



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

March 2, 2024 – 10:00 a.m.

Board of Occupational Therapy
Administrative Office
6170 Mae Anne Ave., Suite 1
Reno, NV 89523
Zoom Access:

<https://us06web.zoom.us/j/87325272959?pwd=Lc6MLRepsDanRNMjnJBgTp0o0tiheR.1>

Meeting ID: 873 2527 2959
Passcode: 335639
Telephone Audio Only: (253) 215-8782

AGENDA

Public comment is welcomed by the Board in writing or in person. Persons wishing to provide public comments remotely may access the meeting by telephone at (253) 215-8782 or through the electronic link posted on the agenda. Public comment will be limited to five minutes per person and comments based on viewpoint will not be restricted. Public comment will be available at the beginning of the meeting and as the last item on the agenda. At the discretion of the Chairperson, additional public comment may be heard when that item is reached. The Chairperson may allow additional time to be given a speaker as time allows at his/her sole discretion. (NRS 241.020, NRS 241.030)

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. Appointment of Chair and Board Officers (for possible action)
 - Chair, Vice Chair, and Financial Reviewer

4. Approval of the Minutes (for possible action)
 - November 4, 2023
 - December 21, 2023
5. Legislative Status Report – Belz & Case Government Affairs (informational)
6. Citation for Unauthorized Practice; Administrative Fine pursuant to NRS 640A.230 2(c) (for possible action)
 - Jonathan Legarte, OT, License No. OT-2368
 - Ashley Koepke, OT, License No. OT-2874

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

7. Disciplinary Matters –Dismissal of Complaint(s) (for possible action)
 - Complaint Case No. C24-04A
 - Complaint Case No. C24-04B
 - Complaint Case No. C24-04C
 - Complaint Case No. C24-05

8. Public Hearing – R113-23 (informational)

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R113-23, Chapter 640A of the Nevada Administrative Code.

A REGULATION relating to occupational therapy; requiring an occupational therapist or occupational therapy assistant to maintain competence in the practice of occupational therapy; adopting requirements for engaging in an occupational therapy specialty or advanced practice area; revising the requirements for obtaining a license from the Board of Occupational Therapy; revising provisions governing the expiration and renewal of such licenses; revising requirements for continuing education; revising the requirement for a licensee to file current contact information with the Board; revising provisions governing the payment of money to the Board; increasing certain fees; establishing administrative fines for certain violations of regulations governing the practice of occupational therapy; establishing additional actions that constitute grounds for disciplinary action; and providing other matters properly relating thereto.

Open Public Comments

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

Close Public Comments

9. LCB File No. R113-23 - Consideration of Public Comments (for possible action)
10. Consideration of Adoption of Regulations - LCB File No. R113-23 (for possible action)
11. Executive Director’s Report & Performance Evaluation (for possible action)
 - Financial Statements 2nd Quarter FY 2024
 - Six (6) Month Probationary Evaluation; Regular Employment Status

12. Report from Deputy Attorney General (informational)
13. Board Activities & Reports from Members (for possible action)
 - 2024 Meeting and Activities Schedule

14. 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)

15. Adjournment (for possible action)

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

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

This meeting has been posted 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; 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 or by contacting the Board office at (775) 746-4101 or email board@nvot.org

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 3: Appointment of Chair and Board Officers

Chair, Vice Chair, and Financial Reviewer

Election of Board Chair Pursuant to NRS 640A.090

Chair: The Chair of the Board must be elected at the 1st meeting of the Board annually. The Chair is responsible for leading the Board and facilitating Board meetings. The Chair serves a one year term.

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

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

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

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

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AGENDA ITEM 4: APPROVAL OF MINUTES

The minutes of the meetings of the State Board of Occupational Therapy are presented for approval.

November 4, 2023 & December 21, 2023

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



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING

November 4, 2023

Members Present: Phil Seitz, Jose Pablo Castillo, Jocelyn Pereira, Allison Stone
Members Absent: Melanie Minarik
Staff Present: Loretta L. Ponton, Executive Director
Heather Hartley, Executive Director
Stacey Whittaker, Director of Licensing & Operations
Chricy Harris, Sr. Deputy Attorney General
Public Present: Bethany Smith, Emerald Smith, Abigail Swidergal

Call to Order, Confirmation of Quorum

Chair Seitz called the Board meeting to order at 10:31 am. A roll call confirmed a quorum was present.

Public Comments

Chair Seitz called for public comments. Abigail Swidergal, OTA commented regarding the meeting being in-person only. The Board has a Zoom account with no additional costs that should be provided for members who want to attend.

Heather Hartley read into the record written public comments provided by Kristen Neville, AOTA and Susan Lingelbach, NOTA. There were no further comments.

Approval of Minutes

Chair Seitz called for approval of minutes.

Allison Stone made the motion, seconded by Jocelyn Pereira to approve the minutes of the meeting of September 23, 2023. The motion passed.

Consideration of Revised Proposed Regulation

Loretta Ponton explained that the following regulation revisions are being presented in response to the public comments received at the September 23, 2023 Public Workshop.

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 licensees hold current certification from

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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.

After discussing these sections at great length, Allison Stone made the motion, seconded by Vice Chair Castillo, to approve the revised proposed regulations as written with one change to Sec 1.2: subsection 1 removing the language “or performing any internal or external therapeutic procedures requiring touching of the genitalia or breasts.”

The motion passed.

Executive Director’s Report

Heather Hartley provided a report on licensure statistics, FY24 financial statements, office operations and activities, complaint status, and upcoming Board member vacancies. There were no further comments.

Report from Deputy Attorney General

Deputy Attorney General Chricy Harris stated she had nothing to report.

Board Activities & Reports from Members

Heather Hartley presented the 2024 Meeting and Activities Schedule, and a future Board retreat was discussed. Chair Seitz made the motion, seconded by Jocelyn Pereira, to approve the 2024 meeting schedule as presented. The motion passed. Loretta Ponton presented Allison Stone with a service award for her seven years of service on the Board. Loretta also acknowledged Melanie Minarik’s service with the Board and her service award will be given to her in Reno. There were no further comments.

Public Comment

Chair Seitz opened the floor for public comments. Abigail Swidergal, OTA thanked Allie Stone for her service with the Board. Abigail commented that she believes there to be incongruent language in both the Board packet and the Jurisprudence Exam; some areas recognize NBCOT Certification, some do not. She stated that it would be nice for OTA’s to be recognized and included in the language; she heard OT referenced repeatedly today but not OTA. Although the increase in fees were approved today, Ms. Swidergal, OTA wanted to express her concerns with the increase in fees, especially for new graduates. There were no further comments.

Adjournment – Chair Seitz adjourned the meeting at 11:45 am

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



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING

December 21, 2023

Members Present: Phil Seitz, Jose Pablo Castillo, Jocelyn Pereira, Melanie Minarik
Members Absent: Allison Stone
Staff Present: Heather Hartley, Executive Director
Loretta L. Ponton, Executive Director – Outgoing
Henna Rasul, Sr. Deputy Attorney General
Public Present: Christopher Liebl, Elyse Monroy, Sarah C.

Call to Order, Confirmation of Quorum

Chair Seitz called the Board meeting to order at 11:04 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. Ms. Hartley announced that Christopher Liebl has been appointed to the Board effective January 1, 2024, and is attending the meeting today as a member of the public. Chair Seitz then called for public comments, there were none.

Appointment of Executive Director, Heather Hartley, as Administrator and Contact for Board Banking and Investment Accounts and all transactions related there to.

Chair Seitz made the motion, seconded by Jose Pablo Castillo to appoint Heather Hartley, Executive Director as Administrator and Contact for all financial transactions including bank accounts, investment accounts, merchant services, and all related financial and accounting activities. Upon approval, former Executive Director, Loretta Ponton, will be removed from the accounts. The motion passed.

Public Comment

Chair Seitz opened the floor for public comments, there were none.

Adjournment

Chair Seitz adjourned the meeting at 11:12 am

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AGENDA ITEM 5: Legislative Activities
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Legislative Status Report

Lea Case of Belz and Case Government Affairs will provide an update on Legislative Issues.

