



**STATE OF NEVADA**  
**BOARD OF OCCUPATIONAL THERAPY**

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**NOTICE OF PUBLIC MEETING**

**November 04, 2023 – 10:30 a.m.**

Embassy Suites Las Vegas  
4315 University Center Dr.  
Las Vegas, NV 89119

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**AGENDA**

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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.

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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. Approval of the Minutes (for possible action)
  - September 23, 2023
4. Consideration of Revised Proposed Regulation (for possible action)

Members may discuss and consider public comments, approve or add, revise and delete proposed language. The Board will consider sections not previously discussed and review revisions as a result of public comments from the Public Workshop held on September 23, 2023.

- New Section –General requirements regarding competence; and defines competence.
- New Section – Specialty and advanced practice areas of emphasis requirements to include competence, documentation and written consent in certain circumstances.
- NAC 640A.070 – removes requirement to re-take the Nevada Occupational Therapy Jurisprudence Examination; add new criteria for credit for continuing education if licensee holds current certification from the National Board for Certification in Occupational Therapy and adds paragraph 8 on the conversion of continuing education to contact hours.
- NAC 640A.090 – restructures section, increases allowable hours for specialty or advance practice certification and creates new paragraph 4 on acceptable documentation for continuing education.
- NAC 640A.155 – removes fee for returned payments and authorizes the Board to charge a convenience fee for credit and debit card payments.

- NAC 640A.160 – revises licensing fees charged by the Board.
5. Executive Director’s Report (for possible action)
  6. Report from Deputy Attorney General (informational)
  7. Board Activities & Reports from Members (for possible action)
    - 2024 Meeting and Activities Schedule
  8. 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)
9. Adjournment (for possible action)

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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)

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**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.

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This meeting has been posted at the Board of Occupational Therapy Administrative Office, 6170 Mae Anne Ave., Reno, NV 89523, on the Board of Occupational Therapy website [www.nvot.org](http://www.nvot.org); and may also be accessed at the following websites: <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](http://www.nvot.org) or by contacting the Board office at (775) 746-4101 or email [board@nvot.org](mailto:board@nvot.org)

**State of Nevada**  
**Board of Occupational Therapy**

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<b>AGENDA ITEM 3: APPROVAL OF MINUTES</b>
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The minutes of the meeting of September 23, 2023 of the State Board of Occupational Therapy are presented for approval.

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



**STATE OF NEVADA  
BOARD OF OCCUPATIONAL THERAPY**

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**SUMMARY MINUTES  
PUBLIC BOARD MEETING**

**September 23, 2023**

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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

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**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.

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**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

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

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.

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

**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.

**State of Nevada**  
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<b>AGENDA ITEM 4: Consideration of Revised Proposed Regulation</b>
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**LCB File No. XXX-XX**

The Board may discuss and consider public comments on the content and intent of the proposed regulatory language, approve, add, revise and/or remove sections.

The regulation incorporates regulatory revisions previously discussed by the Board on July 16, 2022, recommendations for regulatory revisions and deletions submitted to the Governor's in the Executive Order 23-003 report and revisions/additions required as a result of passage of AB343 at the 2023 Legislative Session. The regulation also clarifies other sections and addresses Board fees.

Additional revisions in response to public comments at the Public Workshop on September 23, 2023 are proposed to Sec 1.2, Sec 6 and Sec 7 which are identified as: new revisions = green; revised deleted = purple strikethrough

The Board previously considered and approved proposed language at the September 23, 2023 Public Workshop with the exception of the following sections.

- Sec 1.2: New Section – Specialty and advanced practice areas of emphasis requirements to include competence, documentation and written consent in certain circumstances.
- Sec 6: NAC 640A.070 – removes requirement to re-take the Nevada Occupational Therapy Jurisprudence Examination; add new criteria for credit for continuing education if licensee holds current certification from the National Board for Certification in Occupational Therapy and adds paragraph 8 on the conversion of continuing education to contact hours.
- Sec 7: NAC 640A.090 – restructures section, increases allowable hours for specialty or advance practice certification and creates new paragraph 4 on acceptable documentation for continuing education.
- Sec 10: NAC 640A.155 – removes fee for returned payments and authorizes the Board to charge a convenience fee for credit and debit card payments.
- Sec 11: NAC 640A.160 – revises licensing fees charged by the Board.

Revised Proposed Regulation Attached



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

**LCB File No. XXXX-XX**

new revisions = **green** ; revised deleted = **purple strikethrough**

new language = **blue** =; deletions = **red strikethrough**

A REGULATION relating to occupational therapy; revising provisions relating to the practice of occupational therapy; and providing other matters properly relating thereto.

**Section 1.** Chapter 640A is hereby amended by adding thereto new provisions set forth as Sections

1.1 to 1.3 to read:

**Sec. 1.1**      *NAC 640A.xxx*      *General requirements. (NRS 640A.110)*

*A licensee shall:*

- 1. Maintain competence in the practice of occupational therapy and his or her personal scope of practice.*

*“Competence” defined. Competence is the application of knowledge, skills and behaviors required to function effectively, safely, ethically and legally within the scope of practice of occupational therapy.*

**Sec. 1.2**      *NAC 640A.xxx*      *Specialty [~~Practice~~] and Advanced Practice Areas of Emphasis (NRS 640A.110).*

*A licensee shall not engage in specialty **and advanced practice areas of emphasis** unless competence has been obtained in the ~~specialty~~ **practice area of emphasis**. Competence is obtained through continuing education, practice experience, specialty **and advanced training** or specialty certification.*

*A licensee shall:*

- 1. Obtain written consent of the patient or client prior to conducting a pelvic examination, an internal evaluation or performing any internal or external therapeutic procedures requiring touching of the genitalia or breasts.*

2. *Maintain documentation of education, practice experience, specialty or advanced training or [specialty] certification.*

**Sec. 1.3** *NAC 640A.XXX Qualifications for standard license by reciprocity (NRS 640A.110, 640A.170, AB 343, 2023)*

*In addition to the requirements set forth in NAC 640A.030 and NAC 640A.041, to be eligible to obtain a standard license by reciprocity, a person must provide verification of current licensure in good standing in the qualifying Occupational Therapy Compact member state.*

**Sec. 2** NAC 640A.030 is hereby amended to read as follows.

**NAC 640A.030 Prerequisites to receipt, renewal, reinstatement or conversion of status of license; fee; nonacceptance of late application for renewal of standard license. (NRS 640A.110, 640A.140)**

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. [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 *National Board for Certification in Occupational Therapy* ~~[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 license if the application is submitted more than 30 days after the date on which the license expired.

