

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

November 14, 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 Public Workshop is being held prior to the scheduled Board Meeting which will begin immediately following the conclusion of the Public Workshop.

Second Regulatory Workshop – NAC 640A Revised Proposed Regulation

1. Introduction – Open Public Workshop (Informational)

The purpose of the Workshop is to solicit comments on the revised proposed revisions to NAC 640A. Public comments will be limited to 5 minutes per person and must be directly related to the proposed regulation topics. Interested parties are strongly encouraged to submit comments in writing prior to the Workshop.

New or revised sections since the August 15, 2020 Workshop are indicated by ***bold italic***.

- 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.135 Request for verification of license.***
Adds clarification of contents of verification to include identifying information and defines designation of license in-good-standing.
- 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; ***adds audio-visual communication technology to mode of direct communication with occupational therapy assistant.***
- 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.

- ***NAC 640A.265 Occupational therapy assistant or provisional licensee: Delegation of duties by treating occupational therapist; limitations.***

Adds new paragraphs regarding limitations on what an occupational therapy assistant may perform; requires notification of changes in patient conditions; requires written plan of supervision for clinical services performed by an occupational therapy assistant under certain circumstances, and defines management position.

- ***NEW Treating Occupational Therapist of Record***

Establishes responsibilities of treating occupational therapist and clarifies treating occupational therapist of record.

- ***NEW Professional responsibilities regarding business ownership and employment in management positions.***

Clarifies responsibilities when a licensee is a business owner or employed in a management position.

- ***NEW Telehealth: Requirements for practice.***

Establishes requirements for practice by telehealth.

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. Close Public Workshop

The scheduled Board Meeting which will begin immediately following the conclusion of the Public Workshop.

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

BOARD MEETING 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)
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3. Approval of the Minutes of Board Meeting and Public Workshop (for possible action)

- August 15, 2020

4. Consideration of Revised Proposed Regulation, Small Business Impact Survey (for possible action)

- Members may discuss and consider public comments, review results of the small business impact survey, and approve or add, revise and delete language contained in the revised proposed regulation.

5. Approval of the Biennial Audit for Fiscal Years 2019 and 2020 (for possible action)

6. Consideration of Approval of Agreement (for possible action)

- Professional and Occupational Licensing Boards, Administrative Collaborative

7. Consideration of Approval of Co-Working Agreement (for possible action)

- State of Nevada Board of Athletic Trainers

8. Legislative Report – Jeannette Belz, JK Belz & Associates (informational)

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

- Fiscal Year 2021 Financial Reports, 1st Quarter FY21, ending September 30, 2020
- COVID-19 Emergency Provisions; Temporary Licenses, Deferred Renewal Fees
- Revision to Co-Location Agreement Cost Allocation: Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board

10. Executive Director Performance Review (for possible action)

- Consideration of Salary adjustment and/or change in benefits
- Consideration of Employment Agreement Update

11. Report from Deputy Attorney General (informational)

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

- Board Meeting Schedule
- Future Agenda Items

13. 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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14. 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

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
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 and public workshop of August 15, 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

August 15, 2020 - Teleconference

Members Present: Elizabeth Straughan, Sol Magpantay, Mel Minarik, Phil Seitz
Members Absent: Allison Stone
Staff Present: Loretta L. Ponton, Executive Director, Stacey Whittaker, Licensing Coordinator, Henna Rasul, Sr. Deputy Attorney General
Public Present: Jeannette Belz, JK Belz & Associates; Shaina Meyer, NOTA; Kristen Neville, AOTA; Joyce Mosely, OTR; Karen Picas, OTR; Teri Lawrence, Blake Piercy, OTR; Paula Cook, OTR; Jeannie Dwyer, DCSD; Denell Manthey, OTR, Karen Siran-Loughery, OTR; Rachel Martin, OTR; Robyn Kaiser, OTR

Elizabeth Straughan, Chair, called the meeting to order at 10:03 a.m. A roll call confirmed a quorum was present.

Public Comments – Teri Lawrence asked if this is the time to comment on the new NAC section on professional responsibility. She was informed the public workshop will be open for public comment. No other comments were made.

Approval of the Minutes - Elizabeth Straughan asked if there were any corrections, revisions or other discussion of the minutes of the May 23, 2020 meeting.

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

Sol Magpantay made the motion to approve the minutes of the Board meeting of May 23, 2020. Phil Seitz seconded the motion. The motion passed.

License Application – Blake Piercy - Elizabeth Straughan called on Loretta Ponton. Ms. Ponton summarized the application and qualifications of Mr. Piercy stating the application is before the Board as Mr. Piercy disclosed a criminal conviction to which he pled guilty and is currently on probation.

Liz Straughan asked if members had questions for Mr. Piercy.

Sol Magpantay asked when the probation was ending. Mr. Piercy responded the paperwork has been sent in, he is waiting for approval.

Mel Minarik asked if he has taken any classes. Mr. Piercy responded he has taken classes and has a private counselor.

Phil Seitz asked what he has learned and what practice areas he is interested in. Mr. Piercy responded he has learned coping mechanism to deal with stressful situations. He is interested in hand therapy, and did his fieldwork in an ICU and school district. Both were very interesting.

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Mel Minarik asked if he foresees triggers in practice. Mr. Piercy responded he does not see that occurring in the workplace. He has learned to calm down and evaluate the situation, collect his thoughts and then plan to talk and not react.

Phil Seitz advised not to go into practice in special education as it is very high stress. Sol Magpantay added that home health would not be a good fit either, he should work in a setting with other OT's to be able to interact and mentor him has a new practitioner.

Liz Straughan asked if there were any other concerns; called for motion.

Sol Magpantay made the motion to approve the application for licensure and place the license on probation until documentation is received to verify completion of the criminal probation. Phil Seitz seconded the motion. The motion passed.

Reinstatement Application – Denell Manthey, OTR – Liz Straughan stated she has recommendations for consideration regarding this matter. Loretta Ponton summarized the application for reinstatement and history of events. Ms. Manthey was licensed with the Board as an occupational therapist; her license was not renewed and expired June 30, 2018. Ms. Manthey revealed on her reinstatement application that she continued to practice and was employed by the Douglas County School District continually since her license expired. A cease and desist letter was issued and Ms. Manthey was notified her reinstatement would be heard before the Board. Ms. Manthey has provided written explanation for the lapse in license and the supplemental information contains additional information with questions and answers relating to the circumstances.

Liz Straughan stated that after review of the materials she would recommend reinstatement of Ms. Manthey's license, a public reprimand for unprofessional conduct, an administrative fine of \$2,000, \$1,000 for each year of unlicensed practice, 6 hours of continuing education in ethics and that a copy of the Board Order be signed by her employer and returned to the Board.

Phil Seitz asked Ms. Manthey to explain what happened. Ms. Manthey stated she thought she had renewed; at the time she was having issues with her mother. Phil Seitz asked if she received the email renewal notices. Ms. Manthey responded yes, it was an old email and she was guilty of not checking it regularly. Ms. Manthey offered her apologies for not renewing her license, it was an oversight. She has practiced occupational therapy for over 20 years, 6 year with the Douglas County School District.

Jeannie Dwyer, Douglas County School District, stated Ms. Manthey is an exemplary employee, great with kids, staff and parents. It was an oversight that the school district did not follow-up and processes have been put into place to ensure this doesn't happen again.

Liz Straughan asked if the school district bills from notes. Ms. Dwyer responded that Douglas County School District does not bill Medicaid.

Mel Minarik stated that she supports the recommendations as presented; however, would like to propose the penalty be reduced to \$1,000, \$500 for each year of unlicensed practice. Sol Magpantay and Phil Seitz also stated concurrence with the recommendations and reduced penalty.

Liz Straughan called for a motion.

Mel Minarik made the motion, seconded by Sol Magpantay to approve the Reinstatement Application of Denell Manthey, assess a fine of \$1,000, \$500 per year of unlicensed practice, issue a public reprimand, assess legal fees and costs, amount to be determined by legal counsel, require 6 hours of continuing

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education in ethics and require that a copy of the Board Order be signed by her employer and submitted to the Board. Sol Magpantay seconded the motion. The motion passed.

Legislative Report – Liz Straughan called upon Jeannette Belz to provide the legislative report.

Jeannette Belz updated the Board on Interim Committee meetings that have met.

The Sunset Subcommittee meeting met June 23rd and June 30th. At the June 23rd meeting, Terry Reynolds, Director of the Department of Business and Industry provided an overview of the structure of his agency which oversees 23 boards/commission which are divided into three categories, independent authority created by statute, division authority with members appointed by the Division head and B & I appointed. If consolidated, the regulatory boards would loosely fall under the independent model; moving functions under one state agency.

Sol Magpantay asked if it would be like California, Department of Consumer Affairs.

Ms. Ponton responded yes, it has been proposed to move boards under Business and Industry, they provide staffing and support, the state would collect the licensing fees, the Boards would be primarily advisory, would review and propose regulations and would not actually administer anything.

Ms. Ponton added that it was estimated to cost in excess of \$200,000,000 in previous legislative discussion on consolidation of Boards. There have been no final decisions. Due to the lack of state funding, the legislature most likely will not consider or pass legislation this session. If passed, it would take a minimum of 4 years for full implementation.

Jeanette Belz added that there are a whole range of options out there.

Phil Seitz asked if we have a choice to stay as we are. Loretta Ponton responded the Board is legislatively created, the Board has no say but we can advocate. Jeannette Belz stated our job is to educate legislators.

Jeannette Belz continued, at the June 30th meeting, the summary of the special survey of regulatory boards was presented by committee staff. The final meeting of the Sunset Subcommittee is scheduled for August 31st where they will review bill draft recommendations.

The Legislative Committee on Health Care heard a presentation from John Packham, Co-Director of the Nevada Workforce Research Center at UNR. Mr. Packham is proposing to statutorily require licensing boards to collect standardized information for licensees that might include social and demographic characteristics, education and training, current employment and retirement plans. The committee will be meeting August 19th and on September 14th, to review bill draft recommendations.

Mel Minarik added that she participated on a task force @ UNR for a PT/OT training program. There was lack of data to support workforce planning.

Ms. Belz also reported on the 2020 primary election and 31st special session of the Legislature.

Nevada Occupational Therapy Association Report– Liz Straughan called upon Shaina Meyer.

Ms. Meyer provided a report on current activities of NOTA which included the annual conference to be held September 26, 2020; the successful call to action to retain funding for occupational therapy services, AB 3 of the 31st special session of the legislature; the creation of 2 new committees, Diversity and Legislative/Policy, and the availability of 3 micro grants.

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American Occupational Therapy Association (AOTA) Report – Liz Straughan called upon Kristen Neville, Manager State Affairs, AOTA.

Ms. Neville reported on the Draft OT Compact which is currently under review after having received stakeholder comments. AOTA has a Back to School Guide which she encouraged individuals to share with interested parties and school districts. Ms. Neville reported that AOTA has begun a new initiative coming soon to create a Diversity, Equity & Inclusion task force.

Regulatory Workshop – Liz Straughan stated Loretta Ponton would facilitate the workshop.

Loretta Ponton stated the workshop will be open for public comments and asked that each individual identify themselves prior to speaking. The workshop is being held to solicit comments from stakeholders regarding proposed revisions and additions to NAC 640A. Ms. Ponton explained this is a working document and anticipates there will be a second workshop before a hearing for adoption.

The first section NAC 640A.068, establishes an inactive license for retirees with reduced renewal fee, removes CE requirements for all inactive license renewals. The CE requirement would be required to convert from inactive to active status. Retirees would be required to pay the full renewal fee to convert to active status.

Kristin Neville suggested making separate sections for regular inactive and retired inactive status. Ms. Ponton responded the requirements are the same except for the fee.

Robyn Kaiser asked if an inactive licensee can practice in another state. Ms. Ponton responded that the inactive status pertains only to Nevada.

Karen Picas commented she likes the idea of keeping it less restrictive, inactive for retirement and also allows for maternity leave for example.

Loretta Ponton added an additional benefit is that current NBCOT is required for a new or reinstatement of a license; an inactive to active conversion does not require current NBCOT as there has been no break in licensure.

Revisions to NAC 640A.160 Fees creates the reduced fee of \$50.00 for renewal in inactive status. This section also reduces the conversion fee for a COTA to match the biennial renewal fee established for the standard license renewal.

There were no comments on this section.

Revisions to NAC 640A.250 regarding supervision requirements, removes the supervisory log requirement; no other state requires this level of documentation.

Kristen Neville comments that states are moving away from this detail and feels this is a good decision.

Paula Cook with NOTA commented that video-conferencing language should be added to the methods of supervision allowed. Robyn Kaiser stated it would need to be HIPAA compliant. Phil Seitz commented that a secure VPN is required, an employer must mandate and provide unless you're an independent contractor.

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Robyn Kaiser commented that supervision is questionable for independent contractors and home health. Zoom is not compliant unless you purchase an add-on. If added, the regulation should include HIPAA language.

Robyn Kaiser asked if it is appropriate for out-of-state licensees to supervise a COTA. She does not feel it is ethically appropriate, a supervising therapist should be in-state. Loretta Ponton responded if the OT is in Utah and the patient is in Nevada and services are being provided by telehealth why would that not be appropriate. Robyn Kaiser stated telehealth is OK, but not for direct treatments, the supervisor has to be in-state – it's not ethical and it has occurred. There is a COTA who has an OT supervisor who is not even in Nevada and does not practice in Nevada.

Karen Siran-Loughery commented that she knows of the situation, the Board needs to consider some language. Robyn Kaiser stated the language and details need to change.

Sol Magpantay commented there are numerous instances along the Nevada border, California, Truckee, Utah scenarios, where the practitioner lives out-of-state but works in Nevada.

Loretta Ponton stated more discussion needs to take place, and encouraged the commenters to contact her regarding the specifics of the concerns. If necessary, this will be brought back for more discussion.

Ms. Ponton stated new regulations are proposed regarding professional responsibilities in business ownership which supplements the AOTA Code of Ethics.

