours at work have been reduced. I have worked on clearing up my record without any further or pending incidents against me, below is the status of each of my cases at this time.

Case No.	93M07140	Has Been Dismissed
Case No.	KA020531	Received Certificate of Rehabilitation
Case No.	9AT03684	Process of obtaining dismissal
Case No.	0JM00527	Has Been Dismissed
Case No.	3JM03824	Has Been Dismissed
Case No.	4VN03540	Has Been Dismissed
Case No.	0AV05598	Process of obtaining dismissal
Case No.	C471582A/C	Cases Have Been Sealed

Licensing:

I applied for my license in Arizona in/around the year of 2013, and my application was denied. Last year, I requested an extension of time to complete my probationary period of my Nevada COTA license so that I could fulfill the requested requirements of my license and apply for full reinstatement of my license after my probationary period ended. I only had six months left to complete the two year

probation period required. I had not pursued it prior as I had been working full time in the state of Utah. The Nevada board denied my request of an extension to complete the probation period; stating that I could apply for reinstatement of my Nevada license after one-year.

I enjoy working in this field; helping others and seeing them improve and go home after contributing to their care plan. I am hoping I could at this time obtain my COTA license in the state of Nevada to prove that I have turned my life around and continue to work in the field where I can help others. I would also be able to continue to support my family and live closer to them. I feel I should be given this opportunity to prove that I have made the necessary changes to succeed as a Certified Occupational Therapist Assistant.

Signed,

Paul Vallarta 04/25/2020

PO Box 91052

Pasadena, CA 91109



State of Utah
Department of Commerce

Division of Occupational and Professional Licensing

GARY R. HERBERT
Governor

FRANCINE A. GIANI
Executive Director

MARK B. STEINAGEL
Division Director

VERIFICATION OF UTAH LICENSURE

Created On: 04/25/2020

This verification is considered a primary source from the State of Utah.

Name of Licensee (as it appears in our records): Paul Vallarta

Classification of License Issued: Occupational Therapy Assistant

License Number: 8884485-4202

Obtained By: Application

Current Status: Active

Original Date of Licensure: 01/15/2014

Expiration Date: 05/31/2021

Agency and Disciplinary Action: NO

Docket Number: N/A

Education:

SCHOOL NAME	MAJOR	GRADUATION DATE	DEGREE	HOURS
MOUNT ST. MARY'S COLLEGE	OCCUPATIONAL THERAPY	05/10/2001	Associate Degree	0

EXAM SCORES:

EXAM BATTERY	EXAM TYPE	STATE	RESULTS	SCORE	DATES
1000	NBCOT Certified COTA 1054547	CA	Pass	P	08/15/2001

The information provided on this form is accurate and correct as of the verification creation date listed on the top of this form. Original issue dates listed, as 01/01/1910 and 01/01/1911 were unknown when the division implemented its first licensing database. This verification form does not show a complete history or interruptions in licensure. If you have any questions please contact the division.

www.dopl.utah.gov • Heber M. Wells Building • 160 East 300 South • PO Box 146741 • Salt Lake City • UT 84114-6741
phone: (801)530-6628 • toll-free in Utah: (866)275-3675 • fax: (801)530-6511 • investigations fax: (801)530-6301



Paul Vallarta	PASADENA	CA	COTA®	1054547	15 Aug 2001	31 Mar 2023	Active - In good standing
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Fri May 15 2020 14:00:19 GMT-0700 (Pacific Daylight Time)



Steve Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

P.O. BOX 34779
Reno, Nevada 89533-4779
Phone: (775) 746-4101 / Fax: (775) 746-4105
Email: board@nvot.org / Website: www.nvot.org

Loretta L. Ponton
Executive Director

February 11, 2019

Mr. Paul Vallarta
P.O. Box 91052
Pasadena, CA 91109

Dear Mr. Vallarta,

The Nevada Board of Occupational Therapy denied your request for an extension of the probationary period pursuant to the Disciplinary Order, paragraph 1. which reads:

“1. Respondent waives his right to petition for early termination and modification of probation.”

Pursuant to paragraph 2 of the Order, your license in Nevada will be revoked upon expiration of the fourth year which is April 14, 2019 for failure to complete the terms of the stipulated agreement.

You may apply for reinstatement of your Nevada license after a minimum of one-year. Your application for reinstatement would be required to be considered by the Board for approval, denial or other action as determined by the Board.

If you have any questions, please feel free to contact me.

Sincerely,

Loretta L. Ponton

Loretta L. Ponton
Executive Director

Cc: Henna Rasul, Board Counsel



Brian Sandoval
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

P.O. BOX 34779
Reno, Nevada 89533-4779
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Email: board@nvot.org / Website: www.nvot.org

Loretta L. Ponton
Executive Director

April 15, 2015

Paul Vallarta, COTA
P.O. Box 91052
Pasadena, CA 91109

Re: Stipulated Settlement and Disciplinary Order

Dear Mr. Vallarta,

Enclosed is a fully executed copy of the above referenced document for your records. Credit toward your probationary period will not begin until your move to and employment in Nevada.

You have 4 years in which to complete the 2 year probationary period. That means that you must be employed in Nevada for a minimum of 2 years from this date through April 14, 2019. Failure to complete your 2 year probation will result in revocation of your license.

You must maintain an active license with Nevada, which must be renewed annually by June 30th. Your first renewal is due by June 30, 2015. We offer on-line license renewal through our website.

You must notify this office of any change in residence or mailing address, any change in contact information and any changes to employment information. This can be completed by updating your information on-line by logging in through the website.

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

Loretta L. Ponton
Executive Director

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BEFORE THE
STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

In the Matter of
PAUL VALLARTA, COTA,
Respondent.

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

PARTIES

THIS MATTER was heard by the State of Nevada Board of Occupational Therapy (hereafter "BOARD") at a meeting on February 28, 2015, in Las Vegas, Nevada. Senior Deputy Attorney General Henna Rasul represented the BOARD in this matter. Paul Vallarta (Respondent) was properly notified and was not present. Respondent filed an application on or about November 3, 2014, with the Board to obtain an Occupational Therapy Assistant license.

JURISDICTION

Respondent acknowledges that upon execution of the Stipulated Settlement (Settlement) and Disciplinary Order (Order) the BOARD has jurisdiction over him. Respondent acknowledges that upon execution of the Settlement the BOARD has the legal power and authority to take disciplinary action, including, but not limited to, the revocation of his license to practice occupational therapy in Nevada.

Respondent acknowledges that the BOARD will retain jurisdiction over this matter until all terms and conditions set forth in this Settlement have been met to the satisfaction of the BOARD.

///

///

PUBLICATION OF CONSENT DECREE

Respondent acknowledges that at the time this Settlement becomes effective, it also becomes a public document and will be reported to the State of Nevada, Legislative Council Bureau, Disciplinary Action Reporting System; and such other national databases as required by law.

VOLUNTARY WAIVER OF RIGHTS

Respondent is aware of, understands, and has been advised of the effect of this Settlement, which he has carefully read and fully acknowledges. Respondent has had the opportunity to consult with competent counsel of his choice.

Respondent has freely and voluntarily entered into this Settlement and he is aware of his rights to contest terms set forth in the Settlement. These rights include representation by an attorney at his own expense, the right to a public hearing on any terms set forth in the Settlement, the right to confront and cross-examine witnesses called to testify against him, the right to present evidence on his own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the BOARD's decision, and the right to obtain judicial review of the decision. All of these rights are being voluntarily waived by Respondent in exchange for the Board's acceptance of this Settlement and Order.

CULPABILITY AND LAW

1. Respondent agrees that his occupational therapy assistant license is subject to denial and he agrees to be bound by the BOARD's imposition of discipline as set forth in the Disciplinary Order below.

2 That the foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS 640A.200.

3 That pursuant to Nevada Revised Statute (NRS) 640A.200(1):

The Board may, after notice and a hearing as required by law, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or may impose conditions upon the use of that license, if the Board determines that the

holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare.

4 That pursuant to Nevada Administrative Code (NAC) 640A.361:

If the board determines that an occupational therapist or occupational therapy assistant is guilty of unprofessional conduct pursuant to NRS 640A.200 and does not suspend or revoke his license, the board will impose, as it deems appropriate, one or more of the following conditions on the use of that license:

1. The acceptance of a public or private reprimand administered by the board;
2. Probation for a specified period or until further order of the board;
3. Restrictions or limitations on the scope of the licensee's practice;
4. The successful completion of a program of remedial education or treatment approved by the board;
5. Supervision of the professional work of the licensee by a person approved by the board;
6. The repayment to a patient of all money collected by the licensee in connection with the unprofessional conduct;
7. The successful completion of a physical or mental examination or an examination testing the competence of the licensee; or
8. Such other disciplinary action as the board considers necessary and appropriate.

5. That pursuant to Nevada Administrative Code (NAC) 640A.350(2)(a) and (b):

In addition to those acts specified in subsection 3 of NRS 640A.200, the following acts, among others, constitute "unprofessional conduct":

- (a) Engaging in the practice of occupational therapy when unable to do so with reasonable skill and safety to patients because of the licensee's use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;
- (b) Being guilty of negligence in the performance of occupational therapy[.]

CONTINGENCY

Respondent understands and agrees that counsel for the BOARD and BOARD staff may communicate directly with the BOARD regarding this Settlement without written notice to or participation by Respondent. By signing the Settlement, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation.

The parties understand and agree that facsimile/electronic copies of this Settlement and Order, including facsimile/electronic signatures thereto, shall have the same force and effect as the originals.

