



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PUBLIC MEETING

August 24, 2024 – 9:30 am

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

Zoom Access:

<https://us06web.zoom.us/j/83955964729?pwd=X2TbhX9AjUqJQZa0karA2cU5c0UDgb.1>

Meeting ID: 839 5596 4729

Passcode: 481802

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)
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3. Approval of the Minutes (for possible action)

- June 1, 2024
- August 1, 2024

4. Disciplinary Hearing or Consent Decree (for possible action)

Vanessa Piggott, OT

License 12-0243

Case No. 24-06

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)

5. Consideration of Application for License pursuant to NRS 640A.120 (for possible action)

Robert Porter, OTA

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)

6. Legislative Activities (informational)

- Legislative Status Report - Belz & Case Government Affairs

7. Work Session regarding the OT Compact (for possible action)

- Bill Draft Request of 83rd (2025) Session – BDR 233

8. NBCOT Presentation by Shaun Conway

9. Executive Director Report (informational)

10. Report from Deputy Attorney General (informational)

11. Board Activities & Reports from Members (for possible action)

- FY 2025 Meeting and Activities Schedule

12. 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)

13. 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: Approval of Minutes

The minutes of the meeting of June 1, 2024 and August 1, 2024 of the State Board of Occupational Therapy are presented for approval.

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 June 1, 2024

Members Present: Jose Pablo Castillo, Christopher Liebl, Jocelyn Pereira

Members Absent: Philip Seitz

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

Call to Order, Confirmation of Quorum

Chair Castillo called the Board meeting to order at 9:30 am. A roll call confirmed a quorum was present.

Public Comments

Chair Castillo called for public comments, there were none.

Legislative Activities

Lea Case with Belz and Case Government Affairs provided the Board with an update on Legislative Activities specifically the Governor's Executive Order 2024-002, which addresses the State's healthcare workforce shortage. Legislative Interim Activities include a potential push to have all Licensing Boards move toward the Interstate Compact. Lea has been in discussion with Nikki Haag, Director of Boards and Commissions, Business & Industry to include staffing plans for 2025 and possible umbrella licensure model for the 2027-2029 Legislative Session. There were no further comments.

Approval of Minutes

Vice Chair Liebl made the motion, seconded by Jocelyn Pereira to approve the minutes of the meeting of April 13, 2024. The motion passed.

Board Member Orientation

Executive Director Hartley provided a brief Board Member Orientation to include the Structure of the Board, Board Administration, Administrative Requirements, Board Policies, Data Collection and Reporting System, Board Meetings, Roles and Responsibilities of Board Members, and Board Statutes and Regulations. There were no further comments.

Discussion, Review and Approval of Fiscal Year 2025 Budget

Executive Director Hartley presented the FY25 Budget for Board review and approval. The Board discussed budgeting for a Board Retreat in Spring of 2025, increases in personnel expenses to include a State approved

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11% cost of living allocation, and increases to payroll services. Audit fees were also included in the presented budget along with an increase in bank fees. The Board felt it was important to keep resources available for Board education and planning.

Vice Chair Liebl motioned to approve the FY25 Budget as presented, seconded by Jocelyn Pereira. The motion passed.

Work Session regarding Specialty and Advanced Areas of Practice

Executive Director Hartley opened the work session with Dry Needling and whether the Board would like to pursue potential legislation for the 2027 Session. Authority must be granted through NRS to authorize Dry Needling within the scope of practice of Occupational Therapy. Both the Nevada Physical Therapy and Athletic Trainer Boards have passed a Bill authorizing Dry Needling for their practitioners.

Chair Castillo reminded the Board that their role here is to protect the public and opened the floor for discussion. The Board discussed current states that allow for Dry Needling through legislation (approximately 10). Further discussion centered around ACOTE standards and AOTA position statement on Dry Needling. Kristen Neville with AOTA stated that she has been following the topic for years and states are currently all over the place with their stance on Dry Needling. The Board discussed competency criteria such as certification for Dry Needling.

Matt Olivier with NOTA believes that the Occupational Therapy practitioners in Nevada want Dry Needling access and would be in support of it.

Chair Castillo and the Board felt it was appropriate to put more work into researching Dry Needling from other states and get additional feedback from the Board members who were not in attendance at the meeting. Chair Castillo tabled Dry Needling for further discussion until such time that more information can be gathered.

The Board moved to discuss the potential regulation of specialty and advanced areas of practice as this section of language was removed from recently adopted regulations.

Chair Castillo outlined a written request from a licensee regarding the practice and educational requirements for soft tissue mobilization (IASTM/Gua Sha/Cupping) that was provided in the Board packet. The Board discussed whether it is sufficient for a licensed Occupational Therapist to pursue continuing education courses, peer learning through demonstration and study or is specific certification required?

The licensee also inquired if they are certified in one of the techniques, if they can legally instruct a Massage Therapist or Athletic Trainer in those soft tissue mobilization techniques? After a lengthy discussion, the Board felt that the licensee would need to hold the appropriate certifications and it would be permissible to educate the other practitioners on the techniques but that those practitioners would be responsible for obtaining the appropriate training/certification.

The Board moved to discuss whether they would like to develop general guidelines for education and training in specialty and advanced areas of practice. Chair Castillo outlined the areas of current NRS640A that address physical agent modalities (PAM's) and documentation required to determine competency. The Board further discussed documentation versus certification and what that would look like for managing the practitioners. Overall, the Board believes that these areas need to be clarified in law and/or regulations.

Vice Chair Liebl motioned to move forward with addressing specialty and advanced areas of practice, seconded by Jocelyn Pereira. The motion passed.

Executive Director Report

Heather Hartley provided updates on Licensure Statistics, 3rd Quarter FY24 Financial Statements, Office Operations and Activities, Board Member Vacancies, and Complaints Status. Notable items requiring Board attention are changes to payroll processing that will no longer be feasible through the Board's bookkeeper and changes to the licensee login criteria through the Board's database. Heather is currently working with Carol Woods, the Board's bookkeeper, to find an alternative source to process the Board's payroll and will provide an update to the Board when available.

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Albertson Consulting/Big Picture is the Board's database administrator and they have recommended changing the criteria that licensees use when logging into the system to make it more secure. The database login currently requires the licensee to enter their Last Name, Last 4 Digits of SSN, and their License Number. Albertson Consulting/ Big Picture is proposing to remove the Social Security field and replace it with a licensee created password. This should not cost the Board money to change as they are willing to work it into the Board's allocated monthly maintenance hours.

Vice Chair Liebl motioned to approve the changes to the Database Licensee Login Criteria, seconded by Joceyln Pereira. The motion passed.

Report from Deputy Attorney General

Henna Rasul, Senior Deputy Attorney General had no report.

Board Activities & Reports from Members

Executive Director Hartley provided a Meeting and Activities Schedule for the remainder of 2024 to include August – NBCOT presentation and a meeting in November for Audit approval. The goal is to have a meeting in February 2025 followed by a Board Retreat/Legislative visit in Carson City sometime in May. There were no further comments.

Public Comment

Chair Castillo opened the floor for public comments. Kristen Neville, AOTA commented that she will provide additional comment/input regarding Advanced Practice at a later date. There were no further comments.

Adjournment – Chair Castillo adjourned the meeting at 11:07 am.

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STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

SUMMARY MINUTES PUBLIC BOARD MEETING August 1, 2024

Members Present: Jose Pablo Castillo, Christopher Liebl, Philip Seitz

Members Absent: Jocelyn Pereira

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

Public Present: Julia Graham, Peggy McElgunn, Casey Melvin, Elyse Monroy, Kristen Neville,
Matt Olivier, Rebecca Preddie, De Yates

Call to Order, Confirmation of Quorum

Chair Castillo called the Board meeting to order at 10:00 am. A roll call confirmed a quorum was present.

Public Comments

Chair Castillo called for public comments, there were none.

Consideration of submitting Public Comments from the Board of Occupational Therapy regarding the proposed changes to the Medicaid Services Manual (MSM) Chapter 3700 – Applied Behavior Analysis (ABA) Provider type 85.

Chair Castillo explained that the proposed changes to the Medicaid Services Manual would add Activities of Daily Living (ADL's) and Instrumental ADL's (IADL's) to covered services for Applied Behavior Analysis and intend to clarify the use of Activities of Daily Living in the prior authorization and goals of the treatment plan. He further explained that NRS 640A.050, the practice of Occupational Therapy specifically references ADL's whereas the practice of Applied Behavior Analysis, NRS 641D.080 does not.

Chair Castillo provided the Board with draft public comments to be considered for submission to the Department of Health and Human Services, Division of Health Care Financing and Policy at their meeting on August 13, 2024 on behalf of the Board of Occupational Therapy. The Board discussed the letter drafted by Chair Castillo including the scope of practice of both Occupational Therapy and Applied Behavior Analysis and covered services.

Chair Castillo opened the meeting for public comment. Casey Melvin, OT expressed her concerns regarding the possibility of duplication of services and authorizations if this were to go through. Kristen Neville, AOTA commented that she appreciated the Board's efforts on this, as her research has shown no reference to ADL's and IADL's in Medicaid language for ABA reimbursements from other surrounding states. Kristen feels that this could take away from other practitioners, and reimbursements for Occupational

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Therapy could go down. Matt Olivier, OT – NOTA expressed his concerns with scope of practice and overlapping. As a practitioner, he feels that partnerships with other disciplines are important. De Yates reiterated her concerns with the duplication of billing services.

Chair Castillo closed public comment at 10:37am and proceeded to read into record the drafted letter addressed to the Department of Health and Human Services, Division of Health Care Financing and Policy. Chair Castillo asked the Board members for their input and reiterated that the focus is on scope of practice, billing, and patient safety. Vice Chair Liebl recommended adding language regarding duplication of services. The Board also recommended removing the last paragraph on the first page and adding language regarding surrounding states as referenced by Kristen Neville.

Vice Chair Liebl made the motion, seconded by Phil Seitz to authorize Executive Director Hartley to make the identified changes to the letter and submit it to the Department of Health & Human Services, Division of Health Care Financing and Policy. The motion passed.

Public Comment

Chair Castillo opened the floor for public comments. Casey Melvin, OT recommended that the Board look into the Medicaid Manual for possible changes to scope of practice language. Julia Graham, OT – NOTA President, expressed her concern regarding the context and environment for ADL's and IADL's as the language is not identified. There were no further comments.

Adjournment – Chair Castillo adjourned the meeting at 11:00 am.

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Board of Occupational Therapy

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AGENDA ITEM 4: Disciplinary Hearing or Consent Decree
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Formal Disciplinary Hearing in the Matter of:

Vanessa Piggott, OT

License 12-0243

Case No. 24-06

Henna Rasul, Sr. Deputy Attorney General will be prosecuting the case
Joseph P. Ostunio, Deputy Attorney General will be representing the Board

Questions on the process during the Hearing should be directed to Joseph Ostunio, DAG who will advise.

The Board will be discussing and deliberating on evidence and testimony received relating to alleged violations as outlined in the Notice of Complaint; and will make a determination on disciplinary actions, if any. No additional evidence or testimony will be accepted.

Attachments

HEARING EXHIBITS

1 **COUNT I**

2 **(UNPROFESSIONAL CONDUCT)**

3 7. The allegations contained in paragraphs 1 through 6 are hereby incorporated
4 as if fully set forth herein.

5 8. This conduct violated NRS 640A.200(4)(c) which states that an act
6 constituting “unprofessional conduct” is “the violation of any provision of this chapter or
7 regulation of the BOARD adopted pursuant to this chapter[.]”

8 9. Therefore, RESPONDENT is subject to discipline pursuant to
9 NRS 640A.200(1) for unprofessional conduct.

10 **COUNT II**

11 **(RECORDS OF PATIENTS)**

12 10. The allegations contained in paragraphs 1 through 9 are hereby incorporated
13 as if fully set forth herein.

14 11. This conduct violated NAC 640A.290(3)(a) and (b) which states “[a] licensee
15 shall not falsify a record of health care of a patient to indicate: (a) The presence of the
16 licensee at a time when he or she is not in attendance treating a patient; or (b) That
17 therapeutic procedures were performed by the licensee which he or she has not performed.”

18 12. Therefore, RESPONDENT is subject to discipline pursuant to
19 NRS 640A.200(1) for unprofessional conduct.

20 **COUNT III**

21 **(RECORDS OF PATIENTS)**

22 13. The allegations contained in paragraphs 1 through 12 are hereby incorporated
23 as if fully set forth herein.

24 14. This conduct violated NAC 640A.290(4)(a) and (b) which states “[a] licensee
25 shall not sign¹ a record of health care of a patient unless the licensee has reviewed the
26 record. The review of the record must include, without limitation, verification of: (a) The

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¹ As used in this section, “sign” means to inscribe by handwriting or electronic means one’s name,
28 initials or license number. NAC 640A.290(5).

1 accuracy of the record; and (b) Continuity in the services received by the patient pursuant
2 to the program of intervention.”

3 15. Therefore, RESPONDENT is subject to discipline pursuant to
4 NRS 640A.200(1) for unprofessional conduct.

5 **COUNT IV**

6 **(UNPROFESSIONAL CONDUCT)**

7 16. The allegations contained in paragraphs 1 through 15 are hereby incorporated
8 as if fully set forth herein.

9 17. This conduct violated NAC 640A.350(2) which states the following acts,
10 among others, constitute “unprofessional conduct”: “[b]eing guilty of negligence in the
11 performance of occupational therapy[.]”

12 18. Therefore, RESPONDENT is subject to discipline pursuant to
13 NRS 640A.200(1) for unprofessional conduct.

14 **COUNT V**

15 **(UNPROFESSIONAL CONDUCT)**

16 19. The allegations contained in paragraphs 1 through 18 are hereby incorporated
17 as if fully set forth herein.

18 20. This conduct violated NAC 640A.350(4) which states the following acts,
19 among others, constitute “unprofessional conduct”: “[f]ailing to report or otherwise
20 concealing information related to a violation of this chapter or NRS 640A.200 which could
21 result in harm to the public health and welfare[.]”

22 21. Therefore, RESPONDENT is subject to discipline pursuant to
23 NRS 640A.200(1) for unprofessional conduct.

24 **COUNT VI**

25 **(UNPROFESSIONAL CONDUCT)**

26 22. The allegations contained in paragraphs 1 through 21 are hereby incorporated
27 as if fully set forth herein.

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1 C. Record and report in an accurate and timely manner and in
2 accordance with applicable regulations all information related to professional or academic
3 documentation and activities.

4 c. AOTA Code of Ethics 6, Communication: Whether in written, verbal,
5 electronic, or virtual communication, occupational therapy personnel uphold the highest
6 standards of confidentiality, informed consent, autonomy, accuracy, timeliness, and record
7 management.

8 F: Do not use or participate in any form of communication that
9 contains false, fraudulent, deceptive, misleading, or unfair statements or claims.

10 d. AOTA Standards of Practice, Standard I. Professional Standing and
11 Responsibility:

12 1. An occupational therapy practitioner (occupational therapist or
13 occupational therapy assistant) delivers occupational therapy services that reflect the
14 philosophical base of occupational therapy and are consistent with the established
15 principles and concepts of theory and practice.

16 2. An occupational therapy practitioner is knowledgeable about
17 and delivers occupational therapy services in accordance with AOTA standards, policies,
18 and guidelines and state, federal, and other regulatory and payer requirements relevant to
19 practice and service delivery.

20 4. An occupational therapy practitioner abides by the *AOTA 2020*
21 *Occupational Therapy Code of Ethics*.

22 8. An occupational therapy practitioner maintains current
23 knowledge of legislative, political, social, cultural, societal, and reimbursement issues that
24 affect clients and the practice of occupational therapy.

25 e. AOTA Standards of Practice, Standard IV. Intervention Process:

26 9. An occupational therapy practitioner documents the
27 occupational therapy services provided within the time frames, formats, and standards

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1 established by the practice settings, agencies, external accreditation programs, federal and
2 state law, other regulatory and payer requirements, and AOTA documents.

3 29. Therefore, RESPONDENT is subject to discipline pursuant to
4 NRS 640A.200(1) for unprofessional conduct.

5 **DISCIPLINE AUTHORIZED**

6 Pursuant to NAC 640A.361, upon proof by preponderance of the evidence that an
7 applicant or licensee has engaged in activity which is grounds for disciplinary action as
8 described in NRS 640A.200, the Board may: place the licensee on probation; administer a
9 public reprimand; limit the person's practice; suspend the person's license or certificate for
10 a period of not more than one (1) year; revoke the person's license; require the person to
11 successfully complete a program of remedial education or treatment approved by the board;
12 require supervision of the person's professional work by a person approved by the board;
13 require repayment to a patient of all money collected by the licensee in connection with the
14 unprofessional conduct; require the person to successfully complete a physical or mental
15 examination or an examination testing the competency to practice; and/or such other
16 disciplinary action as the board considers necessary and appropriate.

17 If discipline is imposed, the Board may order that costs of this proceeding, including
18 investigative costs and attorney's fees, be awarded to the Board pursuant to NRS 622.400.
19 Therefore, the undersigned requests that the Board impose such discipline as it determines
20 is appropriate under the circumstances and to award the Board its costs and attorney's fees
21 for this proceeding.

22 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
23 Administrative Complaint against the above-named Respondent in accordance with
24 Chapter 233B, Chapter 241, Chapter 622A, Chapter 622, and Chapter 640A of the Nevada
25 Revised Statutes and Chapter 640A of the Nevada Administrative Code.