Kristin Neville commented that AOTA generally supports this change. The question is OTA functioning in Administrative roles, owns business and has more than one role; clinical vs. non-clinical. Another question is they can be licensed as both an OT and OTA, how would the Board enforce? Ms. Ponton responded there is a requirement in regulation to wear name tags that state the professional credentials when working in that role. Ms. Neville asked what defines an administrative role. Ms. Ponton responded the Board does not define as they regulate the profession; there can be a cross-over. A practitioner cannot use an administrative role to influence treatment of clients.

Robyn Kaiser asked if there were concerns with an OTA owned practice and hiring of their own supervisor. Ms. Ponton responded that the Board does not regulate businesses; this concern is addressed in requiring a “written plan of supervision” that meets the requirements addressed in section 3, the OTR is responsible for the client.

Robyn Kaiser asked if the Board sees an issue with an OTA paying their supervisor to work for them. Ms. Ponton reiterated that the Board cannot say an OTA can't own their own business, but we are saying it has to be done in an ethical manner.

Robyn Kaiser commented it might be better defined in roles/responsibilities of an OTA in a revision to regulation rather than as an ethical consideration. Karen Siran-Loughery added it could be added to NRS or NAC 640A.210 by adding a section defining roles and responsibilities. There is a conflict with the hire/fire/pay controls when an OTA is the owner, the HR person and pays the OT/supervisor. In California, PTA's are not allowed to own businesses.

Loretta Ponton responded that the Board is open to suggestions, please submit recommendations and suggestions in writing. The proposed new regulation is preliminary and we can work together to draft language.

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

Robyn Kaiser added that proper representation, credentials need to be listed on websites, advertising and social media. Ms. Ponton responded there is a regulation on advertising, she will review and revise if necessary.

Karen Siran-Loughery commented that NAC 640A.205 adopts AOTA language, we don't need new regulation. You have to look at the cost to the Board to enforce. In section 1, sections b, c, d, e and f address credentials and mirror AOTA language.

Karen Siran-Loughery stated a small business impact statement is not there. Ms. Ponton responded we are not at that stage yet. There will be an additional workshop and revisions after this meeting.

Kristen Neville commented that feedback is appreciated and AOTA will look at their language as well.

Ms. Ponton continued with new language proposed to define “in-good-standing” when issuing a verification of license status. Ms. Ponton explained the need to define the term, most states require a report of license status but there has not been a consistent definition of what the term means. The definition would allow the Board a means to report non-compliance with administrative requirements such as changes to contact information and non-response to audit/monitoring requests without issuing an administrative complaint, which would require following the full complaint process and can be costly.

Phil Seitz asked what delineates “good standing”; what do other boards do? Ms. Ponton responded she doesn't know if other boards define the term. What is proposed is that the file would be flagged for non-compliance with NAC or NRS administrative requirements which would show on a license verification request as “not in good standing”. The individual would have the opportunity to contact the Board to clear the administrative issue and the Board could then reissue the verification with the updated information. Additionally, if the individual applied for reinstatement of the license, it would be flagged for Board review and approval.

Liz Straughan commented perhaps a checklist on the verification form could be added. Ms. Ponton responded the verification is generated from the data system. There is no way to add an individual checklist as those elements are not in the data system.

The public workshop was closed.

Executive Director's Report - Loretta Ponton directed the members to the written report and supplemental material. Ms. Ponton reported as follows:

Licensure Statistics: Statistics on current and prior year licensing data was reviewed as well as FY 19 / FY 20 statistics by quarter. The Board just completed the first 2-year renewal cycle. As of August 1st, 91 licenses with an expiration of June 30th were not renewed and 10 licensees renewed late.

Covid-19 provisions and Office Operations: Seventy-seven (77) licensees have deferred payment of renewal fees and 7 temporary licenses have been issued; staff are rotating with one person on-site in the office, and working remotely when not on-site. Long term, changes in standard operating process may be considered; discussion of concept of an administrative collaborative will be discussed later.

Liz Straughan asked when the deferred fees are due. Ms. Ponton responded September 30 or 60 days from the end of the emergency. An email reminder will be sent in early September. The Board may need to reconsider the COVID-19 provisions if the state of emergency continues; the option to defer is still available and adding to the accounts receivable.

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

FY 2020 Financial Statements: The biennial audit of FY 19/FY 20 has begun. The unaudited 4th Quarter financial statements were summarized, with explanation on variances to budget in revenue and expense line items.

Total Revenue for the year was \$ 223,703.72; Expenses total \$288,966.52. Net income is (\$68,517.50). Balance sheet total cash available at June 30, 2020 is \$747,927.63 including cash in investments. The investments have been moved to Wells Fargo Advisors as of June 10th.

Liz Straughan inquired if there is enough money to carry the Board through the next 2 years. Ms. Ponton responded that yes, 65-70% renewed in June, there is cash coming in every month from new applicants and renewals, cash flow is good. Cash in the bank is down approximately \$150,000 but that was planned. There is sufficient cash for two fiscal years.

Phil Seitz asked if we are required to have a balanced budget like the state; what would happen if the Board goes upside down. Ms. Ponton responded the Board is independently funded by licensee fees and is not required to have a balanced budget. Over the years as licensees increased, the Board accumulated a high reserve cash balance and took action to reduce that balance by moving to the 2 year license without an increase in fees, providing an equivalent 1-year free license. This last year, the Board increased the renewal fee by approximately ½ which is reflected in the current cash balance. Phil Seitz asked who oversees the budgeting and finances. Ms. Ponton responded that it is the responsibility of the Executive Director.

Sunset Subcommittee: The Special Survey of licensing boards was compiled by LCB staff and presented to the Sunset Subcommittee. In response to the survey, additional statistics on license by endorsement was compiled and provided to LCB staff for inclusion in their report on compliance requested by the Sunset Subcommittee. Ms. Ponton added that five “hot topics” were identified as common themes amongst legislators; a “Legislative Hot Topics” summary has been compiled to highlight the Board’s compliance within each of the topic areas.

COTA Supervisory Audit: The supervisory audit has been completed, with two individuals not responding. It was determined one COTA left employment due to medical reasons and the other is out-of-state and appears to have never been employed in Nevada. Neither have renewed their licenses. Both individuals’ records have been flagged, requiring appearance before the Board if they reapply.

Board Training: Members were provided information on the FARB Conference opportunities, a virtual regulatory law conference in October and annual regulatory conference in January scheduled in Fort Worth, Texas.

Complaints: There are no open complaints in process.

Board Administrative Collaborative: Ms. Ponton concluded her report with an explanation of the draft concept of a proposed Board Administrative Collaborative and option for offering co-working space at the Board’s administrative office.

The concept would provide a means for regulatory Boards to improve communications and help each other to be in compliance with administration requirements. It is difficult to keep up with new administrative requirements, newer and less experienced Executive Directors begin with having a disadvantage in understanding the administrative roles and requirements for regulatory Board compliance with State and Legislative mandates. The State historically has provided little assistance and training in these matters - the Legislature has targeted Boards for "non-compliance" with their mandates and will be proposing new legislation regarding professional and occupational regulatory Boards.

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As an alternative and pro-active approach to addressing State and Legislative concerns, the draft concept to establish a formal Board Administrative Collaborative of regulatory leaders has been developed.

A second related concept of co-working space arrangements for smaller regulatory Boards is also proposed, utilizing the Board of Occupational Therapy administrative office space. The concept incorporates the new "remote working" scenario as a new and viable way of doing business in the long-term; while providing access to office resources as necessary, based upon each Board's actual needs for Co-Working space/offices. The Board has available office space to offer, similar to the co-location agreements but on a part-time, as needed basis. This concept would potentially be a very cost effective way for small boards to eliminate full-time dedicated physical offices and leases while maintaining compliance with "physical office" locations and hours; and for our Board to offset costs by utilizing existing office space.

If the Board agrees with the concepts, outreach to the other regulatory Boards would be conducted to see if there was interest in the Board Administrative Collaborative and the co-working space opportunities.

Liz Straughan commented that it is a wise thing to do, put the option out now. Phil Seitz stated he thinks it's a good idea, some businesses are not reopening until next year. Sol Magpantay stated it's OK with her, but will have to have COVID protocols in place.

Loretta Ponton commented there is one office empty, the speech board office and the ED office could be part-time. The office is conducive to social distancing at 6 feet apart. Ms. Ponton stated there may not be interest in co-working from other Boards, she's not sure.

There was consensus by Board members to support the concepts and that outreach should be done to see if there was interest by other regulatory Boards.

Adjustment to FY 2021/2022 Biennial Budget – Elizabeth Straughan called upon Loretta Ponton to present.

Ms. Ponton presented an adjusted biennial budget incorporating actual FY 20 data; the net adjustments result in (\$395.15) difference from the budget approved at the May 25, 2020 meeting.

Elizabeth Straughan called for a motion.

Phil Seitz made the motion to approve the adjusted Biennial Budget as presented. The motion was seconded by Sol Magpantay. 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 November 14, 2020 as the next scheduled Board meeting. The meeting schedule for calendar year 2021 will be moved to the November meeting agenda when the full board is present.

Loretta Ponton commented that she has contacted the Governor's office regarding Allison's eligibility for another term and that Mel's term also expires in December and she will need to reapply.

Future agenda items will include approval of the Biennial Audit in November and updates on COVID-19 impacts, and deferral of fees.

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Public Comment - Elizabeth Straughan asked if there were any public comments. There were none.

Adjournment – Elizabeth Straughan adjourned the meeting at 1:05 p.m.

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 4: Revised Proposed Regulation

Consideration of comments received at the Public Workshop, Review of Small Business Impact Survey Summary

Attachments

Revised Proposed Regulation
Small Business Impact Summary

SMALL BUSINESS IMPACT SUMMARY

The Board conducted an email survey on September 18, 2020 of 137 individual licensees holding a Nevada State Business License. A copy of the proposed revised regulation was provided for review and comment.

Nine (9) responses were received, eight of which indicated there would be no economic impact to their practice/small business. One respondent estimated an economic impact of \$2,000 - \$5,000 for review and revision of business policies related to the proposed new section *Professional responsibilities regarding business ownership and employment in management positions*.

The respondent stated “- if “*Professional responsibilities regarding business ownership and employment in management positions*” is removed entirely and the AOTA Code of Ethics in NAC 640A.250 is left as it currently is – the economic impact on small businesses will be **eliminated.**”

The respondent commented that the proposed new section was not necessary as the language mirrors or para-phrases language contained in the AOTA Code of Ethics which has been adopted in NAC 640A.205 and recommended addressing ethical conduct by expanding the Nevada Jurisprudence Exam to include questions on the AOTA Code of Ethics.

Loretta Ponton

From: Karen Siran-Loughery <karen.siran@gmail.com>
Sent: Friday, October 9, 2020 3:58 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

Hi Loretta - Please see answer below
Thank you,
Karen Siran-Loughery

Please indicate whether there will be an Economic Impact to your business or practice. If Yes, please explain:
Yes.

Both adverse and beneficial effects

Yes there is an adverse effect with the following new proposed regulation.

Business Ownership and Employment in Management Positions

NEW - Professional responsibilities regarding business ownership and employment in management positions

Adverse effects include time and money toward policy research and writing, including time spent to date.

Direct and Indirect effects

Direct

This proposed law is going to have a direct financial effect because it requires policies and procedures to be implemented: "*a) Formulate business policies and procedures in compliance with legal, regulatory, and ethical standards*"

An attorney was given this section and that attorney reported that the cost of retaining an attorney to research and write policies related to this would be a \$2000 retainer and it likely would end up being closer to \$3000.

The attorney pointed out problems with language of the proposed law that would make writing these policies more difficult and costly – he noted there was “incongruent” wording and that “contract terms” were not clearly defined.

In addition, business owners/managers would have to spend an equivalent amount to time/money as the attorney in researching and consulting on this proposed revision.

Indirect financial effects

1. COVID19 PANDEMIC. Prior to reviewing the proposed regulations, the current pandemic and its economic impact was reviewed with the attorney- he stated he knew almost no one affected economically. This is the case with Occupational Therapy practitioners: -Nevada Medicaid approved a 6% cut to reimbursement rates for occupational therapy services effective August 15, 2020 -On January 1, 2021 Medicare intends to globally cut therapy reimbursement rates – it is currently proposed at 9%. Although this is proposed, it is highly likely to happen, just as the Nevada Medicaid cuts were highly likely to happen when they were first proposed -it is standard in the health insurance that when Medicare and Medicaid make cuts, all other insurances follow their lead and cut their rates as well.

2. ENFORCEMENT. The cost of implementing and enforcing this proposed new regulation will fall upon the Board including determining how to define/word and enforce this proposed regulation. The Board is currently experiencing financial effects of the pandemic in the form of deferred licensee payments.

The cuts that businesses are facing make this simply a bad economic time to place an additional financial burden on managers and business owners to have to put time and money into creating policies and procedures for new NAC laws that already exists in NAC 640A.205 – the simple answer is to add questions about NAC640A.205 to the Nevada Jurisprudence Exam.

Estimated fiscal impact on your business or practice
\$2000-\$5000

How any economic impact, if any, can be reduced

- If “*Professional responsibilities regarding business ownership and employment in management positions* management” is removed entirely and the adoption of the AOTA Code of Ethics in NAC 640A.205 is left as it currently is - the economic impact on small businesses will be **eliminated**.

- if the Board wants licensees to have improved awareness of ethics, they can add any questions on the AOTA code of ethics to the Nevada Jurisprudence exam – with no fiscal impact on small business - all of the following, taken from the AOTA Code of Ethics (adopted in NAC 640A.205) – are either paraphrased or copied in the proposed new regulations: from the AOTA code of ethics: “Occupational therapy **personnel** shall:

- N. Ensure compliance with relevant laws and promote transparency when participating in a business arrangement as owner, stockholder, partner, or employee.
- 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.
- O. Ensure that documentation for reimbursement purposes is done in accordance with applicable laws, guidelines, and regulations.
- 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.
- A. Represent credentials, qualifications, education, experience, training, roles, duties, competence, contributions, and findings accurately in all forms of communication.”

