

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES BOARD MEETING

May 23, 2020

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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

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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.

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.

**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,

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 3<sup>rd</sup> 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.

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.

**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.