**Sec. 3** NAC 640A.041 is hereby amended to read as follows.

**NAC 640A.041 Eligibility to obtain standard license.** ([NRS 640A.110](#), [640A.120](#)) In addition to the requirements set forth in [NAC 640A.030](#), to be eligible to obtain a standard license, a person must:

- 1. ~~Have graduated from:~~
  - ~~(a) An educational program which is accredited by an agency approved by the Board and which includes a fieldwork program; or~~
  - ~~(b) An educational program in another country;]~~
- ~~[2.]~~ Have achieved a passing score on ~~[:]~~ *the Nevada Occupational Therapy Jurisprudence Examination; and*
- ~~(c) An examination provided by an agency approved by the Board; and~~
- ~~3. The Nevada Occupational Therapy Jurisprudence Examination;]~~
- 2. Have current certification as an occupational therapist registered or certified occupational therapy assistant. ~~]; and~~
- ~~[4. Be a citizen of the United States or otherwise have the legal right to work in the United States.]~~

**Sec. 4** NAC 640A.062 is hereby amended to read as follows.

**NAC 640A.062 Temporary licensing; conversion of temporary license to standard license.** ([NRS 640A.110](#), [640A.170](#))

1. A person who is currently certified as an occupational therapist registered or certified occupational therapy assistant and who holds a license that is active and in good standing as an occupational therapist or occupational therapy assistant issued in another state or territory of the United States may apply to the Board for a temporary license to practice in this state by meeting the requirements set forth in [NAC 640A.030](#).

2. A temporary license expires 6 months after the date on which it is issued.

3. A temporary license may be renewed not more than once.

4. A temporary license may be converted to a standard license if the person:

(a) Meets the requirements set forth in [NAC 640A.030](#) and [640A.041](#); and

(b) For a temporary license as an occupational therapy assistant, submits proof of employment and supervision by a licensed occupational therapist upon conversion of the license.

5. A person who has previously been issued a temporary license may not apply for another temporary license until 6 months after the expiration of his or her last original or renewed temporary license, as applicable.

*6. The expiration date of a standard license issued pursuant to paragraph 4 of this section, shall be two years from the initial date of issuance of the temporary license.*

**Sec. 5** NAC 640A.065 is hereby amended to read as follows.

**NAC 640A.065 Provisional licensing; conversion of provisional license to standard license.** ([NRS 640A.110](#), [640A.120](#))

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;]~~

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

(c) Who:

~~(b)~~ (1) Is not certified as an occupational therapist registered or a certified occupational therapy assistant; ~~[or]~~ and

*(2) provides proof of eligibility to take the certification examination from the National Board for Certification in Occupational Therapy; or*

*(3) provides proof of eligibility for reinstatement of certification from the National Board for Certification in Occupational Therapy.*

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

3. A provisional license may be renewed not more than once.

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](#), the Board receives proof of the certification of the provisional licensee as an occupational therapist registered or a certified occupational therapy assistant.

*5. The expiration date of a standard license issued pursuant to paragraph 4 of this section, shall be two years from the initial date of issuance of the provisional license.*

**Sec. 6** NAC 640A.070 is hereby amended to read as follows.

**NAC 640A.070 Continuing education: Generally.**

1. Except as otherwise provided in subsection 5, *subsection 7* 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] 3. 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] 4. A person who obtains a standard license within 12 months of graduation from an *accredited* educational program *in occupational therapy*, [~~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] 5. A licensee shall comply with the requirements for continuing education, including, without limitation, submitting to the Board 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] 6. To ensure compliance with the provisions of this section, the Board will conduct random audits of the continuing education completed by licensees.

*7. A licensee who holds current certification from the National Board for Certification in Occupational Therapy is deemed to have met the requirements for continuing education pursuant to this section, when:*

*(a) proof of current certification is provided to the Board, and*

*(b) the certification expiration date is greater than 12 months after the date the application for renewal is required to be submitted to the Board.*

**8. Continuing education provided by or approved by the American Occupational Therapy Association or the National Board for Certification in Occupational Therapy will be converted to contact hours for credit toward continuing education requirements.**

**Sec. 7** NAC 640A.090 is hereby amended to read as follows.

**NAC 640A.090 Continuing education: Subject matter; qualifying activities; *documentation*.**  
**(NRS 640A.110, 640A.180)**

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, *electronic, internet based or recorded* 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;}~~

(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;}~~

(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;}~~

(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 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}~~

(2) 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

(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]~~

(1) 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, 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 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)~~2.-Which may result in a maximum of 6 hours of continuing education per biennial renewal cycle; and

(h) Achievement of a type of *specialty or advanced practice* certification *directly related to the scope of practice of occupational therapy*. ~~[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 document from the agency showing achievement of the certification; and]~~



~~[(3)]~~ 1. Which may result in a maximum of ~~[5]~~ 12 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.

*4. Acceptable documentation of completion of continuing education includes but is not limited to:*

*(a) a certificate of completion, certification or other similar document indicating the person's name, subject matter, date and hours completed;*

*(b) a transcript indicating successful completion of an academic course;*

*(c) for fieldwork supervision, 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;*

*(d) a copy of a published peer-reviewed book, chapter of a book, or article regarding occupational therapy;*

*(e) an official program, schedule or syllabus of a course being taught, 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;*

*(f) a document from a professional 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.*

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008; R048-15, 4-4-2016; R067-17, 5-16-2018; **R105-19, 2-27-20; R076-21, 4-11-21**)

**Sec. 8** NAC 640A.101 is hereby amended to read as follows.

**NAC 640A.101 Continuing education: Waiver of requirements for extenuating circumstances.** ([NRS 640A.110](#), [640A.180](#))

1. The Board may waive all or part of the requirements for continuing education for a person who holds a standard license if the person:

- (a) Submits a written request for a waiver; and
- (b) Provides evidence satisfactory to the Board of an extenuating circumstance which does not allow the completion of the required continuing education.