Any other information regarding the impact of the proposed regulation on your business or practice

As a business owner I would like to see “equal protection” under Nevada Law for both employers/managers and employees: all OT personnel need to be clearly aware of ethical responsibilities:

Additional questions that I would like added to the current Nevada Jurisprudence Exam, along with the ones the Board has expressed interest in addressing with business owners/managers, are related to Principle 6, Fidelity, of the AOTA Code of Ethics (which is again adopted by NAC 640A.205): “Occupational therapy personnel shall treat clients, colleagues, and other professionals with respect, fairness, discretion, and integrity.

- 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.
- E. Be diligent stewards of human, financial, and material resources of their employers, and refrain from exploiting these resources for personal gain.
- K. Abide by policies, procedures, and protocols when serving or acting on behalf of a professional organization or employer to fully and accurately represent the organization’s official and authorized positions.”

On Fri, Sep 18, 2020 at 1:35 PM Loretta Ponton <board@nvot.org> wrote:

Business Licensees:

You are being contacted as an occupational therapy practitioner holding a business license with the State of Nevada. Please complete the following Small Business Impact Survey questions to assist the Board in determining whether the adoption and implementation of the regulation will adversely affect your business or practice. **A response is requested by October 10, 2020.** The draft revised proposed regulation is attached.

The Board of Occupational Therapy held an initial public workshop on August 15, 2020; comments have been considered and are incorporated into the attached revised proposed regulation. Language identified in Blue Bold Italic is original proposed new language; Red strikethrough is original proposed deleted language; Orange strikethrough is revised deleted language; and Purple Bold Italic is new language proposed in the Revised Proposed Regulation.

Please indicate whether there will be an Economic Impact to your business or practice. If Yes, please explain:

- a. Both adverse and beneficial effects
- b. Direct and Indirect effects
- c. Estimated fiscal impact on your business or practice

- d. How any economic impact, if any, can be reduced
- e. Any other information regarding the impact of the proposed regulation on your business or practice

Thank you in advance for your prompt response!

Stay Safe, Stay Healthy!

Loretta L. Ponton, Executive Director

Nevada Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1

Reno, NV 89523

775-746-4101 / board@nvot.org

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Respectfully,

Karen Siran-Loughery

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Loretta Ponton

From: Tonya Yu <powerstm@hotmail.com>
Sent: Friday, September 18, 2020 2:24 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

These proposed changes will not negatively affect me professionally. Thank you.

Tonya Yu, OTR/L

Sent from my iPhone

On Sep 18, 2020, at 1:35 PM, Loretta Ponton <Board@nvot.org> wrote:

Business Licensees:

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Please indicate whether there will be an Economic Impact to your business or practice. If Yes, please explain:

- a. Both adverse and beneficial effects
- b. Direct and Indirect effects
- c. Estimated fiscal impact on your business or practice
- d. How any economic impact, if any, can be reduced
- e. Any other information regarding the impact of the proposed regulation on your business or practice

Thank you in advance for your prompt response!

Stay Safe, Stay Healthy!

Loretta L. Ponton, Executive Director
Nevada Board of Occupational Therapy
6170 Mae Anne Ave., Suite 1
Reno, NV 89523
775-746-4101 / board@nvot.org

Loretta Ponton

From: lkasa@kaserv.com
Sent: Friday, September 18, 2020 3:10 PM
To: Loretta Ponton
Subject: RE: Small Business Impact Survey Request

I do not anticipate any economic impact on my practice due to these changes. Questions I have regarding telehealth and COTAs are they allowed to deliver services via telehealth? The school districts are requiring they function pretty much the same as OTR and are making caseload assignments without much thought to the areas that might be gray regarding supervision.

From: Loretta Ponton <board@nvot.org>
Sent: Friday, September 18, 2020 1:35 PM
To: Loretta Ponton <board@nvot.org>
Subject: Small Business Impact Survey Request

Business Licensees:

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Loretta L. Ponton, Executive Director
Nevada Board of Occupational Therapy
6170 Mae Anne Ave., Suite 1
Reno, NV 89523
775-746-4101 / board@nvot.org

Loretta Ponton

From: Margaret Nudel <margaretnudel1@gmail.com>
Sent: Friday, September 18, 2020 6:38 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

I do not believe that advised proposed regulations will have any impact on my business.

The question that I have is:

Will OTs be able to bill for telehealth and will the rate be different compared to in person visit?

On Fri, Sep 18, 2020, 1:35 PM Loretta Ponton <board@nvot.org> wrote:

Business Licensees:

You are being contacted as an occupational therapy practitioner holding a business license with the State of Nevada. Please complete the following Small Business Impact Survey questions to assist the Board in determining whether the adoption and implementation of the regulation will adversely affect your business or practice. **A response is requested by October 10, 2020.** The draft revised proposed regulation is attached.

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- b. Direct and Indirect effects
- c. Estimated fiscal impact on your business or practice
- d. How any economic impact, if any, can be reduced
- e. Any other information regarding the impact of the proposed regulation on your business or practice

Thank you in advance for your prompt response!

Stay Safe, Stay Healthy!

Loretta Ponton

From: Kathy Gutzat <kathyotr@aol.com>
Sent: Saturday, September 19, 2020 4:39 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

| My income will not be impacted by any of the proposed updates in the NAC.
| Best Regards,
| Kathy Gutzat, OTR/L

-----Original Message-----

From: Loretta Ponton <board@nvot.org>
To: Loretta Ponton <board@nvot.org>
Sent: Fri, Sep 18, 2020 1:35 pm
Subject: Small Business Impact Survey Request

Business Licensees:

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Stay Safe, Stay Healthy!

Loretta L. Ponton, Executive Director
Nevada Board of Occupational Therapy
6170 Mae Anne Ave., Suite 1
Reno, NV 89523
775-746-4101 / board@nvot.org

Loretta Ponton

From: Carol Orr <clotr52@gmail.com>
Sent: Sunday, September 20, 2020 1:00 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

Yes, I approve.

On Fri, Sep 18, 2020 at 1:35 PM Loretta Ponton <board@nvot.org> wrote:

Business Licensees:

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- b. Direct and Indirect effects
- c. Estimated fiscal impact on your business or practice
- d. How any economic impact, if any, can be reduced
- e. Any other information regarding the impact of the proposed regulation on your business or practice

Thank you in advance for your prompt response!

Stay Safe, Stay Healthy!

Loretta L. Ponton, Executive Director

Loretta Ponton

From: Danny Aldis <dannyaldis@revivaltherapyvegas.com>
Sent: Monday, September 21, 2020 10:34 AM
To: Loretta Ponton
Subject: RE: Small Business Impact Survey Request

Hello Loretta,

I do not foresee any economic impact these changes would have on my business. However, I do believe that an OTA should be able to be the sole representative of a client/patient within an interdisciplinary meeting with the permission of the supervising OT (NRS 640A.255 section 3d).

Thank you,

Danny Aldis, OTR/L
Revival Therapy
Phone: 702-401-1345
Fax: 702-944-5498
www.revivaltherapyvegas.com

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From: Loretta Ponton [mailto:board@nvot.org]
Sent: Friday, September 18, 2020 1:35 PM
To: Loretta Ponton <board@nvot.org>
Subject: Small Business Impact Survey Request

Business Licensees:

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Please indicate whether there will be an Economic Impact to your business or practice. If Yes, please explain:

- a. Both adverse and beneficial effects
- b. Direct and Indirect effects

Loretta Ponton

From: Debbie Tilton Tilton's Therapy For Tots <otkids@msn.com>
Sent: Sunday, September 27, 2020 9:19 PM
To: Loretta Ponton
Subject: Re: Small Business Impact Survey Request

Hi Loretta, For the below proposed regulations Tilttons Therapy For Tots and Tilttons Therapy Inc. will have no negative economic impact. As a business owner I'm especially pleased the Nevada Occupational Therapy Board is addressing the possible negative implications if a COTA, or direct family member is the majority owner of a therapy practice.

Sincerely, Deb Tilton

Debbie Tilton CEO
Tilton's Therapy For Tots
phone: 702-281-2552
fax: 702-361-7743
Website: TilttonsTherapyForTots.com

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From: Loretta Ponton <board@nvot.org>
Sent: Friday, September 18, 2020 1:35 PM
To: Loretta Ponton <board@nvot.org>
Subject: Small Business Impact Survey Request

Business Licensees:

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PUBLIC COMMENTS

Public Comment

Abigail Swidergal, COTA/L

Re: Proposed Revisions to NAC 640A

NAC 640A.250

- 1.2.III refers to: Conversation, in person or by telephone
- 1.2.VI refers to: Conferences, or other face-to-face meetings *conducted through audio-visual communication technology*

It would be clearer if:

conversations were also listed as "in person or *conducted through audio-visual communication technology*" in 1.2.III

Conferences *conducted through audio-visual communication technology* in 1.2.VI

Other face to face meetings were on its own as 1.2.VII

- 1.3.6 does not prohibit responding to changes, but this is in contradiction of NAC 640A.255.2.b

NAC 640A.255

- 2.b prohibits an OTA or provisional licensee from identifying any problem of the patient
- 2.f grants the OT ability to instruct the OTA regarding:
 - 2.f.1 the specific program of intervention of a patient

These violate the AOTA Standards of Practice, Standard III, 5 and 6

- 3.a disallows OTAs from performing assessments
- 3.b disallows OTAs from changing a program of intervention

These violate the AOTA Standards of Practice, Standard III, 5 and 6

- 3.c disallows OTAs from writing progress notes to other health professionals
- 3.d disallows OTAs from participating in meetings

These violate the AOTA Standards of Practice, Standard III, 4, 8, 9

- 5 states only these rules are required when an OTA is involved. Supervision plans, if being required should be in **EVERY** clinic, not exclusive to OTA ownership. This is discriminatory language. OT business owners should be held to the same rules.

NRS 629.515

For specificity, consider adding/rewording for no misinterpretation of the rule:

Hold a license in this State to engage in the practice of occupational therapy as an occupational therapist or occupational therapy assistant

AOTA STANDARDS OF PRACTICE 2015

4. An occupational therapist initiates and directs the screening, evaluation, and reevaluation process and analyzes and interprets the data in accordance with federal and state laws, other regulatory and payer requirements, and AOTA documents.
5. An occupational therapy assistant contributes to the screening, evaluation, and reevaluation process by administering delegated assessments and by providing verbal and written reports of observations and client capacities to the occupational therapist in accordance with federal and state laws, other regulatory and payer requirements, and AOTA documents.
6. An occupational therapy practitioner uses current assessments and assessment procedures and follows defined protocols of standardized assessments and needs assessment methods during the screening, evaluation, and reevaluation process.
7. An occupational therapist completes and documents the results of the occupational therapy evaluation. An occupational therapy assistant may contribute to the documentation of evaluation results. An occupational therapy practitioner abides by the time frames, formats, and standards established by practice settings, federal and state laws, other regulatory and payer requirements, external accreditation programs, and AOTA documents.
8. An occupational therapy practitioner communicates screening, evaluation, and reevaluation results within the boundaries of client confidentiality and privacy regulations to the appropriate person, group, or population.
9. An occupational therapist recommends additional consultations or refers clients to appropriate resources when the needs of the client can best be served by the expertise of other professionals or services.
10. An occupational therapy practitioner educates current and potential referral sources about the scope of occupational therapy services and the process of initiating occupational therapy services.

Standard III: Intervention Process

1. An occupational therapist has overall responsibility for the development, documentation, and implementation of the occupational therapy intervention plan based on the evaluation, client goals, best available evidence, and professional and clinical reasoning. When delegating aspects of the occupational therapy intervention to the occupational therapy assistant, the occupational therapist is responsible for providing appropriate supervision.
2. An occupational therapist ensures that the intervention plan is documented within the time frames, formats, and standards established by the practice settings, agencies, external accreditation programs, state and federal laws, and other regulatory and payer requirements.
3. An occupational therapy practitioner collaborates with the client to develop and implement the intervention plan, on the basis of the client's needs and priorities, safety issues, and relative benefits and risks of the interventions and service delivery.
4. An occupational therapy practitioner coordinates the development and implementation of the occupational therapy intervention with the intervention provided by other professionals, when appropriate.
5. An occupational therapy practitioner uses professional and clinical reasoning, available evidence-based practice, and therapeutic use of self to select and implement the most appropriate types of interventions. Preparatory methods and tasks, education and training, advocacy, and group interventions are used, with meaningful occupations as the primary treatment modality, both as an ends and a means.
6. An occupational therapy assistant selects, implements, and makes modifications to therapeutic interventions that are consistent with the occupational therapy assistant's demonstrated competency and delegated responsibilities, the intervention plan, and requirements of the practice setting.

7. An occupational therapist modifies the intervention plan throughout the intervention process and documents changes in the client's needs, goals, and performance.
8. An occupational therapy assistant contributes to the modification of the intervention plan by exchanging information with and providing documentation to the occupational therapist about the client's responses to and communications throughout the intervention.
9. An occupational therapy practitioner documents the occupational therapy services provided within the time frames, formats, and standards established by the practice settings, agencies, external accreditation programs, federal and state laws, other regulatory and payer requirements, and AOTA documents.

Standard IV. Transition, Discharge, and Outcome Measurement

1. An occupational therapist is responsible for selecting, measuring, documenting, and interpreting expected and achieved outcomes that are related to the client's ability to engage in occupations.
2. An occupational therapist is responsible for documenting changes in the client's performance and capacities and for transitioning the client to other types or intensity of service or discontinuing services when the client has achieved identified goals, reached maximum benefit, or does not desire to continue services.
3. An occupational therapist prepares and implements a transition or discontinuation plan based on the client's needs, goals, performance, and appropriate follow-up resources.
4. An occupational therapy assistant contributes to the transition or discontinuation plan by providing information and documentation to the supervising occupational therapist related to the client's needs, goals, performance, and appropriate follow-up resources.
5. An occupational therapy practitioner facilitates the transition or discharge process in collaboration with the client, family members, significant others, other professionals (e.g., medical, educational, social services), and community resources, when appropriate.
6. An occupational therapist is responsible for evaluating the safety and effectiveness of the occupational therapy processes and interventions within the practice setting.
7. An occupational therapy assistant contributes to evaluating the safety and effectiveness of the occupational therapy processes and interventions within the practice setting.
8. The occupational therapy practitioner responsibly reports outcomes to payers and referring entities as well as to relevant local, regional, and national databases and registries, when appropriate.

