

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

August 15, 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

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 Meeting (for possible action)

- May 23, 2020

4. Consideration of License Application – Blake Piercy, OT (for possible action)

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)

5. Consideration of Application for Reinstatement, Practice without Current License (for possible action)

- Denell Powers Manthey, OTR, License No. 14-0506

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. Legislative Report - JK Belz & Associates (informational)

7. Nevada Occupational Therapy Association (NOTA) Report (informational)

8. American Occupational Therapy Association (AOTA) Updates - Kristen Neville, Manager State Affairs, AOTA (informational)

9. Regulatory Workshop - Proposed Revisions to NAC 640A (discussion)

- NAC 640A.068 Inactive licensing; continuing education; renewal; conversion of inactive license to standard license.
Adds provisions for retired practitioners; removes CE requirement for inactive license, adds CE requirement to converted to “active” standard license.
- NAC 640A.160 Fees
Reduces COTA conversion fee; establish reduced fee for retired practitioners.
- NAC 640A.250 Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist.
Revises requirements for documentation of supervision pertaining to supervisory logs.
- NAC 640A.255 Occupational therapy assistant or provisional licensee: Review and approval of supervisory logs by primary supervisor; general supervision by treating occupational therapist.

Requires primary supervisor to review and ensure supervisory documentation is maintained by OTA and OT pursuant to NAC 640A.250.

- *NEW Professional responsibilities regarding business ownership, plan of supervision.*
Establish professional and ethical responsibilities of licensees who are business owners, requires plan of supervision in certain instances.
- *NEW "In good standing" defined.*
Establishes criteria for a report of "in good standing" on a license verification.

10. Executive Director's Report (for possible action)

- Fiscal Year 2020 Financial Reports, 4th Quarter FY20, ending June 30, 2020
- COVID-19 Emergency Provisions; Temporary Licenses, Deferred Renewal Fees
- Compiled Report - Special Survey of Certain Regulatory Bodies for Sunset Subcommittee

11. Consideration of Adjustments to Biennial Budget – FY 2021 and FY 2022 (for possible action)

12. Report from Deputy Attorney General (informational)

13. Report from Board Chair and Members (for possible action)

- Board Meeting Schedule
- Future Agenda Items

14. 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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15. 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 May 23, 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

May 23, 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, Licensing Coordinator, Henna Rasul, Sr. Deputy Attorney General
Public Present: Shaina Meyer, NOTA, Kristen Neville, AOTA, Donna Costa, OTR, Paul Vallarta COTA, Jay DeVoy, Ming Cheng

Elizabeth Straughan, Chair, called the meeting to order at 10:00 a.m. A roll call confirmed a quorum was present.

Public Comments – None

Approval of the Minutes - Elizabeth Straughan asked if there were any corrections, revisions or other discussion of the minutes of the February 8, 2020 and April 4, 2020 board meetings.

No revisions were noted. Ms. Straughan called for a motion.

Allison Stone made the motion to approve the minutes of the Board meeting of February 8, 2020. Sol Magpantay seconded the motion. The motion passed.

Allison Stone made the motion to approve the minutes of the Board meeting of April 4, 2020. Mel Minarik seconded the motion. The motion passed.

Disciplinary Matters - Dismissal - Ms. Straughan called on Loretta Ponton. Ms. Ponton stated that after review of all documentation received in regards to Complaint Cases C20-09, C20-10, and C20-11; it is recommended the Board formally dismiss the cases as there is insufficient evidence to establish a violation of Chapter 640A of NRS or NAC.

Case No. C20-09 alleged unprofessional and unethical conduct. Allegations were not verifiable as there were no witnesses.

Case No. C20-10 was referred from another Board. The licensee was not identified and there was no response from the Complainant.

Case No. C20-11 alleged unprofessional conduct, failure to inform client of the risks with a specific treatment and failure to obtain consent of the client. Allegations were not verifiable as there was no response from the Complainant.

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

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Allison Stone made the motion to dismiss Complaint Cases C20-09, C20-10, and C20-11. Sol Magpantay seconded the motion. The motion passed.

Disciplinary Matters – Consent Decrees - Elizabeth Straughan called on Loretta Ponton. Ms. Ponton confirmed all members had received and reviewed the Consent Decrees being considered.

Complaint Case No. C20-07 and C20-08; Michel Rantissi, OTR, License No. 0662

Elizabeth Straughan confirmed there were no questions or concerns with the proposed Consent Decree and called for a motion.

Allison Stone made the motion, seconded by Phil Seitz to approve the Consent Decree with Michel Rantissi, OTR, License No. 0662 in Case No. C20-07 and C20-08. The motion passed.

Complaint Case No. C20-12 and C20-13, Kerry Morris, OTR, License No. OT-2023

Elizabeth Straughan confirmed there were no questions or concerns with the proposed Consent Decree and called for a motion.

Allison Stone made the motion, seconded by Mel Minarik, to approve the Consent Decree with Kerry Morris, OTR, License No. OT-2023 in Case No. C20-12 and C20-13. The motion passed.

Request for Extension of Provisional License – Fiona Wong, OTA – At the request of Elizabeth Straughan, Ms. Ponton summarized Fiona Wong’s request for an extension of her provisional OTA license which will expire September 15, 2020. Due to COVID-19 closure of testing centers and financial difficulties as a result of being laid-off from employment, Ms. Wong is not able to complete her testing until she obtains employment and the testing centers reopen. Ms. Ponton recommended that the Board consider a 3-month extension to December 15, 2020 or 90 days from the date the state of emergency is lifted, whichever is sooner.

Mel Minarik asked if perhaps they should make an emergency policy statement on provisional license extensions. Ms. Ponton explained there are only 2 provisional licensees and Ms. Wong is the only one affected at this time.

Elizabeth Straughan called for a motion.

Allison Stone made the motion, seconded by Mel Minarik, to approve an extension of Fiona Wong’s Provisional License No. OTA-2383 to December 15, 2020 or 90 days from the date the state of emergency is lifted, whichever is sooner. The motion passed.

Request for Release from Probation – Adriane Boynton, OTR – Allison Stone disclosed that she knows Ms. Boynton but that she feels she can be impartial in consideration of Ms. Boynton’s request.

At the request of Elizabeth Straughan, Ms. Ponton reported that Ms. Boynton has been in compliance with all terms of the Consent Decree entered into with the Board in Case No. C16-02 dated November 19, 2016.

Elizabeth Straughan called for a motion.

Allison Stone made a motion, seconded by Sol Magpantay, to approve the release from probation for Adriane Boynton, OTR License No. 11-0113 in Case No. C16-02. The motion passed.

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Completion of Terms of Consent Decree – Donna Costa – Ms. Ponton reported that as a term of her Consent Decree, Ms. Costa was to provide a presentation on Ethics at the Board Sponsored Seminars to be held prior to June 30, 2020. Due to COVID-19 closure, the Seminars scheduled in April 2020 were cancelled.

Ms. Ponton reported that Ms. Costa has been very responsive and completed all other terms of her consent decree and complied in good faith with preparation for her presentation on Ethics. Ms. Costa has provided the slide presentation materials which would have been utilized at the seminars.

Elizabeth Straughan stated that perhaps the presentation can be provided in another format at a later date.

Elizabeth Straughan called for a motion.

Allison Stone made the motion, seconded by Sol Magpantay, to approve the completion of terms of the Consent Decree with Donna Costa, OTR License No. 13-0323 in Case No. C18-02 dated February 9, 2019. The motion passed.

Donna Costa stated that she would be willing to do the presentation on Ethics in the future as she feels it's a very important topic.

Consideration of License Application – Paul Vallarta, COTA – At the request of Elizabeth Straughan, Loretta Ponton summarized the previous licensing history of Mr. Vallarta which resulted in the issuance of a probationary COTA license. The Board denied an extension of time to complete the 2-year practice requirement which resulted in revocation of his license April 15, 2019, with eligibility to reapply after one-year.

Ms. Ponton stated he has held a license in good standing in Utah and has current NBCOT certification. Informal investigation has not found any subsequent arrests or convictions since the initial instances reported in 2015.

Mr. Vallarta was asked if he intended to move to Nevada to work. Mr. Vallarta replied that was his intent as his hours have been cut due to COVID-19 and he needs full time work.

Ms. Ponton stated that it is not a licensing requirement to be a resident or work in the State.

Elizabeth Straughan called for a motion.

Allison Stone made the motion to approve the license application of Paul Vallarta, COTA. Sol Magpantay seconded the motion. The motion passed.

Legislative Update – Loretta Ponton summarized the written Legislative Report provided by Jeanette Belz, Board Lobbyist who was unable to attend the meeting.

Nevada Occupational Therapy Association Report – Elizabeth Straughan welcomed Shaina Meyer, NOTA Legislative Liaison. Ms. Meyer reported on upcoming continuing education events, the annual NOTA conference, NOTA scholarship winners, social media platforms and summer interns from UNLV Honors College. Ms. Meyer introduced Ming Chen who is one of the scholarship students, and concluded her report noting that elections for NOTA positions will be held in early June.

Board Policies and Guidelines – Liz Straughan asked Loretta Ponton to present. Ms. Ponton reported a new Board Policy Manual has been developed incorporating all the current Board policies, advisories,

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notices and guidelines into a single comprehensive manual. The manual provides more detailed information on how, what, where and when in accordance with law and regulations. The existing stand-alone policies have been incorporated into each applicable section, and Board advisories, notices and guidelines have been added as supplemental documents. The Disciplinary Guidelines have been updated specific to Board processes and are provided as a reference document for the Board and licensees. The licensing section revises processes and procedures, last updated in 2014, and incorporates the on-line application and renewal processes.

Ms. Ponton stated the Policy Manual will supersede and replace the current policies if approved. Ms. Ponton summarized each section and the applicable policies incorporated into each section.

Liz Straughan stated she continues to be impressed with the proactive 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 Sol Magpantay to approve the Board Policy Manual and revised Disciplinary Guidelines. The motion passed.

Executive Director's Report - Loretta Ponton reported on licensure statistics stating the total number of licensees as of March 31, 2020 was 1592, an increase of 15.2% and a net increase of 210 licensees compared to the same period last year. It was noted that the total licensees and reported 21 expired license numbers are skewed due to the change to a 2-year term; they don't reflect individuals who are no longer practicing who hold current licenses. These statistics will be updated after the June 30 renewals are complete.

FY 2020 Financial Statements: Ms. Ponton summarized the 3rd Quarter financial statements, reporting Revenue at \$143,449 in licensing and other fees (77.7% of budget) with additional income from recaptured legal fees of \$14,437, interest income and cost sharing income of \$21,247 for a total of \$164,696 in revenue.

Expenses totaled \$215,355 (69.83% of budget) for a net loss of (\$ 50,659) as of March 31, 2020. Overall, expenses are projected to come in under approved budget levels.

Balance sheet cash is \$635,484 with \$87,377 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.

Investment Accounts: Ms. Ponton reported the Board received notice from Wells Fargo Investments that effective June 1, 2020, they would no longer be able to service our accounts. Board's investment accounts are being moved from Wells Fargo Investments to Wells Fargo Advisors. Elizabeth Straughan and Sol Magpantay, as well as the Executive Director, are the signatories on the bank accounts.

Sunset Subcommittee: Ms. Ponton reported she presented at the May 4, 2020 virtual meeting of the Sunset Subcommittee. The subcommittee had requested a status report of their recommendation to establish a reserve funds policy. At the Sunset Subcommittee meeting, they approved a Special Survey of licensing boards to gather data for a report pursuant to SCR 6 which directed the subcommittee to conduct an interim study of regulatory bodies and make recommendation back to the Legislature. The survey also collects data on AB319 regarding criminal history petitions, license by endorsement pursuant to NRS 622.530 and information regarding licensure of military spouses.

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

NBCOT Interim Degree Verification Policy: Ms. Ponton reported that NBCOT has established a policy to address COVID-19 related delays in issuance of official transcripts. The policy provides for the acceptance of a verification form from the educational institution which will allow a student to take the NBCOT exam; however the official score report will not be issued until receipt by NBCOT of the official transcript.

Status of Research: Ms. Ponton reported she had sent a Survey Monkey questionnaire to all state OT licensing Boards requesting information on law and/or regulation of Wound Care, Dry Needling and Pelvic Floor Therapy. Only 2 responses were received by email and no states completed the survey. Further research has been deferred until a later date until the COVID-19 pandemic has been resolved.

COTA Supervisory Audit: The audit of Supervisory Logs began February 24 with 97 COTAs being selected for audit. A second notice of audit was sent to 30 non-responsive licensees on April 24, 2020. Fifteen (15) individuals have not responded to either notice and will be contacted by telephone prior to issuance of an administrative complaint for non-compliance with supervisory requirements.

Board Training: Ms. Ponton reported the two NBCOT trainings scheduled in April and May were cancelled.

Complaints: Ms. Ponton reported that after the Board's action this date, there are no open complaints in process.

Elizabeth Straughan called for a motion to accept the Executive Director's Report.

Allison Stone made the motion to accept the Executive Director's Report. Sol Magpantay seconded the motion. The motion passed.

Biennial Budget – Elizabeth Straughan called upon Loretta Ponton to present.

Ms. Ponton stated the Board has previously established annual budgets for management of the Board's finances and determine the adequacy of the Board resources and expenditures. In 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 Board's increase in renewal fees was effective January 1, 2020 with the majority of two-year licenses being renewed by June 30, 2020 for revenue recognition in FY 21/FY 22.

Ms. Ponton presented for consideration a biennial budgeting process which provides a longer-term analysis of the Board's resources and expenses and is more accurately tied to the two-year license cycle.

Ms. Ponton reviewed the proposed FY 21 and FY 22 biennial budget line items for both revenue and expenses, and detailed the deviations from current and proposed line items. Ms. Ponton stated both fiscal year budgets reflect a continual reduction of reserve funds, remaining on a planned 4 year projected breakeven point or sooner.

There was consensus of Board members that a biennial budget provides a better basis for planning and analysis of Board resources and that annual reviews and adjustments can be made as necessary.

Elizabeth Straughan called for a motion.

Sol Magpantay made the motion to approve the Biennial Budget as presented, with review for any necessary adjustments at the next Board meeting based upon actual FY 20 revenue and expenses. The motion was seconded by Allison Stone. The motion passed.

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

Report from Sr. Deputy Attorney General – Henna Rasul stated she had no report.

Report from Board Chair and Members – Elizabeth Straughan confirmed the August 15, 2020 Board meeting, and November 14, 2020 Board meeting reporting the meetings will be held by teleconference.

Elizabeth Straughan commented on the Draft OT Compact document which has been distributed to state licensing boards for comments. The OT Compact is intended to expedite licensing for individuals in multiple participating compact states but has requirements for State participation including additional costs to the State and potentially individuals as well as establishes licensing requirements that Nevada does not require such as fingerprinting. Phil Seitz stated he sees no reason to belong to a compact; Sol Magpantay stated there are no other Nevada Boards to her knowledge that are active in compacts. Loretta Ponton added that the PT Board had legislation to join the PT Compact but there was concerns by Legislators with liability and costs.

Ms. Ponton stated that future agenda items are the Biennial Audit which will be on the agenda for approval at the November Board meeting and the Board may possibly want to consider a strategic planning session in either 2021 or 2022 to follow up on the Strategic Direction approved in 2019.

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

Donna Costa announced that UNLV has received approval of their Doctoral program; the program is opening in two weeks with 36 students who will graduate in 2023.

Kristen Neville commented that AOTA is a resource for questions on COVID-19, AOTA will be offering virtual continuing education courses and that Chuck Willmarth and Kristen would be happy to answer any questions on the OT Compact.

Adjournment – Elizabeth Straughan adjourned the meeting at 11:44 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: Consideration of License Applications

Blake Piercy, OT

Mr. Piercy graduated 5/1/18 from Touro University with his Master's in OT. He obtained NBCOT certification March 20, 2020 and is not licensed in any other state.

Mr. Piercy is currently on 2-year Probation, having pled guilty to the crime of Attempted Battery with Substantial Bodily Harm (Gross Misdemeanor) on May 30, 2019.

Attachment

License Application
Criminal History Documents and Explanation

Loretta Ponton

Exam - emailed
 legal 4/16

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Thursday, April 16, 2020 12:09 PM
To: Loretta Ponton; GL Test
Subject: Merchant Email Receipt

LP to review
online

emailed 5/21/20 SW
6/5/20 LP
6/18/20 SW

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : NV BOARD OF OCC THERAPY (469120) Date/Time : 16-Apr-2020 13:09:09 MDT

===== ORDER INFORMATION =====

5.20.20?

Invoice : 22891
Description : Goods or Services
Amount : 400.00 (USD)
Payment Method: MasterCard xxxx7354
Transaction Type: Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.
Auth Code : 140910
Transaction ID : 41946589543
Address Verification : Street Address: Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID : 0
First Name : Blake
Last Name : Piercy
Company :
Address : 7906 Shelter Island Way
City :
State/Province : NV
Zip/Postal Code : 89145
Country :
Phone :
Fax :
E-Mail :

===== CUSTOMER SHIPPING INFORMATION =====

First Name :
Last Name :
Company :
Address :
City :



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* Blake	Middle Name A.	Last Name* P e r i c y	Suffix
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Other Names you have used	Social Security Number / Taxpayer Identification Number* -0 5	Gender* Male
----------------------------------	---	------------------------

Date of Birth*	Place of Birth* Las Vegas, NV
-----------------------	---

US Citizen Yes No

Contact Information

Mailing Address*

7906 Shelter Island Way

City*

Las Vegas

State*

NV

ZIP Code*

89145

Contact Phone Number*

702-677-4031

E-mail Address*

piercy.blake@gmail.com



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Miscellaneous

Education Information

Educational Institution*

Touro University Nevada

City*

Las Vegas

State*

NV

Date Graduated*

5/1/2018

Degree Awarded*

Master Degree

NBCOT Information

Are you currently certified by NBCOT?



Yes*



No*

Certification Number

436930

Other State License Information

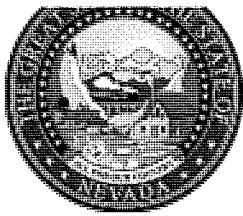
Are you now or have you ever been licensed, certified or registered in any jurisdiction?



Yes*



No*



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

Address

City

State

ZIP Code

Business Phone

Business Fax

Email Address

Start Date

End Date

Current Employer

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



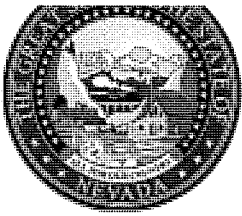
Initial Application - Explanation

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: I have been convicted of a misdemeanor for battery. It was dropped from a gross misdemeanor to a misdemeanor and will be expunged in a couple of years. I am on the last few months of probation and have complied with it fully. I have paid all dues on time and have fulfilled everything required of me by the law at this time.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



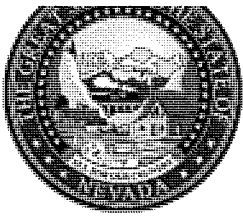
Initial Application - Information

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.

Military Service / Veterans Documentation

Please attach documentation of Veteran or Active Military status.

Loretta Ponton

From: Omahasteaks <piercy.blake@gmail.com>
Sent: Monday, July 06, 2020 9:40 AM
To: Loretta Ponton
Subject: Re: Court Documents

To the State of Nevada Board of Occupational Therapy:

I appreciate the opportunity to explain the circumstances surrounding the incident and what has happened since. First, I take responsibility for my actions and am regretful for them. The incident was my first and only offense of any kind.

Unfortunately, I had an adverse reaction to a new medication for bipolar disorder. My psychologist thought that I might have bipolar depression and prescribed me a medication that would be good for it, but would push me toward a manic state if I had bipolar disorder. The medication did push me toward a manic state and it was difficult to control myself. My girlfriend at the time had recently come back home from out of town and was receiving texts from another man. I asked her about it and we began to argue. Instead of leaving like I should have, I stayed and continued to argue with her until it got physical. The next day I turned myself in to the authorities at the Clark County Detention Center.

I have been actively working on making sure this thing does not happen again. I began to see a psychologist soon after to assist me in finding strategies to cope with stressors. I have also continued to work closely with my psychiatrist to find the right medications and dosage for me.

My probation officer is in the process of ending my probation early. I have complied with all court orders provided to me since this situation began. The court and its' support system have been operating in a reduced capacity due to Covid19 which has slowed communication with my probation officer. Once off probation, my charges will be reduced from a felony charge to a gross misdemeanor and may later be expunged completely.

I am looking forward to helping my community in the capacity of an occupational therapist. Again, I appreciate the opportunity to provide some context about this incident.

Thank you,

Blake Piercy, OTR

On Tue, Jun 30, 2020 at 2:33 PM Loretta Ponton <board@nvot.org> wrote:

Hello Mr. Piercy,

Thank you for sending the requested legal documents.

Your application for licensure must go before the Board for consideration of approval due to your current legal probationary status. The next scheduled meeting of the Board is August 15, 2020 which will be held by teleconference due to the COVID-19 emergency status.

Please provide a written narrative explanation of the circumstances that led to your arrest and conviction to be included with your application for consideration by the Board. The explanation should be submitted no later than Monday, July 6, 2020.

You will be provided with an official notice to appear/attend/participate in the teleconference meeting to answer any questions the Board may have regarding your application.

Loretta L. Ponton
Executive Director

From: Omahasteaks <piercy.blake@gmail.com>
Sent: Tuesday, June 30, 2020 12:24 PM
To: Loretta Ponton <board@nvot.org>
Subject: Fwd: Court Documents

I was able to get in contact with my lawyer and requested the two documents you asked for. She sent me the documentation and I'm forwarding it to you. I hope these are what you need. Thanks.

----- Forwarded message -----

From: Ashton Lindsay <ashton@lasvegasdefenselawfirm.com>
Date: Tue, Jun 30, 2020 at 10:36 AM
Subject: Court Documents
To: <piercy.blake@gmail.com>

Good Morning Blake,

Per our conversation, here is a copy of the documents you requested. If you need anything else please let me know.

Thanks.

--
Sincerely,

Ashton Lindsay
Legal Assistant to Ben Nadig
228 South 4th Street, 3rd Floor
Las Vegas, NV 89101
P. (702) 545-7592
F. (702) 825-2683

I have been convicted of a misdemeanor for battery. It was dropped from a gross misdemeanor to a misdemeanor and will be expunged in a couple of years. I am on the last few months of probation and have complied with it fully. I have paid all dues on time and have fulfilled everything required of me by the law at this time.

Last Name

First Name

Country

State

has been verified by NBCOT® personnel from the primary source, unless otherwise specified. Every attempt is made to ensure the accuracy, reliability, and compliance with applicable accreditation and certification standards for the information displayed. The NBCOT® maintains timely updates to this website. No responsibility is assured or implied for errors or omissions created or caused by technical difficulties. No one shall be entitled to claim detrimental reliance thereon.

I'm not a robot

 [Privacy - Terms](#)

Internet Explorer does not support printing from this tool. Please access the Credential Verification tool using an alternate browser

Fullname	City	State	Credential	Cert #	Initial Date	Expiration Date	Status
Blake Piercy	Las Vegas	NV	OTR®	436930	04 Mar 2020	31 Mar 2023	Active - In good standing

Showing 1 to 1 of 1 entries



1 **JOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8
9 Plaintiff,

9 -vs-
10 BLAKE PIERCY,
11 #7066604

CASE NO: C-18-337103-1
DEPT NO: III

12 Defendant.

**JUDGMENT OF CONVICTION
(PLEA OF GUILTY)**

13
14
15 The defendant previously appeared before the Court with counsel and entered a plea
16 of guilty to the crime(s) of ATTEMPT BATTERY WITH SUBSTANTIAL BODILY
17 HARM (Gross Misdemeanor), in violation of NRS 200.481, 193.330; thereafter, on the 30th
18 day of April, 2019, the defendant was present in court for sentencing with his counsel,
19 BENJAMIN NADIG, ESQ., and good cause appearing,

20 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in
21 addition to the \$25.00 Administrative Assessment Fee, a \$150.00 DNA analysis fee,
22 including testing to determine genetic markers, \$3.00 DNA Collection fee, and a \$250.00
23 Fine, the defendant was sentenced as follows: to Clark County Detention Center (CCDC) for
24 TEN (10) MONTHS, SUSPENDED: placed on PROBATION or an indeterminate period not
25 to exceed TWO (2) YEARS. In addition to the STANDARD CONDITIONS, copy of those
26 conditions provided to the Defendant, who was directed to read in Court, the following
27 SPECIAL CONDITIONS are IMPOSED:

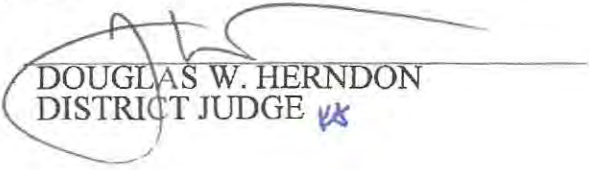
<input type="checkbox"/> None Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

(PIERCY__BLAKE)-001.DOCX

- 1 1. Complete 8 hours of community service work each month of probation;
- 2 2. Abide by any curfew imposed by Probation Officer as deemed necessary;
- 3 3. Have no contact with the victim in this case without the approval of the Division;
- 4 4. Continue therapy program;
- 5 5. Continue taking prescribed medications at the recommended dosage.

6 COURT DIRECTED Defendant to report to Parole & Probation within 48 hours.

7 DATED this 7th day of May, 2019.

8 
9 DOUGLAS W. HERNDON
10 DISTRICT JUDGE *ks*

11
12
13
14
15
16
17
18 18F21431X/ks/dvu

Electronically Filed
6/4/2019 4:54 PM

Steven D. Grierson
CLERK OF THE COURT

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Division of Parole and Probation
Carson City, NV 89706

Required to pay \$75 Administrative Assessment Fee
and all other Court Fees to the County Clerk's
Office, 200 Lewis Ave., Las Vegas, NV, 89155.

Criminal Case No. C-18-337103-1

THE STATE OF NEVADA Plaintiff,
vs.

PIERCY, Blake, Defendant
aka:

PROBATION AGREEMENT AND RULES
ORDER ADMITTING DEFENDANT TO PROBATION
AND FIXING THE TERMS THEREOF

DEFENDANT is guilty of the Crime of **Attempt Battery With Substantial Bodily Harm, a Gross Misdemeanor.**

DEFENDANT is sentenced to a term of imprisonment in **Clark County Detention Center for 10 months.** Execution of that sentence is suspended and the DEFENDANT is hereby admitted to probation for an indeterminate period not to exceed **2 years** under the following conditions:

- Reporting:** You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.
- Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
- Intoxicants:** You shall not consume any alcoholic beverages to excess. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
- Controlled Substances:** You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.
- Weapons:** You shall not possess, have access to, or have under your control, any type of weapon.
- Search:** You shall submit your person, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
- Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
- Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.
- Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.
- Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
- Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
- Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.
- Special Conditions: SEE ATTACHED**

The Court reserves the right to modify these terms of Probation at any time and as permitted by law. DATED this 30th day of May 2019, in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

District Judge: Douglas Herndon

Date 5/31/19

AGREEMENT BY PROBATIONER

I do hereby waive extradition to the State of Nevada from any State in the Union, and I will not contest any effort to return me to the State of Nevada. I have read, or have had read to me, the forgoing conditions of my probation, and fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 176A.850.

Blake Percy 5/22/19
Probationer: Blake Percy/Date

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

APPROVED: [Signature] 5/22/19

PROBATION AGREEMENT SPECIAL CONDITIONS ADDENDUM

File # V19-3078

Criminal Case No. C-18-337103-1

PIERCY, Blake
aka:

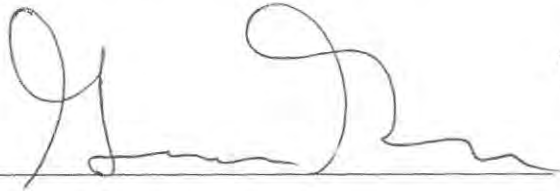
Defendant

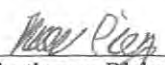
Special Conditions of your probation:

1. Complete eight hours of community service work each month of probation;
2. Abide by any curfew imposed by PO as deemed necessary;
3. Have no contact with the victim in this case without the approval of P&P;
4. Continue therapy program;
5. Continue taking prescribed medications at the recommended dosage.

AGREEMENT BY PROBATIONER

I do hereby waive extradition to the State of Nevada from any State in the Union and I also agree that I will not contest any effort to return me to the State of Nevada. I have read, or have had read to me, the foregoing conditions of my probation, and fully understand them and I agree to abide by and strictly follow them and I fully understand the penalties involved should I in any manner violate the foregoing conditions. I have received a copy of this document and NRS 176A.850.

APPROVED: 

 5/22/19
Probationer: Blake Piercy/Date

5/22/19

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 5: Consideration of Reinstatement Application
--

Denell Powers Manthey, OTR License No. 14-0506

The Board received a License Reinstatement Application on July 20, 2020 requesting reinstatement of Ms. Manthey's license as an Occupational Therapist, License No. 14-0506, originally issued September 30, 2014 and which expired on June 30, 2018. The reinstatement application and explanation provided by Ms. Manthey indicates she remained employed by the Douglas County School District and continued practicing without a current license in Nevada.

Pursuant to NRS 640A.230, a Cease and Desist letter dated July 21, 2020 was issued to Ms. Manthey by email and sent via US mail, regular and certified. Ms. Manthey was informed her application must go before the Board.

NRS 640A.200 provides for authorized disciplinary or actions that may be taken by the Board.

NAC 640A.170 of the Board regulations provides authority for the Board to assess a fine of not less than \$200 or more than \$5,000 for practicing with an expired license for more than 30 days.

The Board may consider any or all of the following actions:

- Assess an administrative fine for practice without a current license; and/or
- Approve the Application;
- Approve the Application with conditions; or
- Deny the Application

Attachment

License Application and Explanation
Cease and Desist letter
NRS 640A.230; NRS 640A.200 and NAC 640A.170



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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

July 21, 2020

Denell Powers Manthey
825 Buckskin Ct.
Gardnerville, NV 89410

Re: License No. 14-0506 (expired)
Notice to Cease and Desist

Dear Ms. Manthey,

The Board received a License Reinstatement Application on July 20, 2020 requesting reinstatement of your license as an Occupational Therapist, License No. 14-0506, originally issued September 30, 2014 and which expired on June 30, 2018. Your reinstatement application indicates that you have remained employed by the Douglas County School District and have been practicing without a current license in Nevada since the date your license expired.

The practice of Occupational Therapy without a current license suggests a violation of the Nevada Occupational Therapy law, NRS 640A.230:

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](#))

You are hereby ordered to Cease and Desist the practice of Occupational Therapy until the Board considers your License Reinstatement Application.

You are hereby provided notice that the Board of Occupational will consider your License Reinstatement Application and alleged practice without a valid license at their meeting of August 15, 2020. The meeting will be held by teleconference and is scheduled to begin at 10:00 a.m. There will be no public access location for the meeting pursuant to Governor's Emergency Directive 06. You may attend the meeting by teleconference as follows:

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

Attached is a Waiver of Notice which must be signed and returned no later than August 1, 2020 in order to include your Application for Reinstatement on the agenda for the August 15, 2020 Board Meeting. Failure to submit the Waiver of Notice form by this date will result in your application being rescheduled for the Board's next regularly scheduled meeting.

The Board Meeting is a public meeting and you are encouraged to attend. The Board may go into closed session to consider the following general topics: Application for Reinstatement and alleged practice without a valid license. You are welcome to attend a closed session, have an attorney or other representative of your choosing present, present written evidence, provide testimony and present witnesses relating to your character, alleged misconduct, professional competence or physical or mental health.

Pursuant to NRS 640A.200 and NAC 640A.170, the Board may take any of the following actions in consideration of your application and alleged practice without a current license:

NRS 640A.200 Authorized disciplinary or other action; grounds; reinstatement of revoked license; orders imposing discipline deemed public records.

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. The Board may reinstate a revoked license pursuant to the provisions of [chapter 622A](#) of NRS upon application by the person to whom the license was issued.

2. Notwithstanding the provisions of [chapter 622A](#) of NRS, if the Board receives a report pursuant to subsection 5 of [NRS 228.420](#), a disciplinary proceeding regarding the report must be commenced within 30 days after the Board receives the report.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. As used in this section, "unprofessional conduct" includes:

(a) The obtaining of a license by fraud or through the misrepresentation or concealment of a material fact;

(b) The conviction of:

- (1) A felony or gross misdemeanor relating to the practice of occupational therapy; or
- (2) Any crime involving moral turpitude;

(c) **The violation of any provision of this chapter or regulation of the Board adopted pursuant to this chapter; and**

(d) The operation of a medical facility, as defined in [NRS 449.0151](#), at any time during which:

- (1) The license of the facility is suspended or revoked; or
- (2) An act or omission occurs which results in the suspension or revocation of the license pursuant

to [NRS 449.160](#).

Ê This paragraph applies to an owner or other principal responsible for the operation of the facility.

(Added to NRS by [1991, 990](#); A [1993, 795](#); [2003, 2714, 3456](#); [2005, 783](#); [2009, 897](#))

NAC 640A.170 Administrative fine for practicing with expired license; Board may waive fine under certain circumstances. (NRS 640A.110, 640A.230)

1. Except as otherwise provided by subsection 2, the Board will assess against a person practicing occupational therapy whose license has expired an administrative fine of:

(a) Not less than \$50 if the period of expiration of the license is 30 days or less.

(b) Not less than \$200 and not more than \$5,000 if the period of expiration of the license is more than 30 days.

2. The Board may waive an administrative fine assessed pursuant to subsection 1:

(a) For the first offense.

(b) If the period of expiration of the license is 30 days or less.

