



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES PUBLIC BOARD MEETING

July 16, 2022

Members Present: Allison Stone, Elizabeth Straughan, Jose Pablo Castillo, Phil Seitz, Mel Minarik
Members Absent: None
Staff Present: Loretta L. Ponton, Executive Director
Stacey Whittaker, Licensing Coordinator
Henna Rasul, Sr. Deputy Attorney General
Public Present: Robyn Otty OT, Michel Rantissi, John Hunt, Esq., Mark Karris, Esq., Jeannette Belz, Lea Case, Angela Terencio

Call to Order, Introduction of Board Members, Confirmation of Quorum

Chair Stone, called the Board meeting to order at 9:04 a.m. Chair Stone welcomed new Board member Jose Castillo and members introduced themselves. A roll call confirmed a quorum was present.

Public Comments – Chair Stone opened public comments. There were no verbal comments.

Loretta Ponton read for the record written comments submitted by Paula Cook, OTR.

Agenda Item 10

Re: [Sec. 1.1](#) License by Reciprocity

To clarify, a OT or OTA can be in a compact state and not pursue any compact privileges. This means that a OT or OTA in a state will not go through the background check and OT Compact Requirements unless the home state also requires it or they get it for their OT compact application. State licensing boards still retain control over the initial licensing process. People who want a compact privilege seek the background check and whatever else they need for the compact. The other practitioners do not. This is explained on the <https://otcompact.org/about/> website video at minute 45:00.

It is possible for an OT or OTA from a compact state who doesn't seek a compact privilege to apply for licensure in Nevada. Under this reciprocity language, they are recognized somehow differently than an OT or OTA applying from a non-compact state. I am not sure what this accomplishes to give reciprocity to someone from a state in the compact. The state is in the compact, not the practitioner, and applications for a privilege to practice are optional, so why does the practitioner from a compact state get an advantage via reciprocity over another practitioner from a non-compact state? How does this benefit Nevada as the initial licensure

process and renewal will still vary slightly state-by-state? I am not against reciprocity, just unclear on why someone from a compact state should get it when applying for a compact privilege is totally optional. Perhaps it should be re-worded to say people who apply for a compact privilege or pay the compact commission fee?

Re: Sec 1.2: (640.175)

3. The Board may renew a provisional license not more than once and may revoke a provisional license for any of the grounds set forth in NRS 640A.200.

My position is that the provisional license should not be able to be renewed at all. If a person is working as a provisional OT or OTA and cannot pass their exam within 6 months, they should not be able to continue working in that position, even though they have supervision. The exam is an essential component of establishing minimum competency for us as licensed professionals. The NBCOT exams are offered continually throughout the year which gives a candidate ample opportunity to study and retake the exam.

Agenda Item 11:

Re: Sec 1.2 NAC 640A.xxx Specialty Practice (NRS 640A.110).

These seem reasonable and I understand there is concern given disciplinary actions recently. I'm just wondering if we should clarify the "specialty practice" area?

Approval of the Minutes – Chair Stone asked if there were any corrections to May 14, 2022 meeting minutes. Hearing none called for a motion.

Elizabeth Straughan made the motion to approve the minutes as presented; Phil Seitz seconded the motion. The motion passed, with Jose Castillo abstaining.

Disciplinary Matters – Request for Release from Probation – Michel Rantissi, OT

Loretta Ponton stated Mr. Rantissi, OT entered into a consent decree in Case No. C20-07 and C20-08, approved by the Board on May 23, 2020, wherein Mr. Rantissi's license No. 0662 was placed on probation for 2 years subject to specified terms and conditions, including but not limited to payment of legal fees, periodic psychological evaluations, completion of continuing education, implementation of service protocols and patient consent documents.

Mr. Rantissi has complied with all terms of the Consent Decree and has requested release from probation.

Chair Stone asked if members had any questions. Hearing none, called for a motion.

Elizabeth Straughan made the motion, seconded by Phil Seitz, to approve Mr. Rantissi's release from probation. The motion passed. It was noted Mel Minarik did not vote due to having been temporarily disconnected.

Ms. Ponton stated the Board's action will be reported to the National Data Bank and any other agencies previously notified.

Consideration of Application for Reinstatement, Practice without Current License – Tania Stegen-Hanson, OTR, License No. 0417 – Ms. Ponton stated for the record, Ms. Stegen-Hanson is represented by Mr. Mark Karris, Esq. and has provided a Waiver of Notice and notice of legal counsel representation in this matter.

Chair Stone asked Ms. Ponton to summarize the facts in this matter. Ms. Ponton stated a License Reinstatement Application was received on June 22, 2022. Ms. Stegen-Hanson is licensed as an Occupational Therapist, License No. 0417, originally issued June 15, 1998 through June 30, 2016. Her license was reinstated May 2, 2017; was renewed timely in 2018 and was renewed late in 2020 for the two-year period ending May 1, 2022.