26 **WHEREFORE, the Board hereby notifies Respondent that a disciplinary**
27 **hearing in this matter will be held on Saturday, August 24th of 2024, beginning at**

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1 **9:30 a.m. via zoom video conference at <https://us06web.zoom.us/j/83955964729?pwd=X2TbhX9AjUqJQZa0karA2cU5c0UDgb.1&from=addon>.**

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3 **STACKED CALENDAR:** This hearing is one of several matters scheduled at the
4 same time as part of a regular meeting of the Board. Thus, this hearing may be called at
5 any time after the meeting is called to order. It is Respondent's responsibility to be present
6 when this matter is called. If Respondent is not present when this matter is called, a
7 default may be entered against Respondent and the Board may decide the case as if all
8 allegations in the complaint were true.

9 **PURSUANT TO NRS 622A.320,** Respondent may, but is not required to, file an
10 answer to this Complaint with the Board.

11 **PURSUANT TO NRS 622A.330,** Respondent may seek limited discovery from the
12 Board.

13 **RESPONDENT'S RIGHTS AT THE HEARING:** Except as mentioned below, the
14 hearing is an open meeting under Nevada's Open Meeting Law and may be attended by
15 the public. After the evidence and arguments, the Board may conduct a closed meeting to
16 discuss Respondent's alleged misconduct or professional competence. A verbatim record
17 will be made by a certified court reporter. Respondent is entitled to a copy of the transcript
18 of the open and closed portions of the meeting, although Respondent must pay for the
19 transcription.

20 Respondent is specifically informed that she has the right to appear and be heard in
21 her defense, either personally or through her counsel of choice. At the hearing, the
22 undersigned has the burden of proving the allegations in the complaint and will call
23 witnesses and present evidence against Respondent. Respondent has the right to respond
24 and to present relevant evidence and argument on all issues involved. Respondent has the
25 right to call and examine witnesses, introduce exhibits, and cross-examine opposing
26 witnesses on any matter relevant to the issues involved.

27 Respondent has the right to request that the Board issue subpoenas to compel
28 witnesses to testify and/or evidence to be offered on Respondent's behalf. In making this

1 request, Respondent may be required to demonstrate the relevance of the witnesses'
2 testimony and/or evidence. Other important rights Respondent has are listed in
3 NRS Chapter 233B, NRS Chapter 241, NRS Chapter 622, NRS Chapter 622A,
4 NRS Chapter 640A and NAC Chapter 640A.

5 The purpose of the hearing is to determine if Respondent has been engaged in
6 activity that is grounds for disciplinary action pursuant to NRS 640A.200.

7 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
8 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this
9 case should be made through Henna Rasul, Senior Deputy Attorney General, whose contact
10 information appears below.

11 Pursuant to NRS 241.033(2)(b) and NRS 241.034, the Board may, without further
12 notice, take administrative action against Respondent's license to practice occupational
13 therapy within the State of Nevada if the Board determines that such administrative action
14 is warranted after considering Respondent's character, alleged misconduct, professional
15 competence, or physical or mental health.

16 DATED this 17th day of July 2024.

17 AARON D. FORD
18 Attorney General

19 By: /s/Henna Rasul
20 HENNA RASUL
21 Senior Deputy Attorney General
22 Nevada Bar No. 7492
23 100 North Carson Street
24 Carson City, Nevada 89701-4717
25 Telephone: (775) 684-1234
26 Facsimile: (775) 684-1108
27 Email: hrasul@ag.nv.gov

28 *Attorneys for Petitioner
State of Nevada, Board of
Occupational Therapy*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on this 17th day of July, 2024, I served a true and correct copy of the foregoing
4 **COMPLAINT AND NOTICE OF HEARING**, via USPS First Class Regular and Certified
5 Mail, return receipt requested, to the following parties:

6 Vanessa Piggott



8 *Certified Mailing Receipt: 7021 1970 0000 5382 2375*

9 Courtesy copies sent via electronic mail to:

10 Heather Heartley, Executive Director
11 State of Nevada Board of Occupational Therapy
board@nvot.org

12
13 */s/Aaron D. Van Sickle*
14 Employee of the State of Nevada,
15 Office of the Attorney General
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AGENDA ITEM 5: Consideration of Application for License

Robert Porter, OTA

Mr. Porter submitted his application to the Board on June 26, 2024. Mr. Porter was previously licensed with the Board, license number OTA 17-1373, from March 16, 2017 to March 15, 2019 when his license expired after not renewing. Mr. Porter has submitted a new application for licensure as he is now out of the five year time period to reinstate.

Mr. Porter answered affirmative to the following three questions on the application;

"Has there ever been a complaint filed, investigation or legal action taken against your professional license for any reason?"

"Have you ever had a professional license, certification or registration denied, restricted, suspended or revoked?"

"Have you ever been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country?"

Mr. Porter was alleged of cultivating marijuana, possession of marijuana for sale, and sale/offer to sell/transportation of marijuana on or about November 19, 2013. Mr. Porter was alleged of having unlawful taking of fish and game, unlawful possession of a creature, and wasting of game on or about August 1, 2013. Mr. Porter was sentenced to three years probation, 90 days in jail, and \$3,800 in fines and court costs on or about February 20, 2014. Mr. Porter completed probation and paid the fines and court costs.

An Accusation was filed by the California Board on or about September 16, 2015. The California Board revoked Mr. Porter's license on or about December 14, 2015. The Minnesota Board revoked his license on or about February 10, 2022.

Mr. Porter provided explanations and current NBCOT certification.

The Board may discuss and deliberate on Mr. Porter's application and supporting documents. The Board will make a determination for licensure.

Attachments

- Initial Application
- NBCOT Certification
- Court and Supporting Documents
- CA License Verification
- CA Accusation
- CA Board Order
- MN License Verification
- MN Board Order



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Personal Information

License Information

I am applying for

- Occupational Therapist*
- Occupational Therapy Assistant*

Application Type

- Standard*
- Temporary*
- Provisional*

Applicant Information

Please complete the information below. Your name should be entered how it is to appear on your license.

First Name* Robert	Middle Name Darrell	Last Name* Porter	Suffix
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Other Names you have used	Social Security Number / Taxpayer Identification Number*	Gender*
	██████████	Male

Date of Birth*	Place of Birth*
██████████	Minnesota

US Citizen Yes No

Contact Information

Contact Information

Mailing Address*

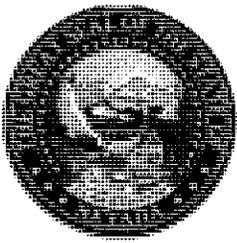
City*

State*

ZIP Code*

Contact Phone Number*

E-mail Address*



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Miscellaneous

Education Information

Educational Institution*

Denver Technology Institute

City*

Denver

State*

CO

Date Graduated*

06/09/1997

Degree Awarded*

Associate Degree

NBCOT Information

Are you currently certified by NBCOT? **Yes*** **No***

Certification Number

1021494

Other State License Information

Are you now or have you ever been licensed, certified or registered in any jurisdiction? **Yes*** **No***

List each license held in the previous 5 years.

State/Jurisdiction*

MN

License Number*

201995

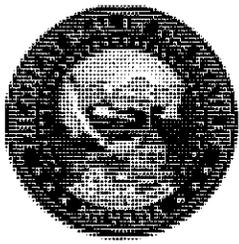
Issue Date*

11/10/2014

Expiration Date*

02/10/2022

Please select the add button for additional rows.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Employment Information

Employment Information/Location

Please provide your current/previous employment information. Select the add button to add additional employer information.

Employment Information/Location

Oak lawn healthcare center

Address

201 Oaklawn Ave

City

Mankato

State

MN

ZIP Code

56001

Business Phone

999-999-9999

Business Fax

999-999-9999

Email Address

user@domain.com

Start Date

06/15/2019

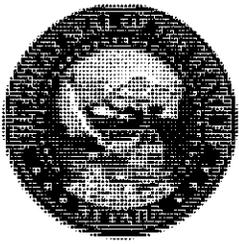
End Date

10/26/2019

Current Employer

No

Click the add button to add additional current or previous employer information.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Legal Questions

Legal Information

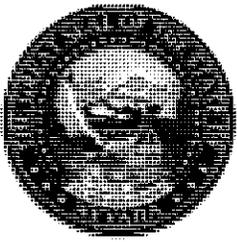
If the answer to any of the questions below is "Yes", you will be required to provide full details.

- Has there ever been a complaint filed, investigation or legal action taken against your professional license for any reason?*
- Yes No
- Are there any pending legal actions, complaints, investigations or hearings in process?*
- Yes No
- Have you ever had a professional license, certification or registration denied, restricted, suspended or revoked?*
- Yes No
- Have you ever relinquished responsibilities, resigned a position or been fired while a complaint was pending against you?*
- Yes No
- Have you ever been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? (Exclude minor traffic violations.)*
- Yes No

Military Service / Veterans Status

Select one of the following options.

- None*
- Uniformed Military*
- Veteran*
- Military Spouse*
- Veteran Spouse*



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Explanation

Explanation

Please provide details and/or upload documentation to explain each question with a "yes" answer. If further information is required, you will be notified.

Has there ever been a complaint filed, investigation or legal action taken against your professional license for any reason?*

Answer: I went to the California OT board office in Sacramento on Jan 5 2014. I personally handed staff a declaration letter the board had mailed to me that had arrived the day before it was due that day. It contained my explanation regarding charges by California. It contained my current address. Email and phone number. I also gave them a hand written change of address. They requested additional info. I sent it to the board via certified mail a month later. It also contained the current address. From that point I never heard from Ca OT board again. Apparently they lost my change of address. Ignored the other documents and certified letter which was in my file and had current address. I found out a year later the board had revoked my license by default. With the 15 day window to file an appeal long since past. I had no opportunity to dispute the accusations made. Including having illegal Tramadol etc. For which I have prescriptions. I have all documents to support my explanation.

Click [here](#) for recommendations on uploading files.

Have you ever had a professional license, certification or registration denied, restricted, suspended or revoked?*

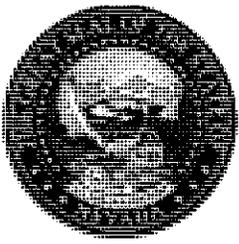
Answer: See previous answer concerning my California license. Minnesota used the invalid and deceptive revoking of my California license as justification. Assuming the accusations made by California were true. To revoke my Mn license. Which was not being used. I lived in Michigan and had a construction business. And have a traumatic brain injury from being assaulted by a group of strangers. I chose not to travel back to Mn to participate in the hearing. Due to negative health effects if I did.

Click [here](#) for recommendations on uploading files.

Have you ever been convicted of, or pled guilty or nolo contendere to, a violation of ANY federal or state statute, city or county ordinance, or any law of a foreign country? (Exclude minor traffic violations.)*

Answer: I have misdemeanor conviction in California. I have documents to show I have no felony. Mn OT board argued with me claiming I have felony. I do not.

Click [here](#) for recommendations on uploading files.



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



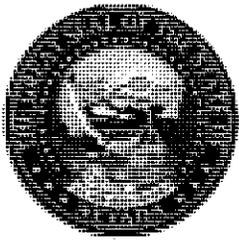
Initial Application - Information

Nevada Business License Information

- I do NOT have a Nevada state business license number.*
- I have applied for a Nevada business license with the Nevada Secretary of State in compliance with the provision of NRS Chapter 76 and my application is pending.*
- I have a Nevada Business License number assigned by the Secretary of State in compliance with the provisions of NRS Chapter 76.*

Child Support Information

- I am not subject to a court order for the support of a child.*
- I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*
- I am subject to a court order for the support of one or more children and am NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Declaration

Notice as Mandatory Reporter of Abuse or Neglect

- I acknowledge I have been informed of my duty as a mandatory reporter of abuse or neglect of a child pursuant to NRS 432B.

Declaration

- I declare, under penalty of perjury, all the information supplied herein is to the best of my knowledge true, accurate and complete and I have not withheld, misrepresented, or falsely stated any information relevant to my application, education, training, experience or my fitness to practice the profession for which I am applying.

Jurisprudence Exam Certificate of Completion

Please upload certificate of completion.

Click [here](#) for recommendations on uploading files.

Uploaded File(s)

[IMG_0838.jpeg](#)

Photograph

Please upload a 2x2 photograph. Driver's License is acceptable.

Click [here](#) for recommendations on uploading files.

Uploaded File(s)

[IMG_0834.jpeg](#)

Verification of NBCOT Certification

Please upload current certification status. Acceptable documentation include:

- on-line verification printout from NBCOT; or
- request written verification from NBCOT to be sent directly to the board.

Click [here](#) for recommendations on uploading files.

Uploaded File(s)

[IMG_0836.jpeg](#)

Verification of Licensure in Another State

Please upload Verification of Licensure in Another State.

Verification of your license status and disciplinary history must be provided for all jurisdictions in which you have held a license in the previous 5 years.

Acceptable documentation for verification purposes:

- Written verification received directly from the regulatory entity; or
- On-line verification printout from official regulatory entity website dated within 10 days of date of application;
or
- Electronic verification received directly from the regulatory entity.

Click [here](#) for recommendations on uploading files.

Uploaded File(s)

[image.jpg](#)



STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY



Initial Application - Receipt

Receipt

Your confirmation number is 34006.

Name: Robert Porter

Total: \$425.00

Card: [REDACTED]

Date/Time: 6/26/2024 1:38:02 PM

You have successfully submitted the application. Allow 5-7 business days to process your application.

If you are connected to a printer, you may print this receipt for your records by clicking below. However, a copy of this receipt will be sent to your email address. [Print](#)

When the Download PDF button turns green, click below to download or save a PDF of your application.

OTR® & COTA® Credential Verification

Monday, 12 August 10:56:03 AM

Fullname	City	State/Province	Credential	Cert#	Initial Date	Expiration Date	Status
ROBERT PORTER	Ironwood	Michigan	COTA®	1021494	20 Apr 1998	31 Mar 2027	Active - In good standing

Showing 1 entries

Primary Source Disclaimer:

The data in this website is provided, controlled, and maintained entirely, by the National Board for Certification in Occupational Therapy, Inc. (NBCOT®) and its employees and is not modifiable by any outside source. The NBCOT® provides current data extracted from our database and constitutes a primary source verification. Each data item has been verified by NBCOT® personnel from the primary source unless otherwise specified. Every attempt is made to ensure the accuracy, reliability, and compliance with applicable accreditation and certification standards for the information displayed. The NBCOT® maintains timely updates to this website. No responsibility is assured or implied for errors or omissions created or caused by technical difficulties. No one shall be entitled to claim detrimental reliance thereon.

Enclosed are the documents
are received from Butte County.
I asked for all documents
pertaining to sentencing. These
are what I received.

Thank Robert Porter

These are the charges I
pled no contest to in Butte
County

HS 11358 Cultivation - Felony
- was reduced to misdemeanor -
2017 - see ~~accompanying~~ included copy

FG 2000 misdemeanor -
FG 2002 misdemeanor
FB 4304 misdemeanor -

I was not sentenced to, or
have did a day in jail. I
was given probation. And
completed all probation. 2017
I apologize for documents being confusing.

I have included the
original charge documents for
arraignment. Since the sentencing
paperwork does not define, it
gives the codes, which can be
looked up for description on the
arraignment document. But as stated,
I was not convicted of #2 and 3.
They were dismissed. Plead no contest
to #1, #4, #5, #6

↑ ↑ ↑ ↑
felony/reduced misdemeanors

FILED
NOV 20 2014
Kimberly Fleener, Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTE

By Kellerman Deputy
Superior Court of California, County of Butte

PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF,

VS.

Robert Darrell Porter

DEFENDANT,

CASE NO: CM040444

THIS PLEA IS TO A NEW OFFENSE WITH
PRIOR STRIKE(S) - [24] YES NO

THIS PLEA IS TO A PC § 667.5(c)
OFFENSE - [25] YES NO

PLEA OF GUILTY OR NO CONTEST
(FELONY)

READ THIS FORM CAREFULLY – DO NOT INITIAL ANYTHING YOU DO NOT UNDERSTAND

The defendant in the above-entitled action, in support of his/her decision to enter a plea(s) of guilty/no contest in open court, personally and by his/her attorney, does declare that his/her attorney in this case is Michael M. Rooney / John E. Hizer and does further declare as follows:

DEFENDANT, INITIAL ONLY IN THE BOXES PRECEEDING STATEMENTS THAT YOU HAVE READ, UNDERSTAND, AND WITH WHICH YOU AGREE

I Have Read,
Understand,
and Agree.

ENTRY OF PLEA [AND ADMISSION OF ENHANCEMENT(S) / PRIOR CONVICTION(S)]

⇒

1. I am now sober. I have not consumed any drug, alcohol or narcotic within the past 24 hours to the extent that my judgment is impaired. Further, I am not taking any prescription medication which impairs my judgment.

⇒

2. I am entering my plea(s) [and admission(s)] freely and voluntarily, without threat or fear to me or anyone closely related to me.

⇒

3. Of those charges now filed against me in this case, I plead guilty/no contest to the following violation(s) [list code section(s)]: HS 11358, FG 2000 misdemeanor, FG 2002 misdemeanor, FG 4304 misdemeanor
and admit that on the date charged I (describe facts as to each charge): possessed a dead bear & deer + cultivated marijuana

3(a). (If applicable) I also admit the following enhancement(s)/prior conviction(s) with which I am charged (list court case #): N/A

3(b). (If applicable) I admit I am excluded from County Prison housing if sentenced to prison.

