



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING

January 29, 2022

Members Present: Elizabeth Straughan, Sol Magpantay, Allison Stone
Members Absent: Phil Seitz, Mel Minarik
Staff Present: Loretta L. Ponton, Executive Director
Stacey Whittaker, Licensing Coordinator
Henna Rasul, Sr. Deputy Attorney General
Rosalie Bordelove, Chief Deputy Attorney General
Public Present: Cindy Sloan, OTA, Lea Case

The transcript of the meeting is attached and is incorporated herein by reference.

Call to Order, Confirmation of Quorum

Chair Straughan, called the Board meeting to order at 10:02 a.m. A roll call confirmed a quorum was present.

Chair Straughan acknowledged that Allison Stone may be voting by virtual signal on some items due to having lost her voice and that her votes would be verbalized for the record.

Public Comments – Chair Straughan opened public comments. There were no comments.

Chair Straughan stated Agenda Items would be taken out of order and moved to agenda item 4. Disciplinary Hearing in Case No. C22-01.

Disciplinary Hearing in Case No. C22-01, Shacindra Sloan, OTA, License No. OTA-2554

Rosalie Bordelove, Chief Deputy Attorney General, provided a summary of the process for deliberations and decision making and answered procedural questions from the Board.

After discussions and review of evidence presented in all eight (8) counts, Chair Straughan called for a motion.

Sol Magpantay made a motion on counts 1, 2, 4, 5 and 8 that it was proven there were violations by unanimously agreement. Allison Stone seconded the motion. The motion passed.

Allison Stone made a motion on counts 3, 6, and 7 that it was proven there were violations by majority vote. The motion passed by majority vote.

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

Rosalie Bordelove summarized the deliberation process and options for Board consideration. Henna Rasul, Sr. Deputy Attorney General and prosecutor of the case, reviewed the recommended disciplinary actions as presented at the Hearing.

After discussions, Chair Straughan called for a motion.

Allison Stone made the motion, seconded by Sol Magpantay to take disciplinary actions as follows:

Place Ms. Sloan's license on probation for three years effective today. During the time of probation, the following terms would need to be met:

- The respondent may petition for early termination of probation after 2 years if all terms of the Order have been met.
- Respondent shall obey all state, federal, and local laws and regulations governing the practice of occupational therapy in Nevada.
- Shall complete nine hours of board approved continuing education course: six hours in ethics, three hours in standards of practice. She would also be responsible for all the costs of the continuing education and upon successful completion of the coursework, she would need to send a certificate of completion to the board within 30 days of the completion of the course.
- She, at all times, while on probation must maintain an active current occupational therapy assistant license with the board.
- She would be restricted from working independently, including in-home healthcare settings and she shall work under the direct supervision of an OTR who is physically present on site.
- She shall provide a copy of the Board Order as a result of the disciplinary hearing and have it signed by each employer.
- Recovery of attorney fees and costs in the amount of \$4,515.10 plus the costs of hearing.

The motion passed unanimously.

Approval of the Minutes – Chair Straughan asked if there were any corrections to the November 6, 2021, or December 11, 2021, meeting minutes.

Allison Stone recused herself from voting on the November 6, 2021, minutes as she was not present. Hearing no other comments, Chair Straughan called for a motion.

Sol Magpantay made the motion to approve the minutes as presented, seconded by Elizabeth Straughan. The motion passed.

Legislative Interim Report – Lea Case of Belz and Case Government Affairs provided a report on interim legislative committee meetings and the upcoming political elections.

FY 22 Budget Augmentation – Loretta Ponton explained the need for contracting for legislative services due to the continued potential for legislative actions affecting the Board. The new contract would require a budget augmentation by transferring funds from the investment account to the operating account.

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

Chair Straughan called for a motion.

Allison Stone made the motion, seconded by Sol Magpantay to approve the contract with Belz and Case Government Affairs as presented and transfer of funds from the investment account to the operating account. The motion passed.

Executive Director's Report – Loretta Ponton reported on Board operations, licensing statistics and activities of the Administrative Collaborative. Ms. Ponton presented and summarized the 2nd Quarter Financial Reports.

Chair Straughan called for a motion.

Sol Magpantay made the motion, seconded by Allison Stone to accept the Executive Director's Report and Financial Statements. The motion passed.

Report from Deputy Attorney General – Henna Rasul had nothing to report.

Election of Board Chair – Chair Straughan motioned to elect Allison Stone as Board Chair for 2022. Sol Magpantay seconded the motion. The motion passed.

Board Activities and Reports – Chair Straughan tabled the selection of Vice Chair and Financial Reviewer to the next meeting.

Chair Straughan recognized and thanked Sol Magpantay for her service on the Board for the past six (6) years.

The Board scheduled a meeting and Hearing in Case C22-03 for March 19, 2022 and moved the planned strategic planning retreat from April to the August 20, 2022 meeting.

Future agenda items were discussed with a possible review of a new NAC regulation.

Public Comment – Chair Straughan asked for public comments.

Lea Case thanked the Board and stated she looks forward to working with them.

Adjournment – Chair Straughan adjourned the meeting at 11:45 a.m.

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(Recording started at 10:05 a.m.)

Elizabeth Straughan ([00:00:00](#)):

... today, um, um, so we're going to move that to the end and, uh, do the most important parts first, um, so that nothing's held up. So we're gonna move right to item number four, which is the disciplinary hearing. It's a continuation, um, for complaint case number C22-01, uh, Miss Sloan, OTA, license number OTA-2554. Now my screen is clear. Oh, uh, and, uh, we have, um, some support to explain where we are. We have finished all the, um, discussions prior, all the admitted evidence, um, and we are at the discussion phase to determine, uh, the case in question.

Rosalie Bordelove ([00:01:14](#)):

Would you like me to give, uh, uh, this is Rosalie Bordelove, for the record, um, yeah, Deputy Attorney General and counsel for the board. Would you like me to give members a little bit of an overview of the process here?

Elizabeth Straughan ([00:01:28](#)):

That would be-

Rosalie Bordelove ([00:01:28](#)):

For deliberations.

Elizabeth Straughan ([00:01:29](#)):

... perfect, thank you.

Rosalie Bordelove ([00:01:31](#)):

Okay. Um, so you've already had a hearing, um, in this matter where evidence was presented, you had opening and closing arguments from both parties, and, uh, now it's time for you to deliberate on whether or not you, uh, feel that the counts, um, alleged in the complaint in this matter have been proven. Um, which is essentially whether or not, uh, the respondent, Miss Sloan, has, whether the, her actions violated, um, chapter 640A, uh, in the areas alleged in the complaint.

Rosalie Bordelove ([00:02:05](#)):

There are eight counts. You could go through them one at a time or you can go through them together, but, um, what I'm looking for board members to do is to really, uh, as- as a first order of business, discuss the- the evidence that was presented, the testimony that was given at the prior hearing, and determine whether you believe that, um, the violations, um, that were proven, violations of the chapter. And then, if there were, we can move onto the discipline phase, in which, uh, and I'll give some instructions on that if we get to that- get to that phase.

Rosalie Bordelove ([00:02:38](#)):

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Um, your standard of proof here is a preponderance of the evidence, which essentially means more likely than not. And with that, um, I'll let you take off, but if you have any questions from me as you go throughout the process, just let me know and I would be happy to answer those.

Elizabeth Straughan ([00:02:58](#)):

Okay. So, um, I know Allie, um, uh, may use gestures or, um, have a, hard-to-understand voice. Um, uh, it would be Sol and myself. So, um, either Sol or Allie, do you have, um, any statement or, um, thoughts about, to- to enter our discussion for evidence?

Allison Stone ([00:03:22](#)):

Can you hear me at all? (laughs).

Elizabeth Straughan ([00:03:29](#)):

(laughs).

Allison Stone ([00:03:29](#)):

Um, I think for me, the biggest thing would be, um, the documentation and the concern for the time she put in, and her being able to say that she knows how to use the system and knows who to go to for help. But- but her documentation was back-to-back, which wouldn't allow for travel time.

Elizabeth Straughan ([00:04:00](#)):

Okay, so she, uh, you- you noticed that the documentation was back-to-back, which did not allow for any travel, um, and there was no indication that it was, um, another person in the household or that was also being seen? And there, and during discussions, I did not hear any of that happening either. Um, I would agree with that.

Elizabeth Straughan ([00:04:24](#)):

Um, I know I also heard in, um, some of the facts that, um, we had some oral testimony that an employee was at a site where, um, Miss Sloan was supposed to be and there was no sign-in at all, and that- that she did not also see Miss Sloan at that setting. Um, and that was a concern for me. Um, sometimes you do forget to sign in, but, um, usually then you're around and someone sees you, and- and that was a concern for me.

Elizabeth Straughan ([00:05:05](#)):

Sol, do you have any, um, thoughts that you, um, noticed?

Sol Magpantay ([00:05:10](#)):

Um, I looked at the invoice and the time, um, from... Hold on. I think the invoice is not the Medicaid billing, because this are like more of her, the invoice is more of her work hours. 'Cause the billing is, uh, Medicaid billing is different, you have those CPT codes for- for the billing, whether it's therapeutic

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activities. Um, but then I look at like the hours, there were hours that are like back-to-back, and I will assume that it's a daycare or it's a sibling set.

Sol Magpantay ([00:06:03](#)):

Um, and then I compared it to the progress notes, um, those that in questions, because they submitted 12 progress notes. Um, however, the July 19 and July 21, um, pr- progress notes, it's the the seventh and the eighth progress notes in exhibit I think three? Um, there's not invoice. The, my concern is that if I am the owner of the company and I am the supervising OT and I sign the documentation, I am self-incriminating myself. That's the problem. So if we do say on- on counts that she is liable, we have to think about the- the OT who signed it. 'Cause th- th- that's the problem I have, 'cause the OT signed it, and it's kind of like you're husband and wife and one didn't pay the credit card, or I am the bank manager, I signed that there's 5,000 pesos but I didn't count it. Now it's 4,500. (laughs).

Sol Magpantay ([00:07:27](#)):

So both of us are liable, not just her. And billing-wise, it's the OTR billing. That is the problem I have. (laughs).

Elizabeth Straughan ([00:07:40](#)):

Right, and- and so I understand what you're saying. Um, I'm also looking at it as, um, the correction that happened by the facility was to immediately repay those costs. Um, so that, and then I believe I heard, um, during testimony that the facility, um, has also changed how they do that, um, the, uh, the signing of the notes and- and checking up on people to make sure that that no longer happens. Did an- did either one of you hear that part or read that part?

Sol Magpantay ([00:08:23](#)):

Yes, I did. Um, I- I read that part. Um, but it still did happen (laughing) under his watch.

Elizabeth Straughan ([00:08:33](#)):

Yeah.

Sol Magpantay ([00:08:33](#)):

And, um, I don't know how billing is, because it's from the eighth. Um, it's not like a convenience store, you give the money and it's already paid. Um, it will take some time before you, before the facility gets reimbursed for it, before you're able to give back the money. So you can just stop... 'Cause what they said is they voiced it, and then they reimbursed. Um, I don't know how fast they get paid, and, um, and how, r- reimbursed it or just like voided it.

