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STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES BOARD MEETING

November 14, 2020

Members Present: Elizabeth Straughan, Allison Stone, Sol Magpantay, Phil Seitz
Members Absent: Mel Minarik
Staff Present: Loretta L. Ponton, Executive Director, Stacey Whittaker, Licensing Coordinator, Henna Rasul, Sr. Deputy Attorney General
Public Present: Jeanette Belz, Kristen Neville, AOTA, Abigail Swidergal, OTA, Karen Siran-Loughery, OTR, Teri Lawrence, Vicki Mackinder, OTR, Danny Aldis, OTR, Joyce Mosely, OTR

Elizabeth Straughan, Chair, called the meeting to order at 11:05 a.m. A roll call confirmed a quorum was present.

Public Comments – None

Approval of the Minutes - Elizabeth Straughan asked if there were any corrections, revisions, or other discussion of the minutes of the August 15, 2020 board meeting.

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

Phil Seitz made the motion to approve the minutes of the Board meeting of August 15, 2020. Sol Magpantay seconded the motion. The motion passed with Allison Stone abstaining.

Revised Proposed Regulation – Elizabeth Straughan stated it was very difficult to follow the comments and that receiving written comments 1 day ahead did not allow sufficient time to review. Allison Stone stated she would like a summary to analyze all comments. Phil Seitz agreed.

Ms. Ponton stated the Board received a lot of good input and recommended rescheduling to a future meeting after the public comments have been transcribed.

Elizabeth Straughan tabled this item for future meeting consideration.

Biennial Audit Report, FY 19/FY 20 - Elizabeth Straughan called on Loretta Ponton. Ms. Ponton presented the Biennial Audit Report prepared by Haynie and Company, Certified Public Accountants for Fiscal Years ending June 30, 2019 and June 30, 2020. Ms. Ponton stated she is pleased to report the Board received a clean audit with no findings or material discrepancies.

Phil Seitz asked about the correlation of the two-year license and the two-year audit cycle. Ms. Ponton explained the biennial audit is not related to the two-year license cycle. The Board has sufficient financial resources to maintain a 2-year renewal cycle. An audit is required by state law, either annually or biennial. The Board approved a biennial audit cycle due to the cost of audits and previous clean audit reports.

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Phil Seitz asked what the term “government wide” audit referred to. Ms. Ponton responded the audit must be conducted to adhere to specific auditing standards, which is referenced as “government wide”.

Hearing no more questions, Elizabeth Straughan called for a motion.

Allison Stone made the motion, seconded by Sol Magpantay to approve the Biennial Audit of the Board’s financial statement for the period ending June 30, 2019 and June 30, 2020. The motion passed.

Professional and Occupational Licensing Boards Administrative Collaborative Agreement – At the request of Elizabeth Straughan, Ms. Ponton provided a summary of the administrative collaborative agreement.

Ms. Ponton reported that, if approved by the Board, there will be eight (8) participating Boards who will have approved the agreement by year end. The first meeting of the Administrative Collaborative will be scheduled in early December.

Board members were in consensus agreement with the benefits of establishing the administrative collaborative.

Elizabeth Straughan called for a motion.

Allison Stone made a motion, seconded by Sol Magpantay, to approve the Professional and Occupational Licensing Boards Administrative Collaborative Agreement as a participating Board. The motion passed.

Co-Working Agreement – Board of Athletic Trainers – Elizabeth Straughan called upon Loretta Ponton. Ms. Ponton reported the Board of Athletic Trainers approved the Co-Working Agreement, at their October meeting, effective January 1, 2020. The Board of Athletic Trainers administrative office will be physically located with the Board of Occupational Therapy; no staff will be on-site but will have access up to 5 hours per month to an office, conference room and equipment as needed, and will also provide staff coverage, if needed. The cost will be the minimum of \$650 per year, similar to the Board of Environmental Health.

Phil Seitz asked if there will be any conflicts. Ms. Ponton responded there are no conflicts anticipated; it will help in augmenting scheduling for office coverage. Ms. Ponton reported that Brooke Megill, licensing assistant has given notice and will be leaving at the end of the month.

Allison Stone commented it is a great idea and Elizabeth Straughan agreed, especially with the Speech Board giving up their dedicated space in the office.

Elizabeth Straughan called for a motion.

Allison Stone made the motion, seconded by Phil Seitz, to approve the Co-Working Agreement with the Board of Athletic Trainers. The motion passed.

Legislative Report –Liz Straughan called upon Jeanette Belz, Government Affairs.

Elections: Ms. Belz provided an update on the elections stating that all races have been called by the press, results will not be official until November 16th. In the Senate, Republicans have gained a seat with a win in District 5; Democrats hold 9 seats. In the Assembly, Republicans are no longer a super minority;

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and Democrats no longer hold a super majority in either house. New faces include 14 new Assembly members and 3 new Senators; there are more women represented.

Phil Seitz asked how this would affect the Board. Ms. Belz responded they strive to work with all parties at the Legislature, they will have to educate new members and bring them up to speed on Board issues.