The reinstatement application and explanation provided by Ms. Stegen-Hanson indicates she continued practicing at Achievement Therapy Center without a current license in Nevada during the period her license had lapsed.

Pursuant to NRS 640A.230, a Cease-and-Desist letter dated June 23, 2022 was issued to Ms. Stegen-Hanson by email and sent via US mail, regular and certified. Ms. Stegen-Hanson was informed her application for reinstatement would be considered by the Board.

Ms. Ponton summarized the Board's authority in NRS 640A.200 for disciplinary actions; and NAC 640A.170 of the Board regulations which provides the authority to assess a fine for unlicensed practice.

The members discussed the timeframe of unlicensed practice, the explanation provided by Ms. Stegen-Hansen for not renewing her license and possible sanctions, including assessing a fine.

Mr. Mark Karris, Esq. provided additional information and background surrounding the lapse of licensure and extenuating circumstances contributing to the expiration of the license.

Chair Stone called for a motion.

Elizabeth Straughan made the motion to approve the reinstatement of Ms. Stegen-Hanson's license #0417 and assess an administrative fine of \$200.00 for unlicensed practice. Phil Seitz seconded the motion. The motion passed.

After further discussion, Chair Stone called for a motion.

Elizabeth Straughan made a motion the reinstatement of Ms. Stegen-Hanson's license will be effective upon receipt of payment of the \$200.00 administrative fine. Mel Minarik seconded the motion. The motion passed.

National Board for Certification in Occupational Therapy Presentation – Chair Stone introduced Robin Otty, OTR, NBCOT State Ambassador. Ms. Otty provided an overview of the new NBCOT initiative on justice, equity, diversity and inclusion (JEDI) that is being provided as a free resource to all practitioners.

Ms. Otty asked if the Board would be interested in a future update by NBCOT on current certification programs and services or a presentation by NBCOT addressing the transition from student to practitioner.

The members indicated interest in both topics; Ms. Otty will follow up with NBCOT.

Executive Director's Report – Loretta Ponton began her report with a request for Board approval of revisions to the personnel policies and procedures and operating policies and procedures, with associated action on disposition of bad debts.

Personnel Policies and Procedures – Ms. Ponton reviewed the proposed changes to Section 140, 150, 190 and 215 of the personnel policies and procedures. Chair Stone called for a motion.

Elizabeth Straughan made the motion to approve the revisions to the personnel policies and procedures as presented. Phil Seitz seconded the motion. The motion passed.

Operating Policies and Procedures - Ms. Ponton presented a new section titled Bad Debts which establishes parameters for how bad debts will be reported in the financial statements stating carrying old uncollectible revenue as accounts receivable may skew the Board financial statements.

Chair Stone called for a motion. Elizabeth Straughan made the motion, seconded by Mel Minarik to approve the new section titled Bad Debts in the Operating Policies and Procedures. The motion passed.

Loretta Ponton recommended the approval of the write-off of \$3,326.59 in bad debts effective June 30, 2022 comprised of uncollectible accounts receivable from FY 2019 and 2020. Ms. Ponton stated in all cases where fees are due, a licensee file is flagged requiring payment prior to renewal, reinstatement or new application for license.

Elizabeth Straughan made the motion, seconded by Mel Minarik to approve the write-off of bad debts in the amount of \$3,326.59 as of the June 30, 2022 financial statements. The motion passed.

Ms. Ponton directed the members to the written report which highlighted licensure statistics and financial reports as of May 31, 2022; office operations, complaints status and the 2022 CE audit.

Ms. Ponton concluded her report with information on the Board Training and Planning Session in August in Las Vegas.

Reserve Funds Status and Approval of FY 2023 / 2024 Biennial Budget – Chair Stone called upon Ms. Ponton to present.

Reserve Funds Analysis – An analysis of Reserve Funds was conducted to determine whether funds are meeting the requirements of the Board Reserve Funds Policy of having a minimum of 2-years available funding to maintain operations of the Board.

The analysis indicates the Board has 26.59 months of available funds for Board operations after set asides for contracts and lease expenses for the next two (2) years. There is \$59,340.44 in cash reserve more than the minimum 2-year operating amount.

Fiscal Year 2023 / 2024 Biennial Budget - Revenue has been projected utilizing actual known and projected revenue to be realized in FY 2023 and FY 2024. Revenue for FY 2023 is 4.79% lower than the FY 2022 Budget considering deferred revenues on June 30 and actual FY 2022 realized. FY 2024 revenue budget is projected to increase 3.44% due to rebound in new licensees.

