

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

January 16, 2021

Members Present: Elizabeth Straughan, Allison Stone, Mel Minarik, Phil Seitz
Members Absent: Sol Magpantay
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, Tashia Kaplan, Julie Ellison, Yidanys Chala

Elizabeth Straughan, Chair, called the meeting to order at 10:01 a.m. A roll call confirmed a quorum was present.

Public Comments – None

Elizabeth Straughan stated agenda items would be taken out of order with action items being considered first.

Criminal History Petition – Tashia Kaplan – Elizabeth Straughan asked Ms. Ponton to facilitate. Ms. Ponton stated Tashia Kaplan submitted a request for pre-determination of eligibility for licensure in Nevada based upon her prior criminal history. Ms. Kaplan has obtained a pre-determination from NBCOT that she would be eligible to apply to take the NBCOT certification exam upon completion of her educational requirements. Ms. Kaplan is a current student at UNLV; her last criminal conviction was in 2011 which will be 10 years.

Elizabeth Straughan stated she has reviewed all the documentation and is impressed with her moving forward and has no issues; she has done hard work and has already confirmed her eligibility with NBCOT.

Allison Stone stated she is in support; she has proven she has turned her life around and has good life skills.

Mel Minarik agreed and stated her background shows she has compassion with patients.

Phil Seitz agrees with the board member sentiments but expressed concern with her ability to obtain employment. Elizabeth Straughan stated employment is after licensure, it is not a consideration at this time.

Loretta Ponton added this request is a “pre-determination”, once education is complete, she would still have to apply and be re-evaluated. Before the Board now is whether the Board wants to make a pre-determination, which is not binding; an application would still be reviewed by the Board for a final decision in the future.

Elizabeth Straughan called for a motion.

Allison Stone made the motion that based upon the information provided, Tashia Kaplan would be eligible for licensure in Nevada if she meets all the licensure requirements at time of application. The motion was seconded by Mel Minarik. The motion passed.

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License Application – Julie Ellison, OTA – Loretta Ponton stated the application is before the Board due to prior criminal history and voluntary surrender of license in the State of California.

Ms. Ellison holds current licenses in Texas and Idaho and holds current NBCOT certification. California placed her license on probation for a DUI in 2016; she was not able to meet the terms of probation and voluntarily surrendered her license. The DUI was not related to her practice as an occupational therapy assistant.

Elizabeth Straughan stated both the Texas and Idaho licenses are in good standing and she is in favor of granting the license.

Allison Stone stated she agrees with both Texas and Idaho licenses in good standing.

Mel Minarik asked why she could not meet the terms of probation. Ms. Ponton responded it was costly and she did not have the resources. Mel Minarik stated she was fine to move forward.

Phil Seitz stated he was fine also, with her already holding licenses in other states.

Elizabeth Straughan called for a motion.

Allison Stone made the motion to approve the license application of Julie Ellison, occupational therapy assistant. The motion was seconded by Phil Seitz. The motion passed.

Election of Chair – Loretta Ponton explained the Chair position is required per NRS to be elected at the first meeting of each year. Elizabeth Straughan is the current Chair and Allison Stone is Vice-Chair. Allison Stone is currently serving in a carry-over position until she receives confirmation of her re-appointment.

Mel Minarik made the motion to retain Elizabeth Straughan as Chair of the Board for 2021. The motion was seconded by Phil Seitz. The motion passed with Elizabeth Straughan abstaining.

Disciplinary Actions – Dismissal – Loretta Ponton stated that after informal investigation it has been found that there is no evidence to support the allegations contained in complaints C21-01 and C21-02 which were both filed by the same individual.

Elizabeth Straughan called for a motion.

Allison Stone made the motion to dismiss Case No. C21-01 and C21-02. The motion was seconded by Phil Seitz. The motion passed.

Approval of the Minutes - Elizabeth Straughan asked if there were any corrections, revisions, or other discussion of the minutes of the November 14, 2020 board meeting.

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

Allison Stone made the motion to approve the minutes of the Board meeting of November 14, 2020. Phil Seitz seconded the motion. The motion passed with Mel Minarik abstaining.

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Proposed Regulation – Elizabeth Straughan asked Loretta Ponton to facilitate. Ms. Ponton stated the proposed regulation before the Board reflects revisions made after comments and suggestions were evaluated as well as a review of AOTA Code of Ethics and Standards of Practice.

Ms. Ponton reviewed each section identifying any changes from previous versions. One new section was added to address conflicts of interest in practice by related parties and practice in management roles. Business ownership and management section has been deleted in its entirety.