Attachment

Written Legislative Report

Nevada State Board of Occupational Therapy
Legislative Interim Report – February 21, 2024
Submitted by Belz & Case Government Affairs

Legislative Interim Activity

Joint standing interim committees began meeting in January 2024, a late start compared to previous interims. A complete list of interim committee and scheduled meetings can be found [here](#). The Belz & Case team monitors all legislative interim committee meetings and reports to the Executive Director if any licensing or occupational therapy topics are mentioned.

In [April 2024](#), the Interim Committee on Commerce and Labor will hear presentations on and discuss occupational licensing trends.

The Sunset Subcommittee of the Legislative Commission met on January 26, 2024. This committee reviews licensing boards, among other things, for potential revisions to duties, combining with other entities, or removal. The Board of Occupational Therapy completed a review by this committee in 2018 and was not selected for additional review this interim. Lea Case attended this first meeting in person with Executive Director Hartley. As this board was not selected for review, future meetings can be monitored virtually.

On January 31st the Legislative Counsel Bureau posted their draft of the Board of Occupational Therapy's proposed regulation [R113-23](#). After public hearing (scheduled for March 2nd) these regulations will be submitted to the Legislative Commission for approval, barring any substantive changes.

Governor Lombardo released his [3-year strategic plan for the state](#) in early February. Citing economic growth and business development, the plan calls for simplified licensing and streamlining or eliminating regulations.

Legislation Implementation

The Department of Business and Industry has [selected](#) a Deputy Director for the new Office of Boards and Commissions and Council Standards, created by [SB431](#) during the 2023 legislative session. Nikki Haag is a long-time public servant and previously served as a Consumer Health Assistant/Arbiter for the Office for Consumer Health within the Aging and Disability Services Division. Nikki was also the Board and Commission Program Officer for Governor Brian Sandoval.

Elections:

Filing for office opens March 1 and ends March 15, 2024. Since the last report, Assemblywoman Shannon Billbray-Axelrod has announced that she will run for Clark County Commission and not return to the Legislature. This brings the total number of open seats in the Assembly to 11 out of 42, or a near 30% turnover before voting begins. The primary election is June 11 and the general election is November 5.

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AGENDA ITEM 6: Citation - Administrative Fine
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Citation for Unauthorized Practice
Administrative Fine

Jonathan Legarte, OT License No. OT-2368

On January 2, 2024, Mr. Legarte was issued a **Citation for Unlicensed Practice** during the period of **September 8, 2023 to January 2, 2024** and provided notice to appear before the Board for a determination of whether to assess an **administrative fine** for practicing without a valid license pursuant to NRS 640A.230 and NAC 640A.170.

Ashley Koepke, OT License No. OT-2874

On January 23, 2024, Ms. Koepke was issued a **Citation for Unlicensed Practice** during the period of **November 1, 2023 to January 23, 2024** and provided notice to appear before the Board for a determination of whether to assess an **administrative fine** for practicing without a valid license pursuant to NRS 640A.230 and NAC 640A.170.

NRS 640A.230 Unauthorized practice prohibited; penalties.

1. Except as otherwise provided in [NRS 629.091](#), a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. A person who violates the provisions of this subsection is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) **Issue a citation to the person.** A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) **Assess against the person an administrative fine of not more than \$5,000.**

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

(Added to NRS by 1991, 991; A 1995, 753; 2013, 279, 2243)

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

1. Except as otherwise provided by subsection 2, 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.

(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. The Board may waive an administrative fine assessed pursuant to subsection 1:

(a) For the first offense.

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

(c) 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.

(Added to NAC by Bd. of Occupational Therapy by R017-14, eff. 10-24-2014)



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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

January 2, 2024

Jonathan Legarte, OT

Re: License No. OT-2368
Notice of Citation for Unlicensed Practice

Dear Mr. Legarte,

Your application for reinstatement of your license OT-2368 has been reviewed and approved effective this date.

You are hereby issued a **Citation for Unlicensed Practice** during the period September 8, 2023 to January 2, 2024. The practice of Occupational Therapy without a current license is a violation of NRS 640A.230.

You are hereby ordered to appear before the Board at their meeting of March 2, 2024, which will be held by ZOOM video-conference, for a determination of whether to assess an administrative fine pursuant to NRS 640A.230 and NAC 640A.170. The notice of meeting will be provided prior to the meeting date.

NRS 640A.230 Unauthorized practice prohibited; penalties.

1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. A person who violates the provisions of this subsection is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

- (c) Assess against the person an administrative fine of not more than \$5,000.
 - (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).
- (Added to NRS by 1991, 991; A 1995, 753; 2013, 279, 2243)

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

1. Except as otherwise provided by subsection 2, 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.
- (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. The Board may waive an administrative fine assessed pursuant to subsection 1:

- (a) For the first offense.
- (b) If the period of expiration of the license is 30 days or less.
- (c) 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.

(Added to NAC by Bd. of Occupational Therapy by R017-14, eff. 10-24-2014)

If you have any questions, please feel free to contact the Board office at 775-746-4101.

Sincerely,

~~Heather Hartley~~

Heather Hartley
Executive Director

Cc: Henna Rasul, Senior Deputy Attorney General; Board Counsel

Nevada Board of Occupational Therapy

From: Jonathan Legarte
Sent: Wednesday, December 27, 2023 11:53 AM
To: Nevada Board of Occupational Therapy
Subject: Re: License Reinstatement

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Thank you for showing me the NRS as I was unaware of 640A.070 item 3. Please excuse my negligence in addressing this matter sooner. Due to the nature of this semester in November and the school shooting, I was only able to address this delay in licensure renewal recently. I am teaching in the OT department at UNLV. My renewal was due in September 2023, and I missed the 30-day leniency by 2 days in October as you were closed during the weekend. I called to see if an exception could be made to waive the reinstatement fee and was informed that I could only renew as a reinstatement fee.

Kind regards,

Jonathan Legarte, OTD, OTR/L

On Wed, Dec 27, 2023 at 11:14 AM Nevada Board of Occupational Therapy <board@nvot.org> wrote:

Hello Jonathan,

We will need more information from you regarding your position at UNLV and reason for not renewing your license this year. Are you teaching in the OT Department at UNLV?

Please see NRS below pertaining to licensure applicability:

NRS 640A.070 Applicability of chapter. This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.
2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.
3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.
4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

(Added to NRS by 1991, 987; A 2003, 904; 2013, 276; 2021, 1600)

Stacey Whittaker, Director of Licensing & Operations

State of Nevada Board of Occupational Therapy

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

775.746.4101 P | 775.746.4105 F

From: Jonathan Legarte

Sent: Tuesday, December 26, 2023 10:10 AM

To: Nevada Board of Occupational Therapy <board@nvot.org>

Subject: Re: License Reinstatement

Hello Stacey,

My current role at UNLV has been in academia as assistant professor, not clinical practice. Please let me know if you need further clarification.

Thank you,

Jonathan Legarte, OTD, OTR/L



On Tue, Dec 26, 2023 at 9:47 AM Nevada Board of Occupational Therapy <board@nvot.org> wrote:



Good Morning Jonathan,

In reviewing your license reinstatement application, it was noted you are currently employed at UNLV. What is your current role and have you been practicing in the field of Occupational Therapy since your license expired in September, 2023?

Thank you for your time,

Stacey Whittaker, Director of Licensing & Operations

State of Nevada Board of Occupational Therapy

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

775.746.4101 P | 775.746.4105 F

From: Jonathan Legarte

Sent: Wednesday, December 20, 2023 12:34 PM

To: Nevada Board of Occupational Therapy <board@nvot.org>

Subject: License Reinstatement

Hello,

Attached I have included a copy of my license reinstatement application, receipt of \$400 payment, jurisprudence exam results, and CEU certificates. I have also ordered verification from NBCOT to be sent to the board. Please let me know if there is anything else needed on my end.