I Have Read,
Understand,
and Agree:

- 4. I stipulate there is a factual basis for my plea(s) [and admission(s)] and I further stipulate the Court may take facts from probation reports, police reports or other sources as deemed necessary to establish the factual basis.
- 5. I understand that a plea of no contest is the same as a plea of guilty in the criminal case and for all purposes has the same consequence as a plea of guilty.
- 6. I am pleading guilty because, in truth and in fact, I am guilty.
- 7. I have **not** been induced to enter the above plea(s) [and admission(s)] by any promise or representation of any kind, except (briefly state any negotiated settlement with the District Attorney):

- 8. I understand that my "county lid" or "no immediate State/County Prison" (NISP) agreement is conditioned upon my obeying all laws, making an appointment to see a probation officer, keeping that appointment, and appearing in court on the date and time set by the Court for the hearing on my application for probation. I understand that should I fail to do any of these things, without an acceptable excuse, that my NISP agreement will be lost and my plea(s) [and admission(s)] of guilty/no contest would remain in effect without the NISP agreement. I understand that a NISP agreement does not preclude the Court from ordering a diagnostic evaluation of not more than 90 days pursuant to Penal Code section 1203.03, which would be conducted by the California Department of Corrections and Rehabilitation at a corrections facility. I further understand that if the sentencing judge honors the NISP agreement, and I am placed on probation, I could be thereafter sentenced to prison if I violate the terms of my probation.

NISP will be granted only if the sentencing judge finds this to be an unusual case (Prison Presumptive)

RECITAL AND WAIVER OF CONSTITUTIONAL AND APPELLATE RIGHTS

- 9. I understand that as to any and all charged offense(s) and any and all prior conviction(s)/enhancement(s) alleged against me in this case, I have all the constitutional rights listed below.
- 10. I understand that I have the right to be represented by a lawyer at all stages of the proceedings, including this one. I can hire my own lawyer, or the Court will appoint a lawyer for me if I cannot afford one.

I UNDERSTAND THAT I HAVE THE FOLLOWING CONSTITUTIONAL RIGHTS, WHICH I NOW GIVE UP IN ORDER TO PLEAD GUILTY OR NO CONTEST:

- | I Understand
This Right | I Give Up
This Right | |
|---------------------------------------|-------------------------------------|---|
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 11. The right to a preliminary hearing in this court. |
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 12. The right to be tried by a jury in a speedy public trial. |
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 13. The right to confront and cross-examine all witnesses against me, whether at a preliminary hearing or a trial. |
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 14. The right to present evidence and to have witnesses subpoenaed to testify on my behalf at no cost to me, whether at a preliminary hearing or a trial. |
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 15. The right to remain silent during any stage of the proceedings (unless I choose to testify on my own behalf). |
| → <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 16. I understand as a term and condition of this plea that I <u>waive</u> any direct appeal I may have, absent any appeal to sentencing error. |

PLEA OF GUILTY/CHANGE OF PLEA

- Court grants DA's motion to amend Complaint/Information to add count(s)
On motion of the Court/People, complaint amended on its face by striking "Felony" and adding "Misdemeanor"
Defendant waives formal arraignment, advisement of rights and reading of the amended Complaint/Information
Defendant advised of the maximum punishment.
Defendant pleads GUILTY NO CONTEST to count(s)
Defendant pleads GUILTY with deferred entry of judgment to count(s)
Parties stipulate to Deferred Entry of Judgment.
Deft admits priors/enhancements violating allegation(s)
Court takes judicial notice of the plea entered in
Prior(s) found valid invalid
Case dismissed Count(s)
Defendant is advised/understands that a VC23103/23103.5 conviction can be charged as a prior, increasing penalties on a subsequent conviction of VC23152a/b.
PC1000 Diversion DV/OR successfully completed Plea of guilty/no contest withdrawn.

WAIVER OF RIGHTS

- Defendant advised of, understands, and knowingly and voluntarily, expressly and explicitly waives the following rights to
counsel privilege against self-incrimination jury trial court trial speedy trial confront/cross-examine witnesses
probation/parole hearing a preliminary hearing
After questioning the defendant, the Court find the defendant understands the nature of the charge(s), the elements of the offense, the pleas/defenses thereto, the possible range of penalties and other consequences of the plea
No threats and promises Defendant not under influence of drugs/alcohol Advised of DMV suspension
Court finds a factual basis for the plea Counsel stipulates to factual basis Counsel orally recites the factual basis
Counsel consents to the plea admission
Above waivers taken as to admitted prior/enhancements Defendant advised of enhancement on subsequent convictions
Court accepts plea admission Written Plea of Guilty/No Contest signed, incorporated in and made part of the record
Court defers entry of judgment acceptance of plea Defendant referred to Traffic School (TVS) Juvenile Probation
Pre-sentence Supplemental report ordered Probation report waived Airbuckle waiver taken Time waived for sentencing

JUDGMENT/SENTENCE

- Defendant waives formal arraignment and states there is no legal cause why sentence and judgment should not now be pronounced.
Court has received, read and considered the Original Supplemental Probation Rpt executes same to be filed the 1203.03 PC Report
Statement in Aggravation Mitigation PC288.1 Report Other: Eligibility Statement
Court has read and considered the progress report and finds it to be favorable unfavorable marginal satisfactory
Court finds defendant guilty of the crime(s) Court determines there is a factual basis for the plea/conviction admission of VOP
Court does not find this to be an unusual case. Court finds Deft has violated Probation/ M/Sup enhancement(s) to be true
Imposition of sentence is suspended and deft is placed on Summary Formal probation for a term of months years
Probation/ M/Sup is reinstated continued on all prior terms and conditions modified as set forth in the attached terms/conditions.
Defendant accepts conditions of Probation/ M/Sup Probation/ M/Sup order incorporated herein Deft furnished copy of conditions
Defendant's request for probation is denied. Probation is terminated successfully unsuccessfully
Defendant to serve months days hours in jail Plus days for FTA VOP In lieu of fine
Sentence to be served consecutively concurrently with any other sentence Work hours fine, converted to jail time fine
Defendant to report to jail by at Forthwith TB test May be served in any penal institution
Counsel stipulate to alternative programs Release programs authorized denied Sentence suspended on count(s)
Complete hours Work Program by: Court authorizes work program in lieu of fine. W/P fee waived
Pay fine(s) of \$ Pay \$ per PC1465.8 Pay \$ per GC70373
Pay Rest. Fund Fine of \$ \$ stayed imposed - per PC1202.44. \$35 A/R fee. Cite Proc Fee: \$10 \$24
Pay Victim Rest'n \$ / to: / Interest to accrue from: /
Theft fine (PC1202.5) \$ payable to Pay \$15 per F&G 12021. Fine(s) due:
License suspended for days months years per VC13202.5. I.I.D. ordered for years
Attend traffic school. Pay \$52 fee File proof of completion by
Proof of correction filed shown Ct \$ CDL surrendered. Attend 12 step intgs times per week/ keep log.
Case removed from Collections Civil assessment vacated On-going probation supervision fees set aside CDL hold removed.
Court reserves jurisdiction over victim restitution Previously ordered fines/fees are re-imposed with credit for any payment(s) made
Court is advised that \$ have been incurred in attorney's fees. Court finds defendant does not have the ability to reimburse
Referred to Compliance for determination of defendant's ability to pay eligibility for work program.
Report to Court Compliance forthwith within 72 hours of release Pay to Superior Court Central Collections
Defendant advised of right to appeal Bail is exonerated

Defendant: Porter, Robert

Case No.: EM046444

JAN 2 2 2015

JUDGMENT/SENTENCE

Def. waives formal arraignment and states there is no legal cause why sentence and judgment should not now be pronounced.
 Court has received, read and considered the original/supplemental probation report(s), signs same, to be filed.
 The Court finds defendant violated probation, pled to CH, 4-6, determines there is a factual basis for the VOP plea and finds defendant is guilty of the offense and the violation of probation is true.
 Probation is granted. Imposition of sentence is suspended.

Formal Probation DV PROP 36 DRUG COURT HIDE Court/Summary Probation Mandatory Supervision

Term 3 Mos/Yrs Modified Reinstated Extended _____ Mos/Yrs
 Terminated Successfully Unsuccessfully to Court / Summary Formal Probation
 General Conditions 1-15 16 Standard Terms 1-7 Special Conditions (below)

REVIEW DATE 1/1/15 at _____ am/pm Appearance required Non-appearance
 The Court lifts stay on _____ days. for receipt of signed probation order

Special Conditions:
 Jail: Serve 90 days w/ credit for 4 local + 4 4019 = 8 days days Forthwith Report on 2/21/15 by 6 PM w/ _____ consecutive concurrent
 Remanded _____ by stipulation No bail No cite/release/OR. Johnson waiver entered. _____ days waived.
 Programs authorized not authorized Release from custody today May be served in _____ County.
 Release on _____ at _____ to _____ Probation has discretion to release

2 Complete _____ hours community service at the Neal Road Landfill complete by _____ May be completed in _____ County.
3 Submit to search alcohol controlled substance paraphernalia stolen property
4 Totally refrain from use, control or possession of controlled substances. No Prop 215 allowed - w/o prejudice

5 Totally refrain from use or possession of alcohol
6 Participate/cooperate in treatment program as program provider directs
7 Submit to testing alcohol controlled substance
8 Enroll in 12 step or other approved self-help programs as program provider directs

9 Within 7 days enroll in Batterers program submit proof of enrollment by _____ at _____
10 Within 7 days enroll in _____ Other: Re-enroll in Family Violence Education Program
11 Enroll in and pay for Sex Offender Specific Therapy Other: Re-enroll in New Beginnings

12 Do not associate with any minor Exceptions: _____
13 Do not cohabit with person who has care/custody of minors Exceptions: _____
14 Do not contact annoy harass harm communicate with: _____ comply with 136.2 PC order
15 Surrender CDL to Clerk / Probation Stay _____ yards from _____

16 Do not drive w/ measurable BAC
17 Enroll in & pay for DUI level 1 DUI level 2 SB-38 18 mo 30 mo 12 hour education course
18 Register pursuant to 290 PC 1590 H&S 457.1 PC
19 Submit to HIV testing 1202.1 PC testing 290.2 PC testing
20 Enter/Complete Residential Substance Abuse Treatment Program _____

21 Do not possess any checks
22 Do not possess credit/access cards
23 Cooperate w/ CSD/Juv Court
24 Pursuant to guidelines of §1210.1 PC participate in /complete approved drug treatment program(s)
25 Do not enter premises of _____ located at _____

26 Comply with 186.30 PC
27 Designated habitual traffic offender for _____
28 IID for a period of _____
29 CDL suspended for _____ pursuant to _____

30 Enroll in substance abuse class outpatient program intensive outpatient program
31 Attend _____ hour week Parenting class file completion by _____
32 Attend 12 step program as directed _____ per day week 90 mtgs/90 days Obtain sponsor & work steps
 Bring logs to all court, probation and treatment appointments.

33 Obtain G.E.D. or high school equivalency as directed File proof by _____ at _____ am/pm
34 Obtain a valid CDL File proof by _____ at _____ am/pm
35 TOUCHSTONE Contact by _____ Complete by _____ at _____ am/pm as directed
36 SALVATION ARMY PROGRAM Release on _____ at _____ am/pm to _____
Do not terminate without permission of The Court Probation Officer

37 Report to: Behavioral Health: as directed on _____ / _____ / _____ at _____ : _____ am/pm:
 18 County Center Dr- Oroville; 564 Rio Lindo Av., Ste 204 - Chico; 2430 Bird St - Oroville
 Report to: Probation: as directed on 1/27/15 at 3:00 am/pm:
 42 County Center Dr - Oroville; 1370 Ridgewood Dr., #22 - Chico

38 Refrain from residing in living environment that you know has not been approved as clean & sober living environment.

PLEA OF GUILTY/CHANGE OF PLEA

- Court grants DA's motion(s) to amend Complaint/Information to add count(s)
On motion of the Court/People, complaint amended on its face by striking "Felony" and adding "Misdemeanor"
Defendant waives formal arraignment, advisement of rights and reading of the amended Complaint/Information
Defendant advised of the maximum punishment- Defendant permitted to withdraw previous plea of not guilty
Defendant pleads GUILTY/NO CONTEST to count(s) 1, 4, 5, 6
Defendant pleads GUILTY with deferred entry of judgment to count(s)
Parties stipulate to Deferred Entry of Judgment.
Deft admits priors/enhancements violating allegation(s) of Prob M/Sup allegation(s) dismissed/stricken
Court takes judicial notice of the plea entered in and finds deft in viol of Probation M/Sup. Violation withdrawn
Prior(s) found valid invalid Court finds defendant in violation of Probation M/Sup. Probation M/Sup is revoked.
Case dismissed Count(s) 2, 3 dismissed on DA's motion on proof of correction with a Harvey Waiver pursuant to PC1210.1(d)(1) a negotiated disposition. Enhancements/priors stricken in the interest of justice.
Defendant is advised/understands that a VC23103/23103.5 conviction can be charged as a prior, increasing penalties on a subsequent conviction of VC23152a/b. Defendant's PC17(b) motion is granted.
PC1000 Diversion DV/OR successfully completed Plea of guilty/no contest withdrawn.

WAIVER OF RIGHTS

- Defendant advised of, understands, and knowingly and voluntarily, expressly and explicitly waives the following rights to
counsel privilege against self-incrimination jury trial court trial speedy trial confront/cross-examine witnesses
probation/parole hearing a preliminary hearing
After questioning the defendant, the Court find the defendant understands the nature of the charge(s), the elements of the offense, the pleas/defenses thereto, the possible range of penalties and other consequences of the plea (including effects of admission to any priors)
No threats and promises Defendant not under influence of drugs/alcohol Advised of DMV suspension
Court finds a factual basis for the plea Counsel stipulates to factual basis Counsel orally recites the factual basis Factual basis to be taken from the probation report. Defendant is advised this conviction may serve as a basis to revoke probation or parole may make you ineligible for Diversion in the future Advised per PC1016.5 as to deportation Advised per PC29800/PC29805
Counsel consents to the plea admission Counsel waives rights on behalf of the defendant
Above waivers taken as to admitted prior/enhancements Defendant advised of enhancement on subsequent convictions
Court accepts plea admission Written Plea of Guilty/No Contest signed, incorporated in and made part of the record
Court defers entry of judgment acceptance of plea Defendant referred to Traffic School (TVS) Juvenile Probation
Pre-sentence Supplemental report ordered Probation report waived Arbuckle waiver taken Time waived for sentencing

JUDGMENT/SENTENCE

- Defendant waives formal arraignment and states there is no legal cause why sentence and judgment should not now be pronounced.
Court has received, read and considered the Original Supplemental Probation Rpt executes same to be filed the 1203.03 PC Report
Statement in Aggravation Mitigation PC288.1 Report Other:
Court has read and considered the progress report and finds it to be favorable unfavorable marginal satisfactory
Court finds defendant guilty of the crime(s) Court determines there is a factual basis for the plea/conviction admission of VOP
Court does does not find this to be an unusual case. Court finds Deft has violated Probation/ M/Sup enhancement(s) to be true
Imposition of sentence is suspended and deft is placed on Summary Formal probation for a term of months years.
Probation/ M/Sup is reinstated continued on all prior terms and conditions modified as set forth in the attached terms/conditions.
Defendant accepts conditions of Probation/ M/Sup Probation/ M/Sup order incorporated herein Deft furnished copy of conditions
Defendant's request for probation is denied. Probation is terminated successfully unsuccessfully
Defendant to serve months days hours in jail Plus days for FTA VOP In lieu of fine
Sentence to be served consecutively concurrently with any other sentence Work hours fine, converted to jail time fine
Defendant to report to jail by at Forthwith TB test May be served in any penal institution
Counsel stipulate to alternative programs Release programs authorized denied Sentence suspended on count(s)
Complete hours Work Program by: Court authorizes work program in lieu of fine. W/P fee waived
Pay fine(s) of \$ Pay \$ per PC1465.8 Pay \$ per GC70373
Pay Rest. Fund Fine of \$ \$ stayed imposed - per PC1202.44. \$35 A/R fee. Cite Proc Fee: \$10 \$2:
Pay Victim Rest'n \$ to: Interest to accrue from: /
Theft fine (PC1202.5) \$ payable to Pay \$15 per F&G 12021. Fine(s) due:
License suspended for days months years per VC13202.5. I.I.D. ordered for years
Attend traffic school. Pay \$52 fee File proof of completion by
Proof of correction filed shown Ct \$ CDL surrendered. Attend 12 step mtgs times per week/ keep log
Case removed from Collections Civil assessment vacated On-going probation supervision fees set aside CDL hold removed.
Court reserves jurisdiction over victim restitution Previously ordered fines/fees are re-imposed with credit for any payment(s) made
Court is advised that \$ have been incurred in attorney's fees. Court finds defendant does not have the ability to reimburse
Referred to Compliance for determination of defendant's ability to pay eligibility for work program.
Report to Court Compliance forthwith within 72 hours of release Pay to Superior Court Central Collection:
Defendant advised of right to appeal Bail is exonerated

- 39 Within 72 hrs report to BCBH as directed on _____ for treatment program/psychiatric treatments
- 40 Within 72 hrs report to Behavioral Health as directed on _____ for treatment program/psychiatric treatments
- 41 Gang advisement
- 42 Enroll in, pay for & complete AIDS education class
- 43 Per PC 296(a)(1), submit two specimens
- 44 Do not own or possess knives with blade over 2"
- 45 No gathering with alcohol, drugs, minors
- 46 Do not own, possess scanner
- 47 Do not participate in fund raising or employment w/ access to money
- 48 Do not knowingly enter establishments where gambling is primary item of business
- 49 No related sales/service business w/o PO approval
- 50 No dangerous/deadly weapons per PC 16430, PC 16590
- 51 Do not refuse chemical test per CVC 23612(a)(1)(A)
- 52 CDL restricted for _____, if allowed by DMV
- 53 Do not drive w/o valid CDL/insurance
- 54 Do not drive with measurable BAC
- 55 Comply w/ conditions of probation in _____
- 56 Waive confidentiality to participate in programs
- 57 Perform job search and submit proof _____ per week
- 58 Prescription Medication: Obtain all prescription medication at one pharmacy
- 59 Only take prescription or over the counter medication as prescribed or instructed
- 60 Obtain and use a daily planner as approved by the Probation Dept
- 61 Bring a Court approved health care provider letter to all doctor, dental and healthcare provider appointments
- 62 Obtain any medications for "painkillers" from only one physician
- 63 You are subject to the following curfew and ordered to remain at your residence
- 64 Other: Enroll in a program with a private treatment provider. Attend treatment as directed and pay necessary fees.
- 65 Other: The defendant's hunting license is ordered revoked *
 - Report to Compliance forthwith within 72 hrs of release
 - Deft. accepts conditions of probation
 - Probation order incorporated herein Deft. furnished a copy of the conditions Court advises defendant of appeal rights.