1 This Settlement and Order is intended to be an integrated writing representing the
2 complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior
3 or contemporaneous agreements, understandings, discussions, negotiations, and
4 commitments (written or oral). This Settlement and Order may not be altered, amended
5 modified, supplemented, or otherwise changed except by a writing executed by an authorized
6 representative of each of the parties.

7 In consideration of the foregoing admissions and stipulations, the parties agree that the
8 Board may, without further notice of a formal proceeding, issue and enter the following Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that the application of Respondent PAUL VALLARTA for
11 licensure as an occupational therapy assistant is hereby granted and an occupational therapy
12 assistant license shall be issued to Respondent. The license shall immediately be
13 suspended, the order of suspension stayed, and Respondent placed on probation for two (2)
14 years on the following terms and conditions:

15 1. Respondent waives his right to petition for early termination and modification of
16 probation.

17 2. Respondent must complete all terms of probation within four (4) years from the
18 initial date of licensure. Failure to do so will result in automatic permanent revocation of his
19 occupational therapy assistant license upon the expiration of the fourth year. All provisions of
20 probation shall be held in abeyance until Respondent obtains employment in Nevada. All
21 provisions of probation shall commence upon effective date of practice in Nevada.

22 3. Respondent shall obey all federal, state, and local laws and regulations
23 governing the practice of occupational therapy in Nevada. Any subsequent violations of law
24 will result in immediate revocation of licensure.

25 4. Respondent is subject to close supervision in accordance with AOTA
26 Supervisory Guidelines. The supervisor must:

- 27 a. be physically present on the premises at all times; and
28 b. submit quarterly reports to the Board on forms provided by the BOARD.

1 5. Respondent shall notify the BOARD, in writing, within five (5) days of a change
2 of residence or mailing address, and any change in work and/or home telephone numbers.

3 6. When currently employed or applying for employment in any capacity in any
4 health care profession Respondent shall notify his employer of this probationary status of
5 Respondent's license. This notification to the current employer shall occur no later than the
6 effective date of the Order. Respondent shall notify any prospective health care employer of
7 his probationary status with the BOARD prior to accepting such employment. This notification
8 shall be made by providing the employer or prospective employer with a copy of the BOARD's
9 Stipulated Settlement and Disciplinary Decision and Order.

10 7. Respondent shall notify the BOARD, in writing, within five (5) days of any
11 change in employment status. Respondent shall notify the BOARD in writing, within five (5)
12 days, if he is terminated from any occupational therapy or health care related employment
13 with a full explanation of the circumstances surrounding the termination.

14 8. During probation, Respondent shall work in his licensed capacity in the State of
15 Nevada.

16 9. While on probation, Respondent shall work only in skilled nursing facilities and
17 acute rehab settings.

18 10. Respondent shall, at all times while on probation, maintain an active current
19 license with the BOARD, including any period during which the license is suspended or
20 probation is tolled.

21 11. If Respondent violates probation in any respect, the BOARD may revoke
22 probation and carry out the disciplinary order which was stayed. If any accusation or a
23 petition to revoke probation is filed against Respondent during probation, the BOARD shall
24 have continuing jurisdiction until this matter is final, and the period of probation shall be
25 extended until the matter is final.

26 12. After a minimum of two (2) years, Respondent may apply in writing to the
27 BOARD for termination of his probation and full reinstatement of his occupational therapy
28 assistant license. If so requested, Respondent shall meet with the Executive Director and

ORDER

By a majority vote on the 28th day of February, 2015, the State of Nevada Board of Occupational Therapy approved and adopted the terms and conditions set for the in the attached Stipulated Settlement and Disciplinary Order with Paul Vallarta.

IT IS HEREBY ORDERED AND MADE EFFECTIVE.

DATED this 14 day of April, 2015

By: _____

Eric Gerken

Chair of the Board of Occupational Therapy

1 Board counsel for evaluation of his compliance with the Settlement and Order and for their
2 recommendation for termination of probation, full reinstatement, or additional disciplinary
3 action at a separate hearing before the BOARD.

4 **ACCEPTANCE**

5 The terms of this Settlement and Order were presented and accepted by the BOARD
6 with a recommendation for approval from the Attorney General's Office at its meeting.
7 Respondent agrees that he has carefully read the Stipulated Settlement and Disciplinary
8 Order and understands the effect it will have on his Occupational Therapy Assistant license.
9 He enters into this Settlement and Order voluntarily, knowingly, and intelligently, and agrees
10 to be bound by the Decision and Order of the State of Nevada Board of Occupational
11 Therapy.

12 DATED this 31 day of March, 2015

13
14 By: Paul Vallarta
15 Paul Vallarta, Respondent

16 The foregoing Stipulated Settlement and Disciplinary Order between Paul Vallarta and
17 the STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY is approved as to form
18 and content.

19 DATED this 10 day of March, 2015

20
21 ADAM PAUL LAXALT
Attorney General

22 By: Henna Rasul
23 HENNA RASUL
24 Senior Deputy Attorney General
25 100 N. Carson Street
26 Carson City, Nevada 89701
27 (775) 684-1234
28 Counsel to the State of Nevada
Board of Occupational Therapy

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 10: Legislative Update

Jeanette Belz, JK Belz and Associates has provided a written report on current Legislative issues.

Attachment

Written Legislative Report

Nevada State Board of Occupational Therapy
Legislative Report
May 15, 2020

COVID-19 Declaration of Emergency

The whole world was put on hold when the Governor issued a Declaration of Emergency related to the COVID-19 pandemic followed by a stay at home order. Non-essential businesses, including gaming were shut down. Health care worker services, including occupational therapy, were deemed as essential. Schools were ordered to switch to online learning. State offices were closed, and employees moved their offices to home.

The Governor, under his emergency powers, relaxed some requirements of the open meeting law under [Emergency Directive 006](#), including a provision of a physical location where the public could receive supporting material for public meetings.

The initial timeframe for the emergency declaration was April 16, which was then extended to May 15, 2020. On May 9, some businesses were allowed to resume operations under guidelines provided by the Governor.

Nevada State Budget

The business closures have had a tremendous impact on revenues to the state general fund. The state budget shortfall is estimated to be between \$741 million to \$911 million for the current fiscal year which ends on June 30th, 2020. The deficit for fiscal year 2021 is modeled at \$1 billion to \$2 billion. For context, the total general fund revenue budgeted for FY2020 is \$4.3 billion and \$4.5 billion for FY2021.

The state has been taking procedural steps to access the \$400 million in “Rainy Day” fund. The Interim Finance Committee has accepted \$836 million in CARES Act funds. Use of these dollars is flexible and can be allocated for COVID related costs incurred between March and December 31.

State agencies have been asked to submit proposed cuts of 4% for this fiscal year (ending June 30) and up to 14% for next fiscal year (July 1, 2020 – June 30, 2021). The Governor's staff is still working through those proposals and no decisions have been made. The total cuts requested for both years in the biennium is approximately \$687M.

Special Session

As of May 15, there have been no announcements regarding a special session, although there will need to be one called to address the deficit prior to the commencement of the 81st session in February 2021. Some legislators have [publicly stated](#) the need for a special session by June to address the state’s budget needs.

Interim Committees

Many meetings of committees held in the interim have been cancelled/postponed as legislators and Legislative Counsel staff have been adjusting to the new ways of doing business. The Legislative Commission’s Sunset Subcommittee did have one meeting in February 2020 at which several boards presented about their operations and provided background information.

The March and April meetings of the subcommittee were cancelled. This board was requested to present at the May meeting regarding reserve policies and Loretta included valuable information about the board's COVID response to assist licensees.

The next meeting of the Sunset Subcommittee has been scheduled for June 23.

2020 Election

The filing period for candidates wishing to run for the Nevada Legislature was from March 2-13. The last day to withdraw was on March 24. The current composition of the Nevada legislature is as follows:

- Assembly: Democrats - 29 (including one vacancy)
 Republicans - 13
- Senate: Democrats - 13
 Republicans - 8

Democrats currently have a super majority in the Assembly (2/3 of the legislators) but not in the Senate. Tax increases require a 2/3 majority for passage.

The primary election is on June 9, 2020 and will now be [held by mail ballot only.](#)

The following 9 incumbents do not have a challenger:

Senate 1	Patricia Spearman (D)
Senate 3	Chris Brooks (D)
Assembly 1	Daniele Monroe Moreno (D)
Assembly 3	Selena Torres (D)
Assembly 13	Tom Roberts (R)
Assembly 22	Melissa Hardy (R)
Assembly 24	Sarah Peters (D)
Assembly 25	Jill Tolles (R)
Assembly 33	John Ellison (R)

Several legislative races will be decided in the primary because only members of one party filed to run for office. These include:

Senate 7	Open Seat
Assembly 19	Chris Edwards (R) – Incumbent
Assembly 20	Open Seat
Assembly 26	Lisa Krasner (R) – Incumbent
Assembly 36	Greg Hafen (R) - Incumbent
Assembly 38	Robin Titus (R) - Incumbent

Thirteen races do not have an incumbent so there will be at least 13 freshmen legislators in 2021.

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 11: Nevada Occupational Therapy Association
--

A representative of NOTA will provide a report on current NOTA activities and events.

Attachment

NOTA Summary Report

Nevada Occupational Therapy Association (NOTA)

Upcoming Continuing Education Events

Encroachment Panel: May 20th at 6 p.m.