2021 BDRs: Ms. Belz explained the bill draft request process referring to the BDR listing provided. BDR requests are placeholders prior to full development of the bill language. The descriptions are vague but identify the intent of the bill which will be fully detailed in the actual bill.

Elizabeth Straughan asked how Ms. Belz sees the legislature happening given the pandemic. Ms. Belz responded committees have met, it has not been decided how the Legislature will go with the positivity rate going up; she does not see how they will meet in person.

Elizabeth Straughan asked if there will be changes in what will be heard. Ms. Belz responded it will be hard to determine as they only meet every two years; a lot will be devoted to the budget.

State Budget: Ms. Belz reported the Governor will present budget recommendations, there will be a large drop in revenue and high unemployment. The Economic Forum, a 5-member committee, will provide the Governor revenue projections to work with. Gaming revenue is not expected to recover until 2023; 1 in 4 Nevadans are on Medicaid currently and State agencies have been asked to cut 12%. The Budget will be challenging.

Sunset Subcommittee: Ms. Belz reported on the Sunset Subcommittee summary of recommendations for the various Boards. By Senate Resolution, the subcommittee was to conduct an Interim Study of Boards. Data was requested of Boards but did not result in a report being compiled. The subcommittee did issue letters to Boards encouraging diversity in Board membership.

Executive Director's Report - Loretta Ponton reported on licensure statistics with comparisons to prior year and fiscal year by quarter for the previous 2 years; status of the COVID-19 provisions regarding temporary licenses and deferred renewal payments; and Board office operations reporting the resignation of the Licensing Assistant at month end.

FY 2020 Financial Statements: Ms. Ponton summarized the 1st Quarter financial statements, reporting Revenue at \$56,829.97 in licensing and other fees (23.9% of budget) with additional income from recaptured legal fees of \$3,587.60 net of the \$1,000 fine which has been remitted to the State, interest income and cost sharing income of \$3,109.81.

Expenses totaled \$72,557.38 (24.13% of budget) for a net loss of (\$ 12,617.60) as of September 30, 2020. Balance sheet cash is \$753,614.02 with \$242,876.70 in deferred revenue.

Ms. Ponton reported that cash flow is steady with revenue coming in each month due to the staggered renewal terms and additional licensing activities.

Revision to Co-Location Agreement: Ms. Ponton reported the Agreement with the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board has been revised to eliminate the dedicated Executive Director office effective January 1, 2021. The equipment owned by that Board has been transferred at FMV to the Board of Occupational Therapy.

The financial impact of the revised cost-sharing is approximately \$3,500 per year in income. Continued efforts will be made to solicit additional Boards for co-working to fully utilize the office resources.

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Continuing Education Audit: Ms. Ponton reported the audit of continuing education will begin late November. Staff is in process of desk auditing records.

Board Training: Ms. Ponton reported the FARB Forum has moved to a virtual conference and encouraged members to consider attendance.

Complaints: Ms. Ponton reported two open complaint cases in process.

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

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

Executive Director Performance Review – Elizabeth Straughan asked members to review the summary of activities provided by Ms. Ponton and polled the members on completion of the evaluation forms. A verbal tally of evaluation scores indicated all members scored Ms. Ponton as outstanding, 35 of a possible 35 points.

Elizabeth Straughan asked for comments from members regarding pay and benefits. Ms. Ponton stated she is currently at the top of the salary scale and is not requesting an increase in salary or benefits.

Phil Seitz asked Ms. Ponton how long she intends to remain with the Board. Ms. Ponton responded at least a year; the end of 2022 is the target date for retirement.

Elizabeth Straughan directed the members to the revised Employment Agreement for discussion. Ms. Ponton summarized the agreement stating there is no change to the previously approved terms; however, the original agreement has been amended two times and the proposed agreement incorporates and reflects those amendments and clarifies the terms and conditions which will be essential for new Board members.

There was consensus of Board members with the updated Employment Agreement.

Elizabeth Straughan called for a motion.

Allison Stone made the motion to approve the Executive Director Performance Evaluation and Employment Agreement as presented. Phil Seitz seconded the motion.

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

Report from Board Chair and Members – Elizabeth Straughan polled members on the proposed 2021 Board meeting schedule. Discussion was heard on whether to change to weekday or evening meetings from Saturdays with consensus that Saturday meetings were more convenient due to work schedules. Ms. Ponton added that future meetings would be utilizing Zoom which will help identify speakers and the public during open discussions.

Ms. Ponton stated members would be polled for the "regulation review" meeting date which will be in addition to the proposed schedule.

Elizabeth Straughan asked if there were any other future agenda items the members would like added to an agenda. There were none.

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Public Comment – Elizabeth Straughan asked for public comments.

Abigail Swidergal commented people can call Zoom from their phones. Ms. Swidergal stated the Board needs to look at the AOTA/NBCOT approved Occupational Therapy Compact as a future agenda item.

Adjournment – Elizabeth Straughan adjourned the meeting at 12:31 p.m.