Sol Magpantay ([00:09:12](#)):

My thing is, um, there's no client that, um, that called, 'cause if you read at especially in page 40 to 49 with Carly Aldis, she said, "In Medicaid, in a week they'll say your child have like one hour of, uh, like two hours allowed to be seen." That patient was not seen two consecutive days, August 2 and August 4. As a

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parent, I will give a call and then say, "Oh, I'm only allowed, uh, my child only allowed like two to f- two to four hours this week and next week. Your OT did not come in. Can I- can I have the full four hours the following week before- before- before it's done?" There was no call from family.

Sol Magpantay ([00:10:09](#)):

It was only when- when Danny called, Mr. Aldis called them, and they said caregiver. Well, the caregiver for Monday is not the same caregiver for Tuesday. It may be the mom and the dad, the grandmother, or a caregiver in the daycare which may be like different person per day by the time you call on August 10.

Elizabeth Straughan ([00:10:34](#)):

Right, but I think we're going out of- of the evidence that we have. Um, uh, you know, I don't know... All- all of us work in such different settings, um, and have different experiences. Um, I think what we have to look is what the evidence says, and, you know, for example, when we had a- a direct testimony saying, um, "I was there, I should have overlapped with this employee. Um, there was no sign-in, um, I did not run into, th- this employee was not at the facility." Um, that- that kind of evidence we have. Um, I don't, I know nothing about, um, how Medicaid, uh, does its billing or reimbursement. I just know my OT note side, um, that's needed.

Elizabeth Straughan ([00:11:27](#)):

Um, are you, Sol, are you feeling that there was, um, a violation in terms of- of false reporting or, um, code of ethics? Um, documentation wasn't clear, um, or it was incorrect? Um-

Sol Magpantay ([00:11:51](#)):

Yeah, um, we'll go for each count.

Elizabeth Straughan ([00:11:53](#)):

Right. So-

Sol Magpantay ([00:11:54](#)):

Yeah, so we'll just go for each count, and I'll say yes or no.

Elizabeth Straughan ([00:11:58](#)):

Okay, so-

Sol Magpantay ([00:12:00](#)):

Would that be okay?

Elizabeth Straughan ([00:12:00](#)):

You can- you can do that. Um-

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Sol Magpantay ([00:12:02](#)):

Okay.

Elizabeth Straughan ([00:12:03](#)):

The- the first one, the first count that we have is, uh, unprofessional conduct.

Sol Magpantay ([00:12:13](#)):

Let me go back to the other screen (laughing).

Elizabeth Straughan ([00:12:15](#)):

Yeah, I- I- I... Yes, I know what you mean.

Sol Magpantay ([00:12:16](#)):

(laughs).

Elizabeth Straughan ([00:12:17](#)):

It's not like we do this everyday (laughing).

Sol Magpantay ([00:12:22](#)):

Hold on, let me go back to the screen. (laughs).

Elizabeth Straughan ([00:12:23](#)):

Um, I am looking for it in my notes as well.

Sol Magpantay ([00:12:27](#)):

Where is it? Okay, here.

Elizabeth Straughan ([00:12:29](#)):

And I closed my notes [inaudible 00:12:42] on top. Um, Allie, if you, um, want to, um, somehow let us know what you're thinking, you're good with that?

Allison Stone ([00:12:49](#)):

Um, (laughing) I think that's, um, on the first couple counts, yes, that I think she was at fault. I do hear Sol, because I think there were many breakdowns with everything, but I think it all kind of comes back to the start of documentation and then the issue also with the dog and the client.

Sol Magpantay ([00:13:14](#)):

Okay, for, um, and also, by the way, when I look at the documentation, um, for- for each of them, the pr- progress notes, it was written two to six days afterwards. So in- in terms of accuracy, it's actually,

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um, I wouldn't remember (laughing) everything one- one- one day after, um, if I did not... 'Cause besides the signature, there's also the timestamp for creating it, and then locked in and signed by Mr. Danny Aldis, so if it is two to like six days afterwards. So for number one, what-

Elizabeth Straughan ([00:13:59](#)):

Um, the first one is- is, uh, unprofessional conduct.

Sol Magpantay ([00:14:04](#)):

I see. I would say-

Elizabeth Straughan ([00:14:05](#)):

It's a violation I believe, please correct me if I'm wrong, uh, it's a violation of our, uh, statute.

Sol Magpantay ([00:14:15](#)):

I will say yes.

Elizabeth Straughan ([00:14:17](#)):

And I would- I would have to agree. I say yes. Um, the, and Allie, I'm assuming you're saying yes? Okay. Um, the second one is, uh, in the area of documentation, so that could be either misdocumentation or incorrect documentation.

Sol Magpantay ([00:14:44](#)):

For count two, I will say yes. It's a misdocumentation, um, because, um, it was written like two to six days after, so accuracy-wise it's questionable.

Elizabeth Straughan ([00:15:02](#)):

And- and Allie, if you wanna give me a sign as opposed to... Yes, okay. (laughs).

Rosalie Bordelove ([00:15:06](#)):

Yes. I don't know if we can, if you, if- if Liz, since I know Allie's having a hard time with, um, because of her voice-

Elizabeth Straughan ([00:15:13](#)):

[crosstalk 00:15:13].

Rosalie Bordelove ([00:15:13](#)):

... thing.

Elizabeth Straughan ([00:15:13](#)):

Yes.

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Rosalie Bordelove ([00:15:13](#)):

I don't know, Liz, if you wanna just, for purposes of the record so we can have a good confirmation of Allie's vote on each of these, just so, um... I- I don't know if you'd rather, um, I think I'm comfortable with, Liz, if you just wanna make a confirmation of Allie's vote each time, just verbally-

Elizabeth Straughan ([00:15:31](#)):

Okay.

Rosalie Bordelove ([00:15:31](#)):

... so we have that in the record.

Elizabeth Straughan ([00:15:33](#)):

Okay. Um-

Rosalie Bordelove ([00:15:33](#)):

I know we can all see her, but- but that part won't [inaudible 00:15:37].

Elizabeth Straughan ([00:15:36](#)):

Yeah (laughing). I know, it's like okay, is she waving? (laughs). Um, and yes, she was confirming, and- and I agree as well. I think that, um, documentation, um... I- I- I've worked in systems where you, you know, if you- you immediately write it down, then you go, "Oh, wrong student," and you immediately correct it. Um, so I would say yes, that I see an error in documentation. So that makes, um, two so far. So the next item would be, uh, false records.

Sol Magpantay ([00:16:17](#)):

This one, I don't see accurate evidence, um, in terms of false evidence. It is because they just called and, um, and asked was she there at the time. Um, if it is a different caregiver, if it is a different parent, um, and then h- he signed it, even if it was after a few days later, he was not able to catch it. Um, not unless the parents called, 'cause for whatever reason for that week, it was, I looked at, there was like- like I think... Hold on.

Elizabeth Straughan ([00:17:08](#)):

Um, and I would say, you know, I, if- if there's no documentation that you were present, that's- that's- that's my question. Um, it's easy to submit a- a report, but if we don't actually know, um, when it happened. I mean, if it's- if it's, uh, the, pick a- pick a time for- for an hour, did it actually happen during that hour? That would be what I have doubts about.

Sol Magpantay ([00:17:41](#)):

Because, um, based on the invoice, occupational therapy invoice, this is not the billing for Medicaid. I think this is her work hours. Um, that is exhibit eight. There were like four clients, AP, JJ, JJ, and RO. And

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then on the addendum, there was AH for August 4 and August 6, where they- they- they were like calling, um, uh, that were, "We don't have an OT right now, we're changing OTs," and they said she was- she was not there.

Sol Magpantay ([00:18:16](#)):

Um, and I don't know which it is in question in terms of documentation, 'cause I cannot- I cannot compare and contrast that one, AH August 4 and August 6, to- to the invoice. However, the- the- the 12 documentation, there's only 10 that was in the invoice, um, from August 2 to August 8 and July- July, um, August 2 to August 6 and July 26 to Ju- July 30. Um, the July 19 and the July 20, which is I think the eighth and the seventh progress note, July 19 and July 21, July 21 is the seventh progress note and July 19 is the eighth progress notes that was submitted, um, in exhibit I think three.

Sol Magpantay ([00:19:12](#)):

Um, if I just called and asked a caregiver, and I don't know if that caregiver is a parent or a caregiver from the daycare, and they did not call the company that she did not show up on- on two days. And, um, if you can see Carly Al- Aldis, if you have read Carly Aldis's, um, um, is it disposition, dis- disposition pages 40 to 49, um, and you, there's no parent that called, no caregiver called. And, um, she was... Well, like I have a hard time with this, because even her said, "Oh, if the, if somebody was not seen consecutively, then they would have like called." That was-

Elizabeth Straughan ([00:20:09](#)):

Well, uh, well, and I- and I understand what you're saying because, uh, but I would tell you that, um, my experience has been many people do not call and ask, um, as- as, um, supervisor, as a, uh, parent of a child. Um-

Sol Magpantay ([00:20:29](#)):

But if it is in the daycare, the- the caregiver will call, like in school system, so that's the problem. I will say no to this.

Elizabeth Straughan ([00:20:40](#)):

Okay, so you're gonna say no to that.

Sol Magpantay ([00:20:42](#)):

Mm-hmm (affirmative).

Elizabeth Straughan ([00:20:43](#)):

Um-

Sol Magpantay ([00:20:43](#)):

There's no complete evidence that I can see.

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Elizabeth Straughan ([00:20:48](#)):

Um-

Sol Magpantay ([00:20:48](#)):

And the, um, and- and Mr. Aldis signed for it too, so that's the biggest question. Even if it was written two to six days afterwards, which he- he could have like checked on it. 'Cause it is your job not just to look at the contents of the documentation, it is your job to make sure that it was provided.

Elizabeth Straughan ([00:21:13](#)):

Right. And Allie, did you...

Allison Stone ([00:21:17](#)):

For me, the, um, I've read this quite a bit of the, uh, testimony provided, for me I can say yes to this. I'm comfortable with that.

Elizabeth Straughan ([00:21:26](#)):

You're comfortable with it? Or I'm comfortable with it? Yes.

Allison Stone ([00:21:29](#)):

Yes, comfortable. Yes.

Elizabeth Straughan ([00:21:30](#)):

You are comfortable. So you would vote yes, that's a violation?

Allison Stone ([00:21:36](#)):

Yes.

Elizabeth Straughan ([00:21:40](#)):

Okay. Oh, you guys don't make it easy. Um, I- I'm worried about all the- all the conflicting areas, and so I want to hold my vote on number three at this time while I- I think about, and let us move on. Um, the next one would be count number four, which is signature, signing the record, and I would personally say I think that the record was signed, um, inappropriately. Um, how, Allie, since you're on the screen, how did you see number four? You agree? You're sh- shaking your head yes and no (laughing). Okay, yes, actually. Yes. Um, so Sol, how are you on count number four?

Sol Magpantay ([00:22:45](#)):

The thing is, if we find her liable for this, then Mr. Aldis is liable for this too.

Elizabeth Straughan ([00:22:52](#)):

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But Mr. Aldis is- is- is, uh, uh, testifying as I understand. Um, he is not, um, he has... What- what he chose to do is separate from what, uh, Miss Sloan is facing. Is that correct, counsel? Rosalie, yeah.

Rosalie Bordelove ([00:23:15](#)):

Yes, sorry. (laughs).

