

STATE OF NEVADA



BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

March 19, 2022 – 2:30 p.m.
Board of Occupational Therapy
Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

ZOOM Access:

<https://us06web.zoom.us/j/88680943513?pwd=Zk4rbUJia2Vvc2ErWmdudFRDaitPdzo9>

Meeting ID: **886 8094 3513**
Passcode: **466198**
Telephone Audio Only: **(253) 215-8782**

AGENDA

The State of Nevada Board of Occupational Therapy may: (a) address agenda items out of sequence, (b) combine agenda items, and (c) pull or remove items from the agenda at any time. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.020, NRS 241.030) Action by the Board on an item may be to approve, deny, amend, or table.

The Public Hearing is being held prior to the scheduled Board Meeting, which will begin immediately following the conclusion of the Public Hearing.

PUBLIC HEARING – LCB File R076-21 (2:30 p.m.)

1. Introduction – Open Public Hearing

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R076-21, Chapter 640A of the Nevada Administrative Code.

A REGULATION relating to occupational therapy; revising provisions relating to the renewal of a license to practice occupational therapy; revising provisions relating to the supervision of provisional licensees; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto

2. Open Public Comments

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)
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3. Close Public Comments

BOARD MEETING AGENDA

1. Call to Order, Confirmation of Quorum

2. Public comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

3. Appointment of Board Vice Chair and Financial Reviewer (for possible action)

4. Disciplinary Matters - Consideration of Consent Decree (for possible action)

Complaint Case No. C22-04 Ashley Shaul, OTA License No. 13-1181

Possible closed session for the Board to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030)

5. Approval of the Minutes of Board Meeting of January 29, 2022 (for possible action)

6. LCB File No. R076-21 - Consideration of Public Comments (for possible action)

7. Consideration of Adoption of Regulations - LCB File No. R076-21 (for possible action)

8. Legislative Interim Report – Belz & Case Government Affairs (informational)

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

10. Report from Deputy Attorney General (informational)

11. Board Activities & Reports from Members (for possible action)

- Future Agenda Items
- Board Training / FARB Conferences
- Meeting Schedule

12. Public Comment

No vote may be taken upon a matter raised during a period devoted to public comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

13. Adjournment (for possible action)

Public comment is welcomed by the Board. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. Public comment will be available prior to action items on the agenda and on any matter not specifically included on the agenda as the last item on the agenda. At the discretion of the Chairperson, additional public comment may be heard when that item is reached. The Chairperson may allow additional time to be given a speaker as time allows and in his/her sole discretion. (NRS 241.020, NRS 241.030)

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. (NRS 233B.126)

Notice: Persons with disabilities who require special accommodations or assistance at the meeting should contact the Board office at (775) 746-4101; or fax (775) 746-4105 no later than 48 hours prior to the meeting. Requests for special accommodations made after this time frame cannot be guaranteed.

This meeting has been posted on the Board of Occupational Therapy website www.nvot.org; and may also be accessed at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices
<https://notice.nv.gov/> - State of Nevada Public Notices

This agenda has been sent to all members of the State of Nevada Board of Occupational Therapy and other interested persons who have requested an agenda from the Board. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

Supporting materials relating to this public meeting of the Board of Occupational Therapy are available on the Board website www.nvot.org or by contacting the Board office at (775) 746-4101 or email board@nvot.org

State of Nevada
Board of Occupational Therapy

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

PUBLIC HEARING

LCB File No. R076-21

The purpose of the Hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R076-21, Chapter 640A of the Nevada Administrative Code.

No action will be taken at the Hearing, this item is informational only. Consideration of public comments and actions to adopt the regulations will be heard during the regular Board meeting.