* pursuant to F&G Code 12158 & the defendant shall not hunt or take game or non-game birds or mammals during the duration of probation for these offenses.

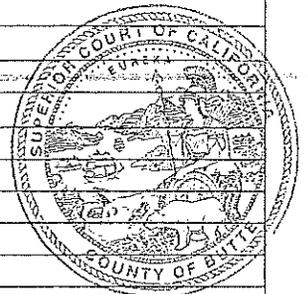
(66) the defendant shall not possess weapons or hunting implements for the duration of his probation.

(67) Court orders Bow to be turned over to (10) daughter Laken Porter.

JUDGMENT/SENTENCE (FINANCIAL TERMS)

modified as ordered

\$	Count 1	\$	Count 3
\$	Count 2	\$ 4600	Count 4
\$ 280	State Restitution 1202.4(b) PC <input type="checkbox"/>		
\$	State Restitution PC 1202.44 imposed <input checked="" type="checkbox"/> \$ 280 stayed pursuant to PC 1202.44		
\$ 145	Crime Lab Fees 11372.5 H&S (includes Penalty Assessment) - CI I		
\$ 585	Drug Program Fee 11372.7 H&S - CI I		
\$	Drug Court fee 1001.73 PC / 1001.90 PC		
\$	Aids Education 1463.23 PC/11377(c) H&S		
\$	Alcohol Education Prevention Fee 23645 CVC		
\$	Theft Fine 1202.5 PC (\$39.00, includes penalty assessment)		
\$ 15	Fish & Game 12021 F&G (\$15.00)		
\$	Battered Shelter Fee 1203.097(a)(11)(A) PC		
\$	Domestic Violence Program Fee 1203.097(A)(5) PC		
\$	Domestic Violence Prevention Program Fee PC 1463.27(a)		
\$ 25	Criminal Justice Fee \$10 cite /release ASF --- \$25 OR Release CPF		
\$	Sex Offender Fine 290.3 PC		
\$	Sex Offender Fee Sex Offense Fee		
\$	Child Abuse Prevention Restitution Fine PC294(a)		
\$	Collection Fee (\$294(d) PC) (\$10.00 - Misdemeanor, \$20.00 - Felony)		
\$	Victim Rest (name, address)		
\$	<input type="checkbox"/> Court reserves jurisdiction <input type="checkbox"/> amount to be determined		
\$	<input type="checkbox"/> Interest to accrue from <input type="checkbox"/> Date of loss <input type="checkbox"/> Date of sentencing		
\$ **	Probation Supervision Fees 1203.1b PC; months x \$164.00		
\$ 750	Pre-Sentence Investigation Report \$736.00		
\$	Public Defender Fees 987.8 PC PD Fees		
\$	Administrative Fee (\$35.00)		
\$ 180	<input type="checkbox"/> Included in total <input checked="" type="checkbox"/> Court Operations Assessment PC 1465.8 (\$40.00)		
\$ 90	<input type="checkbox"/> Included in total <input checked="" type="checkbox"/> Conviction Assessment GC 70373 (\$30 Felony/Misd; \$35 Inf.)		



THE FOREGOING INSTRUMENT IS A CORRECT COPY AND FOR THE COUNTY OF BUTTE, STATE OF CALIFORNIA
 DATE 2/17/15
 Kimberly Finer, Clerk of the Superior Court

Court finds defendant does not have ability to reimburse civil (discretionary) fees PD fees

PEOPLE -vs- PORTER, ROBERT DARRELL

** CASE NBR: CMO40444 **

COMPLAINT FILED: 1/14/14

1. 11358H&S F

4. 2000F&G M

CUSTODY STATUS: (ORCOND)

2. 11359H&S

5. 2002F&G M

3. 11360(a)H&S

6. 4304F&G M

APPEARANCE: B19 1/22/15 9:30 am PROBATION REPORT & SENTENCING

JUDGE

MICHAEL R. DEEMS

CLERK

S. O'BRIEN

CSR

P. Myers

APPEARANCES

- Deputy DA J. GREESON
Defendant present by video not present
without attorney in custody in pro per
With/by attorney M. Rooney
Appearing PC977 Special appearance by
PC977 waiver executed in open court filed
Probation Officer ANNA KUHN
present/sworn to interpret

WARRANTS

- Deft fails to appear Bail forfeited Stayed until
warrant ordered Agency DA to file decl for A/W
Bench/Arrest warrant ordered Bail fixed at \$
Probation revoked OR revoked No cite & release/OR
Warrant Recalled Released Held until
PC1000 / Diversion DV/OR is terminated reinstated
Bail forfeiture set aside Bail reinstated exonerated
Motion to set aside forfeiture is granted denied w/costs

ARRAIGNMENT

- Defendant acknowledges true name as charged D.O.B. True name is
Complaint deemed the Information pursuant to stipulation. Stipulation for Commissioner to sit as Judge Pro Tem filed.
Defendant is provided copy of the complaint information indictment Defendant is advised of the charges/allegations
Counsel accepts appointment Court grants motion to substitute in as counsel for defendant.
Defendant /counsel waives arraignment, reading of the complaint information indictment VOP petition and advisement of rights.
Statement of Rights signed, incorporated in and made part of the minutes filed in Defendant's financial statement filed
Defendant informed of rights to counsel reasonable bail jury court trial confront/cross examine witnesses
against self incrimination speedy trial VOP hearing a preliminary examination within 10 / 60 Court days following arraignment
Defendant advised maximum penalties minimum mandatory penalties of enhancement on subsequent convictions that if on
probation or parole, same may be revoked per PC1016.5 possible assessment of Public Defender fees rights to misdemeanor vs
infraction and the ability to elevate charge to misdemeanor. Defendant elects charge remain infraction elevate to misdemeanor.
Public Defender appointed Public Defender relieved
Defendant to retain counsel Conflict declared by Private Counsel appointed/relieved
Court finds defendant understands right to an attorney and to the appointment of an attorney at State expense if unable to obtain his/her own
and knowingly and voluntarily waives the right to counsel. Defendant advised of risks of self-representation pursuant to Faretta.
Defendant executes extradition waiver. Court executes same. Defendant advised per PC29800 /PC29805

PLEA OF NOT GUILTY/WAIVERS

- Defendant pleads not guilty cts:
denies enhancements/priors V.O.P. violation (s)
Defendant understands and personally waives right to jury trial
waives right to speedy trial Counsel joins in waiver(s)
Case(s) consolidated for purpose of trial.
Counsel stipulate to submit the preliminary hearing on the police
reports Defendant waives one sitting rule.

CUSTODIAL STATUS

- Defendant Remanded to the custody of the Sheriff PC1275
Without Bail Subject To \$ Bail
Parole/Probation Hold Hold on other jurisdiction
Released on Pending processing for release on
J.R. Bail Probation Diversion DV/OR M/Sup
With Conditions As Previously Imposed If Released
O.R. work up Ordered Request for O.R. Granted Denied
Probation has discretion to release defendant
PC136.2 ordered Comply w/ PC136.2 order Terminated
To be delivered to CDCR County Prison State Hospital
Subject to the Sentence Imposed Discharged
for hours to be released
Def. provided with Firearms Compliance Form
List of Treatment Providers Letter to Healthcare Provider
To report to Probation by 1/27/15 by 3pm Forthwith

CALENDAR SETTINGS

- Deft ordered to appear BCCH Chico Juvenile Hall
Continued on People's Motion Defense Motion
by Court by stipulation by Probation
Further Arraign./EOP at
Pretrial Conference at
Preliminary Hrg setting at
Trial Readiness Conf. at
Trial Assignment Conf at
Jury Trial confirmed setting at
Court Trial setting at
Admit / Deny VOP/ VOD at
VOP/Evidentiary Hrg setting at
Probation / Sentencing at
Dispo following VOP at
Probation DV/OR-PC1000 Review at
Continued to at
for
For Proof of Enrollment Correction Completion CDL Logs
Receipt of Signed Probation Order Vacated
Deft Does Does Not - Waive Time Limited Time Waiver
Time Waiver Withdrawn Special Set Time est.
Probation Review off calendar as Petition re VOP filed.
Preliminary Hearing Confirmed Case transferred to Dept.
Off Calendar

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE One Court Street Oroville, California 95965 (530) 532-7011	(COURT USE ONLY) Superior Court of California County of Butte JUL 17 2017 Kimberly Piener, Clerk By <i>[Signature]</i> Deputy
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: ROBERT DARREL PORTER	ORDER AFTER PETITION/APPLICATION <input checked="" type="checkbox"/> FOR RESENTENCING or DISMISSAL (HEALTH & SAFETY CODE §11361.8(a)) <input type="checkbox"/> FOR REDUCTION or DISMISSAL/SEALING (HEALTH & SAFETY CODE §11361.8(e)) CASE NUMBER: CM040444

The court finds from the records on file in this case and from the foregoing petition/application that the petitioner/applicant (the defendant in the above-entitled criminal action) is eligible for the following requested relief:

A. RESENTENCING or DISMISSAL

1. Petitioner is ineligible for the requested relief for recall and resentencing or dismissal. Petition is **DENIED** for the following reason(s):
- the specified offense(s) is/are ineligible.
 - the petitioner's age when the conduct occurred makes him/her ineligible.
 - the court finds that the petitioner poses an unreasonable risk of danger to public safety under Health & Safety Code §11361.8(b).
 - other: _____

2. Petition for recall and resentencing is **GRANTED**.
- The following felony conviction(s) is/are recalled and reclassified as misdemeanor conviction(s) and any enhancements are dismissed by operation of law:
CT 1 H+S 11358 amended to H+S 11358(c), misdemeanor
- The following felony conviction(s) is/are recalled and reclassified as infraction conviction(s) and any enhancements are dismissed by operation of law.
- The following misdemeanor conviction(s) is/are recalled and reclassified as infraction conviction(s):

Resentencing:

- The petitioner is resentenced to misdemeanor conviction(s) with the following sentence:
- The petitioner is resentenced to infraction conviction(s) with the following sentence:

With:

- parole/post-release community supervision continuing formal probation
- continuing informal probation no supervision credit granted for time served
- fine _____ requirement to register pursuant to Health & Safety Code §11590 relieved
- other: _____

3. Petition for dismissal is **GRANTED** for the following conviction(s):

B. REDUCTION or DISMISSAL/SEALING

1. Application for reduction or dismissal/sealing is **DENIED** for the following reason(s):

- the specified offense(s) is/are ineligible.
- the applicant's age when the conduct occurred makes him/her ineligible.
- other: _____

2. Application for reduction is **GRANTED**.

- The following felony conviction(s) is/are recalled and reclassified as misdemeanor conviction(s) and any enhancements are dismissed by operation of law:

- The following felony conviction(s) is/are recalled and reclassified as infraction conviction(s) and any enhancements are dismissed by operation of law:

- The following misdemeanor conviction(s) is/are recalled and reclassified as infraction conviction(s):

3. Application for dismissal/sealing is **GRANTED** for the following conviction(s):

Any felony conviction that is recalled and resentenced under subdivision (b) or designated as a misdemeanor or infraction under subdivision (f) of Health & Safety Code section 11361.8 shall be considered a misdemeanor or infraction for all purposes.

Any misdemeanor conviction that is recalled and resentenced under subdivision (b) or designated as an infraction under subdivision (f) of Health & Safety Code section 11361.8, shall be considered an infraction for all purposes.

Records pertaining to the arrest or conviction of any person for a violation, or pertaining to the arrest or conviction of any person under the age of 18 for a violation shall not be kept beyond two years from the date of the conviction, or from the date of the arrest if there was no conviction, pursuant to the provisions of Health & Safety Code §11361.5(a).

So ordered.

Date: 7-17-17



 Hon.
 Judge of the Superior Court

I enclosed this allegation document. It can be used to look up descriptions of sentencing paperwork codes. But, it does not reflect the final sentence, 1 and 4, 5, 6.

Items #2 and #3 were ~~dismissed~~.

9/25 B18 8:30

AUG 21 2014

F Superior Court of California **F**
 County of Butte
I AUG 21 2014 **I**
L Kimberly Flener, Clerk **L**
E By _____ Deputy **E**
D _____ **D**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF BUTTE

THE PEOPLE OF THE STATE OF CALIFORNIA,
 Plaintiff,
 v.
 ROBERT DARRELL PORTER
 Defendant(s).

No. CM040444

INFORMATION

The District Attorney of the County of Butte, by this Information alleges that:

COUNT 1

16-2-3 County Prison

On or about November 19, 2013, in the above named Judicial District, the crime of
CULTIVATING MARIJUANA, in violation of HEALTH AND SAFETY CODE SECTION
 11358(c) *msdd*
11358, a Felony, was committed by ROBERT DARRELL PORTER, who did unlawfully plant,
 cultivate, harvest, dry, and process marijuana.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety
 Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

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COUNT 2

16-2-3 County Prison

On or about November 19, 2013, in the above named Judicial District, the crime of
**POSSESSION OF MARIJUANA FOR SALE, in violation of HEALTH AND SAFETY CODE
SECTION 11359, a Felony,** was committed by ROBERT DARRELL PORTER, who did unlawfully
possess for purpose of sale marijuana.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety
Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594.”

COUNT 3

2-3-4 County Prison

On or about November 19, 2013, in the above named Judicial District, the crime of
**SALE/OFFER TO SELL/TRANSPORTATION OF MARIJUANA, in violation of HEALTH
AND SAFETY CODE SECTION 11360(a), a Felony,** was committed by ROBERT DARRELL
PORTER, did unlawfully transport, import into the State of California, sell, furnish, administer, and
give away, and offer to transport, import into the State of California, sell, furnish, administer, and give
away, and attempt to import into the State of California and transport marijuana.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety
Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594.”

COUNT 4

6 Mo.

On or about August 1, 2013, in the above named Judicial District, the crime of **UNLAWFUL
TAKING, in violation of FISH & GAME CODE SECTION 2000, a Misdemeanor,** was committed
by ROBERT DARRELL PORTER, who did unlawfully take a bear.

COUNT 5

Check Code

On or about August 1, 2013, in the above named Judicial District, the crime of **UNLAWFUL POSSESSION OF CREATURE, in violation of FISH & GAME CODE SECTION 2002, a Misdemeanor**, was committed by ROBERT DARRELL PORTER, who did unlawfully possess a deer and parts thereof which was taken in violation of the Fish and Game Code and a regulation made under it.

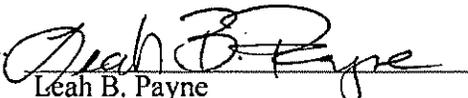
COUNT 6

On or about August 1, 2013, in the above named Judicial District , the crime of **WASTING OF GAME, in violation of FISH & GAME CODE SECTION 4304, a Misdemeanor**, was committed by ROBERT DARRELL PORTER, who did willfully and unlawfully waste a bear.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

THIS INFORMATION CONSISTS OF 6 COUNT(S).

MICHAEL L. RAMSEY
DISTRICT ATTORNEY

By 
Leah B. Payne
Deputy District Attorney

BOARD OF OCCUPATIONAL THERAPY

LICENSING DETAILS FOR: 1317

NAME: PORTER, ROBERT DARRELL

LICENSE TYPE: OCCUPATIONAL THERAPY ASSISTANT

PRIMARY STATUS: REVOKED

ADDRESS NOT DISCLOSED

ISSUANCE DATE

DECEMBER 2, 2003

EXPIRATION DATE

N/A

CURRENT DATE / TIME

JULY 2, 2024
9:52:41 AM

DISCIPLINARY ACTIONS

START: DECEMBER 14, 2015 **ACTION:** REVOCATION

START: SEPTEMBER 16, 2015 **ACTION:** ACCUSATION FILED

PUBLIC RECORD ACTIONS

- › PUBLIC DOCUMENTS (1)
 - **CASE NUMBER** CONVERTED PUBLIC DOCUMENTS
 - **DOCUMENT TYPE :** ORDER **DOCUMENT POSTED :** DECEMBER 15, 2015
 - **DOCUMENT TYPE :** PUBLIC DOCUMENT **DOCUMENT POSTED :** SEPTEMBER 16, 2015
- › ADMINISTRATIVE CITATION ISSUED (NO RECORDS)

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. OA 2013-717

12 **ROBERT DARRELL PORTER**
13 **P.O. Box 753**
Auburn, California 95604

ACCUSATION

14 **Occupational Therapy Assistant License No.**
15 **OTA 1317**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Heather Martin ("Complainant") brings this Accusation solely in her official capacity
20 as the Executive Officer of the California Board of Occupational Therapy ("Board"), Department
21 of Consumer Affairs.

22 2. On or about December 2, 2002, the Board issued Occupational Therapy Assistant
23 License Number OTA 1317 to Robert Darrell Porter ("Respondent"). The occupational therapy
24 assistant license was in full force and effect at all times relevant to the charges brought herein and
25 will expire on June 30, 2016, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
2 record pertaining to, the substances described in subdivision (a) of this section, in
3 which event the record of the conviction is conclusive evidence thereof . . .

4 8. Health and Safety Code section 11362.77(a), states that “[a] qualified patient or
5 primary caregiver may possess no more than eight ounces of dried marijuana per qualified
6 patient. In addition, a qualified patient or primary caregiver may also maintain no more than six
7 mature or 12 immature marijuana plants per qualified patient.”