Elizabeth Straughan ([00:23:15](#)):

Okay. (laughs).

Rosalie Bordelove ([00:23:17](#)):

Um, if you would repeat that real quick for me. Sorry.

Elizabeth Straughan ([00:23:20](#)):

Um-

Rosalie Bordelove ([00:23:21](#)):

I looked away briefly.

Elizabeth Straughan ([00:23:22](#)):

As I understand it, um, we are focusing on Miss Sloan's actions-

Rosalie Bordelove ([00:23:29](#)):

Mm-hmm (affirmative).

Elizabeth Straughan ([00:23:29](#)):

... not her supervisor's actions.

Rosalie Bordelove ([00:23:31](#)):

Correct.

Elizabeth Straughan ([00:23:32](#)):

Um, so if the record was signed, um, appropriately or inappropriately, that is the question, not whether the supervisor should or should not have done something, correct?

Rosalie Bordelove ([00:23:45](#)):

Yeah, correct. This is, uh, what you're looking at now is Miss Sloan's actions and whether or not her signature was appropriate on here. Um, it is separate and apart from whether or not her supervisor's signature, um, was appropriate on it as well, and, um, to the extent he's licensed, that could be taken as a separate issue. But right now, you're just looking at hers.

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Elizabeth Straughan ([00:24:07](#)):

Okay.

Sol Magpantay ([00:24:09](#)):

Okay, but as a board, um, are we... How do we say? It's, um, I don't know how to say this. Um, like for example, as, um, whether in a court of law or (laughing), or as, um, in a board, if you kind of like found out like the- the- the other one had done something, are we going forward for anything or no? Like, 'cause obviously we found out that he signed all h- her documents, and in, according to the AOT practice guidelines, as a supervising OT you should sign only to make sure the treatment is provided.

Rosalie Bordelove ([00:24:51](#)):

So-

Elizabeth Straughan ([00:24:52](#)):

Right, and Sol... Uh, yeah. Uh, okay, go ahead. (laughs).

Rosalie Bordelove ([00:24:55](#)):

(laughs). I was gonna agree. If, uh, you- you could refer and ask your- your- your staff to look into other issues, but because this isn't a notice as a hearing for him today, there's been no complaint, no action can be taken and you really can't go into depth on any of- of his actions here today. Um, to the extent that this raises any issues that you would like your staff to look into, you can request that they look into it. Um, but- but the, and th- that the same things have been raised to them in any way, it, this is- is not a hearing today though regarding him and no action can be taken regarding him today.

Sol Magpantay ([00:25:30](#)):

Okay. Um-

Elizabeth Straughan ([00:25:33](#)):

So the question is really do you feel that, um, the signature of the record, um, is- is an issue from Miss Sloan? And I say yes, and Allie already said yes, but we need your comment.

Sol Magpantay ([00:26:03](#)):

I will say-

PART 1 OF 4 ENDS [00:26:04]

Elizabeth Straughan ([00:26:00](#)):

... comment.

Sol Magpantay ([00:26:03](#)):

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I will say, um, on the accuracy of the record, it's not accurate 'cause it was written two to six days afterwards.

Elizabeth Straughan ([00:26:13](#)):

Okay. So count four, that would be it. All right. So count five is negligence.

Sol Magpantay ([00:26:27](#)):

This is the one also I have a hard time 'cause if she's negligent, the supervisor is also negligent.

Elizabeth Straughan ([00:26:35](#)):

Okay. But we can't talk about the supervisor.

Sol Magpantay ([00:26:35](#)):

So, I, I, know she's, I, I know he's, I know he's not, I know he's not part of this, but as the supervising OT and as the owner of a company-

Elizabeth Straughan ([00:26:45](#)):

But, but we, we're only talking about Ms. Sloan's actions. That, that's where we're, that's, that's our job. We, we have no other, a- anything else that happens after this is not, you know, is not related to this one item. So-

Sol Magpantay ([00:26:59](#)):

And this is...

Elizabeth Straughan ([00:27:00](#)):

Did Ms. Sloan have negligence? Um, do you think she was negligent, um, whether it was purposeful or not? Um, I would say, um, while you're thinking about that is, I would say yes because, um, it's easy to ask for assistance, um, it's, from the testimony that re- received that the support is there. If there are questions, um, there are people there that can, um, answer your question. It may not be as fast as, as preferred or it may not be equally understood, but I think, um, sometimes you as an OT, you have to really check your facts. And so if you're not ready, um, I can-

Sol Magpantay ([00:27:58](#)):

Yeah, because this is regarding performance of occupational therapy. It's the therapy provided to the patient, being guilty of negligence in performance of, of occupational therapy. It's the therapy that's provided to the patient.

Elizabeth Straughan ([00:28:17](#)):

Right. But if it didn't get provided, is it negligent?

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Sol Magpantay ([00:28:25](#)):

Okay. I'll say yes.

Elizabeth Straughan ([00:28:30](#)):

Ali, do you have a, you're shaking your head yes? Thank you. So number five. Um, count number six is a false report. And I, and I see a similar, a similar response in that, if you're you've done document and it's signed and it didn't happen, then I would say, yes, that, highly likely that, that would've happened.

Sol Magpantay ([00:29:11](#)):

The problem of that did not happen is, uh, its not concrete for me, for me. Just for me because-

Elizabeth Straughan ([00:29:23](#)):

So...

Sol Magpantay ([00:29:24](#)):

...but, um, just for me, the, that it did not happen and there's a documentation signed. The family did not call, but this one, I don't know. I am conflicted.

Elizabeth Straughan ([00:29:40](#)):

Okay. Well, do you, do you want to say, um, it's, it's you, you don't believe that that one is, is a good count?

Sol Magpantay ([00:29:50](#)):

Yeah.

Elizabeth Straughan ([00:29:51](#)):

That you don't have enough documentation for that?

Sol Magpantay ([00:29:53](#)):

Yeah. I don't have concrete evidence. If the family called, you know, and then this will be a done deal for me, but it's not. They called it one time that day on August 9, each of them. And then the next day they added for AH um, because they're changing therapists and they don't have another one and said, "Oh, she did not come." What if it is a different parent or a different caregiver? Um, and it was not part of the investigation. Um-

Elizabeth Straughan ([00:30:31](#)):

Right.

Sol Magpantay ([00:30:32](#)):

...so it's not concrete for me.

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Elizabeth Straughan ([00:30:35](#)):

Okay. So no, Sol.

Sol Magpantay ([00:30:36](#)):

Mm-hmm (affirmative)

Elizabeth Straughan ([00:30:37](#)):

Um, Allie, are you, are you, you're shaking your head? Yes. It is a count for you. All right. Allie, um, says it would be. Um, I, I have a feeling in that I agree with Allie that I do think, uh, it was a false rep- that a false report is true. I, um, I think it's easy for that to have happened. I think it's highly likely. Um, for number seven, um, it is, the count is a file of a report. Um, so is it a, it says a report went on and was accepted? Sol or Allie?

Sol Magpantay ([00:31:40](#)):

Can you elaborate on this count seven? Is it like, um, it, it meant like, she's obstructing someone from reporting that this happened?

Elizabeth Straughan ([00:31:52](#)):

And I would ask our counsel, um-

Sol Magpantay ([00:31:57](#)):

Yeah. 'Cause it says, "Third party or intentionally obstructing offending, to obstruct another person from filing such reports."

Rosalie Bordelove ([00:32:05](#)):

Sure. So let me look a little, actually, let me pull-

Sol Magpantay ([00:32:08](#)):

Mm-hmm (affirmative)

Rosalie Bordelove ([00:32:08](#)):

...up the statute and get a more... Um, 'cause we have an excerpt in the complaint of the language, but let me pull up this whole... On count seven that's 640A.350 Subsection 6. Or is that NAC? Sorry about that. I pulled up NRS, but that's an NAC section.

Elizabeth Straughan ([00:32:41](#)):

Ah, but you understand it better than we do.

Rosalie Bordelove ([00:32:49](#)):

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Um, there we go. And pull up 350 subsection, so NAC 640A, um, 350, um, states, "In to those acts specified in Subsection 4, uh, the following acts, among others, constitute unprofessional conduct." So it's elaborating on what, um, in, in the statute, um, is unprofessional conduct. And Subsection 6 says, "Failing to file a report, which is required by law or a third person or intentionally obstructing or attempting to obstruct another person from filing such a report." So this usually would indicate a report required to be filed with the board. Um, but could be, it says, "Required by law or a third person," so that could include reports to Medicaid reports to insurers, um, I would, I would say that could I don't, um, you know, have case law specific elaborating on this particular section. But I would say that that could include, um, a report required by an insurer or somebody else outside of the company that could also include reports, um, to the board.

Sol Magpantay ([00:34:01](#)):

Um, I don't think Ms. Sloan obstructed it to be reported to the board, or for the company, um, not to, not to void the invoice, uh, to void the invoices and to get, um, and not be paid or the company to pay for the services that she did not provide. So I don't think Ms. Sloan committed this one.

Elizabeth Straughan ([00:34:23](#)):

Uh, well see, now I'm going confused because I'm thinking the way, um, I have filed reports over the year is if I accidentally used the wrong student or whatever then, and I filed it. I filed that report and it was incorrect and if I don't correct it, then yes, I would be guilty. Is, is that what your saying counsel?

Rosalie Bordelove ([00:34:48](#)):

Um, I think that could con- yes. I, I, I would include failing to file a report, include failing to correct a filed report, um, because you are, um, at that point you've known you filed an incorrect report. Um, and I would say that could be included in there. Um, ultimately it's the Board's I, uh, option to, uh, interpret these, um, statutes and regulations as they are the Board's chapters. Um, so it's ultimately your decision, but I could see that definitely being included in failing to file a report is failing to correct a report.

Sol Magpantay ([00:35:23](#)):

Yeah. But, um, Mr. Aldis, um-

Elizabeth Straughan ([00:35:26](#)):

Uh, uh, he's not on, he's not, you can't-

Sol Magpantay ([00:35:30](#)):

I know, no, no, no. Hold on. Hold on.

Elizabeth Straughan ([00:35:31](#)):

Yeah.

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Sol Magpantay ([00:35:31](#)):

What I meant is Mr. Aldis called on August 9th to the Board. Mr. Sl- Ms. Sloan was fired and terminated that time. For her to correct this, sh- she was terminated already.

Elizabeth Straughan ([00:35:45](#)):

I, I, I think that's way out. What I'm worried about is if you, in your documentation, how I'm interpreting this is that if I have billed and written notes and, um, things aren't matching up, that's, that's what hap- that would be the filing of the report, if you don't correct it that way. Allie did you?

Allie ([00:36:16](#)):

That's how I would take it as well. Um, if the documentation didn't have appropriate information or time or something was inaccurate and you went ahead and filed it and didn't double check it prior to filing, that's how I would take that. And that was demonstrated with the times documented versus times that treatments probably should have occurred.

Sol Magpantay ([00:36:39](#)):

But I think it's in the other count already. That is in, in, in the above count. Um, I think that is really, um, the count, um, three or four, 'cause this is failing time-

Elizabeth Straughan ([00:36:57](#)):

Is that, are you talking, wait, wait, wait. Are you talking false records or signing the record?

Sol Magpantay ([00:37:02](#)):

I think signing the records.