Steve Sisolak
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Loretta L. Ponton
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of

LCB No. R076-21
Of the
Board of Occupational Therapy

The Board of Occupational Therapy will hold a Public Hearing as follows:

March 19, 2022 – 2:30 p.m.
Board of Occupational Therapy
Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

ZOOM Access:

<https://us06web.zoom.us/j/88680943513?pwd=Zk4rbUJia2Vvc2ErWmduTFRDaitPdZ09>

Meeting ID: **886 8094 3513**
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A REGULATION relating to occupational therapy; revising provisions relating to the renewal of a license to practice occupational therapy; revising provisions relating to the supervision of provisional licensees; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R076-21

1. Need and purpose of the proposed regulations or amendments

The need for the proposed regulations is to protect the public health, safety and welfare by ensuring that only qualified and competent occupational therapists and occupational therapy assistants are

licensed in the state. The purpose of the adopted regulation is to provide clarity for the public, individuals and licensees through regulations.

Section 1 of this regulation allows the Board to accept an application for renewal of any type of license up to 30 days after the expiration date of the license.

Section 2 of this regulation eliminates the requirement to complete 640 hours of supervised practice if an applicant for a provisional license was previously certified but has not practiced occupational therapy for 5 years before application.

Sections 3 and 4 of this regulation eliminate the requirements for submission of a form provided by the Board to comply with continuing education requirements.

2. How to obtain the approved or revised text of regulations prepared by LCB

Individuals may obtain a copy of the proposed regulations by writing to the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; or by calling the Board office at 775-746-4101. The proposed regulations are also available for review and download on the Board website www.nvot.org.

3. Methods used in determining the impact on a small business

The Board solicited comments from all registrants and stakeholders; no comments were received. The Board used reasonable judgement to determine there will be no impact on small businesses due to the nature of the regulatory changes.

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The adoption of these regulations should have no adverse economic effect on business, the public or practitioners of occupational therapy. The benefits of these regulations are that the public and the practitioners, (clients, employers, occupational therapists and occupational therapy assistants), will be provided clarity in NAC 640A.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R076-21 are improved clarity and communication of practice requirements for licensed occupational therapists and occupational therapy assistants in Nevada.

5. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

6. Overlap or duplication of other state or local governmental agencies

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

7. Regulation required by federal law

Not applicable

8. More stringent than federal regulations

The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

The proposed regulation does not contain any new fees or increases in existing fees.

Persons wishing to comment on the proposed action of the Board of Occupational Therapy may appear at the scheduled public hearing or address their comments, data, views or arguments in written form to the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. The Board of Occupational Therapy must receive all written submissions on or before **March 18, 2022**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Occupational Therapy may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, R076-21, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulations to be adopted, R076-21, will be available from the Board of Occupational Therapy, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, for inspection and copying by members of the public during business hours and will be available on the Board of Occupational Therapy website <http://www.nvot.org>. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing** has been posted on the Board's website www.nvot.org; and may also be accessed at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices

<https://notice.nv.gov/> - State of Nevada Public Notices

<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

Dated: **February 14, 2022**

**PROPOSED REGULATION OF THE
BOARD OF OCCUPATIONAL THERAPY**

LCB File No. R076-21

January 5, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1-4, NRS 640A.110 and 640A.180.

A REGULATION relating to occupational therapy; revising provisions relating to the renewal of a license to practice occupational therapy; revising provisions relating to the supervision of provisional licensees; revising provisions relating to continuing education requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Occupational Therapy to regulate the practice of occupational therapy in this State. (NRS 640A.110) Existing law further authorizes the Board to adopt regulations relating to the issuance and renewal of licenses to practice occupational therapy. (NRS 640A.180)

Existing regulations permit a person who holds a standard, provisional or temporary license to practice occupational therapy to renew such a license under certain circumstances. (NAC 640A.030, 640A.062, 640A.065) Existing regulations also prohibit the Board from accepting an application for the renewal of a standard license if the application is submitted more than 30 days after the date on which the license expired. (NAC 640A.030) **Section 1** of this regulation expands that prohibition to include an application for the renewal of any type of license issued by the Board if the application is submitted more than 30 days after the date on which the license expired.