(c) Upon a finding of good cause by the Board. A person seeking waiver of an administrative fine on the grounds prescribed by this paragraph shall submit a written request to the Board which must include proof satisfactory to the Board that good cause exists for the Board to waive the administrative fine. As used in this paragraph, "good cause" includes, without limitation, circumstances under which a person suffers from an illness or disability, suffers an injury or experiences a family hardship.

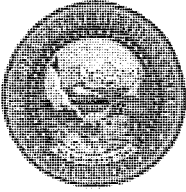
(Added to NAC by Bd. of Occupational Therapy by R017-14, eff. 10-24-2014)

If you have any questions, please feel free to contact the Board office at 775-746-4101.

Sincerely,

Loretta L. Ponton
Executive Director

Cc: Henna Rasul, Senior Deputy Attorney General; Board Counsel



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

LICENSE REINSTATEMENT APPLICATION

Nevada License #: 14-0506 Date Expired: 6-30-2019

Occupational Therapist Occupational Therapy Assistant

Personal Data (attach documentation of name change if different than name on previous license)

Legal Name: Denell Powers Manthey
Mailing Address: 825 Buckskin Ct. Gardnerville NV 89410
Street / P.O. Box City State ZIP

Social Security No.: _____ Contact Phone (916) 730-0417
E-mail Address: 825dragonty1@comcast.net Other Name(s) effective date(s): Denell Rene Powers till 9/2010

Veteran/Military Affiliation: Uniformed Military Military Spouse Veteran Veteran Spouse

NBCOT Certification Status (attach verification of current NBCOT certification status)

Are you currently certified by NBCOT? Yes Certification # 1050992
 No Date applied for reinstatement of your certification: _____

Professional Licensing History (attach verification of all licenses held in the previous 5 years)

Are you now or have you ever been licensed, certified or registered as an occupational therapist or occupational therapy assistant in any other jurisdiction? Yes No
State/Jurisdiction: CA License #: 6850 Issue Date 5/30/2003 Expiration Date 7/31/2016
State/Jurisdiction: _____ License #: _____ Issue Date _____ Expiration Date _____
State/Jurisdiction: _____ License #: _____ Issue Date _____ Expiration Date _____

Nevada Business License Information – Check appropriate answer. An answer is mandatory.

I do NOT have a Nevada business license number.
 I have a Nevada Business License number assigned by the Secretary of State upon compliance with the provisions of NRS Chapter 76.
Name on business license: _____
Business License #: _____

Board Use Only Date Received: 7-20-2020

Fees Paid By: Credit Card Check/MO # _____ Amount \$ 400.00
 NBCOT Verification License Verification(s) Jurisprudence Exam Continuing Education
Date Issued: _____

Explanation of Reinstatement Request

Have you been employed and practicing in Nevada since your license expired? Yes No

If yes, please attach a written explanation of the reasons and/or circumstances your license was not renewed on time. Please note that your application may require further review by the Board.

Professional Employment History (5 years) – attach additional sheets if necessary

1. Current Nevada Employer: Douglas County School District (DCSD) Start Date 8/2015
Address: 1638 Mono Avenue Minden NV 89423 Phone: (775) 782-5134
Street/PO Box, City, State, Zip
2. Employer: Procure (worked/placed in DCSD) Dates (From/To) 12/2014-7/2015
Address: _____ Phone: 1-888-899-1331
Street/PO Box, City, State, Zip
3. Employer: _____ Dates (From/To) _____
Address: _____ Phone: _____
Street/PO Box, City, State, Zip
4. Employer: _____ Dates (From/To) _____
Address: _____ Phone: _____
Street/PO Box, City, State, Zip
5. Employer: _____ Dates (From/To) _____
Address: _____ Phone: _____
Street/PO Box, City, State, Zip

Legal Information – Explain any “YES” answers on a separate sheet of paper

- 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? Yes No
(Exclude minor traffic violations.)

Child Support Information – Please check one appropriate answer. An answer is mandatory

- 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.

Continuing Competency Information – Minimum 24 hours is required:

List course(s)/presentation(s), dates of attendance and CE Hours awarded for continuing competency credit that was completed during the previous 24 months:

Course: <u>Percs Level 1 Training</u>	Dates <u>1/7-1/8/2019</u>	CE Hours <u>13</u>
Course: <u>PECS Level 2 Training</u>	Dates <u>1/6-1/7/2020</u>	CE Hours <u>13</u>
Course: <u>Bil-A-Vis-X Foundation/Interim/Adaptive EX.</u>	Dates <u>1/17-1/18-1/19</u>	CE Hours <u>20</u>
Course: <u>OT Jurisprudence Examination</u>	Dates <u>7/19/2020</u>	CE Hours <u>2</u>
Course: _____	Dates _____	CE Hours _____
Course: _____	Dates _____	CE Hours _____
Course: _____	Dates _____	CE Hours _____
Course: _____	Dates _____	CE Hours _____

Complete a Continuing Competency Activities and Education form and attach a copy of certificates of completion and/or attendance verification for each course listed.

48

Acknowledgement and Declaration of Applicant

Notice as Mandatory Reporter

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

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 training or experience or my fitness to practice occupational therapy.

Denell Manthey
Signature of Applicant

7-20-2020
Date of Application

Denell Manthey
Print Name

July 20, 2020

Dear Nevada Board of Occupational Therapy,

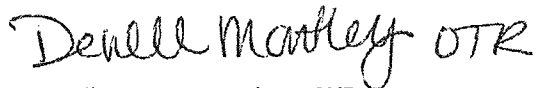
I am writing this letter to provide a written explanation of why my Nevada OT license was not renewed on time as requested per the Reinstatement Letter of Instructions.

At this time the only reason I have to provide to you is that it was an oversight on my part due to a change in my contacts and not attending to the details of expiration dates. During the 2018 year I changed my email account to a new account secondary to having the old account for 20 years and having difficulty with keeping caught up with important emails in an inbox that received thousands of "junk mail" emails each week. With the change in email, I was not diligent about making sure all pertinent contacts were updated with my new email information, including NVOT. Secondary to this I did not see/receive the email for renewing my license information and did not think about it. Life, raising a family of 4 young boys, and full-time work carried on and my NV license expired without my awareness of it. It was not until this past week that I realized when looking through OT documents and filing some continuing education certificates that my NV license had expired and that I had not renewed it.

At this time I ask that you please accept my apology for my negligence with maintaining my licensing up to date for the state of Nevada and ask that you please reinstate my NV Occupational Therapy license so that I may continue to work in the state of Nevada.

I thank you in advance for your time and support in handling this matter.

Sincerely,

A handwritten signature in black ink that reads "Denell Manthey OTR". The signature is written in a cursive style.

Denell Powers Manthey, OTR
Nevada License #14-0506

DENELL
MANTHEY

GARDNERVILLE NV

OTR®

1050992

25 Apr
2001

31 Mar 2021

Active -
In good
standing

Primary Source Disclaimer:

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Mon Jul 20 2020 12:37:40 GMT-0700 (Pacific Daylight Time)

Loretta Ponton

From: ClassMarker Results <do-not-reply@classmarker.com>
Sent: Monday, July 20, 2020 6:40 AM
To: Loretta Ponton
Subject: Denell Manthey - OT Jurisprudence Exam

Results for: Denell Manthey

Taken from IP Address: 174.83.164.6

Group: OT Exam Test
Test: OT Jurisprudence Exam
Score: 75 out of 75 Points
Percentage: 100%
Duration: 01:10:06
Date started: Sun 19 Jul 2020 15:27
Date finished: Mon 20 Jul 2020 06:39

Feedback:

Congratulations!

[Download Certificate](#)

Email: denellp@yahoo.com

Extra information question 1:

License Number

User response:

14-0506

Note: This email is set to display score only.

BOARD OF OCCUPATIONAL THERAPY

LICENSING DETAILS FOR: 6850

NAME: MANTHEY, DENELL POWERS

LICENSE TYPE: OCCUPATIONAL THERAPIST

PRIMARY STATUS: EXPIRED

PREVIOUS NAMES: POWERS, DENELL RENE

ADDRESS NOT DISCLOSED

ISSUANCE DATE

MAY 30, 2003

EXPIRATION DATE

JULY 31, 2016

CURRENT DATE / TIME

JULY 20, 2020
3:25:20 PM

DISCIPLINARY ACTIONS

- › THERE ARE NO DISCIPLINARY ACTIONS AGAINST THE LICENSE.

PUBLIC RECORD ACTIONS

- › PUBLIC DOCUMENTS (NO RECORDS)
- › ADMINISTRATIVE CITATION ISSUED (NO RECORDS)

Certificate of Achievement

Presented to:

Denell Manthey

*For successful completion of the Nevada Board of Occupational Therapy Jurisprudence
Examination*

Test name: OT Jurisprudence Exam
Score: 100% (75 out of 75)

Continuing Education Credit - Two (2) Hours

Sun 19th Jul 2020



Certificate of Attendance

This is to certify that

Denell Manthey

Attended

**Bal-A-Vis-X Foundation/ Intermediate/ Adaptive Exercises Training
From 01/17/2020 – 01/19/2020
20 hours**

Training Provided by Bal-A-Vis-X creator: Bill Hubert

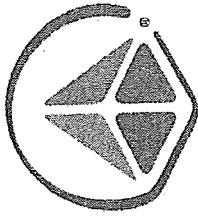
Training Sponsored by: Bethel College Academy of Performing Arts

Carmina Suter RN

Carmina Suter, RN 01/19/2020

Planning & Coordinating

Bethel College Academy of Performing Arts, 300 E. 27th, North Newton, KS, 67117



**PYRAMID
EDUCATIONAL
CONSULTANTS**

CERTIFICATE OF ATTENDANCE

The undersigned hereby confirms that

Denell Manthey

has completed 13 hours of

Picture Exchange Communication System (PECS) Level 2 Training

**January 6 & 7, 2020
Minden, Nevada**

BACB Certificate Number

This course is offered for 7.5

BACB CEUs.

Provider # OP-08-0174

This course is offered for

1.3 ASHA CEUs

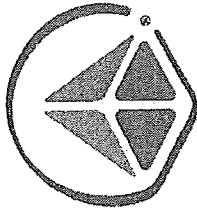
Intermediate level/

Professional area



Jessica Collins

Jessica Collins, M.Ed., BCBA



PYRAMID
EDUCATIONAL
CONSULTANTS

CERTIFICATE OF ATTENDANCE

The undersigned hereby confirms that

Denell Manthey

has completed 13 hours of

Picture Exchange Communication System (PECS) Level 1 Training

January 7 & 8, 2019
Minden, Nevada

Jessica Collins

Jessica Collins, M.Ed., BCBA

This course is offered for
1.3 ASHA CEUs
Intermediate level/
Professional area



Continuing Competency Activities and Education

Licensee Name: Denell Manthey License #: 14-0506

Check Applicable Continuing Competency Activity:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Continuing Education | <input type="checkbox"/> Academic Coursework | <input type="checkbox"/> Fieldwork Supervision |
| <input type="checkbox"/> Presentation and Instruction | <input type="checkbox"/> Professional Meetings | <input type="checkbox"/> Board or Specialty Certification |
| <input type="checkbox"/> Professional Writing | <input type="checkbox"/> Mentorship Agreement | <input type="checkbox"/> Other |

Attach All Required Documentation

(PECS) Picture Exchange Communication System Level 1 training
Title of Program / Activity

Pyramid Educational Consultants
Program Sponsor

Date(s) of Attendance January 7-8, 2019 Contact Hours 13

For Continuing Education Activities as applicable -- Provide Biographical Information of Instructor:

Jessica Collins-Med, BCBA has worked with Andy Bondy and Lori Fric (founders of PECS) for several years. Prior to PECS was BCBA and classroom teacher.

All Activities: Describe how the activity broadens your knowledge of occupational therapy roles or relates to your current or anticipated roles and responsibilities.

Trained in PECS as currently work in school system with many children who have challenges with communication. Specialists in our district got trained so that we can all utilize and help train paraeducators/teachers to utilize a communication system with our students in need who may benefit from it. Trainings went through extensive teaching of and practicing with peers, proper techniques with emphasis on PECS phases 1-4.

Continuing Competency Activities and Education

Licensee Name: Denell Manthey License #: 14-0506

Check Applicable Continuing Competency Activity:

- Continuing Education
- Presentation and Instruction
- Professional Writing
- Academic Coursework
- Professional Meetings
- Mentorship Agreement
- Fieldwork Supervision
- Board or Specialty Certification
- Other

Attach All Required Documentation

Picture Exchange Communication System (PECS) Level 2 Training
Title of Program / Activity

Pyramid Educational Consultants
Program Sponsor

Date(s) of Attendance January 6-7, 2020 Contact Hours 13

For Continuing Education Activities as applicable – Provide Biographical Information of Instructor:

Jessica Collins M-Ed + BCBA. Trained/Worked under founders of PECS Lori Frost and Andy Bundy.

All Activities: Describe how the activity broadens your knowledge of occupational therapy roles or relates to your current or anticipated roles and responsibilities.

Currently utilizing various phases of PECS protocol with several clients in school settings as team with teachers, paraeducators and speech therapists in addition to providing support to family to continue to hold use of PECS in home too. Training reviewed Phases 1-4 from level 1 Training and expanded more on levels 5+6. In addition we were able to discuss current case samples that we had questions/concerns about and needed PEC support with.

Continuing Competency Activities and Education

Licensee Name: Denell Manthey License #: 14-0506

Check Applicable Continuing Competency Activity:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Continuing Education | <input type="checkbox"/> Academic Coursework | <input type="checkbox"/> Fieldwork Supervision |
| <input type="checkbox"/> Presentation and Instruction | <input type="checkbox"/> Professional Meetings | <input type="checkbox"/> Board or Specialty Certification |
| <input type="checkbox"/> Professional Writing | <input type="checkbox"/> Mentorship Agreement | <input type="checkbox"/> Other |

Attach All Required Documentation

Bal-A-Vis-X Foundation / Intermediate / Adaptive Exercise Training
Title of Program / Activity

Bethel College Academy of Performing Arts
Program Sponsor

Date(s) of Attendance 1/17/20 - 1/19/20 Contact Hours 20

For Continuing Education Activities as applicable – Provide Biographical Information of Instructor:

Bill Holert - Founder of Bal-A-Vis-X provided training with team of 4 assistants to support learning of correct program techniques.

All Activities: Describe how the activity broadens your knowledge of occupational therapy roles or relates to your current or anticipated roles and responsibilities.

Read and heard about program during other OT continuing education courses over the years and after talking with other OT colleagues decided it was the right training to support current workload in work setting. Obtained funds and was able to take team of 4 to get trained in program. Prior to "stay at home order" secondary to COVID-19 we were in process of working with multiple teams of students (varying grade levels) with Bal-A-Vis-X to support attention, focus, and hopes of decreasing some challenging behaviors with increased positive peer interaction and emphasis on development of bilateral coordination skills / motor planning.

Continuing Competency Activities and Education

Licensee Name: Denell Manthey License #: 14-0506

Check Applicable Continuing Competency Activity:

- Continuing Education
- Presentation and Instruction
- Professional Writing
- Academic Coursework
- Professional Meetings
- Mentorship Agreement
- Fieldwork Supervision
- Board or Specialty Certification
- Other Required Examination Licensing

Attach All Required Documentation

NVOT Jurisprudence Examination
Title of Program / Activity

NVOT
Program Sponsor

Date(s) of Attendance July 19, 2020 Contact Hours 2

For Continuing Education Activities as applicable – Provide Biographical Information of Instructor:

N/A

All Activities: Describe how the activity broadens your knowledge of occupational therapy roles or relates to your current or anticipated roles and responsibilities.

Review of pertinent OT information in regards to
OT, COTA supervision, fieldwork, continue
education, licensing, etc.

Loretta Ponton

From: board@nvot.org
Sent: Monday, July 20, 2020 3:01 PM
To: Loretta Ponton
Subject: State of Nevada Board of Occupational Therapy 2020 License Reinstatement Fee

Received payment from the Reinstatement form.

Name: Denell Manthey
License Number: 14-0506
License Type: OT
Card Amount: 400

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 6: Legislative Report
--

Jeanette Belz, JK Belz and Associates, will provided a report on current Legislative issues including the Sunset Subcommittee, other interim committees, Special Session(s) of the Legislature and other pertinent items.

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 7: Nevada Occupational Therapy Association

Shaina Meyer, Legislative Chair, NOTA will provide a report on current NOTA activities and events including but not limited to the following:

- Annual Conference: Functional Cognition on 9/26/2020.
- Successful Call to Action on AB 3
- Diversity and Legislative/Policy Committees
- Growing opportunities for students

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: AOTA Update

Kristen Neville, Manager State Affairs, AOTA will provide a report on the OT Compact Status, Impact of COVID-19 nationally on Occupational Therapy and current AOTA activities and events.

Attachment

Draft OT Compact & Summary of Sections
AOTA Article
AOTA Back to School Guide

Updated State by State chart of COVID-19 Licensing, Telehealth, and Insurance information: <https://www.aota.org/~media/Corporate/Files/Advocacy/State/telehealth/state-actions-affecting-occupational-therapy-in-response-to-covid-19.pdf>. This chart is over 40 pages long.

OT Compact – Summary of Key Provisions

Section 1: Purpose

The purpose of the compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services while preserving the regulatory authority of states to protect public health and safety through the current system of state licensure.

- Provides for the mutual recognition of other member state licenses.
- Enhances states' abilities to protect public health and safety.
- Encourages cooperation of member states in regulating multi-state OT practice.
- Supports spouses of relocating military members and their spouses.
- Enhances the exchange of licensure, investigative, and disciplinary information between member states.
- Allows a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.
- Facilitates the use of telehealth technology.

Section 2: Definitions

Establishes the definitions of key terms as used throughout the compact, to alleviate confusion on the part of practitioners and jurisdictions. Defined terms are capitalized throughout the document.

Section 3: State Participation in the Compact

This section establishes the parameters of state participation in the compact.

A member state must:

- License occupational therapists and occupational therapy assistants.
- Participate in the compact commission's data collection system.
- Have a mechanism in place for receiving and investigating complaints against licensees.
- Notify the commission of any adverse action or investigation against a licensee.
- Conduct criminal background checks of initial applicants for compact privilege.
- Comply with the rules of the compact commission.
- Utilize only a recognized national exam as a requirement for an occupational therapist's and occupational therapy assistant's licensure.
- Require continuing education for license renewal.
- Grant the compact privilege to a holder of a valid license in another member state.
- Provide for the state's delegate to attend all compact commission meetings.

States may charge a fee for granting the compact privilege.

A single state license issued to an individual *not residing* in that state does *not* confer the ability of a licensee to obtain a compact privilege.

A state's requirements for issuance of a single-state license are not affected.

Section 4: Compact Privilege

Section 4 establishes the requirements for exercising the compact privilege.

To exercise the compact privilege, a licensee must:

- Have a social security number or NPI.
- Hold a license in their home state that is a member of the compact.
- Have no active encumbrance on any state license, and no adverse actions against any license or compact privilege within the previous 2 years.
- Notify the compact commission of their intent to seek the compact privilege in a remote state.
- Meet any jurisprudence requirements in the remote state and pay any fees.
- Report to the commission any adverse action taken by a non-member state within 30 days after the action is taken.

The compact privilege is valid until the date of expiration of the home state license.

A licensee providing occupational therapy services in a remote is subject to the laws and regulations of the remote state.

A licensee loses the compact privilege in all member states if their home state license is encumbered or if their compact privilege is revoked in a remote state. The licensee remains ineligible for compact privilege for two years from the date of adverse action.

Section 5: Converting Compact Privileges

This section addresses licensees who change their primary state of residence to another compact member state in which they hold a compact privilege. This section establishes requirements for licensees to convert their compact privilege to a license in their new primary state of residence in accordance with rules established by the compact commission, as well as requirements of the member states to facilitate the conversion.

Nothing in the compacts prohibits a licensee from holding multiple single-state licenses

Nothing in the compact affects a member state's ability to issue a single-state license.

Section 6: Active Duty Military Personnel or their Spouses

This section allows an active duty servicemember, or their spouse, to designate a home state where the individual has a current license in good standing for purposes of utilizing the compact privilege. This state then serves as the individual's home state for as long as the servicemember is on active duty.

Section 7: Adverse Actions

This section clarifies that *only* a licensee's home state may take adverse action against a *home* license.

However, remote states may take adverse action against a licensee's compact privilege and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states must take reported adverse action from any member state into account, in accordance with the home state's laws.

If an occupational therapist or occupational therapy assistant changes their home state during an active investigation by their former home state, the former home state completes the investigation, takes appropriate action under its laws, and then reports its findings to the compact commission's data system. The data system administrator then notifies the licensee's new home state of any adverse action taken by the former home state.

Member states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint or single-state investigation of a licensee.

Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action. Any member state may take adverse action based on the factual findings of a remote state.

Member states retain the right to require a licensee to participate in an alternative program in lieu of adverse action.

Section 8: Establishment of the Occupational Therapy Compact Commission

This section outlines the composition and powers of the compact commission and executive committee.

- Each member state is entitled to one (1) delegate, who is selected by the member state's licensing board.
- Delegates must be a current member of the Licensing Board, who is an Occupational Therapist, Occupational Therapy Assistant, a public member, or the board administrator
- Delegate terms are three (3) years, with a limit of two (2) terms.
- The commission may establish and maintain a code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission shall elect an executive committee composed of nine members: seven members of the commission, one member of a recognized national occupational therapy professional organization and one member of a recognized national occupational therapy certification organization.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.
- The compact is not a waiver of sovereign immunity.

Section 9: Data System

This section requires the sharing of licensee information by all compact states. A compact state shall submit a uniform dataset to the data system on all occupational therapists and occupational therapy assistants to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary related information.

Information pertaining to a licensee in any member state will be available to any other member state, except that any submitted information that subsequently must be expunged from the submitting state's records will also be removed from the data system.

Section 10: Rulemaking

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing if one is requested by twenty-five (25) people or by a government agency.

Section 11: Oversight, Dispute Resolution, and Enforcement

Ensures compliance with the compact by member states. The procedures to be followed in the event of a failure by a member state to comply with the compact include:

- A period of technical assistance in remedying the situation
- Improved dispute resolution processes; and
- Termination from the compact in the event no other means of compliance has been successful.

The commission shall attempt to resolve any compact-related disputes that may arise between states.

Section 12: Date of Implementation, Withdrawal, and Amendment

The compact takes effect on the date of enactment by the tenth (10th) state.

States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.

Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 6 months after enactment of such law.

Section 13: Construction and Severability

The compact is to be liberally construed to effectuate the purposes thereof.

The compact's provisions are severable, meaning that:

- If a provision of the compact is declared to conflict with the United States Constitution, all other provisions remain valid for all member states, and
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Section 14: Binding Effect of Compact and Other Laws

This section reiterates that occupational therapists and occupational therapy assistants are subject to the scope of practice in states where they are utilizing a compact privilege.

Compact commission rules and bylaws are binding on member states.

In the event of a conflict between a law of a member state and the compact, the state law is superseded to the extent of the conflict.

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1 SECTION 1. PURPOSE

2 The purpose of this Compact is to facilitate interstate practice of Occupational Therapy with the
3 goal of improving public access to Occupational Therapy services. The Practice of
4 Occupational Therapy occurs in the State where the patient/client is located at the time of the
5 patient/client encounter. The Compact preserves the regulatory authority of States to protect
6 public health and safety through the current system of State licensure.

7 This Compact is designed to achieve the following objectives:

- 8 A. Increase public access to Occupational Therapy services by providing for the mutual
9 recognition of other Member State licenses;
- 10 B. Enhance the States' ability to protect the public's health and safety;
- 11 C. Encourage the cooperation of Member States in regulating multi-State Occupational
12 Therapy Practice;
- 13 D. Support spouses of relocating military members;
- 14 E. Enhance the exchange of licensure, investigative, and disciplinary information between
15 Member States; and
- 16 F. Allow a Remote State to hold a provider of services with a Compact Privilege in that State
17 accountable to that State's practice standards.
- 18 G. Facilitate the use of Telehealth technology in order to increase access to Occupational
19 Therapy services.

20 SECTION 2. DEFINITIONS

21 As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- 22 A. "Active Duty Military" means full-time duty status in the active uniformed service of the
23 United States, including members of the National Guard and Reserve on active duty orders
24 pursuant to 10 U.S.C. Chapter 1209 and Section 1211.
- 25 B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a
26 State's laws which is imposed by a Licensing Board or other authority against an
27 Occupational Therapist or Occupational Therapy Assistant, including actions against an
28 individual's license or Compact Privilege such as revocation, suspension, probation,
29 monitoring of the Licensee, or restriction on the Licensee's practice.
- 30 C. "Alternative Program" means a non-disciplinary monitoring process approved by an
31 Occupational Therapy Licensing Board to address Impaired Practitioners.

DRAFT OT COMPACT

- 32 D. "Compact Privilege" means the authorization, which is equivalent to a license, granted by a
33 Remote State to allow a Licensee from another Member State to practice as an
34 Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote
35 State under its laws and rules. The Practice of Occupational Therapy occurs in the Member
36 State where the patient/client is located at the time of the patient/client encounter.
- 37 E. "Continuing Competence/Education" means a requirement, as a condition of license
38 renewal, to provide evidence of participation in, and/or completion of, educational and
39 professional activities relevant to practice or area of work.
- 40 F. "Current Significant Investigative Information" means Investigative Information that a
41 Licensing Board, after an inquiry or investigation that includes notification and an opportunity
42 for the Occupational Therapist or Occupational Therapy Assistant to respond, if required by
43 State law, has reason to believe is not groundless and, if proved true, would indicate more
44 than a minor infraction.
- 45 G. "Data System" means a repository of information about Licensees, including but not limited
46 to, licensure, Investigative Information, Compact Privilege, and Adverse Action.
- 47 H. "Encumbered License" means a license in which an Adverse Action restricts the Practice of
48 Occupational Therapy by the Licensee and said Adverse Action has been reported to the
49 National Practitioners Data Bank (NPDB).
- 50 I. "Executive Committee" means a group of directors elected or appointed to act on behalf of,
51 and within the powers granted to them by, the Commission.
- 52 J. "Home State" means the Member State that is the Licensee's primary State of residence.
- 53 K. "Impaired Practitioner" means individuals whose professional practice is adversely affected
54 by substance abuse, addiction, or other health-related conditions.
- 55 L. "Investigative Information" means information, records, and/or documents received or
56 generated by an Occupational Therapy Licensing Board pursuant to an investigation.
- 57 M. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the
58 laws and rules governing the Practice of Occupational Therapy in a State.
- 59 N. "Licensee" means an individual who currently holds an authorization from the State to
60 practice as an Occupational Therapist or as an Occupational Therapy Assistant.
- 61 O. "Member State" means a State that has enacted the Compact.
- 62 P. "Occupational Therapist" means an individual who is licensed by a State to practice
63 Occupational Therapy.

DRAFT OT COMPACT

- 64 Q. "Occupational Therapy Assistant" means an individual who is licensed by a State to assist in
65 the Practice of Occupational Therapy.
- 66 R. "Occupational Therapy," "Occupational Therapy Practice," and the "Practice of Occupational
67 Therapy" mean the care and services provided by an Occupational Therapist or an
68 Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.
- 69 S. "Occupational Therapy Compact Commission" or "Commission" means the national
70 administrative body whose membership consists of all States that have enacted the
71 Compact.
- 72 T. "Occupational Therapy Licensing Board" or "Licensing Board" means the agency of a State
73 that is responsible for the licensing and regulation of Occupational Therapists and
74 Occupational Therapy Assistants.
- 75 U. "Remote State" means a Member State other than the Home State, where a Licensee is
76 exercising or seeking to exercise the Compact Privilege.
- 77 V. "Rule" means a regulation promulgated by the Commission that has the force of law.
- 78 W. "State" means any state, commonwealth, district, or territory of the United States of America
79 that regulates the Practice of Occupational Therapy.
- 80 X. "Single-State License" means an Occupational Therapist or Occupational Therapy Assistant
81 license issued by a Member State that authorizes practice only within the issuing State and
82 does not include a Compact Privilege in any other Member State.
- 83 Y. "Telehealth" means the application of telecommunication technology to deliver Occupational
84 Therapy services for assessment, intervention and/or consultation.

85 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

- 86 A. To participate in the Compact, a Member State shall:
- 87 1. License Occupational Therapists and Occupational Therapy Assistants
 - 88 2. Participate fully in the Commission's Data System, including using the Commission's
89 unique identifier as defined in Rules;
 - 90 3. Have a mechanism in place for receiving and investigating complaints about Licensees;
 - 91 4. Notify the Commission, in compliance with the terms of the Compact and Rules, of any
92 Adverse Action or the availability of Investigative Information regarding a Licensee;
 - 93 5. Implement or utilize procedures for considering the criminal history records of applicants
94 for an initial Compact Privilege. These procedures shall include the submission of
95 fingerprints or other biometric-based information by applicants for the purpose of

DRAFT OT COMPACT

96 obtaining an applicant's criminal history record information from the Federal Bureau of
97 Investigation and the agency responsible for retaining that State's criminal records.

98 a. A Member State shall fully implement a criminal background check
99 requirement, within a time frame established by Rule, by receiving the results of
100 the Federal Bureau of Investigation record search on criminal background checks
101 and use the results in making licensure decisions.

102 b. Communication between a Member State, the Commission and among
103 Member States regarding the verification of eligibility for licensure through the
104 Compact shall not include any information received from the Federal Bureau of
105 Investigation relating to a federal criminal records check performed by a Member
106 State under Public Law 92-544.

107 6. Comply with the Rules of the Commission;

108 7. Utilize only a recognized national examination as a requirement for licensure
109 pursuant to the Rules of the Commission; and

110 8. Have Continuing Competence/Education requirements as a condition for license
111 renewal.

112 B. A Member State shall grant the Compact Privilege to a Licensee holding a valid
113 unencumbered license in another Member State in accordance with the terms of the
114 Compact and Rules.

115 C. Member States may charge a fee for granting a Compact Privilege

116 D. A Member State shall provide for the State's delegate to attend all Occupational Therapy
117 Compact Commission meetings.

118 E. Individuals not residing in a Member State shall continue to be able to apply for a Member
119 State's Single-State License as provided under the laws of each Member State. However,
120 the Single-State License granted to these individuals shall not be recognized as granting the
121 Compact Privilege in any other Member State.

122 F. Nothing in this Compact shall affect the requirements established by a Member State for the
123 issuance of a Single-State License.

124 **SECTION 4. COMPACT PRIVILEGE**

125 A. To exercise the Compact Privilege under the terms and provisions of the Compact, the
126 Licensee shall:

127 1. Have a valid United States Social Security or National Practitioner Identification number;

DRAFT OT COMPACT

- 128 2. Hold a license in the Home State;
- 129 3. Have no encumbrance on any State license;
- 130 4. Be eligible for a Compact Privilege in any Member State in accordance with Section 4D,
131 G and H;
- 132 5. Have not had any Adverse Action against any license or Compact Privilege within the
133 previous 2 years;
- 134 6. Notify the Commission that the Licensee is seeking the Compact Privilege within a
135 Remote State(s);
- 136 7. Pay any applicable fees, including any State fee, for the Compact Privilege;
- 137 8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the
138 Licensee is seeking a Compact Privilege; and
- 139 9. Report to the Commission Adverse Action taken by any non-Member State within 30
140 days from the date the Adverse Action is taken.
- 141 B. The Compact Privilege is valid until the expiration date of the Home State license. The
142 Licensee must comply with the requirements of Section 4A to maintain the Compact
143 Privilege in the Remote State.
- 144 C. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege
145 shall function within the laws and regulations of the Remote State.
- 146 D. Occupational Therapy Assistants practicing in a Remote State shall be supervised by an
147 Occupational Therapist licensed or holding a Compact Privilege in that Remote State.
- 148 E. A Licensee providing Occupational Therapy in a Remote State is subject to that State's
149 regulatory authority. A Remote State may, in accordance with due process and that State's
150 laws, remove a Licensee's Compact Privilege in the Remote State for a specific period of
151 time, impose fines, and/or take any other necessary actions to protect the health and safety
152 of its citizens. The Licensee is not eligible for a Compact Privilege in any State until the
153 specific time for removal has passed and all fines are paid.
- 154 F. If a Home State license is encumbered, the Licensee shall lose the Compact Privilege in any
155 Remote State until the following occur:
 - 156 1. The Home State license is no longer encumbered; and
 - 157 2. Two years have elapsed from the date of the Adverse Action.

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- 158 G. Once an Encumbered License in the Home State is restored to good standing, the Licensee
159 must meet the requirements of Section 4A to obtain a Compact Privilege in any Remote
160 State.
- 161 H. If a Licensee's Compact Privilege in any Remote State is removed, the individual shall lose
162 the Compact Privilege in any other Remote State until the following occur:
- 163 1. The specific period of time for which the Compact Privilege was removed has ended;
 - 164 2. All fines have been paid;
 - 165 3. Two years have elapsed from the date of the Adverse Action; and
 - 166 4. The Compact Privileges are reinstated or restored through a revision to the compact
167 Data System.
- 168 I. If a Licensee's Compact Privilege in any Remote State is removed due to an erroneous
169 charge, privileges shall be restored through a revision to the compact Data System.
- 170 J. Once the requirements of Section 4H have been met, the license must meet the
171 requirements in Section 4A to obtain a Compact Privilege in a Remote State.