Elizabeth Straughan ([00:37:05](#)):

Okay. Um,

Sol Magpantay ([00:37:06](#)):

But I think, we have for, yeah. 'Cause this, the ones that you're saying applied to the other count, not on this count.

Elizabeth Straughan ([00:37:15](#)):

Okay. So then I would like to ask Board counsel if she has a clarification for us?

Rosalie Bordelove ([00:37:22](#)):

Uh, regarding, I mean, whether you, whether s- submitting the report, um, at basically which count you, it, it's ultimately up to the Board where you'd like to put it. Um, uh, it, it sounds like you've established the evidence that she, um, signed and submitted, uh, billing or, or invoice reports, um, that contained inaccuracies. Um, you can have a single act result in multiple violations. Um, but the Board could also

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choose that to, to find that, um, that act is, the other violation covers that act. Um, and that you don't see count seven as being a separate violation. Um, that's, that's up to the Board's discretion in that front. I don't know if that helps clarify at all. I'm sorry, if that made things more confusing.

Allie ([00:38:19](#)):

I think I took this one as the actual submission to insurance. Like the other stuff was just the documentation and what went to the company to, to me, this is the actual submission that went to insurance that was an accurate, and that wasn't corrected prior to that.

Elizabeth Straughan ([00:38:38](#)):

Right. Because the correction actually happened from the facility versus the therapist. Is that what you're saying? Sol, do you, do you have further thoughts?

Sol Magpantay ([00:38:55](#)):

Um, I am conflicted on this one because of, or a third person or intentionally obstructing or attempting to obstruct another person from filing such report. She did not obstruct, um, um, failing to file a report, which is required by law. If I'm a COTA and my, my OTR signed it, I wouldn't say that. Um, in my mind it was okay, what I have like written, 'cause it was like signed. So, and then I got fired. I was not able to, to, to file a report or to check if it was right. You know, um, so I'm conflicted with this one.

Elizabeth Straughan ([00:39:43](#)):

You're, you're, you're saying, no. Um-

Sol Magpantay ([00:39:46](#)):

Mm-hmm (affirmative).

Elizabeth Straughan ([00:39:46](#)):

...I, I would have to say that Allie and I are interpreting it the same way.

Sol Magpantay ([00:39:52](#)):

Okay.

Elizabeth Straughan ([00:39:53](#)):

Um-

Sol Magpantay ([00:39:53](#)):

And I'm okay with that.

Elizabeth Straughan ([00:39:53](#)):

And, and w- then I'll, yeah, I'll get there. So there's only one more left-

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Sol Magpantay ([00:39:56](#)):

Mm-hmm (affirmative)

Elizabeth Straughan ([00:39:57](#)):

...and that is count eight, which is the code of ethics. Um, and I obviously feel that that that's been an issue. Um, so I do think that we have enough evidence that, things didn't get to corrected, discussions did not happen. We have enough testimony saying thing, things were repaid. We have non non-visual accuracy the persons where they're supposed to be. Um, I would say the code of ethics were, uh, impacted.

Sol Magpantay ([00:40:29](#)):

Yes.

Elizabeth Straughan ([00:40:29](#)):

So Sol or?

Sol Magpantay ([00:40:32](#)):

Um, yes.

Elizabeth Straughan ([00:40:35](#)):

And Allie? Shaking your head. Yes. Okay. So, um, this would be a question just to keep us, um, correct. I see count one, count two, count four, count eight, did anybody else count and get a different number than I did?

Rosalie Bordelove ([00:41:09](#)):

I don't believe, just a point of clarification. Um, Rosalie Bordelove for the record. I don't know if you, uh, Chair gave your vote on count three.

Elizabeth Straughan ([00:41:21](#)):

I d- have not and that's why I did not. I, I was curious, we have, uh, count seven, count six and count three and I have, I think count five was a, was there accepted. There are three that we have a non-unanimous, um, results. So what do we do with that, with this?

Rosalie Bordelove ([00:41:43](#)):

Um, there are three of you, so it's not a tie. Where you have two votes to one the, it, it's majority wins for purposes-

Sol Magpantay ([00:41:53](#)):

Mm-hmm (affirmative)

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Rosalie Bordelove ([00:41:54](#)):

...of, of a vote on discipline in these matters. So, um, what I have in my notes on the record, and please correct me, I'll just go through. If any of you, um, if I'm incorrect on the votes on any, but for counts one, two, four, five, and eight, they were unanimous. Um, counts six and seven votes were two to one and we have one vote each way on count three, but we don't have a third vote yet.

Elizabeth Straughan ([00:42:27](#)):

Okay. So, um, I, I would say, um, it may have been unintentional, but I do think, uh, count three, that false records happened. So, um, what, so basically, is it the Board's, is it a Board Chair's decision or is it the group decision whether we include all counts because there's a majority?

Rosalie Bordelove ([00:43:01](#)):

And generally it, each, essentially when you addressed each count because you were phrasing them as a, a count, um, a- a- because you were phrasing them as, um, you know, do you find that this count was proven is, I'm, similar, I, I was taking it almost as a motion. Now if Board members would like to essentially change their vote on the non-unanimous that's permissible, but, but essentially as we have them now, and usually you, um, it, it's a majority rules I would look for, I guess, a motion at the end of this. But, um, generally it's Bo- uh, uh, majority rules for purposes of any action, including whether or not a violation is found.

Elizabeth Straughan ([00:43:48](#)):

Okay. So then we need to have a, a vote at this point. Is that correct on accepting these counts? I, I'm just not [crosstalk 00:44:00]

Rosalie Bordelove ([00:43:59](#)):

Sure. We essentially do already, but if it would be easier to do, uh, just for, for clarification on the record purposes. Um, you know, you could take a vote and say that a, a vote on counts one, two, four, five and eight, I think were the unanimous ones, take those as one and then take, make another motion for purposes of three, six, and seven. Um, if, if you'd like to do it that way, um, just because I, I, anybody's still free to change anything. I'm not dictating any of these. I just was giving you a suggestion as a way of, of the counts I had, um, for who was voting for which, um, that you could take two votes that way just for clarification. And someone could make a motion that, that those violations are found.

Elizabeth Straughan ([00:44:56](#)):

Okay. So at this point, as I understand it, we, um, were solid on one, two, four, five and eight, with a majority on three, six and seven. Um, so what I'm looking for is a motion and a second to, uh, however you would like to phrase it, to conclude this section.

Sol Magpantay ([00:45:26](#)):

Okay. Liz this is Sol. I make a motion for those counts that were all unanimous, I think-

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Elizabeth Straughan ([00:45:35](#)):

One, two, four, five and eight, yes.

Sol Magpantay ([00:45:38](#)):

Yes. Um, to approve it, uh, make a motion to approve the unanimous decision for those counts.

Rosalie Bordelove ([00:45:47](#)):

Uh, sure. Or a motion that the, the counts were the, the vi- a violation is found, um-

Sol Magpantay ([00:45:54](#)):

Yes.

Rosalie Bordelove ([00:45:54](#)):

...and a violation was proven.

Sol Magpantay ([00:45:56](#)):

For, for those counts that we were unanimous, that the violations were proven.

Elizabeth Straughan ([00:46:02](#)):

Okay. Is there a second?

Allie ([00:46:03](#)):

I second.

Elizabeth Straughan ([00:46:05](#)):

Allie's raised her hand. All right. Um, time to vote, all those in favor. Aye

Sol Magpantay ([00:46:12](#)):

Aye.

Elizabeth Straughan ([00:46:13](#)):

And Allie had her hand up for an aye. All those opposed, abstentions. So moved that, um, Ms. Sloan was in violation of counts one, two, four, five and eight. Okay. So now where does that leave us?

Allie ([00:46:39](#)):

Would so would we make a motion, make a motion to accept the other counts based on the majority.

Elizabeth Straughan ([00:46:47](#)):

If you would like to make that motion, we can.

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Allie ([00:46:47](#)):

Okay. I make a motion on the, um, remaining counts that the, um, the pass due to the majority, uh, ruling of votes.

Elizabeth Straughan ([00:47:02](#)):

Okay. So to, to rephrase that, that would be, um, you are moving that counts three, six and seven, um, that were in the majority also were noted.

Rosalie Bordelove ([00:47:18](#)):

That, that a violation was proven.

Elizabeth Straughan ([00:47:19](#)):

A violation, thank you. I knew there was a word I was missing, a violation occurred. Um, so, um, all those-

Sol Magpantay ([00:47:26](#)):

Oh, no, I have to second. I have to second.

Elizabeth Straughan ([00:47:29](#)):

Oh, sorry. You have to second. Never mind.

Sol Magpantay ([00:47:31](#)):

Yeah. I have to second just based on the majority votes for the violations proven.

Elizabeth Straughan ([00:47:39](#)):

Okay. Um, and in that case then, now we're ready for a vote. Um, all those in favor.

Sol Magpantay ([00:47:48](#)):

Aye.

Allison Stone

Aye

Elizabeth Straughan ([00:47:55](#)):

All those opposed. All those abstaining. I guess I have a legal question. Does everyone have to choose one of those items to vote?

Rosalie Bordelove ([00:48:14](#)):

Um, yet, I mean, essentially, no, not voting would be a no vote. You need the majority of votes in favor for a motion to pass.

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Elizabeth Straughan ([00:48:29](#)):

Okay. Do I need to restate that then for the record or no?

Sol Magpantay ([00:48:33](#)):

Um, excuse me, what's no voting?

Rosalie Bordelove ([00:48:36](#)):

So I, I guess I'm, I'm confused as to what happened there. We had a motion and a second to find a violation on three, six and seven.

Elizabeth Straughan ([00:48:46](#)):

Um, two of us voted, yes. One of us did not vote.

Rosalie Bordelove ([00:48:52](#)):

Okay. So the motion passes because you have two in favor, uh, not voting essentially count as a no, you need two because you need a majority of votes in favor to pass.

Sol Magpantay ([00:49:07](#)):

Mm-hmm (affirmative)

Elizabeth Straughan ([00:49:08](#)):

Okay. So, so legally we are, we have done what we need to do.

Rosalie Bordelove ([00:49:12](#)):

Yes. You have a majority of votes in favor. So now that we have essentially eight violations here, have been found, um, we move on to the discipline phase and we have a recommendation, um, from Ms. Rasul, uh, your counsel for the Board, um, regarding discipline. Um, I don't, I'm, I'm hoping all of you have that to look at. Um, she also stated it, I, in the hearing, um, in her closing statement, what her recommendation was. The Board is not required to accept it in whole, but may accept it as is, may make changes, it's a recommendation. Um, I be for, for a point to procedure, I'd be looking for probably a motion regarding, um, the discipline first and then one addressing attorney fees and costs, which have also been requested. Um, the Board is permitted to award attorneys, fees and costs, um, to essentially recover what it has expended and the same recommendation document, um, contains, uh, an amount for those attorneys fees and costs, um, that they've already been calculated. So, um, it, it, for clarity of the record, it's probably easiest to take it in two motions though in one or in more, depending on what you decide.

Elizabeth Straughan ([00:50:40](#)):

Okay. Do you, do you have a clear list in front of you, of her recommendations? I know I have it here somewhere. I am just not finding it at this moment in time.