8 **COST RECOVERY**

9 9. Section 125.3 provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 **CONTROLLED SUBSTANCES**

14 10. “Marijuana” is a Schedule I controlled substance as designated by Health and Safety
15 Code section 11054(d)(13).

16 **FACTUAL ALLEGATIONS**

17 11. Respondent was under investigation for illegal hunting when on or about November
18 16, 2013, Respondent was operating a black Hummer vehicle above the speed limit. Warden I.
19 of the Department of Fish and Wildlife (DFW) made a law enforcement traffic stop of
20 Respondent along with DFW Warden B. Warden B advised Respondent he could smell
21 marijuana. Respondent admitted to having marijuana in his Hummer. Wardens I. and B.
22 searched Respondent’s vehicle and found, among other things, a jar of marijuana and bag of
23 psilocybin mushrooms, a hallucinogenic drug in violation of Health and Safety Code section
24 11377(a), a felony. The Wardens further found evidence Respondent had recently hunted.
25 Respondent admitted to recently hunting, shooting and wounding a bear but had not recovered the
26 wounded bear. Respondent admitted to hunting bears over bait, including a deer strapped to a
27 log, and had shot and killed a bear on or about August 21, 2013 that he left in a canyon.
28 Respondent subsequently admitted to baiting for bear, shooting two bears over bait in August and
September, and had used deer for bear bait in November 2012 and November 2013.

1 12. On or about November 19, 2013, Warden I. executed a search warrant on
2 Respondent's property in Oroville, California, with members of the Butte County Sheriff's
3 Department, Special Enforcement Unit. The search returned in excess of ten (10) pounds of
4 marijuana and a large amount of prescription pills, Tramadol.

5 13. Detective P. searched the interior of Respondent's residence where he found
6 marijuana in various stages of processing and instruments and storage containers with marijuana.
7 Six (6) marijuana plants were growing in plastic pots. Respondent admitted to cultivating
8 marijuana including 40 to 42 marijuana plants at his property. Respondent first claimed that he
9 used 2 ounces of marijuana per day. Upon further questioning, Respondent stated that he used 1
10 to 2 ounces of marijuana per day for inflammation and pain relating to a back injury. Detective P.
11 found 29 vacuum sealed bags containing marijuana bud.

12 14. Detective P. obtained a search warrant for Respondent's storage unit in Oroville.
13 Marijuana was found in sealed bags along with equipment used in the indoor cultivation of
14 marijuana, including grow lights, ballasts, a CO² canister and regulator, and vent tubing. More--
15 than ten (10) pounds of marijuana was found in the search of Respondent's residence and storage
16 unit.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Criminal Conviction)**

19 15. Paragraphs 11 through 14 are incorporated herein as though set forth at length.
20 Respondent is subject to disciplinary action pursuant to section 2570.28(e), in that on or about
21 November 20, 2014, in the criminal proceeding *People vs. Robert Darrell Porter* (Butte County
22 Super. Ct., Case No. CM040444), Respondent was convicted by his plea of no contest of
23 violating Health and Safety Code section 11358 (cultivating marijuana), a felony, and Fish and
24 Game Code sections 2000 (unlawful taking), a misdemeanor, 2002 (unlawful possession of a
25 creature), a misdemeanor, and 4304 (wasting of game), a misdemeanor, crimes substantially
26 related to the qualifications, functions, or duties of an occupational therapy assistant.

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SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances)

16. Paragraphs 11 through 15 are incorporated herein as those set forth at length. Respondent is subject to disciplinary action pursuant to section 2570.28(a), on the grounds of unprofessional conduct, as defined in section 2570.29(a), in that Respondent willfully and unlawfully had in his possession the controlled substances including in excess of ten (10) pounds of marijuana, bag of psilocybin mushrooms, a hallucinogenic drug and a large amount of prescription pills, Tramadol, all in violation of Health and Safety Code sections 11359 or 11362.77(a).

THIRD CAUSE FOR DISCIPLINE

(Conviction of a Criminal Offense Involving Possession of Controlled Substances)

17. Paragraphs 11 through 15 are incorporated herein as though set forth at length. Respondent is subject to disciplinary action pursuant to section 2570.28(a), on the grounds of unprofessional conduct, as defined in section 2570.29(c), in that on or about November 20, 2014, Respondent was convicted of a criminal offense involving possession of the controlled substance marijuana.

PRAYER

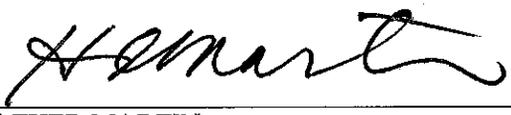
Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

- 1. Revoking or suspending Occupational Therapy Assistant License Number OTA 1317, issued to Robert Darrell Porter;
- 2. Ordering Robert Darrell Porter to pay the California Board of Occupational Therapy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 16 Sept 2015 

HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

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**BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ROBERT DARRELL PORTER
P.O. Box 753
Auburn, California 95604**

**Occupational Therapy Assistant License No.
OTA 1317**

Case No. OA 2013-717

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 16, 2015, Complainant Heather Martin, in her official capacity as the Executive Officer of the California Board of Occupational Therapy (Board), Department of Consumer Affairs, filed Accusation No. OA 2013-717 against Robert Darrell Porter (Respondent) before the California Board of Occupational Therapy. (Accusation attached as Exhibit A.)

2. On or about December 2, 2002, the California Board issued Occupational Therapy Assistant License No. OTA 1317 to Respondent. The Occupational Therapy Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. OA 2013-717 and will expire on June 30, 2016, unless renewed. On or about September 16, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. OA 2013-717, Statement to Respondent, Notice of Defense, and Request for Discovery at Respondent's address of record which, pursuant to California Business and Professions Code section 136, is required to be reported and maintained with the Board. Respondent's address of record was and is:

P.O. Box 753
Auburn, CA 95604

1 3. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 4. On or about October 6, 2015, the aforementioned documents were returned by the
5 U.S. Postal Service marked "Return to Sender, Attempted- Unknown, Unable to Forward, Return
6 to Sender."

7 5. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts
10 of the accusation not expressly admitted. Failure to file a notice of defense shall
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
12 may nevertheless grant a hearing.

13 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
14 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
15 OA 2013-717. Complainant by and through her attorneys sent a letter to Respondent dated
16 October 28, 2015 by first class and certified mail, to Respondent's address of record alerting
17 Respondent that he had been served with an Accusation, the time to submit a Notice of Defense
18 had expired, and warning Respondent that if his Notice of Defense was not submitted by
19 November 5, 2015 that the Board would enter his default which meant, among other things, the
20 Board would decide this matter based solely on the evidence in its possession. The certified
21 letter was returned on November 3, 2015 marked, "Return to Sender, Not Deliverable as
22 Addressed, Unable to Forward". The letter sent first class mail has not been returned.

23 7. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 8. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. OA 2013-717,
2 finds that the charges and allegations in Accusation No. OA 2013-717, are separately and
3 severally, found to be true and correct by clear and convincing evidence.

4 9. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$1,975.00 as of November 18, 2015.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Robert Darrell Porter has
9 subjected his Occupational Therapy Assistant License No. OTA 1317 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The California Board of Occupational Therapy is authorized to revoke Respondent's
12 Occupational Therapy Assistant License based upon the following violations alleged in the
13 Accusation which are supported by the evidence contained in the Default Decision Evidence
14 Packet in this case.:

15 a. Business and Professions Code sections 490 and 2570.28(e) Criminal Convictions
16 substantially related to the duties and responsibilities of an Occupational Therapist Assistant:
17 Cultivation of Marijuana.

18 b. Business and Professions Code sections 490 and 2570.28(e) Criminal Convictions
19 substantially related to the duties and responsibilities of an Occupational Therapist Assistant;
20 Unlawful Possession of a Creature:

21 c. Business and Professions Code sections 490 and 2570.28(e) Criminal Convictions
22 substantially related to the duties and responsibilities of an Occupational Therapist Assistant;
23 Wasting of Game.

24 d. Business and Professions Code section 2570.28(e) Unlawful possession of Controlled
25 Substances.

26 e. Business and Professions Code sections 490 and 2570.28(e) Criminal Convictions
27 substantially related to the duties and responsibilities of an Occupational Therapist Assistant;
28 Possession of Controlled Substances.

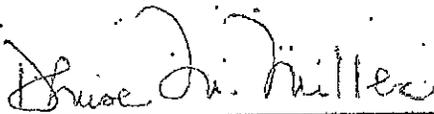
ORDER

IT IS ORDERED that Occupational Therapy Assistant License No. OTA 1317, issued to Respondent Robert Darrell Porter, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 14, 2015.

It is so ORDERED, December 4, 2015



FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

12041304.DOC
DOJ Matter ID: SA2015104017

Attachment:
Exhibit A: Accusation


PROFILE

NAME	Robert Darrell Porter	BIRTH YEAR	1966	GENDER	Male
------	------------------------------	------------	-------------	--------	-------------


CREDENTIALS

OTA Revoked	TYPE	Occupational Therapy Assistant	NUMBER	201995
	ISSUE DATE	11/10/2014	EXPIRE DATE	02/10/2022


PUBLIC ACTIONS

DATE	PUBLIC ACTION	ACTION TYPE
02/10/2022	Order After Hearing	Revocation

PUBLIC DOCUMENTS

FILE	DATE	DOWNLOAD
Porter, Robert - AA service ltr and final FFCO with attached Exhibit A 2.10.22_tcm21-518897.pdf	03/22/2023	

This information is valid as of: Tuesday, July 2, 2024 11:55:56 AM. The licensure data on this website is provided and controlled by the Minnesota Board of Occupational Therapy Practice. Licensure information is updated as changes to status occur, is secure and considered primary source for verification of a Minnesota license.



The Office of
Minnesota Attorney General Keith Ellison
helping people afford their lives and live with dignity and respect • www.ag.state.mn.us

February 11, 2022

Robert Porter, O.T.A.
[REDACTED]

Nicholas Lienesch
Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
nicholas.lienesch@ag.state.mn.us

The Honorable Barbara Case
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

**Re: In the Matter of Robert Porter, O.T.A.
License No. 201995
OAH Docket No. 82-0917-37673**

Dear Mr. Porter, Judge Case, and Mr. Lienesch:

On behalf of the Minnesota Board of Occupational Therapy Practice, enclosed and served upon you is the fully executed Findings of Fact, Conclusions, and Final Order (with Exhibit A attached) in the above matter.

Sincerely,

/s/ Hans A. Anderson

HANS A. ANDERSON
Assistant Attorney General

(651) 757-1278 (Voice)
(651) 297-2576 (Fax)
hans.anderson@ag.state.mn.us

*Advising Attorney for the Minnesota Board of
Occupational Therapy Practice*

Enclosure

cc: Molly Cox, Board Neutral, Minnesota Board of Occupational Therapy Practice

#5168785-v1

**BEFORE THE MINNESOTA
BOARD OF OCCUPATIONAL THERAPY PRACTICE**

In the Matter of
Robert Porter, O.T.A.
License No. 201995

**FINDINGS OF FACT,
CONCLUSIONS, AND
FINAL ORDER**

The above-entitled matter came before Administrative Law Judge (“ALJ”) Barbara J. Case at the request of the Minnesota Board of Occupational Therapy Practice (“Board”) Complaint Resolution Committee (“Committee”). The matter was initiated pursuant to a Notice and Order for Prehearing Conference and Hearing (“Notice of Hearing”) which was served upon Licensee on July 15, 2021. The Committee filed a Notice of Motion and Motion for Summary Disposition on October 12, 2021, and on December 6, 2021, the ALJ issued a Recommendation on Committee’s Motion for Summary Disposition (“ALJ’s Report”), recommending the Board take disciplinary action against Licensee’s license to practice as an Occupational Therapy Assistant in the State of Minnesota. Incorporated herein and attached hereto as Exhibit A is a copy of the ALJ’s Report.

The Board convened to consider this matter on February 9, 2022, via WebEx videoconference. Nicholas Lienesch, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. Licensee did not appear. Board members Lynette Buckley, OTA/L; Stephen Jobe, Public Member; and Samantha Jo Olsen, OTD, OTR/L, did not participate in deliberations and did not vote in the matter. Board staff that assisted the Committee did not participate in the deliberations. Hans Anderson, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby accepts the Findings of Fact set forth in the ALJ's Report, as restated below. Accordingly, based upon its review of the evidence in the hearing record and after careful and thorough deliberation, the Board makes the following Findings of Fact:

1. On August 21, 2014, in Butte County, California, Licensee was charged with six criminal offenses, including two drug-related felonies and several charges related to illegal hunting practices. Subsequently, on approximately October 13, 2014, Licensee applied to practice as an Occupational Therapy Assistant (O.T.A.) in Minnesota. Licensee's application did not include information regarding his pending criminal charges. The Minnesota Department of Health¹ licensed Licensee as an OTA on November 10, 2014.

2. On November 20, 2014, Licensee pleaded no contest to four of the six crimes with which he was charged. Licensee's convictions included illegally cultivating marijuana, and three misdemeanor counts related to illegal hunting. On September 16, 2015, the California Board of Occupational Therapy (California Board) commenced disciplinary proceedings against Licensee, alleging that his criminal conduct also violated California law regulating the practice of occupational therapy (OT). On December 4, 2015, the California Board revoked Licensee's license to practice as an OTA in California.

3. On November 29, 2016, Licensee submitted a renewal application to the Board and responded in the negative to a question about whether, since his last Minnesota application, he had been disciplined by another state licensing authority. On Licensee's February 19, 2019, application for renewal of his Minnesota license, he stated that he did not hold and had never held a credential to practice OT in any other state or jurisdiction. On March 30, 2021, the Board requested an explanation from Licensee regarding information he had failed to report to the Board such as his having been licensed in California, his California license revocation, and his felony and misdemeanor convictions. Licensee, claiming identity theft, denied having a felony conviction and refused to provide further information to the Board.

CONCLUSIONS

The Board accepts the December 6, 2021 ALJ's report, and makes the following conclusions of law:

¹ Before 2018, the Minnesota Department of Health licensed occupational therapists and occupational therapy assistants. On January 1, 2018, the Board took over such duties and assumed jurisdiction over OTA licensees in Minnesota. The provisions of Minnesota Statutes section 148.6448 that are relevant to this case did not change between 2014 and today.

1. The Board and the Administrative Law Judge have jurisdiction to consider this matter under Minn. Stat. §§ 14.50, .52, .57, 214.103 (2020).

2. The Committee has complied with all relevant procedural requirements of law or rule.

3. Minn. Stat. § 148.6448 (2020) vests the Board with authority to impose discipline, including revocation, suspension, and civil penalties, when it finds that an individual subject to its jurisdiction has violated the Occupational Therapy Practice Act (Minn. Stat. §§ 148.6401 to 148.6450).

4. The Committee bears the burden of proving violations of the Act and related rules by a preponderance of the evidence. A “preponderance of the evidence” means that the ultimate facts must be established by a greater weight of the evidence. “It must be of a greater or more convincing effect and . . . lead you to believe that it is more likely that the claim . . . is true than . . . not true.”

5. The Committee proved by a preponderance of the evidence, based upon the undisputed material facts of the case, that Licensee violated the following provisions of the Occupational Therapy Act:

a. Intentionally submitted false or misleading information to the board, in violation of Minnesota Statutes section 148.6448, subdivision 1(1).

b. Disciplined by another jurisdiction for conduct in the practice of an occupation, in violation of Minnesota Statutes section 148.6448, subdivision 1(9).

c. Failed to cooperate with a board investigation, in violation of Minnesota Statutes section 148.6448, subdivision 1(10).

d. Engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public, in violation of Minnesota Statutes section 148.6448, subdivision 1(12).

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the Committee’s motion for summary disposition is **GRANTED**.

2. NOW, THEREFORE, IT IS HEREBY ORDERED that Licensee’s license to practice as an occupational therapy assistant in the State of Minnesota is **REVOKED**. Licensee

shall not engage in the practice of occupational therapy in Minnesota. Licensee shall immediately cease to advertise or otherwise represent himself in any manner to be a licensee in this State.

3. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold himself out as authorized to practice occupational therapy in Minnesota and shall not use the title “occupational therapy assistant” or any other designation which indicates licensure in or authorization to practice occupational therapy.

4. Licensee shall not reapply for licensure as an occupational therapy assistant in Minnesota for a period of ten (10) years following the date of this order. Should licensee reapply for licensure, Licensee may be required to appear before a Board Complaint Resolution Committee to discuss the issues raised by the complaint giving rise to this Order, as well as any information received subsequent to this Order. Licensee must also meet the requirements for licensure in effect at the time of that application.

5. At the time of any such reapplication, Licensee must demonstrate that he is capable of practicing as an occupational therapy assistant in a fit, competent, and ethical manner and with reasonable skill and safety to patients. Licensee shall not be relicensed in Minnesota until further order of the Board, which may include conditions and/or restrictions on Licensee’s license.

Dated: 2/10/2022

STATE OF MINNESOTA BOARD OF
OCCUPATIONAL THERAPY PRACTICE



Chris Harbaugh, OTR/L
Presiding Board Member

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF OCCUPATIONAL THERAPY PRACTICE

In the Matter of Robert Porter, O.T.A.
License No. 201995

**RECOMMENDATION
ON COMMITTEE'S MOTION FOR
SUMMARY DISPOSITION**

This matter is currently pending before Administrative Law Judge Barbara J. Case.

Nicholas Lienesch, Assistant Attorney General, appeared on behalf of the Minnesota Board of Occupational Therapy Practice (Board) Complaint Resolution Committee. Robert Porter (Licensee) appears on his own behalf without legal counsel.