172 **SECTION 5: CONVERTING COMPACT PRIVILEGES**

- 173 A. An Occupational and an Occupational Therapy Assistant may hold a license, issued by the
174 Home State which allows for Compact Privileges, in only one Member State at a time.
- 175 B. If an Occupational Therapist or Occupational Therapy Assistant changes primary State of
176 residence by moving between two Member States:
- 177 1. The Occupational Therapist or Occupational Therapy Assistant shall notify the current
178 and new Member States in accordance with applicable Rules adopted by the
179 Commission.
 - 180 2. The current Home State shall deactivate the current license and the new Home State
181 shall activate the new license in accordance with applicable Rules adopted by the
182 Commission.
 - 183 3. The activation of the license in the new Home State shall be based upon the same
184 criteria as in Section 4, which allows an Occupational Therapist or an Occupational
185 Therapy Assistant to have Compact Privileges to work in a Member State.
 - 186 4. If the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria
187 in Section 4, the new Home State shall apply its requirements for issuing a new Single-
188 State License.

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189 5. The Occupational Therapist or the Occupational Therapy Assistant shall pay all
190 applicable fees to the new Home State in order to be issued a new Home State license.

191 C. If an Occupational Therapist or Occupational Therapy Assistant changes primary State of
192 residence by moving from a Member State to a non-Member State, or from a non-Member
193 State to a Member State, the State criteria shall apply for issuance of a Single-State License
194 in the new State.

195 D. Nothing in this compact shall interfere with a Licensee's ability to hold a Single-State
196 License in multiple States, however for the purposes of this compact, a Licensee shall have
197 only one Home State license.

198 E. Nothing in this Compact shall affect the requirements established by a Member State for the
199 issuance of a Single-State License.

200 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

201 Active Duty Military personnel, or their spouse, shall designate a Home State where the
202 individual has a current license in good standing. The individual may retain the Home State
203 designation during the period the service member is on active duty. Subsequent to
204 designating a Home State, the individual shall only change their Home State through
205 application for licensure in the new State.

206 **SECTION 7. ADVERSE ACTIONS**

207 A. A Home State shall have exclusive power to impose Adverse Action against a license
208 issued by the Home State.

209 B. In addition to the other powers conferred by State law, a Remote State shall have the
210 authority, in accordance with existing State due process law, to:

211 1. Take Adverse Action against an Occupational Therapist's or Occupational Therapy
212 Assistant's Compact Privilege within that Member State.

213 2. Issue subpoenas for both hearings and investigations that require the attendance and
214 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
215 Licensing Board in a Member State for the attendance and testimony of witnesses or the
216 production of evidence from another Member State shall be enforced in the latter State
217 by any court of competent jurisdiction, according to the practice and procedure of that
218 court applicable to subpoenas issued in proceedings pending before it. The issuing
219 authority shall pay any witness fees, travel expenses, mileage and other fees required
220 by the service statutes of the State in which the witnesses or evidence are located.

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- 221 3. Only the Home State shall have the power to take Adverse Action against an
222 Occupational Therapist's or Occupational Therapy Assistant's license issued by the
223 Home State.
- 224 C. For purposes of taking Adverse Action, the Home State shall give the same priority and
225 effect to reported conduct received from a Member State as it would if the conduct had
226 occurred within the Home State. In so doing, the Home State shall apply its own State laws
227 to determine appropriate action.
- 228 D. The Home State shall complete any pending investigations of an Occupational Therapist or
229 Occupational Therapy Assistant who changes primary State of residence during the course
230 of the investigations. The Home State, where the investigations were initiated, shall also
231 have the authority to take appropriate action(s) and shall promptly report the conclusions of
232 the investigations to the OT Compact Commission Data System. The Occupational Therapy
233 Compact Commission Data System administrator of the coordinated licensure information
234 system shall promptly notify the new Home State of any Adverse Actions.
- 235 E. A Member State, if otherwise permitted by State law, may recover from the affected
236 Occupational Therapist or Occupational Therapy Assistant the costs of investigations and
237 disposition of cases resulting from any Adverse Action taken against that Occupational
238 Therapist or Occupational Therapy Assistant.
- 239 F. A Member State may take Adverse Action based on the factual findings of the Remote
240 State, provided that the Member State follows its own procedures for taking the Adverse
241 Action.
- 242 G. Joint Investigations
- 243 1. In addition to the authority granted to a Member State by its respective State
244 Occupational Therapy laws and regulations or other applicable State law, any Member
245 State may participate with other Member States in joint investigations of Licensees.
- 246 2. Member States shall share any investigative, litigation, or compliance materials in
247 furtherance of any joint or individual investigation initiated under the Compact.
- 248 H. If an Adverse Action is taken by the Home State against an Occupational Therapist's or
249 Occupational Therapy Assistant's license, the Occupational Therapist's or Occupational
250 Therapy Assistant's Compact Privilege in all other Member States shall be deactivated until
251 all encumbrances have been removed from the State license. All Home State disciplinary
252 orders that impose Adverse Action against an Occupational Therapist's or Occupational
253 Therapy Assistant's license shall include a Statement that the Occupational Therapist's or
254 Occupational Therapy Assistant's Compact Privilege is deactivated in all Member States
255 during the pendency of the order.

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256 I. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data
257 System. The administrator of the Data System shall promptly notify the Home State of any
258 Adverse Actions by Remote States.

259 J. Nothing in this Compact shall override a Member State's decision that participation in an
260 Alternative Program may be used in lieu of Adverse Action.

261 **SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT** 262 **COMMISSION.**

263 A. The Compact Member States hereby create and establish a joint public agency known as
264 the Occupational Therapy Compact Commission:

265 1. The Commission is an instrumentality of the Compact States.

266 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
267 solely and exclusively in a court of competent jurisdiction where the principal office of the
268 Commission is located. The Commission may waive venue and jurisdictional defenses to
269 the extent it adopts or consents to participate in alternative dispute resolution
270 proceedings.

271 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

272 B. Membership, Voting, and Meetings

273 1. Each Member State shall have and be limited to one (1) delegate selected by that
274 Member State's Licensing Board.

275 2. The delegate shall be a current member of the Licensing Board, who is an Occupational
276 Therapist, Occupational Therapy Assistant, public member, or the board administrator.

277 3. Any delegate may be removed or suspended from office as provided by the law of the
278 State from which the delegate is appointed.

279 4. The Member State board shall fill any vacancy occurring in the Commission within 60
280 days.

281 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules
282 and creation of bylaws and shall otherwise have an opportunity to participate in the
283 business and affairs of the Commission. A delegate shall vote in person or by such other
284 means as provided in the bylaws. The bylaws may provide for delegates' participation in
285 meetings by telephone or other means of communication.

286 6. The Commission shall meet at least once during each calendar year. Additional
287 meetings shall be held as set forth in the bylaws.

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- 288 7. Terms for delegates shall be three (3) years. Delegates shall not serve more than two
289 (2) terms.
- 290 C. The Commission shall have the following powers and duties:
- 291 1. Establish a Code of Ethics for the Commission
- 292 2. Establish the fiscal year of the Commission;
- 293 3. Establish bylaws;
- 294 4. Maintain its financial records in accordance with the bylaws;
- 295 5. Meet and take such actions as are consistent with the provisions of this Compact and
296 the bylaws;
- 297 6. Promulgate uniform Rules to facilitate and coordinate implementation and administration
298 of this Compact. The Rules shall have the force and effect of law and shall be binding in
299 all Member States;
- 300 7. Bring and prosecute legal proceedings or actions in the name of the Commission,
301 provided that the standing of any State Occupational Therapy Licensing Board to sue or
302 be sued under applicable law shall not be affected;
- 303 8. Purchase and maintain insurance and bonds;
- 304 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
305 employees of a Member State;
- 306 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
307 individuals appropriate authority to carry out the purposes of the Compact, and to
308 establish the Commission's personnel policies and programs relating to conflicts of
309 interest, qualifications of personnel, and other related personnel matters;
- 310 11. Accept any and all appropriate donations and grants of money, equipment, supplies,
311 materials and services, and to receive, utilize and dispose of the same; provided that at
312 all times the Commission shall avoid any appearance of impropriety and/or conflict of
313 interest;
- 314 12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
315 improve or use, any property, real, personal or mixed; provided that at all times the
316 Commission shall avoid any appearance of impropriety;
- 317 13. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
318 property real, personal, or mixed;
- 319 14. Establish a budget and make expenditures;

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- 320 15. Borrow money;
- 321 16. Appoint committees, including standing committees composed of members, State
322 regulators, State legislators or their representatives, and consumer representatives, and
323 such other interested persons as may be designated in this Compact and the bylaws;
- 324 17. Provide and receive information from, and cooperate with, law enforcement agencies;
- 325 18. Establish and elect an Executive Committee; and
- 326 19. Perform such other functions as may be necessary or appropriate to achieve the
327 purposes of this Compact consistent with the State regulation of Occupational Therapy
328 licensure and practice.

329 D. The Executive Committee

330 The Executive Committee shall have the power to act on behalf of the Commission according to
331 the terms of this Compact.

- 332 1. The Executive Committee shall be composed of nine members:
- 333 a. Seven voting members who are elected by the Commission from the current
334 membership of the Commission;
- 335 b. One ex-officio, nonvoting member from a recognized national Occupational Therapy
336 professional association; and
- 337 c. One ex-officio, nonvoting member from a recognized national Occupational Therapy
338 certification organization
- 339 2. The ex-officio members will be selected by their respective organizations.
- 340 3. The Commission may remove any member of the Executive Committee as provided in
341 bylaws.
- 342 4. The Executive Committee shall meet at least annually.
- 343 5. The Executive Committee shall have the following Duties and responsibilities:
- 344 a. Recommend to the entire Commission changes to the Rules or bylaws, changes to
345 this Compact legislation, fees paid by Compact Member States such as annual dues,
346 and any Commission Compact fee charged to Licensees for the Compact Privilege;
- 347 b. Ensure Compact administration services are appropriately provided, contractual or
348 otherwise;
- 349 c. Prepare and recommend the budget;

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- 350 d. Maintain financial records on behalf of the Commission;
- 351 e. Monitor Compact compliance of Member States and provide compliance reports to
352 the Commission;
- 353 f. Establish additional committees as necessary; and
- 354 g. Other duties as provided in Rules or bylaws.

355 E. Meetings of the Commission

- 356 1. All meetings shall be open to the public, and public notice of meetings shall be given in
357 the same manner as required under the Rulemaking provisions in Section 10.
- 358 2. The Commission or the Executive Committee or other committees of the Commission
359 may convene in a closed, non-public meeting if the Commission or Executive Committee
360 or other committees of the Commission must discuss:
 - 361 a. Non-compliance of a Member State with its obligations under the Compact;
 - 362 b. The employment, compensation, discipline or other matters, practices or procedures
363 related to specific employees or other matters related to the Commission's internal
364 personnel practices and procedures;
 - 365 c. Current, threatened, or reasonably anticipated litigation;
 - 366 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
367 estate;
 - 368 e. Accusing any person of a crime or formally censuring any person;
 - 369 f. Disclosure of trade secrets or commercial or financial information that is privileged or
370 confidential;
 - 371 g. Disclosure of information of a personal nature where disclosure would constitute a
372 clearly unwarranted invasion of personal privacy;
 - 373 h. Disclosure of investigative records compiled for law enforcement purposes;
 - 374 i. Disclosure of information related to any investigative reports prepared by or on
375 behalf of or for use of the Commission or other committee charged with responsibility
376 of investigation or determination of compliance issues pursuant to the Compact; or
 - 377 j. Matters specifically exempted from disclosure by federal or Member State statute.
- 378 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
379 Commission's legal counsel or designee shall certify that the meeting may be closed and
380 shall reference each relevant exempting provision.

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381 4. The Commission shall keep minutes that fully and clearly describe all matters discussed
382 in a meeting and shall provide a full and accurate summary of actions taken, and the
383 reasons therefore, including a description of the views expressed. All documents
384 considered in connection with an action shall be identified in such minutes. All minutes
385 and documents of a closed meeting shall remain under seal, subject to release by a
386 majority vote of the Commission or order of a court of competent jurisdiction.

387 F. Financing of the Commission

388 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
389 establishment, organization, and ongoing activities.

390 2. The Commission may accept any and all appropriate revenue sources, donations, and
391 grants of money, equipment, supplies, materials, and services.

392 3. The Commission may levy on and collect an annual assessment from each Member
393 State or impose fees on other parties to cover the cost of the operations and activities of
394 the Commission and its staff, which must be in a total amount sufficient to cover its
395 annual budget as approved by the Commission each year for which revenue is not
396 provided by other sources. The aggregate annual assessment amount shall be allocated
397 based upon a formula to be determined by the Commission, which shall promulgate a
398 Rule binding upon all Member States.

399 4. The Commission shall not incur obligations of any kind prior to securing the funds
400 adequate to meet the same; nor shall the Commission pledge the credit of any of the
401 Member States, except by and with the authority of the Member State.

402 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
403 receipts and disbursements of the Commission shall be subject to the audit and
404 accounting procedures established under its bylaws. However, all receipts and
405 disbursements of funds handled by the Commission shall be audited yearly by a certified
406 or licensed public accountant, and the report of the audit shall be included in and
407 become part of the annual report of the Commission.

408 G. Qualified Immunity, Defense, and Indemnification

409 1. The members, officers, executive director, employees and representatives of the
410 Commission shall be immune from suit and liability, either personally or in their official
411 capacity, for any claim for damage to or loss of property or personal injury or other civil
412 liability caused by or arising out of any actual or alleged act, error or omission that
413 occurred, or that the person against whom the claim is made had a reasonable basis for
414 believing occurred within the scope of Commission employment, duties or
415 responsibilities; provided that nothing in this paragraph shall be construed to protect any

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416 such person from suit and/or liability for any damage, loss, injury, or liability caused by
417 the intentional or willful or wanton misconduct of that person.

418 2. The Commission shall defend any member, officer, executive director, employee or
419 representative of the Commission in any civil action seeking to impose liability arising out
420 of any actual or alleged act, error, or omission that occurred within the scope of
421 Commission employment, duties, or responsibilities, or that the person against whom the
422 claim is made had a reasonable basis for believing occurred within the scope of
423 Commission employment, duties, or responsibilities; provided that nothing herein shall
424 be construed to prohibit that person from retaining his or her own counsel; and provided
425 further, that the actual or alleged act, error, or omission did not result from that person's
426 intentional or willful or wanton misconduct.

427 3. The Commission shall indemnify and hold harmless any member, officer, executive
428 director, employee, or representative of the Commission for the amount of any
429 settlement or judgment obtained against that person arising out of any actual or alleged
430 act, error or omission that occurred within the scope of Commission employment, duties,
431 or responsibilities, or that such person had a reasonable basis for believing occurred
432 within the scope of Commission employment, duties, or responsibilities, provided that
433 the actual or alleged act, error, or omission did not result from the intentional or willful or
434 wanton misconduct of that person.

435 **SECTION 9. DATA SYSTEM**

436 A. The Commission shall provide for the development, maintenance, and utilization of a
437 coordinated database and reporting system containing licensure, Adverse Action, and
438 Investigative Information on all licensed individuals in Member States.

439 B. A Member State shall submit a uniform data set to the Data System on all individuals to
440 whom this Compact is applicable as required by the Rules of the Commission, including:

441 1. Identifying information;

442 2. Licensure data;

443 3. Adverse Actions against a license or Compact Privilege;

444 4. Non-confidential information related to Alternative Program participation;

445 5. Any denial of application for licensure, and the reason(s) for such denial; and

446 6. Other information that may facilitate the administration of this Compact, as determined
447 by the Rules of the Commission.

448 7. Current Significant Investigative Information.

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- 449 C. Investigative Information pertaining to a Licensee in any Member State will only be available
450 to other Member States.
- 451 D. The Commission shall promptly notify all Member States of any Adverse Action taken
452 against a Licensee or an individual applying for a license. Adverse Action information
453 pertaining to a Licensee in any Member State will be available to any other Member State.
- 454 E. Member States contributing information to the Data System may designate information that
455 may not be shared with the public without the express permission of the contributing
456 State.
- 457 F. Any information submitted to the Data System that is subsequently required to be expunged
458 by the laws of the Member State contributing the information shall be removed from the
459 Data System.

460 SECTION 10. RULEMAKING

- 461 A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in
462 this Section and the Rules adopted thereunder. Rules and amendments shall become
463 binding as of the date specified in each Rule or amendment.
- 464 B. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a
465 statute or resolution in the same manner used to adopt the Compact within 4 years of the
466 date of adoption of the Rule, then such Rule shall have no further force and effect in any
467 Member State.
- 468 C. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the
469 Commission.
- 470 D. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least
471 thirty (30) days in advance of the meeting at which the Rule will be considered and voted
472 upon, the Commission shall file a Notice of Proposed Rulemaking:
- 473 1. On the website of the Commission or other publicly accessible platform; and
- 474 2. On the website of each Member State Occupational Therapy Licensing Board or other
475 publicly accessible platform or the publication in which each State would otherwise
476 publish proposed Rules.
- 477 E. The Notice of Proposed Rulemaking shall include:
- 478 1. The proposed time, date, and location of the meeting in which the Rule will be
479 considered and voted upon;
- 480 2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

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- 481 3. A request for comments on the proposed Rule from any interested person; and
- 482 4. The manner in which interested persons may submit notice to the Commission of their
483 intention to attend the public hearing and any written comments.
- 484 F. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written
485 data, facts, opinions, and arguments, which shall be made available to the public.
- 486 G. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or
487 amendment if a hearing is requested by:
- 488 1. At least twenty-five (25) persons;
- 489 2. A State or federal governmental subdivision or agency; or
- 490 3. An association or organization having at least twenty-five (25) members.
- 491 H. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the
492 place, time, and date of the scheduled public hearing. If the hearing is held via electronic
493 means, the Commission shall publish the mechanism for access to the electronic hearing.
- 494 1. All persons wishing to be heard at the hearing shall notify the executive director of the
495 Commission or other designated member in writing of their desire to appear and testify
496 at the hearing not less than five (5) business days before the scheduled date of the
497 hearing.
- 498 2. Hearings shall be conducted in a manner providing each person who wishes to comment
499 a fair and reasonable opportunity to comment orally or in writing.
- 500 3. All hearings will be recorded. A copy of the recording will be made available on request.
- 501 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
502 Rules may be grouped for the convenience of the Commission at hearings required by
503 this section.
- 504 I. Following the scheduled hearing date, or by the close of business on the scheduled hearing
505 date if the hearing was not held, the Commission shall consider all written and oral
506 comments received.
- 507 J. If no written notice of intent to attend the public hearing by interested parties is received, the
508 Commission may proceed with promulgation of the proposed Rule without a public hearing.
- 509 K. The Commission shall, by majority vote of all members, take final action on the proposed
510 Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking
511 record and the full text of the Rule.

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- 512 L. Upon determination that an emergency exists, the Commission may consider and adopt an
513 emergency Rule without prior notice, opportunity for comment, or hearing, provided that the
514 usual Rulemaking procedures provided in the Compact and in this section shall be
515 retroactively applied to the Rule as soon as reasonably possible, in no event later than
516 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
517 emergency Rule is one that must be adopted immediately in order to:
- 518 1. Meet an imminent threat to public health, safety, or welfare;
 - 519 2. Prevent a loss of Commission or Member State funds;
 - 520 3. Meet a deadline for the promulgation of an administrative Rule that is established by
521 federal law or Rule; or
 - 522 4. Protect public health and safety.
- 523 M. The Commission or an authorized committee of the Commission may direct revisions to a
524 previously adopted Rule or amendment for purposes of correcting typographical errors,
525 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
526 shall be posted on the website of the Commission. The revision shall be subject to challenge
527 by any person for a period of thirty (30) days after posting. The revision may be challenged
528 only on grounds that the revision results in a material change to a Rule. A challenge shall be
529 made in writing and delivered to the chair of the Commission prior to the end of the notice
530 period. If no challenge is made, the revision will take effect without further action. If the
531 revision is challenged, the revision may not take effect without the approval of the
532 Commission.

533 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

- 534 A. Oversight
- 535 1. The executive, legislative, and judicial branches of State government in each Member
536 State shall enforce this Compact and take all actions necessary and appropriate to
537 effectuate the Compact's purposes and intent. The provisions of this Compact and the
538 Rules promulgated hereunder shall have standing as statutory law.
 - 539 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or
540 administrative proceeding in a Member State pertaining to the subject matter of this
541 Compact which may affect the powers, responsibilities or actions of the Commission.
 - 542 3. The Commission shall be entitled to receive service of process in any such proceeding,
543 and shall have standing to intervene in such a proceeding for all purposes. Failure to
544 provide service of process to the Commission shall render a judgment or order void as to
545 the Commission, this Compact, or promulgated Rules.

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546 B. Default, Technical Assistance, and Termination

- 547 1. If the Commission determines that a Member State has defaulted in the performance of
548 its obligations or responsibilities under this Compact or the promulgated Rules, the
549 Commission shall:
 - 550 a. Provide written notice to the defaulting State and other Member States of the nature
551 of the default, the proposed means of curing the default and/or any other action to be
552 taken by the Commission; and
 - 553 b. Provide remedial training and specific technical assistance regarding the default.
- 554 2. If a State in default fails to cure the default, the defaulting State may be terminated from
555 the Compact upon an affirmative vote of a majority of the Member States, and all rights,
556 privileges and benefits conferred by this Compact may be terminated on the effective
557 date of termination. A cure of the default does not relieve the offending State of
558 obligations or liabilities incurred during the period of default.
- 559 3. Termination of membership in the Compact shall be imposed only after all other means
560 of securing compliance have been exhausted. Notice of intent to suspend or terminate
561 shall be given by the Commission to the governor, the majority and minority leaders of
562 the defaulting State's legislature, and each of the Member States.
- 563 4. A State that has been terminated is responsible for all assessments, obligations, and
564 liabilities incurred through the effective date of termination, including obligations that
565 extend beyond the effective date of termination.
- 566 5. The Commission shall not bear any costs related to a State that is found to be in default
567 or that has been terminated from the Compact, unless agreed upon in writing between
568 the Commission and the defaulting State.
- 569 6. The defaulting State may appeal the action of the Commission by petitioning the U.S.
570 District Court for the District of Columbia or the federal district where the Commission
571 has its principal offices. The prevailing member shall be awarded all costs of such
572 litigation, including reasonable attorney's fees.

573 C. Dispute Resolution

- 574 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
575 related to the Compact that arise among Member States and between member and non-
576 Member States.
- 577 2. The Commission shall promulgate a Rule providing for both mediation and binding
578 dispute resolution for disputes as appropriate.

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579 D. Enforcement

- 580 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
581 provisions and Rules of this Compact.
- 582 2. By majority vote, the Commission may initiate legal action in the United States District
583 Court for the District of Columbia or the federal district where the Commission has its
584 principal offices against a Member State in default to enforce compliance with the
585 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
586 include both injunctive relief and damages. In the event judicial enforcement is
587 necessary, the prevailing member shall be awarded all costs of such litigation, including
588 reasonable attorney's fees.
- 589 3. The remedies herein shall not be the exclusive remedies of the Commission. The
590 Commission may pursue any other remedies available under federal or State law.

591 **SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR** 592 **OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND** 593 **AMENDMENT**

- 594 A. The Compact shall come into effect on the date on which the Compact statute is enacted
595 into law in the tenth Member State. The provisions, which become effective at that time,
596 shall be limited to the powers granted to the Commission relating to assembly and the
597 promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking
598 powers necessary to the implementation and administration of the Compact.
- 599 B. Any State that joins the Compact subsequent to the Commission's initial adoption of the
600 Rules shall be subject to the Rules as they exist on the date on which the Compact
601 becomes law in that State. Any Rule that has been previously adopted by the Commission
602 shall have the full force and effect of law on the day the Compact becomes law in that State.
- 603 C. Any Member State may withdraw from this Compact by enacting a statute repealing the
604 same.
 - 605 1. A Member State's withdrawal shall not take effect until six (6) months after enactment of
606 the repealing statute.
 - 607 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
608 Occupational Therapy Licensing Board to comply with the investigative and Adverse
609 Action reporting requirements of this act prior to the effective date of withdrawal.
- 610 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
611 Occupational Therapy licensure agreement or other cooperative arrangement between a

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612 Member State and a non-Member State that does not conflict with the provisions of this
613 Compact.

614 E. This Compact may be amended by the Member States. No amendment to this Compact
615 shall become effective and binding upon any Member State until it is enacted into the laws
616 of all Member States.

617 **SECTION 13. CONSTRUCTION AND SEVERABILITY**

618 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
619 provisions of this Compact shall be severable and if any phrase, clause, sentence or
620 provision of this Compact is declared to be contrary to the constitution of any Member State
621 or of the United States or the applicability thereof to any government, agency, person or
622 circumstance is held invalid, the validity of the remainder of this Compact and the
623 applicability thereof to any government, agency, person or circumstance shall not be
624 affected thereby. If this Compact shall be held contrary to the constitution of any Member
625 State, the Compact shall remain in full force and effect as to the remaining Member States
626 and in full force and effect as to the Member State affected as to all severable matters.

627 **SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

628 A. A Licensee providing Occupational Therapy in a Remote State under the Compact Privilege
629 shall function within the laws and regulations of the Remote State.

630 B. Nothing herein prevents the enforcement of any other law of a Member State that is not
631 inconsistent with the Compact.

632 C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the
633 conflict.

634 D. Any lawful actions of the Commission, including all Rules and bylaws promulgated by the
635 Commission, are binding upon the Member States.

636 E. All agreements between the Commission and the Member States are binding in accordance
637 with their terms.

638 F. In the event any provision of the Compact exceeds the constitutional limits imposed on the
639 legislature of any Member State, the provision shall be ineffective to the extent of the conflict
640 with the constitutional provision in question in that Member State.

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Capital Report: AOTA/NBCOT Joint Initiative: Developing the Occupational Therapy Licensure Compact

Chuck Willmarth and Shaun Conway
5/22/2020

In September 2019, AOTA and NBCOT issued a joint statement announcing that the two organizations would be collaborating to support the development of an interstate licensure compact for occupational therapy. Since that time, the compact legislation has been drafted and circulated for stakeholder input. While we have reached out to stakeholders such as state regulatory boards, state occupational therapy associations, employers, and others, it is important to understand that *all* occupational therapists, occupational therapy assistants, and students are considered stakeholders. We encourage everyone to review the draft licensure compact legislation and provide feedback.

We understand that a licensure compact is a new concept for the occupational therapy profession and hope the following frequently asked questions will help provide insight.

What is an interstate licensure compact?

An interstate licensure compact is a legal agreement or contract between state governments. In this case, the occupational therapy compact will provide licensed occupational therapists and occupational therapy assistants with the opportunity to practice in the states that join the compact without having to secure a new license in each state.

What are the benefits of a licensure compact for OT?

An occupational therapy licensure compact will have many benefits:

- Improve client access to occupational therapy
- Increase opportunities to practice across state lines (e.g., telehealth)
- Enhance mobility of occupational therapy practitioners
- Support spouses of relocating military families
- Improve continuity of care
- Preserve and strengthen the state licensure system
- Enhance the exchange of licensure, investigatory, and disciplinary information between member states.

What are the benefits of a licensure compact post-COVID-19?

A licensure compact for occupational therapy will allow practitioners to provide services in multiple states while at the same time preserving consumer protections, accountability, and the authority of state regulatory boards to regulate the profession.

During the COVID-19 emergency, many states have attempted to address limitations of the existing state licensure system through executive orders. In some cases, states waived licensure requirements for those licensed in other jurisdictions. Other states waived licensing requirements for those wanting to provide telehealth services from out of state. While these actions enhanced mobility for practitioners, in some cases important consumer protections were left behind to speed up the process, including criminal background checks and fingerprint requirements.

What process will be used to create the occupational therapy licensure compact?

AOTA and NBCOT are working with the Council of State Governments (CSG) to create the occupational therapy licensure compact. CSG is an organization of state government officials from the legislative, executive, and judiciary branches of government. CSG has expertise in creating interstate compacts, including licensure compacts, and is leading stakeholders through a consensus-based

development process.

Stakeholders include AOTA, NBCOT, state regulatory boards, state occupational therapy associations, occupational therapy practitioners, students, employers, and others. CSG convened the Occupational Therapy Licensure Compact Advisory Group to develop the framework for the compact. A small subset of the advisory group, the Drafting Team, wrote the initial draft compact legislation. The draft bill was presented to the advisory group for their review and consideration. The advisory group's feedback was then incorporated into the most current version of the draft bill, which has been distributed to the stakeholder groups identified above for input.

Feedback provided by these stakeholder groups will be reviewed and considered by the Occupational Therapy Licensure Compact Advisory Group and ultimately, the Drafting Team. After the final document is approved by AOTA and NBCOT, the final compact legislative language will be shared with state occupational therapy associations in order to pursue compact legislation in the 2021 state legislative sessions and beyond.

What are the key elements of the OT licensure compact legislation?

- It will be open to licensed OTs and OTAs
- Home state license authorizes practitioner participation in the compact
- A minimum of 10 states must approve legislation to activate the compact
- Encumbered licensees will not be able access compact privileges
- FBI fingerprint-based criminal background checks will be required
- It will include a provision to speed up licensure in the new home state for relocating OTs/OTAs.

How will the licensure compact work?

Licensed occupational therapists and occupational therapy assistants who want to obtain a licensure compact privilege to practice in another state will visit the OT compact website to complete an application. Compact applications will only be available to those who have a current license, not to applicants seeking initial licensure. Applicants will need to provide information about their current license and purchase a compact privilege where they want to practice. It is important to note that applicants must meet jurisprudence requirements before the compact privilege to practice can be granted.

Figure 1 illustrates how the process is envisioned to work after it is up and running.

Figure 1. How the OT Compact is Envisioned to Work in the Future



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Will the licensure compact replace my state license?

No. A "home state license" (license in one's primary state of residence) will still be required to practice. Participation in the OT licensure compact is *optional*, and the Occupational Therapy Compact Commission will not be authorized to issue home state licenses.

When will the licensure compact be operational?

Ten states must enact the licensure compact legislation to activate the licensure compact and convene the Occupational Therapy Compact Commission. The Commission will need time to become operational. The goal is

to have everything up and running by 2024.

How much will it cost?

The cost to participate in the compact is to be determined, but the OT Licensure Compact Advisory Group anticipates total costs will be less than securing licenses in multiple states. The compact that is under consideration would have one fee paid to the Occupational Therapy Compact Commission, the entity that will operate the compact, with another fee going to the state where the person plans to practice.

What are the next steps?

The stakeholder review process begins June 1 and will conclude in July. The goal is to work with stakeholders to come to a consensus and finalize the occupational therapy compact legislation by early fall 2020. The process will then include efforts to work with state occupational therapy associations and state regulatory boards/agencies to introduce the licensure compact legislation in multiple states during the 2021 state legislative sessions.

How can I review the draft licensure compact legislation and provide input?

The draft licensure compact legislation will be posted to AOTA's and NBCOT's websites along with a call for comments. CSG will provide additional information about the process that will be used to provide written comments. In addition, you may send comments or questions about the licensure compact to OTCompact@csq.org (mailto:OTCompact@csq.org).

How can I help get the OT licensure compact enacted in my state?

State associations with support from AOTA will be advocating to get bills introduced in the states starting in 2021. You can support this effort through membership in your state association. After a bill is introduced in your state, your state association will need your help to advocate with your state legislators to support the compact.

Where can I get more information?

Check AOTA's website (<https://www.aota.org/Advocacy-Policy/State-Policy/Licensure/Interstate-Professional-Licensing-Compact.aspx>) for more information on the interstate professional licensing compact, including background, the general timeline, and what it would mean for occupational therapy practitioners.

Check NBCOT's website (<https://www.nbcot.org/en/News#compactupdate>) for updates on the interstate OT licensure compact.

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[Learn CE \(http://www.aota.org/ce-learn\)](http://www.aota.org/ce-learn)

[OT Search \(http://www.aota.org/otsearch\)](http://www.aota.org/otsearch)

[OT Centennial \(http://www.aota.org/centennial\)](http://www.aota.org/centennial)

[AOTA's NBCOT Exam Prep \(http://www.aota.org/exam-prep\)](http://www.aota.org/exam-prep)

[Digital Bookshelf \(http://www.aota.org/digital-bookshelf\)](http://www.aota.org/digital-bookshelf)

[Foundation \(https://www.aota.org/AOTF.aspx\)](https://www.aota.org/AOTF.aspx)

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Back to School Guide

In the Era of COVID-19

Summer 2020

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Back to School Tip Sheet Overview

Returning to school is a complex event, even in a typical school year. With the COVID-19 pandemic and other social uncertainty, new challenges have been presented. Many students have experienced major disruptions to their routines. Traumatic events (e.g., separation from extended family members and friends during quarantine, loss of a loved one to COVID-19, disruption to typical activities and daily routines, etc.) related to the pandemic will influence their confidence in returning to school. By supporting the student and addressing their routines, environments, and related tasks, students may have a more positive and productive day, leading to better school outcomes.

Returning to school following the COVID-19 quarantine requires flexibility and extra attention to routines and the environment. When determining how to set up the environment for a successful return to school, consider the various persons involved (e.g., student, teacher, paraprofessional), and the array of tasks and occupations (e.g., learning, playing) performed in the environments.

The [American Occupational Therapy Association \(AOTA\)](#) produced these Back to School Tip Sheets to provide practical tips for parents, guardians, caregivers, administrators, teachers, para-professionals, and students to navigate these challenges. Occupational therapy practitioners provide a continuum of services and support to students in general and in special education under the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), and Section 504 of the Rehabilitation Act of 1973. Occupational therapy practitioners can help to modify various school environments; establish safe and effective classroom routines; and address the physical, cognitive, psychosocial, and sensory components of student performance. This includes addressing needs for an individual, for groups, or for the school or school system.