Existing regulations require a person who holds a provisional license who was previously certified as an occupational therapist and who has not practiced occupational therapy within 5 years before receipt of the provisional license to, while holding the provisional license, complete a minimum of 640 hours of supervised practice under a licensed occupational therapist. Existing regulations also require such a person who holds a provisional license to complete those 640 hours of supervised practice under a licensed occupational therapist in order to convert his or her provisional license to a standard license. (NAC 640A.065) **Section 2** of this regulation eliminates these requirements.

Existing regulations require a person who holds a standard license to complete, to the satisfaction of the Board, at least 24 hours of continuing education per biennial renewal cycle. Existing regulations also require such a person to submit to the Board a completed form, to be provided by the Board, in order to comply with the requirements for continuing education. (NAC

640A.070, 640A.090) **Sections 3 and 4** of this regulation eliminate the requirements for the submission of such forms.

Section 1. NAC 640A.030 is hereby amended to read as follows:

640A.030 1. In order to receive, renew, reinstate or convert the status of, as applicable, any type of license issued by the Board, an applicant must complete an application to be provided by the Board.

2. An application must be accompanied by payment of the appropriate fee or fees.

3. An application submitted to the Board must include a statement signed by the applicant certifying that the information provided in the application is accurate.

4. An application must be submitted to the Board by the applicable date, if any.

5. If an applicant is required to provide an official transcript from an educational program that is accredited by an agency approved by the Board or from an educational program in another country, the applicant must ensure that:

(a) A sealed, official transcript is attached to his or her application; or

(b) A sealed, official transcript is sent directly from his or her educational program to the Board.

6. If an applicant is required to provide proof of certification as an occupational therapist registered or a certified occupational therapy assistant, the applicant must ensure that proof of certification issued by the certifying agency is submitted to the Board.

7. If an applicant is required to provide proof of a license obtained in another state, territory or country, the applicant must ensure that proof of such a license issued by an official governmental entity is submitted to the Board for:

(a) Any such license presently held; and

(b) Any such license held within 5 years of the submission of the application.

8. If an applicant is required to provide proof of employment and supervision by an occupational therapist in this State, the applicant must ensure that proof of such employment and supervision is submitted to the Board, in a format approved by the Board, by the applicable date, if any.

9. If an applicant is required to complete continuing education, the applicant must provide to the Board proof of completion of continuing education, when requested by the Board.

10. The Board will not accept an application for the renewal of a ~~standard~~ license if the application is submitted more than 30 days after the date on which the license expired.

Sec. 2. NAC 640A.065 is hereby amended to read as follows:

640A.065 1. A provisional license may be granted to a person:

(a) Who meets the requirements set forth in NAC 640A.030;

(b) Who has graduated from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program;

(c) Who submits proof of employment and supervision by a licensed occupational therapist upon receiving the license; and

(d) Who:

(1) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; or

(2) Has not yet achieved a passing score on an examination provided by an agency approved by the Board but is eligible and scheduled to take such an examination, with the results to be sent directly to the Board.

~~2. [If a person who was previously certified receives a provisional license and the person has not practiced occupational therapy within 5 years before receipt of the license, the person must, while holding the license, complete a minimum of 640 hours of supervised practice under a licensed occupational therapist.]~~

~~—3.]~~ A provisional license expires 6 months after the date on which it is issued or renewed.

~~[4.]~~ 3. A provisional license may be renewed not more than once.

~~[5.]~~ 4. A provisional licensee may convert his or her provisional license to a standard license if, in addition to the requirements set forth in NAC 640A.030 and 640A.041 ~~]:~~

~~—(a) The],~~ *the* Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant . ~~]; and~~

~~—(b) If applicable, the licensee has completed 640 hours of supervised practice under a licensed occupational therapist.]~~

Sec. 3. NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in subsection 5 and NAC 640A.101, a person with a standard license shall complete, to the satisfaction of the Board, at least 24 hours of continuing education per biennial renewal cycle.

2. If the licensee obtains more than 24 hours of continuing education during a biennial renewal cycle, he or she may carry over a maximum of 10 hours towards completion of his or her requirement for continuing education for the following biennial renewal cycle.