2. Examples of an extenuating circumstance include, without limitation, extreme:

- (a) Illness or injury;
- (b) Financial hardship; or
- (c) Family hardship.

3. If a waiver is granted, the unfulfilled requirements for continuing education will be added to the person's requirements for the following biennial renewal cycle.

4. If a waiver is not granted, the Board may grant extra time for the person to fulfill any required continuing education that has not been completed.

~~{5. A written request for a waiver must be submitted by the applicable date on which the licensee is required to submit to the Board the application for the renewal of his or her license.}~~

**Sec. 9** NAC 640A.130 is hereby amended to read as follows.

**NAC 640A.130 Notification of addresses of licensee; mailing of notice to licensee.** ([NRS 640A.110](#))

1. Each licensee shall file his or her current residential address, *contact telephone number and email address* [~~and business address~~] with the Board.

2. A licensee shall notify the Board of any change in his or her residential address, *contact telephone number and email address* [~~or business address~~] within 30 days after the change.

3. If the Board is required by law or the provisions of this chapter to deliver any notice by mail to a licensee, the notice will be mailed to the last residential address of the licensee

which was filed with the Board in accordance with this section. *Any such notice shall also be sent to the email address of the licensee.*

**Sec. 10** NAC 640A.155 is hereby amended to read as follows.

**NAC 640A.155 Acceptable forms of payments to Board; fee for use** ~~[returned payment]~~.  
**(NRS 640A.110; NRS 622.233)**

1. Acceptable forms of payment to the Board are:

- (a) Personal check;
- (b) Money order;
- (c) Cashier's check; and
- (d) Credit *or debit* card.

2. The Board ~~[will]~~ *may* charge a *convenience* fee, *for payment by credit or debit card of money owed to the Board for a fee, fine or other assessment. The convenience fee will be established in an amount not to exceed the actual costs of fees charged to the Board by the credit or debit card issuer.* ~~[for each check or other method of payment returned to the Board or otherwise dishonored upon presentation for payment because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment, or the person stopped payment on the check or other method of payment without good cause. The amount of the original payment and the returned payment processing fee must be paid within 15 days after the notice of the invalid payment by one of the other forms of payment accepted by the Board.]~~

Sec. 11 NAC 640A.160 is hereby amended to read as follows.

**NAC 640A.160 Fees. (~~NRS 640A.110, 640A.166, 640A.190~~)**

1. Except as otherwise provided in subsection 2, the Board will charge and collect the following fees:

a) For an occupational therapist:

(1) Initial standard license .....	<del>[\$250]</del> <b>\$300</b>
(2) Biennial renewal of a standard license	<del>[250]</del> <b>300</b>
(3) A temporary or provisional license.....	150
(4) Renewal of a temporary or provisional license .....	<del>[100]</del> <b>150</b>
(5) Convert a temporary or provisional license to a standard license .....	<del>[100]</del> <b>150</b>
(6) Reinstatement of an expired license .....	<del>[250]</del> <b>300</b>
(7) Biennial renewal of an inactive license for an occupational therapist who is not retired.....	150
(8) Biennial renewal of an inactive license for an occupational therapist who is retired .....	50
(9) Convert an inactive license for an occupational therapist who is not retired to a standard license.....	<del>[100]</del> <b>150</b>
(10) Convert an inactive license for an occupational therapist who is retired to a standard license.....	<del>[250]</del> <b>300</b>

For an occupational therapy assistant:

(1) Initial standard license .....	<del>[\$175]</del> <b>\$225</b>
(2) Biennial renewal of a standard license .....	<del>[175]</del> <b>\$225</b>
(3) A temporary or provisional license.....	100
(4) Renewal of a temporary or provisional license .....	<del>[75]</del> <b>125</b>
(5) Convert a temporary or provisional license to a standard license .....	<del>[75]</del> <b>125</b>
(6) Reinstatement of an expired license .....	<del>[175]</del> <b>225</b>
(7) Biennial renewal of an inactive license for an occupational therapy assistant who is not retired .....	125

(8) Biennial renewal of an inactive license for an occupational therapy assistant who is retired	50
(9) Convert an inactive license for an occupational therapy assistant who is not retired to a standard license.....	<del>[50]</del> 100
(10) Convert an inactive license for an occupational therapy assistant who is retired to a standard license	<del>[175]</del> 225
(c) General:	
(1) Processing of an initial <i>or reinstatement</i> license application.....	<del>[\$150]</del> \$200
(2) Late fee for renewal of a license.....	125
(3) Verification of a license.....	25
<del>[(4) Returned payment processing .....</del>	<del>25]</del>

2. If an applicant for an initial license as an occupational therapist or occupational therapy assistant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge a fee of ~~[\$75]~~ \$100 for the processing of an initial license application and one-half of the fee set forth in subsection 1 for an initial license of any type.

(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A 5-23-95; R083-99, 9-27-99; R179-01, 9-20-2002; R210-07, 9-18-2008; R017-14, 10-24-2014; R067-17, 5-16-2018; R062-19, 12-30-19; R001-21, 12-22-21)

**Sec. 12** NAC 640A.170 is hereby amended to read as follows.

**NAC 640A.170**      **Administrative fine for practicing with expired license; *citation for violation of regulation*, Board may waive fine under certain circumstances. (NRS 640A.110, 640A.230)**

1. Except as otherwise provided by subsection ~~[2,]~~ **3**, the Board will assess against a person practicing occupational therapy whose license has expired an administrative fine of:

- (a) ~~[Not less than \$50 if the period of expiration of the license is 30 days or less.]~~ *If the license has been expired less than three months .....*      **\$200**
- (b) *If the license has been expired from 3 months to 6 months .....*      **\$500**
- (c) *If the license has been expired more than 6 months, not less than \$500 and not more*

than \$5,000, the amount to be determined by the Board.