For more detailed information or if you have additional questions, please contact an occupational therapy practitioner in your school system.

Note: This document also contains an overarching problem solving model that can be used to address new questions as they arise. The Back to School Tip Sheets were developed using this problem solving model. For more information, as well as a specific example of working through the problem solving model, please see the Problem Solving Model section below.

About AOTA

The American Occupational Therapy Association (AOTA) is the national professional association established in 1917 to represent the interests and concerns of occupational therapy practitioners and students, and to improve the quality of occupational therapy services. The practice of occupational therapy is science-driven, evidence-based, and enables people of all ages to live life to its fullest by promoting health and addressing the functional effects of illness, injury, and disability. Occupational therapy practitioners work with people of all ages to maximize independence and function. This includes considering how person, place, and environment influence occupations. In occupational therapy, occupations are the purposeful activities in a person's day. For children, these include play, school, self-care (dressing, eating, etc.) and other activities. More information is available in the AOTA fact sheet, [Occupational Therapy's Role with School Settings](#).

Detailed Information Regarding Tip Sheet Development

Occupational Therapy Practice Framework

Occupational therapy practitioners, including occupational therapists (OTs) and occupational therapy assistants (OTAs), utilize the [Occupational Therapy Practice Framework \(OTPF-4\)](#) (4th ed.; OTPF-4; American Occupational Therapy Association, in press) to guide intervention and services. Understanding the complexity of daily occupations

requires a multi-faceted framework that addresses function from many perspectives. OTPF-4 is the framework that outlines the various approaches that occupational therapy practitioners use to help individuals in “achieving health, well-being, and participation in life through engagement in occupation” (OTPF, p. 4). Occupational therapy practitioners work in many environments, including school systems, to address the specific needs of the person, group, or population in engaging in their daily occupations.

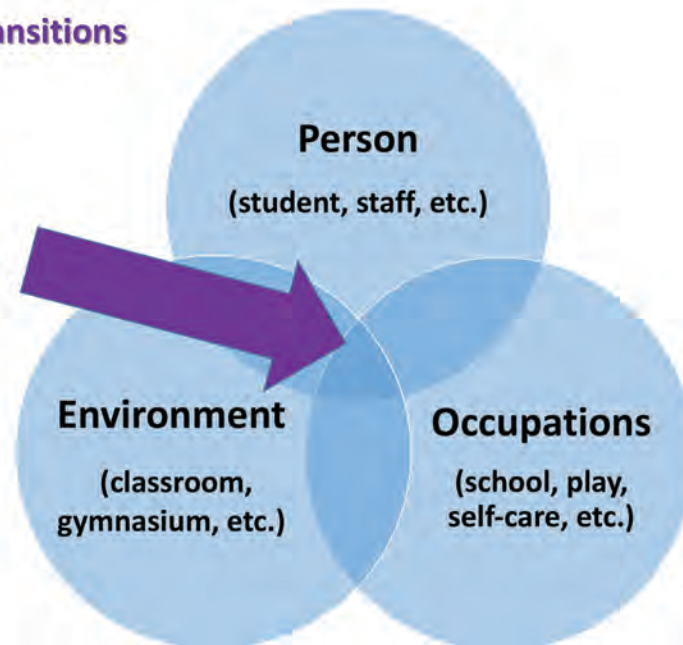
Problem Solving Model

When new events arise, the problem solving model used to develop these tip sheets can be used to find new solutions. The model utilized to develop these tip sheets has been adapted from the Person, Environment, Occupation (PEO) Model (Law, et al., 1996) to guide problem solving related to return to school during a pandemic. This model emphasizes the interaction between the person, the environment, and the occupation (task at hand) to promote optimal performance. This document recognizes the student as the key individual, which is consistent with the client-centered focus of occupational therapy (see Figure 1). This model can be adapted by families, teachers, and administrators to approach problem solving from other perspectives if desired. The model can also be used to address concerns when the teacher or the school community are considered the recipient of services (person).

Figure 1: Return to School Problem-Solving Model

Promote Successful Transitions (in spite of uncertainty)

- From home to school
- During transportation
- Between assignments
- During altered routines
- Back to home



Example: Working Through the Problem Solving Model

A typical school day and school year consist of many transitions. These can range from moving between topics in class to moving to a new grade. These transitions can be difficult for some students, and can become even more challenging during stressful times. In most cases, the requirements for managing COVID-19 precautions will increase the complexity of navigating these transitions.

For example, a change in a lunchtime routine, with younger students now required to eat and have recess in the classroom instead of in the cafeteria could be considered in the following way:

Student (Person)

- Cope with frustration and disappointment related to remaining in the same space all day.
- Grieve loss of time for engaging with peers during unstructured time (e.g., recess).
- Regulate emotions and behavior associated with excitement and noise-level changes.

- Manage personal challenges associated with special needs.
- Classroom (Environment)
 - Position desks to facilitate safe social interaction and management of food items during lunch.
 - Provide multiple garbage cans to reduce close interaction among students when disposing of trash.
 - Ensure availability of a sink for hand washing vs. relying only on hand sanitizer.
- Tasks (Occupation)
 - Establish a process for school lunches to be delivered to the classroom.
 - Establish a process for cleaning hands prior to lunch while adhering to social distancing/infection control precautions.
 - Establish a process for providing assistance needed for opening lunch items while adhering to social distancing/infection control precautions.
 - Using gloves, wipe down touched surfaces.
 - Establish a post-lunch clean up and trash management plan.
 - Establish a repertoire of recess games that can be played in the classroom while adhering to social-distancing/infection control precautions.

As seen in this example, the seemingly simple transition to eating lunch in the classroom instead of the cafeteria raises important questions about how school teams may create environments that maximize engagement and participation, while adhering to social distancing/infection control procedures. By proactively addressing aspects of the activity specific to the student, the classroom, and the different lunchtime tasks, the students' experience of the school day can be positively affected.

References

- American Occupational Therapy Association. (In press). Occupational therapy practice framework: Domain and process (4th ed.). *American Journal of Occupational Therapy*, 74(Suppl. 2). Advance online publication. https://www.aota.org/~media/corporate/files/secure/practice/officialdocs/guidelines/otpf4_final_for_web.pdf
- Law, M., Cooper, B., Strong, S., Stewart, D., Rigby, P., & Letts, L. (1996). The Person–Environment–Occupation Model: A transactive approach to occupational performance. *Canadian Journal of Occupational Therapy*, 63, 9–23. <https://doi.org/10.1177/000841749606300103>

Additional Resources List

AOTA Resources

- AOTA—[School-based and Early Intervention Therapy Services—Decision Guide for COVID-19](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Inclusion of Children With Disabilities](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention with Children & Youth: The Cafeteria: Creating a Positive Mealtime Experience](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Bullying Prevention and Friendship Promotion](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Childhood Trauma](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Promoting Strengths in Children and Youth](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Recess Promotion](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Social and Emotional Learning \(SEL\)](#) (PDF)
- AOTA—[Occupational Therapy’s Role in Mental Health Promotion, Prevention, & Intervention With Children & Youth: Grief and Loss](#) (PDF)

Cleaning and Disinfecting

- CDC—[Guidance for Cleaning and Disinfecting Decision Tool](#)
- CDC—[Guidance for Re-opening Buildings after Prolonged Shutdown or Reduced Operation](#)
- CDC—[Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, and Homes](#)
- OSHA—[Guidance on Preparing Workplaces for COVID-19](#)

General COVID Information

- CDC—[Considerations for Schools](#)
- CDC—[Considerations for Youth Sports](#)
- CDC—[Coronavirus Decision Guide](#)
- CDC—[Guidance for Group Homes for Individuals with Disabilities](#)
- Johns Hopkins—[Webinar Series Regarding Return to School](#)

Providing Related Services During Distance Learning

- AOTA—[Occupational Therapy Telehealth Decision Guide](#)
- CDC—[Using Telehealth to Expand Access to Essential Health Services during the COVID-19 Pandemic](#)
- Health and Human Services—[Telehealth Communications during COVID-19](#)

Supporting Resilience and Mental Health

- CDC—[Coping with Stress](#)
- Child Mind Institute—[Supporting Families during COVID-19](#)
- HealthyChildren.org—[How to Help Children Build Resilience in Uncertain Times](#)

Classroom Set-Up

Considerations

Returning to school following the COVID-19 quarantine requires flexibility and extra attention to the environment. When considering how to set up the environment for a successful return to school, consider the various persons involved (e.g., student, teacher, paraprofessional), and the array of tasks and occupations (e.g., learning, playing) performed in the environments. Below are some tips that teachers and other school staff may consider to enhance access, efficiency, and safety.

Evaluate and Organize Materials

- Purge items that are old, out of date, broken, and/or damaged to allow for a clutter-free environment.
- Remove materials that are porous and cannot be easily disinfected.
- Place cubbies or storage containers in alternate locations outside of the classroom to allow more space for social distancing.
- Store additional supplies in containers under desks or chairs to decrease sharing and maintain social distancing.

Modify or Change the Environment

- Rotate use of cafeteria, gymnasium, or auditorium space for individual classrooms to allow social distancing and change of environment.
 - Work with the custodial team to ensure sanitation between use.
 - Consider prioritizing larger spaces for children with special needs who may have challenges social distancing.
- Create visual reminders on vertical (e.g., boards, walls) and horizontal (e.g., floors, table tops) surfaces to promote safe social distancing.
- Utilize Plexiglas dividers to shield table tops, computer stations, or room sections.
- Arrange tables and desks to allow peers to see each other, staff, and audiovisual equipment while maintaining a safe distance to decrease feelings of isolation.
- Ensure ventilation systems are fully operational and increase air circulation as much as possible.
- Open doors and windows as much as possible.

Promote Effective Cleaning and Hygiene Practices

- Scan the environment for frequently used spaces and ensure access to hand sanitizer in those areas.
- Set up sanitization stations at the entry of the classroom and towards the back of the room; assess the height of these stations to ensure ease of access.
- Use hand-free pumps, or instruct all individuals to use their elbows, to dispense soap or hand sanitizer.
- Create signage that includes friendly images to remind students of proper hygiene routines.
- Provide, or request parents to supply, individual hygiene kits in a plastic container or bag.
- Develop a plan for cleaning and disinfecting (see [CDC Guidance for Cleaning and Disinfecting](#)).
- Establish a safe and locked location, which is easily accessible, to store cleaning supplies and chemicals.
- Incorporate a cleaning routine between use of shared items.

Enhancing Comfort

- Choose comforting materials for the classroom that are non-porous and can be easily wiped with an approved disinfectant.

- Place items in the classroom space to provide a sense of comfort and feelings of home, such as floor lamps, plants, and floor coverings that can be disinfected.
- Change the lighting periodically by opening window coverings or using floor lamps to reduce overstimulation via florescent lights.
- Promote seating opportunities such as beanbag chairs, physio balls, and standing tables to allow for movement.
 - Ensure seating can be disinfected frequently.

Resources

- [AOTA Tip Sheet—Successful Participation at School: Strategies for All Students](#)
- [AOTA School-Based and Early Intervention Occupational Therapy Decision Guide for COVID-19](#)
- [CDC Considerations for Schools](#)
- [CBS KPIX 5 San Francisco Bay video showing newly converted Marin County classrooms adapted for COVID-19](#)

Cleaning Equipment

Reducing the risk of exposure to COVID-19 is an essential consideration for returning to school. Cleaning and disinfecting toys and other equipment is an important practice that will help to mitigate risks. When considering how to best maintain a clean environment, consider the various persons involved (e.g., student, teacher, custodians), the multiple environments encountered (e.g., classroom, gymnasium), and the array of tasks and occupations performed (e.g., learning, playing). Below are some tips that teachers and other school staff may consider.

Items and Equipment that Require Regular Cleaning*

- Handles, door knobs, stair rails, light switches, push buttons, countertops, desks, chairs, and cubbies
 - Nap mats, changing tables, and bathrooms or toileting chairs
 - Playground structures, swings, and riding toys
 - Tablets, styluses, keyboards, and plastic covers that protect equipment
 - Wheelchairs, communication devices, and switches
 - Shared materials such as toys, scissors, writing utensils, and learning manipulatives
- *Toys and other items that cannot be cleaned and disinfected should not be used.*

Cleaning Procedures

- Individuals responsible for cleaning and disinfecting should wear gloves.
- Used plastic toys should be considered dirty.
 - Dirty toys should be placed in a container with soapy water until they are washed and disinfected.
- Toys and other items that children regularly place in their mouths (e.g., spoons and cups) should be cleaned with water and detergent, rinsed, sanitized, rinsed again, and then air dried.
- Machine washable toys and sensory equipment (e.g., Lycra swings) should be used by one child at a time and laundered before they are shared with another child.
- Area rugs, carpet squares, and bean bags that cannot be regularly laundered should be removed from the environment.
- Thoroughly wash hands with soap and water after cleaning and disinfecting toys and equipment.

Cleaning Products

- Only use cleaning and disinfecting products according to the instructions on the label.
- Common household fragrance-free EPA registered disinfectants are effective.
 - See [disinfectants for use against COVID-19](#)
- All cleaning products should be stored in a safe and locked location out of the reach of children.
- Select cleaning product packaging/containers in compliance with Poison Prevention Packaging guidelines.
- Empty cleaning product containers may still pose a safety risk due to the chemicals that remain once the products are used. [Dispose of cleaning product containers and left over cleaning products in accordance with EPA guidelines.](#)

Resources

- Centers for Disease Control and Prevention's [Reopening Guidance for Cleaning and Disinfection Public Spaces, Workplaces, Businesses, Schools and Homes](#)
- Centers for Disease Control and Prevention's [Guidance for Childcare Programs that Remain Open](#)
- Poison Prevention [Packaging Guidelines](#)

Considerations for Creating a Classroom Partnership Pledge

A Classroom Partnership Pledge helps to establish that teachers appreciate students as partners in their education. A Classroom Partnership Pledge may be an effective tool to support students' transition back to school during a pandemic. A well-written partnership pledge should outline the steps that teachers and students will take to create a supportive classroom climate and keep everyone safe.

Steps to Creating a Classroom Partnership Pledge

- Explain to students that a pledge is a promise that everyone in the classroom community will make to keep each other safe.
- Ask students their opinions about what teachers and students could do to keep each other safe.
- Provide examples if students have difficulty generating ideas.
- Summarize the ideas and lead students to consensus about what elements should be included in the pledge.
- Create a poster with students to display in the physical classroom and on the virtual classroom homepage.
- Share the partnership pledge with students' families.

The following are examples that may be included in a Classroom Partnership Pledge:

As a teacher, I pledge to:

- ✓ Maintain social distancing per school guidelines
- ✓ Wash my hands often, such as when I enter and exit a room
- ✓ Follow rules about wearing a mask
- ✓ Report to school personnel if I don't feel well, and stay home if I'm sick
- ✓ Help students stay calm and focused
- ✓ Promote friendships, mental health, and well-being
- ✓ Help students stay organized
- ✓ Allow students to take breaks
- ✓ Treat all students fairly
- ✓ Listen to students' ideas, feelings, and questions and respond with clear, supportive answers
- ✓ Check in on students during distance learning days
- ✓ Be flexible about assignment due dates when students need more time to do their best work
- ✓ Share student progress and/or concerns with families in a timely manner

As a student, I pledge to:

- ✓ Ask questions about safety if I don't understand
- ✓ Maintain social distancing per school guidelines
- ✓ Wash my hands often, such as when I enter or exit a room
- ✓ Follow rules about wearing a mask
- ✓ Report to school personnel if I don't feel well, and stay home if I'm sick
- ✓ Manage my own belongings
- ✓ Take pride in my work
- ✓ Ask for help when I need it
- ✓ Treat others how I want to be treated
- ✓ Listen to others' opinions and respond respectfully
- ✓ Work as a team with classmates
- ✓ Keep my hands to myself
- ✓ Participate in class discussions
- ✓ Arrive on time to virtual class sessions
- ✓ Turn assignments in on time

Discrimination and Stigma

Worry and fear about the transmission of COVID-19 can lead to discrimination and stigma for children, adolescents, and their families. Health status discrimination may occur when someone associates a certain population or nationality with COVID-19. Stigma can occur when someone has been quarantined or isolated because of COVID-19 and then resumes their usual activities. When attempting to identify and mitigate discrimination and stigma, consider the influences of various persons involved (e.g., student, teacher, family, friends), the multiple environments and contexts encountered (e.g., home, work, and school) and how tasks and activities (i.e., occupations) are performed. Below are some tips that teachers and other school staff may want to consider when addressing discrimination and stigma.

Impact of Discrimination and Stigma

- [Impacts health and well-being both directly and indirectly](#)
- [Results in reduced reporting of symptoms and seeking medical attention](#)
- [Leads to poor adherence to preventative guidelines to reduce transmission due to fear of stigmatization](#)

Children At-Risk for Discrimination and Stigma

- Children whose parents are health care workers
- Children whose parents are frontline workers (e.g., delivery drivers and grocery store clerks)
- Children who have difficulty following social distancing guidelines or wearing masks and other facial coverings
- Children who have a family member who was treated for COVID-19
- Children from certain racial and ethnic groups, such as Asian Americans, Pacific Islanders, and Black or African Americans
- Children who cough or sneeze for reasons other than COVID-19
- Children who live in group homes or other congregate settings
- Children who are homeless

Forms of Discrimination and Stigma

- Avoidance or rejection by peers
- Rumor spreading
- Physical acts of aggression
- Verbal aggression
- Cyberbullying

Ways to Address Discrimination and Stigma

- Teach children, family, and staff about the transmission of COVID-19.
- Work collaboratively with school personnel (administrators, related service providers, paraprofessionals, and other educators) to implement a school-wide tiered approach to formally address discrimination and stigma, and provide individual and group intervention services when needed for positive peer interactions and friendship development.
 - Observe peer interactions and intervene at the first sign of discrimination and stigma.
 - Teach children at risk for discrimination and stigma to self-advocate and report concerns.
 - Encourage children who are bystanders to stand up for peers and report concerns.
 - Explain the consequences of discrimination and stigma, in developmentally appropriate terms.

-
- Communicate with families about discrimination and stigma.

Resources

- [AOTA's Guide to Acknowledging the Impact of Discrimination, Stigma, and Implicit Bias on Service provision \(PDF\)](#)
- [AOTA's Return to School Guide Mental Health and Well-being Tip Sheet \(PDF\)](#)
- [AOTA's Resource on Bullying Prevention and Friendship Promotion \(PDF\)](#)
- [Centers for Disease Control and Prevention's Reducing Stigma](#)
- [U.S. Department of Education, Office of Civil Rights—Addressing the Risk of COVID-19 in Schools while Protecting Students' Civil Rights](#)

Distance Learning

The impact of COVID-19 and the implementation of phased re-opening plans may require that some schooling take place at home through distance learning. Well-designed online courses and a proper home set up (environment) improve a student's (person) engagement in educational tasks (occupation). Below are considerations for school administrators, teachers, and school staff.

Habits and Routines

- Create and provide an [orientation for students](#) that addressed the tools and skills needed to be successful in an online learning environment.
- Set expectations for virtual class participation that promote a predictable routine (e.g., enter virtual classroom, turn camera on, mute microphone, participate in welcoming introduction).
 - Collaborate with all educators and paraprofessionals involved in distance learning and create consistent expectations across courses.
 - Communicate schedules and expectations to students and families through various methods (e.g., face-to-face instruction, email, flyers).
- Establish a consistent day of the week, across all courses, for assignment due dates.
- Routinely use tools to [encourage participation](#), such as polling response systems.

Student Engagement

- Use virtual classroom tools (e.g., discussion boards, group rooms, video chat) to facilitate connections between students and staff.
- Use instant messaging tools to check in on distance learning students throughout the school day.
- Provide opportunities (i.e., virtual office hours) for students to connect with you outside of instructional time.
- Check in with students and families about [how students are coping with the challenges associated with distance learning at home](#).
- Facilitate after school clubs and virtual lunchtime meet ups that may be successful despite social distancing.
- Provide groups that are facilitated by school counselors that allow students to discuss the disruptions.

Online Learning

- Identify students who need access to the Internet or an e-learning device to access virtual classrooms.
- Explore resources such as [Quality Matters Emergency Remote Instruction Checklists and Webinars](#).
- Incorporate [resources](#) that help design a student-focused [online quality course or classroom environment](#).
- Use standards and rubrics to design effective online classroom environments.
- [Address accessibility challenges](#) (e.g., universal design for learning, video captions and audio descriptions, color choice and contrast).
- Ensure access to Internet connectivity and [appropriate Wi-Fi bandwidth](#).
- Use [educational television access channels](#) if available in your community.
- Test virtual learning tools before using them during instruction.

Learning Spaces

- Encourage students to remove unnecessary clutter and distractions from the learning workspace.
- Provide a list of materials that should be readily available within the student's home work space (e.g., glue, pencils, paper).

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- Encourage students to organize the learning workspace so all learning tools (e.g., laptop, worksheets, books) are readily available.
 - Encourage families to set up learning workspaces that allow for [proper ergonomic positioning](#) to prevent fatigue.

Homework and Projects

- Ensure assignments can be reasonably completed by students in the home and online environments.
- Provide simple written, bulleted directions for all assignments.
- Provide video clarifications for complex assignments.

Accommodations

- Identify students who need support to utilize technology for learning or other accommodations.
- Divide longer assignments and learning activities into manageable components.
- Provide reminders, as well as flexible due dates for assignments.
- Allow additional time for online tests.
- Use visual supports and animations to explain difficult concepts.

Resources

- Council for Exceptional Children—[Best Practice for Educating Online](#)
- Michigan Association of Administrators and Superintendents—[National Distance Learning Resources](#)
- National Education Association—[Guide to Online High School Classes](#)

Masks and Facial Coverings

Considerations

Wearing masks and facial coverings help prevent the transmission of COVID-19. Most school districts will have established policies based on guidance from the Centers for Disease Control and Prevention. When considering how to help children and adolescents wear masks and other face coverings, consider the health and preferences of the student, the multiple environments encountered (e.g., bus, pick up and drop off location), and the array of tasks and occupations that need to be performed while wearing a mask (e.g., eating and drinking, completing class assignments, talking with friends, participating in recess). Some tips for teachers and school personnel to help increase students' wearing of masks are listed below.

Choose Masks and Other Facial Coverings

- Choose a mask or other facial covering that covers both the nose and the mouth.
- Explore different types of masks and facial coverings, such as bandanas, gaiters, and scarves to find the most comfortable option.
- Consider soft fabric liners to reduce any unpleasant sensations of scratchy material on the lips and cheeks.
- Consider masks that show mouths through a [plastic window](#) to improve communication.
- Consider [neck strips](#) with buttons to loop the mask on, instead of looping over the ears.
- [Attach buttons to eye glasses with rubber bands](#) to allow masks to be connected to glasses, instead of looping over the ears.
- [Consider masks that connect to baseball caps](#) (where allowed) or [headbands](#).
- Consider masks that Velcro or tie at the back of the head.
- Explore masks and facial coverings made out of different fabric weights based on weather conditions.

Teach Students How to Wear Masks and Other Facial Coverings

- Support students with a consistent message about wearing masks and other facial coverings.
 - Be sure to find out whether any students have [accommodations or health needs that require them to go without a mask or other facial covering](#).
 - Ensure school personnel working with students who are unable to wear face coverings have appropriate PPE and training.
- Teach students to wear the mask or other facial covering so it covers both the nose and mouth at all times.
 - Demonstrate and [show pictures of correct and incorrect mask positioning](#).
- Work with occupational therapy practitioners to implement a wearing schedule and use other strategies (e.g., sensory desensitizing techniques for children with documented assessment results that suggest sensory defensiveness) to support students with anxiety or other concerns related to wearing face coverings.
- Practice all steps for managing masks independently, including putting them on, taking them off, packing for transport, and washing.
 - Remind students not to touch the outside of the mask that covers their mouth and nose. Instead, encourage students to put on and take off the mask by using the ear loop/ties.
 - Remind students to put on a clean mask after eating lunch.
- Explain the need to cover the nose and mouth throughout the day.
 - Incorporate stories, video models, and practice with toys (e.g., having a washable stuffed animal wear a mask).
- Post signs in the classroom and throughout the school that encourage and remind students to wear masks or other facial coverings.

Teach Students to Care for Masks

- Encourage students to take off masks at designated times by using the loops or the ties and avoiding the portion of the mask that covers the face to prevent the spread of germs.
- Encourage students to wear a fresh mask or facial covering to school each day.
- Encourage students to place soiled masks in sealable plastic bags for transport back home.
- Encourage families to [regularly launder masks](#).

Resources

- [Use of Cloth Face Coverings to Help Slow the Spread of COVID-19](#)
- [World Health Organization video: How to Wear a Fabric Mask](#)
- [Photos to remind students how to wear masks from Home Run Remington](#)
- [Autism Services, Education, Resources, and Training Collaborative \(ASERT\)'s Wearing a Mask Social Story \(available in English, Chinese, Russian, Spanish, Arabic, and Burmese\)](#)

Mental/Behavior Health and Well-Being

Considerations

Returning to the classroom following the COVID-19 quarantine requires attention that differs vastly from past considerations for teachers, school staff, and parents. Altered or eliminated required activities and tasks can lead to changes in mental and behavioral health. When determining how to provide the best support, consider contextual factors related to the environment (e.g., systems, policies, attitudes, barriers, and supports). Moreover, extended isolation, fear, and anxiety about possible exposure to COVID-19 influences student success and has significant mental health implications on adults and students alike. It is also vital to acknowledge the impact of new, inconsistent, or ineffective routines. This can affect the behavior, social participation, and well-being of everyone (e.g., students, educators, family members). In addition, witnessing recent events surrounding racial injustices further amplifies the impact of changes related to COVID-19. Below are some tips for school personnel and families to consider when supporting the mental and behavioral health and well-being of the school community.

District and School-Wide Initiatives

- Address behavioral management policies and procedures to limit distress, traumatization, or re-traumatization (e.g., support staff reinforcing rules for social distancing, concerned parents redirecting students, staff using appropriate strategies for children displaying aggression or challenges with emotional regulation).
- Incorporate training on approaches to meet the needs of students in various grade levels such as [trauma-informed care](#), self-regulation, mindfulness, and [social emotional learning](#).
- Identify safe spaces and times for students to take breaks and discuss the emotional impact of recent events.
- Allow opportunities for educators, administrators, and staff to address their personal concerns about returning to the school setting and for daily debriefing for peer support.
- Provide parent training opportunities and support programs on behavioral health, mental health, and well-being.
- Implement [Positive Behavioral Interventions and Supports \(PBIS\)](#).
- Ensure social distancing and environmental modifications support [inclusion of children with disabilities](#).
- Utilize occupational therapy (OT) practitioners to assist in preventing behavioral challenges impeding learning and interaction to:
 - Promote a supportive environment meeting the sensory needs of the students (i.e., addressing classroom set-up, designing sensory-friendly spaces and classrooms, providing virtual sensory-based activities during virtual or hybrid instruction).
 - Address behavioral challenges by training staff on self-regulation, mindfulness, [social emotional learning](#), and [sensory-based approaches](#) for students with documented assessment results of difficulties related to processing or integrating sensory information to facilitate calming, focusing, and attending.
 - Utilize social stories to explain unfamiliar concepts (e.g., social distancing) and to address the emotional needs of younger students, and those with intellectual and developmental disabilities.
 - Make contact with students on a one-to-one basis and in small groups to promote resilience and self-advocacy.
 - Provide education to families, educators, and students on the [impact of acute-stress and traumatic experiences on brain development, learning, and behavior](#).

Identify Students At Risk

- Acknowledge students' unique exposure to acute stress and adverse and traumatic events:
 - [Grief and loss](#) secondary to family member(s) being diagnosed, quarantined, or dying due to COVID-19
 - Distress due to having parents on the front line (e.g., health care workers, grocery store clerks)
 - Fear regarding [discrimination and stigma](#) secondary to being:
 - A Black student impacted by protests against racial injustices and the increased likelihood of contracting COVID-19

- An Asian American and Pacific Islander student due to stigma of being linked to the origin of COVID-19
- A history of bullying or being bullied, or being a bystander to bullying
 - Students at [risk](#) for being bullied include those with physical and/or developmental disabilities, behavioral challenges, and emotional/mental health diagnoses; coming from low socioeconomic backgrounds; identifying as a member or being suspected of being a member of the LGBTQIA+ community; being socially immature; and/or requiring additional social and emotional support
- Starting at a new school (i.e., relocated, moving between grades, transitioning from junior high to high school)
- Become aware of and acknowledge the [risk factors and early signs of mental illness](#) such as internalizing behaviors (e.g., withdrawal, avoidance); externalizing behaviors (e.g., aggression); acute stress; or a history of depression, anxiety, or trauma.

Create Supportive Environments

- Promote positive mental health by creating a sense of [safety](#) and security.
 - Affirm positive and prosocial behaviors.
 - Adopt equitable school discipline procedures. Enforce procedures consistently.
 - [Foster kindness](#).
 - Reconsider the role of school security personnel beyond discipline.
 - Follow a consistent schedule and notify students of changes and disruptions when possible.
- Facilitate social connectedness.
 - Encourage all school personnel to develop [safe and caring relationships](#) with students.
 - Promote friendships by helping students identify others with common interests.
 - Communicate with family members regularly.
 - Use peer supports in the classroom and on the playground.
- Provide opportunities for students to experience mastery and agency.
 - Create a culture that celebrates inquiry and curiosity.
 - Encourage students to set goals.
 - Allow students to make choices about activities when possible throughout the day.
 - Teach students how to utilize resources (e.g., dictionaries, class notes, websites, books, peers) to address academic challenges.
 - [Encourage positive self-talk](#).
 - Provide opportunities for students to identify and correct their mistakes.
- [Allow students to experience positive emotions each day](#).
 - Allow all students to experience [recess](#) adhering to social distancing guidelines.
 - Provide opportunities for students to [engage with peers during lunchtime](#), including virtually.
 - Routinely use [strategies that cultivate a sense of calm and reduce stress](#).
 - [Offer opportunities for students to move their bodies throughout the day](#).

Services for Students Displaying Mental Health and/or Behavioral Conditions

- Develop processes for students, families, and educators to report concerns about individual students and threats to school safety.
- Improve access to school-based mental health services and providers (e.g., school social workers, counselors, psychologists, and occupational therapy practitioners) across school teams.
- Recognize the need for developing, or updating, an individual education plan (IEP) or 504 plan.
- Create plans in collaboration with students, parents, and teachers to educate students about their triggers and match them to the most effective and efficient coping strategies.

- Support students' development of self-advocacy skills.
- Collaborate with community agencies to develop [Wellness, Recovery, Action Plans \(WRAP\)](#).

Resources

- American Occupational Therapy Association—[School Mental Health Toolkit](#)
- National Association of School Psychologists—[A Framework for Safe and Successful Schools](#)

Supporting Students With Autism

Considerations

Children and youth with autism spectrum disorder (ASD) may struggle to adapt to changes in everyday life brought about by COVID-19. When determining how to help children and adolescents with ASD, consider the various persons involved (e.g., student, teacher, occupational therapy practitioner, counselor), the multiple environments encountered (e.g., classroom, gymnasium, therapy gym), and the array of tasks and occupations performed (e.g., learning, playing). Below are some tips for teachers and school staff to consider when working with students with ASD.

Understanding COVID-19

- Use stories to explain the transmission of COVID-19 and to provide reassurance about personal health and safety.
- Provide visual supports, cue cards, stories, and videos to convey rules related to social distancing.
- Use visual supports and timers during [handwashing](#).
- Use visual timers, schedules, and calendars to explain and mark the passage of time (e.g., how many days before returning to school).
- Model and practice the use of personal protective equipment such as masks and other facial coverings.

Supporting Self-Regulation

- Incorporate sensory strategies to proactively support self-regulation throughout the school day.
- [Collaborate with occupational therapy practitioners](#) to develop in-class activities and resources to support self-regulation.
- Create a [self-management](#) plan (e.g., strategies to cope with emotions and exhibit school-appropriate behaviors) as appropriate.
- Encourage the expression of feelings and to self-advocate for needs.
- Provide opportunities to request and take breaks throughout the day.
- Incorporate physical activity, such as stretching and movement breaks, throughout the school day.
- Use apps to encourage self-monitoring.
- Encourage consistent routines.

Promoting Mental Health

- Provide opportunities to make choices.
- Prepare students to cope with unexpected disruptions in routine.
- Monitor changes in emotions and behaviors, and [access mental health services](#) if needed.
- Encourage engagement in activities that promote happiness.

Engaging in Distance Learning

- Facilitate independent work by providing [structured work boxes](#).
- Use [visual schedules](#) and pictures to offer choices for break activities.
- Identify [activity choices](#) to address academics, life skills, and leisure pursuits.
- Use structured systems to encourage engagement in learning activities, such as [first-then boards](#) and checklists.

Facilitating Social Participation

- Support [social and emotional learning](#).
 - Use apps and video chat tools to facilitate connections between students when socially distanced.
- Encourage classmates to use text and instant messaging tools to ask one another for assistance with assignments.
- Encourage families to schedule virtual meeting times for students when school is not in session.