On October 12, 2021, the Committee filed a Motion for Partial Summary Disposition (Motion) in this matter. The record closed on October 26, 2021, the deadline for Licensee's response to the Committee's Motion. Licensee failed to file a response by that date or subsequently.

Based on the submissions of the parties, and for the reasons set forth in the attached Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

1. The Committee's Motion for Summary Disposition should be **GRANTED**.
2. The Board should take appropriate disciplinary action against Licensee's license.
3. The hearing scheduled for March 24, 2022, is **CANCELED**.

Dated: December 6, 2021



BARBARA CASE
Administrative Law Judge

NOTICE

This Report is a recommendation, not a final decision. The Board of Occupational Therapy Practice (Board) will make the final decision after a review of the record. The Board may adopt, reject or modify these Findings of Fact, Conclusions of Law, and Recommendations. Under Minn. Stat. § 14.61 (2020), the Board shall not make a final decision until this Report has been made available to the parties to the proceeding for at least ten calendar days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact the Executive Director of the Minnesota Board of Occupational Therapy Practice, Suite 240, 335 Randolph Avenue, St. Paul, MN 55102, telephone (612) 548-2179, to ascertain the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date the record closes. If the Board fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2020). In order to comply with this statute, the Board must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline to be imposed.

Under Minn. Stat. § 14.62, subd. 1 (2020), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail or as otherwise provided by law.

MEMORANDUM

I. Procedural and Factual Background

This case arises out of a Notice and Order for Prehearing Conference and Hearing (Order for Hearing or NOH) filed on July 16, 2021. The NOH specifically alleges that Licensee:

1. Intentionally submitted false or misleading information to the Board, in violation of Minn. Stat. § 148.6448, subd. 1(1) (2020).
2. Disciplined by another jurisdiction for conduct in the practice of an occupation, in violation of Minn. Stat. § 148.6448, subd. 1(9).
3. Failed to cooperate with a Board investigation, in violation of Minn. Stat. § 148.6448, subd. 1(10).
4. Engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to

deceive, defraud, or harm the public, in violation of Minn. Stat. § 148.6448, subd. 1(12).

The Committee argues that there are no genuine issues of material fact regarding Licensee's criminal history, license discipline, false statements to the Board, and failure to cooperate with the Board.¹ The Committee therefore requests that the Administrative Law Judge grant its motion for summary disposition and recommend that disciplinary action be taken against Licensee's license.²

The Committee bases its argument on undisputed facts. On August 21, 2014, in Butte County, California, Licensee was charged with six criminal offenses, including two drug-related felonies and several charges related to illegal hunting practices.³ Subsequently, on approximately October 13, 2014, Licensee applied to practice as an Occupational Therapy Assistant (O.T.A.) in Minnesota. Licensee's application did not include information regarding his pending criminal charges.⁴ The Board licensed Licensee as an OTA on November 10, 2014.⁵

On November 20, 2014, Licensee pleaded no contest to four of the six crimes with which he was charged. Licensee's convictions included illegally cultivating marijuana, and three misdemeanor counts related to illegal hunting.⁶ On September 16, 2015, the California Board of Occupational Therapy (California Board) commenced disciplinary proceedings against Licensee, alleging that his criminal conduct also violated California law regulating the practice of occupational therapy (OT).⁷ On December 4, 2015, the California Board revoked Licensee's license to practice as an OTA in California.⁸

On November 29, 2016, Licensee submitted a renewal application to the Board and responded in the negative to a question about whether, since his last Minnesota application, he had been disciplined by another state licensing authority.⁹ On Licensee's February 19, 2019, application for renewal of his Minnesota license, he stated that he did not hold and had never held a credential to practice OT in any other state or jurisdiction.¹⁰ On March 30, 2021, the Board requested an explanation from Licensee regarding information he had failed to report to the Board such as his having been licensed in California, his California license revocation, and his felony and misdemeanor

¹ Mem. of Law in Support of Complaint Resolution Committee's Motion for Summary Disposition (Mem. in Support) at 6 (Oct. 12, 2021).

² *Id.* at 2.

³ Declaration of Christian Bourland (Bourland Decl.) at Ex. B (Criminal Complaint).

⁴ *Id.* at Ex. C (Application).

⁵ *See id.* at Ex. A (Board License verification).

⁶ *Id.* at Ex. D. (Plea of No Contest form), Ex. E. (Probation form).

⁷ *Id.* at Ex. F (Accusation).

⁸ *Id.* at Ex. G (Default Decision and Order).

⁹ *Id.* at Ex. H. (Licensee's Renewal Application).

¹⁰ *Id.* at Ex. I. (Licensee's Renewal Application).

convictions.¹¹ Licensee, claiming identity theft, denied having a felony conviction and refused to provide further information to the Board.¹²

II. Legal Standard

Summary disposition is the administrative equivalent of summary judgment and the same legal standards apply.¹³ Summary disposition is appropriate when there is no genuine issue of material fact and a party is entitled to judgment as a matter of law.¹⁴ A genuine issue is one that is not a sham or frivolous, and a material fact is one which will affect the outcome of the case.¹⁵ The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition in contested case matters.¹⁶

The moving party must demonstrate that no genuine issues of material fact exist and that it is entitled to summary disposition as a matter of law.¹⁷ If the moving party is successful, the nonmoving party then has the burden of proof to show specific facts are in dispute that can affect the outcome of the case.¹⁸ It is not sufficient for the nonmoving party to rest on mere averments or denials; presentation of specific facts demonstrating a genuine issue for hearing is required.¹⁹ When considering a motion for summary disposition, the Administrative Law Judge must view the facts in the light most favorable to the nonmoving party.²⁰ All doubts and factual inferences must be resolved against the moving party.²¹ If reasonable minds could differ as to the import of the evidence, disposition as a matter of law should not be granted.²²

III. Analysis

The Board has the responsibility to oversee the licensing of occupational therapists and OTAs. OTAs are required to comply with the licensing requirements set forth in statute and overseen by the Board, including providing information as requested by the Board.²³ The Board has the authority to take disciplinary action against OTAs when they fail to meet the statutory standards.²⁴ Prohibited conduct under the statute includes intentionally submitting false or misleading information to the Board, not cooperating with a Board investigation, and engaging in dishonest, unethical, or

¹¹ *Id.* at Ex. J-2 (Letter).

¹² *Id.* at Ex. K-1 (E-mail to Board).

¹³ Minn. R. 1400.5500 K (2021).

¹⁴ Minn. R. Civ. P. 56.03; Minn. R. 1400.5500 K.

¹⁵ *Highland Chateau v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), *review denied* (Minn. Feb. 6, 1985).

¹⁶ Minn. R. 1400.6600 (2021).

¹⁷ *Theile v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

¹⁸ *Highland Chateau*, 356 N.W.2d at 808.

¹⁹ Minn. R. Civ. P. 56.05.

²⁰ *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).

²¹ *Thiele*, 425 N.W.2d at 583.

²² *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250-51 (1986).

²³ Minn. Stat. § 148.6420 (2020).

²⁴ Minn. Stat. § 148.6448 (2020).

unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public.²⁵ The statute also grants the Board authority to discipline a licensee who has been disciplined for conduct in the practice of an occupation in another jurisdiction if any of the grounds are the same or substantially equivalent to those in the Minnesota Statutes pertaining to OTs and OTAs.²⁶

There is no dispute that the state of California revoked Licensee's license to practice in California. Licensee's claim of identity theft is unsupported and therefore is a bare allegation that fails to give rise to a question of a material fact in this matter. In contrast to Licensee's unsupported claim, the Committee has demonstrated that Licensee violated Minn. Stat. § 148.6448, subs. 1(1), (9) and (10), because his license was revoked in California, he did not disclose his California criminal convictions and license revocation, and he did not cooperate with the Board's investigation. In addition, Licensee's deceitful and uncooperative behavior supports a finding of a violation Minn. Stat. § 148.6448, subd. 1(12).

Conclusion

Licensee failed to raise a disputed material fact that would require an evidentiary hearing. The Committee is entitled to judgment as a matter of law on all four of the statutory violations alleged in the Order for Hearing. The Board has grounds for, and should take, disciplinary action against Licensee's license based on his violations of Minn. Stat. § 148.6448.

B. J. C.

²⁵ *Id.*, subd. 1(1), (10), (12).

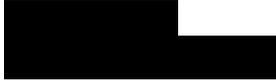
²⁶ *Id.*, subd. 1(9).

CERTIFICATE OF SERVICE

**Re: In the Matter of Robert Porter, O.T.A.
License No. 201995
OAH Docket No. 82-0917-37673**

SANDRA D. HOWARD verifies by oath or affirmation that on February 11, 2022, at the City of St. Paul, County of Ramsey, and State of Minnesota, (s)he served the attached fully executed FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER (WITH EXHIBIT A ATTACHED) by transmitting via electronic mail, and/or depositing a true and correct copy thereof in the United States mail at said city and state, properly enveloped, with first-class postage prepaid, and addressed to the following named individual(s) or entities at the addresses indicated below:

(VIA U.S. MAIL)
Robert Porter, O.T.A.



(VIA U.S. MAIL)
The Honorable Barbara Case
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

(VIA EMAIL)
Nicholas Lienesch
Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
nicholas.lienesch@ag.state.mn.us

/s/ Sandra D. Howard
SANDRA D. HOWARD

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 6: Legislative Activities
--

Legislative Report

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

Attachment

Written Legislative Report

Nevada State Board of Occupational Therapy
Legislative Interim Report – August 15, 2024
Submitted by Belz & Case Government Affairs

Governor Actions

The Governor focused his efforts this summer on urging the White House to release federally held lands in Nevada to allow the state to develop and build on these lands. Lombardo sent [two letters](#) to President Biden, and penned an [op-ed](#) for the New York Times about federally controlled land being one of Nevada's biggest barriers to addressing housing and homelessness. The Governor also released the state's [Climate Innovation Plan](#).

Legislative Interim Activity

Interim committees will wrap up their work in August and September. The Interim Health and Human Services committee approved their [14 BDR topics](#) (and one letter in support) during their August 12th meeting. Of particular interest to this board is listed as #9 on the [work session document](#), which would create the State Office of Health Care Workforce and Licensing within DPBH. This body would first envelope and oversee all behavioral health licensing boards and is tasked with developing a plan to oversee all health boards after the 2027 legislative session. This new office is separate and apart from the Office of Boards and Commissions created in the 2023 legislative session.

The Committees on Interim Commerce and Labor, and the Committee on Government Affairs will approve their BDRs on August 23rd and the 28th, respectively.

At the time of writing this report there are [342 incumbent and state agency BDRs](#) posted. Some of these BDRs are from legislators who will not be returning to the legislature. Assemblywoman Marzola submitted BDR 223 which enacts the Occupational Therapy Licensure Compact. Our team informed Assemblywoman Marzola that the board has not taken an official position on the compact and relayed the known concerns.

Executive Branch Actions

Nevada Office of Boards, Commissions & Council Standards.

Nikki Haag was appointed to the Boards and Commission office in February. When the office was created, there was no allocation for staff, so the board's office ramp up has been relatively slow. Nikki is preparing a budget request for additional staff to be included in the Governor's 2024/2025 budget.

Division of Health Care Financing and Policy (DHCFP aka NV Medicaid) Applied Behavioral Analysis – Activities of Daily Living (ADL) Medicaid Services Manual Changes

On August 13th, the Division of Health Care Financing and Policy (DHCFP) held a public workshop about its [proposed State Plan Amendment](#) to allow applied behavioral analysis (ABA) providers to perform and bill for codes related to activities for daily living (ADL). There was limited public comment given during the meeting. The letter from the Board of Occupational Therapy, dated August 1st, was incorporated into the official record.

Now that DHCFP has concluded their workshop, they will hold a hearing to formally adopt the changes. After the state plan amendment is approved, ABA providers will be able to bill for codes related to ADLs.

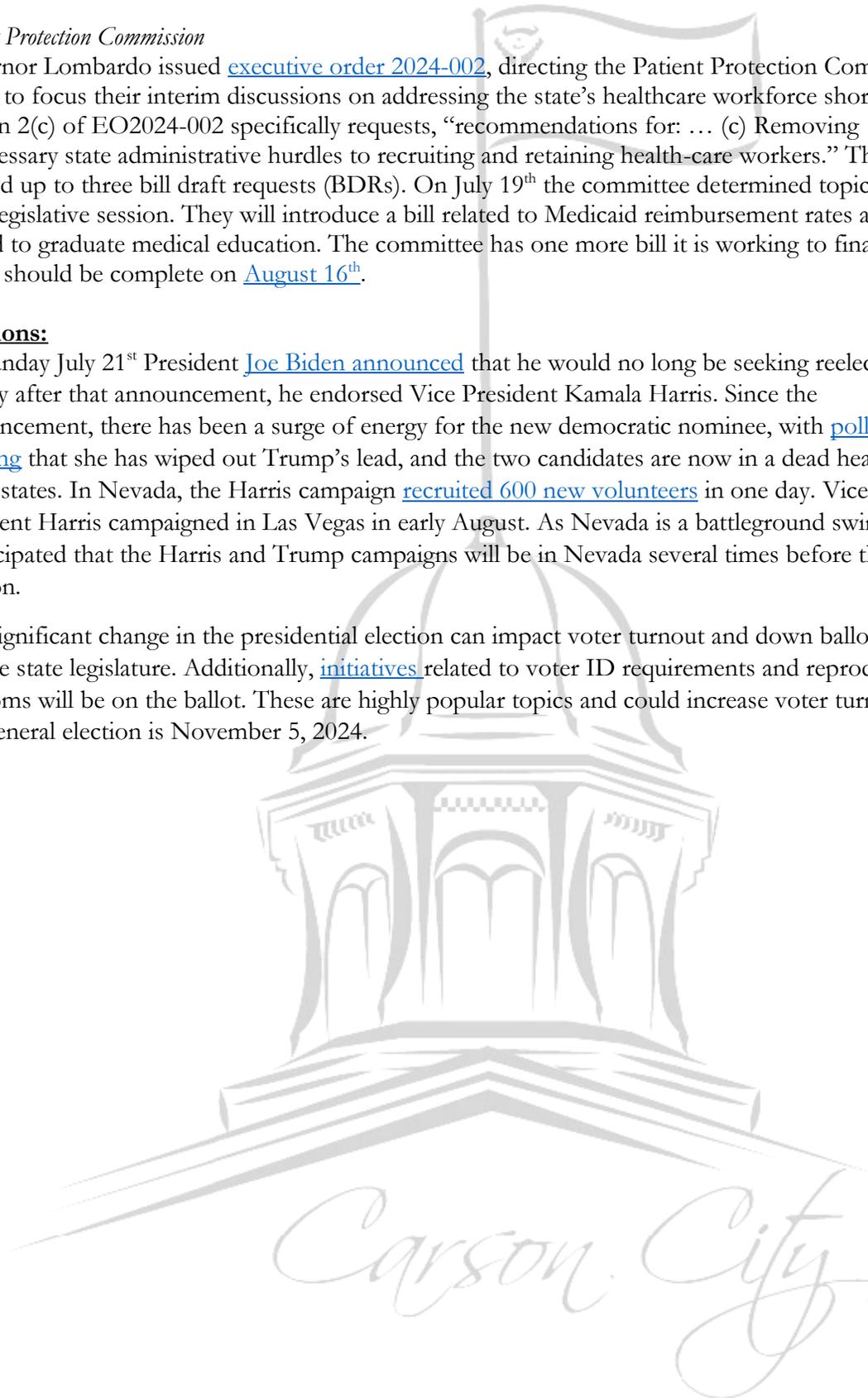
Patient Protection Commission

Governor Lombardo issued [executive order 2024-002](#), directing the Patient Protection Commission (PPC) to focus their interim discussions on addressing the state's healthcare workforce shortage. Section 2(c) of EO2024-002 specifically requests, "recommendations for: ... (c) Removing unnecessary state administrative hurdles to recruiting and retaining health-care workers." The PPC is allowed up to three bill draft requests (BDRs). On July 19th the committee determined topics for the 2025 legislative session. They will introduce a bill related to Medicaid reimbursement rates and one related to graduate medical education. The committee has one more bill it is working to finalize, which should be complete on [August 16th](#).

Elections:

On Sunday July 21st President [Joe Biden announced](#) that he would no longer be seeking reelection. Shortly after that announcement, he endorsed Vice President Kamala Harris. Since the announcement, there has been a surge of energy for the new democratic nominee, with [polling showing](#) that she has wiped out Trump's lead, and the two candidates are now in a dead heat in swing states. In Nevada, the Harris campaign [recruited 600 new volunteers](#) in one day. Vice President Harris campaigned in Las Vegas in early August. As Nevada is a battleground swing state, it anticipated that the Harris and Trump campaigns will be in Nevada several times before the election.

This significant change in the presidential election can impact voter turnout and down ballot races, like the state legislature. Additionally, [initiatives](#) related to voter ID requirements and reproductive freedoms will be on the ballot. These are highly popular topics and could increase voter turnout. The general election is November 5, 2024.



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: Work Session - OT Compact

Potential Legislative Items - Requires a bill to be approved by the Nevada Legislature

Bill Draft Request of 83rd (2025) Session - BDR 233

Assemblywoman Marzola enacts the
Occupational Therapy Licensure Compact

The Legislative Counsel Bureau has determined that specific authority must be granted in law, Nevada Revised Statute, authorizing Nevada to join the OT Compact. Currently, 31 states have joined the OT Compact.

Provided for information are the results of the OT Compact survey sent to licensee's by the Board office.

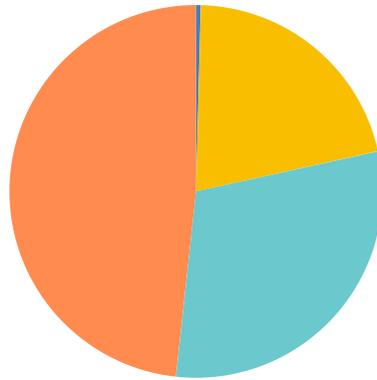
Action Item - Does the Board support joining the OT Compact in the State of Nevada.