~~(b) Not less than \$200; and not more than \$5,000 if the period of expiration of the license is more than 30 days.~~

2. When a citation has been issued pursuant to NRS 640A.xxx, the Board will impose an administrative fine as follows:

A first or second violation of a provision listed in this subsection, as follows:

<i>Violation</i>	<i>First Violation</i>	<i>Second Violation</i>
<i>(a) Contact Information.....</i>	<i>\$50</i>	<i>\$150</i>
<i>NAC 640A.130; R105-19, Sec 1</i>		
<i>(b) Supervision or employment information.....</i>	<i>\$100</i>	<i>\$250</i>
<i>NAC 640A.260; R105-19, Sec 1</i>		
<i>(c) Display of License or Name.....</i>	<i>50</i>	<i>\$150</i>
<i>NAC 640A.110; NAC 640A.115</i>		
<i>(d) Practice under name listed on license</i>	<i>\$ 50</i>	<i>\$100</i>
<i>NAC 640A.120; NAC 640A.195</i>		
<i>(e) Proof of Continuing education</i>	<i>\$200</i>	<i>\$300</i>
<i>NAC 640A.070; NAC 640A.030</i>		
<i>(f) Required Information or Documentation</i>	<i>\$250</i>	<i>\$300</i>
<i>NAC 640A.290; NAC 640A.030; R001-21 Sec 3.</i>		

A third or subsequent violation of a provision listed in paragraphs (a) to (f), inclusive, of subsection 2, the Board will impose an administrative fine in an amount to be determined by the Board not to exceed \$500.

3. The Board may waive an administrative fine assessed pursuant to subsections 1 and 2:

(a) For the first offense.

~~[(b) If the period of expiration of the license is 30 days or less.]~~

~~[(e)]~~ (b) Upon a finding of good cause by the Board. A person seeking waiver of an administrative fine on the grounds prescribed by this paragraph shall submit a written request to the Board which must include proof satisfactory to the Board that good cause exists for the Board to waive the administrative fine. As used in this paragraph, "good cause" includes, without limitation, circumstances under which a person suffers from an illness or disability, suffers an injury or experiences a family hardship.

**Sec. 13 NAC 640A.200 is hereby amended to read as follows.**

**NAC 640A.200 Use of professional title or initials. ([NRS 640A.110](#))**

1. An occupational therapist shall, in all appropriate professional circumstances, refer to himself or herself professionally as an "occupational therapist," a "licensed occupational therapist," an "occupational therapist licensed" or by the title's initials, including, without limitation, "OT/L."

~~{2. If presently certified by an agency approved by the Board, an occupational therapist may refer to himself or herself professionally by his or her applicable certification title or by the title's initials, including, without limitation, "occupational therapist registered," "occupational therapist registered licensed," "OTR" or "OTR/L."}~~

~~{3.}~~ 2. An occupational therapy assistant shall, in all appropriate professional circumstances, refer to himself or herself professionally as an "occupational therapy assistant," a "licensed occupational therapy assistant," an "occupational therapy assistant licensed" or by the title's initials, including, without limitation, "OTA/L."

~~{4. If presently certified by an agency approved by the Board, an occupational therapy assistant may refer to himself or herself by his or her applicable certification title or by the title's initials, including, without limitation, "certified occupational therapy assistant," "certified occupational therapy assistant licensed," "COTA" or "COTA/L."}~~

~~{5.}~~ 3. An occupational therapist or occupational therapy assistant shall not use a title or initials for a title that are misleadingly similar to a title or certification, or initials for a title or certification, that he or she has not earned.

(Added to NAC by Bd. of Occupational Therapy,

**Sec. 14 NAC 640A.350 is hereby amended to read as follows.**

**NAC 640A.350 Acts constituting unprofessional conduct. ([NRS 640A.110](#), [640A.200](#))** In addition to those acts specified in subsection 4 of [NRS 640A.200](#), the following acts, among others, constitute "unprofessional conduct":

1. Engaging in the practice of occupational therapy when unable to do so with reasonable skill and safety to patients because of the licensee's use of alcohol or any controlled substance, or because of any mental or physical condition or illness suffered by the licensee;
2. Being guilty of negligence in the performance of occupational therapy;
3. Allowing another person to use the license issued to the licensee;
4. Failing to report or otherwise concealing information related to a violation of this chapter or [NRS 640A.200](#) which could result in harm to the public health and welfare;
5. Intentionally making or filing a false or misleading report;
6. 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;
7. Intentionally harassing, abusing or intimidating a patient, employer, employee, colleague or other person, either physically or verbally, including, without limitation, sexual harassment, abuse or intimidation;
8. Failing to notify the Board of disciplinary action imposed upon the licensee or applicant for licensure by a regulatory authority in another jurisdiction in which the licensee or applicant currently holds or held a license;
9. Divulging, without the consent of the patient, information gained within the context of the professional relationship with the patient, unless otherwise required by law;
10. Failing to obtain the informed consent of a patient before engaging in scientific research involving the patient;
11. Violating a provision of the *Occupational Therapy Code of Ethics and Ethics Standards* or the *Standards of Practice for Occupational Therapy*, adopted by reference in [NAC 640A.205](#);
12. Referring or appearing to refer a patient to a third person to receive a fee or other consideration from the third person;
13. Recommending or prescribing therapeutic devices or modalities sold by a third person to receive a fee or other consideration from the third person;
14. Advertising in a manner that tends to deceive or mislead the public or advertising deceptive or misleading information;
15. Making false statements, providing false information or omitting pertinent information in connection with an application for licensure or renewal of a license;



16. Misrepresenting or falsifying credentials, including, without limitation, those relating to education, training, experience and areas of competency;