Happy Holidays,

Jonathan Legarte, OTD, OTR/L

To the members of the Nevada Board of Occupational Therapy:

I am writing regarding the reinstatement of my standard occupational therapy license for the State of Nevada. I am currently employed in academia at the University of Nevada Las Vegas (UNLV) as an assistant professor-in-residence for the Occupational Therapy Program. I have not been employed in clinical practice as an occupational therapy practitioner since 2022 considering the rigors of the UNLV's accreditation process in 2022 and had decided to take time off of clinical practice to further my professional development in academia.

In preparation to return to clinical practice on a per-diem basis in the new year (2024), I sought to renew my Nevada license in the Fall. I was in the process of renewal the night of Monday, October 9, 2023, to maintain compliance with the 30-day grace period for license renewal. Unfortunately, my license Expiration date was September 8, 2023, making me ineligible for renewal. After contacting the NV Board of OT via phone on Tuesday, October 10, I was instructed that I must go through the reinstatement process. Being ineligible to renew, and with the end of the semester and finals to prepare my students for, I had opted to wait until the end of the Fall semester to apply for licensure reinstatement.

Referring to NRS 650A.070, as academic faculty for a government institution, I had thought my role in academia at UNLV fell under item number 2, and was able to continue in education without my Nevada OT license. However, I was unaware if this exemption only applied to *practicing* occupational therapists in a government-led organization.

NRS 640A.070 Applicability of chapter. *This chapter does not apply to a person:*

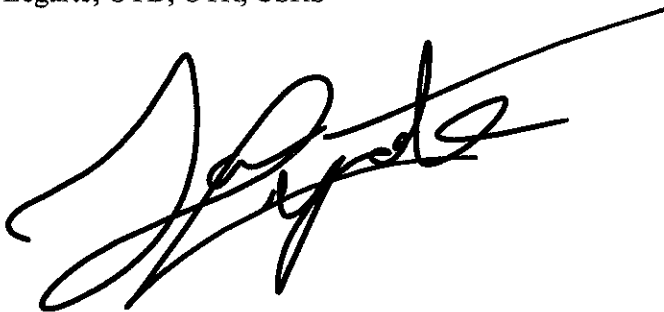
1. *Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, who practices within the scope of that license or certificate.*
2. *Employed by the Federal Government who practices occupational therapy within the scope of that employment.*
3. *Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.*
4. *Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.*

(Added to NRS by 1991, 987; A 2003, 904; 2013, 276; 2021, 1600)

In hopes of continuing both teaching in academia and resuming clinical OT practice, I hope the board would consider the reinstatement of my licensure so I may properly resume my role(s) in the state of Nevada.

Kind regards,

Jonathan Legarte, OTD, OTR, CSRS

A handwritten signature in black ink, appearing to read 'Jonathan Legarte', with a long, sweeping horizontal line extending to the right.



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January 23, 2024

Ashley Koepke, OT

Re: License No. OT-2874
Notice of Citation for Unlicensed Practice

Dear Ms. Koepke,

Your application for reinstatement of your license OT-2874 has been reviewed and approved effective this date.

You are hereby issued a **Citation for Unlicensed Practice** during the period of November 1, 2023 to January 23, 2024. The practice of Occupational Therapy without a current license is a violation of NRS 640A.230.

You are hereby ordered to appear before the Board at their meeting of March 2, 2024, which will be held by ZOOM video-conference, for a determination of whether to assess an administrative fine pursuant to NRS 640A.230 and NAC 640A.170. The notice of meeting will be provided prior to the meeting date.

NRS 640A.230 Unauthorized practice prohibited; penalties.

1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. A person who violates the provisions of this subsection is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

- (c) Assess against the person an administrative fine of not more than \$5,000.
 - (d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).
- (Added to NRS by 1991, 991; A 1995, 753; 2013, 279, 2243)

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

1. Except as otherwise provided by subsection 2, 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.
- (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. The Board may waive an administrative fine assessed pursuant to subsection 1:

- (a) For the first offense.
- (b) If the period of expiration of the license is 30 days or less.
- (c) 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.

(Added to NAC by Bd. of Occupational Therapy by R017-14, eff. 10-24-2014)

If you have any questions, please feel free to contact the Board office at 775-746-4101.

Sincerely,

Heather Hartley

Heather Hartley
Executive Director

Cc: Henna Rasul, Senior Deputy Attorney General; Board Counsel

Nevada Board of Occupational Therapy

From: Ashley Koepke
Sent: Monday, January 22, 2024 7:55 AM
To: Nevada Board of Occupational Therapy
Subject: License Reinstatement Application - OT-2874
Attachments: License Reinstatement Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

My name is Ashley Koepke, my Occupational Therapy License Number is OT-2874.
I have paid the fee online and have attached below my application and additional documentation.

The reason why I am behind on renewing my license from last year was due to personal reasons including a move to a new location and the sickness/death of a family member. Please let me know if you need any additional information/documentation.

Thank you,

Ashley Koepke

Nevada Board of Occupational Therapy

From: Ashley Koepke
Sent: Monday, January 22, 2024 10:16 AM
To: Nevada Board of Occupational Therapy
Subject: Re: License Reinstatement Application - OT-2874

Good Morning Stacey,

I will send over the continuing education certificates later today!

My move was not out of state, I am still a resident of Nevada.

I have been working at Hand Surgery Specialists of Nevada, my employment has not changed!

I had an Aunt who lives out of state who was diagnosed with cancer and recently passed away, and with the stress of family circumstances and the holidays, I forgot that my Nevada Occupational Therapy License was expiring at the end of last year, therefore I forgot to send in the license renewal documentation in November. I understand the importance of renewing my documentation and will make sure that this does not happen again in the future.

Sincerely,

Ashley Koepke

On Mon, Jan 22, 2024 at 9:57 AM Nevada Board of Occupational Therapy <board@nvot.org> wrote:

Good Morning Ashley,

In review of your license reinstatement application, we will need additional information from you.

1. Please email us your continuing education documents, they are required for a license reinstatement.
2. You stated that you moved since your license expired, was that out of state?
3. Have you been employed/practicing at Hand Surgery Specialists since your NV License expired on 11/1/2023?
4. Can you provide additional information on the extenuating circumstances?

Thank you,

Stacey Whittaker, Director of Licensing & Operations

State of Nevada Board of Occupational Therapy

6170 Mae Anne Avenue, Suite 1, Reno, NV 89523

State of Nevada
Board of Occupational Therapy

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

AGENDA ITEM 7: Disciplinary Matters
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Recommendation for Dismissal

Complaint	Case	No.	C24-04A
Complaint	Case	No.	C24-04B
Complaint	Case	No.	C24-04C
Complaint	Case	No.	C24-05

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.

Case No. C24-04A alleged unprofessional conduct and misleading or deceptive billing practices.
Case No. C24-04B alleged unprofessional conduct and misleading or deceptive billing practices.
Case No. C24-04C alleged unprofessional conduct and misleading or deceptive billing practices.
Case No. C24-05 alleged falsifying time worked, treatment records, and billable treatment hours.

State of Nevada
Board of Occupational Therapy

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

AGENDA ITEM 8: Public Hearing

LCB File No. R113-23
NOTICE OF PUBLIC HEARING

The purpose of the hearing is to receive comments from all interested parties regarding the adoption of regulations that pertain to LCB File No. R113-23, Chapter 640A of the Nevada Administrative Code.

The regulation incorporates regulatory revisions previously discussed by the Board, 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 clarifies other sections and addresses Board fees.