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Rosalie Bordelove ([00:50:53](#)):

I do, it was, um, but I don't know. You could also have, uh, Ms. Rasul give her recommendations again. The Board can ask-

Elizabeth Straughan ([00:51:00](#)):

Yes.

Rosalie Bordelove ([00:51:00](#)):

...her for them. Um, they, she, they were stated during the hearing before, and I think the document that I was referring to is simply a restatement of, of what she had in her closing statement.

Elizabeth Straughan ([00:51:12](#)):

So is Ms. Rasul here or?

Ms. Rasul ([00:51:17](#)):

Here.

Elizabeth Straughan ([00:51:18](#)):

Oh, great. Would you, would you-

Ms. Rasul ([00:51:21](#)):

I'm here.

Elizabeth Straughan ([00:51:22](#)):

I lost my list. I know I have it. Um, I know that there was, if you could review for us.

Ms. Rasul ([00:51:29](#)):

Sure. So this is, um, this was, I don't know if it was sent out to everyone, but, um, it's just what, um, was summarized by Loretta. Um, number one, basically, let's see here. Um, well, first I asked that Ms. Sloan's license be placed on probation for three years effective today. Um, during the time of probation, of the three year, of the three year probation, um, the following terms would need to be met. Um, the respondent waives her right to petition for early termination and my.

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Henna Rasul ([00:52:00](#)):

Uh, the respondent waives her right to petition for early termination and modification of probation. Respondent shall obey all state, federal, and local laws and regulations governing the practice of occupational therapy. Respondent shall complete 9 hours of board-approved continuing, um, education, 6 hours in ethics, 3 hours in standards of practice. She would also be responsible for all costs of the

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continuing education, and upon successful completion of the course work, she would need to send a certificate of completion to the board within 30 days of the completion of the course. She, at all times, while on probation, must maintain an active, current occupational assistant license with the board. She would be restricted from working independently, including in-home healthcare settings, and she shall work under the direct supervision of an OTR who is physically present on site. She shall provide a copy of any board order as result of the disciplinary... this disciplinary hearing and have it signed by each employer. Um, the board will also report any actions taken by it to any state and national data bank that is required by law. The National Board for Certification of Occupational Therapy, and American Occupational Therapies Association.

Henna Rasul ([00:53:29](#)):

As far as, um, attorney's fees and costs are concerned, I'm, um, asking for, um, \$4,515.10 pursuant to, um, NRS 622.400 and, um, add the cost of this hearing or plus [inaudible 00:53:49].

Elizabeth Straughan ([00:53:51](#)):

Okay. Thank you. (laughs) Um, maybe it's easy to go over your recommendations one by one for, uh, the board to discuss. Um...

Henna Rasul ([00:54:06](#)):

I would like to add one thing. I'm not sure if the \$4,000 amount includes the cost of the previous hearing, so that might be an added cost, as well, just to clarify.

Elizabeth Straughan ([00:54:21](#)):

Okay. Maybe more. Um, I get the first one. Um, I, I just thought I'd go, go down the line for you, um, all. Um, as far as, uh, discipline, um, probation for three years, um, and following all laws, um, I would like to change, tweak that, if the other members agree to say, um, I agree with the probation for three years, um, but I, um, would like to have an option, say at the two-year mark, um, for, um, Miss [Sloan 00:55:04] to petition for, um, stopping probation because she has been able to, uh, perform her tasks. And I don't know how that looks legally, but I would, you know, if it... if it only takes two years, I'd rather see that than, than having three years. I don't know how the rest of the board feels about that. Um, Ally is shaking her head, yes. So you like that idea. [Sol 00:55:32] do you have thoughts on that?

Sol Magpantay ([00:55:33](#)):

Yeah, um, if it is legally accepted to have two years and then she can file for a petition, yeah, then it'll be fine.

Elizabeth Straughan ([00:55:44](#)):

Okay. Um, and that's in con-... I mean, I think it depends, uh for, for my perspective, depending on where your, uh, your work setting is, um, you may be, uh, able to get those organizational skills happening, um, much quicker. Uh, in other settings it's much more, uh stressful, um, and so I'd like to

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have that option, um, for Miss Sloan to, to be able to, um, adjust it to her skill level. Um, so do we have to do a motion for each one?

Rosalie Bordelove ([00:56:21](#)):

Um, you, you could do it as a group at the end, but I guess just to clarify for the record, and maybe we should do this one as a motion, just because it's a bit of a change and I'm trying to make sure we have it really clear, um, so that she can follow it later.

Elizabeth Straughan ([00:56:35](#)):

Okay.

Rosalie Bordelove ([00:56:35](#)):

So your looking at three years probation with her ability to petition the board after two years for termination of the probation. Um, what is it your hoping... I guess, what are you looking for her to have completed and/or set forth at that two year mark?

Elizabeth Straughan ([00:56:58](#)):

Um, she would have had to completed all the other, um, requests, having an active license, um, ex- I, I don't... given the financial questions, I would throw that one out, but basically be able... have, have that supervision that happens, if she no longer needs it, she can petition not to be supervised.

Rosalie Bordelove ([00:57:20](#)):

Okay, so, she, and let me... I'll, I'll, I'll re-state again...

Elizabeth Straughan ([00:57:25](#)):

Yeah. (laughs) Yeah.

Rosalie Bordelove ([00:57:26](#)):

Because, because I'm trying to help it be very, very clear so it... the future order it can be very clear in the order. Um, so three years probation, um, with her ability to petition the board after two years, um, for ter-... early termination of the probation if she has completed all of the requirements under her probation with the exception of payment of the fees and costs. Is that what you were saying with the financial? Or, or what was your...

Elizabeth Straughan ([00:57:58](#)):

That, that was what I was thinking, but maybe two other board members have thoughts on that.

Rosalie Bordelove ([00:58:02](#)):

Okay.

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Elizabeth Straughan ([00:58:04](#)):

Um, Ally or Sol, do you have thoughts on that?

Sol Magpantay ([00:58:08](#)):

Yeah, as lo-... Yeah. Um, um, as long as she completed the rest, like the...

Elizabeth Straughan ([00:58:14](#)):

CEUs.

Sol Magpantay ([00:58:14](#)):

...the CEUs and stuff. The money... I, uh, as long as she's paying, like constantly, you know, like in a payment plan, it may not be done in two years. But as long as she's paying constantly, then that's okay.

Elizabeth Straughan ([00:58:31](#)):

Oh-

Sol Magpantay ([00:58:33](#)):

And she can finish the payment within three years. If that's allowed. If it's legal. (laughs)

Rosalie Bordelove ([00:58:41](#)):

Okay, so, do you want... I guess I don't need that... I (laughs) ju-... can I just say it really clear just so we... so we know exactly what it is. So, I guess to add those edits it would be three years probation, ability to petition the board for early termination after two years, if she's completed the requirements of her probation, um, and is in a payment plan on the fees, but they don't necessarily have to have been completely paid at the end of the two years. That I'm worried about, because the payment plan is...

Elizabeth Straughan ([00:59:12](#)):

A-and I... and I would ask, um, our board dir- uh, director, um, where, where... how would you word that?

Loretta Ponton ([00:59:24](#)):

Um, this is Loretta [Contin 00:59:26]. Uh, payment of fees, uh, is usually done during the period of probation, must be completed by the end of probation. That is how we have had, uh, all of our fees done, whether it's lump sum or in a payment plan, that they're not released from probation until all the terms of probation are completed. If she has completed payment at two years, then she will have met all those terms of probation. So there wouldn't be a problem. Uh, I would be reluctant to, uh, continue on a payment plan when... um, if she was early, early release. So, just my thoughts that, um, early release is, is fine as long as all the terms established for probation have been completed.

Elizabeth Straughan ([01:00:22](#)):

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Okay. Allie, do you have any thoughts?

Allie ([01:00:26](#)):

No, I, I, uh, I'm in agreement with that. I think, um, that's a good idea.

Elizabeth Straughan ([01:00:38](#)):

Okay.

Shacindra Sloan ([01:00:39](#)):

I'm sorry, this is Miss Sloan. I know I'm not supposed to interrupt right now because y'all making decisions. But realistically where am I supposed to be getting a job at with eight counts of pending violations then an African-American female in Nevada during COVID with supervision, paying back \$6000 worth of fees in three years. It's not realistic. If you guys want the license, take the license, and I'll [inaudible 01:01:07]. But if you guys want the license, take the license, but don't set unrealistic expectations. That's not realistic. I'm never going to pay \$6000 back in three years. I have three kids and a grand baby. It's not realistic. I have to find an OT that's gonna be willing to hire me, supervise me, sign off on a complaint all because Danny got upset and said he... because I went on vacation and he did an eight-hour investigation, so we're here now. And that's fine. That's what I'll have to explain. But you want me to go in and explain this, how?

Elizabeth Straughan ([01:01:42](#)):

I, I...

Shacindra Sloan ([01:01:44](#)):

It's, it's not realistic. And I'm sorry, I'll [inaudible 01:01:47], 'cause I know I'm not supposed to be in here, but don't set unrealistic expectations, it's just not gonna happen. It's not. And I'm not being rude, I'm not being funny. It's not realistic.

Elizabeth Straughan ([01:01:58](#)):

And I understand. Let me go back to counsel.

Rosalie Bordelove ([01:02:05](#)):

Yes.

Elizabeth Straughan ([01:02:05](#)):

Uh, I'm, I'm stuck, uh, I- I'm back where, um, we had input from, um, the board. Um, I guess I can withdraw that suggestion to, um, waive the costs but if... but still have in a caveat that after two years, if all things are completed, um, payments made, then you can have early release from the, the discipline, right?

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Rosalie Bordelove ([01:02:46](#)):

Yes. So this, this might be easier if somebody wants to put it into a motion, but, um, are you looking at accepting the same, uh, the recommendations with respect to continuing education...

Elizabeth Straughan ([01:02:59](#)):

Yes.

Rosalie Bordelove ([01:02:59](#)):

...um, maintaining an active license. It might be easiest to state this all as one, one package and someone move. So, if I am correct at what you are proposing at this time, is, um, three years probation with the ability to petition for early termination within two years if all conditions of probation have been met...

Elizabeth Straughan ([01:03:18](#)):

Correct.

Rosalie Bordelove ([01:03:19](#)):

Um, and the other conditions of probation would include, um, the nine hours of s- continuing education, thr-... six in ethics, three in standard practice, um, with a certificate of completion to the board within 30 days, um, maintaining an active, uh, current occupational therapy license, restriction from working independently including, um, in-home healthcare settings, um, and having a direct supervisor who's physically on site, a copy of the board order being signed by each employer, and, uh, fees and costs, you could include that in this motion as well, if you want to establish what that amount will be. There is... there is an estimate here, though Miss [Rasul 01:04:08] had stated, that this may not include both hearings. Um, so what might work for the board is to give a total. Um, or to either assess this amount plus the costs of the hearings, um, with an itemized statement t- to be given to respondent with the order. Um, or the board can set a cap on fees, set a different amount, I guess where, where you are with fees right now.

Rosalie Bordelove ([01:04:32](#)):

Um, the, the board's only statutory able... statutorily able to collect fees that have been actually incurred. Um, the number that's in there were fees that were actually incurred as of, I think, the last hearing. So, um, additional ones would be, like I said an itemized statement could be provided showing what those fees and costs are.