References

- American Occupational Therapy Association. (2010). Standards of practice for occupational therapy. *American Journal of Occupational Therapy*, 64(6, Suppl.), S106–S111. <http://dx.doi.org/10.5014/ajot.2010.64S106>
- American Occupational Therapy Association. (2011). *Definition of occupational therapy practice for the AOTA Model Practice Act*. Retrieved from <http://www.aota.org/-/media/Corporate/Files/Advocacy/State/Resources/PracticeAct/Model%20Definition%20of%20OT%20Practice%20%20Adopted%2041411.ashx>
- American Occupational Therapy Association. (2014a). Guidelines for supervision, roles, and responsibilities during the delivery of occupational therapy services. *American Journal of Occupational Therapy*, 68(Suppl. 3), S16–S22. <http://dx.doi.org/10.5014/ajot.2014.68S03>
- American Occupational Therapy Association. (2014b). Occupational therapy practice framework: Domain and process (3rd ed.). *American Journal of Occupational Therapy*, 68(Suppl. 1), S1–S48. <http://dx.doi.org/10.5014/ajot.2014.682006>

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 5: Biennial Audit Report FY 19 / FY 20

The Biennial Audit Report of the financial statements of the Board of Occupational Therapy prepared by Haynie & Associates, LLC for the two-year period ending June 30, 2019 and June 30, 2020 is presented for review and approval.

Attachment under Separate Cover

Biennial Audit Report FY 19/20

November 5, 2020

To the Board Members and Management of the
Nevada State Board of Occupational Therapy
Reno, Nevada

We have audited the financial statements of the governmental activities and the fund information of Nevada State Board of Occupational Therapy for the years ended June 30, 2020 and 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 24, 2020. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Nevada State Board of Occupational Therapy are described in Note 1 to the financial statements. No new accounting policies were adopted during 2020 and 2019, and the application of existing policies was not changed. We noted no transactions entered into by Nevada State Board of Occupational Therapy during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the Nevada State Board of Occupational Therapy's financial statements was (were):

- Management's estimate of the depreciable lives and estimated residual value of property and equipment is based on prior management experience. We evaluated the key factors and assumptions used to develop the depreciable lives and estimated residual value in determining that it is reasonable in relation to the financial statements taken as a whole.
- The portion of license and renewal fees deferred which pertain to future periods.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 5, 2020.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to Nevada State Board of Occupational Therapy's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as Nevada State Board of Occupational Therapy's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

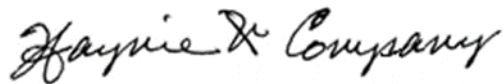
Other Matters

With respect to the required supplementary information (RSI) accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the information and use of the Board of Commissioners and management of Nevada State Board of Occupational Therapy and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in cursive script that reads "Haynie & Company". The signature is written in dark ink and is positioned below the "Very truly yours," text.

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 6: Consideration of Agreement
--

Professional and Occupational Licensing Boards, Administrative Collaborative

Through the Administrative Collaborative, Regulatory Boards have an opportunity to improve communications and help each other to be compliant with the administration of their Boards.

It is difficult to keep up with new administrative requirements, newer and less experienced board members and Executive Directors begin with having a disadvantage in understanding the administrative roles and requirements for regulatory Board compliance with State and Legislative mandates. The State historically has provided little assistance and training in these matters; the Legislature and Governor's office has targeted Boards for "non-compliance" with their mandates and will be proposing new legislation regarding professional and occupational regulatory Boards.

As an alternative and pro-active approach to addressing State and Legislative concerns, the **"Board Administrative Collaborative"** of regulatory leaders has been established.

The benefit to the Boards participating in the Administrative Collaborative are:

- Consultation with experienced personnel working with professional and occupational regulatory Boards;
- Joint training opportunities for Board members and staff;
- Consulting on administrative requirements, and reporting of Board activities;
- Sharing of best practices and processes, procedures and administrative manuals;
- Reviewing current and proposed legislation pertaining to professional and occupational regulatory Boards; and
- Any other matter deemed pertinent to the Boards.

The Administrative Collaborative Agreement has been approved by the following participating Boards:

Board of Oriental Medicine
Certified Court Reporters Board
Board of Environmental Health Specialists
Board of Examiners for Marriage and Family Therapist and Clinical Professional Counselors

The Board of Massage Therapy, Board of Landscape Architecture and Board of Athletic Trainers will be considering approval for participation in the Administrative Collaborative at their next scheduled meetings prior to year end.

State of Nevada Professional and Occupational Licensing Boards

Administrative Collaborative

Preface State of Nevada professional and occupational licensing Boards (Boards) are funded solely from the fees received from the professions they regulate. The Boards are exempt from the State Budget Act (NRS 353.005) and receive no funding from the State General Fund.

The Boards oversee various occupations and professions and are charged with the protection of the public health, safety and welfare of the citizens in Nevada. The Boards provide the public and practitioners a means by which they can pursue administrative legal recourse, in cases of questionable actions or practice.

The Boards independently conduct business in accordance with legislative, state and internal directives. They are charged with compliance with existing and new legislative mandates, state administrative requirements and establishing internal management systems. Small Boards face challenges due to limited funding and staff resources.

The Boards are governed by additional laws and legislation outside their specific professions NRS sections; and must adhere to those requirements in conducting their business and operations. A partial listing of applicable laws include but is not limited to the following:

Title 17 State Legislative Department – NRS 218G Legislative Audits;

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

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

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

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

In addition to State laws, the Professional and Occupational Licensing Boards have the responsibility to adhere to specific requirements contained in the State of Nevada Administrative Manual (SAM).

Whereas, Professional and Occupational Licensing Boards have varying levels of experienced executive staff who may benefit from opportunities for collaboration with experienced resources in administration of professional and occupational regulatory Boards; and

Whereas, collaboration efforts may include but not be limited to:

- Consultation with experienced personnel working with professional and occupational regulatory Boards;
- Joint training opportunities for Board members and staff;
- Consulting on administrative requirements, and reporting of Board activities;
- Sharing of best practices and processes, procedures and administrative manuals;
- Reviewing current and proposed legislation pertaining to professional and occupational licensing Boards as a whole;
- Any other matter deemed pertinent to the Boards.

9.4.20

Board Administrative Collaborative

Whereas, it has been determined that it is in the best interests of the State of Nevada and Professional and Occupational Licensing Boards to enter into an Administrative Collaborative in order to provide a cost effective and efficient means to enhance collaborative efforts and establish a structured means by which Professional and Occupational Licensing Boards may increase adherence to state and legislative requirements and strengthen the Professional and Occupational Licensing Boards' administrative and oversight functions.

There is hereby established the “*Professional and Occupational Licensing Boards, Administrative Collaborative*” comprised of the Executive Directors or designated personnel of each participating Board who shall be authorized to represent their respective Boards' interests as participating Professional and Occupational Licensing Boards.

Participation in the Administrative Collaborative may be terminated by any of the parties, at any time upon 30 days written notice.

Now therefore in consideration thereof, the “*Administrative Collaborative*” shall become effective upon approval by a minimum of three (3) Professional and Occupational Licensing Boards as evidenced by signature below.

Board of Occupational Therapy

_____	11/14/20
Chair	Dated

State of Nevada
Board of Occupational Therapy

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

AGENDA ITEM 7: Co-Working Agreement
--

Board of Athletic Trainers

Presented for approval is the Co-Working Agreement with the Nevada Board of Athletic Trainers.

The Board of Athletic Trainers currently has a home based administrative office; through the co-working agreement, their Administrative Office of record will be located with the Board of Occupational Therapy. The Board staff will continue to work remotely, utilizing the Board office space up to 5 hours per month as needed.

The Board of Athletic Trainers will pay the minimum of \$650 per year; prorated for the first year.

Attachment
Co-Working Agreement

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105

Board Administrative Office Co-Working Agreement

Preface State of Nevada regulatory Boards are funded solely from the fees received from the professions they regulate and receive no funding from the State general fund. Small Boards may not have sufficient funding to maintain and lease administrative offices or staff those offices pursuant to NRS281.110. (NRS 281.110 State offices to maintain minimum 40-hour workweeks; variable schedules for workweek; posting of days and hours of operation.)

Whereas, it has been determined the use of remote methods of operation is a feasible alternative to full-time physical on-site administration of Boards' duties and responsibilities; and

Whereas, the Board of Occupational Therapy has an established administrative office located at 6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523; and

Whereas, the Board of Occupational Therapy has co-working space and general office resources available; and

Whereas, the **Board of Athletic Trainers** wishes to establish an administrative office physical location pursuant to NRS 281.110; and

Whereas, it has been determined that it is in the best interests of the **Board of Athletic Trainers** and the **Board of Occupational Therapy** to collaborate through an Administrative Office Co-Working Agreement to provide access to the public to the Boards' services.

Now Therefore, pursuant to the authority of NRS 640A.100, and NRS 640B.220, the **Board of Occupational Therapy** and the **Board of Athletic Trainers** do hereby enter into this Board Administrative Office Co-Working Agreement as follows:

Compensation

The **Board of Athletic Trainers** will pay a fixed fee established annually. The fixed fee will be based upon actual lease costs and general operating expenses. The fixed fee will be established based upon each participating **Boards'** physical staff occupancy needs, as may be adjusted from time to time. The fixed fees shall reasonably reflect the actual costs incurred by the Board of Occupational Therapy.

The fixed fee charged to the Board of Athletic Trainers will be \$ 650.00 per fiscal year.

Personnel

Nothing in this Agreement shall limit or restrict the authority of any Board to hire an Executive Director and other personnel, establish compensation or benefits, or delegate duties and responsibilities to such. All direct personnel costs and benefits shall be the responsibility of the respective Boards.

Scope of Agreement

Nothing in this Agreement shall limit or restrict the authority vested to any Board in the performance of their duties and functions as stated in the Boards' laws, Nevada Revised Statutes (NRS), and regulations, Nevada Administrative Code (NAC).

Administrative Office Co-Working Terms and Conditions

The Board of Occupational Therapy will provide:

- a. **X** Physical Administrative Office location;
- b. **X** Public access location for licensees, applicants and members of the public;
- c. **X** Furnished co-working/office space, when required;
- d. **X** Scheduling of office occupancy and conference room access;
- e. **X** Teleconference and video/TV equipment, as needed;
- f. **X** Internet Service and wireless network access;
- g. **X** General office supplies;
- h. **X** Access to office copier/fax/scanner;
- i. **N/A** Postage meter, postage usage to be reimbursed by participating Board
- j. **N/A** Limited filing cabinets and/or file space.

The Board of Athletic Trainers will provide:

- a. **X** Laptop and/or portable computer equipment to transact business;
- b. **X** Office 365 or comparable program for email and remote access to Board documents;
- c. **X** Board specific direct services, supplies and office signage;
- d. **X** Off-site records storage of paper files and documents;
- e. **X** Coordination of on-site staffing hours with the OT Board, not to exceed 5 hours per month;
- f. **N/A** Back-up staff for office coverage, if requested by the OT Board.

Board of Occupational Therapy Lease Agreement

Any subsequent renewal of the lease agreement by the Board of Occupational Therapy, or relocation of the Board of Occupational Therapy administrative offices shall not affect the terms of this agreement, unless agreed to by both parties and upon 90 days written notice of intent to revise this Agreement.

Renewal & Termination of Agreement

This Agreement shall automatically renew, effective on July 1st of each fiscal year, unless terminated in writing pursuant to this section.

This Agreement may be terminated by either party at any time upon 90 days written notice. If termination of the Agreement is effective prior to the end of a fiscal year, the fixed fee cost for that fiscal year will be pro-rated.

Now therefore in consideration thereof, this agreement shall become effective **November 14, 2020**, upon approval by the respective Boards as evidenced by signature below.

Board of Occupational Therapy

Board of Athletic Trainers

Chair

Dated



09/14/2020

Chair

Dated

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 8: Legislative Report
--

Jeanette Belz, JK Belz and Associates, will provided a report on current Legislative issues and other pertinent items.

2021 Legislative Session
Bill Draft Requests - NV State Board of Occupational Therapy

25 Senator Hardy

Makes various changes relating to professional boards.

30 Senator Pickard

Makes various changes regarding legislative measures, including requiring a certain number of bills from each legislator to be given a hearing, requiring the Legislature's published list of bill draft requests (BDRs) to include only BDR summaries that provide a detailed description of the proposed changes in the BDR, providing that the BDR list may not identify the names of any legislators who requested a BDR, providing that each legislator may choose not to have his or her name printed on a bill for a certain period of time during a legislative session, and authorizing each legislator to request one BDR during a special legislative session.

41 Assemblyman Wheeler

Limits the duration of a state of emergency or declaration of disaster declared by the Governor.

51 Senator Pickard

Revises provisions relating to emergency management, including requiring a two-thirds vote of the Legislature to extend the Governor's declaration of emergency beyond 30 days and prohibiting agencies and regulatory boards from adopting restrictions which exceed the restrictions imposed by the Governor.

52 Assemblywoman Benitez-Thompson

Joint Requester: Assemblywoman Miller

Revises provisions governing contracts for certain public employment.

60 Assemblywoman Benitez-Thompson

Revises provisions governing the State Board of Nursing.

151 Assemblyman Roberts

Makes various changes relating to professional and occupational licensing.

153 Senator Seevers Gansert

Enacts provisions governing the interstate practice of physical therapy.

159 Senator Dondero Loop

Revises provisions relating to professional boards.

186 Senator Hardy

Revises provisions relating to professions.

188 Senator Hardy

Revises provisions relating to professions.

216 Senator Harris

Prohibits certain types of discrimination.

218 Senator Harris

Revises provisions relating to state employees.

231 Assemblywoman Alexis Hansen

Makes various changes relating to governmental administration.

243 Division of Human Resource Management of the Department of Administration

Enacts policy and creates investigation unit concerning sex- and gender-based harassment and discrimination against employees of the Executive Department of the State Government.

245 Senator Scheible

Revises provisions relating to governmental administration.