- Section 2 – General requirements regarding competence; and defines competence.
- Section 3 – Specialty practice requirements to include competence and documentation.
- Section 4 - Qualifications for standard license by reciprocity.
- NAC 640A.030 – removes transcripts as a pre-requisite for licensure and adds reference to the National Board for Certification in Occupational Therapy.
- 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.
- NAC 640A.050 – clarifies the expiration date of a standard license that was converted from a temporary license.
- 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.
- NAC 640A.070 – removes requirement to re-take the Nevada Occupational Therapy Jurisprudence Examination; add new criteria for credit for continuing education if licensees holds current certification from the National Board for Certification in Occupational Therapy.
- NAC 640A.090 – restructures and creates acceptable documentation for continuing education.
- NAC 640A.101 – removed restriction on date to submit request for waiver of continuing education.
- NAC 640A.130 – adds contact telephone and email address to information required to be updated with the Board.
- NAC 640A.155 – authorizes the Board to charge a convenience fee for credit and debit card payments.
- NAC 640A.160 – revises fees charged by the Board.
- NAC 640A.170 – revises administrative fines for practicing with an expired license and adds administrative citations and fines.
- NAC 640A.350 – adds written consent in certain circumstances and addresses inappropriate touching to acts constituting unprofessional conduct.
- Repeals sections NAC 640A.060 and NAC 640A.150

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

LCB File No. R113-23

January 31, 2024

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

AUTHORITY: §§ 1-3, 12, 16 and 17, NRS 640A.110; § 4, NRS 640A.110 and section 2 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 432; § 5, NRS 640A.110 and 640A.140, as amended by section 9 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 435; § 6, NRS 640A.110 and 640A.120, as amended by section 8 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 435; §§ 7 and 9-11, NRS 640A.180, as amended by section 14 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 438; § 8, NRS 640A.110 and section 3 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 433; § 13, NRS 622.233 and 640A.110; § 14, NRS 640A.190, as amended by section 15 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 438; § 15, NRS 640A.110 and 640A.230 and section 4 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 433.

A REGULATION relating to occupational therapy; requiring an occupational therapist or occupational therapy assistant to maintain competence in the practice of occupational therapy; adopting requirements for engaging in an occupational therapy specialty or advanced practice area; revising the requirements for obtaining a license from the Board of Occupational Therapy; revising provisions governing the expiration and renewal of such licenses; revising requirements for continuing education; revising the requirement for a licensee to file current contact information with the Board; revising provisions governing the payment of money to the Board; increasing certain fees; establishing administrative fines for certain violations of regulations governing the practice of occupational therapy; establishing additional actions that constitute grounds for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensure and regulation of occupational therapists and occupational therapy assistants by the Board of Occupational Therapy. (Chapter 640A of NRS)

Existing law requires the Board to adopt regulations establishing standards of practice for a person licensed as an occupational therapist or occupational therapy assistant. (NRS 640A.110) **Section 2** of this regulation: (1) requires a licensee to maintain competence in the practice of occupational therapy and within the licensee’s personal scope of practice; and (2) establishes the

manner in which a licensee demonstrates such competence. **Section 3** of this regulation: (1) prohibits a licensee from engaging in an occupational therapy specialty or an advanced practice area unless the licensee has obtained competence through continuing education, practice experience, specialty or advanced training or specialty certification; and (2) requires the licensee to maintain documentation establishing such competence.

Assembly Bill No. 343 (A.B. 343) of the 2023 Legislative Session authorizes the Board to issue a license by reciprocity as an occupational therapist or occupational therapy assistant to a person who holds a valid and unrestricted license as an occupational therapist or occupational therapy assistant, as applicable, in any state that is a member of the Occupational Therapy Licensure Compact and meets certain other requirements. (Section 2 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 432) **Section 4** of this regulation establishes the requirements to obtain such a license by reciprocity.

A.B. 343 revised the qualifications needed for a standard license as an occupational therapist or occupational therapy assistant to require that an applicant hold a current certification as an occupational therapist or occupational therapy assistant, as applicable, with the National Board for Certification in Occupational Therapy and pass an examination approved by the Board on the laws and regulations governing the practice of occupational therapy in this State. (NRS 640A.120, as amended by section 8 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 435; NRS 640A.150, as amended by section 10 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 436) **Section 5** of this regulation specifies that if an applicant is required to submit proof of certification to the Board, the applicant must provide proof of certification issued by the National Board for Certification in Occupational Therapy, or its successor organization. Because a person who is certified by the National Board for Certification in Occupational Therapy must graduate from certain educational programs to obtain that certification, **sections 5 and 6** of this regulation remove requirements for an applicant to submit to the Board certain proof of having completed an educational program in occupational therapy. **Section 6** removes the requirements that an applicant be a citizen of the United States or have the legal right to work in the United States.

Existing law and regulations authorize the Board to issue temporary and provisional licenses to practice as an occupational therapist or occupational therapy assistant. Under existing law and regulations: (1) a temporary license may be issued to a person who is certified by the National Board for Certification in Occupational Therapy and is licensed in another state or territory of the United States; and (2) a provisional license may be issued to a person who is not certified by the National Board for Certification in Occupational Therapy but is eligible to take the examination to obtain such a certification. Both a temporary license and a provisional license are valid for 6 months, may be renewed only once and may be converted to a standard license under certain circumstances. (NRS 640A.170, as amended by section 13 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 437; section 3 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 432; NAC 640A.062, 640A.065) **Section 8** of this regulation revises the qualifications for a provisional license. **Section 7** of this regulation provides that if a temporary license or provisional license is converted to a standard license, the 2-year period of validity for the standard license is measured from the date on which the initial temporary or provisional license was issued.

Existing law authorizes the Board to adopt regulations governing the renewal of a license to practice as an occupational therapist or occupational therapist assistant, which may include requirements for continuing education. (NRS 640A.180, as amended by section 14 of Assembly

Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 438) **Section 9** of this regulation: (1) removes the requirement that a licensee pass an examination on the laws and regulations governing the practice of occupational therapy in this State at least once every 5 years; (2) provides that a licensee who has a current certification with the National Board for Certification in Occupational Therapy, or its successor organization, is deemed to have satisfied the requirements for continuing education under certain circumstances; and (3) requires the Board to convert into hours of continuing education any units of continuing education obtained through successful completion of a course or activity provided or approved by certain national organizations. **Section 10** of this regulation: (1) authorizes attendance and participation in an electronic, Internet-based or recorded presentation as an activity that qualifies as continuing education; (2) increases the maximum amount of continuing education credit that a licensee may receive for achieving certification in a specialty or advanced practice area related to occupational therapy; and (3) reorganizes the requirements for acceptable documentation to prove completion of continuing education. **Section 11** of this regulation removes the deadline for a licensee to submit a written request for the Board to waive all or part of the requirements for continuing education because of extenuating circumstances. (NAC 640A.101)

Existing regulations require a licensee to file with the Board a current residential and business address and to notify the Board of any change in such an address. Existing regulations require the Board to mail certain notices to the last residential address of the licensee that is on file with the Board. (NAC 640A.130) **Section 12** of this regulation: (1) eliminates the requirement for a licensee to file a business address with the Board; (2) requires a licensee to file with the Board a contact telephone number and electronic mail address in addition to filing a current residential address; and (3) requires the Board to send certain notices to the last electronic mail address of the licensee that is on file with the Board, in addition to mailing such notices to the last residential address of the licensee that is on file with the Board.

Existing law authorizes the Board to establish reasonable fees in such an amount as to reimburse the Board for the cost of carrying out the provisions of existing law regulating the practice of occupational therapy. (NRS 640A.190, as amended by section 15 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 438) Existing law also authorizes the Board to charge a convenience fee for the use of a credit or debit card to make a payment to the Board if the issuer of the card charges the Board a fee for each such use of the card. The total amount of the convenience fees charged by the Board in a fiscal year must not exceed the total amount of fees charged to the Board by the issuer in that fiscal year. (NRS 622.233) **Section 13** of this regulation establishes requirements for the charging of such a convenience fee by the Board. **Section 14** of this regulation increases the amount of certain fees charged by the Board.

Existing law authorizes the Board to issue a citation and impose an administrative fine against a person who engages in the practice of occupational therapy without a current license issued by the Board or who engages in certain other activities that violate existing law or regulations. (NRS 640A.230; section 4 of Assembly Bill No. 343, chapter 88, Statutes of Nevada 2023, at page 433) **Section 15** of this regulation revises the administrative fines imposed against a person who practices occupational therapy with an expired license and establishes the administrative fine imposed for certain violations of existing regulations.