Elizabeth Straughan ([01:04:52](#)):

Okay, so what we need is a motion. (laughs) All right. So that bri-... [inaudible 01:04:58] it back to Sol or, um, Ally, um, if you would like to make a motion and a second.

Allison Stone ([01:05:08](#)):

I so move that basically what she said...

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Elizabeth Straughan ([01:05:11](#)):

(laughs)

Allison Stone ([01:05:12](#)):

...that the probation, three years with, um, the right to waive after two years if all the conditions are met, including fees that include the hearings from the last hearing and today.

Elizabeth Straughan ([01:05:25](#)):

Um, Sol, is there a second?

Sol Magpantay ([01:05:27](#)):

Okay, Um, I second.

Elizabeth Straughan ([01:05:30](#)):

All right. Uh, then we'll go ahead to a, a vote. All those in favor.

Elizabeth Straughan ([01:05:36](#)):

Aye.

Sol Magpantay ([01:05:36](#)):

Aye.

Elizabeth Straughan ([01:05:39](#)):

And I saw Allie's hand raised. Um, all those opposed? Abstentions? So moved, uh, to accept the, uh, recommendations, um, as listed.

Elizabeth Straughan ([01:05:57](#)):

At this point is there anything else we need to do on this matter?

Rosalie Bordelove ([01:06:06](#)):

Uh, not... not for the hearing. That should be concluded. Miss Rasul will draft an order after the hearing, and, um, present it for the... to board for signature, but, um, I think we have taken care of all matters, um, unless, [inaudible 01:06:22], is there anything that, um, we didn't catch?

Elizabeth Straughan ([01:06:26](#)):

No. I guess I was just curious um, uh, I'm not sure how this works, so, um, Miss Rasul and, uh, Miss Sloan, uh, can talk about it or, um, at another time or everything's just... we wait for that document? Just trying not to leave people hanging in the air wondering what happens next.

Rosalie Bordelove ([01:06:51](#)):

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No, Mi-... Miss Rasul will draft an order. Um, she'll draft a written order that, um, exa-... that, that, mi-... basically mimics everything that was discussed today. Everything that occurred today, she'll... it will memorialized into an order, um, which the board will sign. That order will, will then be sent to the respondent, she'll receive it. The board will also keep it in their records. Um, and the order is the final order in this matter.

Elizabeth Straughan ([01:07:17](#)):

Okay. And then... okay. All right so there's nothing else on this item number that we need to discuss, is that correct?

Rosalie Bordelove ([01:07:27](#)):

Correct.

Elizabeth Straughan ([01:07:28](#)):

Okay. Um, thank you all, and that moves us to, um, item number five, which is the approval of the minutes, um, for the...

Shacindra Sloan ([01:07:43](#)):

Madame Chairman, I'm sorry, this is Cindy Sloan. You guys didn't need me today at all.

Elizabeth Straughan ([01:07:50](#)):

Um, I'm, I'm glad you were here to, to be there that is why I asked what happens next. I don't know as a... as a board member what happen... we've never had a hearing before.

Shacindra Sloan ([01:08:04](#)):

Hmm. Okay. Thank you.

Elizabeth Straughan ([01:08:06](#)):

Um, we do have public comment at the end.

Shacindra Sloan ([01:08:09](#)):

Okay. Okay. Thank you.

Elizabeth Straughan ([01:08:14](#)):

Um, I, I would also like to say that, you know, I think it's very easy to, um, work on cleanup details and I was very happy to hear that, that you have sker-... therapy skills, and I hope you'll continue.

Shacindra Sloan ([01:08:31](#)):

I appreciate the compliment. I hope whenever I'm speaking to my next employer they can see that past the eight violations that I'll have to discuss with them. I just think it's so unfortunate that Danny got in

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his feelings and his wife, being a behavior health therapist, and after eight hours of whatever he went through, I'm here now. And my career is pretty much destroyed.

Elizabeth Straughan ([01:08:53](#)):

Um, I, I would recommend, um, calli-

Speaker 2 ([01:08:57](#)):

[crosstalk 01:08:57].

Elizabeth Straughan ([01:08:57](#)):

...calling the board office and, and asking if there are any steps or things that...

Shacindra Sloan ([01:09:02](#)):

There's no one I could speak to. I mean as long as I go [inaudible 01:09:05], I always have to go through the attorney, and I did that. I did everything that I was supposed to do within my power, everything that I could do legally, everything that I was allowed to do, and this is where I am.

Elizabeth Straughan ([01:09:19](#)):

Yeah.

Speaker 2 ([01:09:19](#)):

And I just was making sure that that's what I was here for today, just... and I don't understand, at all.

Elizabeth Straughan ([01:09:21](#)):

Well, and the board...

Shacindra Sloan ([01:09:22](#)):

I don't even know how I'm supposed to get another job with eight violations.

Elizabeth Straughan ([01:09:30](#)):

Yeah... the board's... the board's, um... what, what we do is try to protect the public. That is our role.

Shacindra Sloan ([01:09:38](#)):

And, and myself included. That's, that's my responsibly. And that's what I thought I was doing when I was doing Facetime during COVID. That's what I thought I was doing when I was reporting to the hearing and reporting back. It's just... I'm, I'm very, um, lost right now as to how someone can have a feeling, make a statement without any iota of evidence, their wife and their wife's best friend. [crosstalk 01:10:03]

Elizabeth Straughan ([01:10:04](#)):

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And, and all I can say... I, I feel the, the anxiety and, um, the confusion and...

Shacindra Sloan ([01:10:13](#)):

You couldn't underst-

Elizabeth Straughan ([01:10:14](#)):

I understand from what my experiences are, I can't really understand your total experience, but I can tell you that we need to move on, and, um, you know, there's always the board to call and ask and, um, and I'm sure you can-

Shacindra Sloan ([01:10:30](#)):

And that's the unfortunate part. Is that I paid the board. I came here. I'm a member of [crosstalk 01:10:36].

Elizabeth Straughan ([01:10:35](#)):

But we need to move on. Yeah.

Rosalie Bordelove ([01:10:38](#)):

Miss Sloan. Miss Sloan. The, the hearing is now over. You... if you would like to make additional comments, you can make those during the public comment period at the end.

Elizabeth Straughan ([01:10:47](#)):

Okay. So we're on to, um, approval of the minutes, um, for November the 6th and December the 11th, 2021. If, uh, someone would like to make that motion, and then we need a second.

Allison Stone ([01:11:06](#)):

[inaudible 01:11:06], I was not at the November meeting, so I can't vote on that.

Elizabeth Straughan ([01:11:11](#)):

Okay. Okay. So it will be myself and Sol. So Sol, if you could, um, do the motion, I will do the second. Maybe Sol is gone. Nope. There she is.

Elizabeth Straughan ([01:11:42](#)):

(silence) All right. Um, we'll wait 'til Sol comes back for that.

Elizabeth Straughan ([01:11:47](#)):

Um, so shall we go to item number six, which is the legislative interim report?

Lea Case ([01:12:01](#)):

Good morning, ma-... uh...

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Sol Magpantay ([01:12:02](#)):

I'm sorry. I, I was talking and I, I didn't think, uh, I forgot to unmute. I am so sorry.

Elizabeth Straughan ([01:12:10](#)):

Okay.

Sol Magpantay ([01:12:10](#)):

(laughs) I was talking, that I moved the motion for approval of the board meetings on November 6, 2021.

Elizabeth Straughan ([01:12:20](#)):

Uh, okay.

Sol Magpantay ([01:12:20](#)):

I just realize.

Elizabeth Straughan ([01:12:21](#)):

And December the 11th. All right. Uh, I'll second that.

Sol Magpantay ([01:12:25](#)):

Mm-hmm (affirmative).

Elizabeth Straughan ([01:12:27](#)):

All... uh, we'll go for the vote. All those in favor, aye.

Sol Magpantay ([01:12:30](#)):

Aye.

Elizabeth Straughan ([01:12:33](#)):

Allie's got... Ally moved, yes. Oh, she wasn't here. Um, all those opposed? Uh, abstentions? So moved to accept the minutes from, uh, November the 6th, 2021, and December the 11th, 2021.

Elizabeth Straughan ([01:12:50](#)):

Okay, so now we're on number six. Legislative interim report.

Lea Case ([01:12:56](#)):

Thank you. Good morning, Madam Chair, and members of the board. [01:13:00] on behalf of [01:13:01] Belz and Case Government Affairs. You should have a one-page written report on, uh, the interim to date. Uh, it was submitted on the 20th. So there's been a few things that have happened, you know,

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between the date that the written report was submitted and today. So, I'll just fill you in on a few of the happenings, and then if there are any questions, I'm happy to take those, and you know, have any discussion you would like.

Lea Case ([01:13:26](#)):

Uh, so really quick, this interim we have a new setup for interim committees due to assembly bill 443, and that means we're going to have joint committees of the senate and assembly meeting, uh, with the same meeting title that happen during legislative session. So, uh, Commerce and Labor, Growth and Infrastructure, Judiciary, all of those committees are meeting jointly over the interim. They've all been budgetary approved for a certain number of meetings ranging from, you know, five to eight, depending. And each committee has 10 bill draft requests, uh, that they can submit as a committee with the exception of Judiciary and Health that have, uh, five extra that are specific for children's issues.

Lea Case ([01:14:09](#)):

I do want to talk a little bit in depth on the interim committee on Commerce and Labor. They've been approved for six interim committees. A- at the first meeting, chair, uh, asked committee members what they want to look over, um, you know, [inaudible 01:14:25] interim. They're gonna meet monthly. Several members requested that deep dive into occupational licensing and any barriers that might contribute to workforce shortage.

Lea Case ([01:14:36](#)):

We did see the agenda and some of the presentations, um, that have been posted for the Tuesday, February 1st, meeting. That's this upcoming Tuesday. Um, and so I've gone through those, and there's a really strong emphasis on that agenda concerning barrier space by military members, veterans, and their spouses. So if you, you know, if you get a chance to look at that agenda, for example, item two is the council on state governments' presentation on trend and occupational license chair. They are focusing on six areas.

Lea Case ([01:15:10](#)):

Uh, number one, targeted reform for specific population, that's military, criminal justice involvement, immigrants. Number two, universal license recognition. Uh, they'll be presenting their survey as universal license recognition laws from a- across the nation. Number three, interstate compacts and that slide. That slide 16 does mention the occupational therapy compact, specifically. Uh, number four, changing our regulatory structure. We- we've heard this come up in different ways before, um, about possibly board centralization, uh, an umbrella board combination of, of those sorts of, uh, regulatory structures. Number five, digital licensing systems. And number six, apprenticeship, uh, apprenticeships as a path to licensure.

Lea Case ([01:15:58](#)):

Uh, also on that agenda, item four is a presentation from the Defense State Liaison, and they have an opportunities for improvement, that's slide 8, which again, has that explicit reference to the occupational therapy licenseship compact as an area for the state to become a, um, department of

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defense gold standard for license reciprocity. Um, the rest of the meeting, it's going to include an overview of regulatory bodies that were reviewed by the Sunset Subset Committee in the 2019 and 2020 interim. The Occupational Therapy Board was reviewed at that time, um, so you know, tha... they might have some questions there, and then after that there are five state boards that will be presenting to this committee. That's the Board of Cosmetology, the Board of Dental Examiners, Board of Nursing, Board of Medical Examiners, and the Board of Osteopathic Medicine. So w- we will be in that meeting, um, all day on Tuesday and will report back with detailed notes and any potential action items from that committee.