Expenses reflect historical and actual data for both fiscal years. The FY 2023 personnel budget includes a 3.45% increase due to merit salary increases for staff. The FY 2024 Budget reflect a 9.4% reduction in personnel expenses due to the planned retirement of the Executive Director. The actual amount will be dependent upon the new ED salary and benefits as determined by the Board.

The 4-year Budget Projections indicate Revenue will cover all expenses by FY 2026. As background, the Board moved to a 2-year license in FY 19 with the goal to reduce excess cash on hand by \$250,000. The original “break-even” point was projected for FY 2025, prior to the slowdown in licensing revenue due to COVID-19. Based upon the FY 23 / 24 projections, the Board will reach the break-even point in FY 2026 and will have reduced cash balance by approximately \$277,000.

Ms. Ponton requested approval by the Board of the FY 2023 Budget and projected FY 2024 Budget.

Chair Stone called for a motion. Elizabeth Straughan made the motion, seconded by Mel Minarik to approve the Fiscal Year 2023 / 2024 biennial budget as presented. The motion passed.

Legislative Interim Report – Lea Case of Belz and Case Government Affairs provided a written and verbal report on interim legislative committee meetings, 2023 Bill Draft Requests and the upcoming elections. Jeannette Belz provided an update on the NCSL Conference in Las Vegas.

Consideration of Bill Language for 2023 Legislative Session – Chair Stone asked Ms. Ponton to explain the proposed BDR. Ms. Ponton stated the proposed language is brought back to the Board for approval to submit for a Bill Draft and to recruit a bill Sponsor. One new section to allow issuance of citations to address administrative violations of law/regulations was also added.

Phil Seitz asked if the Board could make changes after it is submitted. Ms. Ponton responded that it is possible but not advisable; this BDR draft will be used to recruit a sponsor and once the BDR request is submitted, it is formally drafted by LCB. Further revisions could be made through the legislative process through committees or amendment requests.

Chair Stone called for a motion. Elizabeth Straughan made the motion, seconded by Mel Minarik to approve the proposed BDR as drafted. The motion passed.

New and/or Revised Regulations – Chair Stone moved to the review of proposed new and revised regulations.

Ms. Ponton explained that if the Board would like to pursue addressing these changes, it would not be scheduled for formal public workshop until after June 2023 as LCB will be busy with the 2023 Legislative Session. Any regulation proposed/adopted from July 1 2022 to June 30 2023 would be temporary and would have to have another workshop and adoption as a permanent regulation. The Board could in the interim hold a public work session on the concepts with stakeholders to gain input prior to starting the administrative process in July 2023.

Ms. Ponton summarized the proposed regulations under consideration. The regulation is comprised of two new sections related to scope of practice; Sec 1.1 addresses general requirements and defines competence; Sec 1.2 address specialty practice and sets criteria for maintenance of documentation, requires practice experience, and written consent for pelvic examinations.

Two sections are proposed for amendment; NAC 640A.070 continuing education and NAC 640A.350 unprofessional conduct. NAC 640A.070 would recognize current NBCOT certification as meeting the requirement for continuing education if certification was renewed within the 24 months of renewal of a license. NAC 640A.350 would add touching of a patient or client for a sexual purpose as an additional act constituting unprofessional conduct.

As background, Senate Bill 196 amended NRS 629 (health care) to restrict a provider of health care from performing pelvic examinations if not within the scope of practice of the provider of health care. The bill also amended NRS 640A.200 to add an additional act to “unprofessional conduct”: the performance or supervision of the performance of a pelvic examination in violation of Section 1 of NRS 629.

After discussion, there was consensus to move forward with soliciting stakeholder input by scheduling a work session at a future meeting.

Chair Stone called for a motion. Elizabeth Straughan made the motion, seconded by Phil Seitz to hold a preliminary work session on the regulation concepts at a future meeting date. The motion passed.

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

Board Activities and Reports – Chair Stone requested an appointment for a new Financial Reviewer for the Board financial statements. She has been the reviewer and with the added responsibility as Board Chair, it is time to appoint another Board member. After discussion of the responsibilities, Elizabeth Straughan made the motion, seconded by Phil Seitz to appoint Jose Castillo as the Board Financial Reviewer. The motion passed.

Chair Stone reviewed the 2022 meeting schedule noting tentative dates of October 8 and December 10 only if needed. August will be the Strategic Planning Retreat and November 5th will be a regular Board meeting.

Loretta Ponton asked that members review their calendars for 2023 and suggested the Board meet every 2 months in 2023, she will send out possible meeting dates for the members' input.

Public Comment – Chair Stone asked for public comments. There was no public present at this time.

Adjournment – Chair Stone adjourned the meeting at 11:13 a.m.