Under existing law, the Board is authorized to take disciplinary action against a licensee who has engaged in unprofessional conduct. (NRS 640A.200) Existing law defines such unprofessional conduct to include, without limitation, performing or supervising the performance of a pelvic examination that is not within the scope of practice of the licensee. (NRS 622.085,

640A.200) **Section 16** of this regulation additionally provides that a licensee who performs a pelvic examination or any other internal examination without first obtaining the informed, written consent of the patient commits unprofessional conduct.

Existing regulations require a licensee to use professional judgment in determining the frequency of direct contact with a patient and to ensure the frequency of such contact complies with federal and state regulations. (NAC 640A.220) **Section 16** provides that a licensee who touches a patient in a sexual manner or in any way unnecessary for a treatment intervention commits unprofessional conduct.

Section 17 of this regulation repeals a requirement for a person whose license has been expired for 5 years or more to apply for a new license because the requirement is duplicative of an existing statute. (NRS 640A.180; NAC 640A.060) **Section 17** also repeals a requirement for a licensee to include the license number assigned to the licensee by the Board on every written document which the licensee submits to the Board. (NAC 640A.150)

Section 1. Chapter 640A of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *A licensee shall maintain competence in the practice of occupational therapy and his or her personal scope of practice. For the purposes of this section, a licensee demonstrates the maintenance of competence through the licensee's application of the knowledge, skill and behavior required to function effectively, safely, ethically and legally within the scope of practice of occupational therapy.*

Sec. 3. 1. *A licensee shall not engage in an occupational therapy specialty or an advanced practice area unless the licensee has obtained competence in the occupational therapy specialty or advanced practice area, as applicable. A licensee may obtain competence in an occupational therapy specialty or advanced practice area through continuing education, practice experience, specialty or advanced training or specialty certification.*

2. *A licensee shall maintain documentation of the continuing education, practice experience, specialty or advanced training or specialty certification that establishes the competence of the licensee to engage in the occupational therapy specialty or advanced practice area.*

Sec. 4. 1. *In addition to the requirements set forth in NAC 640A.030 and 640A.041, to be eligible to obtain a standard license by reciprocity, a person must hold a license that is active and in good standing as an occupational therapist or occupational therapy assistant issued in a state that is a member of the Occupational Therapy Licensure Compact.*

Sec. 5. NAC 640A.030 is hereby amended to read as follows:

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

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

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

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

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

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

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

~~—6.1~~ If an applicant is required to provide proof of certification as an occupational therapist registered or a certified occupational therapy assistant, the applicant must ensure that proof of certification issued by the ~~[certifying agency]~~ ***National Board for Certification in Occupational Therapy, or its successor organization,*** is submitted to the Board.

~~{7.}~~ 6. 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.}~~ 7. 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.}~~ 8. 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.}~~ 9. 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. 6. NAC 640A.041 is hereby amended to read as follows:

640A.041 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 ~~{~~
 - ~~—(a) An examination provided by an agency approved by the Board; and~~
 - ~~—(b) The}~~ *the* Nevada Occupational Therapy Jurisprudence Examination; *and*

~~—3.†~~ 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. 7. NAC 640A.050 is hereby amended to read as follows:

640A.050 1. ~~†A†~~ *Except as otherwise provided in subsections 2 and 3, a* standard license issued by the Board, including, without limitation, a standard license that has been converted to inactive status, expires 2 years after the date on which the license was issued.

2. *A standard license issued by the Board upon the conversion of a temporary license to a standard license pursuant to subsection 4 of NAC 640A.062 expires 2 years after the date of the initial issuance of the temporary license.*

3. *A standard license issued by the Board upon the conversion of a provisional license to a standard license pursuant to subsection 4 of NAC 640A.065 expires 2 years after the date of the initial issuance of the provisional license.*

4. In addition to any other applicable requirements of NAC 640A.030, to renew a standard license, a person must provide to the Board the materials required by subsection ~~†6†~~ 5 of NAC 640A.070.

Sec. 8. NAC 640A.065 is hereby amended to read as follows:

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

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

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

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

~~[(d)]~~ (c) Who:

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

(2) ~~Has not yet achieved a passing score on an examination provided by an agency approved by the Board but is~~ Is eligible ~~and scheduled~~ to take ~~such an~~ the examination ~~with the results to be sent directly to the Board.~~ *to obtain certification as an occupational therapist registered or a certified occupational therapy assistant from the National Board for Certification in Occupational Therapy, or its successor organization, or is eligible for the reinstatement of such a certification.*

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.

Sec. 9. NAC 640A.070 is hereby amended to read as follows:

640A.070 1. Except as otherwise provided in ~~subsection 5,~~ *subsections 4 and 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.}~~ 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 ~~{which is accredited by an agency approved by the Board and which includes a fieldwork program}~~ *in occupational therapy* 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 is an occupational therapist registered or a certified occupational therapist assistant shall be deemed to have complied with the requirements of this section if:

(a) The licensee submits to the Board proof of the licensee's certification as an occupational therapist registered or an occupational therapist assistant, as applicable; and

(b) The expiration date of the certification is more than 12 months after the date on which the licensee is required to submit to the Board the application for the renewal of his or her license.

8. The Board will convert into hours of continuing education any units of continuing education obtained through the successful completion of a course or activity provided or approved by the American Occupational Therapy Association, or its successor organization, or the National Board for Certification in Occupational Therapy, or its successor organization.

Sec. 10. NAC 640A.090 is hereby amended to read as follows:

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

- (a) Research relating to occupational therapy;
- (b) Theoretical or practical courses relating to the practice of occupational therapy;
- (c) The development, administration, supervision or teaching of the clinical practice of occupational therapy;
- (d) Service delivery programs performed by an occupational therapist or occupational therapy assistant; and
- (e) Statutes and regulations in this State relating to occupational therapy.

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

- (a) Attendance and participation at a live , *electronic, Internet-based or recorded* presentation ~~†~~

~~—(1) Which†~~ , *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}, *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}, *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; *and*

(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~~

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

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

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

. ~~†~~

(e) Writing in a professional capacity ~~†~~

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

~~—— (2) Which~~ *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~~ *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; *and*

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

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

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

~~——(2) Which is afterwards followed by the submission of a document from the agency showing achievement of the certification; and~~

~~——(3) Which~~ *in a specialty or advanced practice area that is directly related to the scope of practice of occupational therapy 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. *Acceptable documentation of the successful completion of continuing education described in this section includes, without limitation:*

(a) A certificate of completion, certification or other similar document indicating the name of the licensee, subject matter, date and hours completed;

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

(c) For supervision of fieldwork, documentation 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 peer-reviewed book, chapter of a book or article regarding occupational therapy that was written by the licensee and was published;

(e) An official program, schedule or syllabus of a course taught by the licensee, 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; or

(f) For participation in an official meeting, a document from a professional organization that indicates the name of the organization, the purpose of the meeting held by the organization and a description of the role of the licensee in the organization and at the meeting.

4. 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.

Sec. 11. NAC 640A.101 is hereby amended to read as follows:

640A.101 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. 12. NAC 640A.130 is hereby amended to read as follows:

640A.130 1. Each licensee shall file his or her current residential address ~~{and business}~~, *contact telephone number and electronic mail* address with the Board.

2. A licensee shall notify the Board of any change in his or her residential address ~~{or business}~~, *contact telephone number or electronic mail* 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, *and sent to the last electronic mail address*, of the licensee which ~~{was}~~ *were* filed with the Board in accordance with this section.

Sec. 13. NAC 640A.155 is hereby amended to read as follows:

640A.155 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 charge a fee 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.

3. If the issuer of a credit or debit card charges the Board a fee for each use of a credit card or debit card for the payment of money owed to the Board, the Board will charge a convenience fee for payment by credit or debit card. The Board will establish the convenience fee each fiscal year in an amount not to exceed the actual costs of fees charged to the Board by the issuer of the credit or debit card.