2021 Legislative Session
Bill Draft Requests - NV State Board of Occupational Therapy

247 Senator Scheible

Revises provisions relating to state boards.

257 Commission on Ethics

Makes various changes relating to ethics in government.

305 Division of Emergency Management of the Department of Public Safety

Revises provisions governing the confidentiality of documents relating to public safety.

383 Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs (NRS 218E.750)

Revises provisions relating to occupational licensing.

414 Attorney General

Revises provisions relating to sex-based and gender-based discrimination and harassment.

424 Attorney General

Revises provisions relating to trade practices.

425 Attorney General

Revises provisions relating to trade practices.

437 Nevada Association of Counties

Revises provisions governing the appointment by the Governor of members of boards, commissions and similar bodies.

438 Nevada Association of Counties

Revises provisions governing training for Legislators.

466 Legislative Committee on Public Lands (NRS 218E.510)

Revises provisions relating to the Open Meeting Law.

515 Legislative Commission (NRS 218E.150)

Revises provisions relating to the Nevada Board of Homeopathic Medical Examiners.

SUMMARY OF RECOMMENDATIONS

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

Nevada Revised Statutes (NRS) 232B.210

This summary presents the recommendations approved by the Sunset Subcommittee of the Legislative Commission at its meeting and work session on August 31, 2020. The recommendations will be submitted to the Legislative Commission for its consideration and possible inclusion in bill draft requests (BDRs) to be forwarded to the 81st Session of the Nevada Legislature. The Subcommittee's final report will provide further details of its actions.

RECOMMENDATIONS FOR LEGISLATION

Entities Recommended for Continuation With Statutory Revisions

1. State Board of Parole Commissioners ([NRS 213.108](#))—The Subcommittee voted to send letters to the Office of Finance, Office of the Governor; the Senate Committee on Finance; the Assembly Committee on Ways and Means; and the Fiscal Analysis Division of the Legislative Counsel Bureau to correct an error in [Assembly Bill 543](#) (2019) that resulted in the executive secretary position prescribed by [NRS 213.1085](#) to be paid at the rate of an executive assistant. Further, the Subcommittee recommended legislation to amend [NRS 213.1243](#) to require the district court judge to impose the sentence for the underlying crime and for the conditions of lifetime supervision to be imposed after any period of probation or term of imprisonment and any period of release on parole and [NRS 213.10885](#) to require a comprehensive review of the standards adopted regarding risk assessment at least every five years, instead of every three years. **(BDR –)**
2. Commission to Study Governmental Purchasing ([NRS 332.215](#))—The Subcommittee approved recommending legislation to authorize the Commission to request up to two bill drafts for each regular legislative session. **(BDR –)**
3. Nevada Funeral and Cemetery Services Board ([NRS 642.020](#))—The Subcommittee voted to urge the Board to implement policies and procedures within its powers to improve the timeliness of death reporting so that death certificates are distributed to the necessary parties expeditiously. Further, the Subcommittee recommended legislation to amend [NRS 642.080](#) to require graduation from a mortuary science program, instead of specific hours of coursework, to satisfy the requirement for licensure as an embalmer, and to make the necessary statutory changes to facilitate the use of the closest funeral home, even if it is across the state border. **(BDR –)**

Entity Recommended for Termination With Functions Transferred

4. Advisory Committee to Study Laws Concerning Sex Offender Registration ([NRS 179D.132](#))—The Subcommittee voted, as requested by the Office of the Attorney General, to recommend legislation to terminate the Committee and recommend its duties be transferred to the Advisory Commission on the Administration of Justice ([NRS 176.0123](#)), the

Nevada Sentencing Commission ([NRS 176.0133](#)) of the newly created Department of Sentencing Policy, or both entities. **(BDR –)**

Recommendation Relating to the Nevada Board of Homeopathic Medical Examiners ([NRS 630A.100](#))

5. The Subcommittee voted to require the Nevada Board of Homeopathic Medical Examiners to report to the Legislature on or before the first day of the 2021 Session on its progress implementing the provisions of [Senate Bill 98](#) (2019). Further, the Subcommittee recommends that a bill draft be requested automatically if the report does not indicate that the provisions of SB 98, including the appointment of new board members to replace all members serving at the time the legislation was enacted, have been completed. Such a BDR would terminate the Board and transfer the responsibility for regulating the practice of homeopathic medicine to the State Board of Health as proposed in SB 98, as introduced. **(BDR –)**

RECOMMENDATIONS FOR COMMITTEE ACTION

Entities Recommended for Continuation

6. Colorado River Commission of Nevada ([NRS 538.051](#))
7. State Apprenticeship Council ([NRS 610.030](#))
8. Board of Medical Examiners ([NRS 630.050](#))
9. Nevada State Board of Veterinary Medical Examiners ([NRS 638.020](#))
10. Board of Athletic Trainers ([NRS 640B.170](#))
11. State Board of Cosmetology ([NRS 644A.200](#))
12. Advisory Council on Mortgage Investments and Mortgage Lending ([NRS 645B.019](#))
13. Commission of Appraisers of Real Estate ([NRS 645C.180](#))
14. Appraisal Advisory Review Committee ([NRS 645C.180](#), [645C.210](#), and *Nevada Administrative Code* [NAC] [645C.600](#))

Entities Recommended for Continuation With Additional Actions and Reporting

15. State Barbers' Health and Sanitation Board ([NRS 643.020](#))—The Subcommittee voted to continue the State Barbers' Health and Sanitation Board (Barbers) with the recommendation that the State Board of Cosmetology (Cosmetologists) serve in a mentor capacity for the Barbers to allow the Barbers to replicate some of the best practices of the Cosmetologists and report back to the Legislature on or before the first day of the 2021 Session on its progress regarding: (1) website development; (2) modernization of practices; (3) cooperation with the Cosmetologists; (4) increasing frequency of testing and licensing, preferably to on demand;

and (5) credit card payments. The Barbers were further asked to report back to the Subcommittee during the 2021–2022 Interim on their progress.

16. Real Estate Commission ([NRS 645.050](#))—The Subcommittee voted to continue the Commission with the recommendation that it study ways to more fully implement [SB 69](#) (2017). The Subcommittee noted that subsection 11 of [NAC 645.185](#) authorizes a cooperating broker to represent a person “other than a resident of Nevada” and questioned the reasoning for not allowing a cooperating broker to represent a resident of Nevada.

FURTHER COMMITTEE ACTIONS RECOMMENDED

Recommendations Relating to the Timeliness of Death Reporting

17. Send a letter to the Board of Medical Examiners urging it to communicate to all its licensees through its newsletter, website, and outreach presentations regarding both registration in Nevada’s Electronic Death Registry System and the required timelines for death reporting.
18. Send a letter to the State Board of Health requesting it to consider clarifying by regulation who is responsible to sign the death certificate when multiple physicians and/or advanced practice registered nurses (APRNs) have provided care to a patient who later dies.
19. Send a letter to the Nevada Hospital Association in order to raise awareness of the importance of timely death reporting and the requirements per [NAC 440.160](#) that all deaths be certified within 48 hours.
20. Send a letter to certain parties encouraging their continued discussion to improve the timeliness of death reporting, including increasing awareness that [SB 291](#) (2017) amended [NRS 440.470](#) to authorize the attending physician or attending APRN to initiate the record of death and provide the required information at the time of death. This letter should be addressed to the:
 - a. State Board of Health ([NRS 439.030](#));
 - b. State Registrar of Vital Statistics ([NRS 440.110](#));
 - c. State Board of Nursing ([NRS 632.020](#));
 - d. Board of Medical Examiners ([NRS 630.050](#));
 - e. Nevada Funeral and Cemetery Services Board ([NRS 642.020](#));
 - f. State Board of Osteopathic Medicine ([NRS 633.181](#)); and
 - g. [Bureau of Health Care Quality and Compliance, Division of Public and Behavioral Health, Department of Health and Human Services.](#)

Recommendation Relating to the Advisory Committee for a Veterans Cemetery in Northern Nevada ([NRS 417.230](#))

21. Send a letter to the director of Nevada's Department of Veterans Services requesting that the director review the membership of the Advisory Committee for a Veterans Cemetery in Northern Nevada urging it to seek the appointment of new members, if necessary, to ensure the members are able to comply with the statutory requirement for the Advisory Committee to meet at least four times a year.

Recommendation Relating to Increasing the Diversity of Members of Certain Regulatory Bodies

22. Send a letter to certain regulatory bodies encouraging the recruitment of Black, Indigenous, and other persons of color as members to reflect the diversity of the state. According to [Senate Concurrent Resolution 1](#) (2020) of the 32nd Special Session of the Nevada Legislature, nearly 49 percent of Nevada's population is represented by persons of color, including persons who are Black, Indigenous, Hispanic, Asian, or Pacific Islander and persons of more than one racial or ethnic background.

Recommendation Relating to Compliance With and Communication of Controlling Health Standards Related to Coronavirus Disease of 2019 (COVID-19) by Certain Regulatory Bodies

23. Send a letter to certain regulatory bodies urging them to comply with controlling health standards when conducting the business of the body to reduce the transmission of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)—the virus that causes COVID-19. The letter should direct the regulatory bodies to communicate with their licensees as necessary to keep them apprised of changes to controlling health standards.

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Brenda J. Erdoes, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MAGGIE CARLTON, *Assemblywoman, Chair*
Sarah Coffman, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*

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LEGISLATIVE COUNSEL (775) 684-6830
DANIEL L. CROSSMAN, *Legislative Auditor* (775) 684-6815
MICHAEL J. STEWART, *Research Director* (775) 684-6825

October 22, 2020

VIA EMAIL

Dear Regulatory Bodies:

As the chair of the Sunset Subcommittee of the Legislative Commission (*Nevada Revised Statutes* [NRS] [232B.210](#)) during the 2019–2020 Interim, I am writing to convey two actions taken by the Subcommittee related to certain professional and occupational licensing boards, commissions, and other entities (see attached list), hereinafter referred to as independent regulatory bodies. On August 31, 2020, the Subcommittee voted to send two letters to independent regulatory bodies to:

1. Encourage the recruitment of Black, Indigenous, and other persons of color as members of the regulatory bodies to reflect the diversity of the state. According to [Senate Concurrent Resolution 1](#) (2020) of the 32nd Special Session of the Nevada Legislature, nearly 49 percent of Nevada's population is represented by persons of color, including persons who are Black, Indigenous, Hispanic, Asian, or Pacific Islander and persons of more than one racial or ethnic background; and
2. Urge them to comply with controlling health standards when conducting the business of the body to reduce the transmission of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)—the virus that causes the Coronavirus Disease of 2019. The Subcommittee further urges the regulatory bodies to communicate with their licensees as necessary to keep them apprised of changes to controlling health standards.

If you have any questions regarding this letter or the work of the Subcommittee, please contact Jennifer Ruedy (jruedy@lcb.state.nv.us), Chief Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB), or me.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Spearman".

Patricia (Pat) Spearman, D.B.A.
Nevada State Senator

PS/jc: W205088 and W205090
Att.

cc: Eileen O'Grady, Chief Deputy Legislative Counsel, Legal Division, LCB
Jennifer Ruedy, Chief Principal Policy Analyst, Research Division, LCB

Attachment

The following table lists the 33 independent regulatory bodies that regulate a profession under Title 54 ("Professions, Occupations and Businesses") of NRS. The letter will be emailed to each of these regulatory bodies.

Title 54 of NRS—Independent Regulatory Bodies	Chapter of NRS
Nevada State Board of Accountancy	628
Board of Examiners for Alcohol, Drug and Gambling Counselors	641C
State Board of Architecture, Interior Design and Residential Design	623
Board of Athletic Trainers	640B
State Barbers' Health and Sanitation Board	643
Chiropractic Physicians' Board of Nevada	634
State Contractors' Board	624
State Board of Cosmetology	644A
Certified Court Reporters' Board of Nevada	656
Board of Dental Examiners of Nevada	631
Board of Dispensing Opticians	637
State Board of Professional Engineers and Land Surveyors	625
Board of Environmental Health Specialists	625A
Nevada Funeral and Cemetery Services Board	642
Nevada Board of Homeopathic Medical Examiners	630A
State Board of Landscape Architecture	623A
Board of Examiners for Long-Term Care Administrators	654
Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	641A
Board of Massage Therapy	640C
Board of Medical Examiners	630
State Board of Nursing	632
Board of Occupational Therapy	640A
Nevada State Board of Optometry	636
State Board of Oriental Medicine	634A
State Board of Osteopathic Medicine	633
State Board of Pharmacy	639
Nevada Physical Therapy Board	640
State Board of Podiatry	635
Private Investigator's Licensing Board	648
Board of Psychological Examiners	641
Board of Examiners for Social Workers	641B
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board	637B
Nevada State Board of Veterinary Medical Examiners	638

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 9: Executive Director's Report

Attachments

Written Report

Fiscal Year 2021 – 1st Quarter Financial Statements

Co-location and Cost Sharing revised Allocation Correspondence:

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

State of Nevada
Board of Occupational Therapy

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EXECUTIVE DIRECTOR'S REPORT
November 14, 2020

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

Comparison to Prior Year

Description	2020	2019	% +	OTR's	2019	COTA's	2019
Total Current Licensees	1562	1509	3.5%	1187	1153	375	356
Standard Licensees	1511	1467	3.0%	1150	1125	361	342
Provisional Licensees	4	10		2	6	2	4
Temporary Licensees	11	2		9	1	2	1
Inactive Licensees	36	30		26	21	10	9

A two-year analysis of licensing statistics finds an increase of 226 licensees or 17% from September 30, 2018 to September 30, 2020; the first full term of the 2-year license.

Fiscal Year 20 / Fiscal Year 21 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
September 30, 2020	1562	1187	375

During the 1st quarter, July 1 through September 30, 57 new licenses were issued and 130 licenses expired.

COVID-19 Emergency provisions: There have been 13 temporary licenses issued under the emergency provisions as of October 30th. Of those, 6 have expired with 7 remaining active. No temporary licenses have been renewed or converted to a standard license.

The option for deferred payment of renewal fees expired September 30, 2020. There are 56 remaining licensees with deferred payment of their renewal fees. Monthly reminders are being sent to the remaining licensees to encourage payment.