17. Practicing or offering to practice beyond the scope authorized by law; ~~[or]~~

18. Performing professional services which the occupational therapist knows he or she is not competent to perform~~[.];~~

*19. Failure to report to the Board any unlicensed, unauthorized, unqualified, unethical or unprofessional practice of occupational therapy by another person.*

*20. Touching of a patient or client for a sexual purpose or in any way not necessary for any treatment intervention.*

### NAC Sections Repealed

~~[NAC 640A.060—Licensing of person whose standard license has been expired for 5 years or more: Treatment as new applicant. (NRS 640A.110, 640A.180)—If a person's standard license as an occupational therapist or occupational therapy assistant has been expired for 5 years or more, he or she must apply for a license as if he or she were a new applicant.~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92; A by R083-99, 9-27-99; R210-07, 9-18-2008; R067-17, 5-16-2018)}~~

~~[NAC 640A.150—Inclusion of license number on or with documents submitted to Board. (NRS 640A.110)—The license number assigned to the licensee by the Board must accompany or be written upon every document which he or she submits to the Board.~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92)}~~

~~[NAC 640A.410—Fees and expenses of witnesses. (NRS 640A.110, 640A.210)—A witness who participates in a proceeding held by the Board is entitled to receive fees and reimbursement for mileage in the same amounts and under the same conditions as for witnesses in the courts of this state.]~~

~~(Added to NAC by Bd. of Occupational Therapy, eff. 12-23-92)~~

## Supporting Information and Analysis of Fee Structure and Proposed Fee Impacts

Presented for Board consideration are proposed revisions to biennial licensing fees and adding the authority provided in NRS 622.233 to recapture costs of credit card fees through assessment of a convenience fee. The Board pays in excess of \$6,000 per fiscal year in credit card bank fees.

NAC 640A.155 – removes fee for returned payments and authorizes the Board to charge a convenience fee for credit and debit card payments.

**NRS 622.233 Acceptance of credit cards, debit cards and electronic transfers of money: Prerequisites; fees for use.**

2. If the issuer or operator charges the regulatory body a fee for each use of a credit card or debit card or for each electronic transfer of money, the regulatory body may require the cardholder or the person requesting the electronic transfer of money to pay a **convenience fee. The total convenience fees charged by the regulatory body in a fiscal year must not exceed the total amount of fees charged to the regulatory body by the issuer or operator in that fiscal year.**

NAC 640A.160 – revises licensing fees charged by the Board.

The regulation revises fees for biennial licenses, temporary and provisional licenses and associated fees for renewals, reinstatement and conversion of certain license types.

The Board moved from an annual license to a biennial license on 3/24/18, with no increase in fees. Renewal fees and related reinstatement and conversion fees only were increased by \$25 in 12/30/19, there were no increases to new applications.

The proposed \$50 fee increase would generate on average \$55,000 in additional revenue per fiscal year which would be utilized to support the regulatory functions and operations of the Board which are increasing due to inflationary costs of personnel and operations.

Due to the biennial licensing cycle, any fee increase would be gradually realized over a two-year period and could not be implemented until after approval of the proposed regulation by the Legislative Commission. July 1, 2024 is the target implementation date with full impact realized the 3<sup>rd</sup> year; Fiscal Year 2027.

An analysis of various fee structures was conducted utilizing actual licensing numbers from the FY 22 / FY 23 biennial period.

Attachment  
Proposed Fee Schedule Comparison  
Fee Increase Comparisons

### Biennial License Fee Schedule – Comparison

Description	Status	Application Fee	License Fee	Total Fee	Application Fee	License Fee	Total Fee	
Occupational Therapist	Annual License - Standard	<b>Current</b>			<b>FY 2025 Proposed</b>			
	Initial - Standard	\$ 150.00	\$ 250.00	\$ 400.00	\$ 200.00	\$ 300.00	\$ 500.00	
	Annual Renewal		\$ 250.00			\$ 300.00		
	Renewal Inactive		\$ 150.00			\$ 150.00		
	Renewal Inactive Retired		\$ 50.00			\$ 50.00		
	Convert Inactive to Standard		\$ 100.00			\$ 150.00		
	Convert Retired to Standard		\$ 250.00			\$ 300.00		
	Reinstate Expired	\$ 150.00	\$ 250.00	\$ 400.00	\$ 200.00	\$ 300.00	\$ 500.00	
	6 – Month License							
	New - Provisional or Temporary	\$ 150.00	\$ 150.00	\$ 300.00	\$ 200.00	\$ 150.00	\$350.00	
	Renewal		\$ 100.00			\$ 150.00		
	Convert to Standard		\$ 100.00			\$ 150.00		
Occupational Therapy Assistant	Annual License - Standard							
	New - Standard	\$ 150.00	\$ 175.00	\$ 325.00	\$ 200.00	\$ 225.00	\$425.00	
		Renewal		\$ 175.00			\$ 225.00	
		Renewal Inactive		\$ 125.00			\$ 125.00	
		Renewal Inactive Retired		\$ 50.00			\$ 50.00	
		Convert Inactive to Standard		\$ 50.00			\$ 100.00	
		Convert Retired to Standard		\$ 175.00			\$ 225.00	
		Reinstate Expired	\$ 150.00	\$ 175.00	\$ 325.00	\$ 200.00	\$ 225.00	\$425.00
	6 – Month License							
	New - Provisional or Temporary	\$ 150.00	\$ 100.00	\$ 250.00	\$ 200.00	\$ 100.00	\$300.00	
		Renewal		\$ 75.00			\$ 125.00	
		Convert to Standard		\$ 75.00			\$ 125.00	
		General						
	Late Renewal Fee			\$ 125.00			\$ 125.00	
	Written License Verification			\$ 25.00			\$ 25.00	
	Returned Payment Fee			\$ 25.00			-0-	

\$ 50.00 increase across the board with the exception of Provisional and Temporary Licenses which are maximum 1 year currently.