Sec. 14. NAC 640A.160 is hereby amended to read as follows:

640A.160 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	150 300
(2) Biennial renewal of a standard license.....	150 300
(3) A temporary or provisional license.....	150
(4) Renewal of a temporary or provisional license.....	100 150
(5) Convert a temporary or provisional license to a standard license.....	100 150
(6) Reinstatement of an expired license.....	150 300
(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	100 150
(10) Convert an inactive license for an occupational therapist who is retired to a standard license	250 300
(b) For an occupational therapy assistant:	
(1) Initial standard license	175 \$225
(2) Biennial renewal of a standard license	75 225
(3) A temporary or provisional license	100
(4) Renewal of a temporary or provisional license	75 125
(5) Convert a temporary or provisional license to a standard license	75 125
(6) Reinstatement of an expired license	175 225
(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	50 100
(10) Convert an inactive license for an occupational therapy assistant who is retired to a standard license	175 225
(c) General:	
(1) Processing of an initial license application <i>or an application for reinstatement of an expired license</i>	150 \$200
(2) Late fee for renewal of a license	125

- (3) Verification of a license 25
- (4) Returned payment processing 25

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 ~~the~~ *one-half of the* fee ~~of \$75~~ *set forth in subsection 1* 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.

Sec. 15. NAC 640A.170 is hereby amended to read as follows:

640A.170 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~~ *If* the period of expiration of the license is ~~30 days or~~ less ~~than~~ *than 3 months, \$200.*

(b) ~~Not less than \$200 and not more than \$5,000 if~~ *If* the period of expiration of the license is *3 months or more but not* more than ~~30 days.~~ *6 months, \$500.*

(c) If the period of expiration of the license is 6 months or more, not less than \$500 but not more than \$5,000.

2. *Except as otherwise provided by subsection 3, the Board will assess against a licensee who:*

(a) Fails to file with the Board the information required to be filed with the Board pursuant to NAC 640A.130, or to notify the Board of a change in such information as required by NAC 640A.130, an administrative fine of:

(1) For the first violation, \$50.

(2) For the second violation, \$150.

(b) Fails to provide to the Board information relating to the supervision or employment of the licensee in violation of subsection 1 or 2 of NAC 640A.260 or section 1 of LCB File No.

R105-19, an administrative fine of:

(1) For the first violation, \$100.

(2) For the second violation, \$250.

(c) Fails to display his or her license or license card in violation of NAC 640A.110 or fails to wear a name tag in accordance with NAC 640A.115, an administrative fine of:

(1) For the first violation, \$50.

(2) For the second violation, \$150.

(d) Fails to notify the Board of a change in his or her name pursuant to NAC 640A.120, or who practices under a name other than the name listed on his or her license in violation of NAC 640A.195, an administrative fine of:

(1) For the first violation, \$50.

(2) For the second violation, \$100.

(e) Fails to submit to the Board proof of the completion of the required hours of continuing education in violation of subsection 8 of NAC 640A.030 or NAC 640A.070:

(1) For the first violation, \$200.

(2) For the second violation, \$300.

(f) Violates NAC 640A.290 or section 3 of LCB File No. R001-21, an administrative fine of:

(1) For the first violation, \$250.

(2) For the second violation, \$300.

(g) Commits a third or subsequent violation of a provision listed in paragraphs (a) to (f), inclusive, an administrative fine against the licensee in an amount greater than the administrative fine assessed for a second violation of that provision, but not more than \$500.

3. The Board may waive an administrative fine assessed pursuant to subsection 1 ~~1~~ or 2:

(a) For the first offense.

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

~~—(c)~~ 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. 16. NAC 640A.350 is hereby amended to read as follows:

640A.350 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; ~~for~~
18. Performing professional services which the occupational therapist knows he or she is not competent to perform ~~for~~;
- 19. Performing a pelvic examination or any other internal examination of a patient without first obtaining the informed, written consent of the patient; or*
- 20. Touching a patient for a sexual purpose or in any way unnecessary for a treatment intervention.*

Sec. 17. NAC 640A.060 and 640A.150 are hereby repealed.

TEXT OF REPEALED SECTIONS

640A.060 Licensing of person whose standard license has been expired for 5 years or more: Treatment as new applicant. 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.

640A.150 Inclusion of license number on or with documents submitted to Board. 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.

State of Nevada
Board of Occupational Therapy

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Phone (775) 746-4101 / Fax (775) 746-4105 / Website www.nvot.org

AGENDA ITEM 9: Consideration of Public Comments
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LCB File No. R113-23
NOTICE OF PUBLIC HEARING

The Board may discuss and consider public comments received in writing or verbally during the Hearing on LCB File No. R113-23.

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 10: Consideration of Adoption of Regulations

LCB File No. R113-23
NOTICE OF PUBLIC HEARING

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

The Board may discuss and consider adoption of regulations. The Board may take action to adopt the regulation, make revisions, or table the regulation for further action.

State of Nevada
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AGENDA ITEM 11: Executive Director's Report & Evaluation

Executive Director's Report

Heather Hartley will provide a report on Board Office Administrative activities.

Performance Evaluation

The Board will discuss the six (6) month Performance Evaluation for Heather Hartley, Executive Director; and approval of regular employment status and increase in salary effective March 5th, pursuant to the approved employment agreement.

Attachments

- Written Report
- FY 2024 Financial Statements, 2nd Quarter
- SB 431: Office of Nevada Boards, Commissions and
Council Standards - Next Steps Slide
- Executive Director Summary of Achievements

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EXECUTIVE DIRECTOR'S REPORT
March 2, 2024

Licensure Statistics - The following chart provides current and prior year licensing details and activity as of December 31, 2023. The number of practitioners increased by a net 22 licensees in the second quarter.

2nd Quarter Statistics

New Applications Received:	55	Licenses Issued:	56
Licenses Expired:	34	Licenses Renewed:	39

Comparison to Prior Year at December 31

Description	FY 2024	FY 2023	% +	OT's 2024	OT's 2023	OTA's 2024	OTA's 2023
Total Current Licensees	1810	1711	5.7%	1380	1292	430	419
Standard Licensees (active)	1749	1653	5.8%	1336	1253	413	400
Inactive Licensees	31	32		22	23	9	9
Inactive - Retired	13	13		11	12	2	1
Provisional Licensees	12	8		7	3	5	5
Temporary Licensees	5	5		4	1	1	4

Fiscal Year 24 by Quarter

Fiscal Year 2024	Total Licensees	OT	OTA
July 1, 2023	1745	1330	415
September 30, 2023	1788	1365	423
December 31, 2023	1810	1380	430
March 31, 2024			
June 30, 2024			

FY 24 Financial Statements
2nd Quarter, Period ending December 31, 2023

FY 24 Budget vs Actuals - Period ending December 31, 2023 reflects a net loss of (\$29,108.85), approximately 86.34% of the budget. Net operating income, revenue less expenses, is 89.62%.

Licensing Revenue - Licensing revenue is slightly above budget at 51.92%. New license fees exceed budget at 56.02%.

Other Income - Other income is 95.43% of the budget. Interest income on investments exceeded budget at 226.63% due to higher rates of return on short term CD's.

Operating Expenses - Expenses are over budget at 58.61%. Payroll exceeded budget at 62.46% due to overlapping costs for the transition of former Executive Director to current Executive

Director. This included three months of employer paid deferred compensation which is no longer in effect. Payroll expenses are expected to be within budget by the 3rd quarter.

Balance Sheet and Investments - Total Cash as of December 31, 2023 is \$559,444.45; with \$210,294.55 in operating, \$348,814.57 in CD's and \$335.33 in money market funds. Total Equity is \$331,270.24.

Wells Fargo - Appointments have been held with a local branch banker for the transfer of authorization from Lorreta Ponton to Heather Hartley. December Board meeting documents have been submitted and approved.

Wells Fargo Advisors - The transfer of the account to a local Wells Fargo office has been completed. Business and correspondence have been notably smoother. Currently, there are 3 CD's. One CD matured during the 2nd quarter and was transferred to the money market account.

Office Operations & Activities - Collaborative relationships continue to grow and develop. Staff have held monthly update meetings with Belz and Case Government Affairs. The contract with Belz and Case was approved on November 29th, 2023. Heather Hartley attended a two-day training in Carson City to gain Nevada contract management certification. Board Staff attended varied legislature subcommittee meetings either virtually or in person in Carson City. Board staff also attended the Administrative Collaborative meeting.