Office Operations: Pursuant to Governor's Directive 06, the Board office remains closed to the public. To ensure social distancing and limit physical contact, only one staff person is physically on-site. The office will remain closed until the Governor's directive is lifted.

Fiscal Year 2021 Financial Reports - The financial reports for 1st Quarter of Fiscal 2021 are attached.

Revenue/Other Income: Revenue totaled \$56,829.97, in licensing and other fees, 23.9% of budget. The Board recognized \$3587.60 (net after \$1,000 fine submitted to the State) in recaptured legal fees as a result of disciplinary actions.

Other Income is comprised of \$839.29 in interest income, and operating cost sharing recognized \$2,270.52 for this quarter. Other Income totals \$3,109.81 at 23.9% of budget.

Expense: Expenses totaled \$72,557.38 which is 24.13% of budget. Bank service charges reflects the costs of credit card payments for renewals processed. Equipment is the cost of 2 laptop computers, insurance is the annual cost of tort liability for the Board and postage reflects a refill of the postage meter. Employee benefits include medical insurance stipend, employer paid deferred compensation and changes to accrued PTO (leave earned).

Balance Sheet: Total cash at September 30, 2020 is \$ 753,614.02. Cash in the operating checking account is \$232,806.668 and investments total \$ 520,807.36 as of September 30, 2020.

Accounts receivable includes outstanding reimbursements for legal fees assessed through previous disciplinary actions and deferred renewal fees not yet received.

Deferred revenue is \$242,876.70, reflecting the receipt of license renewal fees; accrued PTO represents liability for accrued PTO time earned and not yet taken.

Revision to Co-Location Agreement – The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board has relinquished the dedicated office space for their Executive Director, retaining the ½ office allocation of the Licensing Coordinator, effective January 1, 2021. The Co-location agreement provides for a recalculation of cost-sharing when substantial changes in personnel and/or dedicated space are necessary. With the elimination of the ED office, the furniture owned by the Speech board has also been transferred at fair value to the Board of Occupational Therapy. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board approved the revised Co-location and Cost Sharing allocation and transfer of equipment at their meeting of October 21, 2020.

CE Audit – The random audit of Continuing Education documentation will begin in late November or early December. Staff is in process of desk auditing CE information submitted through renewals.

Board Training Opportunities - The 2021 FARB Forum originally in Fort Worth, Texas is being offered as a Virtual Conference January 27-29, 2021. This is an excellent conference; FARB (Federation of Associations of Regulatory Boards) is the premier organization for training in regulatory board practices. Registration will open in November; more details will be provided.

Complaints Status - There are currently two (2) open complaint cases under investigation.

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

	Annual Budget	Actuals July - Sep 20	Remaining Balance	% of Budget Spent
Ordinary Income/Expense				
Income				
Processing Fees	30,000.00	8,487.50	21,512.50	28.29%
License Fees	201,594.00	43,054.87	158,539.13	21.36%
List Fee	6,000.00	1,700.00	4,300.00	28.33%
Fines and Legal Fees	0.00	3,587.60	-3,587.60	100.0%
Total Income	237,594.00	56,829.97	180,764.03	23.92%
Expense				
Audit Fees	8,000.00	0.00	8,000.00	0.0%
Bank service charges	4,751.88	2,469.06	2,282.82	51.96%
Dues	0.00	0.00	0.00	0.0%
Equipment Purchase	3,000.00	1,615.98	1,384.02	53.87%
Equipment Rental	2,600.00	391.87	2,208.13	15.07%
Insurance	1,500.00	598.36	901.64	39.89%
Legal Fees	12,000.00	1,944.92	10,055.08	16.21%
Licensing - Data System	10,200.00	2,301.25	7,898.75	22.56%
Meeting Expense	500.00	0.00	500.00	0.0%
Office Expenses				
Internet Service	1,560.00	314.91	1,245.09	20.19%
Postage	1,200.00	520.99	679.01	43.42%
Printing	500.00	0.00	500.00	0.0%
Records Storage	750.00	108.00	642.00	14.4%
Telephone / Email	2,000.00	310.67	1,689.33	15.53%
Total Office Expenses	6,010.00	1,254.57	4,755.43	20.88%
Office Lease	31,225.00	7,500.00	23,725.00	24.02%
Office Supplies	2,000.00	1,104.15	895.85	55.21%
Personnel Costs				
Compensation	157,347.36	36,472.97	120,874.39	23.18%
Employer Taxes	13,463.29	3,138.02	10,325.27	23.31%
Employee Benefits	18,643.35	7,016.23	11,627.12	37.63%
Total Personnel Costs	189,454.00	46,627.22	142,826.78	24.61%
Professional Fees				
Accounting	3,000.00	750.00	2,250.00	25.0%
IT / Technical Support	2,000.00	0.00	2,000.00	0.0%
Legislative Services	24,000.00	6,000.00	18,000.00	25.0%
Total Professional Fees	29,000.00	6,750.00	22,250.00	23.28%
Seminars / Continuing Ed	0.00	0.00	0.00	0.0%
Travel & Ent				
Out of State Travel	0.00	0.00	0.00	0.0%
Travel - in state	500.00	0.00	500.00	0.0%
Total Travel & Ent	500.00	0.00	500.00	0.0%
Total Expense	300,740.88	72,557.38	228,183.50	24.13%
Net Ordinary Income	-63,146.88	-15,727.41	47,419.47	24.91%
Other Income/Expense				
Other Income				
Interest Income	6,200.00	839.29	5,360.71	13.54%
Costshare Income	6,095.60	2,270.52	3,825.08	37.25%
Total Other Income	12,295.60	3,109.81	9,185.79	25.29%
Other Expense				
Unrealized Investment Loss	0.00	0.00	0.00	0.0%
Total Other Expense	0.00	0.00	0.00	0.0%
Net Other Income	12,295.60	3,109.81	9,185.79	25.29%
Net Income	-50,851.28	-12,617.60	38,233.68	24.81%

State of Nevada Board of Occupational Therapy
Balance Sheet

As of September 30, 2020

Sep 30, 2020

ASSETS

Current Assets

Checking/Savings

Wells Fargo Bank - Checking	232,806.66
Wells Fargo Bank - Investments	519,948.06
Wells Fargo Bank - Money Market	859.30

Total Checking/Savings	<u>753,614.02</u>
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Other Current Assets

Accounts Receivable	25,711.97
Prepaid Expenses	9,818.25
Undeposited Funds	0.00

Total Other Current Assets	<u>35,530.22</u>
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Total Current Assets	<u>789,144.24</u>
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Fixed Assets

Net Fixed Assets	1,000.67
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Total Fixed Assets	<u>1,000.67</u>
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TOTAL ASSETS	<u><u>790,144.91</u></u>
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LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Accounts Payable	0.00
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Total Accounts Payable	<u>0.00</u>
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Other Current Liabilities

Deferred Revenue	242,876.70
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Accrued PTO	26,978.71
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Payroll Liability	651.82
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Other Current Liabilities	2,996.67
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Total Other Current Liabilities	<u>273,503.90</u>
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Total Current Liabilities	<u>273,503.90</u>
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Total Liabilities	273,503.90
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Equity

Retained Earnings	529,258.61
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Net Income	-12,617.60
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Total Equity	<u>516,641.01</u>
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TOTAL LIABILITIES & EQUITY	<u><u>790,144.91</u></u>
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State of Nevada Board of Occupational Therapy
Transaction Detail by Account
July through September 2020

Type	Date	Num	Name	Memo	Amount
Wells Fargo Bank - Checking					
Paycheck	07/01/2020	DD1291	Loretta L Ponton	Direct Deposit	0.00
Deposit	07/01/2020			Deposit	5,400.00
Deposit	07/01/2020			Deposit	0.00
Check	07/01/2020		Voya	Payroll expense	-2,166.66
Check	07/01/2020	5332	Scott Cooley	Office lease	-7,500.00
Deposit	07/01/2020			Deposit	250.00
Deposit	07/02/2020			Deposit	2,500.00
Deposit	07/03/2020			Deposit	2,749.29
Deposit	07/04/2020			Deposit	375.00
Deposit	07/05/2020			Deposit	425.00
Deposit	07/06/2020			Deposit	800.00
Deposit	07/07/2020			Deposit	300.00
Check	07/07/2020	5334	Numbers Inc.	Bookkeeping services	-750.00
Check	07/07/2020	5335	JK Belz & Associates	Lobbyist	-2,000.00
Bill Pmt -Check	07/07/2020	5333	A T & T	Telephone expense	-0.65
Deposit	07/07/2020			Deposit	2.50
Deposit	07/07/2020			Deposit	631.81
Liability Check	07/08/2020		QuickBooks Payroll Service	Payroll expense	-1,090.11
Deposit	07/08/2020			Deposit	1,687.50
Paycheck	07/09/2020	DD1292	Brooke Megill	Direct Deposit	0.00
Paycheck	07/09/2020	DD1293	Stacey Whittaker	Direct Deposit	0.00
Deposit	07/09/2020			Deposit	500.00
Check	07/09/2020		Voya	Payroll expense	-796.18
Deposit	07/10/2020			Deposit	725.00
Deposit	07/11/2020			Deposit	700.00
Check	07/11/2020			Service Charge	-1,441.69
Deposit	07/12/2020			Deposit	1,950.00
Deposit	07/13/2020			Deposit	300.00
Deposit	07/13/2020			Deposit	4,311.15
Deposit	07/14/2020			Deposit	400.00
Deposit	07/15/2020			Deposit	1,000.00
Check	07/15/2020	5336	Ricoh Copier	Copier maintenance	-120.66
Check	07/15/2020	5337	A T & T	Telephone expense	-38.95
Deposit	07/16/2020			Deposit	1,475.00
Bill Pmt -Check	07/16/2020	5339	Information Technology	Telephone expense	-10.78
Bill Pmt -Check	07/16/2020	5338	Puliz Records Management Service	Records storage	-40.00
Deposit	07/17/2020			Deposit	625.00
Deposit	07/18/2020			Deposit	250.00
Deposit	07/20/2020			Deposit	825.00
Check	07/20/2020	5340	Burke	withdrew app	-250.00
Liability Check	07/21/2020	E-pay	US Treasury	Payroll expense	-3,727.88
Deposit	07/21/2020			Deposit	675.00
Liability Check	07/22/2020		QuickBooks Payroll Service	Payroll expense	-1,154.68
Deposit	07/22/2020			Deposit	575.00
Paycheck	07/23/2020	DD1294	Brooke Megill	Direct Deposit	0.00
Paycheck	07/23/2020	DD1295	Stacey Whittaker	Direct Deposit	0.00
Deposit	07/23/2020			Deposit	500.00
Check	07/23/2020		Voya	Payroll expense	-803.54
Check	07/23/2020		Wells Fargo	SSL certificate, Classmarker	-367.50
Deposit	07/24/2020			Deposit	950.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
July through September 2020

Deposit	07/25/2020			Deposit	950.00
Check	07/25/2020		Charter	Internet services	-104.97
Deposit	07/26/2020			Deposit	425.00
Deposit	07/27/2020			Deposit	500.00
Deposit	07/28/2020			Deposit	1,150.00
Deposit	07/29/2020			Deposit	600.00
Deposit	07/30/2020			Deposit	1,050.00
Liability Check	07/31/2020		QuickBooks Payroll Service	Adjusted for voided paycheck(s)	0.00
Liability Check	07/31/2020		QuickBooks Payroll Service	Payroll expense	-5,419.02
Deposit	07/31/2020			Deposit	625.00
Deposit	07/31/2020			Interest	2.01
Deposit	08/01/2020			Deposit	450.00
Check	08/01/2020		Voya	Payroll expense	-2,166.66
Deposit	08/02/2020			Deposit	250.00
Paycheck	08/03/2020	DD1296	Loretta L Ponton	VOID: Direct Deposit Payroll Service	0.00
Paycheck	08/03/2020	DD1297	Loretta L Ponton	Direct Deposit	0.00
Deposit	08/03/2020			Deposit	1,000.00
Deposit	08/04/2020			Deposit	250.00
Liability Check	08/05/2020		QuickBooks Payroll Service	Payroll expense	-1,154.67
Deposit	08/05/2020			Deposit	675.00
Paycheck	08/06/2020	DD1298	Brooke Megill	Direct Deposit	0.00
Paycheck	08/06/2020	DD1299	Stacey Whittaker	Direct Deposit	0.00
Deposit	08/06/2020			Deposit	900.00
Check	08/06/2020		Voya	Payroll expense	-803.54
Deposit	08/07/2020			Deposit	50.00
Check	08/07/2020	5341	JK Belz & Associates	Lobbyist	-2,000.00
Deposit	08/08/2020			Deposit	250.00
Deposit	08/09/2020			Deposit	2,050.89
Deposit	08/10/2020			Deposit	500.00
Check	08/10/2020		A T & T	Telephone expense	-48.75
Check	08/10/2020	5342	Puliz Records Management Service	Records storage	-68.00
Check	08/10/2020	5343	A T & T	Telephone expense	-3.00
Deposit	08/11/2020			Deposit	650.00
Check	08/11/2020			Service Charge	-612.75
Deposit	08/12/2020			Deposit	700.00
Deposit	08/13/2020			Deposit	675.00
Deposit	08/14/2020			Deposit	850.00
Check	08/14/2020		Pitney Bowes	Postage machine	-157.80
Check	08/14/2020	5344	Staples Advantage	Office supplies	-216.91
Deposit	08/15/2020			Deposit	225.00
Deposit	08/16/2020			Deposit	250.00
Deposit	08/17/2020			Deposit	200.00
Liability Check	08/18/2020	E-pay	US Treasury	Payroll expense	-3,704.32
Deposit	08/18/2020			Deposit	275.00
Liability Check	08/19/2020		QuickBooks Payroll Service	Payroll expense	-998.72
Deposit	08/19/2020			Deposit	725.00
Check	08/19/2020		Pitney Bowes	Postage	-520.99
Check	08/19/2020		Albertson Consulting	Licensing system	-233.75
Paycheck	08/20/2020	DD1300	Brooke Megill	Direct Deposit	0.00
Paycheck	08/20/2020	DD1301	Stacey Whittaker	Direct Deposit	0.00
Deposit	08/20/2020			Deposit	675.00
Check	08/20/2020		Voya	Payroll expense	-785.87

