



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING March 2, 2024

Members Present: Jose Pablo Castillo, Christopher Liebl, Melanie Minarik,
Jocelyn Pereira, Phil Seitz

Members Absent: None

Staff Present: Heather Hartley, Executive Director
Stacey Whittaker, Director of Licensing & Operations
Henna Rasul, Sr. Deputy Attorney General

Public Present: Lea Case, Kristen Neville, Matt Olivier, Susan Lingelbach, Casey Walker,
Ashley Koepke, Rachel Martin, Jonathan Legarte

Call to Order, Confirmation of Quorum

Chair Seitz called the Board meeting to order at 10:04 am. A roll call confirmed a quorum was present.

Public Comments

Chair Seitz called for public comments, there were none.

Appointment of Chair and Board Officers

Phil Seitz made the motion, seconded by Mel Minarik to elect Jose Pablo Castillo as Board Chair.
The motion passed.

Phil Seitz made the motion, seconded by Jose Pablo Castillo to elect Chris Liebl as Vice Chair of the Board.
The motion passed.

Phil Seitz made the motion, seconded by Jose Pablo Castillo to elect Phil Seitz as the Board Financial Reviewer. The motion passed.

Approval of Minutes

Phil Seitz made the motion, seconded by Chair Castillo to approve the minutes of the meeting of November 4, 2023. The motion passed.

Mel Minarik made the motion, seconded by Phil Seitz to approve the minutes of the meeting of December 21, 2023. The motion passed.

Legislative Status Report – Belz & Case Government Affairs

Lea Case of Belz and Case Government Affairs provided a legislative update to the Board to include Legislative interim activity, Sunset Subcommittee of the Legislative Commission, Department of Business and Industry and upcoming elections.

Citations for Unauthorized Practice; Administrative Fine pursuant to NRS 640A.230 2(c)

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. Mr. Legarte's complete license reinstatement application and explanation of unauthorized practice was received and his license, OT-2368 was reinstated as of January 2, 2024. The Board discussed that the licensee has been teaching at UNLV and did not practice in a clinical setting.

Melanie Minarik made the motion, seconded by Phil Seitz, to issue Mr. Legarte a \$25.00 fine for unlicensed practice. Chair Castillo abstained. The motion passed.

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. Ms. Koepke's complete license reinstatement application and explanation of unauthorized practice was received and her license, OT-2874 was reinstated as of January 23, 2024.

Chair Castillo made the motion, seconded by Melanie Minarik, to issue Ms. Koepke a \$100 fine for unlicensed practice. Phil Seitz abstained. The motion passed.

Disciplinary Matters – Dismissal of Complaints

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.

It has been determined by Board staff and legal counsel 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.

Chair Castillo made the motion, seconded by Vice Chair Liebl to dismiss Complaint Cases C24-04A, C24-04B and C24-04C. The motion passed.

Chair Castillo made the motion, seconded by Vice Chair Liebl to dismiss Complaint Case C24-05. The motion passed.

Public Hearing R113-23

Executive Director Hartley stated that 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 Office 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.

Executive Director Hartley opened the Hearing for public comments. Stacey Whittaker read AOTA's written comment into the record. Kristen Neville, AOTA reiterated that they have had concerns from the beginning with the language pertaining to the definition of Occupational Therapy Specialty or Advanced Practice Area. This could lead to confusion among licensees as to whether they need to obtain a specialty certification before providing necessary interventions to clients.

Susan Lingelbach, NOTA echoed the sentiments of AOTA in needing clarification regarding specialty practice. Susan also recommended that the Board use binary pronouns throughout NRS and NAC, using a more neutral term such as practitioners instead of he and she. There were no further comments and Executive Director Hartley closed the public comments.

LCB File No. R113-23 Consideration of Public Comments

Chair Castillo recommended tabling the section of concern for additional research and/or rewording. Henna Rasul explained to the Board that if the changes are deemed material or substantive, they will have to be sent back to LCB and the Board will have to have another public hearing.

Phil Seitz made the motion, seconded by Chair Castillo, to review section 3 of Proposed Regulation R113-23 for further clarification regarding specialty or advanced practice areas. The motion passed.

Consideration of Adoption of Regulations – LCB File No. R113-23

This agenda item was tabled pending review of Section 3 of the proposed regulation.

Executive Director's Report & Performance Evaluation

Heather Hartley provided a report on Board Office administrative activities to include licensure statistics, 2nd Quarter FY24 Financial Statements, Board member vacancies, open complaints, office co-location updates and other matters relating thereto. Phil Seitz noted the higher payroll costs due to having both Executive Directors on payroll during the transition period.

Vice Chair Liebl made the motion, seconded by Chair Castillo to approve the Executive Director Report and Financial Statements as presented. The motion passed.

The Board discussed the six-month probation Performance Evaluation for Executive Director Hartley and reviewed the Summary of Achievements as presented.

Phil Seitz made the motion, seconded by Melanie Minarik to approve regular employment status for Ms. Hartley, Executive Director with an increase in salary effective March 5, 2024 as stated in the approved employment agreement. The motion passed.

Report from Deputy Attorney General

Henna Rasul, Senior Deputy Attorney General had no report. She commended Heather Hartley on a job well done.

Board Activities & Reports from Members

Executive Director Hartley presented the 2024 meeting and activities schedule to include additional work on regulations, NBCOT presentation, and a possible disciplinary hearing. Heather will send out proposed meeting dates to members in order to secure the next meeting date. There were no further comments.

Public Comment

Chair Castillo opened the floor for public comments. Susan Lingelbach, NOTA thanked the Board for the meeting and extended the invitation to members to attend their upcoming conference in May in Las Vegas. Kristen Neville, AOTA also extended the invitation for members to attend their Inspire Conference later in the month. Matt Olivier, NOTA thanked the Board for the open discussion regarding specialty or advanced practice areas such as Dry Needling; Chair Castillo asked Matt to please forward any information he had on the topic to Heather Hartley. There were no further comments.

Adjournment – Chair Castillo adjourned the meeting at 11:48 am