The Department of Business and Industry appointed Dr. Kristopher Sanchez as Director on November 14th. Business and Industry provided a department overview presentation at the first meeting of the Joint Interim Standing Committee on Commerce and Labor. In regard to SB 431, a diagram and next steps slide was included during the presentation. The slide is attached for reference. An announcement was made on February 5, that Nikki Haag has been appointed as the Deputy Director for the office of Boards, Commissions and Council Standards.

State reporting has been submitted to the Legislative Counsel Bureau (Disciplinary and Registration Report), Department of Veterans Services (Veterans Report FY23) State Controller's Office (SPOLR Debt Collection Report) and Boards and Commissions Consultant Report for the period of July 1, 2023 through December 31, 2023.

Big Picture/Albertson Consulting - Board staff has a standing monthly update meeting. Our meeting in January consisted of changes to the application process/instructions to require the jurisprudence exam be taken prior to submitting the application for licensure. This will reduce staff correspondence and processing times for applications. Subsequent meetings will focus on streamlining the continuing education audit process in hopes of moving to a quarterly process based on license renewal dates. Updates to the database will be implemented following the recent regulation changes to include license by reciprocity, fees/payments, and continuing education qualifying activities.

Board of Optometry - Joined Co-location, by physical administrative office location, effective February 2, 2024.

Public Member - Correspondence has occurred with the Director of Boards and Commissions. The most recent applicant is from 2021. The position is posted on the Board's and state's websites. We are awaiting an appointment.

Jurisprudence Exam - There were 38 licensees who were originally notified as non-compliant, 5 licensees remain as they have not completed the Jurisprudence Exam. No further action will be taken. Records have been marked at “not in good standing.”

Complaints Status - There is one (1) complaint pending in the investigation stage.

State of Nevada Board of Occupational Therapy

Budget vs. Actuals: Budget_FY24_P&L - FY24 P&L

July - December, 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
Fees	19,575.00	34,942.75	-15,367.75	56.02 %
Fines and Legal Fees	832.32		832.32	
License Fees	104,179.60	202,823.36	-98,643.76	51.36 %
List Fee	2,400.00	6,798.00	-4,398.00	35.30 %
Total Income	\$126,986.92	\$244,564.11	\$ -117,577.19	51.92 %
GROSS PROFIT	\$126,986.92	\$244,564.11	\$ -117,577.19	51.92 %
Expenses				
Attorney General / Legal Fees	3,457.07	12,000.00	-8,542.93	28.81 %
Bank Service/Merchant Charges	2,462.19	6,114.10	-3,651.91	40.27 %
Board Compensation		2,250.00	-2,250.00	
Dues & subscriptions	1,304.76	3,050.00	-1,745.24	42.78 %
Equipment Purchase	1,113.73	1,500.00	-386.27	74.25 %
Equipment Rental	940.02	2,100.00	-1,159.98	44.76 %
Insurance	1,189.87	1,200.00	-10.13	99.16 %
Interest Expense	522.80		522.80	
Licensing - Data System		8,500.00	-8,500.00	
Amortization	2,457.60		2,457.60	
Licensing System	1,333.54		1,333.54	
System Support	225.00		225.00	
Total Licensing - Data System	4,016.14	8,500.00	-4,483.86	47.25 %
Meeting Expenses	2,413.93		2,413.93	
Office Expense				
Internet Service	959.88	2,400.00	-1,440.12	40.00 %
Postage and Delivery	391.39	500.00	-108.61	78.28 %
Printing and Reproduction		200.00	-200.00	
Records Storage/Recycling	65.00	130.00	-65.00	50.00 %
Telephone	289.93	750.00	-460.07	38.66 %
Total Office Expense	1,706.20	3,980.00	-2,273.80	42.87 %
Office Lease				
Depreciation	15,159.00		15,159.00	
Lease Expense	-205.13	34,055.49	-34,260.62	-0.60 %
Office Lease Interest	954.50		954.50	
Total Office Lease	15,908.37	34,055.49	-18,147.12	46.71 %
Office Supplies	520.44	800.00	-279.56	65.06 %
Payroll Expenses				
Deferred Compensation	6,429.46	8,626.95	-2,197.49	74.53 %
Employer Taxes	7,960.34	13,982.29	-6,021.95	56.93 %
Medical Benefit	1,579.61	2,595.00	-1,015.39	60.87 %
PTO Expense	10,709.63		10,709.63	
Salaries and Wages	96,216.94	171,553.04	-75,336.10	56.09 %
Total Payroll Expenses	122,895.98	196,757.28	-73,861.30	62.46 %

State of Nevada Board of Occupational Therapy

Budget vs. Actuals: Budget_FY24_P&L - FY24 P&L

July - December, 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Professional Fees				
Accounting	1,500.00	3,000.00	-1,500.00	50.00 %
IT / Technical Support		500.00	-500.00	
Legislative Services	12,000.00	18,000.00	-6,000.00	66.67 %
Total Professional Fees	13,500.00	21,500.00	-8,000.00	62.79 %
Travel				
Travel - in state	2,303.76	3,500.00	-1,196.24	65.82 %
Total Travel	2,303.76	3,500.00	-1,196.24	65.82 %
Total Expenses	\$174,255.26	\$297,306.87	\$ -123,051.61	58.61 %
NET OPERATING INCOME	\$ -47,268.34	\$ -52,742.76	\$5,474.42	89.62 %
Other Income				
Interest Income	10,765.09	4,750.00	6,015.09	226.63 %
Sale of Asset	255.00		255.00	
Sublease Income	7,139.40	14,278.79	-7,139.39	50.00 %
Total Other Income	\$18,159.49	\$19,028.79	\$ -869.30	95.43 %
NET OTHER INCOME	\$18,159.49	\$19,028.79	\$ -869.30	95.43 %
NET INCOME	\$ -29,108.85	\$ -33,713.97	\$4,605.12	86.34 %

State of Nevada Board of Occupational Therapy

Balance Sheet

As of December 31, 2023

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Wells Fargo Bank - Checking	210,294.55
Wells Fargo Bank - Investments	348,814.57
Wells Fargo Bank - Money Market	335.33
Total Bank Accounts	\$559,444.45
Accounts Receivable	
Accounts Receivable	12,769.97
Total Accounts Receivable	\$12,769.97
Other Current Assets	
Prepaid Expenses	5,336.76
Undeposited Funds	0.00
Total Other Current Assets	\$5,336.76
Total Current Assets	\$577,551.18
Fixed Assets	
Net Fixed Assets	0.00
Total Fixed Assets	\$0.00
Other Assets	
Accum Depr - Right of Use Asset	-123,799.00
Accumulated Amortization of SAAS Asset	-2,457.60
Right of Use Asset	212,228.00
SAAS Asset	29,492.00
Total Other Assets	\$115,463.40
TOTAL ASSETS	\$693,014.58
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	121.32
Total Accounts Payable	\$121.32
Credit Cards	
WF Mastercard	309.25