General Resources

- American Occupational Therapy Association—[Strategies for Students with Autism](#) (PDF)
- American Occupational Therapy Association—[Students with Disabilities in Post-Secondary Settings: How Occupational Therapy Can Help](#) (PDF)
- [UNC Frank Porter Graham Child Development Institute Autism Team—Supporting Individuals With Autism through Uncertain Times](#)
- [Bridging Apps](#), a program of Easter Seals Greater Houston, provides resources, education, and information on apps and mobile devices

Social Stories Resources

- Autism Services, Education, Resources, and Training Collaborative (ASERT)—[Social Distancing Social Story](#) (available in English, Chinese, Russian, Spanish, Arabic, and Burmese)
- Autism Services, Education, Resources, and Training Collaborative (ASERT)—[Wearing a Mask Social Story](#) (available in English, Chinese, Russian, Spanish, Arabic, and Burmese)
- Easter Seals Illinois Autism Partnership—[Coronavirus Story for Younger Children](#) (PDF)
- Easter Seals Illinois Autism Partnership—[Coronavirus Story of High School Children and Young Adults](#) (PDF)
- Easter Seals Illinois Autism Partnership—[Social Distancing Story for Younger Children](#) (PDF)
- Easter Seals Illinois Autism Partnership—[Social Distancing Story for High School Children and Young Adults](#) (PDF)

Video Resources

- Munson Health Care—[Videos Explaining Social Distancing to Kids](#) (includes videos for different age groups)

Resources for Developing Routines

- American Occupational Therapy Association—[Mealtime Routines for Children](#) (PDF)
- American Occupational Therapy Association—[Bath Time Routines for Children](#) (PDF)
- American Occupational Therapy Association—[Bedtime Routines for Children](#) (PDF)
- American Occupational Therapy Association—[Morning Routines for Children](#) (PDF)
- Nebraska Autism Spectrum Disorders Network—[Rules and Routines](#)

Tips for Families: Helping Children and Adolescents Transition Back to School

Considerations

Families play an important role in helping children and adolescents understand how COVID-19 is transmitted and the precautions they can take to reduce the spread of the virus. When determining how to help children and adolescents transition, consider the various persons involved (e.g., student, teacher, paraprofessional), the multiple environments encountered (e.g., classroom, gymnasium), and the array of tasks and occupations performed (e.g., learning, playing). Below are some tips for families when helping children and adolescents transition back to school.

Talk About COVID-19

- Provide [truthful and accurate information about COVID-19](#) that is at the child or adolescent's developmental level.
- Invite questions and recognize opportunities to discuss worries and concerns.
- Help children and adolescents feel a sense of control by exploring [habits they can use to prevent the spread of COVID-19](#), like wearing a mask and washing hands regularly.
- Share mood boosting [strategies](#) that you use to help keep yourself safe and calm.
- Explain how [some people need to take extra precautions](#) to reduce their risk of contracting COVID-19.
- Discuss the roles and responsibilities of school personnel in helping to make sure that children and adolescents are safe at school.

Practice Healthy Habits and Routines at Home and in the Community

- Cover coughs and sneezes with a tissue or with an elbow.
- [Follow good hand hygiene routines](#), like washing hands with soap and water before eating, after going to the bathroom, and when you come home after being out.
 - Use hand sanitizer if hand washing isn't possible.
- If gatherings are allowed, avoid crowds and big groups (like parties, playdates, and get togethers) with people who are sick or have recently tested positive for COVID-19.
- Follow [social distancing guidelines](#) when out in the community.

Develop New Habits and Routines for Returning to School

- [Practice wearing masks or other facial coverings](#) for extended periods during different activities (e.g., reading, engaging in social media, talking with family members) and in different environments (e.g., inside buildings, while outside).
- Teach children to treat masks and other facial coverings with the same care they would use for prescription eyeglasses (e.g., do not play with masks or remove at inappropriate times).
- Send spare masks or other facial coverings and extra hygiene supplies (e.g., hand sanitizer, wipes) to school.
- Demonstrate how to [put on and take off masks and other facial coverings](#) and how to store them when they are not in use.
- Ask children and adolescents how they are feeling on a daily basis and monitor for [symptoms related to COVID-19](#).
- Take daily temperatures if required by the school district.
- [Develop a plan](#) should someone in the family become ill with COVID-19.
- Become familiar with the school's policies and procedures for reporting illnesses, and add school numbers and email addresses to phone contacts.

- Monitor school newsletters, emails, and websites for updates regarding schedule changes and school closures.
- Communicate with school personnel regarding the physical assistance needed for students disabilities (e.g., help using the bathroom or eating) and discuss the types of personal protective equipment and hygiene practices that will be used during such times.

Prepare for E-Learning/Distance Learning Days

- Develop a plan for childcare or adolescent supervision on e-learning/distance learning days.
- Establish [regular times for waking up and going to sleep](#).
- Develop an easy-to-follow [daily schedule](#) that includes periods for school work and for breaks.
 - Set a consistent start time and end time.
 - Identify and prioritize key assignments that need to be completed.
- [Set up work space](#) for e-learning/distance learning.
- Use timers to help with focus and staying on-task.
- Provide opportunities for children and adolescents to move their bodies throughout the day.
- Help children and adolescents stay connected with friends through online classroom breakout groups, messaging, and video chats.
- Recognize that boredom may occur, and encourage children and adolescents to engage in a variety of different types of leisure activities (e.g., games, puzzles, cooking, or crafting).

General Resources

- [American Occupational Therapy Association-Resource Guide for Families During COVID-19](#) (PDF)
- [American Occupational Therapy Association—4 Tips for Families During COVID-19](#)
- [Centers for Disease Control and Prevention’s Checklist for Parents](#)
- [Healthychildren.org 2019 Novel Coronavirus \(COVID-19\)](#)
- [National Child Traumatic Stress Network’s Parent/Caregiver Guide to Helping Families Cope with COVID-19](#)

Resources for Talking About COVID-19 With Children and Adolescents

- [Centers for Disease Control and Prevention’s Talking with Children About COVID-19](#)
- [CNN/Sesame Street Coronavirus Town Hall](#)
- [Mayo Clinic’s How to Talk to Your Kids About COVID-19](#)
- [National Public Radio’s Just for Kids: A Comic Exploring the New Coronavirus](#)
- [New York Times Talking to Teens and Tweens about Coronavirus](#)

Resources for Healthy Habits and Routines

- American Occupational Therapy Association’s Establishing Bedtime Routines (in [English](#) and [Spanish](#)) (PDF)
- [American Occupational Therapy Association’s Establishing Morning Routines for Children](#) (PDF)
- [American Occupational Therapy Association’s Tips for Homework Success](#) (PDF)
- [Centers for Disease Control and Prevention’s Cover Your Coughs and Sneezes video](#)
- [Centers for Disease Control and Prevention’s Guidance for Social Distancing](#)
- [Centers for Disease Control and Prevention’s Wash Your Hands video](#)
- [Cincinnati Children’s Hospital video About Social Distancing](#)
- [WCVB Channel 5 Boston’s How to Get a Child to Wear a Mask](#)
- [We Wear Masks: A Social Story About Wearing Masks](#)

Tips for Teachers: Helping Children and Adolescents Transition Back to School

Considerations

Teachers play an important role in helping children and adolescents transition back to school by creating a safe and supportive classroom community. When deciding how to help children and adolescents transition, consider the various persons involved (e.g., student, teacher, paraprofessional); whether learning will take place at school, at home, or in both locations; and the array of tasks and activities performed (e.g., learning, playing). Below are some tips for teachers when helping children and adolescents transition back to school.

Create a Partnership Pledge

- Explain to students that a pledge is a promise that everyone in the classroom community will make to keep each other safe.
- Ask students their opinions about what teachers and students could do to keep each other safe.
- Provide examples if students have difficulty generating ideas.
- Summarize the ideas and lead students to consensus about what elements should be included in the pledge.
- Create a poster with students to display in the physical classroom and on the virtual classroom homepage.
- Share the partnership pledge with students' families.

Consider Safe Ways to Promote In-Person Learning and Organized Activities

- Consider the likelihood (probability) of increased disease transmission and the impact (consequences) of decisions related to in-person learning and organized activities.
- Discuss the American Academy of Pediatrics guidance related to the [benefits of in-person learning](#) with teachers, administrators, and paraprofessionals.
- Review [considerations for in-person services](#) and [decision guides related to reopening services for children](#) with the occupational therapy practitioner and educational team.
- Assess the risk of conducting in-person learning and organized activities (e.g., projects, clubs, sports) with a [three-dimensional risk assessment](#), which includes contact intensity, number of contacts, and modification potential.
 - Contact intensity: rated (low, medium, high) according to student and staff contact type (i.e., close to distant) and duration (i.e., brief to prolonged)
 - Number of contacts: rated (low, medium, high) according to the number of people in an area at the same time
 - Modification potential: ability to mitigate risks with safety precautions (see [Hierarchy of Controls](#)) such removing the hazard (e.g., social distancing), isolating students and staff from the hazard (e.g., Plexiglass, reconfiguring space), changing the task (e.g., modifying the activity, [cleaning](#), handwashing), and using personal protective equipment (PPE) (e.g., face coverings)

Example: Risk Assessment to Guide Decision Making Related to In-Person Extracurricular Activities (e.g., clubs, sports)

Service Area	Contact Intensity	Number of Contacts	Modification Potential
Wrestling Club	High, due to close proximity of athletes and 3-hour timeframe	Low, due to small number of athletes and staff in large gym	Low, due to inability to socially distance, isolate the hazard, and use PPE

Service Area	Contact Intensity	Number of Contacts	Modification Potential
Debate Club	Low, due to ability to socially distance during a 1-hour timeframe	Medium, due to moderate number of participants in classroom setting	High, due to ability to social distance, reconfigure space, increase cleaning/handwashing, and use face coverings
Greenhouse Club	Low, due to ability to socially distance during a 1.5-hour timeframe	Low, due small number of participants in large outdoor setting	High, due to ability to social distance, reconfigure space, increase cleaning/handwashing, and use face coverings

In the example above, school staff decided that only the Debate and Greenhouse clubs would meet in person, as long as current federal and state guidelines allowed, secondary to risk and mitigation potential.

Create a Supportive Community for Learning

- Provide opportunities for pairs of students to share thoughts and ideas for a few minutes at a time about what they are learning (i.e., [think-pair-share](#)).
- Encourage students to share stories about how lessons connect to their lives outside of school.
- Incorporate [“jigsaw” learning activities](#) that involve 3 to 4 students in breakout groups working together to teach each other concepts (e.g., each student reads a different portion of a chapter and then explains the content to their group members).
- Create time for socialization during virtual learning (e.g., allow students to [“show and tell”](#) their pets and favorite belongings, talk about their interests).
- Provide students with opportunities to reflect on and share their perspectives about learning through journal activities and class discussions.

Support Students

- Listen to students’ concerns about transitioning between different learning environments (e.g., school, home, online).
- Be honest about unknowns related to how the school year will progress, and provide updates to school plans as soon as feasible.
- Help [children](#) and [teen and young adult](#) students [cope with uncertainties](#).
- Model effective coping and self-care strategies.
- Introduce students to [realistic thinking skills](#) and pay attention to unhelpful self-talk.
- Teach students the necessary [steps to solve problems](#).

Resources

- Anxiety Canada—[7 Tips for Educators Returning to School](#)
- International Society for Technology in Education—[3 Ways to Make Remote Learning More Engaging](#)

Transitions

Considerations

Returning to school after extended breaks is often stressful for children and adolescents. More attention may need to be given to transitioning back to school this year due to COVID-19, phased reopenings, and hybrid learning arrangements. Families play an important role in helping children and adolescents transition back to school. It is important to consider the individuals involved (e.g., student, teacher, paraprofessional), the multiple environments encountered (e.g., classroom, gymnasium; virtual environment) and the array of tasks and activities performed (e.g., learning, playing) when thinking about transitions. Below are some tips for families when helping children and adolescents transition back to school.

Student Supports

- [Talk to students about fears, anxieties, and stressors related to starting a new school year.](#)
- Provide opportunities (e.g., virtual or in-person tours) for students to preview the school environment and their new school schedule.
- Plan introductory meetings to share information about students with teachers and related service providers.
- Work with school personnel to monitor and address concerns or changes in mental, physical, or behavioral health.
- [Collaborate with school personnel](#) to document changes in service needs in individualized education plans (IEPs) and 504 plans.
- Explore different [resources and technologies](#) to provide special education services in the virtual environment.
- Explain school rules and classroom expectations using [social stories](#), videos, and other visual supports.
- Provide opportunities to meet classmates prior to the first day of school and throughout the year, either virtually or while following distancing guidelines.
- Check in with students at the end of each school day. Debrief, and address questions, concerns, and feelings related to returning to school.

Environmental Supports

- Ensure the learning environment provides a sense of [safety and security](#).
- Offer [alternative seating options](#) to meet students' specific needs and ease the transition back into the classroom or during virtual learning.
- Review and provide visual aides directing movement between school environments such as posting one-way signs, taping paths on the floor, and providing aides to monitor social distancing while standing in lines.
- Use [visual timers and countdown clocks](#) to help transition students from one activity to the next.
- Encourage participation in [virtual classroom environments](#) that promote student interaction and engagement.
- Create a [work area and a break area](#) when engaged in distance learning at home.

Activity and Task Support

- Develop [schedules](#) to support transitions from home to school each day or to virtual learning environments.
- Incorporate breaks and quiet moments (e.g., simply sitting still after awakening, meditation, mindfulness) into the time before starting activities and throughout the day.
- Consider [visual schedules and checklists](#) to guide the completion of activities for younger learners and those with intellectual disabilities.
- Utilize transitional objects (i.e., those that provide comfort and a sense of security) or representational objects (i.e., those that evoke the upcoming activity, such as a paint brush to indicate art class) during transitions to

school or between classroom activities and school environments.

- Schedule meals, snacks, bathroom breaks, and downtime during virtual learning.
- Provide opportunities for peer interaction during lunchtime and [recess](#) that support social distancing (e.g., mindful walks, [online games](#), virtual meetups).
- Establish routines during distance learning that cue the [start and end of the school day](#).

Resources

- AOTA—[Successful Participation at School: Strategies for Students with Autism Spectrum Disorders](#)
- AOTA—[Transitions for Children and Youth: How Occupational Therapy Can Help](#)
- Autism Focused Intervention Resources and Modules—[Supporting Individuals With Autism Through Uncertain Times](#) (includes translated materials in 10 different languages)
- Ohio Center for Autism and Low Incidence (OCALI)—[Support for Families During the COVID-19 Crisis](#)

Transportation

Considerations

Transportation routines need to be modified to meet guidelines associated with minimizing the transmission of COVID-19. Many transportation providers will rely on students to adhere to social distancing and infection control policies and procedures established by school districts in accordance with the Centers for Disease Control and Prevention. When determining how to help children and adolescents safely use transportation, consider the various persons involved (e.g., student, bus driver, paraprofessional), the multiple environments encountered (e.g., bus, pick up and drop off locations), and the array of tasks and occupations performed (e.g., waiting in line, boarding and disembarking the bus). Below are some tips that teachers and other school staff may consider when addressing transportation routines.

Modify or Change the Bus Environment

- Install Plexiglas shield around the bus driver seat.
- Reduce the number of students on the bus by staggering schedules or making multiple trips.
- Assign bus seats.
- Mark seats with tape or visual markers so students know where to sit and where not to sit to maintain social distance.
- Seat students wearing masks or other facial coverings. Seat one student in each seat.
- Seat students who are unable to wear masks or other facial coverings one per seat.
- Alternate students in every other row, and by window and aisle seats.
- Seat siblings or students who reside in the same home together.
- Between trips, use [effective procedures and supplies](#) to clean and disinfect high-touch point areas, such as handrails and seats.
- Drive with bus windows open (as weather permits) and use fans to circulate air.
- Maintain bus attendance logs to assist with possible contact tracing.

Prepare Students for Transportation to and From School

- Encourage students to [wash and sanitize hands](#) before they enter transportation, and after they get to school or back home.
- Provide students with spare masks or other facial coverings in case they get lost or wet from rain or snow.
- Provide parents and guardians with detailed information regarding [infection control policies and procedures during bus transportation](#).
- Provide parents and guardians with detailed information regarding drop-off and pick-up procedures, including traffic flow and whether they may bring their child into the school building.

Prepare Students for Waiting

- Rehearse strategies for waiting for the bus or at car pool lines, while maintaining a [safe social distance](#).
- Use visual markers (e.g., chalk, tape, cones) to help students maintain appropriate spacing.
- Use snapshots, written checklists, and verbal reminders to help students manage backpacks and supplies independently (reminding them why it's important to not ask friends to hold items or offer to carry things for others).

Students With Special Needs

- For each student with special needs, review the individualized education plan (IEP) to determine if transportation

services are listed as related services.

- Provide [travel training](#) to students with developmental and cognitive disabilities so they can learn how to safely follow transportation routines.
- Use assigned seats on buses and vans to help students maintain social distancing.
- For those who rely on touch for balance or bus entry/exit, develop routines to wash hands before and after, and pack gloves that can be kept in a bag and used specifically during transportation.
- Alert bus drivers and bus assistants to special accommodations related to students' ability to follow social distancing and infection control procedures.
- To mitigate the isolation of sitting alone, consider packing an easy-to-wash stuffed animal as a "travel buddy" to sit in the adjacent seat, or provide the student with an electronic device in a cleanable case.

Resources

- [Centers for Disease Control and Prevention—What Transit Operators Need to Know about COVID-19](#)
- [Easter Seals—Tips for Preparing Your Child to Ride the School Bus](#)
- [Education Week—Guidance for Social Distancing on School Buses](#)
- [National Association for Pupil Transportation—COVID-19 Guidance](#)
- [National Association for Pupil Transportation—Transportation for Students With Disabilities](#)

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 9: Regulatory Workshop

Proposed revisions are being presented which reflect areas in which further clarification is necessary or that are more restrictive than deemed necessary to ensure the protection of the public.

In addition, two new sections are being proposed; the first to strengthen and clarify the responsibilities of practitioners in business ownership and administrative roles; and the second to define the term “in good standing” when reporting a licensee’s status for license verifications.

Attachment:

Proposed NAC Revisions, Additions
Supervision and Business Oversight Discussion



Steve Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Loretta L. Ponton
Executive Director

Notice of Workshop to Solicit Comments on Proposed Regulation

The State of Nevada Board of Occupational Therapy is proposing the addition, amendment and/or repeal of regulations pertaining to Chapter 640A of the Nevada Administrative Code.

A Public workshop to solicit comments from interested persons has been set as follows:

Saturday – August 15, 2020
10:00 a.m.

Teleconference

1-888-273-3658 Access Code: 8751529

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

The purpose of the workshop is to solicit comments from interested persons on the proposed regulations. The proposed regulation may include the following and other matters properly relating thereto:

- NAC 640A.068 Inactive licensing; continuing education; renewal; conversion of inactive license to standard license.
Adds provisions for retired practitioners; removes CE requirement for inactive license, adds CE requirement to converted to “active” standard license.
- NAC 640A.160 Fees
Reduces COTA conversion fee; establishes reduced fee for retired practitioners.
- NAC 640A.250 Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist.
Revises requirements for documentation of supervision pertaining to supervisory logs.
- NAC 640A.255 Occupational therapy assistant or provisional licensee: Review and approval of supervisory logs by primary supervisor; general supervision by treating occupational therapist.
Requires primary supervisor to review and ensure supervisory documentation is maintained by OTA and OT pursuant to NAC 640A.250.
- *NEW Professional responsibilities regarding business ownership, plan of supervision required.*
Establishes professional and ethical responsibilities of licensees who are business owners, requires plan of supervision in certain instances.
- *NEW “In good standing” defined.*
Establishes criteria for a report of “in good standing” on a license verification.

NOTICE OF WORKSHOP

Page 2

A copy of the proposed regulations may be obtained by contacting the Board of Occupational Therapy, P.O. Box 34779, Reno, Nevada 89533-4779. Copies of the proposed regulations are available for viewing or printing on the Board's website www.nvot.org. Written comments will be accepted in hard copy or by email addressed to board@nvot.org.

All licensees and interested parties are encouraged to participate in the regulatory review process.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Loretta Ponton, Executive Director at (775) 746-4101 within 72 hours of meeting date and time.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all licensed occupational therapists and occupational therapy assistants and persons on the agency's mailing list for administrative regulations.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been posted on the Board's website www.nvot.org, the Board of Occupational Therapy Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523 and at the following locations:

(Declaration of Emergency Directive 006)

LCB website: www.leg.state.nv.us ; State of Nevada Public Notice Website: www.nv.gov

Dated: July 24, 2020

Proposed Revisions to NAC 640A

Inactive License

Purpose: Add provision for “retired” practitioner to maintain an “inactive license” at a significantly reduced fee and eliminate the CE requirements for all “inactive” licenses.

Reduce the conversion fee for an inactive OTA license to not exceed the renewal fee for a standard OTA license.

Rationale: Individuals who retire from the practice of occupational therapy may wish to retain their license; however the CE requirement and renewal fee are prohibitive for an individual who is retired. Eliminating CE requirements for persons who are not practicing in Nevada (“inactive”) would not compromise the health and safety of the public.

CE requirements would be required to convert from “inactive” to “active” status; additionally, if a person who is retired wishes to become active, the full renewal fee would be assessed.

Fees – a retired individual would pay a fixed renewal fee of \$50 applicable to both OT and OTA.

NAC 640A.068 Inactive licensing; continuing education; renewal; conversion of inactive license to standard license. ([NRS 640A.110](#), [640A.180](#))

1. In addition to the requirements set forth in [NAC 640A.030](#), to convert a standard license to an inactive license:

(a) The license must not be suspended, revoked or otherwise restricted at the time of the request; ~~and~~

(b) The person must complete a form to be provided by the Board indicating that he or she no longer practices or represents to others that he or she is authorized to practice occupational therapy in this State; *and*

(c) The person must indicate whether he or she is retired from the practice of occupational therapy.

~~—2.— A person with an inactive license must comply with the same requirements for continuing education as a person who holds a standard license.~~

~~—3.2.~~ To renew an inactive license, a person must meet the requirements of [NAC 640A.030](#).

~~—4.3.~~ The holder of an inactive license may request that the license be converted to a standard license.

~~—5.4.~~ In addition to the requirements set forth in [NAC 640A.030](#), to convert an inactive license to a standard license, a person must:

(a) Make a written request to the Board; and

(b) For an occupational therapy assistant, submit proof of employment and supervision by a primary supervisor upon conversion of the license. *and*

(c) Submit proof of completion of continuing education requirements required for renewal of a standard license.

5. A retired person must pay the biennial renewal fee for a standard license to convert the inactive license to a standard license.

NAC 640A.160 Fees

1. Except as otherwise provided in subsection 2 *and* 3, the Board will charge and collect the following fees:

(b) For an occupational therapy assistant:

- | | |
|---|-------------------------------|
| (7) Biennial renewal of an inactive license | \$ 125.00 |
| (8) Convert an inactive license to a standard license | (\$ 75.00) \$50.00 |

3. If an applicant for a biennial renewal of a license as an occupational therapist or occupational therapy assistant is retired from the practice of occupational therapy, the Board will charge an inactive renewal fee of \$50.00.

Supervision Documentation

Purpose: Eliminate the requirement to maintain supervisory logs; require primary supervisor to review and ensure supervisory documentation is maintained.

Rationale: Logs are in addition to already established requirements for documentation; electronic means for monitoring and documentation has become the norm.

Maintenance of supervisory logs has not been consistent as is evidenced by monitoring and audits of supervision. Removing the “supervisory log” requirement addresses duplication in documentation and eases administrative burden on licensees.

No other states require this level of supervisory documentation.

NAC 640A.250 Occupational therapy assistant or provisional licensee: Practice under general supervision of occupational therapist. ([NRS 640A.110](#), [640A.230](#))

1. An occupational therapy assistant or a provisional licensee shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant or provisional licensee is practicing is not required of the occupational therapist. To provide satisfactory general supervision, the treating occupational therapist shall:

(a) Provide an initial program of intervention, and any subsequent changes to the initial program, for patients assigned to the occupational therapy assistant or provisional licensee.

(b) Not less than 1 hour for each 40 hours of work performed by the occupational therapy assistant or provisional licensee and, in any event, not less than 1 hour each month, engage in:

(1) Clinical observation of the occupational therapy assistant or provisional licensee; or

(2) Direct communication with the occupational therapy assistant or provisional licensee. The mode and frequency of that communication is dependent upon the setting for the practice of the occupational therapy assistant or provisional licensee. Direct communication may consist of, without limitation:

(I) Direct or joint treatment of a patient;

(II) Personal supervision of the occupational therapy assistant or provisional licensee while providing services;

(III) Conversation, in person or by telephone;

(IV) Exchange of written comments;

(V) Review of patient records; or

(VI) Conferences, or other face-to-face meetings.

(c) Establish the patient workload of the occupational therapy assistant or provisional licensee based on the competency of the occupational therapy assistant or provisional licensee as determined by the occupational therapist.

(d) Review written documentation prepared by the occupational therapy assistant or provisional licensee during the course of treatment of a patient. The completion of this review by the occupational therapist may be evidenced by:

(1) Preparation of a separate progress note; or

(2) The occupational therapist signing and dating the document prepared by the occupational therapy assistant or provisional licensee.

2. The treating occupational therapist and the occupational therapy assistant or provisional licensee shall jointly:

(a) Document, in a manner other than the mere signing of service records prepared by another person, the supervision required pursuant to this section *Documentation may include, by preparing*, without limitation:

(1) Daily or weekly treatment or intervention schedules;

(2) Logs of supervision, which ~~must~~ include, without limitation, the time and date of supervision, the type of supervision provided and the subject matter covered during the supervision; and

(3) Patient records.

(b) Ensure that the record regarding a patient treated by the occupational therapy assistant or provisional licensee is signed, dated and reviewed at least monthly by the occupational therapy assistant or provisional licensee and the occupational therapist. In reviewing the record, the occupational therapist and the occupational therapy assistant or provisional licensee shall verify, without limitation:

(1) The accuracy of the record; and

(2) That there is continuity in the services received by the patient pursuant to the program of intervention.

3. An occupational therapy assistant or provisional licensee may assist an occupational therapist in:

(a) Preparing and disseminating any written or oral reports, including, without limitation, the final evaluation and discharge summary of a patient;

(b) Unless the treatment is terminated by a patient or his or her provider of health care, determining when to terminate treatment; and

(c) Delegating duties to an occupational therapy aide or technician.

4. An occupational therapy assistant or provisional licensee shall document all treatment provided to a patient by the occupational therapy assistant or provisional licensee.

5. An occupational therapist shall not delegate responsibilities to an occupational therapy assistant or provisional licensee which are beyond the scope of the training of the occupational therapy assistant or provisional licensee.

6. The provisions of this section do not prohibit an occupational therapy assistant or provisional licensee from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

7. As used in this section, "sign" means to inscribe by handwriting or electronic means one's name, initials or license number.

NAC 640A.255 Occupational therapy assistant or provisional licensee: Review ~~and approval~~ of ~~supervisory logs~~ *supervisory documentation* by primary supervisor; general supervision by treating occupational therapist. (NRS 640A.110)

1. A primary supervisor of an occupational therapy assistant or a provisional licensee shall review and ~~approve monthly supervisory logs~~ *ensure supervisory documentation is* maintained by both the treating occupational therapist and the occupational therapy assistant or provisional licensee.

2. A treating occupational therapist shall provide general supervision, as described in [NAC 640A.250](#), to an occupational therapy assistant or provisional licensee to whom he or she delegated duties for the provision of care to a patient.

PROPOSED NEW REGULATIONS

Professional responsibilities regarding business ownership

Purpose: To establish professional and ethical responsibilities of licensees who are business owners or who hold business affiliations; including OTA's in business and administrative roles.

Rationale: Several questions have been raised regarding conflict of interest in business ownership, working in an administrative role; and OTA supervision when the business owner is an OTA or directly related to the business owner.

The AOTA Code of Ethics includes provisions relating to business ownership and similar relationships; the proposed regulation provides clarification by delineating the responsibilities of the practitioner in those roles.

Professional responsibilities regarding business ownership, plan of supervision required.

1. An occupational therapist or occupational therapy assistant who is the owner, stockholder, partner or other business affiliate shall ensure compliance with relevant laws and regulations, and promote transparency when participating in a business arrangement.

A licensee:

(a) Shall formulate business policies and procedures in compliance with legal, regulatory, and ethical standards and work to resolve any conflicts or inconsistencies.

(b) Shall bill and collect fees legally and justly in a manner that is fair, reasonable, and commensurate with documented services provided.

(c) Shall ensure that documentation for reimbursement purposes is done in accordance with applicable laws, guidelines, and regulations.

(d) Shall avoid using one's position or knowledge gained from that position in such a manner as to give rise to real or perceived conflicts of interest.

(e) Shall avoid dual relationships, conflicts of interest, and situations in which a practitioner is unable to maintain clear professional boundaries or objectivity.

(f) Shall use credentials or job titles commensurate with their roles when engaged as business owners, administrators, directors and occupational therapy practitioners.

2. A written plan of supervision must be in place for clinical services performed by an occupational therapy assistant when an occupational therapy assistant is:

(1) a business owner or business affiliate;

(2) an administrator, director or engaged in an administrative role; or

(3) related to a business owner as the spouse, parent or child, by blood, marriage or adoption.

The plan of supervision shall include provisions for:

(1) documentation of general supervision, as described in NAC 640A.250,

(2) review of documentation by a primary supervisor; and

(3) evaluation of clinical performance.

3. An occupational therapy assistant shall not make clinical decisions that would conflict with or overrule those of an occupational therapist in the provision of client services, including but not limited to documentation of services and billing.

Definition – In Good Standing

Purpose: To define criteria for reporting a license “in-good-standing”.

Rationale: When a licensee requests a verification of license, the verification includes information on the license issuance and expiration dates, whether there has been disciplinary action against the license, and whether the license is “in good standing”.

Licensees are subject to compliance with Board laws and regulations, including but not limited to compliance with reporting and continuing education. There is no administrative sanctions other than formal disciplinary action for non-compliance with reporting and CE requirements.

In some cases, individuals move out of state; never practice or obtain employment in Nevada or fill temporary positions and leave the state. Current contact information is not available and when attempts to contact the person or the individual is selected for random audits there is no response. It has been found that with the 2-year term of a license, this scenario has become more common, as the license remains “active”, when in the past it would have been expired after one year.

By establishing a definition of “in-good-standing” for requests for verification of a license, the above case scenario’s would be shown as “not-in-good-standing” on a verification; and if the individual seeks to reinstate or apply for a new license in Nevada, the applicant would be required to appear before the Board for approval. The person would be able to remedy the status, without re-application, by contacting the Board and providing the current information or required documentation, and a new verification would be issued.

The second criteria would pertain to a licensee who does have a disciplinary action record but is in compliance with the terms and conditions or has satisfactorily completed the terms and conditions. A revocation or suspension would be reported as “not in good standing”.

“In good standing” defined. “In good standing” means, when used in reference to a verification of a license, the licensee:

(a) Has complied with the licensing requirements of this Board, including but not limited to reporting of current contact information, employment, supervision; and continuing education requirements; and

(b) Is adhering to or has successfully completed any terms and conditions of any disciplinary actions, if any, that are not a revocation or suspension of a license.

Supervision and Business Oversight Discussions

AOTA Supervision Guidelines

Supervision Outside the Delivery of Occupational Therapy Services

The education and expertise of occupational therapists and occupational therapy assistants prepare them for employment in arenas other than those related to the delivery of occupational therapy. In these other arenas, supervision may be provided by non-occupational therapy professionals.

1. The guidelines of the setting, regulatory agencies, and funding agencies direct the supervision requirements.
2. The occupational therapist and occupational therapy assistant should obtain and use credentials or job titles commensurate with their roles in these other employment arenas.
3. The following can be used to determine whether the services provided are related to the delivery of occupational therapy:
 - a. State practice acts;
 - b. Regulatory agency standards and rules;
 - c. *Occupational Therapy Practice Framework: Domain and Process* (AOTA, 2014) and other AOTA official documents; and
 - d. Written and verbal agreement among the occupational therapist, the occupational therapy assistant, the client, and the agency or payer about the services provided.

BUSINESS OVERSIGHT

AOTA Code of Ethics

Justice

Principle 4. Occupational therapy personnel shall promote fairness and objectivity in the provision of occupational therapy services.

- L. Collaborate with employers to formulate policies and procedures in compliance with legal, regulatory, and ethical standards and work to resolve any conflicts or inconsistencies.
- M. Bill and collect fees legally and justly in a manner that is fair, reasonable, and commensurate with services delivered.
- N. Ensure compliance with relevant laws and promote transparency when participating in a business arrangement as owner, stockholder, partner, or employee.
- O. Ensure that documentation for reimbursement purposes is done in accordance with applicable laws, guidelines, and regulations.

Principle 6. Occupational therapy personnel shall treat clients, colleagues, and other professionals with respect, fairness, discretion, and integrity.

- C. Avoid conflicts of interest or conflicts of commitment in employment, volunteer roles, or research.
- D. Avoid using one's position (employee or volunteer) or knowledge gained from that position in such a manner as to give rise to real or perceived conflict of interest among the person, the employer, other AOTA members, or other organizations.

Nonmaleficence

Principle 2. Occupational therapy personnel shall refrain from actions that cause harm.

- F. Avoid dual relationships, conflicts of interest, and situations in which a practitioner, educator, student, researcher, or employer is unable to maintain clear professional boundaries or objectivity.

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 10: Executive Director's Report
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Attachments

Written Report
Fiscal Year 2020 – 4th Quarter Financial Statements
Compiled Report – Special Survey of Certain Regulatory Bodies
“Legislative Hot Topic”

State of Nevada
Board of Occupational Therapy

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EXECUTIVE DIRECTOR'S REPORT
August 15, 2020

Licensure Statistics - The following chart provides current and prior year licensing details and activity as of June 30, 2020.