## FISCAL IMPACT OPTIONS COMPARISON

The attached charts provide a general overview of fiscal impact of fee increases utilizing actual number of new licensees and license renewals during the biennial period FY 22 / 23.

Due to biennial license terms, the average of the 2-year receipts was utilized for comparison to the different fee increase options.

Option	Amount of Increase	Average Revenue Increase Per Fiscal Year
Option 1	\$ 50.00	\$ 54,425.00
Option 2	\$ 15%	\$ 41,098.75
Option 3	\$ 25.00	\$ 27,212.50
Option 4	20%	\$ 46,825.00
Option 5	Revert to Annual License	\$ 79,037.50

Any increase or decrease in numbers of actual licensees during a fiscal year will impact the actual amount realized.

The Board is funded exclusively by Licensing fees and no funds are received from the State general fund.

**Actual Receipts FY 22 / FY 23**

Revenue Sources	Fee	Licenses		FY 22	FY 23	Biennial
		FY 22	FY 23			
Application Fees	150.00	228	220	\$ 34,200.00	\$ 33,000.00	\$ 67,200.00
New OTR	250.00	167	168	\$ 41,750.00	\$ 42,000.00	\$ 83,750.00
New OTA	\$ 175.00	62	52	\$ 10,850.00	\$ 9,100.00	\$ 19,950.00
Renewal OTR	\$ 250.00	619	359	\$ 154,750.00	\$ 89,750.00	\$ 244,500.00
Renewal OTA	\$ 175.00	162	140	\$ 28,350.00	\$ 24,500.00	\$ 52,850.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 269,900.00</b>	<b>\$ 198,350.00</b>	<b>\$ 468,250.00</b>
						Averaged Per Year \$ 234,125.00

**Projected \$ 50.00 Increase**

Revenue Sources	Fee	Licenses		FY 25	FY 26	Biennial
		FY 22	FY 23			
Application Fees	\$ 200.00	228	220	\$ 45,600.00	\$ 44,000.00	\$ 89,600.00
New OTR	\$ 300.00	167	168	\$ 50,100.00	\$ 50,400.00	\$ 100,500.00
New OTA	\$ 225.00	62	52	\$ 13,950.00	\$ 11,700.00	\$ 25,650.00
Renewal OTR	\$ 300.00	619	359	\$ 185,700.00	\$ 107,700.00	\$ 293,400.00
Renewal OTA	\$ 225.00	162	140	\$ 36,450.00	\$ 31,500.00	\$ 67,950.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 331,800.00</b>	<b>\$ 245,300.00</b>	<b>\$ 577,100.00</b>
						Averaged Per Year \$ 288,550.00

Increase in Receipts	\$ 61,900.00	\$ 46,950.00	\$ 108,850.00
<b>\$ 50.00 Fee</b>	<b>Increase Averaged Per Year</b>		<b>\$ 54,425.00</b>

**Projected 15% Increase**

Revenue Sources	Fee	Licenses		FY 25	FY 26	Biennial FY 25 / FY 26
		FY 22	FY 23			
Application Fees	\$ 172.50	228	220	\$ 39,330.00	\$ 37,950.00	\$ 77,280.00
New OTR	\$ 287.50	167	168	\$ 48,012.50	\$ 48,300.00	\$ 96,312.50
New OTA	\$ 230.00	62	52	\$ 14,260.00	\$ 11,960.00	\$ 26,220.00
Renewal OTR	\$ 287.50	619	359	\$ 177,962.50	\$ 103,212.50	\$ 281,175.00
Renewal OTA	\$ 230.00	162	140	\$ 37,260.00	\$ 32,200.00	\$ 69,460.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 316,825.00</b>	<b>\$ 233,622.50</b>	<b>\$ 550,447.50</b>
<b>Averaged Per Year</b>						<b>\$ 275,223.75</b>

Increase in Receipts	\$ 46,925.00	\$ 35,272.50	\$ 82,197.50
<b>15% Increase</b>	<b>Increase Averaged Per Year</b>		<b>\$ 41,098.75</b>

**Projected \$ 25.00 Increase**

Revenue Sources	Fee	Licenses		FY 25	FY 26	Biennial FY 25 / FY 26
		FY 22	FY 23			
Application Fees	\$ 175.00	228	220	\$ 39,900.00	\$ 38,500.00	\$ 78,400.00
New OTR	\$ 275.00	167	168	\$ 45,925.00	\$ 46,200.00	\$ 92,125.00
New OTR	\$ 200.00	62	52	\$ 12,400.00	\$ 10,400.00	\$ 22,800.00
Renewal OTR	\$ 275.00	619	359	\$ 170,225.00	\$ 98,725.00	\$ 268,950.00
Renewal OTA	\$ 200.00	162	140	\$ 32,400.00	\$ 28,000.00	\$ 60,400.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 300,850.00</b>	<b>\$ 221,825.00</b>	<b>\$ 522,675.00</b>
<b>Averaged Per Year</b>						<b>\$ 261,337.50</b>

Increase in Receipts	\$ 30,950.00	\$ 23,475.00	\$ 54,425.00
<b>\$25 Increase</b>	<b>Increase Averaged Per Year</b>		<b>\$ 27,212.50</b>

<b>Projected</b>	<b>20%</b>	<b>Increase</b>
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Revenue Sources	Fee	Licenses	Licenses	FY 25	FY 26	<i>Biennial</i>
		FY 22	FY 23			FY 25 / FY 26
Application Fees	\$ 180.00	228	220	\$ 41,040.00	\$ 39,600.00	\$ 80,640.00
New OTR	\$ 300.00	167	168	\$ 50,100.00	\$ 50,400.00	\$ 100,500.00
New OTA	\$ 210.00	62	52	\$ 13,020.00	\$ 10,920.00	\$ 23,940.00
Renewal OTR	\$ 300.00	619	359	\$ 185,700.00	\$ 107,700.00	\$ 293,400.00
Renewal OTA	\$ 210.00	162	140	\$ 34,020.00	\$ 29,400.00	\$ 63,420.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 323,880.00</b>	<b>\$ 238,020.00</b>	<b>\$ 561,900.00</b>
					<u>Averaged Per Year</u>	<u>\$ 280,950.00</u>

