



State of Nevada

Board of Occupational Therapy

Board Member Manual

February 2020; R11.9.24

TABLE OF CONTENTS

Chapter 1: The Board

Mission Statement	4
Board Functions	4

Chapter 2: The Board Members

Duties and Responsibilities – Protection of Public Health.....	7
Conflict of Interest – Disqualification	8
Confidentiality	9
Board Member Liability.....	9
Constitutional Rights.....	9
Antitrust Laws	9
Tort Liability	10
Decision Making with Conviction.....	10
Resources	11

Chapter 3: Licenses

Licensure	12
Good Moral Character.....	13
Denial of Licensure	13
Verification of Licensure.....	13

Chapter 4: Laws

Laws.....	14
-----------	----

Chapter 5: Regulations

Regulations.....	15
------------------	----

Chapter 6: Complaint Hearings

Complaint Hearings.....	18
-------------------------	----

Chapter 7: Open Meeting Laws

Open Meeting Law.....	19
-----------------------	----

Chapter 8: Meeting Agenda

Basic Meeting Agendas.....	20
----------------------------	----

Chapter 9: Parliamentary Procedure

Parliamentary Procedure	21
-------------------------------	----

Chapter 10: Governance

Introduction	22
Responsibilities of a Board Member	23
Role of the Board and Executive Director	24
Board and Executive Director Responsibilities	25

APPENDIX

Nevada Revised Statutes, Chapter 640A Occupational Therapy

Nevada Administrative Code, Chapter 640A Regulations of the Board of Occupational Therapy

CHAPTER 1 – THE BOARD

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

What is the mission of the Board of Occupational Therapy (NVBOT)?

What are the functions of the NVBOT?

Mission Statement

To protect the public health, safety and welfare by ensuring that only competent occupational therapy practitioners are licensed in the state and that those licensed practitioners maintain the highest level of professional conduct. This includes ensuring the competency of occupational therapy practitioners and / or providing the public with a means by which they can pursue administrative legal recourse. (NRS 640A & NAC 640A).

Board Functions

NRS 640A.080 - The Board of Occupational Therapy consists of five members appointed by the Governor. The Board must consist of three occupational therapists, one occupational therapy assistant or occupational therapist, and one member representing the public.

Each professional board member must be a licensed occupational therapist or occupational therapy assistant who is engaged in the practice of occupational therapy and practiced, taught or conducted research in occupational therapy for the 5 years immediately preceding the appointment. All members must be a resident of the State.

Members of the Board serve terms of 3 years, except when appointed to fill unexpired terms. Before serving as a board member, each person must file a constitutional oath of office with the Secretary of State. A board member may only serve two consecutive full terms. A member who serves two consecutive full terms is not eligible to serve on the Board for a period of 1 year. Any time served on the Board in filling the unexpired term of another member does not apply to the two consecutive full terms.

NRS 640A.090 – Each year at the first scheduled meeting, the board members elect a Chair, and Vice Chair. The Board is required to hold two meetings a year; historically the Board has 4 meetings a year for the transaction of the business of the Board. The Board can hold additional meetings if needed.

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.

(Revised 4.2024 - R113-23)

The Board determines the duties and compensation of the Executive Director and other employees through the adoption of the Board Personnel Policies and Procedures Manual.

The Board's administrative office is located in Reno. All records and files of the Board are open to public inspection at all reasonable hours.

NRS 640A.110 – The Board adopts regulations establishing standards of practice and any other regulations necessary for carrying out the provisions of NRS Chapter 640A.

The Board keeps a record of its proceedings including any administrative proceedings.

NRS 640A.115 - The Board may inspect any premises to determine whether any person at the premise is practicing without the appropriate license; or to determine compliance with any provision of the Board's law or regulations.

NRS 640A.150 - The Board shall approve the examination for licensure as an occupational therapist and occupational therapy assistant.

The Board has designated the National Board for Certification in Occupational Therapy (NBCOT) exam as the approved exam for licensure in Nevada.