Please join us for a virtual meeting on the topic of professional boundaries across OT practice areas. Each panel speaker will give relevant examples from their practice areas followed by Q and A from the audience. Learn about potential interprofessional issues that will impact your future growth.

Panel Speakers and Settings:

Dr. Robyn-Otty, OTD, OTR/L academia, private enterprise (ABA and brain balance)

Aesa Jackson- Acute care

John Rider MSOT, OTR/L- home health and pain management

Linda Frasier OTD, OTR/L- inpatient rehab and advocacy

Annual NOTA Conference: September 26, 2020 at Touro University Nevada

Keynote Speaker: Tim Wolf

Functional Cognition: Foundational Principles, Assessment and Intervention for Practice

NOTA scholarship winners

Pamela Betkowski, OTA Student at PIMA

Vicky Jo, OTD Student at Touro University Nevada

Christina Carmichael, MSOT Student at Touro University Nevada

Social Media Platforms

You may find us on our website, Instagram and Facebook page:

Website: <http://nota.wildapricot.org>

Instagram: nvotassociation

Facebook page: Nevada Occupational Therapy Association

Summer Internships

For its second year running, NOTA will have summer interns from UNLV Honors College.

Elections

Elections for Vice President, Treasurer, and Northern District Chair will occur in the near future. Each position is a 3-year term. We will be seeking nominations shortly. Terms begin July 1st.

We are currently accepting nominations for 3 of the NOTA Board positions:

Vice President

- Must be a NOTA member
- Must be a licensed Occupational Therapist or Occupational Therapist Assistant
- The term of office shall commence on August 1st following elections
- Voting member of executive board
- Coordinate Annual Conference
- Aid and assist President
- Serve on finance committee, if applicable

Treasurer

- Must be a NOTA member
- Must be a licensed Occupational Therapist or Occupational Therapist Assistant
- The term of office shall commence on August 1st following elections
- Voting member of executive board
- Serve as chairperson of scholarship committee.
- Responsible for financial affairs of NOTA:
 - Establish budgets
 - Collect and deposit all dues
 - Maintain accurate ledgers,
 - Make financial reports to the board

Northern District Chair

- Must be a NOTA member
- Must be a licensed Occupational Therapist or Occupational Therapist Assistant
- The term of office shall commence on August 1st following elections
- Voting member of executive board
- Enable local therapists to actively participate in their state association.
- Serve specific needs of the therapists in a given geographical area.
- Coordinate educational opportunities for the members.
- Coordinate community education activities.
- Serve as a liaison between the members and the Executive Board.

NOTA Officer Nomination Ballot

Elections are for 2020 - 2023 years. The nominee must be a licensed Occupational Therapist or Occupational Therapist Assistant in Nevada. The nominee must also be a member of NOTA or registered by the time of elections. The person nominating must also be an active member of NOTA by the time of elections.

Elected officers will be contacted via email after June 6th, 2020.

Voting will begin **May 26th, 2020 – June 5th, 2020. You will receive an email from Survey Monkey to cast your vote.**

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 13: Board Policies and Guidelines
--

The Board establishes the law and regulations pertaining to the practice of occupational therapy in this state and approves policies to clarify processes required to implement law and regulations.

A new Board Policy Manual has been developed which incorporating all of the current Board policies, advisories, notices and guidelines into a single comprehensive manual. The Manual provides more detailed information addressing how, what, where and when in accordance with the law and regulations and current practices.

The ***Prelude*** clearly states the Board's authority to establish processes in the form of the Board Policy Manual and clearly states the delegated authority of the Executive Director to carry out the Board's directives.

Section 01 Licensing incorporates and expands upon all policies pertaining to Licensing to include:

Policy 01 Licensing; Policy 02 Provisional and Temporary Licenses; Policy 03 License Renewal; Policy 05 Reinstatement; Policy 06 Inactive License and Policy 13 Moral Character.

Section 02 Continuing Education incorporates and expands upon Policy 04, Continuing Education.

Section 03 Supervision incorporates and expands upon Policy 07 Supervisory Documentation.

Section 04 Compliance incorporates and expands upon Policy 09 Compliance Monitoring & Resolution.

Section 05 Administrative Sanctions / Complaints incorporates and expands upon Policy 10 Administrative Sanctions. The new Complaint process has been added to this section.

Section 06 Board Administrative Policies incorporates Policy 08 Investment of Funds, Policy 14 Administrative Cost Sharing and Policy 15 Reserve Funds.

Section 07 Board Practice Policies incorporates Policy 11 Interdisciplinary Practice and Policy 12 Patient Abandonment.

Section 08 Criminal History Petitions has been moved from the Operating Policies and Procedures to the Board Policy Manual.

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Board of Occupational Therapy

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Section 09 Advisories; Notices; Guidelines are Board Advisory Notices, Publications and Guidelines issued and approved by the Board which are supplemental to law and regulations.

This section contains the Advisory Notice on Dry Needling issued 8/10/19; Productivity Best Practices issued in 2016; Disciplinary Guidelines (as revised) and Challenges in School Based Practice issued in 2010.

Attachments

Board Policy Manual
Disciplinary Guidelines (revised)

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 13: Executive Director's Report
--

Attachments:

Written Report
Fiscal Year 2020 – 3rd Quarter Financial Statements
Follow-up Report to the Sunset Subcommittee
Sunset Subcommittee - Special Survey of Licensing Boards

State of Nevada
Board of Occupational Therapy

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EXECUTIVE DIRECTOR'S REPORT
May 23, 2020

Licensure Statistics - The following chart provides current and prior year licensing details and activity as of March 31, 2020.

Description	2020	2019	% +	OTR's	2019	COTA's	2019
Total Current Licensees	1592	1382	15.2%	1175	1057	381	325
Standard Licensees	1587	1376	15.3%	1211	1054	376	322
Provisional Licensees	2	0		0	0	2	0
Temporary Licensees	3	6		0	3	3	3
Inactive Licensees	29	32		20	23	9	9

There have been 192 new licenses issued and 21 licenses expired during the period July 1, 2019 through March 31, 2020. The Board has increased a net of 210 licensees from the same period last year, a 14.1% increase in total licensees.

The move to 2-year term of a license skews the “expired” statistics as it does not reflect those who are no longer practicing in Nevada since their last renewal period. Historically, the annual turnover has been approximately 130 licensees.

Fiscal Year 2020 Financial Reports - The financial reports for 3rd Quarter of Fiscal 2020 are attached.

Revenue/Other Income: Revenue totaled \$143,449, in licensing and other fees, 77.7% of budget. The Board recognized \$14,437 in recaptured legal fees as a result of disciplinary actions.

Other Income is comprised of \$9,582 in interest income, cost sharing of moving expenses totaled \$4,697, operating cost sharing is \$6,968. Other Income totals of \$21,247 at 95.12% of budget.

Total Revenue/Other Income combined is \$164,696.

Licensing Revenue projections were based upon 260 new applicants; actual new applicants is projected at 220, resulting in less revenue in processing fees than budgeted. List fees will also be below budget due to fewer requests for mailing lists and license verifications.

Expense: Expenses totaled \$215,355 which is 69.83% of budget. Licensing data system is at 85.78% of budget due to additional maintenance costs over the contracted hours. There will be an additional cost for COVID-19 revisions to the renewals and temporary license features of the system, estimated at approximately \$750. All other line items are within projected levels.

Net Income/Loss is (\$ 50,659) which is 49.95% of budget. Overall, expenses are projected to be well less than budget for the fiscal year.

Balance Sheet: Total cash at March 31, 2020 is \$635,484; deferred revenue is \$87,377, reflecting the recognition of revenue earned during the fiscal year.

Cash in the operating checking account is \$125,671. Investments total \$ 509,814 as of March 31.

Investment Accounts with Wells Fargo – The Board received notice from Wells Fargo Investments that effective June 1, 2020, they would no longer be able to service our accounts. The investment instruments (CD's) and Money Market account will be transferred to another division, Wells Fargo Advisors. New banking documents are required to establish the new broker accounts at Wells Fargo Advisors. Liz Straughan and Sol Magpantay are the Board signatories on the accounts as well as the Executive Director.

Sunset Subcommittee – The Sunset Subcommittee of the Legislative Commission met virtually on May 4, 2020. The March and April meetings were cancelled due to COVID-19. The Board's follow-up report to the Subcommittee recommendation to establish a Reserve Policy was presented. Included in the report was a summary of emergency actions the Board has taken. A copy of the Board's presentation to the Subcommittee is provided.

Sunset Subcommittee Special Survey – The Subcommittee has requested all licensing Board complete and submit by Friday, May 22 a Special Survey to gather data for a report pursuant to Senate Concurrent Resolution 6 which directed the Subcommittee to conduct an interim study of regulatory bodies and make recommendations for legislation to the 2021 Legislature. The Survey also requests information regarding AB319 regarding criminal history of an applicant for licensure, licensure by endorsement pursuant to NRS 622.530 and additional information regarding licensure of military spouses. A copy of the Board's response to the survey is provided.

NBCOT Interim Degree Verification Policy - Due to the COVID-19 pandemic, NBCOT has released an Interim Degree Verification Policy since there may be delays in issuance of official transcripts due to the closure of educational institutions. The policy allows students to test prior to NBCOT receipt of official transcripts, the score reports will not be released until the transcripts are received.

NBCOT has established an Interim Degree Verification Form, which is completed by the educational institution on the student's behalf if they have successfully completed all degree and graduation requirements.

An individual may apply for a provisional license in Nevada with an NBCOT eligibility confirmation notice. The NBCOT application process requires an official transcript, the IDV Form will be accepted to allow testing, and issuance of the eligibility confirmation notice.

