



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING

September 23, 2023

Members Present: Jose Pablo Castillo, Melanie Minarik, Jocelyn Pereira, Allison Stone
Members Absent: Phil Seitz
Staff Present: Loretta L. Ponton, Executive Director
Heather Hartley, Executive Director
Stacey Whittaker, Director of Licensing & Operations
Henna Rasul, Sr. Deputy Attorney General
Public Present: Iris Kwan, Elyse Monroy, Joyce Mosely, Kristen Neville, Matt Olivier, Karen Picus, Yvonne Randall, Abigail Swidergal

Call to Order, Confirmation of Quorum

Vice Chair Castillo called the Board meeting to order at 9:12 am. A roll call confirmed a quorum was present.

Public Comments

Heather Hartley read the instructions for providing public comment during a virtual meeting per AB219. Vice Chair Castillo then called for public comments. There were no comments.

Approval of Minutes

Vice Chair Castillo called for approval of minutes.

Allison Stone made the motion, seconded by Jocelyn Pereira to approve the minutes of the meeting of August 5, 2023. The motion passed.

Legislative Activities

Elyse Monroy of Belz and Case Government Affairs provided an update on legislative activities including legislative interim activity, legislative implementation, and elections. There were no further comments.

Citation for Unauthorized Practice; Administrative Fine

Nicole Kohnert, OTA-2242 was issued a Citation for Unlicensed Practice on July 12, 2023, for the period March 27, 2023 – July 6, 2023. Ms. Kohnert was unable to attend the meeting due to a family emergency and Loretta Ponton read a statement from Ms. Kohnert to the Board.

Allison Stone made the motion, seconded by Melanie Minarik, to assess Ms. Kohnert a \$400 fine for unlicensed practice. The motion passed.

Disciplinary Matters – Consent Decree, Complaint Case C24-01 Nicole Kohnert OTA-2242

Vice Chair Castillo confirmed Board members had received and reviewed the proposed consent decree with Nicole Kohnert. Henna Rasul summarized the terms of the Consent Decree.

Vice Chair Castillo called for a motion.

Allison Stone made the motion, seconded by Jocelyn Pereira, to approve the Consent Decree with Nicole Kohnert, OTA in complaint case C24-01. The motion passed.

Disciplinary Matters – Dismissal of Complaints

Heather Hartley, Executive Director reviewed the following cases with the Board:

Case No. C24-02 alleged unlicensed practice of occupational therapy.

Case No. C24-03 alleged failure to pass a pre-employment drug screening in another state.

Case No. C23-06 alleged performance deficiencies in employment.

After review of all documentation received regarding the above referenced complaints, it has been determined that there is insufficient evidence to file formal complaints for hearing before the Board and the facts set forth in the accusations are insufficient to establish a violation of Chapter 640A of the Nevada Revised Statutes or the Nevada Administrative Code.

Allison Stone made the motion, seconded by Melanie Minarik, to dismiss complaint cases C24-02, C24-03 and C23-06. The motion passed.

Review and Approval of Revised Fiscal Year 2024 Budget

The contract for Legislative services with Belz & Case Government Affairs will expire December 31, 2023. Belz & Case has submitted a proposal to renew the contract for an additional 2 years through December 31, 2025. The next Legislative Session is January – June of 2025, interim committees will be meeting during 2024 and it is anticipated the reorganization of Board oversight under Business and Industry will require additional attention during the interim and into the next Legislative Session. A Contract Amendment has been prepared for Board approval which incorporates Negotiated Terms and Costs over the interim and next Legislative session.

Allison Stone made the motion, seconded by Melanie Minarik, to approve the Belz & Case Contract as presented. The motion passed.

Consideration of Revision to Fiscal Year 2024 Budget

The FY 2024 Budget has been revised to include the authority for payment of the Legislative Services Contract Amendment as negotiated and adjust personnel expenses for the temporary position as approved at the August Board Meeting.