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
July through September 2020

Deposit	08/21/2020			Deposit	575.00
Deposit	08/22/2020			Deposit	425.00
Deposit	08/24/2020			Deposit	1,075.00
Deposit	08/25/2020			Deposit	2,585.90
Check	08/25/2020		Charter	Internet services	-104.97
Check	08/25/2020		Wells Fargo	software	-179.88
Deposit	08/26/2020			Deposit	1,175.00
Deposit	08/27/2020			Deposit	50.00
Deposit	08/28/2020			Deposit	975.00
Check	08/28/2020	5346	Attorney General	Legal fees	-432.20
Check	08/28/2020	5345	Nevada Treasurer's Office	Admin fine / revenue offset	-1,000.00
Deposit	08/29/2020			Deposit	450.00
Liability Check	08/31/2020		QuickBooks Payroll Service	Payroll expense	-5,411.62
Deposit	08/31/2020			Deposit	400.00
Deposit	08/31/2020			Interest	2.03
Paycheck	09/01/2020	DD1302	Loretta L Ponton	Direct Deposit	0.00
Check	09/01/2020		Voya	Payroll expense	-2,166.66
Deposit	09/01/2020			Deposit	1,025.00
Liability Check	09/02/2020		QuickBooks Payroll Service	Payroll expense	-998.72
Check	09/02/2020	5348	Attorney General	Liability insurance	-598.36
Check	09/02/2020	5347	Staples Advantage	Office supplies, laptops	-2,223.34
Deposit	09/02/2020			Deposit	1,000.00
Paycheck	09/03/2020	DD1303	Brooke Megill	Direct Deposit	0.00
Paycheck	09/03/2020	DD1304	Stacey Whittaker	Direct Deposit	0.00
Check	09/03/2020		Voya	Payroll expense	-785.87
Deposit	09/03/2020			Deposit	250.00
Deposit	09/04/2020			Deposit	275.00
Deposit	09/05/2020			Deposit	1,000.00
Deposit	09/06/2020			Deposit	425.00
Deposit	09/07/2020			Deposit	425.00
Check	09/08/2020	5349	JK Belz & Associates	Lobbyist	-2,000.00
Deposit	09/08/2020			Deposit	300.00
Deposit	09/09/2020			Deposit	575.00
Deposit	09/10/2020			Deposit	750.00
Deposit	09/11/2020			Deposit	2,750.00
Check	09/12/2020			Merchant fees	-384.87
Deposit	09/12/2020			Deposit	500.00
Deposit	09/13/2020			Deposit	625.00
Deposit	09/14/2020			Deposit	1,325.00
Liability Check	09/15/2020	E-pay	US Treasury	Payroll expense	-3,644.06
Deposit	09/15/2020			Deposit	750.00
Liability Check	09/16/2020		QuickBooks Payroll Service	Payroll expense	-998.71
Deposit	09/16/2020			Deposit	1,775.00
Paycheck	09/17/2020	DD1305	Brooke Megill	Direct Deposit	0.00
Paycheck	09/17/2020	DD1306	Stacey Whittaker	Direct Deposit	0.00
Check	09/17/2020		Voya	Payroll expense	-785.87
Check	09/17/2020	5350	Puliz Records Management Service	Records storage	-40.00
Check	09/17/2020	5351	A T & T	Telephone expense	-179.11
Deposit	09/17/2020			Deposit	550.00
Deposit	09/18/2020			Deposit	675.00
Deposit	09/19/2020			Deposit	425.00
Deposit	09/20/2020			Deposit	175.00

State of Nevada Board of Occupational Therapy
Transaction Detail by Account
July through September 2020

Deposit	09/21/2020			Deposit	1,000.00
Deposit	09/22/2020			Deposit	825.00
Check	09/23/2020		Wells Fargo	Copier lease and copies	-113.41
Deposit	09/23/2020			Deposit	275.00
Check	09/24/2020		A T & T	Telephone expense	-40.86
Deposit	09/24/2020			Deposit	450.00
Deposit	09/25/2020			Deposit	250.00
Deposit	09/26/2020			Deposit	20.00
Deposit	09/27/2020			Deposit	175.00
Check	09/28/2020		Charter	Internet services	-104.97
Check	09/28/2020	5352	Attorney General	Legal fees	-1,512.72
Deposit	09/28/2020			Deposit	550.00
Deposit	09/29/2020			Deposit	900.00
Liability Check	09/30/2020		QuickBooks Payroll Service	Payroll expense	-5,411.63
Liability Check	09/30/2020		QuickBooks Payroll Service	Payroll expense	-1,090.11
Deposit	09/30/2020			Deposit	800.00
Deposit	09/30/2020			Interest	1.94
Total Wells Fargo Bank - Checking					<u>4,853.08</u>
TOTAL					<u>4,853.08</u>



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

6170 Mae Anne Ave., Suite 1 | Reno, Nevada 89523
Phone: (775) 746-4101 | www.nvot.org | Fax: (775) 746-4105

September 3, 2020

Jennifer Pierce, Executive Director
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
6170 Mae Anne Ave., Suite 1
Reno, NV 89523

Re: Revision to Co-Location and Cost Sharing Allocation for FY 2021

Dear Ms. Pierce,

In reviewing your Board's share of costs, it was found that an error was made in the calculation of actual square footage of the dedicated space which has been corrected. The shared expenses remain the same as these are actual costs incurred in FY 2020, recaptured through allocation in FY 2021. The corrected allocation for FY 21 is \$6,677.22, without any change in dedicated office space.

The Board of Occupational Therapy is proposing to revise the Co-Location and Cost Sharing Allocation for FY 21 to revised the formula to reflect the surrender of the dedicated Executive Director office space retaining the 1/2 allocation of the Licensing office, effective January 1, 2021 through June 30, 2021.

A proposed revised FY 21 co-location cost allocation is provided for your review which incorporates a reduction of space allocation effective January 1, 2021. The balance due would be \$805.65 for the period January through June, 2021. Should your Board not approve the reduction in staff space allocation, the balance due would be \$ 2,452.07.

After your review and approval by your Board, the revised FY 21 co-location cost allocation balance due for the period January 1 through June 30, 2021 will become due.

The Board of Occupational Therapy is proposing to purchase the office furniture/equipment owned by your Board comprised of a desk, lateral file cabinet, office chair and television. The television and office chair were purchased in 2020 and we are proposing to reimburse you the actual costs of purchase; the desk and lateral file cabinet were purchased in 2012; I am proposing \$200.00 as a reasonable offer for those items.

An itemized invoice for the purchase of the furniture/equipment is required to document the transfer of assets; payment will be made upon receipt.

If you have any questions regarding the above proposals, please contact me.

Sincerely,

Loretta L. Ponton

Loretta L. Ponton, Executive Director
Board of Occupational Therapy

Attachment: FY 2021 Revised Co-Location Cost Allocation

State of Nevada
Board of Occupational Therapy
Co-Location Cost Allocation
FY 2021 Revised

Corrected Square Foot Allocation Speech-Language Pathology Audiology & Hearing Aid Dispensing Board				
*1.5 staff =183 sq ft @ \$1.759	\$	321.90	*leasing services worksheet/actual sq ft	
*common areas @ 20%	\$	64.38		
shared expenses	\$	170.16	July - Dec	Paid in Advance
Monthly Cost	\$	556.44		
Annual Cost- Revised Corrected	\$	6,677.22		
Original Cost Allocation	\$	8,450.29	\$ 3,338.61	\$ 4,225.15

Change to 1/2 Office; No dedicated ED Office, effective Jan 1 2021 Speech-Language Pathology Audiology & Hearing Aid Dispensing Board				
*.5 staff =53 sq ft @ \$1.759	\$	93.23	*leasing services worksheet/actual sq ft	
*common areas @ 20%	\$	18.65		
shared expenses actual 2020 reimbursed	\$	170.16	Jan - June	
Monthly Cost	\$	282.03	\$ 1,692.19	
Revised Cost Allocation FY 21	\$	3,384.37		

		Balance Due		
Revised FY 21 Speech Cost Allocation		\$	5,030.80	\$ 805.65

Allocation of Square Feet	Actual Square Feet	
53	106	Licensing Office
130	130	Speech ED Office
183	236	Total Dedicated Office Space



State of Nevada

Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

(775) 787-3421 / Fax (775) 746-4105

www.nvspeechhearing.org Email board@nvspeechhearing.org

INVOICE

Date: October 22, 2020

To: Board of Occupational Therapy

For: Revised Office Cost Share and Equipment

Desk & lateral file cabinet	\$200.00
HON Ignition 2.0 Mesh Back Fabric Computer and Desk Chair, Black	\$334.00
VIZIO 70 Inch LED 4K HDR UHD Smart TV	\$779.00
Dell Optiplex 3011 All-in-One Computer	\$0.00
Less Speech Board January-June Shared Costs	-\$805.65
TOTAL	\$507.35 due

Thank you!

Cost Share Income: \$ 805.65
Equipment Expense: 1313.00

**STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY**

P O BOX 34779
RENO, NV 89533-4779

5358

94-7074/3212 3800

PAY
TO THE
ORDER OF

DATE 10-26-20

Speech Language Pathology Audiology & Hearing Aid Dispensing Board \$ 507.35
Five Hundred Seven & 35/100

DOLLARS



Wells Fargo Bank, N.A.
Nevada
wellsfargo.com

Frank H. P. L.

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 10: Executive Director Performance Review
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Performance Review

Pursuant to the employment agreement entered into between the Executive Director and the Board, the Board is to conduct an annual performance review. The last performance review was completed by the Board November 17, 2018. A review was not performed in 2019, so this review will cover the two-year period from July 1, 2018 through November 14, 2020.

The Executive Director has been employed by the Board since September 1, 2006; over 15 years, beginning as an independent contractor and as an employee since February 1, 2014.

A raise in salary and change in benefits, may be considered at the time of the performance review. There are no changes proposed or requested to the salary or benefits at this time.

Executive Director Employment Agreement

The Employment Agreement has undergone two amendments, the last being in November 2018. An updated Employment Agreement is presented incorporating the previously approved amendments and to clarify calculation of compensation and benefits.

Revisions and clarifications are as follows by paragraph:

- 2) Term – a) change from raise to adjustment to salary.
- 3) Compensation – clarifies “base” compensation as the grade and step.
- 5) Personal Leave – upon separation, sets the hourly rate of payment and maximum not to exceed value of unused PTO hours. The position is salaried, the computation of an hourly rate for a salaried position is confusing as hours vary dependent upon the requirements of the position.
- 6) Deferred Compensation – clarifies the employer contribution is calculated on base compensation, not including any stipends or other benefits.
- 8) Termination - a) Adds clarifying paragraph on termination of employer liability for compensation and benefits; b) Clarifies payment of severance as 3 months, not 90 days as position is paid monthly.
- 10) Notice – updated addresses and add notice by email.
- 12) Effective Date – New paragraph.

Attachments

Performance Evaluation Form
Summary of Activities
Employment Agreement



Brian Sandoval
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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

Loretta L. Ponton
Executive Director

EXECUTIVE DIRECTOR PERFORMANCE EVALUATION

The Executive Director is the chief administrative officer for the Board of Occupational Therapy. The position is responsible for the overall management of the Board's office, activities and functions.

The following represent the duties/responsibilities of the position - on a scale of 1 - 5 with 5 being the highest and 1 being the lowest, complete an evaluation of how well the individual met or exceeded the criteria. A score of 3 = met criteria.

_____ Preparation and administration of the Board's annual budget; agency accounting and reporting.

_____ Promoting the Board's functions through written publications; maintaining the Board website; coordinating Board sponsored activities; and presenting at meetings, workshops, and other educational settings;

_____ Facilitate Board meetings, prepare agendas, supporting documents, and minutes in accordance with the Nevada Open Meeting law NRS 241; initiate action on Board directives.

_____ Serve as Board liaison with individuals and other agencies, including, but not limited to, the Governor's office, state agencies, professional organizations such as NBCOT, AOTA, NOTA.; applicants, licensees, and the public.

_____ Oversee all aspects of the licensing, monitoring and compliance functions including but not limited to maintenance of the Board electronic licensing and regulatory data collection system; final review and approval of applications for licensure; and performance of monitoring of licensee compliance with law and regulations;

_____ Manage the Board complaint and disciplinary action process to include, but not limited to, receipt and review of initial complaints, conduct of informal investigations, initial determine of merit and recommendations for hearing; negotiate consent decrees, facilitate disciplinary hearings and monitor probationary licensees.

_____ Maintain and manage NRS law and NAC regulation revisions, conduct research and make recommendations, conduct public workshops and hearings. Review and respond to legislative actions, bills and requests for information; represent the Board during legislative sessions at hearings and meetings as directed by the Board.

_____ Total Score

Maximum Points 35



Brian Sandoval
Governor

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Loretta L. Ponton
Executive Director

Comments:

Other factors considered in evaluating performance, recommendations for improvement, etc.:

Signature: _____

Date: _____



Steven Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

6170 Mae Anne Ave., Suite 1
Reno, Nevada 89523
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Loretta L. Ponton
Executive Director

EVALUATION CRITERIA - SUMMARY OF ACTIVITIES
July 1, 2018- November 14, 2020

Budgeting, Accounting and Financial Reporting

Annual Budgets FY18 and FY 19; Biennial Budget Process FY 20 / FY 21
Reserve Funds Policy Analysis
Monthly Accounting Reviews and Financial Reports
Investment Analysis and Reinvestment Strategies / Change in Investment Bank
Biennial Audit Fiscal Years 2019/2020

Instituted electronic or automatic payment of invoices when available and appropriate and electronic transmittal of financial documents/documentation for review and approval to facilitate remote work and reduce physical contacts.