Status of Research – A Survey Monkey questionnaire was sent to all states' Board of OT requesting information on law and/or regulation of Wound Care, Dry Needling and Pelvic Floor Therapy in each state. The response was dismal with only 2 states responding by email and none of the state's completing the survey. Further research has been deferred until a later date while we are addressing the more immediate issues in this time of emergency, public offices and business closures and the challenges of working remotely.

COTA Supervisory Audit – The audit of Supervisory Logs began April 24 with 97 COTA's selected for audit with a due date of April 1, 2020 to return logs for the months of October, November and December 2019. A second notice was sent on April 24, 2020 to 30 COTA's who had not responded to the initial Notice of Audit, with an extended due date of May 15, 2020. Fifteen (15) of the 30 have not responded to either notice of audit and will be contacted by phone prior to issuing an Administrative Complaint for non-compliance with supervisory requirements.

Board Training Opportunities - The NBCOT Orientation for New OT Regulators training in Chicago and the NBCOT OT State Regulatory Leadership Forum on May 12-13 in Atlanta, GA were cancelled.

Complaints Status - There are currently no open complaint cases under investigation.

State of Nevada
Board of Occupational Therapy
Profit & Loss Budget vs. Actual
July 2019 through March 2020

	Annual Budget	Actuals July 19 - Mar 20	Remaining Balance	% of Budget Spent
Ordinary Income/Expense				
Income				
Processing Fees	40,250.00	25,200.00	15,050.00	62.61%
License Fees	135,930.00	99,186.89	36,743.11	72.97%
List Fee	8,450.00	4,625.00	3,825.00	54.73%
Fines and Legal Fees	0.00	14,437.00	-14,437.00	100.0%
Total Income	184,630.00	143,448.89	41,181.11	77.7%
Expense				
Audit Fees	0.00	0.00	0.00	0.0%
Bank service charges	4,246.49	1,538.04	2,708.45	36.22%
Dues	0.00	235.00	-235.00	100.0%
Equipment Rental	2,400.00	1,554.58	845.42	64.77%
Insurance	1,600.00	616.28	983.72	38.52%
Legal Fees	12,000.00	12,935.74	-935.74	107.8%
Licensing - Data System	7,700.00	6,605.00	1,095.00	85.78%
Maintenance and Repairs	375.00	190.57	184.43	50.82%
Meeting Expense	1,500.00	196.07	1,303.93	13.07%
Office Expenses				
Internet Service	1,800.00	1,012.97	787.03	56.28%
Moving Expense	12,500.00	9,633.91	2,866.09	77.07%
Postage	1,400.00	1,351.28	48.72	96.52%
Printing	500.00	468.56	31.44	93.71%
Records Storage	1,300.00	484.50	815.50	37.27%
Telephone / Email	3,000.00	1,050.53	1,949.47	35.02%
Total Office Expenses	20,500.00	14,001.75	6,498.25	68.3%
Office Lease	29,500.00	20,807.84	8,692.16	70.54%
Office Supplies	2,500.00	2,249.04	250.96	89.96%
Personnel Services	192,565.02	139,092.36	53,472.66	72.23%
Professional Fees				
Accounting	3,000.00	2,250.00	750.00	75.0%
IT / Technical Support	500.00	837.50	-337.50	167.5%
Legislative Services	18,000.00	10,000.00	8,000.00	55.56%
Total Professional Fees	21,500.00	13,087.50	8,412.50	60.87%
Seminars / Continuing Ed	5,000.00	0.00	5,000.00	0.0%
Travel & Ent				
Out of State Travel	2,500.00	0.00	2,500.00	0.0%
Travel - in state	4,500.00	2,245.62	2,254.38	49.9%
Total Travel & Ent	7,000.00	2,245.62	4,754.38	32.08%
Total Expense	308,386.51	215,355.39	93,031.12	69.83%
Net Ordinary Income	-123,756.51	-71,906.50	51,850.01	58.1%
Other Income/Expense				
Other Income				
Interest Income	8,200.00	9,582.03	-1,382.03	116.85%
Costshare Income	0.00	4,696.80	-4,696.80	100.0%
Sublease Income	14,137.00	6,968.24	7,168.76	49.29%
Total Other Income	22,337.00	21,247.07	1,089.93	95.12%
Other Expense				
Unrealized Investment Loss	0.00	0.00	0.00	0.0%
Total Other Expense	0.00	0.00	0.00	0.0%
Net Other Income	22,337.00	21,247.07	1,089.93	95.12%
Net Income	-101,419.51	-50,659.43	50,760.08	49.95%

State of Nevada Board of Occupational Therapy
Balance Sheet
As of March 31, 2020

Mar 31, 2020

ASSETS

Current Assets

Checking/Savings

Wells Fargo Bank - Checking 125,670.93

Wells Fargo Bank - Investments 351,445.76

Wells Fargo Bank - Money Market 158,367.92

Total Checking/Savings 635,484.61

Other Current Assets

Accounts Receivable 12,797.86

Prepaid Expenses 5,123.23

Undeposited Funds 0.00

Total Other Current Assets 17,921.09

Total Current Assets 653,405.70

Fixed Assets

Net Fixed Assets 1,000.67

Total Fixed Assets 1,000.67

TOTAL ASSETS 654,406.37

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Accounts Payable 0.00

Total Accounts Payable 0.00

Other Current Liabilities

Deferred Revenue 87,377.38

Accrued PTO 17,392.94

Payroll Liability 0.00

Payroll Tax Liability 0.00

Other Current Liabilities 2,519.37

Total Other Current Liabilities 107,289.69

Total Current Liabilities 107,289.69

Total Liabilities 107,289.69

Equity

Retained Earnings 597,776.11

Net Income -50,659.43

Total Equity 547,116.68

TOTAL LIABILITIES & EQUITY 654,406.37

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
January through March 2020

Type	Date	Num	Name	Memo	Amount
Wells Fargo Bank - Checking					
Paycheck	01/02/2020	DD1248	Loretta L Ponton	Direct Deposit	0.00
Deposit	01/02/2020			Deposit	25.00
Check	01/02/2020	5264	Scott Cooley	Office Lease Jan - Mar	-7,500.00
Check	01/02/2020	5265	Ricoh Copier	Copier maintenance	-107.61
Check	01/02/2020		Voya	Payroll expense	-2,166.66
Check	01/02/2020	5266	Numbers Inc.	Bookkeeping services	-750.00
Deposit	01/02/2020			Deposit	105.00
Deposit	01/07/2020			Deposit	50.00
Liability Check	01/08/2020		QuickBooks Payroll Service	Payroll expense	-1,951.44
Deposit	01/08/2020			Deposit	75.00
Paycheck	01/09/2020	DD1252	Brooke Megill	Direct Deposit	0.00
Paycheck	01/09/2020	DD1254	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	01/09/2020	DD1253	Stacey Whittaker	Direct Deposit	0.00
Check	01/09/2020		Voya	Payroll expense	-252.10
Deposit	01/10/2020			Deposit	25.00
Deposit	01/10/2020			Deposit	4,797.75
Deposit	01/11/2020			Deposit	25.00
Deposit	01/13/2020			Deposit	150.00
Check	01/13/2020			Merchant fees	-123.82
Deposit	01/15/2020			Deposit	450.00
Deposit	01/16/2020			Deposit	1,275.00
Deposit	01/17/2020			Deposit	25.00
Check	01/17/2020	5267	Puliz Records Management Serv	Records storage	-46.50
Check	01/17/2020	5274	Attorney General	Legal fees	-200.67
Check	01/17/2020	5268	A T & T	Telephone expense	-164.00
Check	01/17/2020	5269	A T & T	Telephone expense	-1.93
Check	01/17/2020	5271	A T & T	Telephone expense	-38.74
Check	01/17/2020	5273	Information Technology	Telephone expense	-10.39
Check	01/17/2020	5272	Albertson Consulting	Licensing system	-135.00
Check	01/17/2020	5270	Loretta Ponton	Travel reimbursement	-43.29
Deposit	01/17/2020			Deposit	4,218.28
Deposit	01/20/2020			Deposit	350.00
Deposit	01/21/2020			Deposit	450.00
Liability Check	01/22/2020		QuickBooks Payroll Service	Payroll expense	-1,755.47
Liability Check	01/22/2020	E-pay	US Treasury	Payroll expense	-3,994.06
Deposit	01/22/2020			Deposit	25.00
Paycheck	01/23/2020	DD1255	Brooke Megill	Direct Deposit	0.00
Paycheck	01/23/2020	DD1256	Stacey Whittaker	Direct Deposit	0.00
Deposit	01/23/2020			Deposit	500.00
Check	01/23/2020		Voya	Payroll expense	-240.32
Deposit	01/24/2020			Deposit	400.00
Deposit	01/26/2020			Deposit	400.00
Deposit	01/27/2020			Deposit	400.00
Check	01/27/2020		Charter	Internet services	-104.97
Deposit	01/28/2020			Deposit	800.00
Deposit	01/29/2020			Deposit	25.00
Check	01/29/2020		Verizon Wireless	Internet Service	-10.08
Deposit	01/30/2020			Deposit	350.00
Liability Check	01/31/2020		QuickBooks Payroll Service	Payroll expense	-5,403.23
Deposit	01/31/2020			Deposit	450.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
January through March 2020