State of Nevada Board of Occupational Therapy

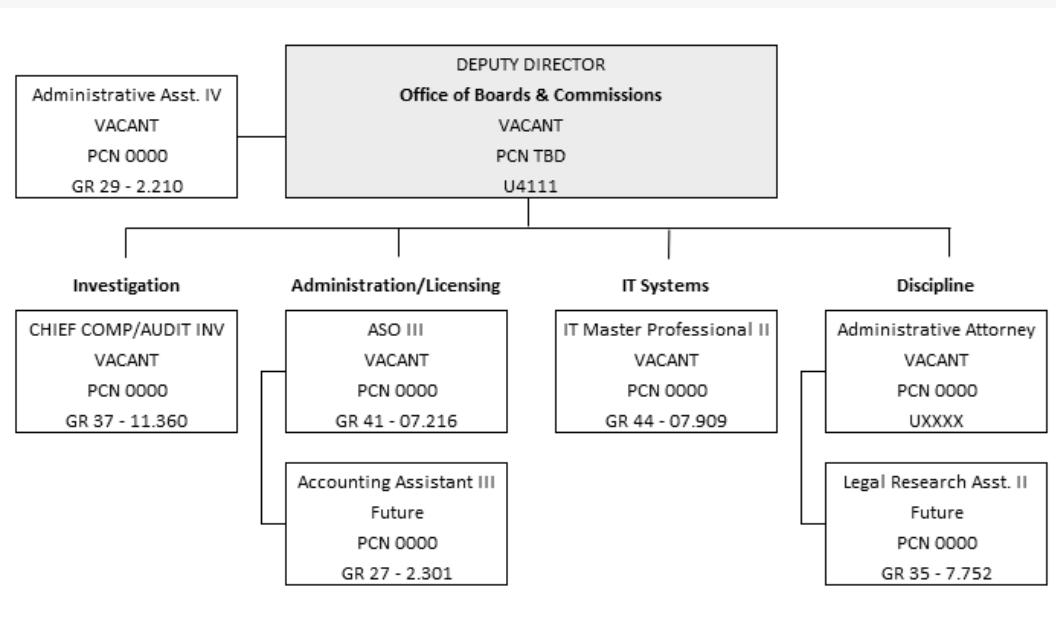
Balance Sheet

As of December 31, 2023

	TOTAL
Total Credit Cards	\$309.25
Other Current Liabilities	
Accrued PTO	50,240.18
Deferred Compensation Payable	169.03
Deferred Revenue	175,016.69
Direct Deposit Liabilities	0.00
Due to State Treasurer	400.00
Lease Liabilities - Current	31,447.00
Other Current Liabilities	7,535.27
Payroll Liability	4,367.02
Payroll Tax Liability	334.08
SAAS Liability - Current	5,360.00
Total Other Current Liabilities	\$274,869.27
Total Current Liabilities	\$275,299.84
Long-Term Liabilities	
Lease Liabilities - Non Current	64,456.50
SAAS Liability - Non Current	21,988.00
Total Long-Term Liabilities	\$86,444.50
Total Liabilities	\$361,744.34
Equity	
Retained Earnings	360,379.09
Net Income	-29,108.85
Total Equity	\$331,270.24
TOTAL LIABILITIES AND EQUITY	\$693,014.58

SB 431: OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCIL STANDARDS (DIRECTOR'S OFFICE)

NEXT STEPS



- Working Group
 - Comprised of department administration, B&C deputy director(s), industry experts
- Internal Controls
 - Policy manual: operations, purchasing, signing and approval authority
 - Personnel policies
 - Asset inventory available: offices, vehicles, furniture, equipment
- Licensing and Disciplinary Process
 - Internal or external process
 - Investigation and compliance process
- Websites
 - Information content: compliant format, licensing information, meeting schedules, consumer information
- Current reporting requirements and special conditions under NRS and NAC
- Develop report to Governor and Legislature on streamlining boards, licensing process, possible consolidation and/or elimination of boards and (interstate) reciprocity.



Joe Lombardo
Governor

STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Heather Hartley
Executive Director

EVALUATION CRITERIA - SUMMARY OF ACTIVITIES
September 5, 2023 – March 2, 2024

Highlights of September - March

Disciplinary Hearings before the Board
Public Workshop & Regulatory Hearing
Belz & Case Contract Approval

Financial Investments and Reserves

Manage and review financial investments, operating cash and reserves on an ongoing basis. Updated banking authority and signatories requiring multiple meetings.

Accounting and Financial Statements

Record expenses, review reports and modify financial information in coordination with contract bookkeeper; review and approve payroll entries and benefit contributions. On an ongoing basis, review budget and actual expenses to track revenue.

Written Publications, Website, Board Activities

Reviewed Board website. Updated resources and documents.

Board Activities

- Correspondence with NBCOT, AOTA, and NOTA
- Monthly meetings with Lea Case from Belz & Case Government Affairs
- Monthly Meetings with Melissa Helgeson from Big Picture (licensing database)
- Participation of Professional and Occupational Licensing Boards Administrative Collaborative
- Working with numerous state agencies including the Department of Business and Industry, the Board of Examiners, Purchasing Division, and Legislative Counsel Bureau.
- Working with Wells Fargo and Wells Fargo Advisors regarding transfer of authorization.

Board Meetings

Facilitated 4 Board meetings in compliance with open meeting law requirements, prepared agendas, approved minutes and OML posting of notices.

September 23, 2023: Public Workshop, Contract Renewal Approval, Consent Decree
November 4, 2023 – Las Vegas: Revised Proposed Regulation, 2024 Meeting Schedule
December 21, 2023: Banking Authorizations
March 2, 2024: Regulatory Hearing on LCB File No. R113-23, Dismissal of Complaint C24-04 A, B, & C, Dismissal of Complaint C24-05

Complaint and Disciplinary Action Process

Received, reviewed and conducted preliminary informal investigations, assigned to and coordinated cases with Board investigator, in consultation with legal counsel made determinations and recommendations as to actions, if any.

Consent Decree = 1 case
Cases Dismissed/Withdrawn = 4 cases
Pending Cases = 1

Disciplinary actions reported to the National Practitioners Databank, NBCOT, AOTA and Nevada Legislative Counsel Bureau.

Regulation Revisions, Workshops and Hearings

Proposed Regulation – LCB File R113-23; facilitated workshop on proposed language. Responded to questions and coordinated revisions with LCB staff, reviewed LCB drafted regulation, prepared notices for posting and facilitated the public hearing and adoption of regulation.

2024 Legislative Interim

Participated in meetings virtually or attended in person in Carson City.

Legislative Meetings:

Nov 8	Legislative Commission
Jan 18	Joint Interim Standing Committee on Commerce and Labor
Jan 26	Sunset Subcommittee of the Legislative Commission
Feb 16	Joint Interim Standing Committee on Commerce and Labor

In coordination with Board lobbyist, monitored interim committee activities.

Business and Industry – Office of Boards, Commission and Counsel Standards:

Responded to requests for information, documents and reports from the Director's Office of Business and Industry to include policies and procedures, internal controls, number of licensees, licensing software system, reciprocity and Board contact information.

Administration / Licensing

State Reporting: All state reporting requirements were met and submitted in a timely manner including but not limited to:

- Veteran's Services submitted to Nevada Department of Veteran's Services
- Consultant Reports submitted to the Budget Division

- Licensing and Disciplinary Actions quarterly reports submitted to the Legislative Counsel Bureau
- Debt Collection Reporting, due every 6 months

Co-Location in Board Office: Facilitated new co-location agreement with the Board of Optometry effective February 2, 2024.

Licensing: Oversee Director of Licensing & Operations activities; perform licensing functions when Director is not available; respond to licensee practice questions.

Other Accomplishments and Activities

Completed the following Executive Director Training Activities:

Sept 19-20	NBCOT Leadership Forum
Dec 6-7	State Purchasing Contract Manager Certification
Jan 25	National Practitioner Databank Virtual Seminar

Completed training with Loretta in the following areas:

- Administrative Rule Making, Postings, Regulatory Workshop, Timelines
- Accounting / QuickBooks On-Line / Reports
- Licensing Database; Big Picture Administration Site
- Open Meeting Law; Board Meeting Prep
- Orientation to Contracting
- Orientation to the Legislature
- Complaint Process; LCB Quarterly Report, National Databank Reporting
- Budgeting, Accounting Principles, Audits

On-going training with Stacey on the licensing database, licensing reports, and website maintenance. Oversee general office operations.

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 12: Report from Legal Counsel
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Henna Rasul, Sr. Deputy Attorney General will report on legal matters.

AGENDA ITEM 13: Board Activities & Reports From Members
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Meeting and Activities Schedule

Activity	Calendar Year 2024	Topics/Comments
Board Meeting	March 2	Regulation Hearing & Approval Appointment of Chair & Board Officers ED Interim Evaluation
Board Meeting	June 1	FY 25 Budget New Board Member Orientation
Board Meeting	August 24	ED Annual Evaluation NBCOT Presentation
Board Meeting	November 2	Audit Approval

Future Agenda Items

Reports and Comments from Board Members