3. A licensee must achieve a passing score on the Nevada Occupational Therapy Jurisprudence Examination at least once every 5 years.

4. A person may receive credit for fieldwork supervision, the completion of a particular continuing education course or the achievement of a passing score on the Nevada Occupational Therapy Jurisprudence Examination only once during a biennial renewal cycle.

5. A person who obtains a standard license within 12 months of graduation from an educational program which is accredited by an agency approved by the Board and which includes a fieldwork program is required to obtain 12 hours of continuing education in order to renew the license for the first time.

6. A licensee shall comply with the requirements for continuing education, including, without limitation, submitting to the Board ~~[a completed form to be provided by the Board and]~~ a list of any courses and activities that the licensee completed to satisfy the provisions of this section. The materials described in this subsection must be submitted at the time, as established by the Board, the licensee is required to submit to the Board the application for the renewal of his or her license.

7. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.

Sec. 4. NAC 640A.090 is hereby amended to read as follows:

640A.090 1. The subject matter for continuing education activities includes, without limitation:

- (a) Research relating to occupational therapy;
- (b) Theoretical or practical courses relating to the practice of occupational therapy;
- (c) The development, administration, supervision or teaching of the clinical practice of occupational therapy;

(d) Service delivery programs performed by an occupational therapist or occupational therapy assistant; and

(e) Statutes and regulations in this State relating to occupational therapy.

2. Activities that qualify as continuing education include, without limitation:

(a) Attendance and participation at a live presentation:

(1) Which includes, without limitation, a workshop, seminar, conference or in-service educational program; and

(2) Which is afterwards followed by the submission of a certificate of completion or other similar document ; ~~{and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;}~~

(b) Participation in a course of self-study that requires a formal assessment of learning:

(1) Which includes, without limitation, self-study through an electronic or Internet-based course, a self-paced clinical course or any other formalized self-administered course; and

(2) Which is afterwards followed by the submission of a certificate of completion or other similar document ; ~~{and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;}~~

(c) Enrollment in an academic course:

(1) Which includes, without limitation, an on-site or distance learning course; and

(2) Which is afterwards followed by the submission of a copy of a transcript indicating successful completion of the course ; ~~[and a completed form to be provided by the Board, which will include, without limitation, a narrative statement that describes how the activity broadens the person's knowledge of occupational therapy or relates to current or anticipated roles and responsibilities of the person in the practice of occupational therapy;]~~

(d) Supervision of fieldwork:

(1) Which includes, without limitation, acting as a primary clinical fieldwork educator for level I fieldwork or level II fieldwork for occupational therapist or occupational therapy assistant students;

(2) Which is afterwards followed by the submission of ~~[a completed form to be provided by the Board and]~~ a document from the sponsoring educational program indicating the names of the students supervised, the name of the sponsoring educational program and the dates of the fieldwork; and

(3) Which may result in, for the biennial renewal cycle in which the fieldwork ends:

(I) A maximum of 4 hours of continuing education for level I fieldwork supervision; or

(II) A maximum of 18 hours of continuing education for level II fieldwork supervision;

(e) Writing in a professional capacity:

(1) Which results in the publication of a peer-reviewed book, chapter of a book, or article regarding occupational therapy; *and*

(2) ~~[Which is afterwards followed by the submission of a completed form to be provided by the Board; and~~

~~—(3)]~~ Which may result in a maximum of 12 hours of continuing education for the renewal cycle within which the writing is published;

(f) Teaching an educational or academic course that is outside the normal scope of the professional employment of the licensee and:

(1) Which includes, without limitation, an in-person academic course, workshop, seminar, in-service course or electronic or Internet-based course; and

(2) Which is afterwards followed by the submission of a copy of the official program, schedule or syllabus of the course ~~[and a completed form to be provided by the Board,]~~ which includes, without limitation, the title, dates, hours and objectives of the course, a description of the students enrolled in the course and the signature of an appropriate official of the sponsor of the course;