Check	01/31/2020		Wells Fargo	Travel, seminar expense, Surv	-946.96
Deposit	01/31/2020			Deposit	3.98
Paycheck	02/03/2020	DD1257	Loretta L Ponton	Direct Deposit	0.00
Deposit	02/03/2020			Deposit	125.00
Check	02/03/2020	5275	Pitney Bowes	Postage machine	-157.80
Check	02/03/2020	5276	Ricoh Copier	Copier maintenance	-132.24
Check	02/03/2020		Voya	Payroll expense	-2,166.66
Liability Check	02/05/2020		QuickBooks Payroll Service	Payroll expense	-998.72
Deposit	02/05/2020			Deposit	25.00
Paycheck	02/06/2020	DD1258	Brooke Megill	Direct Deposit	0.00
Paycheck	02/06/2020	DD1259	Stacey Whittaker	Direct Deposit	0.00
Deposit	02/06/2020			Deposit	725.00
Check	02/06/2020		Voya	Payroll expense	-785.87
Deposit	02/07/2020			Deposit	450.00
Deposit	02/08/2020			Deposit	1,600.89
Deposit	02/10/2020			Deposit	25.00
Deposit	02/11/2020			Deposit	25.00
Deposit	02/12/2020			Deposit	400.00
Check	02/12/2020			Merchant fees	-144.40
Deposit	02/13/2020			Deposit	800.00
Check	02/13/2020	5277	Nevada Retail Association	Insurance	-500.00
Deposit	02/14/2020			Deposit	800.00
Check	02/14/2020	5282	Pitney Bowes	Postage machine	-80.74
Check	02/14/2020	5281	A T & T	Telephone expense	-38.74
Check	02/14/2020	5283	A T & T	Telephone expense	-5.00
Check	02/14/2020	5278	Liz Straughan	Travel reimbursement	-41.45
Check	02/14/2020	5279	Allison Stone	Travel reimbursement	-29.18
Check	02/14/2020	5280	Stacey Whittaker	Travel reimbursement	-37.38
Check	02/14/2020		Loretta Ponton	Travel reimbursement	-500.00
Liability Check	02/18/2020	E-pay	US Treasury	Payroll expense	-3,669.22
Deposit	02/18/2020			Deposit	50.00
Liability Check	02/19/2020		QuickBooks Payroll Service	Payroll expense	-1,175.01
Deposit	02/19/2020			Deposit	400.00
Paycheck	02/20/2020	DD1262	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	02/20/2020	DD1260	Brooke Megill	Direct Deposit	0.00
Paycheck	02/20/2020	DD1261	Stacey Whittaker	Direct Deposit	0.00
Deposit	02/20/2020			Deposit	1,200.00
Check	02/20/2020	5287	Puliz Records Management Servic	Records storage	-68.00
Check	02/20/2020	5285	Attorney General	Legal fees	-509.38
Check	02/20/2020	5288	Information Technology	Telephone expense	-5.66
Check	02/20/2020		Wells Fargo	Travel, office supplies	-1,288.46
Check	02/20/2020		Voya	Payroll expense	-785.87
Check	02/20/2020	5286	Albertson Consulting	Licensing system	-270.00
Check	02/20/2020	5290	LCB - Regulation Reviews	Regulation review	-250.00
Check	02/20/2020	5289	Staples Advantage	Office supplies	-221.40
Check	02/20/2020	5284	Philip Seitz	Travel reimbursement	-65.60
Check	02/20/2020	5291	JK Belz & Associates	Lobbyist	-2,000.00
Check	02/20/2020	5292	State Public Works Division	Lease Assessment	-74.00
Check	02/20/2020	5293	Risk Management	Insurance	-1.41
Deposit	02/21/2020			Deposit	25.00
Deposit	02/25/2020			Deposit	325.00
Deposit	02/26/2020			Deposit	375.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
January through March 2020

Deposit	02/27/2020			Deposit	400.00
Deposit	02/27/2020			Deposit	25.00
Check	02/27/2020		Charter	Internet services	-104.97
Liability Check	02/28/2020		QuickBooks Payroll Service	Payroll expense	-5,403.23
Deposit	02/28/2020			Deposit	3.50
Deposit	02/29/2020			Deposit	100.00
Check	03/01/2020		Wells Fargo	Prepaid travel, Go Daddy, sem	-837.20
Paycheck	03/02/2020	DD1263	Loretta L Ponton	Direct Deposit	0.00
Deposit	03/02/2020			Deposit	400.00
Check	03/02/2020	5295	Ricoh Copier	Copier maintenance	-138.00
Check	03/02/2020		Voya	Payroll expense	-2,166.66
Check	03/02/2020	5294	State Public Works Division	Lease Assessment July-Sept 2	-74.00
Check	03/02/2020		Verizon Wireless	Internet Service	-10.08
Deposit	03/03/2020			Deposit	625.00
Liability Check	03/04/2020		QuickBooks Payroll Service	Payroll expense	-1,044.10
Deposit	03/04/2020			Deposit	900.00
Paycheck	03/05/2020	DD1266	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	03/05/2020	DD1264	Brooke Megill	Direct Deposit	0.00
Paycheck	03/05/2020	DD1265	Stacey Whittaker	Direct Deposit	0.00
Deposit	03/05/2020			Deposit	125.00
Check	03/05/2020		Voya	Payroll expense	-785.87
Deposit	03/06/2020			Deposit	575.00
Deposit	03/07/2020			Deposit	75.00
Deposit	03/09/2020			Deposit	400.00
Deposit	03/10/2020			Deposit	425.00
Deposit	03/11/2020			Deposit	600.00
Check	03/11/2020			Merchant fees	-190.33
Deposit	03/12/2020			Deposit	562.50
Check	03/12/2020	5299	Puliz Records Management Service	Records storage	-40.00
Check	03/12/2020	5301	A T & T	Telephone expense	-38.74
Check	03/12/2020	5302	A T & T	Telephone expense	-166.56
Check	03/12/2020	5300	Information Technology	Telephone expense	-1.83
Check	03/12/2020	5297	LCB - Printing	Printing - surveys	-468.56
Check	03/12/2020	5298	JK Belz & Associates	Lobbyist	-2,000.00
Deposit	03/13/2020			Deposit	100.00
Deposit	03/14/2020			Deposit	325.00
Deposit	03/16/2020			Deposit	50.00
Liability Check	03/17/2020	E-pay	US Treasury	Payroll expense	-3,677.64
Deposit	03/17/2020			Deposit	725.00
Liability Check	03/18/2020		QuickBooks Payroll Service	Payroll expense	-1,182.30
Deposit	03/18/2020			Deposit	675.00
Paycheck	03/19/2020	DD1269	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	03/19/2020	DD1267	Brooke Megill	Direct Deposit	0.00
Paycheck	03/19/2020	DD1268	Stacey Whittaker	Direct Deposit	0.00
Check	03/19/2020		Voya	Payroll expense	-785.87
Deposit	03/21/2020			Deposit	325.00
Deposit	03/23/2020			Deposit	25.00
Deposit	03/24/2020			Deposit	150.00
Deposit	03/25/2020			Deposit	75.00
Deposit	03/26/2020			Deposit	187.50
Check	03/27/2020		Charter	Internet services	-104.97
Deposit	03/29/2020			Deposit	500.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
January through March 2020

Liability Check	03/31/2020	QuickBooks Payroll Service	Payroll expense	-5,403.22
Deposit	03/31/2020		interest income	3.12
Total Wells Fargo Bank - Checking				<u>-35,491.04</u>
TOTAL				<u><u>-35,491.04</u></u>



Steve Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

P.O. BOX 34779
Reno, Nevada 89533-4779
Phone: (775) 746-4101 / Fax: (775) 746-4105
Email: board@nvot.org Website: www.nvot.org

Loretta L. Ponton
Executive Director

April 14, 2020

Senator Patricia Spearman, Chair
Sunset Subcommittee of the Legislative Commission
401 South Carson Street
Carson City, NV 89701

Dear Senator Spearman:

On behalf of the Nevada State Board of Occupational Therapy (Board), this letter serves as our official response to the October 1, 2018 recommendations provided by the Sunset Subcommittee of the Legislative Commission.

On November 17, 2018, the Board reviewed the findings and recommendation from the Sunset Subcommittee of the Legislative Commission.

Recommendation: Develop a policy to establish guidelines for maintaining adequate reserves to cover operating expenses.

A Reserve Funds Policy was approved by the Board on November 17, 2018 which establishes guidelines for maintaining adequate reserves to cover operating expenses. The Board's Reserve Funds Policy establishes guidelines to maintain a minimum of two (2) years and a maximum of four (4) years reserve funds for payment of Board operations.

The Reserve Funds Policy was revised at a Special Meeting of the Board on April 4, 2020 to provide for a variance to the policy in times of Declaration of Emergency.

Background:

As reported to the Sunset Subcommittee on April 23, 2018, the Board proactively addressed high reserve funds by passage of regulations which changed the term of a license to two-years without increasing the license fee.

The impact of this change resulted in a reduction of funds in reserve as of June 30, 2019 by **\$109,251** and a decrease in **the reserve ratio from 47.3 months to 27.7 months** reserves for maintenance of operations.