Comparison to Prior Year

Description	2020	2019	% +	OTR's	2019	COTA's	2019
Total Current Licensees	1635	1421	15.1%	1245	1085	390	336
Standard Licensees	1577	1411	11.8%	1205	1081	372	330
Provisional Licensees	6	3		4	1	2	2
Temporary Licensees	8	7		6	3	2	4
Inactive Licensees	44	30		30	21	14	9

Fiscal Year 19 / Fiscal Year 20 by Quarter

Fiscal Years 2019 / 2020	Total Licensees	OT	OTA
July 1, 2018	1321	1011	310
September 30, 2018	1336	1018	318
December 31, 2018	1358	1033	325
March 30, 2019	1382	1057	325
June 30, 2019 / July 1, 2019	1421	1080	336
September 31, 2019	1509	1153	356
December 31, 2019	1544	1175	369
March 30, 2020	1592	1211	381
June 30, 2020 / July 1, 2020	1635	1245	390

There were 258 new licenses issued and 44 licenses expired during the period July 1, 2019 through June, 2020. The Board has increased 15.1% in total licensees (inclusive of those who have not yet renewed).

There were 101 individuals with expiration dates of June 30, 2020 or prior that did not renew their license by June 30th. As of August 1st, 91 licenses expired and 10 have renewed late.

COVID-19 Emergency provisions: There have been 7 temporary licenses issued under the emergency provisions; 77 licensees have deferred payment of their renewal fees, totaling \$14,075.00 in deferred fees as of June 30, 2020.

Office Operations: Pursuant to Governor's Directive 06, the Board office is closed to the public. To ensure social distancing and limit physical contact, only one staff person is physically on-site. The office is disinfected each day prior to start and at the end of the work day, in addition to the regular janitorial cleaning once a week. Due to high-risk status, I am working remotely, going into the office after hours or on week-ends once a week. Stacey is working remotely 3 days and is on-site 2 days a week with Brooke on-site 3 days.

Long-term, there may be changes in standard operating processes to incorporate lessons learned during the emergency closures, including but not limited to on-site staffing hours, virtual vs. in-

person staff meetings and board conferencing and utilization of office space as a cost savings/revenue source.

Fiscal Year 2020 Financial Reports - The unaudited financial reports for 4th Quarter of Fiscal 2020 are attached.

Revenue/Other Income: Revenue totaled \$197,928.80, in licensing and other fees, 107.2% of budget. The Board recognized \$26,971.02 in recaptured legal fees as a result of disciplinary actions imposed during the fiscal year; revenue from licensing activities was below budget by approximately \$14,000.

Other Income is comprised of \$12,000.74 in interest income, cost sharing of moving expenses totaled \$4,697, and operating cost sharing is \$9,077.38. Other Income totals of \$25,774.92 at 115.39% of budget.

Revenue/Other Income for Fiscal Year 2020 totaled \$223,703.72. Unrealized Gain/Loss is the interest accrued on current investments not yet received which will be realized in future years.

Expense: Expenses totaled \$299,966.52 which is 97.27% of budget. Legal fees represent cost incurred for normal legal services and costs of disciplinary actions. There was a high level of complaints and disciplinary actions during FY 20 which contributed to the costs in excess of budget at 170.21%. The Licensing Data System was also over budget at 129.36% due to additional costs for reprogramming for the COVID-19 deferrals and temporary license fee waivers. IT/Technical Support is slightly over budget due to needs associated with the move of the office. Personnel services is slightly over budget at 101.2% due to the increase in accrual for PTO liability at year end.

Balance Sheet: Total cash at June 30, 2020 is \$ 747,927.63. Cash in the operating checking account is \$227,953.58 and investments total \$ 519,974.05 as of June 30, 2020.

Accounts receivable includes reimbursement for legal fees assessed through disciplinary actions and postage reimbursements from the co-locating boards.

Deferred revenue is \$236,306.49, reflecting the receipt of license renewal fees and accrual of deferred licensing fees; Accrued PTO represents liability for accrued PTO time earned and not yet taken.

Investment Accounts with Wells Fargo – The Board investments have been moved to Wells Fargo Advisors as of June 10, 2020. Two (2) CD's are scheduled to mature in FY 2021.

Sunset Subcommittee – Special Survey of Certain Regulatory Bodies – Compiled Report

The Legislative Counsel Bureau staff presented a compiled report of responses to the Special Survey required by the Sunset Subcommittee. The report was presented to the Sunset Subcommittee with much discussion by the members on the various Boards' compliance with Legislative mandates and administrative requirements. Five "hot topics" were identified as common themes amongst the legislators: Expedited Licensing, Legal Services/Hearings/Fines, Website Integration/Public Access, Board Training and Board Administration. A "Legislative Hot Topics" summary was compiled to highlight the OT Board's compliance within each of the "hot topics" areas. The Sunset Subcommittee has requested that LCB research and provide additional information on non-compliance by Boards in any area identified in the Special Report.

COTA Supervisory Audit – The COTA Supervisory Audit found all but 2 licensees in compliance with documentation of supervision. The two (2) COTA licensees did not respond to all attempts to contact them. One COTA is out-of-state, no employment or supervisory information was provided at application and it appears the individual never practiced in Nevada. The license expires 2/21/21. The other COTA’s supervisor of record provided the end date of supervision and stated the licensee left employment due to medical issues. This licensee has not renewed the COTA license which expired June 30, 2020. Due to the costs and time already incurred and the fact that it has been verified that neither licensee is practicing in Nevada, Administrative Complaints will not be filed. If either licensee attempts to reinstate or renew their license, the licensee will be required to appear before the Board for approval. The licenses have been flagged as “not in good standing” on the license verification site.

Website – The Board website has been updated to post all current Board policies and manuals under the About the Board, Board Policies and Reports tab.

Board Training Opportunities - The 2021 FARB Forum is scheduled for January 29-31, 2021 in Fort Worth, Texas. This is an excellent conference; FARB (Federation of Associations of Regulatory Boards) is the premier organization for training in regulatory board practices.

Due to COVID-19, the October FARB legal conference is being offered virtually. It is expected the January conference may be cancelled or offered virtually dependent on the status of the pandemic. Although the budget does not include out-of-state travel, if the conference is changed to a virtual setting, I would recommend the members consider participating.

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 June 2020

	Annual Budget	Actuals July 19 - June 20	Remaining Balance	% of Budget Spent
Ordinary Income/Expense				
Income				
Processing Fees	40,250.00	32,325.00	7,925.00	80.31%
License Fees	135,930.00	132,557.78	3,372.22	97.52%
List Fee	8,450.00	6,075.00	2,375.00	71.89%
Fines and Legal Fees	0.00	26,971.02	-26,971.02	100.0%
Total Income	184,630.00	197,928.80	-13,298.80	107.2%
Expense				
Audit Fees	0.00	0.00	0.00	0.0%
Bank service charges	4,246.49	3,123.16	1,123.33	73.55%
Dues	0.00	235.00	-235.00	100.0%
Equipment Rental	2,400.00	2,035.21	364.79	84.8%
Insurance	1,600.00	1,215.69	384.31	75.98%
Legal Fees	12,000.00	20,424.77	-8,424.77	170.21%
Licensing - Data System	7,700.00	9,960.75	-2,260.75	129.36%
Maintenance and Repairs	375.00	257.16	117.84	68.58%
Meeting Expense	1,500.00	196.07	1,303.93	13.07%
Office Expenses				
Internet Service	1,800.00	1,327.88	472.12	73.77%
Moving Expense	12,500.00	9,633.91	2,866.09	77.07%
Postage	1,400.00	1,262.78	137.22	90.2%
Printing	500.00	468.56	31.44	93.71%
Records Storage	1,300.00	672.50	627.50	51.73%
Telephone / Email	3,000.00	1,290.76	1,709.24	43.03%
Total Office Expenses	20,500.00	14,656.39	5,843.61	71.5%
Office Lease	29,500.00	28,381.84	1,118.16	96.21%
Office Supplies	2,500.00	2,515.91	-15.91	100.64%
Personnel Services	192,565.02	194,881.45	-2,316.43	101.2%
Professional Fees				
Accounting	3,000.00	3,000.00	0.00	100.0%
IT / Technical Support	500.00	837.50	-337.50	167.5%
Legislative Services	18,000.00	16,000.00	2,000.00	88.89%
Total Professional Fees	21,500.00	19,837.50	1,662.50	92.27%
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	299,966.52	8,419.99	97.27%
Net Ordinary Income	-123,756.51	-102,037.72	21,718.79	82.45%
Other Income/Expense				
Other Income				
Interest Income	8,200.00	12,000.74	-3,800.74	146.35%
Costshare Income	0.00	4,696.80	-4,696.80	100.0%
Sublease Income	14,137.00	9,077.38	5,059.62	64.21%
Total Other Income	22,337.00	25,774.92	-3,437.92	115.39%
Other Expense				
Unrealized Investment Loss	0.00	-7,745.30	7,745.30	100.0%
Total Other Expense	0.00	-7,745.30	7,745.30	100.0%
Net Other Income	22,337.00	33,520.22	-11,183.22	150.07%
Net Income	-101,419.51	-68,517.50	32,902.01	67.56%

State of Nevada Board of Occupational Therapy

Balance Sheet

As of June 30, 2020

June 30, 2020

ASSETS

Current Assets

Checking/Savings

Wells Fargo Bank - Checking 227,953.58

Wells Fargo Bank - Investments 519,948.06

Wells Fargo Bank - Money Market 25.99

Total Checking/Savings 747,927.63

Other Current Assets

Accounts Receivable 27,118.87

Prepaid Expenses 10,523.23

Undeposited Funds 5,400.00

Total Other Current Assets 43,042.10

Total Current Assets 790,969.73

Fixed Assets

Net Fixed Assets 1,000.67

Total Fixed Assets 1,000.67

TOTAL ASSETS 791,970.40

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Accounts Payable 51.43

Total Accounts Payable 51.43

Other Current Liabilities

Deferred Revenue 236,306.49

Accrued PTO 24,504.43

Payroll Liability 1,337.56

Payroll Tax Liability 101.65

Other Current Liabilities 410.23

Total Other Current Liabilities 262,660.36

Total Current Liabilities 262,711.79

Total Liabilities 262,711.79

Equity

Retained Earnings 597,776.11

Net Income -68,517.50

Total Equity 529,258.61

TOTAL LIABILITIES & EQUITY 791,970.40

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
April through June 2020

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
Wells Fargo Bank - Checking					
Paycheck	04/01/2020	DD1270	Loretta L Ponton	Payroll expense	0.00
Liability Check	04/01/2020		QuickBooks Payroll Service	Payroll expense	-1,087.75
Check	04/01/2020	5303	Scott Cooley	Office lease	-2,500.00
Check	04/01/2020	5305	Scott Cooley	Office lease	-5,000.00
Check	04/01/2020	5304	Attorney General	Legal fees	-1,589.91
Check	04/01/2020		Voya	Payroll expense	-2,166.66
Paycheck	04/02/2020	DD1271	Brooke Megill	Direct Deposit	0.00
Paycheck	04/02/2020	DD1273	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	04/02/2020	DD1272	Stacey Whittaker	Direct Deposit	0.00
Deposit	04/02/2020			Deposit	425.00
Check	04/02/2020		Voya	Payroll expense	-785.87
Deposit	04/03/2020			Deposit	375.00
Deposit	04/04/2020			Deposit	650.00
Check	04/04/2020	5306	Numbers Inc.	Bookkeeping services	-750.00
Deposit	04/05/2020			Deposit	250.00
Deposit	04/08/2020			Deposit	700.00
Deposit	04/10/2020			Deposit	250.00
Check	04/10/2020			Merchant fees	-168.75
Deposit	04/11/2020			Deposit	425.00
Deposit	04/13/2020			Deposit	250.00
Liability Check	04/15/2020		QuickBooks Payroll Service	Payroll expense	-998.71
Deposit	04/15/2020			Deposit	675.00
Paycheck	04/16/2020	DD1274	Brooke Megill	Direct Deposit	0.00
Paycheck	04/16/2020	DD1275	Stacey Whittaker	Direct Deposit	0.00
Deposit	04/16/2020			Deposit	700.00
Check	04/16/2020		Voya	Payroll expense	-785.87
Deposit	04/17/2020			Deposit	1,300.00
Deposit	04/17/2020			Deposit	186.05
Check	04/18/2020	5309	Puliz Records Management Service	Records storage	-68.00
Check	04/18/2020	5308	Ricoh Copier	Copier maintenance	-148.52
Check	04/18/2020	5307	A T & T	Telephone expense	-38.74
Check	04/18/2020	5311	Albertson Consulting	Licensing system May 20 - April 21	-7,237.00
Check	04/18/2020	5310	JK Belz & Associates	Lobbyist	-2,000.00
Deposit	04/20/2020			Deposit	400.00
Deposit	04/21/2020			Deposit	75.00
Deposit	04/23/2020			Deposit	400.00
Deposit	04/24/2020			Deposit	525.00
Check	04/24/2020	5312	Information Technology	Telephone expense	-4.46
Check	04/24/2020		Wells Fargo	GoDaddy, Office 365	-191.88
Deposit	04/25/2020			Deposit	775.00
Deposit	04/26/2020			Deposit	175.00
Check	04/27/2020		Charter	Internet services	-104.97
Liability Check	04/28/2020	E-pay	US Treasury	Payroll expense	-4,174.28
Deposit	04/28/2020			Deposit	300.00
Liability Check	04/29/2020		QuickBooks Payroll Service	Payroll expense	-1,116.84
Deposit	04/29/2020			Deposit	204.84
Check	04/29/2020		Voya	Payroll expense	-785.87
Paycheck	04/30/2020	DD1278	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	04/30/2020	DD1276	Brooke Megill	Direct Deposit	0.00
Paycheck	04/30/2020	DD1277	Stacey Whittaker	Direct Deposit	0.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
April through June 2020

Liability Check	04/30/2020		QuickBooks Payroll Service	Payroll expense	-5,403.23
Deposit	04/30/2020			Deposit	425.00
Deposit	04/30/2020			Deposit	0.96
Paycheck	05/01/2020	DD1279	Loretta L Ponton	Direct Deposit	0.00
Deposit	05/01/2020			Deposit	900.00
Check	05/01/2020		Voya	Payroll expense	-2,166.66
Deposit	05/02/2020			Deposit	425.00
Deposit	05/03/2020			Deposit	175.00
Deposit	05/04/2020			Deposit	1,700.00
Deposit	05/05/2020			Deposit	1,175.00
Deposit	05/06/2020			Deposit	1,025.00
Deposit	05/07/2020			Deposit	3,650.00
Check	05/07/2020	5313	Pitney Bowes	Postage machine	-157.80
Check	05/07/2020	5316	Puliz Records Management Service	Records storage	-40.00
Check	05/07/2020	5314	JK Belz & Associates	Lobbyist	-2,000.00
Check	05/07/2020	5315	State Public Works Division	Lease review	-74.00
Deposit	05/08/2020			Deposit	6,325.00
Deposit	05/09/2020			Deposit	2,350.00
Deposit	05/10/2020			Deposit	4,350.89
Deposit	05/11/2020			Deposit	3,100.00
Deposit	05/12/2020			Deposit	3,500.00
Check	05/12/2020			Merchant fees	-160.54
Liability Check	05/13/2020		QuickBooks Payroll Service	Payroll expense	-1,087.74
Deposit	05/13/2020			Deposit	4,575.00
Paycheck	05/14/2020	DD1282	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	05/14/2020	DD1280	Brooke Megill	Direct Deposit	0.00
Paycheck	05/14/2020	DD1281	Stacey Whittaker	Direct Deposit	0.00
Deposit	05/14/2020			Deposit	2,750.00
Check	05/14/2020		Voya	Payroll expense	-785.87
Deposit	05/15/2020			Deposit	1,600.00
Deposit	05/15/2020			Deposit	275.00
Deposit	05/16/2020			Deposit	2,200.00
Check	05/16/2020	5320	Ricoh Copier	Copier maintenance	-117.92
Check	05/16/2020	5317	A T & T	Telephone expense	-38.62
Check	05/16/2020	5319	A T & T	Telephone expense	-14.72
Check	05/16/2020	5318	Information Technology	Telephone expense	-8.43
Check	05/16/2020	5321	Albertson Consulting	Licensing system	-607.50
Deposit	05/17/2020			Deposit	2,775.00
Deposit	05/18/2020			Deposit	2,100.00
Deposit	05/19/2020			Deposit	2,200.00
Deposit	05/20/2020			Deposit	2,325.00
Deposit	05/21/2020			Deposit	2,125.00
Deposit	05/22/2020			Deposit	1,275.00
Deposit	05/23/2020			Deposit	2,075.00
Check	05/23/2020	5322	Attorney General	Legal fees	-4,214.01
Deposit	05/24/2020			Deposit	1,925.00
Deposit	05/25/2020			Deposit	2,575.00
Liability Check	05/26/2020	E-pay	US Treasury	Payroll expense	-3,674.02
Deposit	05/26/2020			Deposit	2,775.00
Liability Check	05/27/2020		QuickBooks Payroll Service	Payroll expense	-1,116.84
Deposit	05/27/2020			Deposit	3,325.00
Check	05/27/2020		Charter	Internet services	-104.97

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
April through June 2020

Paycheck	05/28/2020	DD1285	Wayne Springmeyer	Direct Deposit	0.00
Paycheck	05/28/2020	DD1283	Brooke Megill	Direct Deposit	0.00
Paycheck	05/28/2020	DD1284	Stacey Whittaker	Direct Deposit	0.00
Deposit	05/28/2020			Deposit	4,225.00
Check	05/28/2020		Voya	Payroll expense	-785.87
Liability Check	05/29/2020		QuickBooks Payroll Service	Payroll expense	-5,403.22
Deposit	05/29/2020			Deposit	4,075.00
Deposit	05/29/2020			Deposit	1.10
Deposit	05/30/2020			Deposit	2,975.00
Deposit	05/31/2020			Deposit	2,300.00
Paycheck	06/01/2020	DD1286	Loretta L Ponton	Direct Deposit	0.00
Deposit	06/01/2020			Deposit	5,675.00
Check	06/01/2020		Voya	Payroll expense	-2,166.66
Deposit	06/02/2020			Deposit	3,025.00
Deposit	06/03/2020			Deposit	4,450.00
Deposit	06/04/2020			Deposit	3,025.00
Deposit	06/05/2020			Deposit	3,975.00
Deposit	06/06/2020			Deposit	1,100.00
Deposit	06/07/2020			Deposit	2,200.00
Deposit	06/08/2020			Deposit	1,750.00
Deposit	06/09/2020			Deposit	2,750.00
Liability Check	06/10/2020		QuickBooks Payroll Service	Payroll expense	-998.71
Deposit	06/10/2020			Deposit	1,475.00
Paycheck	06/11/2020	DD1287	Brooke Megill	Direct Deposit	0.00
Paycheck	06/11/2020	DD1288	Stacey Whittaker	Direct Deposit	0.00
Deposit	06/11/2020			Deposit	3,100.00
Check	06/11/2020		Voya	Payroll expense	-785.87
Deposit	06/12/2020			Deposit	2,425.00
Deposit	06/12/2020			Deposit	200.00
Deposit	06/13/2020			Deposit	2,875.00
Check	06/13/2020	5327	Puliz Records Management Service	Records storage	-40.00
Check	06/13/2020	5324	A T & T	Telephone expense	-43.98
Check	06/13/2020	5325	A T & T	Telephone expense	-75.41
Check	06/13/2020	5323	Albertson Consulting	Licensing system	-911.25
Check	06/13/2020	5326	JK Belz & Associates	Lobbyist	-2,000.00
Deposit	06/14/2020			Deposit	925.00
Deposit	06/15/2020			Deposit	2,600.00
Deposit	06/16/2020			Deposit	3,375.00
Deposit	06/17/2020			Deposit	2,475.00
Check	06/17/2020	5328	Ricoh Copier	Copier maintenance	-122.98
Check	06/17/2020	5329	Tania M. Stegen-Hanson	refund - late fee	-125.00
Deposit	06/18/2020			Deposit	2,875.00
Deposit	06/19/2020			Deposit	12,609.73
Deposit	06/20/2020			Deposit	1,050.00
Deposit	06/21/2020			Deposit	1,275.00
Deposit	06/22/2020			Deposit	2,700.00
Liability Check	06/23/2020	E-pay	US Treasury	Payroll expense	-3,672.34
Deposit	06/23/2020			Deposit	2,250.00
Liability Check	06/24/2020		QuickBooks Payroll Service	Payroll expense	-1,090.11
Deposit	06/24/2020			Deposit	2,400.00
Check	06/24/2020		Wells Fargo	Norton, Classmarker	-74.99
Paycheck	06/25/2020	DD1289	Brooke Megill	Direct Deposit	0.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
April through June 2020

Paycheck	06/25/2020	DD1290	Stacey Whittaker	Direct Deposit	0.00
Deposit	06/25/2020			Deposit	2,450.00
Check	06/25/2020		Voya	Payroll expense	-796.18
Deposit	06/26/2020			Deposit	3,375.00
Check	06/26/2020		Charter	Internet services	-104.97
Deposit	06/27/2020			Deposit	2,400.00
Check	06/27/2020	5330	Attorney General	Legal fees	-2,284.52
Check	06/27/2020	5331	Information Technology	Telephone expense	-4.44
Deposit	06/28/2020			Deposit	2,475.00
Deposit	06/29/2020			Deposit	5,100.00
Deposit	06/29/2020			Deposit	250.00
Liability Check	06/30/2020		QuickBooks Payroll Service	Payroll expense	-5,403.22
Deposit	06/30/2020			Deposit	6,700.00
Total Wells Fargo Bank - Checking					103,536.90
TOTAL					103,536.90



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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

Legislative Hot Topics

Summary of Compliance with all Legislative and Administrative Requirements

- ❖ **Expedited Licensing – All License Applications / 1-3 Business Days**
 - Expedited License by Endorsement – NRS 640A.165
 - Expedited License by Endorsement - Military and Veteran's Spouses NRS 640A.166
 - Fees established in NAC 640A.190; 50% reduced fee for Military affiliated persons
- ❖ **Legal Services / Hearings / Fines**
 - Attorney General's Office – Sr. DAG, does not utilize Hearing Officers
 - Recovery of Attorney's Fees and Costs; NAC 640A.370
 - Administrative fines revert to State General Fund
- ❖ **Website Integration / Public Access**
 - Online Services – Applications, Renewals, and Credit Card Payments
 - Complaint Form, Public Records Request
 - Policies, Manuals, Notices, Audits, Practice Resources
 - Board Meetings, Workshops and Hearings
 - Law and Regulations
 - Disciplinary Actions
- ❖ **Board Training**
 - Board Member Manual**
 - New Member Orientation
 - AG Office Board and Commission Training
 - National Regulatory Board Trainings
 - Topic Specific Trainings by AG Office
- ❖ **Board Administration**
 - Biennial Audits of Board Financial Statements**
 - Board Policy Manual**
 - Licensing, Continuing Education, Supervision, Compliance
 - Administrative Sanctions / Complaints
 - Administrative Policies
 - Investment of Funds, Reserve Funds, Administrative Cost Sharing
 - Practice Policies
 - Interdisciplinary Practice, Patient Abandonment
 - Criminal History Petitions
 - Advisories, Notices and Guidelines
 - Administrative Operating Policies and Procedures Manual**
 - Financial Management System, Procurement, Travel
 - Personnel Policies and Procedures Manual**
 - Classification and Compensation Plan, Evaluations, Benefits, Position Specifications

Follow Up to Special Survey of Certain Regulatory Boards

Loretta Ponton <board@nvot.org>

Wed 7/8/2020 4:43 PM

To:

- Melgarejo, Cesar <Cesar.Melgarejo@lcb.state.nv.us>
- Janet.Coons@lcb.state.nv.us <Janet.Coons@lcb.state.nv.us>;
- sunset@lcb.state.nv.us <sunset@lcb.state.nv.us>
- JK Belz & Associates <jb@jkbelz.com>

Good Afternoon Mr. Malgarejo,

In follow-up to the Sunset Subcommittee members questions raised and request for a report on non-compliance as identified in the Special Survey of Certain Regulatory Boards, I would like to submit additional information to support our response to the question on "number of licenses by endorsement".

The summary report, page 23 indicates the Board of Occupational Therapy as "NR" or no response. Our response indicated we do have endorsement authority. The Board licensing process is on-line and licenses are issued in 1-3 business days, we have NRS for license by endorsement. Due to the quick turn around of our licensing process, we did not identify separately the number of applicants who would qualify for "expedited processing by endorsement". We apologize for the miscommunication and provide the following statistics to supplement our report.

In the prior 5 years, July 1, 2015 through June 30, 2020; the Board statistics for new licenses are as follows:

907 = Total New Applications/Licenses Issued

597 = Licenses Issued by Endorsement (individuals licensed in another state at time of application)

65.8% of total new licenses issued qualified for license by endorsement

If there are any questions regarding the above information, or if you have any other questions on areas you may identify as being potentially non-compliant in your research for the Sunset Subcommittee, please contact me.

Respectfully,

Loretta L. Ponton
Executive Director

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

This report provides a summary of the survey responses collected 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.

INTRODUCTION

Most of the laws regulating occupations in this state are found in [Title 54](#) (“Professions, Occupations and Businesses”) of *Nevada Revised Statutes* (NRS), which contains provisions governing more than 55 professions, occupations, and businesses. Of these, independent regulatory bodies regulate 33 categories of occupations, while the remainder are administered through state agencies or officials, or rely on local officials or civil action for enforcement.

The following table lists the 33 independent regulatory bodies that regulate a profession under Title 54 of the NRS. The survey responses received from each of the regulatory bodies are hyperlinked to the body’s name in the table below. If responses had attachments, they have been combined into one PDF.

Title 54 of NRS – Independent Regulatory Bodies	Independent Body – Short Name for Purpose of this Report	Chapter of NRS
Nevada State Board of Accountancy	Accountants	628
Board of Examiners for Alcohol, Drug and Gambling Counselors	Alcohol & Drug	641C
State Board of Architecture, Interior Design and Residential Design	Architecture	623
Board of Athletic Trainers	Athletic Trainers	640B
State Barbers’ Health and Sanitation Board	Barbers	643
Chiropractic Physicians’ Board of Nevada	Chiropractic	634
State Contractors’ Board	Contractors	624
State Board of Cosmetology	Cosmetology	644A
Certified Court Reporters’ Board of Nevada	Court Reporters	656
Board of Dental Examiners of Nevada	Dental	631
Board of Dispensing Opticians	Dispensing Opticians	637
State Board of Professional Engineers and Land Surveyors	Engineers	625
Board of Environmental Health Specialists	Environmental	625A
Nevada Funeral and Cemetery Services Board	Funeral	642
Nevada Board of Homeopathic Medical Examiners	Homeopathic	630A
State Board of Landscape Architecture	Landscape	623A
Board of Examiners for Long-Term Care Administrators	Long-Term Care	654
Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	Marriage	641A
Board of Massage Therapy	Massage	640C
Board of Medical Examiners	Medical	630
State Board of Nursing	Nursing	632
Board of Occupational Therapy	Occupational	640A
Nevada State Board of Optometry	Optometry	636
State Board of Oriental Medicine	Oriental	634A

State Board of Osteopathic Medicine	Osteopathic	633
State Board of Pharmacy	Pharmacy	639
Nevada Physical Therapy Board	Physical Therapy	640
State Board of Podiatry	Podiatry	635
Private Investigator's Licensing Board	Private Investigators	648
Board of Psychological Examiners	Psychologists	641
Board of Examiners for Social Workers	Social Workers	641B
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board	Speech	637B
Nevada State Board of Veterinary Medical Examiners	Veterinarians	638

These independent regulatory bodies are invested with authority to adopt regulations regarding licensing and practice of the various professions, subject to review by the Legislature. Independent regulatory bodies are funded by fees charged to licensees and do not receive State General Fund support. Generally, the governor appoints the members that oversee the regulatory bodies to fixed terms, generally running three or four years. Some regulatory bodies have limits on the number of terms, or at least consecutive terms, a member may serve. A number of regulatory bodies have statutes providing the governor may remove a member for cause. Many, but not all, regulatory bodies have public members in addition to members of the regulated profession or occupation.

Each interim, the Sunset Subcommittee of the Legislative Commission (Subcommittee) conducts a review of a minimum of ten boards, commissions, and similar entities which are not provided for in the *Nevada Constitution* or established by an executive order of the governor to determine whether these entities should be continued, modified, consolidated with another board or commission, or terminated, pursuant to [NRS 232B.220](#).

PURPOSE OF THIS REPORT

During the 2017–2018 Interim, the Subcommittee reviewed 25 regulatory bodies that had not previously been reviewed by the Subcommittee. During these reviews, some issues were repeatedly found across multiple regulatory bodies. The list of issues identified by the Subcommittee is included in the [2017–2018 Subcommittee report](#), as Section V “General Findings and Recommendations,” and formed the basis for the Provisions in [Senate Concurrent Resolution 6](#) (2019). This measure 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.

In addition, the 2019 Legislature passed [Assembly Bill 319](#) requiring the Subcommittee to collect certain information to determine whether the restrictions on the criminal history of an applicant for a practice 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](#)).

On May 4, 2020, the Subcommittee voted to direct staff to conduct a survey of the 33 independent regulatory bodies that regulate occupations or professions pursuant to Title 54 of NRS and to report the findings to the Subcommittee. At the request of the Subcommittee, the survey was to include certain questions not set forth in [AB 319](#) or [SCR 6](#) concerning military spouses and licensure by endorsement and reciprocal licensure for all applicants from another state, not just military spouses. The survey was limited in scope to address licensing practices within the last five years.

The survey provided to the independent regulatory bodies consisted of four sections:

1. Required information pursuant to [SCR 6](#);
2. Required information pursuant to [NRS 232B.237](#) and [622.085 \(AB 319\)](#);

3. Additional information regarding licensure by endorsement and reciprocal licensure; and
4. Additional information regarding military spouses.

Of the 33 independent regulatory bodies, 31 responded to the survey. The remaining two that did not respond include:

- Nevada Board of Homeopathic Medical Examiners; and
- Nevada State Board of Optometry.

SUMMARY OF RESPONSES TO SPECIAL SURVEY CONCERNING INFORMATION PURSUANT TO SCR 6

Below are each of the questions in the survey related to [SCR 6](#) followed by a summary of the responses provided by Nevada’s independent regulatory bodies.

QUESTION 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.

The status of the persons who staff Nevada’s independent regulatory bodies varies across the regulatory bodies. There was a wide range of responses on the number of staff, whether staff is full-time (FT) or part-time (PT) status, whether such employees are considered public employees who receive benefits—which includes enrollment in the Public Employees’ Retirement System (PERS) and the Public Employees’ Benefits Program (PEBP)—or not, and whether staff is considered a contractor.

In response to this question, 24 regulatory bodies responded that some or all of their staff are employed on a FT status; 18 regulatory bodies responded that they employ PT staff; and 14 regulatory bodies responded that they employ at least one contractor who are not eligible for benefits. Six regulatory bodies—Athletic Trainers, Court Reporters, Environmental, Landscape, Long-term Care, and Oriental—responded that they employ only one staff member, which are a combination of FT staff, PT staff, or contractors. Additionally, the Board of Environmental Health Specialists and the Board of Occupational Therapy reported that they employ one individual who provides services for both regulatory bodies. These regulatory bodies have also entered into an agreement for administrative office space and operational cost sharing, which provides a physical location and sharing of resources and indirect costs.

The following tables provide a breakdown of the staff information provided by the regulatory bodies.

Table 2: Regulatory Bodies with Full-Time Staff		
Independent Regulatory Body	Number of Staff	Employee Status
Accountants	2	Public Employees with Benefits*
Alcohol & Drug	1	Public Employee with Benefits*
Architecture	4	Public Employees with Benefits*
Chiropractic	2	Public Employees with Benefits*
Contractors	47	Public Employees with Different Benefits
Cosmetology	17	Public Employees with Benefits*
Court Reporters	1	Nonpublic Employee with Different Benefits
Dental	6	Public Employees with Benefits*

Dispensing Opticians	1	Public Employee not Enrolled in PERS or PEBP
Engineers	5	Nonpublic Employees with Different Benefits
Funeral	2	Public Employees with Benefits*
Long-Term Care	1	Nonpublic Employee with Different Benefits
Marriage	2	Public Employees with Benefits*
Massage	7	Public Employees with Benefits*
Medical	33	Public Employees with Benefits*
Nursing	25	Public Employees with Benefits*
Occupational	1	Nonpublic Employee with Different Benefits
Osteopathic	4	Public Employees with Benefits*
Pharmacy	21	Public Employees with Benefits/1 Nonpublic Employee
Physical Therapy	3	Public Employees with Benefits*
Private Investigators	12	Public Employees with Benefits*
Psychologists	1	Public Employee Enrolled in PERS not PEBP
Social Workers	3	Public Employees with No Benefits
Veterinarians	2	Public Employees with Benefits*

*Benefits for public employees include enrollment in the PERS and PEBP.