Allison Stone made the motion, seconded by Melanie Minarik, to approve the FY 24 Budget revisions as presented. The motion passed.

PUBLIC WORKSHOP

Ms. Ponton opened the public workshop at 9:41 am and reviewed each section of the proposed regulation revising NAC 640A:

- New Section –General requirements regarding competence; and defines competence.

No public comments.

- New Section – Specialty practice requirements to include competence, documentation, and written consent in certain circumstances. Members of the public expressed their concerns with the definition of

specialty practice and specialty training. There was concern of limiting the practice of OT and language should not include entry level practice. It could cause confusion for patients and the public.

- New Section - Qualifications for standard license by reciprocity. **No public comments.**
- NAC 640A.030 – removes transcripts as a pre-requisite for licensure and adds reference to the National Board for Certification in Occupational Therapy. **No public comments.**
- NAC 640A.041 – removes obsolete criteria for eligibility to obtain a standard license and adds the requirement to pass the Nevada Occupational Therapy Jurisprudence examination. **No public comments.**
- NAC 640A.062 – clarifies the expiration date of a standard license that was converted from a temporary license. **No public comments.**
- NAC 640A.065 – removes obsolete language, clarifies the requirements for a provisional license and clarifies the expiration date of a standard license that was converted from a provisional license. **No public comments.**
- NAC 640A.070 – removes requirement to re-take the Nevada Occupational Therapy Jurisprudence Examination; add new criteria for credit for continuing education if licensees hold current certification from the National Board for Certification in Occupational Therapy. Public comments included allowable CE hours for specialty certifications and recertifications.
- NAC 640A.090 – restructures and creates new paragraph 7 on acceptable documentation for continuing education. **No public comments.**
- NAC 640A.101 – removed restriction on date to submit request for waiver of continuing education. **No public comments.**
- NAC 640A.130 – adds contact telephone and email address to information required to be updated with the Board. **No public comments.**
- NAC 640A.155 – removes fee for returned payments and authorizes the Board to charge a convenience fee for credit and debit card payments. **No public comments.**
- NAC 640A.160 – revises fees charged by the Board. Public comments included concerns with insurance reimbursements going down in addition to practitioner’s income. Could create a barrier for licensees.
- NAC 640A.170 – revises administrative fines for practicing with an expired license and adds administrative citations and fines. **No public comments.**
- NAC 640A.200 – removes unnecessary references to use of official titles or initials. Public discussion included the use of OTR and COTA. The Board does not have authority to regulate a credential that is not issued by the Board. The public was pleased with the changes being made by the Board.
- NAC 640A.350 – adds failure to report and inappropriate touching to acts constituting unprofessional conduct. **No public comments.**
- Repeals sections NAC 640A.060, NAC 640A.150 and NAC 640A.510. **No public comments.**

Loretta Ponton read into record a public comment received from a Licensee regarding Dry Needling and closed the Public Workshop at 10:32 am.

Consideration of Proposed Regulations

Melanie Minarik made the motion, seconded by Allison Stone to move items with no issues through the regulatory process and to bring all other items of concern back to the November 4, 2023 board meeting. The motion passed.

Executive Director's Report

Heather Hartley and Loretta Ponton provided a brief report on Board office administrative activities. They are working on updating financial signatories and will provide FY24 first quarter financial reports at the November Board Meeting.

Report from Deputy Attorney General

Henna Rasul stated she had nothing to report.

Board Activities & Reports from Members

Loretta Ponton and Heather Hartley discussed the upcoming Board meeting in Las Vegas on November 4, 2023. The plan is for a one-day meeting followed by a retirement reception for Ms. Ponton. The meeting will consist of standard items and the regulation changes. The 2024 meeting schedule was addressed and Board member vacancies coming up in December of 2023.

Public Comment

Vice Chair Castillo opened the floor for public comments. Kristen Neville with AOTA congratulated Loretta Ponton on her upcoming retirement. There were no further comments.

Adjournment – Vice Chair Castillo adjourned the meeting at 10:57 am