Board Reserve Calculations

Fiscal Year	Fund Balance	Deferred Revenue	Calculated Reserve	Monthly Expenditures	Reserve Ratio
FY 2017	\$ 668,907	\$ 183,347	\$ 852,254	\$ 18,005	47.3
FY 2019	\$ 597,776	\$ 145,227	\$ 743,003	\$ 26,827	27.7

COVID-19 Board Actions:

With 65% of the current licensed practitioners due for renewal of their licenses by September 30, 2020, the Board has taken action to reduce the economic impact to licensees, individuals and families affected by the Declaration of Emergency and Directives and to ensure vital and essential services are available as follows:

On April 4, 2020 the Board approved the following actions:

- Emergency provisions to facilitate access and/or continuation of OT services; waiver of temporary license fees, and the current certification and jurisprudence examination requirements;
- Deferral of payment of license renewal fees for licenses expiring prior to October 1, 2020 or for 60 days from termination of the Declaration of Emergency; and
- Revision to the Deferred Revenue Policy to provide for a variance during times of declared emergency and related directives.

The Board's Reserve Funds have been further reduced through March, 2020, with a reduction in available cash of approximately \$132,000. With the deferral of receipt of renewal fees, the Reserve Funds at June 30, 2020 will fall below the 2-year operating expense benchmark.

Sufficient operating cash is available to support Board operations until such time as the Declaration of Emergency is terminated and renewal fees can be collected.

Other Items of Interest:

The Board Retreat was held April 1, 2019; a long-term Strategic Direction was approved which focuses on two strategic areas; workforce development and scope of practice. The Strategic Direction will be reviewed during the coming year to assess the impact of the COVID-19 pandemic on the workforce and scope of practice of occupational therapy.

An Occupational Therapy Practice Survey was completed and issued in January, 2020. This publication has been distributed to stakeholders and will be utilized by the Board in directing future decision making in line with the Strategic Direction.

Respectfully,

Loretta L Ponton

Loretta L. Ponton
Executive Director

Cc: Elizabeth Straughan, Board Chair

Supplemental Documents:

Reserve Policy
Board Strategic Direction

Name of Regulatory Body: **Board of Occupational Therapy**

Date Submitted: May 15, 2020

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION: SPECIAL SURVEY FORM FOR CERTAIN REGULATORY BODIES

The purpose of this survey is to collect data and input from each professional and occupational board, commission, or entity—hereinafter referred to as a “regulatory body.” The data and input collected will be used to provide recommendations for reform and **improvement of Nevada’s professional and occupational licensure requirements.**

INSTRUCTIONS

- Save the form to your personal computer. Please do not change the format of the form as it complies with the [Web Content Accessibility Guidelines](#) to make content more accessible to users in general and to a wider range of people with disabilities.
- Fill in the content control or text box for each item requested. If an item does not apply to your regulatory body—please **state “Not Applicable.”**
- Save the completed form to your personal computer.
- When submitting additional documents, identify the electronic name of the document clearly.
- Email the saved form and any additional documents in PDF format to Sunset@lcb.state.nv.us.

REQUIRED INFORMATION PURSUANT TO SENATE CONCURRENT RESOLUTION 6 (2019)

[SENATE CONCURRENT RESOLUTION 6](#) (2019) directs the Subcommittee to conduct an interim study of certain regulatory bodies. The results of the study and any recommended legislation must be transmitted to the 2021 Legislature.

1. For each staff member please provide: (1) name; (2) title; (3) full-time or part-time status; and (4) whether the staff member is a public employee entitled to the benefits of such employment, a nonpublic employee who receives different benefits, or a contractor who does not receive any benefits.

Loretta L. Ponton, Executive Director – Full Time; Stacey Whittaker, Licensing Coordinator – Part Time; Brooke Megill, Licensing Assistant – Part Time; Wayne Springmeyer, Investigator – Part Time hourly as needed. The staff of the Board of Occupational Therapy are nonpublic employees who receive different benefits; the Board pays social security and contributes 9.05% of wages to deferred compensation for employees working 21 hours or more.

2. Has each member of the regulatory body received training on the duties and responsibilities of membership provided by the Office of the Attorney General pursuant to *Nevada Revised Statutes* (NRS) [622.200](#)? (Provide the date on which

the training was received by each such member. If a member has not received such training, provide an explanation.)

All members are informed of the annual training and new members are encouraged to attend the first training offered after appointment to the Board. The Boards and Commission training video and materials are available on the Attorney General's website. Elizabeth Straughan, Chair attended in 2007 and 2011 and reviewed the AG video training in 2019; Allison Stone, attended in 2017; Maria Soledad Magpantay attended in 2016; Melanie Minarik, attended in 2018; Phil Seitz is newly appointed. The Board has adopted the attached Board Member Manual which provides the members information on their duties and responsibilities, and also covers general topics covered by the training provided by the AG's office.

3. Does the regulatory body have the authority to investigate or pursue legal or equitable remedies against persons accused of practicing the profession or occupation without a license, certificate, registration, permit, or other similar authorization issued by the regulatory body? (If so, cite each section of NRS or *Nevada Administrative Code* (NAC) that provides for such authority.)

Yes, the Board of Occupational Therapy has authority in law NRS 640A.230 and NRS 640A.115: NRS 640A.230 Unauthorized practice prohibited; penalties. 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. A person who violates the provisions of this subsection is guilty of a gross misdemeanor. 2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may: (a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board. (b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation. (c) Assess against the person an administrative fine of not more than \$5,000. (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c). (Added to NRS by 1991, 991; A 1995, 753; 2013, 279, 2243); and NRS 640A.115 Inspection of premises by Board. A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter. (Added to NRS by 2013, 2242) — (Substituted in revision for NRS 640A.240)

4. Does the regulatory body delegate its responsibility to hear complaints made against a holder of a license, certificate, registration, permit, or other similar authorization issued by the regulatory body to one or more hearing officers? If so, what are the requisite qualifications to serve as a hearing officer? (Cite each

section of NAC that sets forth the requisite qualifications for hearing officers, or provide any policy adopted by the regulatory body that addresses such qualifications.)

No, the Board does not have authority to delegate its responsibility to hear complaints.

5. Are all forms that must be submitted to apply for or renew a license, certificate, registration, permit, or other similar authorization issued by the regulatory body accessible to the public electronically on the website of the regulatory body? May such forms be submitted electronically?

Yes, the Board offers on-line applications and on-line renewals of licenses. Hard copy forms are available upon request and may be submitted electronically.

6. Does the regulatory body accept credit cards, debit cards, or other electronic transfers of money pursuant to [NRS 622.233](#) for payment of a fee, fine, or other assessment authorized by law?

Yes, the Board accepts credit/debit card payments which is the preferred method of receipt of all fees. Credit/debit card payments are incorporated into all on-line licensing applications and miscellaneous fees can be paid through the Click to Pay option on the website.

7. What is the method used by the regulatory body to determine the amount of fees charged to applicants for or holders of a license, certificate, registration, permit, or other similar authorization issued by the regulatory body?

The Board reviews the financial status of the Board annually during the Budget approval process and has adopted a Reserve Funds policy that establishes criteria for consideration of increase/decrease of fees. The Board is required to set fees at an amount sufficient to cover the expenses of the Board pursuant to NRS 640A.100 which reads: “3. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.”

8. Where are administrative fines collected by the regulatory body deposited (e.g., the State General Fund or the **regulatory body's** account in a financial institution)?

Administrative fines are remitted to the State General fund and are not retained by the Board.

9. What is the amount of reserves held by the regulatory body? (Provide any policy concerning the maintenance of such reserves.)

The Board has approximately 24 months of reserve funds for operating expenses; the attached Board Policy Manual, Section 06, contains the reserve funds policy.

10. What financial information or procedures does the regulatory body use to exercise oversight of budgeting and management, increase accountability, and reduce the risk of mismanagement, fraud, and embezzlement?

The Board has adopted Operating Policies and Procedures which establishes the Board's administrative oversight of financial activities including budgeting, accountability and risk management through multiple levels of review and approval. The Board contracts for outside bookkeeping services; has a biennial audit of financial statements; a Board member

reviews and approves monthly financial transaction reports; and quarterly financial statements are reviewed and approved by the entire Board.

11. How may the public access financial audits or balance sheets of the regulatory body prepared pursuant to [NRS 218G.400](#)?

The most current biennial audit (2018) of the financial statements is available on the Board's website under About the Board, Policies and Reports. Additional audits may be obtained upon request.

12. Does the regulatory body have the authority to enter into contracts for services with outside legal counsel or lobbyists? (If so, cite each section of NRS or NAC that provides for such authority.)

Yes, NRS 640A.100 provides the authority for the Board to hire staff necessary for the conduct of Board business, which reads: "2. The Board may employ an Executive Director and any other employees it deems necessary, establish their duties and fix their salaries."

13. Does the regulatory body obtain approval from the State Board of Examiners prior to entering into contracts for services with outside legal counsel or lobbyists? If not, explain why the regulatory body does not obtain such approval.

Yes, all contracts are submitted for BOE approval.

14. **Considering the regulatory body's operational** expenses, are there any opportunities to consolidate or centralize certain functions—such as information technology, legal advice, lobbying, personnel, and payroll—that can be executed by personnel shared with other regulatory bodies at lower aggregate costs?

The Board has established an Administrative Cost Sharing policy and has entered into Administrative Office Co-Location and Cost Sharing Agreements with the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board (02/10/14) and the Board of Environmental Health Specialists (07/01/16). Under the agreements, each Board is responsible for all direct costs of staff, legal services and board specific information technology such as websites, data licensing systems, merchant services, email and office software. The Boards share common office areas, reception and conference room facility & equipment, and share staff coverage for telephones and walk-in traffic. Due to the size and funding resources of each co-locating Board, it is not feasible to cost allocate/share personnel as each Board has differing methods of staffing, compensation and benefits based upon the needs and resources available. The policy can be found in the Board Policy Manual, Section 06:03 Administrative Cost Sharing which is attached.