(g) Participation in an official meeting of the Board or a professional organization formed to promote and enhance the practice of occupational therapy:

(1) Which includes, without limitation, an official board or committee meeting of such an organization;

(2) Which is afterwards followed by the submission of ~~[a completed form to be provided by the Board and]~~ a signed document from the organization that indicates the name of the organization, the purpose of the meeting and a description of the person's role in the organization and at the meeting; and

(3) Which may result in a maximum of 6 hours of continuing education per biennial renewal cycle; and

(h) Achievement of a type of certification, approved by the Board, from an agency approved by the Board:

(1) Which includes, without limitation, engaging in activities that are required for certification in an occupational therapy specialty by an agency approved by the Board;

(2) Which is afterwards followed by the submission of ~~[a completed form to be provided by the Board and]~~ a document from the agency showing achievement of the certification; and

(3) Which may result in a maximum of 5 hours of continuing education for the biennial renewal cycle in which the certification is achieved.

3. As used in this section:

(a) “Level I fieldwork” means fieldwork designed to enrich didactic course work through direct observation and participation in selected aspects of the occupational therapy process.

(b) “Level II fieldwork” means in-depth fieldwork in delivering occupational therapy services across a variety of settings.

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 3: Appointment of Vice Chair and Financial Reviewer
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Vice Chair: The Vice Chair assumes the duties of the Chair in the absence of the Chair. The Vice Chair will assume the Chair position for the balance of the term/year, if for any reason the Chair is unable to continue in the position, such as long-term illness or resignation from the Board.

Financial Reviewer: The Board has established a system of Internal Controls comprised of a segregation of duties in the financial and banking processes to ensure adequate safeguards are in place for the Board's financial systems.

Internal controls ensure that one person is not responsible for the entire financial management system including the receipt of funds and payment of expenses and that the Board is apprised regularly of the financial status and the processing of transactions necessary to operate the Board effectively and efficiently.

The Board Financial Reviewer receives a monthly financial packet, reviews bank statements, bank reconciliations, verifies expenditure transaction detail, requests and reviews backup documentation as needed, if discrepancies are identified or questions arise, and completes the Attestation of Review.

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AGENDA ITEM 4. Disciplinary Matters – Consent Decree

Complaint Case No. C22-04
Ashley Shaul, OTA License No. 13-1181

The Board will consider approval of a Consent Decree in Case C22-04 - Ashley Shaul, OTA.

The Board may approve the Consent Decree, approve with revisions or not approve the Consent Decree and set a date for Hearing in the case.

The Consent Decree will be provided immediately prior to the Meeting under separate cover.

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AGENDA ITEM 5: Approval of the Minutes

The minutes of the meeting of January 29, 2022 of the State Board of Occupational Therapy is presented for approval.

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



**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 30, 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.

State of Nevada
Board of Occupational Therapy

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

AGENDA ITEM 6: Consideration of Public Comments

Hearing – LCB File No. R076-21

The Board must consider any public comments received in writing or verbally at the Hearing on LCB File No. R076-21.

There were no written public comments received.

AGENDA ITEM 7: Adoption of Regulation

LCB File No. R076-21

The Board may take action to adopt the regulation, make revisions, or table the regulation for further action.

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AGENDA ITEM 8: Legislative Interim Report
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Lea Case of Belz & Case Government Affairs will be presenting a report on Legislative activities including Interim Committee meetings and 2022 Election activities.

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AGENDA ITEM 9: Executive Director's Report

Licensure activity: Thirty four (34) new licenses were issued during January and February; nine (9) licenses expired during the same period for a net increase of 23 licensees.

Legislative Activity: The Board regulation LCB File No. R076-21 is on the agenda for review by the *Interim Committee on Health and Human Services* at their meeting of March 24, 2022. I will be in attendance to answer any questions the legislators may have.

The Department of Education held a Regulatory Workshop on March 16, 2022 on a proposed regulation updating requirements for “endorsement” to practice occupational therapy.