Written Publications, Website, Board Activities

Created new Board publications and updated existing policies and procedures:

- Occupational Therapy Practice Survey, published January 2020
- Board Member Manual approved February 8, 2020
- Board Policy Manual approved May 23, 2020
- Operating Policies and Procedures Manual updated May 23, 2020
- Personnel Policies and Procedures updated August 10, 2019
- Advisory Notice – Dry Needling issued August 10, 2019
- All publications and COVID-19 Updates posted on Website

Scheduled Board sponsored seminars in Reno and Las Vegas to be held in April 2020, all logistical arrangements were finalized. Due to COVID-19, the seminars were cancelled.

Board Meetings

Calendar Year 2018 – July 1 through December 31 = 3 meetings

August 21, 2018:

Board Orientation; Response to Gov Executive Committee Audit Report 1, FY 2019
Budget Approval

September 15, 2018:

Governor's Audit Report 1, Supplemental Response and Audit Report 2 Informational Request with Response

November 17, 2018:

Biennial Audit 2017/2018, Revised Personnel Policies, Educational Session on the Administrative Hearing Process; ED Performance Review

Calendar Year 2019 = 8 meetings, workshops and public hearings

February 9, 2019:

Office Relocation Options; Consent Decrees, Probationary Hearing

March 29 - 30, 2019:

Board Strategic Planning Retreat and Legislative Tour

April 20, 2019:

Strategic Plan Review, Survey & Data Collection Initiative; License Application Review

May 25, 2019:

Personnel Policies job reclassification; Survey Questionnaire

August 10, 2019:

Consent Decrees; Disciplinary Hearing, Survey Questionnaire, Budget Approval

September 13, 2019:

Public Workshop R062-19

October 23, 2019:

Office Move and Revised Budget

November 23, 2019:

Public Hearing Regulation R062-19; Public Workshop R105-19; contract approvals, OT Practice Survey Results, Gov Audit 1 status report

Calendar Year 2020 – January through November = meetings, workshops

February 8, 2020:

Revisions to Operating Policies & Procedures; strategic plan/OT Practice Survey; Public Hearing R105-19; Board work session on scope of practice

March 2020 - COVID-19 State of Emergency Declaration

April 4, 2020:

COVID-19 Emergency Items, renewal fee deferral, temporary license fees

May 23, 2020:

Request for Extension of License due to COVID-19; Request for release from probation; request for approval of release from probation; consideration of license application; New Board Policy Manual & Disciplinary Guidelines; Biennial Budget draft

August 15, 2020:

License Application and License Reinstatement determinations; regulatory Workshop; Biennial Budget Approval

November 14, 2020:

Regulatory Workshop; Biennial Audit Fiscal Years 2019/2020; Administrative Collaborative; Co-Working Agreement; ED Performance Review

Board Liaison - Governor's Office, NBCOT, AOTA, NOTA, Applicants & Licensees

Governor's Office: Executive Branch Audit 1, 2018 and Executive Branch Audit 2, 2019 Reports issued and responded to; Board member recruitment and reappointment follow up with Boards and Commission staff.

NBCOT: Discussion on certification exam process during COVID-19; Board training opportunities and reporting of disciplinary actions.

AOTA: Discussions with Kristin Neville, AOTA reports to Board, OT Compact discussions and national regulatory activities.

NOTA: NOTA standing reports to Board, discussions on trainings and offerings as well as legislative initiatives.

Applicants/Licensees: On-going responses by email and telephone to practice questions; provide guidance on specific practice issues.

Oversee Licensing Functions, Monitoring and Compliance

Full On-Line Applications were implemented with revisions to Website and Payment portal.

Oversee the licensing activities of the Licensing Coordinator and Licensing Assistant, review/approve non-conforming applications for licensure and license renewals; ensure CE and Supervisory Audits are conducted, reviewed and compliance determined.

Manage Complaint and Disciplinary Action Process

Received, reviewed and conducted informal investigations of complaints and made determinations as to actions, if any. Complaint cases processed = 25; 12 or 48% resulted in disciplinary actions:

Dismissed = 13 cases:

C18-01 & C18-03 Aug 2018; C19-01 Sept 2018; C18-05 Feb 2019; C19-05 May 2019; C19-02, C19-07 Aug 2019; C19-07, C19-09, C20-01 Nov 2019; C20-09, C20-10, C20-11 May 2020

Consent Decrees = 11 cases:

C18-02 & C19-04 Feb 20; C17-03 & C19-03, C18-04, C19-11 & C19-12 Aug 2019; C20-07 & C20-08, C20-12 & C20-13 May 2020

Formal Hearings = 1 case:

C17-01 Aug 2019

Maintain & Manage NRS and NAC Revisions, Workshops and Hearings

R062-19 – Fees; adopted; approved 12/30/19

R105-19 – conforming CE hours to biennial renewal periods; adopted; approved 2/27/20

Proposed Regulation Workshops 2020 – Inactive License, OTA Supervision and Documentation, Business Ownership & Employment in Management Positions, Telehealth, License Verifications, Treating Occupational Therapist

Legislative Liaison – Respond, Present and Correspond with Legislators and Legislative Committees

2019 Legislative Session

Worked closely with Board lobbyist during and after the 2019 Legislative Session; responded to legislative requests, completed fiscal notes and provided written testimony on applicable bills.

2020 Interim Legislative Session and Special Sessions of the Legislature

Sunset Subcommittee: Presented follow up report on reserve funds, completed Special Survey of Regulatory Bodies; monitored subcommittee meetings and worked with lobbyist in identifying pertinent issues.

Interim Health Committee & Legislative Commission: Attended 2 meetings when Board regulations were being reviewed; worked with Board lobbyist on identifying and addressing any potential issues.

Created the Legislative Hot Topics publication to document the Board's compliance and status on issues identified by Legislators in Committee Meetings and Audit reports.

Board Office / Administration / Personnel

Biennial Audit: Fiscal Years 2019/2020 Biennial Audit of the Board financial statements found no discrepancies and contained no findings. The Board is in compliance with all financial reporting requirements.

State Reporting: All state reporting requirements were met and submitted in a timely manner including but not limited to:

- Veteran's Services submitted to Nevada Department of Veteran's Services
- Consultant Reports and annual Revenue & Fees report submitted to the Budget Division
- Licensing and Disciplinary Actions quarterly reports submitted to the Legislative Counsel Bureau.
- Governor's Audit Committee Reports
- Legislative Committee Reports

National Reporting: Disciplinary actions reported to the National Practitioners Databank, NBCOT and AOTA.

Board Office Move: Negotiated new location and lease, designed office space and facilitated the move of the Board Administrative Office in November 2019.

Personnel Administration: Oversee three (3) part-time employees, establishing salary/wage rates, manage time and leave reporting, prepare and report wage and contributions for deferred compensation, unemployment and file all required state and federal payroll reports.

Financial Investments and Reserves: Manage and review financial investments, operating cash and reserves on an ongoing basis.

COVID-19 State of Emergency

Facilitated a deferral of fees for license renewal and temporary licenses; moved to remote staffing implementing State Directives in response to the state of emergency; ensured continued operations under restricted measures and continuation of services without undo delays.

Other Accomplishments and Activities

On-going assistance to other Board Executive Directors (i.e. Social Workers, Oriental Medicine, Marriage & Family Therapy, Athletic Trainers) in administrative requirements; sharing of information and publications and responding to general questions on regulatory responsibilities.

Identified a need to establish a more diverse pool of expertise. The Professional and Occupational Licensing Boards Administrative Collaborative concept was developed. All licensing Boards were contacted, eight (8) Boards will be considering joining the Administrative Collaborative prior to the end of the year. Several others may join after the initial collaborative is established and tested.

Another pro-active approach to collaboration is the Co-working Agreement Concept which has received positive comments. The Board of Athletic Trainers has approved a co-working agreement; a few other small Boards are considering the co-working concept as an option when their leases expire.

Summary Highlights of Accomplishments

- **Occupational Therapy Practice Survey – Board Initiative**
- **Board Manuals and Procedures**
- **On-Line Applications**
- **Regulations Proposed and Adopted**
- **Complaint and Disciplinary Actions**
- **Legislative Outreach – Legislative Hot Topics**
- **Sunset Subcommittee Survey Results and Governor’s Audit Results**
- **Effective & Efficient Board Office Operations**

EXECUTIVE DIRECTOR EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement") is entered into by and between the **State of Nevada Board of Occupational Therapy** ("Employer") and **Loretta L. Ponton**, hereinafter referred to as Employee, (collectively referred to as "Parties").

- 1) **Employment:** Employer hereby employs Employee, and Employee hereby accepts employment by Employer to serve as Executive Director for the State of Nevada Board of Occupational Therapy with all duties, powers and authorities provided by law, and to perform such executive, managerial, and administrative duties as Employer may specify during the term of this Agreement.
 - a) Employee acknowledges and agrees that Employee's employment is primary to all other services or business interests and that other such services or business interests shall not interfere with Employee carrying out the duties of Executive Director.
 - b) Employer acknowledges and agrees that Employee has other business interests and activities and that employee will not be restricted from rendering services or engaging in such activities, including but not limited to the business of Lorylynn Ltd.
- 2) **Term:** The term of employment under this Agreement is from July 1, 2014, *as revised effective January 1, 2021*, and continuing thereafter until terminated pursuant to the provisions of Section 8, Termination herein.
 - a) Employee's performance will be reviewed annually. At that time, Employee will be eligible for consideration for ~~raise in~~ *adjustment to* salary ~~and change in~~ *and/or* benefits; determined by Employer in its sole and absolute discretion.
- 3) **Compensation:** As compensation for services, Employer authorizes payment to Employee in ~~an a~~ *base* amount equivalent to the State of Nevada, Compensation of Grade 41, step 10 on the employee/employer compensation schedule as may adjusted for any cost of living increases approved by the Nevada State Legislature, less required and/or requested withholdings, payable in monthly installments consistent with Employer's customary payroll practices.
- 4) **Medical Insurance Stipend:** Employee shall be paid a stipend equal to not more than one-half of the equivalent amount of the employer paid medical insurance premium charged by the public employees benefit program (PEBP) for state employees.
- 5) **Personal Leave:** Employee shall accrue personal leave at a rate of three hundred (300) hours per calendar year; credited at a rate of 25 hours per month. Unused personal leave shall carry over from year to year during the course of Employee's employment.

Upon separation from employment, accrued but unused personal leave balance not to exceed three hundred (300) hours shall be paid to Employee ~~at the then current salary amount~~ *at the rate of \$55.00 per hour not to exceed \$16,500.00*.

- 6.) Deferred Compensation: Employee may participate in the Employer's Deferred Compensation Program at the sole discretion of the employee. *Employer's contribution to the deferred compensation program will be computed on base compensation.*
- 7.) Other Benefits: Employee shall be eligible for all other benefits as delineated in the Employer's Personnel Policies and Procedures not specifically identified above, as they may be from time to time adopted, modified, or amended.
- 8.) Termination: Employer may terminate this Agreement at any time with or without cause.

- a) Termination with Cause. Termination with cause means termination of employment because of: i) conviction by a court of competent jurisdiction of fraud, misappropriation, or embezzlement of Board property or funds; ii) conviction of, or pleading nolo contendere to, any felony; iii) failure to perform the duties required of Employee; iv) material breach of this Agreement, or v) any other reason constituting cause for discharge. A determination of cause is within the Employer's sole discretion provided that such discretion is exercised in good faith.

Employer's liability to Employee for payment of compensation and accrued benefits shall end upon date of termination. Employee shall be entitled to payment of base compensation and accrued but unused personal time off, pro-rated to date of termination.

- b) Termination without Cause. Employer may terminate this Agreement without cause upon three (3) months written notice to Employee. Employer's sole liability to Employee upon such termination will be as follows:

Employee shall receive normal compensation for the ~~days-actually~~ *period* worked by mutual agreement after any such notice of termination; plus an amount equal to current ~~salary~~ *base compensation* for ~~90-working-days~~ *three (3) months* as severance pay, less applicable withholdings.

- c) In the event Employer at any time during the term of the Agreement reduces the salary or other financial benefits of Employee in a greater percentage than an applicable across-the-board reduction for other employees, Employee may, at her option, be deemed to be "terminated without cause" as of the effective date of such reduction.

- 9.) Employee Resignation: In the event Employee voluntarily resigns her position as Executive Director, unless the parties otherwise agree, Employee shall give Employer six (6) months advance written notice. Employee shall be paid through the effective date of her resignation plus all accrued benefits.

If Employer accepts Employee's resignation and terminates employee prior to the effective date of resignation, then Employee shall be paid in accordance with Section 8 (b), Termination without Cause, herein.

- 10.) Notice: All notices and other communications under this Agreement shall be in writing and shall be given to the other party by hand delivery, USPS registered or certified mail, return receipt requested, *or by electronic mail*, addressed as follows:

If to Employee: Loretta L. Ponton
8885 Scott Valley Ct.
Reno, Nevada 89523
Lorylynn.ltd@gmail.com

If to Employer: Board of Occupational Therapy
Atten: Board Chair
6170 Mae Anne Ave, Suite 1
Reno, Nevada 89523
board@nvot.org

11.) General Provisions:

- a) Governing Law. The laws of the state of Nevada shall govern this Agreement.
- b) Entire Agreement; Modification. This Agreement constitutes the entire Agreement between the Parties and may only be amended by written documentation signed by both Parties.
- c) Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Employer's successors and assigns.
- d) Severability. If any provision(s), or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

12.) *Effective Date: This Employment Agreement shall be effective January 1, 2021, upon approval of the Board of Occupational Therapy. The Employment Agreement entered into on July 1, 2014 and subsequent amendments thereto shall remain in effect through December 31, 2020.*

IN WITNESS WHEREOF, Employer and Employee have caused this Agreement to be executed on the _____ day of _____

State of Nevada
Board of Occupational Therapy

Loretta L. Ponton

State of Nevada
Board of Occupational Therapy

6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523
Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 12: Report from Board Chair
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2020 Meeting Schedule

Saturday - November 14, 2020 - 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 20	Legislative Session
May 29	Legislative Session
August 21	Legislative Impact FY 22 Budget Review
November 6	Strategic Planning

Future Agenda Items

Legislative Updates
COVID-19 - Operational Updates
Strategic Direction - Review

Comments from Board Members