



## STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

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### SUMMARY MINUTES PUBLIC BOARD MEETING August 24, 2024

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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  
Wayne Springmeyer, Board Investigator

Public Present: Lea Case, Shaun Conway, Joseph Filippi, Elyse Monroy, Kristen Neville, Matt Olivier, Robert Porter

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#### **Call to Order, Confirmation of Quorum**

Chair Castillo called the Board meeting to order at 9:35 am. A roll call confirmed a quorum was present.

#### **Public Comments**

Chair Castillo called for public comments, there were none.

#### **Approval of Minutes**

Vice Chair Liebl made the motion, seconded by Chair Castillo to approve the minutes of the meetings of June 1, 2024, and August 1, 2024. The motion passed.

#### **Disciplinary Hearing or Consent Decree; Vanessa Piggott, OT – Case 24-06**

Chair Castillo announced that this agenda item has been continued. There was no further discussion.

#### **Consideration of Application for License pursuant to NRS640A.120; Robert Porter, OTA**

Executive Director Hartley provided the Board with the following overview: Mr. Porter submitted his application to the Board on June 26, 2024. Mr. Porter was previously licensed with the Nevada Board, license number OTA 17-1373, from March 16, 2017 to March 15, 2019 when his license expired after it was not renewed. 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 legal questions on the application for licensure:

*"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 with his application for licensure.

Chair Castillo opened the discussion by advising the Board that they can either Approve, Approve with Conditions, or Deny Mr. Porter's application for licensure. Chair Castillo confirmed with Mr. Porter that he resides in Northern Nevada and anticipates looking for employment here. Mr. Porter confirmed that this was true. Chair Castillo asked Mr. Porter if he disclosed the charges to the Nevada OT Board when he applied for licensure back in 2017. Mr. Porter stated that he could not remember, but that his Attorney advised him to answer not applicable. Mr. Porter disclosed that he suffers from a Traumatic Brain Injury and has issues with memory. Executive Director Hartley confirmed that Mr. Porter did not answer affirmatively to any legal questions on his application for licensure in 2017.

Mr. Porter explained that the California Board of Occupational Therapy sent notices to his old address even though they had a current address on file. He was not aware that his California license had been revoked.

Chair Castillo confirmed that Mr. Porter did not have to serve any jail time, Mr. Porter confirmed that he did not and that it was reduced to community service. The Board further discussed with Mr. Porter the details surrounding hunting of bears and wasting of game.

Chair Castillo feels that Mr. Porter was forthcoming on his current application for licensure; however, hasn't been transparent in the past. He would be inclined to approve Mr. Porter's application for licensure with conditions. The Board members agreed, and asked Mr. Porter if he has since been issued a license to practice in any other State and/or has any license applications pending. Mr. Porter answered no to both questions.

The Board reviewed the stipulated terms and conditions presented at length with Sr. Deputy Attorney General, Henna Rasul.

Vice Chair Liebl made the motion, seconded by Jocelyn Pereira to approve the issuance of a Nevada OTA license to Robert Porter with probation for two (2) years and the stated Stipulated Terms and Conditions. The motion passed.

### **Legislative Activities**

Lea Case with Belz and Case Government Affairs provided the Board with an update on Legislative Activities including BDR Tracking for the Board, OT Licensure Compact Bills and Board Consolidation Bills. Further discussion included Governor Actions, Interim Activity, Executive Branch Actions, and the upcoming Elections.

### **Work Session regarding the OT Compact, Bill Draft Request of 83<sup>rd</sup> (2025) Session – BDR 233**

Executive Director Hartley provided an update on potential legislative items, specifically BDR 233 from Assemblywoman Marzola that would enact the Occupational Therapy Licensure Compact. Currently, 31 states have joined the OT Licensure Compact to date. Board staff conducted a survey of licensees pertaining to the OT Compact and Executive Director Hartley presented the results to the Board. The goal today is to determine if the Nevada Board is in support of joining the national OT Compact.

Chair Castillo stated that there is a lot of movement with the OT Compact and it is difficult to assess the need with only 13% of Nevada licensees responding to the survey. Nevada currently has an efficient, expedient licensure process. The OT Licensure Compact would easily add 3-6 weeks on to licensure processing. The survey showed that most are in favor of the Licensure Compact and Background Checks but were not in favor of longer application processing times.

Vice Chair Liebl felt that with the proposed state umbrella board and bipartisan representation, the OT Compact is likely for Nevada. Jocelyn Pereira stated that she feels the Board needs more information, the shortage of therapists in Nevada may impact the decision-making process.

Vice Chair Liebl made the motion, seconded by Jocelyn Pereira to remain neutral on efforts to join the OT Compact until further information is available. The motion passed.

### **NBCOT Presentation by Shaun Conway**

Shaun Conway, Vice President of Regulatory Affairs for NBCOT provided the Board with a high-level overview of their organization pertaining to mission, accreditation status, board of directors and JEDI related initiatives. Mr. Conway also provided an update on the current practice analysis study, national aggregate data, evidence-based resources, and customized state-based certification data. Further discussion centered around the NBCOT Exam Scoring Calendar and the upcoming Leadership Forum.

### **Executive Director Report**

Heather Hartley provided updates on Board Office Administrative Activities to include Licensure Statistics for 4<sup>th</sup> Quarter FY24 Financial Statements, Board Classification and Compensation Plan, and Board Member Compensation. An overview was also provided on the updated Language Access Plan, the Department of Business & Industry, Board Member Vacancies, and Complaint Status.

### **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; the November 2024 meeting has been changed to Saturday, November 9<sup>th</sup> to accommodate Board member attendance. The Board is looking to coordinate the Board Retreat with NOTA Hill Day at the Nevada Legislature for March 27-29. Future meetings are tentatively scheduled for June and August of 2025.

Chair Castillo announced to the Board that this would be his last meeting as he is moving out of State at the end of the month. His resignation date of August 31, 2024, will allow for any needed follow up of agenda items proceeding the Board meeting. Board members and staff thanked Chair Castillo for his service to the Board and wished him well with his new endeavor. There were no further comments.

### **Public Comment**

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

**Adjournment** – Chair Castillo adjourned the meeting at 12:25 pm.