Table 3: Regulatory Bodies with Part-Time Staff		
Independent Regulatory Body	Number of Staff	Employee Status
Accountants	1	No Benefits
Alcohol & Drug	1	Public Employee with Benefits
Architecture	1	Public Employee with Benefits
Cosmetology	1	Public Employee with Benefits
Dental	1	Public Employee with Benefits
Funeral	1	Public Employee with Benefits
Landscape	1	Nonpublic Employee: Social Security
Marriage	2	Public Employees with No Benefits
Massage	1	Public Employee with Benefits
Medical	3	Public Employees with Benefits (2) with No Benefits
Nursing	1	Public Employee with Benefits
Occupational	3	Nonpublic Employees who Receive Different Benefits
Physical Therapy	6	Public and Nonpublic Employees Entitled to Benefits
Podiatry	1	No Benefits
Psychologists	2	No Benefits
Social Workers	2	Public Employees with Benefits and (1) with No Benefits
Speech	2	Nonpublic Employee Different Benefits
Veterinarians	1	Public Employee with Benefits

Table 4: Regulatory Bodies with Contractor Employees		
Independent Regulatory Body	Number of Staff	Position of Employee
Accountants	3	Investigator
Alcohol & Drug	2	Compliance Investigator, Legal Counsel
Architecture	1	Legal Counsel
Athletic Trainers	1	Executive Secretary
Barbers	3	Secretary Treasurers, Clerical, Inspector

Chiropractic	1	Legal Counsel
Environmental	1	Executive Director
Oriental	1	Executive Director
Osteopathic	1	Legal Counsel
Pharmacy	1	Investigator/Inspector
Podiatry	3	Attorney, Lobbyist, Bookkeeper
Psychologists	1	Lobbyist
Social Workers	1	Investigator
Veterinarians	2	Legal Counsel, Lobbyist

QUESTION 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 [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.)

[Nevada Revised Statutes 622.200](#) requires the Office of the Attorney General (OAG) to offer training to members appointed to a regulatory body on the duties and responsibilities of serving as a member of a regulatory body. However, the statute does not require a member to attend such training.

In 2017, the Legislature adopted [AB 457](#), which among other provisions, requires each new member of Alcohol & Drug, Marriage, Psychologists, and Social Workers to complete an orientation consisting of the body's purpose, the duties of its members, and all applicable laws and regulations.

During the 2017–2018 Legislative Interim, the Subcommittee found that some regulatory bodies are more diligent than others at ensuring their members obtain the training offered by the OAG, as well as any additional training. This prompted the introduction of [Senate Bill 128](#) during the 2019 Legislative Session, which among other provisions, would have required new members of a regulatory body to attend the training offered by the OAG; however, this measure was not enacted.

Each regulatory body that provided a response to this question stated that their members have received the training offered by the OAG. In the case of recent appointees, the member is scheduled to receive such training. The training offered by the OAG is also available on the [OAG's website](#). Several of the regulatory bodies noted that members are informed of the availability of this online training.

Twenty-one¹ regulatory bodies responded that their members received the OAG training when the member was first appointed. The Nevada Funeral and Cemetery Services Board and the Board of Examiners for Social Workers noted that some of their members previously attended such training when they were appointed to another regulatory body.

As mentioned, some regulatory bodies reported that they provide their members with additional training beyond what is addressed in [NRS 622.200](#) or coordinate annual training conducted by a deputy attorney general (DAG) from the OAG. Many of these regulatory bodies also noted that they provide new member orientation and a member manual consisting of laws and regulations, history of the regulatory body, open meeting law, and the body's policies and procedures. Environmental, Occupational, and Pharmacy supplied a copy of their "Board Member Manual," which is included with their [responses](#).

¹ Accountants, Alcohol & Drug, Architecture, Athletic Trainers, Chiropractor, Cosmetology, Court Reporters, Engineers, Funeral, Landscape, Long-Term Care, Marriage, Massage, Occupational, Oriental, Pharmacy, Private Investigators, Psychologists, Social workers, Speech, and Veterinarians.

Table 5: Training Provided to Members of the Regulatory Body		
Independent Regulatory Body	Coordinate Annual Training from OAG	Provide Members with Training Beyond NRS 622.200
Accountants	N/A	Body coordinates training from National Conferences and Associations (CLEAR* and FARB**). Including from the Commission on Ethics as required by NRS 281A.500(5).
Architecture	N/A	Members attend other regulatory trainings by FARB and NCARB***.
Chiropractic	N/A	Each member receives three hours personalized orientation and training usually before the member's first regulatory body meeting.
Contractors	Yes	Additional training includes: Nevada Labor Laws presented by Nevada's Labor Commissioner; Accountancy Training; Bankruptcy Law Training; FARB** Training; Nevada Ethics Commission Training; National Judicial College Training.
Cosmetology	Yes	Regulatory body specific training is provided to each member.
Environmental	N/A	Orientation for new members is conducted by the executive director; all members are provided all pertinent manuals and documents, including but not limited to laws and regulations, history of the Board, open meeting law manual, administrative rule making manual, and the Board policies and procedures.
Massage	N/A	Members participated with CLEAR* and FARB** trainings, as well as periodic retreats with guest speakers providing training in items like human trafficking, sex trafficking, board practices, and other information provided by the DAG.
Osteopathic	Yes	N/A
Pharmacy	Yes	N/A
Physical Therapy	Yes	Upon appointment, the new member receives orientation and a New Member Training Manual, which contains a written summary of duties and responsibilities and a copy of the AG training presentation.

*[Council on Licensure, Enforcement & Regulation](#)

**[Federation of Associations of Regulatory Boards](#)

***[National Council of Architectural Registration Boards](#)

QUESTION 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.)

Each regulatory body has the authority to suspend or revoke the license or certificate that permits a person to practice the regulated profession. Regulatory bodies also have authority to impose a fine or

civil penalty; place a member on probation; issue a public reprimand; and recover the costs of an investigation, hearing, or prosecution from a member of the profession. However, not all boards have explicit authority to investigate individuals reported as practicing the profession without a license. Others are required to report such alleged activity to law enforcement. Some have the authority to seek injunctive relief.

Twenty-seven regulatory bodies responded that they have the authority to investigate and pursue legal or other remedies against persons accused of practicing with a license, certificate, registration, permit, or other similar authorization issued by the regulatory body. Specifically, 11 regulatory bodies may issue and serve an order to cease and desist; 4 regulatory bodies—Accountants, Architecture, Osteopathic, and Physical Therapy—acknowledged that they may also certify the facts to the attorney general, district attorney or other appropriate enforcement officer; and 22 regulatory bodies have the authority to seek injunctive relief.

Table 6: Authority to Investigate Individuals Reported as Practicing Without a License.

Independent Regulatory Body	May Issue and Serve an Order to Cease and Desist	Seek Injunctive Relief
Accountants	Yes	Yes
Architecture	Yes	Yes
Athletic Trainers	N/A	Yes
Barbers	N/A	Yes
Chiropractic	N/A	Yes
Contractors	Yes	N/A
Cosmetology	N/A	Yes
Dental	Yes	Yes
Dispensing Opticians	Yes	N/A
Engineers	Yes	Yes
Environmental	Yes	N/A
Funeral	N/A	Yes
Landscape	N/A	Yes
Long-Term Care	N/A	Yes
Massage	N/A	Yes
Medical	N/A	Yes
Nursing	Yes	N/A
Occupational	N/A	Yes
Oriental	N/A	Yes
Osteopathic	Yes	N/A
Pharmacy	N/A	Yes
Physical Therapy	N/A	Yes
Podiatry	N/A	Yes
Private Investigators	N/A	Yes
Psychologists	Yes	Yes
Speech	Yes	Yes
Veterinarians	N/A	Yes

Three regulatory bodies—Court Reporters, Marriage, and Social Workers—responded that they do not have specific 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.

QUESTION 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.)

In many instances, NRS provides that a regulatory body may delegate its authority to a hearing officer to hear complaints against a holder of a license, certificate, registration, permit, or other similar authorization issued by the regulatory body. However, it appears that NRS does not provide for qualifications of hearing officers who receive this delegated authority from a regulatory body.

Chapter 622A ("Administrative Procedure Before Certain Regulatory Bodies") of NRS outlines procedures for contested cases, including post-hearing proceedings; the State Contractor's Board is exempt from the provisions of this Chapter. Furthermore, NRS 622A.300 authorizes a regulatory body to determine whether the case will be heard by the regulatory body or a hearing panel or officer. Twelve² regulatory bodies reported that their corresponding practice statute also authorizes the body to delegate to a hearing officer or panel in a manner consistent with the provisions of Chapter 622A.

Even with the authority to do so, 26³ regulatory bodies responded that they do not delegate their responsibility to hear complaints made against a holder of license, certificate, registration, permit or other similar authorization issued by the regulatory body to a hearing officer. Instead, these regulatory bodies exercise their own authority and hear complaints as a panel made up of its members, or in some cases, assign one member to act as a hearing officer.

Five regulatory bodies—Contractors, Cosmetology, Medical, Osteopathic, and Veterinarians—obtain a hearing officer to hear complaints made against a holder of license, certificate, registration, permit or other similar authorization issued by the regulatory body.

Requisite Qualifications to Serve as a Hearing Officer

Of the five regulatory bodies that do delegate to a hearing officer, only the Board of Medical Examiners reported that the requisite qualifications for a hearing officer are contained in statute. Nevada Revised Statutes 630.106 establishes the conditions and limitations regarding employment of hearings officers for the Board of Medical Examiners.

The State Contractors' Board and the Board of Examiners for Social Workers responded that the qualifications for a person to serve as a hearing officer are established in NAC 624.705 and 641B.245, respectively. These regulatory bodies require that a hearing officer, at a minimum, be an attorney in good standing licensed to practice law in this state. The Board of Examiners for Social Workers is one of the regulatory bodies that responded it does not use a hearing officer to hear complaints.

The Board of Environmental Health Specialists, which currently does not use a hearing officer, reported it has proposed regulations that establish the qualifications for a hearing officer. These qualifications include possession of a level of education or experience, or a combination of both, equivalent to, at a minimum, a bachelor's degree in a field directly related to administrative law.

² Accountants, Contractors, Cosmetology, Dispensing Opticians, Engineers, Funeral, Nursing, Osteopathic, Pharmacy, Private Investigators, Psychologists, and Social Workers.

³ Accountants, Alcohol & Drug, Architecture, Athletic Trainers, Barbers, Chiropractic, Court Reporters, Dental, Dispensing Opticians, Engineers, Funeral, Landscape, Long-Term Care, Marriage, Massage, Nursing, Occupational, Oriental, Pharmacy, Physical Therapy, Podiatry, Private Investigators, Psychologists, Social Workers, and Speech.

The State Board of Cosmetology responded that it utilizes an administrative law judge through the Hearings Division of the Department of Administration.

The State Board of Osteopathic Medicine adopted its own criteria to determine whether to retain a specific person to serve as hearing officers, which includes: (1) the number of years of hearing officer experience; (2) the number and type of hearings conducted; (3) relevance to particular board-related disciplinary matters; (4) being a licensed attorney with civil and administrative law experience; and (5) references and education background.

The Nevada State Board of Veterinary Medical Examiners noted that there are no regulations or statutes that govern its qualifications for use of a hearing officer.

QUESTION 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?

During the 2017 Legislative Session, the Legislature passed [AB 457](#), which among other provisions, required Alcohol & Drug, Marriage, Psychologists, and Social Workers to adopt online application forms for the issuance or renewal of a licenses, certificate, registration, permit, or other similar authorization issued by the regulatory body. Except for these four regulatory bodies, NRS does not require that regulatory bodies implement electronic renewals and filing for the convenience of licensees.

Sixteen regulatory bodies reported that all forms required for issuance and renewal of a practice authority are available and may be submitted through their respective websites. Some regulatory bodies responded that all forms required for issuance and renewal are available on their respective websites, but only the renewal application can be submitted electronically, or in some cases, none of the forms can be submitted electronically. Most of these regulatory bodies noted that their online system is being updated to allow the initial applications to be completed online. Information from regulatory bodies that report accessibility of online application forms is summarized below.

Table 7: ACCESSIBILITY OF ONLINE APPLICATION FORMS FOR THE ISSUANCE OR RENEWAL OF A PRACTICE AUTHORITY			
Independent Regulatory Body	All Forms are Available on Website and May Be Submitted Electronically	Available on Website, Only Renewal May Be Submitted Electronically	Available, but Cannot Be Submitted Electronically
Accountants	Yes		
Alcohol & Drug	Yes		
Architecture	Yes		
Athletic Trainers		Yes	
Chiropractic		Yes	
Contractors	Yes		
Cosmetology	Yes		
Court Reporters			Yes
Dental			Yes
Dispensing Opticians	Yes		
Engineers	Yes		
Environmental	Yes		
Funeral	Yes		
Landscape	Yes		
Long-Term Care	Yes		

Marriage			Yes
Massage			Yes
Medical		Yes	
Nursing	Yes		
Occupational	Yes		
Oriental			Yes
Osteopathic	Yes		
Pharmacy		Yes	
Physical Therapy			Yes
Podiatry			Yes
Private Investigators		Yes	
Psychologists	Yes		
Social Workers	Yes		
Speech		Yes	
Veterinarians			Yes

The State Barbers' Health and Sanitation Board responded that applications for issuance and renewal to practice barbering may be picked up physically at its office; however, the body is in the process of working on its website so applicants can access and submit all required forms electronically.

QUESTION 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?

Comparable to the availability of electronic renewal and filing of practice applications for the convenience of applicants (see Question 5), not all regulatory bodies provide access to electronic methods of payments to their applicants.

In response to these concerns, and to improve efficiency in occupational and professional licensing, the Legislature passed [SB 219](#) (2019). Surprisingly, in this age of electronic commerce, some regulatory bodies were still prohibited by law from conducting their business affairs electronically. The bill, among other provisions, authorizes a regulatory body to enter into a contract to accept credit cards, debit cards, or other electronic transfers of money and to charge and collect a convenience fee for any costs related to a transaction.

Twenty-six regulatory bodies responded that they accept credit cards, debit cards, or other electronic transfers of money pursuant to [NRS 622.233](#) for either a fee, fine, or other assessment, or for all transactions.

Independent Regulatory Body	Accept Credit Cards and Other Forms of Electronic Payment for All Transactions	Accept Electronic Payment for Renewal Only	Accept Electronic Payment for Fees, but Not for Fines or Assessments
Accountants	Yes		
Alcohol & Drug	Yes		
Architecture	Yes		
Athletic Trainers		Yes	
Chiropractic			Yes
Contractors	Yes		
Cosmetology	Yes		
Dental	Yes		

Dispensing Opticians	Yes		
Engineers			Yes
Environmental	Yes		
Funeral	Yes		
Landscape	Yes		
Long-Term Care	Yes		
Massage	Yes		
Medical	Yes		
Nursing	Yes		
Occupational	Yes		
Osteopathic	Yes		
Pharmacy			Yes
Physical Therapy	Yes		
Private Investigators	Yes		
Psychologists	Yes		
Social Workers	Yes		
Speech	Yes		
Veterinarians	Yes		

Five regulatory bodies—Barbers, Court Reporters, Marriage, Oriental, and Podiatry—reported that they do not accept any form of electronic payments.

QUESTION 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?

Fee structures are not uniform. Some regulatory bodies are provided a range and limitation on the amounts they may charge licensees, while the exact fees for other boards are set in statute.

Twenty⁴ regulatory bodies responded that their fees are authorized by statutes that establish the maximum that may be charged to an applicant for or holder of a license, certificate, registration, permit, or other similar authorization issued by the regulatory body. In addition, 18⁵ regulatory bodies responded that the actual amount charged to an applicant or holder of a practice authorization is established by regulation in NAC.

Three regulatory bodies—Cosmetology, Court Reporters, and Nursing—responded that their fees are established in statute, which provides a minimum and maximum amount they may charge. The Nevada Funeral and Cemetery Services Board responded that its respective statute sets the exact amount it may charge to applicants for or holders of a practice authorization issued by the regulatory body.

Eleven⁶ regulatory bodies reported that they review the body’s financial factors during the budget approval process which establishes criteria for consideration for applying an increase or reduction of

⁴ Architecture, Athletic Trainers, Chiropractic, Dental, Dispensing Opticians, Engineers, Environmental, Landscape, Long-Term Care, Marriage, Massage, Medical, Osteopathic, Physical Therapy, Podiatry, Private Investigators, Psychologists, Social Workers, Speech, and Veterinarians.

⁵ Accountants, Architecture, Athletic Trainers, Chiropractic, Contractors, Dental, Dispensing Opticians, Engineers, Massage, Nursing, Occupational, Oriental, Osteopathic, Pharmacy, Podiatry, Private Investigators, Social Workers, and Speech.

⁶ Athletic Trainers, Chiropractic, Dispensing Opticians, Environmental, Marriage, Medical, Occupational, Osteopathic, Psychologists, Speech, and Veterinarians.

their fees. For many of these regulatory bodies, the factors for establishing a fee structure include actual expenses, including multi-year histories of costs related to complaints and associated legal fees, projected expenses, such as technology upgrades, and the amount of funds in the body's reserve account.

The State Contractors' Board and the Nevada Physical Therapy Board reported a more scrutinized process for determining the amount of fees to charge.

- Contractors responded that it performs a budget and cost analysis. Fees are then established by regulation, which follows a due process of notice, opportunity for public comment, and a vote by its members. The State Contractors' Board has not implemented an application or license fee increase since 2000; and
- Physical Therapy responded that it conducts a fee study to determine the amount of fees to charge applicants and license holders. The body included that it is "interested in accurately reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to reflect the cost of providing services over time. To that end, the body strives to review fees on a regular basis and make adjustments accordingly."

Lastly, the Board of Massage Therapy acknowledged that it has maintained the same fees since its inception with the exception of a reduction when the renewal period was changed to two years.

QUESTION 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)?

Regulatory bodies have specific procedures for conducting investigations and disciplinary hearings to ensure licensees are accorded due process before any penalties are imposed. In addition, the Nevada Supreme Court decided in two rulings—in 1982 and 1983—that regulatory bodies that issue a license, certificate, registration, permit, or other similar authorization to practice a profession cannot benefit from fines and monetary penalties if they exercise executive, investigating, and adjudicating power at the same time.

In 1982 the court ruled, in *Burleigh v. State Bar of Nevada*, 98 Nev. 140, 643 P.2d 1201, that it is unconstitutional if an adjudicating body is also the financial beneficiary of imposed fines and monetary penalties. Even if a regulatory body's members do not have individual financial interests, its executive financial board responsibilities could cause temptation, or the appearance thereof, for bias when fines or penalties are imposed.

In 1983 the Nevada Supreme Court, in the *Matter of Ross-Flangas*, 656 P.2d 832, decided the three functions of an administrative body (executive, judicial, and adjudicatory) could not be mixed when completing an investigation. The Court held that combining all three functions is a violation of due process, that is, a regulatory body could not be investigator, judge, and beneficiary of a fine or monetary penalty at the same time.

In addition, SB 65 (Chapter 531, *Statutes of Nevada 1983*) adjusted how some regulatory boards processed fines and monetary penalties imposed on their members. The boards received two options. The first option allows regulatory bodies to delegate their authority to investigate and take disciplinary action to either a hearing officer or panel. The fees and fines or monetary penalties imposed by an authorized hearing officer or panel could subsequently be deposited into a board's regular accounts.

In the second option, if the regulatory body does not delegate authority to take disciplinary action to a hearing officer, then the body must deposit money derived from fines or penalties into the State

General Fund. Regulatory bodies can later apply to the State Board of Examiners for a refund of the investigation costs and attorney's fees.

In response to this question, 24 regulatory bodies reported that they transfer money from fines and penalties to the Office of the State Treasurer for credit to the State General Fund. Many of these regulatory bodies responded to Question 4 that they do not delegate their authority to investigate or to take disciplinary action to either a hearing officer or panel. The remaining regulatory bodies—Alcohol & Drug, Contractors, Long-Term Care, Oriental, Osteopathic, and Psychologists—responded that they do not deposit fines and penalties to the State General Fund. Instead, these regulatory bodies deposit all money received for fines and penalties to their respective accounts in a financial institution. The exception is the State Contractors' Board, which deposits fees and money from fines and penalties with the State Treasurer for credit to the Construction Education Account.

Table 9: Monetary Deposits of Fines and Penalties		
Independent Regulatory Body	Deposit of Fines and Penalties	Delegate to Hearing Officer
Accountants	State General Fund	No
Alcohol & Drug	Board's Account	No
Architecture	State General Fund	No
Athletic Trainers	State General Fund	No
Barbers	State General Fund	No
Chiropractic	State General Fund	No
Contractors	Construction Education Account	Yes
Cosmetology	State General Fund	Yes
Court Reporters	State General Fund	No
Dental	State General Fund	No
Dispensing Opticians	State General Fund	No
Engineers	State General Fund	No
Environmental	State General Fund	No
Funeral	State General Fund	No
Landscape	State General Fund	No
Long-Term Care	Board's Account	No
Marriage	State General Fund	No
Massage	State General Fund	No
Medical	State General Fund	Yes
Nursing	State General Fund	No
Occupational	State General Fund	No
Oriental	Board's Account	No
Osteopathic	Board's Account	Yes
Pharmacy	State General Fund	No
Physical Therapy	State General Fund	No
Podiatry	State General Fund	No
Private Investigators	State General Fund	No
Psychologists	Board's Account	No
Social Workers	State General Fund	No
Speech	State General Fund	No
Veterinarians	Did not Respond	Yes

QUESTION 9

What is the amount of reserves held by the regulatory body?

Nevada's independent regulatory bodies are funded by fees charged to licensees and do not receive State General Fund support. As a result, revenues held in reserve to pay anticipated costs vary widely among the regulatory bodies. Some hold available reserves that would cover operating expenses for three months while others hold reserves in amounts large enough to pay for up to two years of the body's expenses.

Five regulatory bodies—Dispensing Opticians, Landscape, Long-Term Care, Marriage, and Oriental—responded that they have no policy with regard to reasonable reserves. The Certified Court Reporters' Board of Nevada reported that its respective practice act is silent on the maintenance of reserves and that it does not have reserves. Many of the regulatory bodies acknowledged adopting a reserve policy that is reviewed on an annual basis; 12⁷ of these regulatory bodies included a copy of their reserve policy or financial manual with their survey responses, which can be found on the [Subcommittee's website](#).

The following provides a distribution of the reserves held by the regulatory bodies pursuant to their adopted reserve policy.

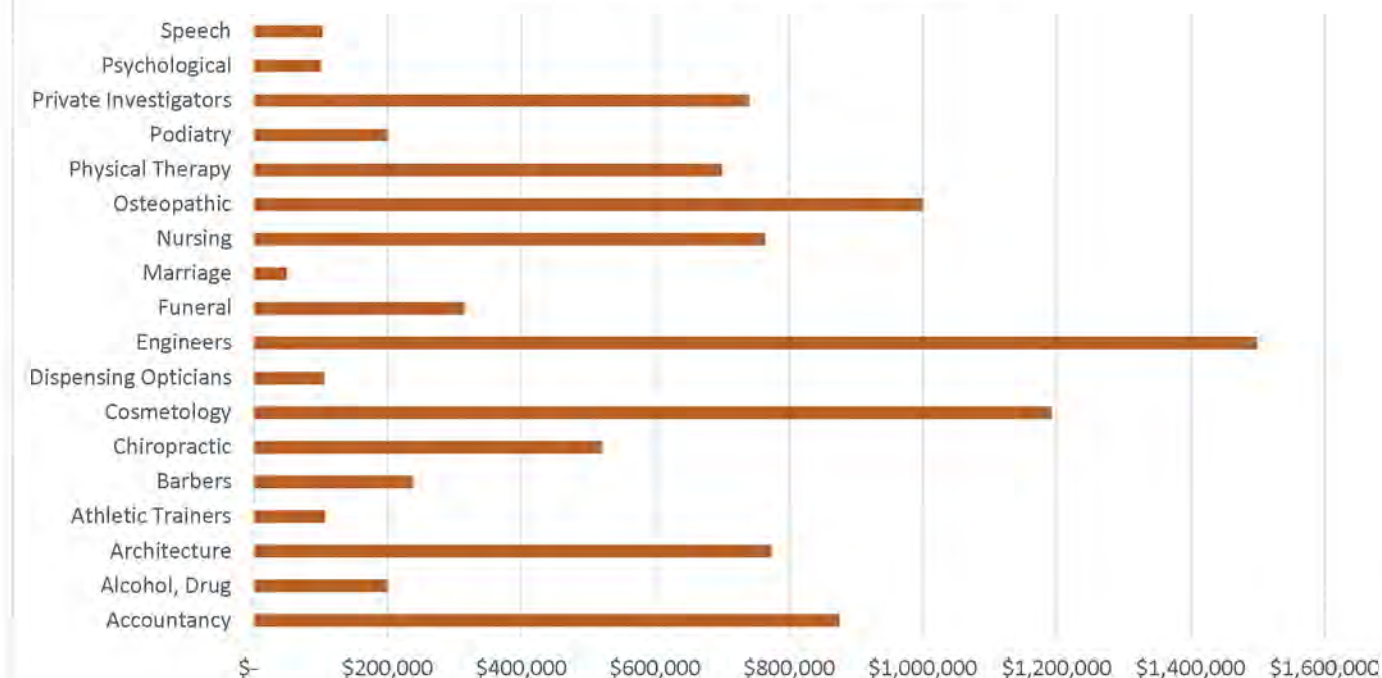
- The State Board of Pharmacy and the Board of Examiners for Social Workers responded that their policy is to maintain reserves of less than six months of their operating expenses;
- Nine⁸ regulatory bodies responded that they maintain an amount equal to six months to one year's operating expenses;
- Engineers, Osteopathic, and Veterinarians responded that they maintain an amount equal to 18 months of their operating expenses;
- The Board of Athletic Trainers and the Board of Occupational Therapy responded that they maintain an amount equal to two years of their operating expenses; and
- The Board of Dental Examiners of Nevada responded that they are in the process of securing an accounting firm and the total amount of reserves is currently unverified.

Some regulatory bodies responded to this question by only providing the total amount currently held in reserves. The following chart provides the amount of reserves that were reported by the regulatory bodies that responded to this question.

⁷ Accountants, Architecture, Chiropractic, Contractors, Cosmetology, Engineers, Environmental, Funeral, Nursing, Osteopathic, Pharmacy, and Speech.

⁸ Accountants, Architecture, Contractors, Cosmetology, Environmental, Funeral, Medical, Nursing, and Speech.

Graph 1: Amount Held in Reserves



QUESTION 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?

Nevada Revised Statutes 218G.400 requires regulatory bodies to submit a balance sheet or audited financial reports to the legislative auditor of the Legislative Counsel Bureau. Some regulatory bodies obtain only biennial audits. To provide additional regulatory body oversight on financial transactions, the Legislature passed [SB 219](#) (2019). This bill, among other provisions, requires a regulatory body to establish written internal controls for all monetary withdrawals and for two regulatory body members to review the expenditures and supporting documentation on a regular basis.

To exercise oversight of budgeting and management, many of the regulatory bodies that responded to this question noted implementing policies with internal financial controls, policies for approval of expenses, an annual budgeting process, segregated duties of staff with regard to receipts, deposits, and review of expenditures, as well as providing regular financial updates to their regulatory body members at public meetings. As noted in Question 9, 12 regulatory bodies included a copy of their financial manual with their survey response.

Additionally, 19⁹ regulatory bodies responded that they increase accountability and reduce risk of mismanagement by contracting with outside providers for accounting, bookkeeping, annual audits, and payroll services. The Private Investigator's Licensing Board responded that it has a fund set up in the

⁹ Accountants, Alcohol & Drug, Athletic Trainers, Barbers, Chiropractic, Contractors, Cosmetology, Environmental, Funeral, Marriage, Massage, Medical, Occupational, Oriental, Osteopathic, Physical Therapy, Podiatry, Psychologists, and Veterinarians.

State General Fund and utilizes the state timekeeping and financial processes; therefore, it has state oversight of its financial and administrative functions.

QUESTION 11

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

Although the legislative auditor receives financial audits and balance sheets as required pursuant to [NRS 218G.400](#), these documents are not always readily available for public inspection, creating a lack of transparency. The following table is a categorization of how the public may access the financial statements of a regulatory body.

Table 10: Public Access to Financial Statements			
Independent Regulatory Body	Financial Statements Accessible on Website	Available on Website as Public Meeting Materials	Formal Public Records Request
Accountants	Yes		
Alcohol & Drug			Yes
Architecture			Yes
Athletic Trainers			Yes
Barbers			Yes
Chiropractic			Yes
Contractors			Yes
Cosmetology	Yes		
Court Reporters		Yes	Yes
Dental		Yes	Yes
Dispensing Opticians		Yes	Yes
Engineers	Yes	Yes	
Environmental	Yes		
Funeral		Yes	Yes
Landscape			Yes
Long-Term Care			
Marriage		Yes	
Massage		Yes	Yes
Medical			
Nursing			Yes
Occupational	Yes		
Oriental		Yes	Yes
Osteopathic			Yes
Pharmacy		Yes	Yes
Physical Therapy			Yes
Podiatry			Yes
Private Investigators			
Psychologists		Yes	Yes
Social Workers	Yes	Yes	
Speech		Yes	Yes
Veterinarians			Yes

QUESTION 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.)

During the 2017–2018 Legislative Interim, the Subcommittee learned that many regulatory bodies utilize outside legal counsel and hire the services of a lobbyist, leading to increased expenditures. Furthermore, it realized that some regulatory bodies fail to obtain approval of such contracts from the State Board of Examiners (see Question 13).

Twenty-seven¹⁰ regulatory bodies responded that their respective practice act authorizes the body to employ personnel, including attorneys, investigators, and other professional consultants, and arrange for such assistance as the body may require for the performance of its duties. On the other hand, four regulatory bodies—Athletic Trainers, Court Reporters, Long-Term Care and Private Investigators—responded that their respective practice acts do not specify entering into contracts for services with outside legal counsel or lobbyists.

The following regulatory bodies noted in their response that they do contract with outside legal counsel or lobbyists:

- Contract with outside legal counsel—Accountants, Alcohol & Drug, Architecture, Chiropractic, Contractors, Nursing, Osteopathic, Podiatry, and Veterinarians; and
- Contract with lobbyists—Accountants, Nursing, Podiatry, Psychologists and Veterinarians.

Four regulatory bodies—Architecture, Chiropractic, Osteopathic, and Veterinarians—contract with the same individual for outside legal counsel.

QUESTION 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.

As identified in Question 12, 27 regulatory bodies are authorized to contract with outside services by their respective practice act. In addition, all 27 regulatory bodies responded to this question that their body does, or would, obtain approval for contracts from the Board of Examiners as outlined in the procedures for state purchasing in [Chapter 333](#) (“Purchasing: State”) of the NRS.

QUESTION 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?

Because regulatory bodies’ budgets include many duplicated operations and expenditures, including compensation, information technology, legal fees, lobbying expenses, and office overhead, the Subcommittee has previously suggested that the Legislature explore the idea of central personnel consolidation. In addition, the [“Boards and Commissions Independent Occupational and Professional](#)

¹⁰ Accountants, Alcohol & Drug, Architecture, Barbers, Chiropractic, Contractors, Cosmetology, Dental, Dispensing Opticians, Engineers, Environmental, Funeral, Landscape, Marriage, Massage, Medical, Nursing, Occupational, Oriental, Osteopathic, Pharmacy, Physical Therapy, Podiatry, Psychologists,

Licensing Boards” audit performed by the Division of Internal Audits, Office of Finance, Office of the Governor, has recommended placing Nevada’s independent regulatory bodies under the Department of Business and Industry to provide for executive branch oversight.

However, in response to this question, 19¹¹ regulatory bodies responded that they do not believe that consolidation or using pooled operations with other regulatory bodies would be beneficial to their regulatory body, its licensees, or the public. Many of these regulatory bodies responded that their relatively small size allows them to be efficient and effective in licensing, testing, and providing oversight of their specific professions.

On the other hand, 8¹² regulatory bodies acknowledged that they believe there is room for consolidation. These regulatory bodies note benefits of centralizing personnel, payroll, and technology services. Furthermore, three regulatory bodies—Environmental, Occupational, and Speech—have established an administrative cost sharing policy and entered into an administrative office collocating and cost sharing agreement. Under the agreement, each body is responsible for all direct costs of staff, legal services, and body-specific information technology. These regulatory bodies share common office areas, reception and conference room facilities, and equipment. Two additional regulatory bodies—Athletic Trainers and Psychologists—noted they are making efforts to collaborate with another regulatory body to share office space as an effort to lower costs.

Seven¹³ regulatory bodies additionally responded that they use the services and support provided by the Division of Enterprise Information Technology Services (EITS), Department of Administration. The Private Investigator’s Licensing Board responded that it recently migrated all files and folders from the OAG’s server to the EITS servers, as the OAG has asked it to submit legislation to the 2021 Legislative Session to remove the body from the State General Fund, thus removing the Body from the OAG’s budget.

The Board of Massage Therapy responded that the national trend in the industry is moving toward licensure as health care providers. The regulatory body noted that many of its licensees work with medical doctors, physical therapists, and chiropractors to address myofascial restrictions caused by repetitive motion and/or injury. States like Washington and Ohio already consider massage therapists as medical professionals that can bill health care insurance directly.

SUMMARY OF RESPONSES TO SPECIAL SURVEY CONCERNING INFORMATION PURSUANT TO NRS 232B.237 AND 622.085

Assembly Bill 319 (2019) requires the Sunset Subcommittee of the Legislative Commission 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 legislation to the Legislative Commission (NRS 232B.237 and 232B.250). Certain regulatory bodies are required to develop and implement a process to allow persons with a criminal history to petition the regulatory body to review their criminal history to determine

¹¹ Accountants, Alcohol & Drug, Barbers, Contractors, Cosmetology, Dental, Dispensing Opticians, Engineers, Funeral, Landscape, Marriage, Massage, Medical, Nursing, Oriental, Osteopathic, Pharmacy, Physical Therapy, and Social Workers.

¹² Athletic Trainers, Chiropractic, Environmental, Massage, Occupational, Psychologists, Speech, and Veterinarians.

¹³ Alcohol & Drug, Architecture, Dispensing Opticians, Engineers, Funeral, Physical Therapy, and Social Workers.

whether it will disqualify them from obtaining a license, certificate, registration, permit, or other similar authorization from the regulatory body ([NRS 622.085](#)).