REQUIRED INFORMATION PURSUANT TO NRS 232B.237 AND 622.085

This section does not apply to the State Contractors' Board and the Private Investigator's Licensing Board.

[Assembly Bill 319](#) (2019) requires the Sunset Subcommittee to collect certain information to determine whether the restrictions on the criminal history of an applicant for a license, certificate, registration, permit, or other similar authorization issued by a regulatory body

are appropriate and to include any suggestions for modification, continuation, or removal of such restrictions in its recommendations for appropriate direct legislative action to the Legislative Commission ([NRS 232B.237](#) and [232B.250](#)). Certain regulatory bodies are required to develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the **person's criminal history will disqualify the person from obtaining a** license, certificate, registration, permit, or other similar authorization from the regulatory body. ([NRS 622.085](#))

1. How many applicants have submitted a petition for a determination of whether **the applicant's criminal history will disqualify the applicant from obtaining a** license, certificate, registration, permit, or other similar authorization issued by the regulatory body?

None

2. How many determinations of disqualification pursuant to NRS 622.085 have been made by the regulatory body? What were the reasons for such determinations?

Not applicable

3. How many persons have resubmitted a petition for a determination of whether **the applicant's criminal history will disqualify the applicant from obtaining a** license, certificate, registration, permit, or other similar authorization issued by the regulatory body after receiving instructions to remedy the determination of disqualification? How many initial determinations of disqualification have been changed as a result of a resubmitted petition?

Not Applicable

4. Does the website of the regulatory body include the requirements for obtaining a license, certificate, registration, permit, or other similar authorization issued by the regulatory body and a list of crimes that disqualify a person?

Yes, the website provides information on requirements for licensure; the Board does not maintain a listing of disqualifying crimes as each case is evaluated on the individual's specific circumstances. The Board Policy Manual, Section 01:14 Moral Character Determination addresses the process for review of an applicants' criminal history and Section 08 establishes the process to petition the Board for a pre-determination of disqualification for licensure based upon criminal history.

5. Does the regulatory body impose a fee upon the applicant for a determination **of whether the applicant's criminal history** will disqualify the applicant from obtaining a license, certificate, registration, permit, or other similar authorization issued by the regulatory body? If so, how much is the fee?

No fee is charged for the initial determination; a fee of \$50 would be assessed for a re-determination. See Section 8 of Board Policy Manual.

6. Does the regulatory body waive the fees imposed upon the applicant for a determination of disqualification or allow such fees to be covered by a scholarship or grant? (Provide a copy of any policy allowing for such fee to be waived or covered by a scholarship or grant.)

There are no limitations on the entity, individual or method of payment of the fee if assessed.

ADDITIONAL INFORMATION REGARDING LICENSURE BY ENDORSEMENT AND RECIPROCAL LICENSURE

1. Does the regulatory body offer a license, certificate, registration, permit, or other similar authorization by endorsement pursuant to [NRS 622.530](#) or any other legal authority? (Cite each section of NRS or NAC that provides for such authority.)
 - a. If so: (1) Explain the application process for how an applicant who holds a corresponding valid and unrestricted license, certificate, registration, permit, or other similar authorization from another state can obtain a similar authorization by endorsement in Nevada; and (2) How many applicants have been issued a license, certificate, registration, permit, or other similar authorization by the regulatory body by endorsement during the previous five years?

Yes, although the Board has authority for an expedited license by endorsement, it has not been necessary to utilize that authority since the Board moved to on-line applications Jan 2019 which provides expedited processing of all applications. Requirements are a) completion of the on-line application, b) payment of fee c) documentation of current licensure in good standing in another state, d) current national certification (NBCOT), and e) completion of the Nevada Jurisprudence Exam which is offered on the website. Documentation may be uploaded during the application process. On-line Applications are reviewed daily and notification of deficiencies are made within 1-3 business days of receipt. If all elements are complete, an application is approved and license issued within the 1-3 day period. NRS 640A.165 Expedited license by endorsement as occupational therapist: Requirements; procedure for issuance. 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States. 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application: (a) Proof satisfactory to the Board that the applicant: (1) Satisfies the requirements of subsection 1; (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; (c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and (d) Any other information required by the Board. 3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application. 4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an

action shall be deemed to be an action of the Board. (Added to NRS by 2015, 3023; A 2019, 4298)

- b. If not, explain why the regulatory body does not offer a license, certificate, registration, permit, or other similar authorization by endorsement.

Not Applicable

2. Has the regulatory body entered into any reciprocal licensing agreement pursuant to [NRS 622.520](#) or any other legal authority? (Cite each section of NRS or NAC that provides for such authority, including the states with which the regulatory body has entered into a reciprocal agreement.)

No

3. If the regulatory body entered into any reciprocal licensing agreement pursuant to [NRS 622.520](#) or any other legal authority: (1) Explain the application process for how an applicant who holds a corresponding valid and unrestricted license, certificate, registration, permit, or other similar authorization from another state can obtain a similar authorization by reciprocity in Nevada; and (2) How many applicants have been issued a license, certificate, registration, permit, or other similar authorization by the regulatory body by reciprocity during the previous five years?

Not Applicable

ADDITIONAL INFORMATION REGARDING MILITARY SPOUSES

The following questions refer specifically to a spouse of an active member of the Armed Forces of the United States (military spouse) who is an applicant for a license, certificate, registration, permit, or other similar authorization issued by the regulatory body.

1. During the previous five years, how many applications from a military spouse for a license, certificate, registration, permit, or other similar authorization issued by the regulatory body were: (1) received; (2) approved; and (3) rejected? Please explain why any applications were rejected.

The Board has received and approved 18 applications from military spouses in the previous five years. No applications were rejected or denied. In addition, 34 applications from veteran's spouses were received and approved during the previous 5 years for a total of 52 military affiliated spouses having been licensed in the previous 5 years.

2. During the previous five years, what is the average number of days between receipt of an application from a military spouse for a license, certificate, registration, permit, or other similar authorization issued by the regulatory body and the date of: (1) approval; (2) rejection; or (3) notification of incomplete application?

The average days from receipt to approval or notification of deficiency is 1-3 business days.

3. Does the regulatory body provide expedited review of applications submitted by a military spouse for a license, certificate, registration, permit, or other similar authorization issued by the regulatory body? (If so, cite each section of NRS or NAC that provides for such authority.)

Yes, although the Board has authority for an expedited license, it has not been necessary to utilize that authority since the Board moved to on-line applications Jan 2019 which provides expedited processing of all applications. Military spouse designation is included in the on-line application process. Requirements are a) completion of the on-line application, b) payment of fee c) documentation of current licensure in good standing in another state, d) current national certification (NBCOT), e) completion of the Nevada Jurisprudence Exam which is offered on the website and f) document verifying military affiliation.

Documentation may be uploaded during the application process. On-line Applications are reviewed daily and notification of deficiencies are made within 1-3 business days of receipt. If all elements are complete, an application is approved and license issued within the 1-3 day period. “NRS 640A.166 Expedited license by endorsement as occupational therapist for active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant: (a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; and (b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran. 2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application: (a) Proof satisfactory to the Board that the applicant: (1) Satisfies the requirements of subsection 1; (2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; (c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and (d) Any other information required by the Board. 3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application. 4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board. 5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board. 6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005. (Added to NRS by 2015, 3902; A 2019, 4299)”

4. During the previous five years, how many applicants for a license, certificate, registration, permit, or other similar authorization issued by the regulatory body who are military spouses hold a valid and unrestricted license to practice his or her profession or occupation in the District of Columbia or any state or territory of the United States?

There were 11 Military Spouses who held licenses in another jurisdiction at time of application during the previous 5 years. In addition, 19 Veteran's Spouses held licenses in another jurisdiction at time of application for a total of 30 military affiliated spouses during the previous 5 years.

5. If the regulatory body offers a license, certificate, registration, permit, or other similar authorization by endorsement pursuant to [NRS 622.530](#) or any other legal authority: (1) Explain the application process for how an applicant who holds a corresponding valid and unrestricted license, certificate, registration, permit, or other similar authorization from another state can obtain a similar authorization by endorsement in Nevada; and (2) How many military spouses have been issued a license, certificate, registration, permit, or other similar authorization by the regulatory body by endorsement during the previous five years?

The process is explained in question 3, above. The 11 military spouses holding licenses in another jurisdiction would be considered licensed by endorsement; see question 4.

6. What opportunities for reciprocity of a license, certificate, registration, permit, or other similar authorization has the regulatory body developed pursuant to [NRS 622.510](#) for military spouses?

The Board does not have authority to issue licenses by direct reciprocity; however, as previously reported, the licensure process is very quick at 1-3 days turn around for issuance of a license.

7. If the regulatory body entered into any reciprocal licensing agreement pursuant to [NRS 622.520](#) or any other legal authority, how many military spouses have been issued a reciprocal license, certificate, registration, permit, or other similar authorization pursuant to that authority by the regulatory body during the previous five years?

Not Applicable

8. Does the regulatory body offer a temporary or provisional license, certificate, registration, permit, or other similar authorization? If so, how many military spouses have been issued a temporary or provisional license, certificate, registration, permit, or other similar authorization by the regulatory body during the previous five years? (Cite each section of NRS or NAC that provides for such authority.)

One (1) military spouse has been issued a provisional license pending examination; three (3) veterans' spouses have received a provisional license pending examination during the previous 5 years.

9. Does the website of the regulatory body clearly explain the options available to military spouses for obtaining a license, certificate, registration, permit, or other similar authorization issued by the regulatory body? (If so, provide a link to the regulatory body's website that has information on such options.)