Increase in Receipts	\$ 53,980.00	\$ 39,670.00	\$ 93,650.00
<b>20% Increase</b>		<b>Increase Averaged Per Year</b>	<b>\$ 46,825.00</b>

<b>Projected Annual License</b>
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Revenue Sources	Fee	Licenses		FY 25	FY 26	Biennial FY 25 / FY 26
		FY 22	FY 23			
Application Fees	\$ 150.00	228	220	\$ 34,200.00	\$ 33,000.00	\$ 67,200.00
New OTR	\$ 200.00	167	168	\$ 33,400.00	\$ 33,600.00	\$ 67,000.00
New OTA	\$ 150.00	62	52	\$ 9,300.00	\$ 7,800.00	\$ 17,100.00
Renewal OTR	\$ 200.00	619	359	\$ 123,800.00	\$ 71,800.00	\$ 195,600.00
Renewal OTA	\$ 150.00	162	140	\$ 24,300.00	\$ 21,000.00	\$ 45,300.00
<b>Total Licensing Fees</b>	<b>2,177</b>	<b>1,238</b>	<b>939</b>	<b>\$ 225,000.00</b>	<b>\$ 167,200.00</b>	<b>\$ 392,200.00</b>
					<u>Annually</u>	<u>\$ 392,200.00</u>

Increase Compared to Actual Average Annual Receipts FY 22/23	\$ 158,075.00
<b>Increase Averaged Per Year</b>	<b>\$ 79,037.50</b>



**State of Nevada**  
**Board of Occupational Therapy**

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<b>AGENDA ITEM 5: Executive Director's Report</b>
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Heather Hartley will provide a report on Board Office Administrative activities.

Attachments

Written Report  
FY 2024 Financial Statements, 1st Quarter

**State of Nevada**  
**Board of Occupational Therapy**

6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523  
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**EXECUTIVE DIRECTOR’S REPORT**  
**November 4, 2023**

**Licensure Statistics** - The following chart provides current and prior year licensing details and activity as of September 30, 2023. The number of practitioners increased by a net 43 licensees in the first quarter.

*1<sup>st</sup> Quarter Statistics*

New Applications Received:	89	Licenses Issued:	89
Licenses Expired:	46	Licenses Renewed:	92

**Comparison to Prior Year at September 30**

Description	FY 2024	FY 2023	% +	OT’s	2023	OTA’s	2023
Total Current Licensees	1788	1689	5.8%	1365	1283	423	406
Standard Licensees (active)	1725	1628	5.9%	1320	1239	405	389
Inactive Licensees	30	36		21	27	9	9
Inactive - Retired	13	13		11	12	2	1
Provisional Licensees	15	6		9	3	6	3
Temporary Licensees	5	6		4	2	1	4

**Fiscal Year 24 by Quarter**

Fiscal Year 2022	Total Licensees	OT	OTA
<b>July 1, 2023</b>	<b>1745</b>	<b>1330</b>	<b>415</b>
September 30, 2023	<b>1788</b>	<b>1365</b>	<b>423</b>
December 31, 2023			
March 31, 2024			
<b>June 30, 2024</b>			

*FY 24 Financial Statements*  
*1<sup>st</sup> Quarter, Period ending September 30, 2023*

**FY 24 Budget vs Actuals - Period ending September 30, 2023** reflects a net loss of (\$25,611.47), approximately 75.97% of the budget. Net operating income, revenue less expenses, is at 62.52%.

**Licensing Revenue** - Licensing revenue is slightly above budget at 27.03%. New license fees exceed budget at 34.77%.

**Other Income** - Other income is 38.7% of the budget. Interest income on investments exceeded budget at 79.90% due to higher rates of return on short term CD’s.

**Operating Expenses** - Expenses are over budget at 33.32%. Payroll exceeded budget at 37.56% due to hiring the new Executive Director and overlapping costs for the current Executive Director

in September. This included three months of employer paid deferred compensation which is no longer in effect. Payroll expenses are expected to be within budget by December 31<sup>st</sup>.

**Balance Sheet and Investments** - Total Cash at September 30, 2023 is \$592,769.17; with \$150,575.29 in operating, \$328,574.57 in CD's and \$113,619.31 in money market funds. Total Equity is \$334,767.62.

**Wells Fargo Advisors** - There have been multiple attempts to update signatory information with Wells Fargo Advisors. The account advisor is located in California. Staff is pursuing to transfer the account to a local Wells Fargo office.

**Office Operations & Activities** - Collaborative relationships continue to grow and develop. A tour was provided by Lea Case in Carson City. Lea provided legislative insight as the Board continues the process to update regulations. Meetings have been held with the team from Big Picture regarding the Board's database. Correspondence is ongoing with Kristen Neville, AOTA.

Staff have worked with a variety of state agencies regarding contracts, reports, and establishing an account for a virtual private network for accessing state systems. The state budget analyst required a new contract for legislative services instead of an amendment. The terms and conditions remain the same and have been submitted for BOE approval.

Jurisprudence Exam - Letters of non-compliance were sent to 38 licensees who did not complete the Jurisprudence Exam. Responses were received from 31 with 7 licensees not responding. No further action will be taken. Records have been marked at "not in good standing."

The Department of Business and Industry is in the process of collecting information from licensing boards in preparation for implementation of AB 431, oversight of regulatory Boards. Information items requested to date are registration numbers, annual budgets, financial reports, number of staff, whether the Board has reciprocity with other states, and what regulatory database is used. The Deputy Director position for the Office of Boards and Commissions and funding for operations was approved by the State Interim Finance Committee on October 11, 2023. The Department of Business and Industry sent an email to the Board requesting policies and procedures as well as internal controls. The Board's following manuals were submitted in response.