[https://www.leg.state.nv.us/App/Notice/Doc/Counselor Psychologist Occupational and Physical Therapist Regulation Packet.03162022.442.pdf](https://www.leg.state.nv.us/App/Notice/Doc/Counselor_Psychologist_Occupational_and_Physical_Therapist_Regulation_Packet.03162022.442.pdf)

The regulation contains requirements for AOTA specialty certification which I confirmed with AOTA is no longer offered by AOTA. A public comment letter proposing amendment of the regulation has been submitted, copy attached.

Contracts: The contracts for Audit Services with Christensen Accounting Network and Legislative Affairs with Belz and Case Government Affairs have both been submitted and approved by the Clerk of the Board of Examiners.

Steve Sisolak
Governor



Loretta L. Ponton
Executive Director

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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March 4, 2022

Nevada Department of Education
700 E. 5th Street
Carson City, Nevada 89701

Re: Public Comments for Workshop on March 16, 2022
Proposed Amendment to NAC Chapter 391.277 – Endorsement to teach occupational therapy

Dear Superintendent Ebert,

The Nevada Board of Occupational Therapy appreciates the opportunity to provide comment on the proposed amendments to NAC 391.277. Upon review of the regulation, the attached revisions are proposed due to obsolete language and requirements currently referenced in the regulation.

Paragraph 1 (3) is proposed to be deleted.

There are no “other fields of study” that have educational programs for occupational therapists which are accredited by the American Medical Association. Occupational therapy programs are accredited by ACOTE; foreign trained individuals must have equivalent training as a US degree in occupational therapy as determined by the National Board for Certification in Occupational Therapy to obtain national certification, a requirement for licensure in Nevada.

Paragraph 2 is proposed to be deleted. The American Occupational Therapy Association (AOTA) no longer offers specialty certification in school systems.

I would be happy to discuss any questions or concerns you may have regarding the proposed revisions to NAC 391.277.

Sincerely,

Loretta Ponton

Loretta L. Ponton
Executive Director

**State of Nevada
Board of Occupational Therapy**

PROPOSED AMENDED LANGUAGE REVISIONS

Green is new proposed language; *Purple* is proposed deleted language

NAC 391.277 Endorsement to ~~teach~~ serve as a school occupational
therapy therapist. ([NRS 391.019](#))

1. To receive an endorsement to ~~teach~~ **provide services to pupils students** in a program of occupational therapy, a person must:

(a) Hold a:

(1) Bachelor's degree in occupational therapy; *or*

(2) Master's degree in occupational therapy; ~~or~~ *and*

~~(3) Bachelor's or master's degree in any other field of study and have successfully completed an educational program for occupational therapists which is accredited by the American Medical Association or its successor organization in collaboration with the American Occupational Therapy Association or its successor organization;~~

(4) Hold a license as an occupational therapist issued by the Board of Occupational Therapy in this State. ~~;~~ ~~and~~

~~2. Hold a specialty certification in school systems issued by the American Occupational Therapy Association or its successor organization.~~

3. Such an endorsement is not required to ~~teach~~ **provide services to pupils students** in a program of occupational therapy.

(Added to NAC by Comm'n on Prof. Standards in Education, eff. 12-20-93; A by R117-18, 6-26-2019)

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AGENDA ITEM 11: Board Activities & Reports From Members

Future Agenda Items

Review of NRS 640A & NAC 640A

Board Training

FARB Conference – July 21 – 22, Washington DC

2022 Meeting Schedule

Discussion of Meeting Dates:

Strategic Planning Retreat

Proposed Board Meeting Friday Evening with Full Day Retreat on Saturday

Proposed Additional Meeting Dates

Calendar Year 2022	Topics/Comments
April 30	Regular Meeting
July 16	Biennial Budget
August 19-20	<i>Strategic Planning Retreat– Las Vegas</i>
October 8	If Needed
November 5	Audit Report Approval
December 10	If Needed

Reports and Comments from Board Members