At the request of Phil Seitz, Ms. Ponton explained the next steps in the regulation development process which entails submission to LCB for drafting, Board hearing and adoption.

Phil Seitz inquired as to the source of the language that was being deleted. Ms. Ponton responded the language was new proposed language; it does not include any current NAC regulatory language.

Phil Seitz stated that OTA's may work in multiple clinics and requested clarification on the difference between a treating OT and a supervising OT. Ms. Ponton responded the treating OT is responsible for the client/patient. The treating OT can also be the supervising OT but may be different. The intent of the proposed new section on Treating Occupational Therapist of Record is to address OT's changing employers, with the note in the client record to transfer care; it is intended as a permanent change, not temporary.

Allison Stone expressed concern with the language identifying the OT that performs the initial evaluation as the "treating occupational therapist of record"; stating in some settings, the evaluation is conducted by one OT and then the client is assigned to another for treatment. The initial OT performing the evaluation does not always provide the treatment. It would be a burden on employers/facilities to have to document the initial assignment of a client after evaluation as it is not currently being done.

After discussion, Ms. Ponton recommended removing "who performs the initial evaluation". There was consensus agreement to the revision.

Elizabeth Straughan called for a motion.

Allison Stone made the motion to direct staff to submit the proposed regulation as revised to the Legislative Counsel Bureau for drafting. Phil Seitz seconded the motion. The motion passed.

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

Ms. Belz reported 153 pre-filed bills have been submitted, none relate to Board structure at this time; there are 885 bill draft requests so there is a lot of language still to come. The Governor's Budget will be dropped on Monday, January 18th and the Legislative Budget Subcommittee will meet January 27th with a review of the Business and Industry budget. Jeanette Belz stated she will watch to see if they will be proposing board consolidation.

The legislative session will begin February 1, 2021; there has been no direction on how it will operate; committee assignments have been announced. There have been two resignations by Clark County legislators; there should be new appointments by Clark County before the session begins.

Phil Seitz asked how someone becomes a legislator; do they require specific education? Ms. Belz responded we have a Citizen Legislature; individuals are elected by their constituents at a general election; openings due to resignation or other means are appointed by the county commissions.

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Elizabeth Straughan thanked Jeanette for her time and contributions.

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 deferred renewal payments; and Board office operations reporting the Licensing Assistant position will remain vacant and be re-evaluated after the state of emergency is lifted.

FY 2020 Financial Statements: Ms. Ponton reported the 2nd Quarter financial statements are not yet available. Ms. Ponton provided a summary of current operating cash and investment balances, reporting limited investment options are available for reinvestment of CD funds due to the economy; maturing CD's are being held in the money market and cash account which are paying the same as CD's at this time.

Administrative Collaborative: Ms. Ponton reported the first meeting was held with 11 Boards represented; the second meeting will be on January 21st. The Board of Examiners for Social Workers have joined the collaborative and the Nevada Board of Physical Therapy will be considering membership at their next meeting.

Reporting Requirements Guidelines were presented and reviewed at the first meeting; Disciplinary Guidelines will be the resource document for review at the January meeting. Also discussed was the pending bill BDR 54-457 which addresses additional reporting for specific boards to collect workforce data at renewal. A draft letter has been developed for review with an alternative option for collection of data at the State level, supported by the boards through direct links at renewal. The letter will not be submitted on OT letterhead, the collaborative will discuss the most appropriate method of distribution.

Continuing Education Audit: Ms. Ponton reported the audit of continuing education has identified a potential issue that the Board may wish to address either through regulation or policy. The Board may want to consider placing a limitation on the number of CE's or hours that can be accepted during a 24-hour period. Some individuals are reporting completion of all or the majority of CE's using on-line courses in the period of one or two days. All courses are AOTA approved. The Board regulation defines one hour of continuing education as 60 minutes.

Complaints: Ms. Ponton reported no open complaint cases in process.

Elizabeth Straughan stated the on-line CE providers she utilized placed a limit on the number they would allow to be completed in one day.

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

Report from Board Chair and Members – Elizabeth Straughan stated she had nothing to report other than the Board should review the status of the Strategic Plan in the future.

Ms. Ponton asked the members if March 20th could be tentatively scheduled for a meeting if legislation needs to be reviewed. There was consensus that March 20th would be tentative with the next regular meeting scheduled for May 29, 2021.

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

Public Comment – Elizabeth Straughan asked for public comments. There were no comments.

Adjournment – Elizabeth Straughan adjourned the meeting at 11:18 a.m.