The State Contractors' Board and the Private Investigator's Licensing Board are exempt from these requirements. There was no response to this survey received from the Nevada Board of Homeopathic Medical Examiners or the Nevada State Board of Optometry.

REGULATORY BODIES IN RECEIPT OF PETITIONS TO REVIEW APPLICANT CRIMINAL HISTORY

The following regulatory bodies report receiving petitions from applicants to review criminal history for a determination as to whether this would disqualify applicants from licensure, certification, registration, permits or similar authorization:

- Barbers, 55 petitions;
- Cosmetology, 161 petitions;
- Court Reporters, 1 petition;
- Dental, 1 petition;
- Medical, 4 petitions; and
- Nursing, 39 petitions.

DETERMINATIONS OF DISQUALIFICATION AND RESUBMISSIONS

The State Board of Cosmetology report that one individual was disqualified due to failure to appear before the Board, and this applicant did not resubmit an appeal to this disqualification. The Board of Dental Examiners of Nevada is currently reviewing the one petition submitted by an applicant.

LICENSURE PROCESS AND INFORMATION ON DISQUALIFYING CRIMES DISPLAYED ON WEBSITE

Three regulatory bodies—Alcohol & Drug, Cosmetology, and Landscape—indicate that information on both licensure and a list of crimes that would disqualify an applicant from licensure appear on their website. The Board of Medical Examiners and the Board of Occupational Therapy do not list disqualifying crimes on their websites, but do provide information for applicants concerning how to request a review of their criminal records.

Twenty-two¹⁴ regulatory bodies state that there is information on their licensure process, but no list of crimes that would disqualify an applicant from licensure on their websites. The majority of respondents indicate there is no clearly defined list of crimes that would automatically preclude licensure, and the overwhelming preference is to review petitions on a case-by-case basis with applicants to discuss the circumstances surrounding any criminal history prior to determination. Four regulatory bodies—Podiatry, Pharmacy, Psychologists and Veterinarians—indicate they do not display licensure procedures or disqualifying crime information on their websites.

¹⁴ Accountants, Alcohol & Drug, Architecture, Athletic Trainers, Barbers, Chiropractic, Court Reporters, Engineers, Environmental, Funeral, Long-Term Care, Marriage, Massage, Medical, Nursing, Occupational, Optometry, Oriental, Osteopathic, Physical Therapy, Social Workers, and Speech.

FEES FOR CRIMINAL HISTORY REVIEW

Eighteen¹⁵ regulatory bodies state they do not charge fees for any review of an applicant's criminal history prior to licensure. The State Board of Podiatry will refund all application fees less than \$100 if an applicant is unsuccessful (see [NAC 635.030](#)). The Chiropractic Physicians' Board of Nevada and the Nevada State Board of Veterinary Medical Examiners assess only the fingerprint fee for criminal history reviews. The Environmental, Funeral, and Occupational boards will not charge applicants for an initial criminal history review, but will assess a \$50 fee for redeterminations.

The Architecture, Dental, and Massage boards require a \$50 fee for criminal history reviews. No regulatory bodies offer a waiver of fees associated with criminal history review to applicants. The Certified Court Reporters' Board of Nevada and the State Board of Pharmacy did not respond to this question.

ASSEMBLY BILL 319—NONCONFORMANCE WITH FEDERAL LAW

While promulgating regulations, the State Board of Pharmacy received notification from Nevada's Records, Communications and Compliance Division, Department of Public Safety, that certain sections of AB 319 did not conform to the requirements set forth in [Pub. L. 92-544, 86 Stat. 1109 \(1972\)](#) (see LCB File R015-20 letter attached). As later codified in section [NRS 622.085\(8\)](#), the language of the bill states:

A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

The Federal Bureau of Investigation's (FBI) Criminal Justice Information Law Unit (CJILU) determined that this language is not in conformity with the provisions of Pub. L. 92-544 in the following ways:

- A government entity must request FBI Criminal History Record Information (CHRI), not an individual;
- Fingerprints are required to be submitted to the state identification bureau for statewide CHRI first, and then forwarded to the FBI for national CHRI; and
- National CHRI received from the FBI must be transmitted to a government agency, not an individual.

The [letter](#) included with the State Board of Pharmacy's response further informs that the provisions of [NRS 622.360](#) similarly do not conform to the requirements of Pub. L. 92-544, and a grace period would be extended until July 2021 for Nevada to make conforming changes to its legislation and regulation regarding disciplinary hearings of regulatory bodies. The CJILU is available to review draft legislation and regulation to ensure conformity with the provisions of Pub. L. 92-544.

¹⁵ Accountants, Alcohol & Drug, Athletic Trainers, Barbers, Cosmetology, Engineers, Landscape, Long-Term Care, Marriage, Medical, Nursing, Optometry, Oriental, Osteopathic, Physical Therapy, Psychologists, Social Workers, and Speech.

RESPONSES REGARDING PRACTICE AUTHORIZATION BY ENDORSEMENT AND RECIPROCITY

DEFINING ENDORSEMENT AND RECIPROCITY

Licensure or authorization by endorsement ([NRS 622.530](#)) is a system that allows an individual to be issued a license to engage in their occupation or profession in Nevada if they:

1. Hold a valid and unrestricted occupational or professional license in another state or territory of the United States;
2. Possess qualifications that are substantially similar to the qualifications required for issuance of a license in this state; and
3. Satisfy certain other requirements.

In 2015, [Senate Bill 68](#) (Chapter 497, *Statutes of Nevada*) authorized certain regulatory bodies¹⁶ to issue a license by endorsement, and in some cases an expedited license by endorsement. Subsequently, pursuant to [NRS 622.530](#), any regulatory body, that is not otherwise authorized or required by a specific statute to issue a license to engage in an occupation, must adopt regulations providing for the issuance of a license by endorsement.

Licensure or authorization by reciprocity is another system that allows an applicant who holds an out-of-state license to receive a license in Nevada. Pursuant to [NRS 622.520](#), certain regulatory bodies¹⁷ are authorized to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States, for the purposes of authorizing a qualified person licensed in the profession to practice concurrently in Nevada under certain circumstances.

Key Differences Between Endorsement and Reciprocity

In licensing by endorsement, boards determine whether out-of-state license qualifications are equivalent to their own state requirements, at the time of initial licensure. Often, states make it a condition for endorsement that the qualifying examination taken in another state be comparable to their own.

Reciprocity is a formal or informal agreement between states whereby a licensing board in one state recognizes licensees of another state, if the board of that state extends reciprocal recognition of licensees from the first state. To have reciprocity, the initial licensing requirements of the two states must be essentially equivalent.

Survey Regarding Endorsement and Reciprocity

A July 2015 White House report, [Occupational Licensing: A Framework for Policymakers](#), noted the share of U.S. workers holding occupational licenses has grown sharply over the past several decades. When carefully designed and implemented, licensing can offer important health and safety protections to consumers as well as benefits to workers. However, as noted by the report and [NCSL](#), occupational licensing laws can make it difficult for individuals looking to enter the labor market or relocate to a different state. According to the White House report, "best practices in licensing can allow states,

¹⁶ Alcohol & Drug, Marriage, Massage, Medical, Nursing, Occupational, Optometry, Osteopathic, Pharmacy, Physical Therapy, Podiatry, Psychologists, Social Workers, and Speech.

¹⁷ Alcohol & Drug, Athletic Trainers, Chiropractic, Cosmetology, Dispensing Opticians, Homeopathic, Marriage, Massage, Medical, Nursing, Occupational, Optometry, Oriental, Osteopathic, Pharmacy, Physical Therapy, Podiatry, Psychologists, Social Workers, Speech, and Veterinarians.

working together or individually, to safeguard the wellbeing of consumers while maintaining a modernized regulatory system that meets the needs of workers and businesses.” Synchronizing regulatory requirements and entering into interstate agreements to recognize licenses from other states is one way to allow for increased mobility of workers.

At the request of the members of the Sunset Subcommittee, regulatory bodies were surveyed to identify which bodies practice authorization/licensure by endorsement and/or reciprocity, how many individuals have been licensed in the past five years through these means, and how the various bodies implement these initiatives.

LICENSURE BY ENDORSEMENT AND RECIPROCITY SURVEY RESPONSE SUMMARY

	Yes	No	Not Applicable	No Response
Endorsement	19	8	2	4
Reciprocity	7	17	5	4

Endorsement

Of the 33 regulatory bodies surveyed, 19 offer a form of authorization by endorsement, 8¹⁸ did not, 2 responded “not applicable”, and 4 did not respond to the survey question. Notably, [NRS 642.100](#) specifically allows the Nevada Funeral and Cemetery Services Board to arrange for reciprocity without entering into an agreement with another state. Therefore, the Board’s data are included here, as “endorsement”.

Eight regulatory bodies did not offer a form of authorization by endorsement, and two identified as “not applicable.” Reasons for not offering endorsement included: efforts “in process”, NRS requirements, other licensing options including a special license and reciprocity in lieu of endorsement, standards and requirements too different throughout the country, or no explanation was provided. The Nevada State Board of Accountancy identified endorsement as “not applicable” because certified public accountants (CPAs) in other states are not required to submit an application for licensure, as CPAs are allowed to practice across states lines and all states/jurisdictions hold similar policies.

Number of Licenses Issued by Endorsement

Of the 19 regulatory bodies responding “yes” to issuing licenses by endorsement, 3 had not licensed any individuals (“0”), 2 did not provide the number of individuals licensed by endorsement, and 1 listed the number as “unknown”, as the board did not count license by endorsement separate from new licenses. Thirteen regulatory bodies provided the number of applicants licensed by endorsement indicating 31,869 total applicants licensed by endorsement in the past five years. The majority of licenses were issued by five regulatory bodies: Nursing (22,232); Cosmetology (4,799); Engineers (2,481); Contractors (1,330); and Social Workers (455). The State Board of Nursing further broke those applicants licensed by endorsement into three specialties: Registered Nurse (18,731); Certified Nursing Assistant (1,827); and Licensed Practical Nurse (1,674).

¹⁸ Alcohol & Drug, Athletic Trainers, Chiropractic, Court Reporters, Dispensing Opticians, Landscape, Pharmacy, and Podiatry.

Table 12: Number of Licenses Issued by Endorsement per Regulatory Body		
Independent Regulatory Body	Total Number of Licenses by Endorsement	Additional License Information
Barbers	5	
Contractors	1330	
Cosmetology	4799	
Dental	102	
Engineers	2481	
Environmental	40	
Funeral	56	Embalmers: 24 Funeral Directors:32
Long-Term Care	58	
Marriage	158	
Massage	Unknown	Does not track separately from new licenses
Medical	60	
Nursing	22,232	Registered Nurse: 18,731 Certified Nursing Assist.: 1,827 Licensed Practical Nurse: 1,674
Occupational	NR	
Oriental	0	
Osteopathic	93	
Private Investigators	0	
Social Workers	455	
Speech	0	
Veterinarians	NR	
Total	31,869	

*NR: Not Reported

All of the regulatory bodies outlined similar application processes meeting the requirements outlined in [NRS 622.530](#): (1) submit the application which includes documents demonstrating requirements have been met, often either electronically or mail-in; (2) pay an associated fee; and (3) agency review of the application and notification of the applicant.

Reciprocity

Of the 33 regulatory bodies surveyed, 7¹⁹ entered into a reciprocal licensing agreement, 17 did not, 5 responded "not applicable", and 4 did not respond to the survey question. Three of the regulatory bodies which entered into a reciprocity agreement, and one which had not, noted caveats, as follows:

1. The Nevada State Board of Accountancy only requires license by reciprocity for individuals with a physical presence in Nevada. Because of the Uniform Accountancy Act, the Board does not enter into a reciprocal agreement with other states, but instead confirms states with substantial equivalency.
2. The Board of Examiners for Alcohol, Drug and Gambling Counselors stipulated a partial agreement through the International Certification & Reciprocity Consortium. This allows the Board to accept original test scores from other states; however, applicants are still required to complete Nevada's application and pass the state oral exam in order to obtain a license.

¹⁹ Accountants, Alcohol & Drug, Architecture, Contractors, Landscape, Medical, and Pharmacy.

3. The State Board of Pharmacy still requires the Nevada pharmacy jurisprudence examination.
4. While the State Board of Nursing is not part of the Nurse Licensure Compact, the state board has sought and continues to seek authorization to participate with the 36 other states currently participating.

Number of Licenses Issued by Reciprocity

Of the seven regulatory bodies responding “yes” to entering into a reciprocal licensing agreement, two did not provide the number of individuals licensed via reciprocity, and one provided an average. The table below provides the number of applicants licensed by reciprocity with 3,875 total applicants being licensed.

Independent Regulatory Body	Total Number of Licenses by Reciprocity	Additional License Information
Accountants	301	
Alcohol & Drug	NR	
Architecture	1,126	Architecture: 1,084 Residential Design: 42
Contractors	1,330	
Landscape	NR	
Medical	668	
Pharmacy	450	An Average
Total	3,875	

*NR: Not Reported

All of the regulatory bodies outlined similar application processes: (1) submit the application which includes documents demonstrating requirements have been met, often either electronically or mail-in; (2) pay an associated fee; and (3) agency review of the application and notification of the applicant.

RESPONSES REGARDING MILITARY SPOUSES

On June 18, 2020, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs heard testimony from a representative from the Defense-State Liaison Office of the United States Department of Defense (DOD), and two spouses of military service members who had been stationed in Nevada and employed in careers that required professional licensure. Given that more than one-third of military spouses require some sort of licensure for their careers and one of the main reasons a member of the Armed Forces leaves military service is their spouse’s inability to work, the issue remains a high priority for the DOD and there have been substantial national efforts to improve interstate professional licensure for military spouses. An estimated 62 percent of military spouses report experiencing licensure challenges due to relocation. Figures provided by the DOD show 5,379 active duty military spouses lived in Nevada in 2019, 3,281 participated in Nevada’s workforce, and 1,116 required some sort of professional licensure prior to being able to work.

According to the DOD, the use of interstate professional licensure compacts that allow license holders in good standing to practice within 30 days without requiring additional documentation represent the highest degree of licensure portability. Expedited licensure processing for military spouses may further reduce barriers that limit a military spouse’s ability to work after relocation. Nevada is a member of two such compacts, the Interstate Medical Licensure Compact and the Psychological Interjurisdictional Compact (PSYPACT). The Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) will be effective upon legislative enactment in ten states, not including Nevada. Participation in the Enhanced Nurse Licensure Compact and the Recognition of EMS Personnel Licensure Interstate

CompAct were considered during prior legislative sessions, and the Nevada Physical Therapy Board is contemplating joining the Physical Therapy License Compact.

Another way states have addressed this issue is by requiring expedited processing of applications for military spouse licensure. This is often accomplished by removing permissive language that authorizes boards to expedite licensure and replacing it with language mandating faster processing—whether through statute, regulation, or executive order. In 2012, Governor Brian Sandoval issued Executive Order 2012-11, directing every professional licensing board in Nevada to:

- Facilitate licensure by endorsement for military spouses relocating to Nevada from another state;
- Provide temporary or provisional licensure for military spouses awaiting full licensure, whenever possible; and
- Expedite the applications of military spouses, including offering approval via affidavit where possible.

In order to determine the effect of efforts to improve the interstate licensure process, a regulatory body would need to separate military spouse applicant information from other applicants, including service-connected members, to collect accurate data. Survey responses from regulatory bodies in Nevada indicate that many entities do not collect specific data relating to military spouse licensure.

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. The Board of Homeopathic Medical Examiners and the Nevada State Board of Optometry did not respond to survey questions pertaining to military spouses. The Certified Court Reporters' Board of Nevada responded to all questions pertaining to military spouses as "not applicable," or no application received.

MILITARY SPOUSE APPLICATIONS TO REGULATORY BODIES AND PROCESSING TIMES

Nevada's regulatory bodies were asked how many applications from a military spouse were received in the previous five years for a license, certificate, registration, permit, or similar authorization. In addition, regulatory bodies were asked how many applications from military spouses during this time frame were received, approved, rejected, or submitted incomplete, and the average processing times for these actions.

Of the 33 regulatory bodies surveyed, 13²⁰ report that they do not track military spouse applicant information specifically. Within this group, six boards—Long-Term Care, Massage, Nursing, Occupational Therapy, Pharmacy, and Physical Therapy—report the information on military spouse applicants is included with data regarding service-connected applicants and cannot be extrapolated. Nine²¹ regulatory bodies report they did not receive any applications from military spouses within the previous five years. Information from regulatory bodies that report receiving applications from military spouses is summarized below.

²⁰Athletic Trainers, Dental, Engineers, Funeral, Landscape, Long-Term Care, Marriage, Massage, Nursing, Pharmacy, Physical Therapy, Private Investigators, and Psychologists.

²¹Alcohol & Drug, Architecture, Barbers, Chiropractic, Contractors, Court Reporters, Dispensing Opticians, Oriental, and Podiatry.

Table 14: Applications from Military Spouses

Independent Regulatory Body	Applications Received	Applications Approved (Average Days from Receipt to Approval)	Applications Rejected (Average Days from Receipt to Rejection)	Average Days from Receipt to Notification of Incomplete Submission
Accountants	1	1 (1 day)	No Response	No Response
Cosmetology	1,500	1,500 (1 to 7 days)	0 (N/A)	1 to 3 days
Dental*	47	46 (27 days)	0 (No Response)	21 days
Environmental	5	5 (1 to 15 days)	0 (No Response)	3 days
Medical	3	5 (31 days)	0 (N/A)	N/A
Occupational	52	52 (1 to 3 days)	0 (No Response)	1 to 3 days
Osteopathic	10	10 (45 to 60 days)	0 (No Response)	No Response
Social Workers	27	27 (35 days)	0 (No Response)	No Response
Speech	6	6 (4 days)	0 (N/A)	N/A
Veterinarians	3	2 (1 day)	1 (24 days)	51 days

*Includes data for both military service members and military spouses.

EXPEDITED APPLICATION PROCESSING FOR MILITARY SPOUSES

Nine regulatory bodies indicate they have an expedited application process for military spouses, as outlined in the table below. The remaining 18²² regulatory bodies indicate they do not have an expedited application process for military spouses; the State Board of Podiatry indicates this question is not applicable. The State Board of Cosmetology and the Board of Occupational Therapy process all applications in less than three business days and are unable to expedite processing further.

Table 15: Expedited Application Review for Military Spouses

Independent Regulatory Body	Authority
Accountants	Not Provided
Alcohol & Drug	Not Provided
Architecture	Executive Order 2012-11
Barbers	Not Provided
Contractors	NRS 624.241
Dental	In meeting June 14, 2012
Marriage	NRS 641A.242
Social Workers	NRS 641B.272
Speech	NRS 637B.204

While only the State Board of Architecture, Interior Design and Residential Design cited former Governor Sandoval's [Executive Order 2012-11](#) as the authority allowing expedited application review for military spouses, this order is applicable to all of Nevada's thirty-three regulatory bodies.

²²Athletic Trainers, Chiropractic, Engineers, Environmental, Funeral, Landscape, Long-Term Care, Massage, Medical, Nursing, Dispensing Opticians, Oriental, Osteopathic, Pharmacy, Physical Therapy, Private Investigators, Psychologists, and Veterinarians.

MILITARY SPOUSE APPLICANTS HOLDING A VALID LICENSE IN ANOTHER JURISDICTION

In response to an inquiry regarding how many military spouse applicants hold valid, unrestricted licensure in another state or territory of the United States, five²³ regulatory bodies indicate this question is not applicable and nine²⁴ indicate this information is unknown.

Six regulatory bodies—Architecture, Chiropractic, Contractors, Landscape, Opticians, and Oriental Medicine—report no military spouse applicants hold valid licensure in another jurisdiction. The remaining regulatory bodies provided the following information regarding military spouse applicants with multijurisdictional licensure.

Independent Regulatory Body	Number of Applicants
Nevada State Board of Accountancy	1
State Board of Cosmetology	1,500
Board of Dental Examiners of Nevada	47*
Board of Registered Environmental Health Specialists	1
Board of Medical Examiners	3**
Board of Occupational Therapy	30
State Board of Osteopathic Medicine	10
Board of Examiners for Social Workers	12
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board	4
Nevada State Board of Veterinary Medical Examiners	1

*Includes data for both military service members and military spouses.

**Notes that military spouse applicants may have been licensed by other means, such as interstate compact or reciprocity.

LICENSING BY ENDORSEMENT, RECIPROCITY, OR ON A TEMPORARY AND PROVISIONAL BASIS FOR MILITARY SPOUSES

All information discussed earlier in this report regarding licensing by endorsement and reciprocity also applies to applicants who are military spouses, and some entities have made additional efforts to serve military spouses. For example, the State Contractors' Board created the Veterans Assistance Program, where a dedicated and specially trained license analyst evaluates records of licensure to identify applicants who are service members or their spouses and qualify for waivers from requirements related to experience and/or trade exams.

The Nevada Physical Therapy Board offers an expedited license by endorsement for active members of Armed Forces, a member's spouse, veteran, or a veteran's surviving spouse, pursuant to [NRS 640.146](#). Under this statute, military spouse applicants must be notified of an incomplete application within 15 days, and the Board must process complete applications within 45 days or 10 days after receipt of the applicant's completed background check, whichever comes later. This timeline is similar to the requirements of these entities: Marriage, Social Workers, and Speech (see [NRS 641B.272](#)).

The Board of Medical Examiners provides for licensure by endorsement and reciprocity for military spouses specifically, but notes that many military spouses take advantage of Nevada's participation in

²³Alcohol & Drug, Athletic Trainers, Barbers, Pharmacy, and Podiatry.

²⁴Engineers, Funeral, Long-Term Care, Marriage, Massage, Nursing, Physical Therapy, Private Investigators, and Psychologists.

the [Interstate Medical Licensure Compact](#), as ratified by [SB 251 \(2015\)](#), to expedite licensure. The State Board of Pharmacy indicates participation in an interstate licensure compact with all states is the most rapid method to obtain licensure, and is therefore offered rather than licensure by endorsement or reciprocity under any special provision for military spouses. The Nevada Physical Therapy Board is currently seeking participation in an interstate compact, and the Board of Psychological Examiners is a member of PSYPACT, an interstate compact, as ratified by [AB 429 \(2017\)](#), which will go into effect on July 1, 2020.

While the majority of regulatory bodies in Nevada offer some type of temporary or provisional licensure to military spouse applicants, the following entities do not: Athletic Trainers, Cosmetology, Dental, Landscape, Marriage, Opticians, and Private Investigators. The Board of Massage Therapy indicates that as the requirement for a background check and the cost is the same for a temporary license, many applicants opt for full licensure. The Nevada State Board of Veterinary Medical Examiners is currently drafting language to allow for temporary licensure. The State Board of Professional Engineers and Land Surveyors and the Board of Examiners for Long-Term Care Administrators did not provide information as to whether they offer temporary or provisional licensure to military spouses.

Independent Regulatory Body	Number of Applicants Licensed by Endorsement	Number of Applicants Licensed by Reciprocity	Number of Applicants Provided Temporary or Provisional Licenses
Accountants	1	1	0
Alcohol & Drug	Not Applicable	Not Applicable	0
Architecture	Not Applicable	0	0
Athletic Trainers	Not Applicable	Not Applicable	Does Not Offer
Barbers	0	Not Applicable	0
Chiropractic	Does Not Offer	0	0
Contractor	0	0	0
Cosmetology	266 since June 1, 2016	0	Does Not Offer
Dental*	47	Not Applicable	Does Not Offer
Engineers	Not Applicable	Not Applicable	Not Applicable
Environmental	1	Not Applicable	0
Funeral	Not Applicable	Military Spouse Applicants Not Tracked	0
Landscape	Does Not Offer	0	Does Not Offer
Long-Term Care	No Response	No Response	No Response
Marriage	Military Spouse Applicants Not Tracked	Military Spouse Applicants Not Tracked	Does Not Offer
Massage	Military Spouse Applicants Not Tracked	Not Applicable	No Response
Medical	Military Spouse Applicants Not Tracked	Military Spouse Applicants Not Tracked	No Response
Nursing	Military Spouse Applicants Not Tracked	Does Not Offer	Military Spouse Applicants Not Tracked
Occupational	11	Does Not Offer	4

Optometry	0	Not Applicable	Does Not Offer
Oriental	0	Not Applicable	0
Osteopathic	0	Does Not Offer	0
Pharmacy	No Response	No Response	Military Spouse Applicants Not Tracked
Physical Therapy	2	0	0
Podiatry	Not Applicable	Not Applicable	0
Private Investigators	Not Applicable	Does Not Offer	Military Spouse Applicants Not Tracked
Psychologists	No Response	No Response	Military Spouse Applicants Not Tracked
Social Workers	12	Does Not Offer	2
Speech	0	Does Not Offer	0
Veterinarians	No Response	Does Not Offer	Does Not Offer

*Includes data for both military service members and military spouses.

Despite the provisions of [Executive Order 2012-11](#) allowing for expedited licensing by endorsement, reciprocity, temporary or provisional means, the responses provided by Nevada’s regulatory bodies indicate that many may be unaware that this authority exists. Many of Nevada’s regulatory bodies do not offer all types of licensure to military spouses, and the fact that many boards do not collect data specific to military spouse applicants has affected the ability to report on the number of military spouses applying for these types of licenses.

INFORMATION FOR MILITARY SPOUSE LICENSURE ON WEBSITES

Regulatory bodies were asked whether their respective websites clearly explain the options available to military spouses for obtaining a license, certificate, registration, permit, or other similar authorization. Of the 33 regulatory bodies surveyed, 17 report they do not display application information on their websites specific to military spouse application procedures, although several are in the process of adding this information. The following regulatory bodies report military spouse application information is available on their websites:

- Accountants;
- Architecture;
- Chiropractic;
- Contractors;
- Dental;
- Environmental;
- Medical;
- Nursing;
- Occupational;
- Pharmacy;
- Physical Therapy;

- Social Workers; and
- Speech.

WAIVER OF FEES FOR MILITARY SPOUSES

Fifteen of the 33 regulatory bodies indicate they do not waive application fees for military spouses. The following entities report waiving application fees for military spouses, typically in the amount of 50 to 100 percent:

- Contractors;
- Engineers;
- Environmental;
- Massage;
- Medical;
- Nursing;
- Occupational;
- Osteopathic;
- Pharmacy;
- Physical Therapy;
- Social Workers;
- Speech; and
- Veterinarians.

The Nevada State Board of Accountancy waives fees based on hardship, and the Board of Athletic Trainers is considering statutory and regulatory amendments to allow fee waivers for military spouses.

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: Consideration of Adjustment to Biennial Audit
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The Biennial Budget as adjusted is based upon most current data as of June 30, 2020.

FY 2021
Licensing Fees

Projected revenue adjusted based upon actual deferred revenue/renewals;

Cost Sharing Income

Adjusted to actual allocations based upon cost sharing formula and actual FY20 expenses

Bank Fees

Tied to revenue; projecting 99% credit card receipts

Licensing System

Increased to account for programming related to COVID-19

Postage and Telephone

Adjusted to more accurately reflect projected costs

Personnel

Increased hours for Licensing Assistant due to coverage needs related to COVID-19 and increase in associated benefits; reduced hours for Investigator due to case decline;

Net difference from previous FY 21 Budget

Revenue: Increase \$ 1,077.00 Expense: Increase \$1,472.15

Net Difference: (\$ 395.15)

Attachments

Adjusted FY 2021 / 2022 Biennial Budget
FY 21 Budget vs. Prior Years Actual

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	\$ 201,594.00	\$ 220,719.00	\$ 19,125.00	
Miscellaneous / List Fees	\$ 6,000.00	\$ 6,000.00	\$ -	
Sub-total Licensing Fees	\$ 237,594.00	\$ 256,719.00	\$ 19,125.00	8.05%
Interest Income	\$ 6,200.00	\$ 5,000.00	\$ (1,200.00)	
* Cost Sharing Income	\$ 9,083.00	\$ 9,083.00	\$ -	
Total Revenue	\$ 252,877.00	\$ 270,802.00	\$ 17,925.00	7.09%
Operating Expense				
Audit Fees	\$ 8,000.00	\$ -	\$ (8,000.00)	
* Bank Fees - Merchant Svcs	\$ 4,751.88	\$ 5,134.38	\$ 382.50	
Equipment Purchase	\$ 3,000.00	\$ -	\$ (3,000.00)	
Equipment Rental & Maintenance	\$ 2,600.00	\$ 2,652.00	\$ 52.00	
Insurance	\$ 1,500.00	\$ 1,500.00	\$ -	
Legal Fees	\$ 12,000.00	\$ 12,240.00	\$ 240.00	
* Licensing Software Subscription	\$ 10,200.00	\$ 10,200.00	\$ -	
Maintenance / Repairs	\$ -	\$ -	\$ -	
Meeting Expense	\$ 500.00	\$ 510.00	\$ 10.00	
Office Lease	\$ 31,225.00	\$ 32,125.00	\$ 900.00	
Office Supplies	\$ 2,000.00	\$ 2,050.00	\$ 50.00	
Office Expense	\$ 6,010.00	\$ 6,830.00	\$ 820.00	
Records Storage & Recycling	\$ 750.00	\$ 1,020.00		
Internet Service	\$ 1,560.00	\$ 1,620.00		
* Postage & Mailing	\$ 1,200.00	\$ 1,650.00		
* Telephone	\$ 2,000.00	\$ 2,040.00		
Printing & Reproduction	\$ 500.00	\$ 500.00		
Personnel Payroll	\$ 189,454.00	\$ 193,744.49	\$ 4,290.49	2.26%
Executive Director	\$ 100,161.36	\$ 100,161.36		
Executive Assistant/Specialist	\$ 32,760.00	\$ 36,036.00		
* Licensing Assistant	\$ 21,151.00	\$ 21,151.00		
* Investigator	\$ 3,275.00	\$ 3,275.00		
Employer Taxes	\$ 13,463.29	\$ 13,768.19		
* Employee Benefits	\$ 18,643.35	\$ 19,352.94		
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	\$ 500.00	\$ 5,000.00	\$ 4,500.00	
In State Travel	\$ 500.00	\$ 1,500.00		
Out of State Travel	\$ -	\$ 3,500.00		
Total Expense	\$ 300,740.88	\$ 301,385.87	\$ 244.99	0.21%
Revenue Over / Under Expense	\$ (47,863.88)	\$ (30,583.87)		-36.10%

**State of Nevada
Board of Occupational Therapy**

FY 21 Budget vs Prior Years Actual

	2021 Budget	2020 Actual	2019 Actual
Revenue			
Processing Fees	\$ 30,000.00	\$ 32,325.00	\$ 37,425.00
Licenses & Renewals	\$ 201,594.00	\$ 132,557.78	\$ 131,800.55
Miscellaneous / List Fees	\$ 6,000.00	\$ 6,075.00	\$ 6,975.00
Subtotal Licensing	\$ 237,594.00	\$ 170,957.78	\$ 176,200.55
Interest Income	\$ 6,200.00	\$ 12,000.74	\$ 10,277.99
Cost Sharing Income	\$ 9,083.00	\$ 13,774.18	\$ 6,843.42
Fines / Legal Fees		\$ 26,971.02	\$ 6,867.83
Total Revenue	\$ 252,877.00	\$ 223,703.72	\$ 200,189.79
Operating Expense			
Audit Fees	\$ 8,000.00	\$ -	\$ 8,800.00
Bank Fees - Merchant Svcs	\$ 4,751.88	\$ 3,123.16	\$ 4,042.05
Equipment Purchase	\$ 3,000.00	\$ -	\$ -
Equipment Rental	\$ 2,600.00	\$ 2,035.21	\$ 2,113.20
Insurance	\$ 1,500.00	\$ 1,215.69	\$ 1,283.50
Legal Fees	\$ 12,000.00	\$ 20,424.77	\$ 25,934.71
Licensing Software Program	\$ 10,200.00	\$ 9,960.75	\$ 13,801.25
Maintenance / Repairs	\$ -	\$ 257.16	\$ 295.90
Meeting Expense & Dues	\$ 500.00	\$ 431.07	\$ 9,879.01
Office Lease	\$ 31,225.00	\$ 28,381.84	\$ 25,665.58
Office Supplies	\$ 2,000.00	\$ 2,515.91	\$ 1,899.72
Office Expense	\$ 6,010.00	\$ 14,656.39	\$ 13,667.39
Personnel Services	\$ 189,454.00	\$ 194,881.45	\$ 174,483.94
Professional Fees	\$ 29,000.00	\$ 19,837.50	\$ 29,393.92
Travel - In State	\$ 500.00	\$ 2,245.62	\$ 5,115.13
Travel - Out of State	\$ -	\$ -	\$ 5,549.22
Sponsored CE Seminars	\$ -	\$ -	\$ -
Total Expense	\$ 300,740.88	\$ 299,966.52	\$ 321,924.52
unrealized gain/loss		\$ 7,745.30	\$ 6,828.05
Net Revenue / Expense	\$ (47,863.88)	\$ (68,517.50)	\$ (114,906.68)

Aug 15, 2020

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 13: Report from Board Chair

2020 Meeting Schedule

Saturday - November 14, 2020 - Video/Teleconference

Proposed 2021 Meeting Schedule

Teleconference / Zoom meetings / Other video options / Weekday, evening meetings

Legislative Session – February 1 thru June 30, 2021

Regularly Scheduled Meetings

Calendar Year 2021	Topics/Comments
February	Legislative Session
May	Legislative Session
August	Legislative Impact FY 22 Budget Review
November	Strategic Planning

Future Agenda Items

Biennial Audit FY 19 / FY 20 (November 2020)
COVID-19 - Operational Updates
Deferred Renewal Fees –State of Emergency Status
Strategic Direction Update - Next Steps

Comments from Board Members