Lea Case ([01:17:04](#)):

Um, skipping ahead a little bit in the written report, um, Health and Human Services, I did note that anything that came up at that meeting, I would report here verbally. Um, nothing really related to board issues at Health and Human Services. They focused on Medicaid and the four managed care companies. Uh, there was a, a brief discussion on healthcare workforce issues, and they will bring that up, um, at a... at a future meeting.

Lea Case ([01:17:33](#)):

The Sunset Subcommittee of the Legislative Commission did meet. Uh, this, this subcommittee, they don't have any bill draft request, but they can submit their recommendations to the Legislative Commission. Um, as I mentioned earlier, this board was reviewed by the Sunset Subcommittee last interim, so this interim they had a report that showed, uh, 19 different entities that have not met since prior to the pandemic, uh, you know, 2019 or earlier. The c...

PART 3 OF 4 ENDS [[01:18:04](#)]

Lea Case ([01:18:00](#)):

... prior to the pandemic, uh, you know, 2019 or earlier, the committee voted to review 16 of those, um, not related to the Board of Occupational Therapy. Uh, the other area they're reviewing is the restrictions on applicant criminal history for licenses. And they're just doing that by departments. They chose the Department of Wildlife and the Department of Conservation and Natural Resources. The review of applicant criminal history of licensees is a new responsibility for the Sunset Subcommittee, so we'll just continue monitoring that in case anything different comes up.

Lea Case ([01:18:37](#)):

The Interagency Council on Veterans Affairs, I just wanted to mention here that the topic of licensing barriers is coming up in a variety of public settings, including the impact on, on military members. And there are several legislators who are super passionate about streamlining processes for military families. Um, we expect these concerns about occupational licensing to continue at the forefront of these discussions.

Lea Case ([01:19:06](#)):

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And finally, on our, uh, written report, just a quick update on the 2022 elections. You... Do you see the little paragraph written there? I wanted to let the Board know that we, our team, has begun meeting with any announced candidates from the legislature, or for the legislature from across the state. Um, and that's just been a, a benefit of the virtual world that we can Zoom into these meeting like we're doing today.

Lea Case ([01:19:31](#)):

Um, we've had some really early conversations and discovered some passion areas for both incumbents and candidates alike. Our, our firm, Bells and Case Government Affairs really prides itself in having these robust relationships on both sides of the aisle. Um, you know, lobbying is a great opportunity for education. Um, many legislators and candidates have had questions about things like Board processes, and it's, it's been our pleasure, really, to be able to answer any of those questions, or connect them, you know, to the Board for more information. Um, with that said, are there any questions about the report, or what's happening this interim, or anything really in general?

Lea Case ([01:20:20](#)):

Awesome.

Elizabeth Straughan ([01:20:20](#)):

I guess none. (laughs)

Lea Case ([01:20:21](#)):

(laughs) Well, fantastic.

Elizabeth Straughan ([01:20:21](#)):

Well, they are thorough.

Lea Case ([01:20:26](#)):

Excellent. Glad to help.

Elizabeth Straughan ([01:20:29](#)):

Thank you. Yeah, if there's no more, uh, on that item, we move to, uh, item number seven, which is the approval of the, uh, year '22 budget augmentation, investment funds, transfer. Um, I'll turn it over to Loretta.

Loretta Ponton ([01:20:52](#)):

Yes. Uh, thank you, Madam Chair. Um, due to the increased interest or renewed emphasis on, um, Occupational Professional Boards, and during this interim and upcoming for the next session, it's my recommendation that we continue contracting for our legislative services. I think it will be imperative that we stay on top of what is, what is happening.

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Loretta Ponton ([01:21:19](#)):

There has been a proposal, uh, or, mentioned, uh, by uh, the Department of Business and the Industry Administrator that he is pursuing a Board consolidation with the State. And to that end, I'm proposing that the Board approve, uh, the continuation, um, by doing a new contract with Bells and Case Government Services, uh, for the next two years to represent our interest there, and to approve, uh, funding for that contract, uh, through use of our reserve funds that we have in our investment funds. We would transfer, uh, approximate \$50,000 that we have in cash, that's been unobligated into our Board operating, uh, account to cover the cost of the contract. Um, I provided a copy of that proposed contract for you, and their proposal.

Elizabeth Straughan ([01:22:21](#)):

And, um, basically, we need to have a motion for that?

Loretta Ponton ([01:22:26](#)):

Correct, mm-hmm (affirmative), to approve the contract and the transfer of funds.

Allison Stone ([01:22:32](#)):

It's [inaudible 01:22:33]. I make a motion to approve the contract and transfer of fund.

Elizabeth Straughan ([01:22:38](#)):

Is there a second?

Elizabeth Straughan ([01:22:39](#)):

(silence)

Sol Magpantay ([01:22:43](#)):

I am not muted again. I second. (laughs)

Elizabeth Straughan ([01:22:47](#)):

(laughs) Okay, then we'll go for the vote. All those in favor?

Allison Stone ([01:22:50](#)):

Aye.

Sol Magpantay ([01:22:51](#)):

Aye.

Elizabeth Straughan ([01:22:56](#)):

[inaudible 01:22:56]. Aye. (laughs) Um, all right. All those opposed, abstentions, so moved.

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Elizabeth Straughan ([01:23:06](#)):

(silence) So that means we can go on to item number eight.

Loretta Ponton ([01:23:12](#)):

Uh, again, Madam Chair, Loretta Ponton for the record. Um, in your packet, it is my written Executive Director's Report that, uh, provides use to, um, licensures, statistics as well as our financial statements for the second quarter ending December 31st of 2021. Just to hear the couple of highlights in this report that, uh, we are coming up on a renewal of approximate 825 licensees or almost 50%, uh, will be renewing their two-year licenses before June 30th, hopefully.

Loretta Ponton([01:23:51](#)):

Um, our licensing base has increased by 7.1% over last year, uh, increase of approximately 75 licensees. After this new renewal period, I'm expecting, um, some of those numbers to drop for those that have... That will not be renewing for, uh, after two years. Um, I gave you a comparison of fiscal year by quarter. Yeah, you can see that they are increasing, gives you a feel for our licensure numbers.

Loretta Ponton([01:24:26](#)):

Uh, on the financial statements, we do have a net loss to primarily... To lowered in projected revenue. Revenue is, um, projected or budgeted equally over 12 months, as you know that money does not come in equally, or, uh, or it's recorded equally. Uh, a... It.. It fluctuates, uh, by, um, licensees, number of licensees renewing, number of license... New licensees, uh, each month. So, uh, it does, uh, reflect a, a loss there.

Loretta Ponton ([01:25:01](#)):

Um, we are at about 45% of our projected revenue. All things being equal, should be about 50%. Um, under expenses, um, there's couple line items that were over budget. Um, i.e., more than 50%, which is 50% of the year, uh, most of those are due to one-time cost. Uh, of course, our Attorney-General fees is over due to our disciplinary, uh, hearings and actions, complained processes. Um, our insurance, which is a, um, a hundred percent for the year. Uh, our property and contents insurance, uh, charged by the State. And that's for... to insure our, our facility, and our equipment, uh, increased from \$37 to \$200 and... almost \$250. That's put us over the budget, 112% of what it was.

Loretta Ponton ([01:26:06](#)):

Uh, office supplies are ordered as they're needed. I did want to, um, explain, uh, on the financial statements, there is a line item under payroll expenses that is called a "PTO Expense." Uh, that's just the value of unused, uh, leave time, the change in value of unused leave, leave time. And it's not an actual cash expenditure [inaudible 01:26:33]. It is, um, taken and recorded under the salaries. But it is recorded, uh, for... on the financial statements there, if you are wondering what that line item.

Loretta Ponton([01:26:46](#)):

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Previously, it had been combined in the salary line item. But we have broken it out just so we have a better handle on what, uh, our, uh, unused, uh, leave time changes... changes are. In our investment account, uh, we still hold approximate \$524,000, um, invested in short-term, um, CDs. And we only have one remaining, uh, long-term CD at two and a half percent that will be maturing next fiscal year. So we're continuing to roll those CE... CDs over in to the highest-paying CD at the time when they mature.

Loretta Ponton([01:27:27](#)):

Um, uh, we did have, uh, the administrative collaborative continuing and we met on January 21st. Uh, I've outlined for you some of the things that, uh, that we've discussed. Um, AB-330, which, uh, was passed last legislative session, which really doesn't apply to our Boards, but it does apply to other Boards that don't have higher education requirements for licensure. Um, we reported on the, uh, Interagency Council and Veterans Affairs, um, the Interim Committee meetings, uh, new reporting elements for audit reports that will be coming up. Um, and then, I had conducted a couple of surveys, one on, uh, Website Development and Hosting, and one on Veterans Fees, whether they get discounts. We're providing discounts for veterans-related legislation. And, uh, we summarize those, those two little reports for everybody.

Loretta Ponton([01:28:33](#)):

The offices continue to work on a hybrid, uh, schedule. Uh, we're still being impacted by COVID. I was working remotely last week having been exposed but luckily, tested negative. Uh, we have, uh, three current complaints, uh, in process, uh, and being investigated. So that would conclude my Executive Director Report. Uh, I do ask that the Board, uh, take action on approving the financial statements or... And I'm open to any questions that you may have on, on any of the items in the report.

Elizabeth Straughan ([01:29:19](#)):

Okay. So what I'm looking for is, uh, approving the financial statements?

Loretta Ponton([01:29:26](#)):

Yes, or the Executive Director's Report.

Elizabeth Straughan ([01:29:28](#)):

Executive Director's-

Loretta Ponton ([01:29:29](#)):

...in a whole, uh, to include approval of the financial statement.

Sol Magpantay ([01:29:36](#)):

Um, I am approving the Executive Director's Report and the financial report.

Elizabeth Straughan ([01:29:50](#)):

And Allie is raising her hand for a second. Um, so we'll go on to voting. All those in favor, aye?

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Sol Magpantay ([01:29:57](#)):

Aye.

Elizabeth Straughan ([01:29:58](#)):

Aye.

Alli has her hand up. Um, all those opposed, abstentions, so moved to approve, uh, the Executive Director's Report and finances.

Elizabeth Straughan ([01:30:10](#)):

(silence) That moves us on, I believe, to item number nine, which is a report from the Deputy Attorney-General.

Deputy Attorney-General ([01:30:24](#)):

No report.

Elizabeth Straughan ([01:30:24](#)):

No report, all right. Um, and, we're on to Board activities. Um-

Loretta Ponton([01:30:33](#)):

Madam Chair-

Elizabeth Straughan ([01:30:34](#)):

Yeah?

Loretta Ponton([01:30:35](#)):

...may I? Um, I would recommend that you address item number 3, the election of the Board Chair, at this point.

Elizabeth Straughan ([01:30:42](#)):

Yeah. Um-

Elizabeth Straughan ([01:30:46](#)):

Ah... I would, I, I have a nominee in mind. Um, and she is present. Um, so I would like to nominate Allison to be, um, Board Chair.