Attachments

OT Compact Survey Results

Q1 How would you rate the Nevada licensing process on expediency?

Answered: 232 Skipped: 2

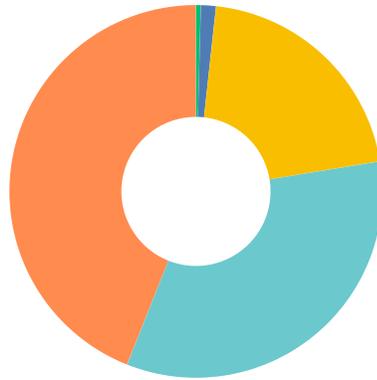


■ 1 - Very Low
 ■ 2 - Low
 ■ 3 - Satisfac...
 ■ 4 - Good
■ 5 - Excellent

	1 - VERY LOW	2 - LOW	3 - SATISFACTORY	4 - GOOD	5 - EXCELLENT	TOTAL	WEIGHTED AVERAGE
(no label)	0.00%	0.43%	21.12%	30.17%	48.28%	232	4.26
	0	1	49	70	112		

Q2 How would you rate the Nevada licensing process on efficiency?

Answered: 232 Skipped: 2

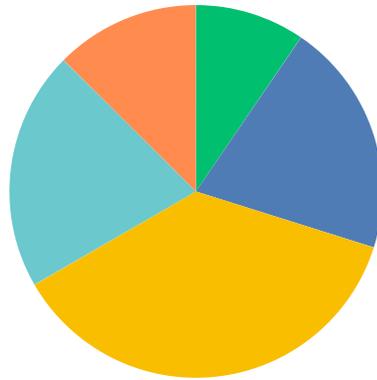


■ 1 - Very Low
 ■ 2 - Low
 ■ 3 - Satisfac...
 ■ 4 - Good
■ 5 - Excellent

	1 - VERY LOW	2 - LOW	3 - SATISFACTORY	4 - GOOD	5 - EXCELLENT	TOTAL	WEIGHTED AVERAGE
(no label)	0.43%	1.29%	20.69%	33.62%	43.97%	232	4.19
	1	3	48	78	102		

Q3 How would you rate the cost of a Nevada license?

Answered: 231 Skipped: 3

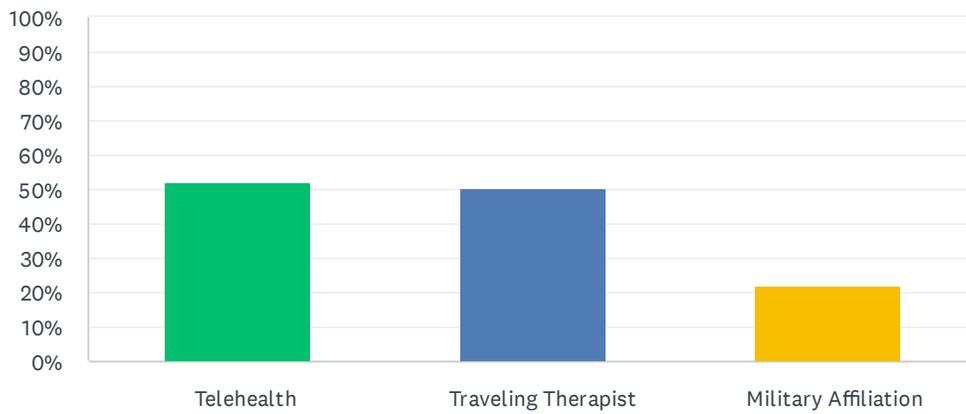


■ 1 - Very Low
 ■ 2 - Low
 ■ 3 - Satisfac...
 ■ 4 - Good
■ 5 - Excellent

	1 - VERY LOW	2 - LOW	3 - SATISFACTORY	4 - GOOD	5 - EXCELLENT	TOTAL	WEIGHTED AVERAGE
(no label)	9.52% 22	20.35% 47	36.80% 85	20.78% 48	12.55% 29	231	3.06

Q4 Please indicate if any of the following apply to you.

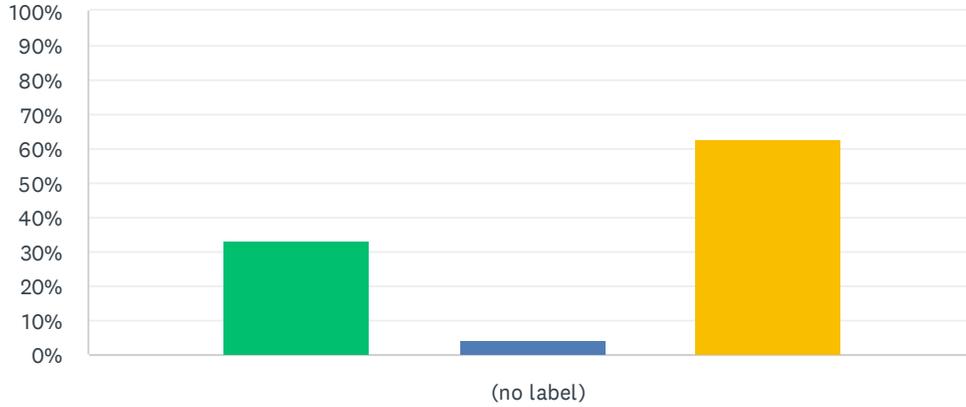
Answered: 81 Skipped: 153



ANSWER CHOICES	RESPONSES	
Telehealth	51.85%	42
Traveling Therapist	50.62%	41
Military Affiliation	22.22%	18
Total Respondents: 81		

Q5 Non-residents: Would you apply for a Compact privilege to practice in Nevada?

Answered: 195 Skipped: 39

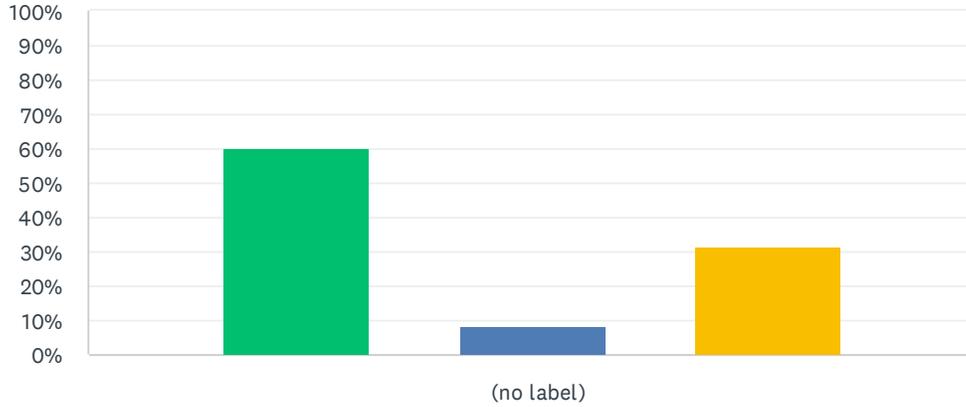


■ Yes
 ■ No
 ■ Unknown o...

	YES	NO	UNKNOWN OR NOT APPLICABLE	TOTAL	WEIGHTED AVERAGE
(no label)	33.33% 65	4.10% 8	62.56% 122	195	2.29

Q6 Would you apply for a compact privilege to practice in another state while residing in Nevada as your "Home State"?

Answered: 229 Skipped: 5

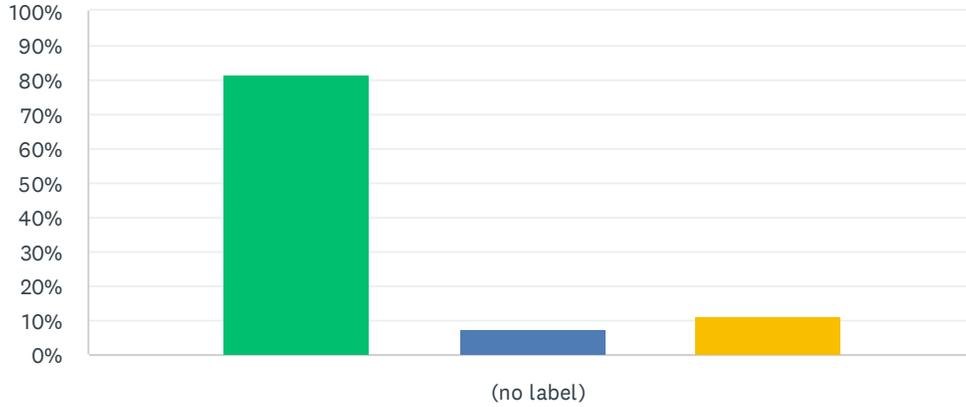


■ Yes
 ■ No
 ■ Unknown o...

	YES	NO	UNKNOWN OR MAYBE	TOTAL	WEIGHTED AVERAGE
(no label)	60.26% 138	8.30% 19	31.44% 72	229	1.71

Q7 Would you support a required criminal background check as a condition of a Nevada state license?

Answered: 234 Skipped: 0

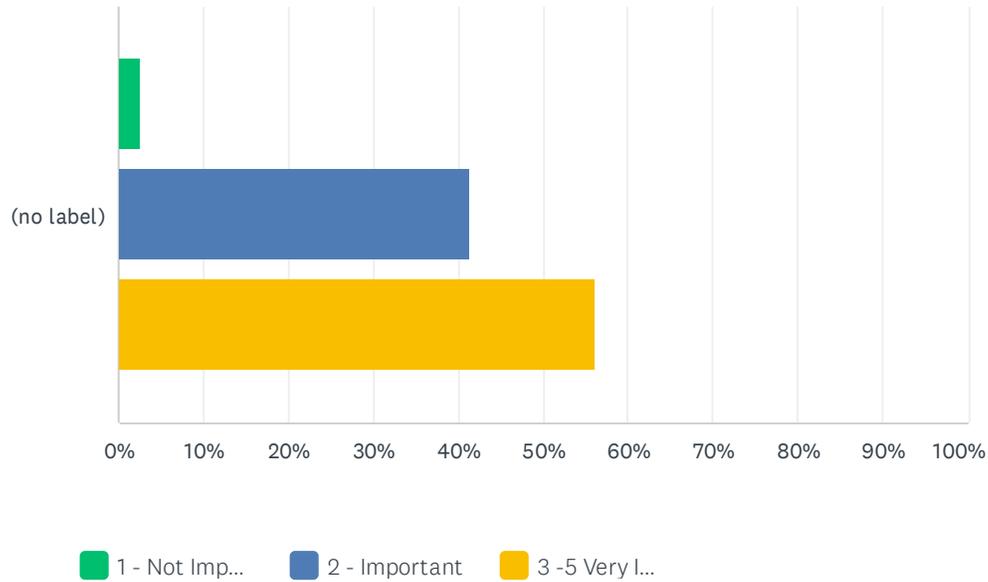


■ Yes
 ■ No
 ■ Maybe or U...

	YES	NO	MAYBE OR UNKNOWN	TOTAL	WEIGHTED AVERAGE
(no label)	81.62% 191	7.26% 17	11.11% 26	234	1.29

Q8 How important is expediency in the processing/issuing of a license in Nevada?

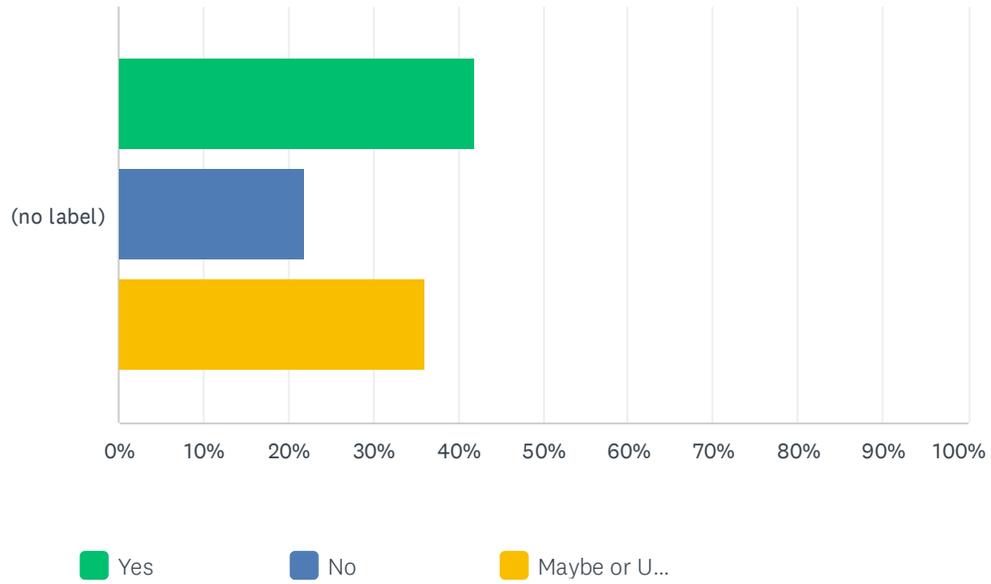
Answered: 234 Skipped: 0



	1 - NOT IMPORTANT	2 - IMPORTANT	3 -5 VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
(no label)	2.56% 6	41.45% 97	55.98% 131	234	2.53

Q9 Would the addition of 3-6 weeks to the application processing time create a hardship?

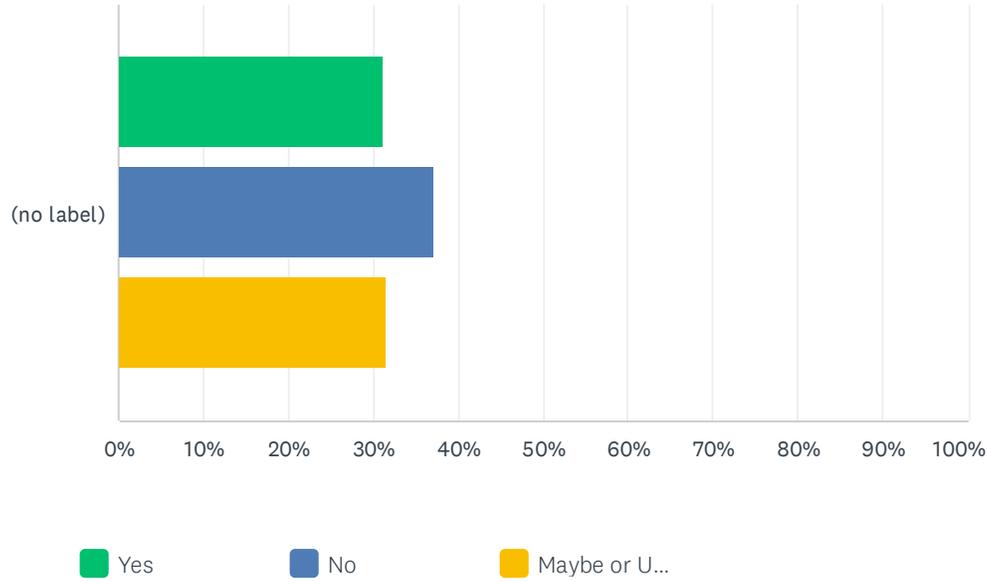
Answered: 233 Skipped: 1



	YES	NO	MAYBE OR UNKNOWN	TOTAL	WEIGHTED AVERAGE
(no label)	42.06% 98	21.89% 51	36.05% 84	233	1.94

Q10 Would you be willing to pay an increase in fees to support the OT Compact administration?

Answered: 234 Skipped: 0



	YES	NO	MAYBE OR UNKNOWN	TOTAL	WEIGHTED AVERAGE
(no label)	31.20% 73	37.18% 87	31.62% 74	234	2.00

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 8: NBCOT Presentation by Shaun Conway
--

Mr. Shaun Conway, Vice President of Regulatory Affairs, will provide a presentation to the Board including a brief high-level overview of the organization pertaining to mission, accreditation status, board of directors, and JEDI related initiatives.

Students – update on the current practice analysis study, new examinations for OTR and COTA implemented in January 2024, national aggregate data pertaining to various exam candidate services, etc. will be discussed as will the interface with OT state regulatory boards.

Certificants – update on evidence-based resources being made available to OTR and COTA professionals will be provided. The practical and value-added components of these resources will also be discussed. In addition, newly released tools and national aggregate data on usage will be highlighted.

Regulators – customized state-based certification data which, in this case, will be specific to the state of Nevada, will be highlighted. In addition, aggregate data pertaining to many aspects of the NBCOT's national disciplinary action program including cases by source, cases by type of behavior, number of sanctions issued by cohort, and type of sanction issued by cohort will be discussed as will a review of disciplinary action resources.

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AGENDA ITEM 9: Executive Director's Report

Executive Director's Report

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

Attachments

Written Report
FY 2024 Financial Reports
4th Quarter Ending June 30, 2024
Revised Language Access Plan
Updated Classification and Compensation Plan (informational only)
Updated Board Member Compensation (informational only)

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EXECUTIVE DIRECTOR’S REPORT
August 24, 2024

Licensure Statistics - The following chart provides current and prior year licensing details and activity as of June 30, 2024. The number of practitioners decreased by a net of 72 licenses in the fourth quarter.