- Board Member Manual
- Personnel Policies and Procedures
- Board Policy Manual
- Operating Policies and Procedures

State reporting has been submitted to the Legislative Counsel Bureau (Disciplinary and Registration Report), State Controller's Office (SPOLR Debt Collection Report) for the period January 1, 2023 – June 30, 2023. The Disciplinary Action Report has been filed with the National Practitioner's Databank in Case No. C24-01 and notice of disciplinary actions sent to AOTA and NBCOT.

Staff is working with Big Picture database to automate the CE process to include quarterly random audits. Currently CE audits are performed annually. With a two-year renewal term, quarterly audits will be timelier and more efficient. Staff has scheduled monthly meetings with Melissa Helgeson.

**Complaints Status** – There are four (4) complaints pending in the investigation stage.

# State of Nevada Board of Occupational Therapy

## Profit and Loss

July - September, 2023

	TOTAL
Income	
Fees	12,150.00
Fines and Legal Fees	832.32
License Fees	52,037.10
List Fee	1,075.00
<b>Total Income</b>	<b>\$66,094.42</b>
<b>GROSS PROFIT</b>	<b>\$66,094.42</b>
Expenses	
Attorney General / Legal Fees	834.49
Bank Service/Merchant Charges	1,384.83
Dues & subscriptions	754.87
Equipment Purchase	1,113.73
Equipment Rental	471.05
Insurance	1,052.37
Licensing - Data System	2,000.33
Meeting Expenses	212.27
Office Expense	
Internet Service	479.94
Postage and Delivery	-176.01
Telephone	137.67
<b>Total Office Expense</b>	<b>441.60</b>
Office Lease	8,195.46
Office Supplies	386.34
Payroll Expenses	
Deferred Compensation	5,330.77
Employer Taxes	4,518.72
Medical Benefit	1,164.23
PTO Expense	10,237.01
Salaries and Wages	52,658.06
<b>Total Payroll Expenses</b>	<b>73,908.79</b>
Professional Fees	
Accounting	750.00
Legislative Services	6,000.00
<b>Total Professional Fees</b>	<b>6,750.00</b>
Travel	
Travel - in state	1,564.55
<b>Total Travel</b>	<b>1,564.55</b>
<b>Total Expenses</b>	<b>\$99,070.68</b>
<b>NET OPERATING INCOME</b>	<b>\$ -32,976.26</b>
Other Income	
Interest Income	3,795.09

# State of Nevada Board of Occupational Therapy

## Profit and Loss

July - September, 2023

	TOTAL
Sublease Income	3,569.70
<b>Total Other Income</b>	<b>\$7,364.79</b>
NET OTHER INCOME	<b>\$7,364.79</b>
NET INCOME	<b>\$ -25,611.47</b>

# State of Nevada Board of Occupational Therapy

## Balance Sheet

As of September 30, 2023

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
Wells Fargo Bank - Checking	150,575.29
Wells Fargo Bank - Investments	328,574.57
Wells Fargo Bank - Money Market	113,619.31
<b>Total Bank Accounts</b>	<b>\$592,769.17</b>
Accounts Receivable	
Accounts Receivable	13,309.88
<b>Total Accounts Receivable</b>	<b>\$13,309.88</b>
Other Current Assets	
Prepaid Expenses	7,474.57
Undeposited Funds	0.00
<b>Total Other Current Assets</b>	<b>\$7,474.57</b>
<b>Total Current Assets</b>	<b>\$613,553.62</b>
Fixed Assets	
Net Fixed Assets	0.00
<b>Total Fixed Assets</b>	<b>\$0.00</b>
Other Assets	
Accum Depr - Right of Use Asset	-108,640.00
Right of Use Asset	212,228.00
<b>Total Other Assets</b>	<b>\$103,588.00</b>
<b>TOTAL ASSETS</b>	<b>\$717,141.62</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	121.96
<b>Total Accounts Payable</b>	<b>\$121.96</b>
Credit Cards	
WF Mastercard	100.00

# State of Nevada Board of Occupational Therapy

## Balance Sheet

As of September 30, 2023

	TOTAL
<b>Total Credit Cards</b>	<b>\$100.00</b>
Other Current Liabilities	
Accrued PTO	49,767.56
Deferred Compensation Payable	119.52
Deferred Revenue	206,784.19
Direct Deposit Liabilities	0.00
Due to State Treasurer	400.00
Lease Liabilities - Current	31,447.00
Other Current Liabilities	11,104.97
Payroll Liability	2,181.76
Payroll Tax Liability	167.04
<b>Total Other Current Liabilities</b>	<b>\$301,972.04</b>
<b>Total Current Liabilities</b>	<b>\$302,194.00</b>
Long-Term Liabilities	
Lease Liabilities - Non Current	80,180.00
<b>Total Long-Term Liabilities</b>	<b>\$80,180.00</b>
<b>Total Liabilities</b>	<b>\$382,374.00</b>
Equity	
Retained Earnings	360,379.09
Net Income	-25,611.47
<b>Total Equity</b>	<b>\$334,767.62</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$717,141.62</b>

**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

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**AGENDA ITEM 6: Report from Legal Counsel**

Deputy Attorney General will report on legal matters.

**AGENDA ITEM 7: Board Activities & Reports From Members**

*Meeting and Activities Schedule*

<b>Activity</b>	<b>Calendar Year 2023</b>	<b>Topics/Comments</b>
<b>Board Meeting Las Vegas</b>	<b>November 4</b>	<b>Set 2024 Meeting Schedule</b>
<b>Activity</b>	<b>Calendar Year 2024</b>	<b>Topics/Comments</b>
<b>Board Meeting</b>	<b>March 2</b>	<b>Regulation Hearing &amp; Approval Appointment of Chair ED Interim Evaluation</b>
<b>Board Meeting</b>	<b>June 1</b>	<b>Preliminary FY 25 Budget</b>
<b>Board Meeting</b>	<b>August 24</b>	<b>ED Annual Evaluation</b>
<b>Board Meeting</b>	<b>November 2</b>	<b>Audit Approval</b>

**Future Agenda Items**

**Reports and Comments from Board Members**

**Recognition of Board Service**

**Allison Stone and Melanie Minarik**