Sol Magpantay ([01:30:57](#)):

Um, this is Sol. I second to that. (laughs)

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Elizabeth Straughan ([01:31:01](#)):

(laughs) And we move right over to voting. Um, all those in favor?

Sol Magpantay ([01:31:06](#)):

Aye.

Elizabeth Straughan ([01:31:07](#)):

Aye.

Elizabeth Straughan ([01:31:09](#)):

Okay. Allie did raise her hand. All right. (laughs) Um, all those opposed, abstentions, so moved, uh, that Allie, um, take over the, uh, being the Chair of the OT Board. Um, and then that leads us, of course, to the, the next item, which is, um, the election of the Vice Chair.

Sol Magpantay ([01:31:36](#)):

Um, since Liz is here, I'll vote you for the Vice Chair. (laughs)

Henna Rasul ([01:31:43](#)):

Um, I don't... Sorry, this is [inaudible 01:31:46]. I don't see Vice Chair on the agenda. Am I missing something?

Elizabeth Straughan ([01:31:49](#)):

It was on my copy, uh-

Henna Rasul ([01:31:51](#)):

Oh. Okay, maybe-

Elizabeth Straughan ([01:31:53](#)):

All right... Like a Vice Chair and Financial Reviewer.

Henna Rasul ([01:31:56](#)):

Oh, I don't know what version I have. Okay, go ahead. That's fine-

Elizabeth Straughan ([01:31:59](#)):

It's, uh, number... It's after number 10.

Loretta Ponton([01:32:04](#)):

Um, Liz?

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Elizabeth Straughan ([01:32:05](#)):

Yeah?

Loretta Ponton([01:32:06](#)):

Uh, le-let me, e-explain it-

Elizabeth Straughan ([01:32:08](#)):

Can we delay it? (laughs)

Loretta Ponton ([01:32:10](#)):

Well, by statute, it is only the Chair that is required to be, uh, appointed, uh, be elected. Um, the Vice Chair and Financial Reviewer are just appointed by the Members of the Board... to... Um, it's not a statute... They're not statutory decisions.

Elizabeth Straughan ([01:32:29](#)):

Oh, okay. Perfect! So we don't have to do it? (laughs)

Sol Magpantay ([01:32:38](#)):

I think, um, I saw also the same thing. It's also just the Chair, not yet the Vice Chair.

Loretta ([01:32:45](#)):

Right.

Sol Magpantay ([01:32:45](#)):

...on the, on the, the packet, like the very front. But inside the Board packet towards the end, it included the Vice Chair.

Loretta ([01:32:54](#)):

Yeah. And both are voluntary positions-

Sol Magpantay ([01:32:57](#)):

...positions, mm-hmm (affirmative).

Elizabeth Straughan ([01:32:59](#)):

Yeah. Um, it might be nice to, um, since we are missing two members, to, uh, delay the Vice Chair. And I'm all with that. Is everyone else okay with delaying it until the next meeting?

Sol Magpantay ([01:33:16](#)):

Yes.

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Elizabeth Straughan ([01:33:18](#)):

Okay, we'll delay that one. And we'll have Loretta put it on, uh, for the next meeting. Um, and, it looks like the next item is Recognition of Member Service, and that would be for Sol.

Sol Magpantay ([01:33:35](#)):

Oh, yes.

Elizabeth Straughan ([01:33:36](#)):

Thank you so much for, um, having applied to be on the Board, for serving for two consecutive terms, and covering until another appointee is, uh, able to take your place. And, ooh, I see something on Zoom. Can you see it, Sol?

Sol Magpantay ([01:33:53](#)):

Ah, yeah. Do I have my full name there? (laughs)

Loretta Ponton([01:33:55](#)):

Yes, you do-

Sol Magpantay ([01:33:55](#)):

...my full name (laughs)

Loretta ([01:33:55](#)):

Uh, let's see, I-

Sol Magpantay ([01:34:03](#)):

So yeah, thank you so much!

Loretta Ponton ([01:34:06](#)):

Uh-

Sol Magpantay ([01:34:06](#)):

Yay, thank you. Thank you so much.

Loretta ([01:34:07](#)):

Okay, and we'll get, we'll get this over to you.

Sol Magpantay ([01:34:09](#)):

Okay.

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Elizabeth Straughan ([01:34:09](#)):

Yes. But thank you so much for your service and continued service because clearly, we, uh, we needed you today and unfortunately, might need you still further. (laughs)

Sol Magpantay ([01:34:21](#)):

I hope they, they assign somebody real soon so I can have a life. (laughs)

Elizabeth Straughan ([01:34:27](#)):

I totally understand. (laughs)

Sol Magpantay ([01:34:29](#)):

Because, uh, the cases, like, stresses me out. (laughs) I really have to study it. (laughs)

Elizabeth Straughan ([01:34:36](#)):

Yeah. Um, yeah. Uh, I-I'm hoping that, you know, next year, they'll have somebody for my place. Um, the next one is 2022 Board Meeting and Hearing Schedules. Okay, and I used to have that paper somewhere.

Loretta Ponton([01:34:55](#)):

Um, Madam Chair, uh, I'm-

Elizabeth Straughan ([01:34:57](#)):

Yes?

Loretta Ponton ([01:34:58](#)):

We have a, case C-22-03, uh, that, um, which is the Jennifer Courtad case, where we issued the summary suspension. And we, they had agreed to an extension, uh, for hearing, uh, to be held before the end of March. So I am proposing a date of March 19th, which is a Saturday, as a tentative date, uh, if everyone is available, uh, to schedule that hearing.

Loretta Ponton ([01:35:33](#)):

I do want to know that, you know, we are working with the attorney and with Ms. Courtad. And, uh, hopefully, we'll not have to have a hearing, uh, a full hearing, anyway. And I'd like to, to get that on the calendar so that we can get our notices, and everything done that need to be done if, uh, March 19th is good for the Board.

Allison Stone ([01:36:00](#)):

Is it possible to do that in the afternoon? Just 'cause with... I have to work that Saturday. And with the hearing-

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Loretta Ponton ([01:36:07](#)):

Mm-hmm (affirmative)

Allison Stone ([01:36:08](#)):

...[inaudible 01:36:08] how long they go.

Loretta Ponton ([01:36:10](#)):

Yup, absolutely. Would, uh, one or two o'clock be good? What time, two? Okay.

Elizabeth Straughan ([01:36:18](#)):

Um, and, uh, I know Loretta knows, but, um, I will be, um, out of State, uh, on that date. And so, I can... As long as the meeting is on Zoom, I can attend. And I'll just do the math to do the time change. (laughs)

Loretta Ponton ([01:36:34](#)):

Okay. Okay. Then I will confirm, uh, that we will have a quorum on that date before I, I finalize it, and, uh, that is being proposed. And the other item that I'm proposing a change to our meeting schedule is our Strategic Planning Retreat. Um, due to the on-going COVID, we had it scheduled for April. And I'm proposing we kick that out to August.

Elizabeth Straughan ([01:37:05](#)):

Yeah-

Loretta Ponton ([01:37:05](#)):

Uh, just to... Hopefully, we'll be able to all get back to a semi-normal life by then. But, I'm not comfortable in, uh, having an in-person two-day meeting, in April. And it appears, you know, this COVID is taking over our lives. So, uh, that's up to you, though. Uh-

Elizabeth Straughan ([01:37:30](#)):

But we would still have a Board meeting on April 29th, or no?

Loretta Ponton([01:37:37](#)):

Uh, not... We would just have it on the 30th, um, if we need one.

Elizabeth Straughan ([01:37:44](#)):

On the 30th, okay.

Loretta Ponton ([01:37:45](#)):

Yeah. If we have the March 19th... If we meet on March 19th, we may not need to meet in April. But if we don't meet on March 19th, then it would be April 30th. So I would leave April 30th on your calendar, and uh-

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Elizabeth Straughan ([01:37:59](#)):

And add March 19th.

Loretta Ponton([01:38:05](#)):

Yeah.

Elizabeth Straughan ([01:38:08](#)):

Okay.

LorettaPonton ([01:38:09](#)):

Is the Board, uh, okay with that strategy? Our new Board Chair-

Allison ([01:38:15](#)):

Yeah.

Loretta Ponton ([01:38:17](#)):

...are you okay with that? Yeah, okay.

Elizabeth Straughan ([01:38:19](#)):

Okay. Um, future agenda items?

Loretta Ponton([01:38:28](#)):

Um, I have been working on a, new regulation, uh, that I would like to agendize for the Board to discuss, and it has to do, um, with a general requirements for, occupational practice, addressing some specialty practice areas, and including, uh, maybe a definition of, what competence and a specialty practice would be, or competence in general for, practice areas. I've drafted some language and I would present that at, at our next meeting, um, if the Board is open to looking at more regulations, if it's time.

Loretta Ponton ([01:39:19](#)):

It's nothing that needs to be done now, you know, it's not addressing issues or complaints. Uh, but it is, uh, something I feel some clarification would be helpful.

Elizabeth Straughan ([01:39:32](#)):

Sounds like a great idea. That'd be very timely too.

Loretta Ponton ([01:39:41](#)):

Is there any other areas of our law regulations that you would like me to look at to see, potentially want to agendize anything for review?

Elizabeth Straughan ([01:39:55](#)):

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I'm not thinking of them at the mo... Any of them at the moment. Will the, um, the CEU for the Board continue on-

Loretta ([01:40:09](#)):

Yes, that is part of the-

Elizabeth Straughan ([01:40:11](#)):

Okay.

Loretta Ponton ([01:40:12](#)):

...um, our regulation-

Elizabeth Straughan ([01:40:13](#)):

Perfect.

Loretta Ponton ([01:40:14](#)):

...for participating in Board meetings, yes.

Loretta Ponton ([01:40:17](#)):

Okay. If anybody has any areas of concern, uh, or would like me to look at in any areas of our laws or regulations, uh, please reach out, uh, drop me an email or phone call. And, um, you know, we'd like to address anything that, that, uh, may come up between now and then. Thank you.

Elizabeth Straughan ([01:40:38](#)):

Okay. So, then we are on for item number 11, which is public comment. Do we have anyone still here that would like to public comment?

Elizabeth Straughan ([01:40:50](#)):

Yes, go for it.

Lea Case ([01:40:52](#)):

Thank you, Madam Chair, [01:40:54]. First, I just wanted to say thank you for continuing our relationship with the Board. We've greatly enjoyed working with you all and look forward to, uh, the robust interim ahead of us. Thank you so much.

Elizabeth Straughan ([01:41:06](#)):

Thank you. Keep up the good work. Uh, is there anyone else still on that would like to, um, make any public comment?

Elizabeth Straughan ([01:41:16](#)):

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(silence) In that case, I believe, uh, we can go ahead and adjourn the meeting? And I have 11:45 on my phone.

Loretta Ponton ([01:41:29](#)):

Yes.

Elizabeth Straughan ([01:41:31](#)):

Oh, people are waiving. (laughs)

Sol Magpantay ([01:41:32](#)):

Bye. Thank you!

Loretta ([01:41:32](#)):

Thank you.

Elizabeth Straughan ([01:41:36](#)):

Good luck, New Chair! (laughs)

Elizabeth Straughan ([01:41:40](#)):

Thank you, all. Stay safe!

Loretta Ponton ([01:41:45](#)):

You too.

PART 4 OF 4 ENDS [01:41:48]