4th Quarter Statistics

New Applications Received:	50	Licenses Issued:	50
Licenses Expired:	122	Licenses Renewed:	653

Comparison to Prior Year at June 30

Description	FY 2024	FY 2023	% +	OT’s 2024	OT’s 2023	OTA’s 2024	OTA’s 2023
Total Current Licensees	1746	1745	0%	1337	1330	409	415
Standard Licensees (active)	1692	1707	1%	1299	1300	393	410
Inactive Licensees	34	29		23	29	11	8
Inactive - Retired	10	13		8	13	2	2
Provisional Licensees	9	15		6	8	3	7
Temporary Licensees	1	3		1	3	0	0

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	1818	1387	431
June 30, 2024	1746	1337	409

FY 24 Financial Statements
4th Quarter, Period ending June 30, 2024

FY 24 Budget vs Actuals - Period ending June 30, 2024 reflects unaudited revenue and expenses that may be adjusted due to year end adjustments. A profit and loss shows a net loss of (\$27,388.55) which is under the budgeted loss of 33,713.97, approximately 81.24% of the budget. Net operating loss, revenue less expenses, is 127.92% due to the value of PTO accrued but not used which does not have a budget line item. The employer taxes are slightly over budget due to social security paid on termination pay.

Of note, the line-item bad debt represents unpaid legal and administrative fines associated with complaint cases, C22-03 and C22-01. Board policy is to write off noncollectable debt after 2 years. This was not contained in the budget.

Licensing Revenue - Licensing revenue is slightly above budget at 101.55%. Total License fees exceeded budget at 103.17%.

Other Income - Other income is 210.64% of the budget. Interest income on investments exceeded budget at 364.94% due to higher rates of return on short term CD's.

Operating Expenses - Expenses are over budget at 106.23%. Payroll exceeded budget at 105.45%.

Balance Sheet and Investments - Total Cash as of June 30, 2024 was \$631,530.11; with \$267,875.60 in operating, \$221,757.44 in CD's and \$141,897.07 in money market funds. Total Equity is \$330,572.75.

The final financial statements will be provided in the audit to be presented at the November Board meeting .

Wells Fargo Advisors - Currently, CD's have matured. The Board has one CD that will mature in September. Funds will be reinvested at highest available rates at the time.

Office Operations & Activities – Correspondence and collaboration continues to develop with NBCOT, AOTA, and NOTA. Staff have held monthly update meetings with Belz and Case Government Affairs. Board Staff attended varied legislature subcommittee meetings virtually. Board staff also attended the Administrative Collaborative meeting.

State reporting has been submitted to the Legislative Counsel Bureau (Disciplinary and Registration Report).

Language Access Plan – Correspondence has taken place with Elena Guerra, Language Access Coordinator, notifying state agencies that the Board's Language Access Plan was due to the Governor's Office for New Americans by August 1. Ms. Guerra requested that the Board update the public comment portion of the plan due to it being over 12 months since public comments were obtained. Board staff sent out a survey to individuals who receive licensing services. The survey resulted in 38 responses with a 2% response rate. No individual identified themselves as limited English proficient, as indigenous, or as a refugee. Responses indicated that the following other languages are spoken; Spanish, Mandarin, Cantonese, Filipino, Hebrew, Thai, Krio, and Taiwanese. The results were compiled and implemented into the revised Language Access Plan. The LAP was submitted to the Governor's Office for New Americans on July 19th.

Department of Business and Industry –

Deputy Director Nikki Haag requested Boards to complete a survey aimed at gathering essential historical data. The information gathered is essential for compliance with SB 431 and the standardization of the Office of Boards, Commissions, and Council Standards. Some questions required data spanning the past 10 years.

All Executive Directors of Boards and Commissions were requested to attend an in-person meeting in either Las Vegas or Carson City. Director Kris Sanchez and Deputy Director Nikki Haag provided an update on the work being done on Boards and Commissions and the current administration's expectations.

Big Picture/Albertson Consulting - Board staff has a standing monthly update meeting. There were updates to the database to implement the recent regulation changes to include license by reciprocity, fees/payments, and continuing education qualifying activities. Future meetings will continue working on streamlining the continuing education audit process, and licensee login criteria to ensure optimum security.

Numbers Inc. – Carol Woods, Board Bookkeeper, provided an update that she will no longer be able to use QuickBooks Online payroll and will be acquiring a new payroll service. There will be approximately a \$250 cost to the Board per year. A contract amendment will be executed in order to cover the cost.

Public Member - Correspondence has occurred with the Governor's office. There have been no new applications received for the seat of public member. The position is posted on the Board's and state's websites. We are awaiting an appointment.

Complaints Status - There are currently no complaints pending in the investigation stage.

Applications pending Board Approval – There are two applications that may need to go before the Board for review and approval at the next scheduled Board meeting. Board staff is awaiting receipt of requested documents and completion of application file.

State of Nevada Board of Occupational Therapy

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

July 2023 - June 2024

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
Fees	32,775.00	34,942.75	-2,167.75	93.80 %
Fines and Legal Fees	832.32		832.32	
License Fees	209,262.62	202,823.36	6,439.26	103.17 %
List Fee	5,475.00	6,798.00	-1,323.00	80.54 %
Total Income	\$248,344.94	\$244,564.11	\$3,780.83	101.55 %
GROSS PROFIT	\$248,344.94	\$244,564.11	\$3,780.83	101.55 %
Expenses				
Attorney General / Legal Fees	8,505.37	12,000.00	-3,494.63	70.88 %
Bad Debt	11,837.65		11,837.65	
Bank Service/Merchant Charges	6,636.97	6,114.10	522.87	108.55 %
Board Compensation	2,550.00	2,250.00	300.00	113.33 %
Depreciation Expense	922.79		922.79	
Dues & subscriptions	2,307.14	3,050.00	-742.86	75.64 %
Equipment Purchase	1,113.73	1,500.00	-386.27	74.25 %
Equipment Rental	1,880.12	2,100.00	-219.88	89.53 %
Insurance	2,297.01	1,200.00	1,097.01	191.42 %
Licensing - Data System		8,500.00	-8,500.00	
Amortization	6,144.00		6,144.00	
Data System expense	1,333.36		1,333.36	
Data System Interest	1,307.00		1,307.00	
System Support	67.50		67.50	
Total Licensing - Data System	8,851.86	8,500.00	351.86	104.14 %
Meeting Expenses	2,413.93		2,413.93	
Office Expense				
Internet Service	1,919.76	2,400.00	-480.24	79.99 %
Postage and Delivery	225.63	500.00	-274.37	45.13 %
Printing and Reproduction	223.70	200.00	23.70	111.85 %
Records Storage/Recycling	130.00	130.00	0.00	100.00 %
Telephone	600.51	750.00	-149.49	80.07 %
Total Office Expense	3,099.60	3,980.00	-880.40	77.88 %
Office Lease				
Depreciation	27,503.00		27,503.00	
Lease Expense	0.04	34,055.49	-34,055.45	0.00 %
Office Lease Interest	4,248.75		4,248.75	
Total Office Lease	31,751.79	34,055.49	-2,303.70	93.24 %
Office Supplies	819.61	800.00	19.61	102.45 %
Payroll Expenses				
Deferred Compensation	8,626.85	8,626.95	-0.10	100.00 %
Employer Taxes	16,965.50	13,982.29	2,983.21	121.34 %
Medical Benefit	2,507.29	2,595.00	-87.71	96.62 %
PTO Expense	16,240.82		16,240.82	

State of Nevada Board of Occupational Therapy

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

July 2023 - June 2024

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Salaries and Wages	163,148.93	171,553.04	-8,404.11	95.10 %
Total Payroll Expenses	207,489.39	196,757.28	10,732.11	105.45 %
Professional Fees				
Accounting	3,000.00	3,000.00	0.00	100.00 %
IT / Technical Support		500.00	-500.00	
Legislative Services	18,000.00	18,000.00	0.00	100.00 %
Total Professional Fees	21,000.00	21,500.00	-500.00	97.67 %
Travel				
Travel - in state	2,338.60	3,500.00	-1,161.40	66.82 %
Total Travel	2,338.60	3,500.00	-1,161.40	66.82 %
Total Expenses	\$315,815.56	\$297,306.87	\$18,508.69	106.23 %
NET OPERATING INCOME	\$ -67,470.62	\$ -52,742.76	\$ -14,727.86	127.92 %
Other Income				
Interest Income	17,334.58	4,750.00	12,584.58	364.94 %
Investment Gain / (Loss)	7,942.87		7,942.87	
Sale of Asset	255.00		255.00	
Sublease Income	14,549.62	14,278.79	270.83	101.90 %
Total Other Income	\$40,082.07	\$19,028.79	\$21,053.28	210.64 %
NET OTHER INCOME	\$40,082.07	\$19,028.79	\$21,053.28	210.64 %
NET INCOME	\$ -27,388.55	\$ -33,713.97	\$6,325.42	81.24 %

State of Nevada Board of Occupational Therapy

Balance Sheet

As of June 30, 2024

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
Wells Fargo Bank - Checking	267,875.60
Wells Fargo Bank - Investments	221,757.44
Wells Fargo Bank - Money Market	141,897.07
Total Bank Accounts	\$631,530.11
Accounts Receivable	
Accounts Receivable	1,070.49
Total Accounts Receivable	\$1,070.49
Other Current Assets	
Prepaid Expenses	8,752.22
Undeposited Funds	0.00
Total Other Current Assets	\$8,752.22
Total Current Assets	\$641,352.82
Fixed Assets	
Net Fixed Assets	0.00
Total Fixed Assets	\$0.00
Other Assets	
Accum Depr - Right of Use Asset	-126,055.00
Accumulated Amortization of SAAS Asset	-6,144.00
Right of Use Asset	192,521.00
SAAS Asset	29,492.00
Total Other Assets	\$89,814.00
TOTAL ASSETS	\$731,166.82
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	1,341.61
Total Accounts Payable	\$1,341.61
Credit Cards	
WF Mastercard	248.11

State of Nevada Board of Occupational Therapy

Balance Sheet

As of June 30, 2024

	TOTAL
Total Credit Cards	\$248.11
Other Current Liabilities	
Accrued PTO	7,242.43
Deferred Compensation Payable	169.03
Deferred Revenue	286,421.17
Direct Deposit Liabilities	0.00
Due to State Treasurer	0.00
Lease Liabilities - Current	30,681.00
Other Current Liabilities	0.00
Payroll Liability	4,886.25
Payroll Tax Liability	373.80
SAAS Liability - Current	5,764.67
Total Other Current Liabilities	\$335,538.35
Total Current Liabilities	\$337,128.07
Long-Term Liabilities	
Lease Liabilities - Non Current	46,432.00
SAAS Liability - Non Current	17,034.00
Total Long-Term Liabilities	\$63,466.00
Total Liabilities	\$400,594.07
Equity	
Invested in Capital Assets	-11,431.00
Retained Earnings	369,392.30
Net Income	-27,388.55
Total Equity	\$330,572.75
TOTAL LIABILITIES AND EQUITY	\$731,166.82



STATE OF NEVADA
BOARD OF OCCUPATIONAL THERAPY

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Language Access Plan

I. Purpose and Authority

The State of Nevada, through Nevada Revised Statute Chapter 232 and federal guidance on Title VI, address the barriers persons with limited English proficiency face in accessing governmental programs and services.

Persons with Limited English Proficiency (LEP) require and deserve meaningful, timely access to government services in their preferred language. Moreover, it is the responsibility of government to provide that access:

State and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities.

The Board of Occupational Therapy is committed to complying with NRS 232.0081 and Title VI of the Civil Rights Act of 1964, 2 C.S. § 561 et seq. (Act 172 of 2006) to ensure meaningful access to State services and programs for individuals with limited English proficiency.

The purpose of this document is to establish an effective plan and protocol for employees of the Board of Occupational Therapy to follow when providing services to, or interacting with, individuals who have limited English proficiency. Following this plan and protocol is essential to the success of our mission to protect the public health, safety and welfare by ensuring that only competent occupational therapy practitioners are licensed in the state.

II. General Policy

The Board of Occupational Therapy recognizes that the population eligible to receive services may include limited English proficiency individuals. It is the policy of the Board to ensure meaningful access to LEP individuals. The Board will adopt the following policies and procedures to ensure that LEP individuals can gain equal access to the services the Board of Occupational Therapy provides and regulates.

It is Nevada’s policy to grant access to services or programs to every person regardless of their ability to speak, understand, read, or write in English. The Board of Occupational Therapy intends to take all reasonable steps to provide LEP individuals with meaningful access to its services and programs. The Board seeks to reduce barriers by increasing its capacity to deliver services and benefits to people in their preferred languages.

The Board endorses the following policies:

- The Board of Occupational Therapy is committed to equity and will take all reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to all its services, programs, and activities.
- The Board, rather than the LEP individual, bears the responsibility for providing appropriate language services, regardless of the LEP individual’s preferred language, at no cost to the LEP individual.
- Staff at the initial points of contact have the specific duty to identify and record language needs.
- Use of informal interpreters such as family, friends of the person seeking service, or other customers is not allowed. Minor children are prohibited from acting as interpreters.
- Staff may not suggest or require that an LEP individual provide an interpreter in order to receive Board services.

Board of Occupational Therapy Language Access Coordinator:

Executive Director

775-746-4101

board@nvot.org

III. Profile of Clients of the Board of Occupational Therapy

Our preliminary assessment is that the Board has a limited LEP constituency. Our primary “service” is licensing and regulating occupational therapists and occupational therapy assistants. All applicants must meet eligibility requirements including national certification in occupational therapy.

The Board currently collects specific demographic information from individuals applying for a license; however demographic information does not include LEP status, whether they identify as indigenous or as a refugee.

The Board conducted a demographic survey to include questions about applicant’s and licensees preferred language(s) to better assess language access needs and to determine whether an individual identifies as indigenous or as a refugee.

A survey of individuals who received licensing services from the Board resulted in 38 responses, a 2% response rate. Three individuals indicated speaking multiple languages. A summary of the survey responses found:

Demographic	Positive Responses
Limited English Proficient	0
Identified as Indigenous	0
Identified as a Refugee	0

Other Languages Spoken					
Spanish	4	Filipino	2	Krio	1
Mandarin	3	Hebrew	1	Taiwanese	1
Cantonese	2	Thai	1		

The Board is committed to tracking the languages preferred for communication among the individuals with limited English proficiency whom the Board serves, so that the Board can better provide meaningful, timely access to the Board’s services without regard to any language impediments.

The preferred language of the public and individual receiving services from the Board is US English. The most common methods for the public to access services are through the Board’s website and email communication.

IV. Language Access Services and Procedures

The Board does not have staff who can provide language assistance services.

The Board does not have any known LEP applicants or licensees. Currently, no applicants or licensees identify as indigenous or as a refugee. The Board has never received a request for translation or American Sign Language Services for LEP applicants, licensees or the public.

Language access needs will be addressed in the following manner:

The Board will utilize one of the active statewide contracts for translation and interpreter services offered by the state, which can be found here:

https://purchasing.nv.gov/Contracts/Documents/Translation_Interpretation/

Providing Notice of Language Assistance Services

All staff will be made aware of appropriate language assistance services. Those seeking services may also request language assistance by contacting the Board by email which is

posted on the Board's website.

V. Implementing The Language Access Services

In order to fulfill the goals of this Plan, the Language Access Coordinator will provide staff with the necessary training to ensure that staff are familiar with the Language Access Plan and its related policies. This training will include:

- How to respond to LEP individuals via phone, writing, or in person.
- How to seek assistance with internal or state sanctioned language access resources.
- How to document the mode of communication and preferred language of an LEP individual to better understand the needs of those accessing services and ensure that equitable access is available throughout the duration of their interactions with the Board.
- How to report these interactions to the Language Access Coordinator.

In addition to staff training, the Board will use the internal and state sanctioned resources to provide information in languages other than English.

VI. Evaluation of and Recommendations for the Language Access Plan

The Board is committed to providing our limited English proficient individuals full access to our services and is committed to monitoring the policies and procedures stated above to ensure that limited English proficiency Nevadans are receiving equitable access to Board services.

The Language Access Coordinator will continue to develop and monitor this plan, and update it biennially based on applicant data and language accommodation requests documented by staff and demographic data obtained through surveys. We will also track any costs we may incur by using external, state sanctioned resources.

The Board is exempt from the State Budget Act; all expenses are paid from fees received from licensed individuals.

Suggested Legislative Amendments:

Independent regulatory Boards that do not have staff capacity to perform language access roles could benefit from a state assigned liaison that works for the Governor's Office of New Americans to provide those duties for the Boards on an as needed basis, similar to an assigned Deputy Attorney General (DAG).

Board of Occupational Therapy Personnel Policies and Procedures



State of Nevada

BOARD OF OCCUPATIONAL THERAPY

CLASSIFICATION AND COMPENSATION PLAN

Position	Classification Title	Grade Equivalent	Wage Range	Full Time Annual
1	Executive Director	41	Unclassified	\$ 83,666.16 - \$ 125,760.24
Classified Positions				
2	Director Licensing & Operations	38	Salaried	\$ 73,309.68 - \$ 109,640.88
3	Licensing Assistant	25	\$ 20.42 – \$ 29.56	\$ 42,636.96 - \$ 61,721.28
4	Investigator – Temp PT		TBD	

**** As of 7/1/2024**

Nevada Employee/Employer PP01

Board Member Manual Revision – Board Member Compensation

Revised

NRS 640A.100 – Each member of the Board is entitled to receive a salary of no more than \$150 per day while engaged in business of the Board (AB 343). Board members receive a per diem allowance for meals and mileage in conformance with the State/Federal per diem standards.

State of Nevada
Board of Occupational Therapy

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AGENDA ITEM 10: Report from Legal Counsel

Henna Rasul, Sr. Deputy Attorney General will report on legal matters.

AGENDA ITEM 11: Board Activities & Reports from Members

Meeting and Activities Schedule

Activity	Calendar Year 24/ 25	Topics/Comments
Board Meeting	November 9	Audit Approval
Board Retreat In Person	March 27-29	Strategic Planning Session Legislature Visit - Carson City
Board Meeting	June 2025	FY 26 Budget Approval
Board Meeting	August 2025	

Future Agenda Items

Reports and Comments from Board Members