The application instructions contain information on the military/veteran's discount for licensure. <https://www.nvot.org/lic/app/>

10. Does the regulatory body provide a waiver of fees, or a fee discount, to applicants who are military spouses? (Cite each section of NRS or NAC that provides for such authority.)

Military, Veterans and their spouses receive a 50% discount on initial licensure fees.

“NRS 640A.190 Fees; regulations. 2. If an applicant submits an application for a license by endorsement pursuant to NRS 640A.166, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license. “ and

“NAC 640A.160 Fees. 2. If an applicant for an initial license as an occupational therapist or occupational therapy assistant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge a fee of \$75 for the processing of an initial license application and one-half of the fee set forth in subsection 1 for an initial license of any type.”

Attachments:

Board Member Manual

Board Policy Manual

Operating Policies and Procedures

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 15: Biennial Budget
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In previous years, the Board established annual budgets for management of the Board's finances and determine adequacy of Board resources and expenditures. In April, 2018 the Board moved to a two-year license term which spreads the Board's revenue and cash receipts over a longer term which is not accounted for in an annual budget process.

The proposed budgeting process reflects a change to a biennial budget review process which provides a longer-term analysis of the Board's resources and expenses and is more accurately tied to the 2-year license cycle.

Presented for consideration is the proposed FY 2021 Budget and projected FY 2022 Budget. The FY 2022 Budget will again be reviewed at the end of FY 21 for any necessary adjustments based upon circumstances and needs at that time.

Revenue: Based upon new license fees with 200 new applicants per year; 90% renewal rate spread over 2 years based upon expiration dates; 75 license verifications and miscellaneous receipts for mailing lists, legal reimbursements and conversion fees. Interest income is less due to cash out of CD's and lower rates; and cost sharing income estimate from the 2 co-locating Boards.

Expenses: FY 21 – equipment purchase of laptop computer; no personnel merit increases, no seminar expenses and no out-of-state travel expenses. FY 22 – merit salary increase for licensing specialist only; minimal 2% general increase in general operating; assuming continuation of Legislative Service contract and increase in OS travel for Board trainings. FY 22 reduction in expenses for audit services (biennial expense).

The proposed budgets reflect a continual reduction of reserve funds, remaining on a planned 4 year projected breakeven point in FY 2024 or sooner (estimate of \$150,000 reserve funds used over next 4 years).

Attachments

Proposed Fiscal Year 2021, July 1, 2020 through June 30, 2021
Projected Fiscal Year 2022, July 1, 2021 through June 30, 2022

State of Nevada
Board of Occupational Therapy
Biennial Budget
July 1, 2020 - June 30, 2022

BUDGET	2021	2022	Difference	% Change
Revenue				
Processing Fees	\$ 30,000.00	\$ 30,000.00	\$ -	
License Fees	\$ 202,625.00	\$ 220,875.00	\$ 18,250.00	
Miscellaneous / List Fees	\$ 6,375.00	\$ 6,375.00	\$ -	
Sub-total Licensing Fees	\$ 239,000.00	\$ 257,250.00	\$ 18,250.00	7.64%
Interest Income	\$ 6,200.00	\$ 5,000.00	\$ (1,200.00)	
Cost Sharing Income	\$ 6,600.00	\$ 6,600.00	\$ -	
Total Revenue	\$ 251,800.00	\$ 268,850.00	\$ 17,050.00	6.77%
Operating Expense				
Audit Fees	\$ 8,000.00	\$ -	\$ (8,000.00)	
Bank Fees - Merchant Svs	\$ 2,390.00	\$ 5,145.00	\$ 2,755.00	
Equipment Purchase	\$ 3,000.00	\$ -	\$ (3,000.00)	
Equipment Rental	\$ 2,200.00	\$ 2,244.00	\$ 44.00	
Insurance	\$ 1,500.00	\$ 1,500.00	\$ -	
Legal Fees	\$ 12,000.00	\$ 12,240.00	\$ 240.00	
Licensing Software Subscription	\$ 8,550.00	\$ 8,550.00	\$ -	
Maintenance / Repairs	\$ 400.00	\$ 450.00	\$ 50.00	
Meeting Expense	\$ 1,500.00	\$ 1,530.00	\$ 30.00	
Office Lease	\$ 31,225.00	\$ 32,125.00	\$ 900.00	
Office Supplies	\$ 2,000.00	\$ 2,050.00	\$ 50.00	
Office Expense	\$ 7,060.00	\$ 7,340.00	\$ 280.00	
Records Storage & Recycling	\$ 1,000.00	\$ 1,020.00	\$ 20.00	
Internet Service	\$ 1,560.00	\$ 1,620.00	\$ 60.00	
Postage & Mailing	\$ 1,500.00	\$ 1,650.00	\$ 150.00	
Telephone	\$ 2,500.00	\$ 2,550.00	\$ 50.00	
Printing & Reproduction	\$ 500.00	\$ 500.00	\$ -	
Personnel Payroll	\$ 188,923.73	\$ 192,818.44	\$ 3,894.71	2.06%
Executive Director	\$ 100,161.36	\$ 100,161.36	\$ -	
Executive Assistant/Specialist	\$ 32,760.00	\$ 36,036.00	\$ 3,276.00	
Licensing Assistant	\$ 17,766.84	\$ 17,766.84	\$ -	
Investigator	\$ 5,000.00	\$ 5,000.00	\$ -	
Employer Taxes	\$ 13,425.61	\$ 13,702.38	\$ 276.77	
Employee Benefits	\$ 18,202.02	\$ 18,498.50	\$ 296.48	
Professional Fees	\$ 29,000.00	\$ 29,000.00	\$ -	
Bookkeeping Services	\$ 3,000.00	\$ 3,000.00	\$ -	
Legislative Services	\$ 24,000.00	\$ 24,000.00	\$ -	
IT Support Services	\$ 2,000.00	\$ 2,000.00	\$ -	
Sponsored CE Seminars	\$ -	\$ -	\$ -	
Travel	\$ 1,500.00	\$ 5,000.00	\$ 3,500.00	
In State Travel	\$ 1,500.00	\$ 1,500.00	\$ -	
Out of State Travel	\$ -	\$ 3,500.00	\$ 3,500.00	
Total Expense	\$ 299,248.73	\$ 299,992.44	\$ 743.71	0.25%
Revenue Over / Under Expense	\$ (47,448.73)	\$ (31,142.44)		-34.37%

**State of Nevada
Board of Occupational Therapy
Prior Year
Budget Comparison**

BUDGET	2021	2020	Difference	
Revenue				
Processing Fees	\$ 30,000.00	\$ 40,250.00	\$ (10,250.00)	-25%
Licenses - Renewals	\$ 202,625.00	\$ 135,930.00	\$ 66,695.00	49%
Miscellaneous / List Fees	\$ 6,375.00	\$ 8,450.00	\$ (2,075.00)	-25%
Interest Income	\$ 6,200.00	\$ 8,200.00	\$ (2,000.00)	
Cost Sharing Income	\$ 6,600.00	\$ 14,137.00	\$ (7,537.00)	
Legal Fees Reimbursements	\$ -	\$ -	\$ -	
Total Revenue	\$ 251,800.00	\$ 206,967.00	\$ 44,833.00	22%
Operating Expense				
Audit Fees	\$ 8,000.00	\$ -	\$ 8,000.00	
Bank Fees - Merchant Svs	\$ 2,390.00	\$ 4,246.49	\$ (1,856.49)	
Equipment Purchase	\$ 3,000.00	\$ -	\$ 3,000.00	
Equipment Rental	\$ 2,200.00	\$ 2,400.00	\$ (200.00)	
Insurance	\$ 1,500.00	\$ 1,600.00	\$ (100.00)	
Legal Fees	\$ 12,000.00	\$ 12,000.00	\$ -	
Licensing Software Program	\$ 8,550.00	\$ 7,700.00	\$ 850.00	
Maintenance / Repairs	\$ 400.00	\$ 375.00	\$ 25.00	
Meeting Expense	\$ 1,500.00	\$ 1,500.00	\$ -	
Office Lease	\$ 31,225.00	\$ 29,500.00	\$ 1,725.00	
Office Supplies	\$ 2,000.00	\$ 2,500.00	\$ (500.00)	
Office Expense	\$ 7,060.00	\$ 20,500.00	\$ (13,440.00)	
Personnel Services	\$ 188,923.73	\$ 192,565.02	\$ (3,641.29)	
Professional Fees	\$ 29,000.00	\$ 21,500.00	\$ 7,500.00	
Travel - In State	\$ 1,500.00	\$ 4,500.00	\$ (3,000.00)	
Travel - Out of State	\$ -	\$ 2,500.00	\$ (2,500.00)	
Sponsored CE Seminars	\$ -	\$ 5,000.00	\$ (5,000.00)	
Total Expense	\$ 299,248.73	\$ 308,386.51	\$ (9,137.78)	-3%
Net Revenue / Expense	\$ (47,448.73)	\$ (101,419.51)		

State of Nevada
Board of Occupational Therapy

P.O. Box 34779, Reno, Nevada 89533-4779
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 15: Report from Board Chair
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2020 Meeting Schedule

Saturday - August 15, 2020 – Video/Teleconference
Saturday - November 14, 2020 - Video/Teleconference

Future Agenda Items

Strategic Direction Update - Next Steps
Legislative Updates & Issues
Biennial Audit FY 19 / FY 20 (November)

Comments from Board Members