In addition, the Board requires passage of the Nevada Jurisprudence Exam as a requirement for initial licensure in Nevada.

NRS 640A.160 - The NBCOT Exam is required for certification by NBCOT. The Board requires current certification by the NBCOT for initial licensure and reinstatement of licensure in Nevada.

NRS 640A.165 - The Board offers expedited license by endorsement for individuals licensed in another state.

The Board issues licenses within 3-5 business days of receipt of a complete application; in the majority of cases licenses are issued sooner.

NRS 640A.166 - The Board also offers expedited license processing for veteran's, active military personnel and their spouses.

Initial licensure fees are reduced by one-half for veterans and military affiliated applicants.

NRS 640A.170 - The Board offers a Temporary license to applicants who do not plan to practice in Nevada permanently. A Temporary license has a term of six (6) months and may be renewed one (1) time only.

NRS 640A.180 - The Board, through regulation, establishes the term or length of a license, the manner by which a license may be renewed or reinstated, including any requirements for continuing education and any late renewal period.

The term of a standard license has been established as two (2) years. A standard license may be reinstated up to 5 years from date of expiration.

A licensee must complete 24 hours of continuing education during each renewal cycle, reported at the time of renewal of a standard license. A license may be renewed up to 30 days after expiration upon payment of the renewal fee and a late renewal fee.

NRS 640A.190 - The Board, through regulation, establishes reasonable fees for licensure.

Fees are set in an amount to reimburse the Board for the cost of carrying out the provisions of the law. All expenses of the Board must be paid from the fees received by the Board. (NRS 640A.100)

The Board does not receive funds from the State's General Fund.

NRS 640A.200– The Board may take disciplinary action or other actions, may refuse to issue or renew a license, or may impose conditions upon that license, if it is determined an occupational therapist or occupational therapy assistant is guilty of unprofessional conduct.

NRS 640A.210 - The Board may conduct investigations, hold hearings and examine witnesses and has the power to issue subpoenas to compel the attendance of witnesses and the production of books and papers.

NRS 640A.215 - The Board may receive Complaints pertaining to the practice of occupational therapy from any person which may be filed anonymously.

NRS 640A.220 - The Board must keep confidential all complaints and investigative documentation. All records become public upon filing of a Formal Complaint by legal counsel for hearing before the Board for a determination of disciplinary action.

NRS 640A.230 - The Board may issue cease and desist orders for unlicensed practice, may issue a citation to the person and may assess an administrative fine of not more than \$5,000.

CHAPTER 2 – THE BOARD MEMBERS

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What is the primary responsibility of the NVBOT?
- Where does the NVBOT derive its powers?
- What are the duties and responsibilities of a board member?
- What steps should a new board member take to be successful in their role?
- What conflict of interest issues must be kept in mind as a NVBOT board member?
- What must you do to ensure that confidential and privileged information remains secure?
- What liability issues are at stake? What steps can you take to protect yourself and the NVBOT from liability?
- What strategies assist a board member in making fair and fearless decisions?

Duties and Responsibilities – Protection of Public Health

The sole responsibility of the NVBOT is the protection of the public health, safety and welfare. This fundamental concept is the most important set forth in this Board Member Manual. It is the duty of the NVBOT to license those persons seeking to enter the profession who meet the legal competency standards necessary to practice occupational therapy, and to discipline those licensed occupational therapy professionals who fail to follow legal and professional standards of practice.

Boards are statutorily created governmental bodies and their powers are authorized by the legislation under which they are established. The specific duties and responsibilities of a board member are generally not detailed in an occupational therapy practice act.

Individual board members are charged with the responsibility of regulating the profession by carrying out the duties specifically set forth in statutes and regulations. Therefore, the first task of a board member should be to become completely familiar with the statutes and regulations pertaining to the practice of occupational therapy.

In addition, board members should develop a familiarity with parliamentary procedures or rules that are commonly used in board meetings.

Members of the NVBOT, as public officials, must apply the statutes and regulations of their state in an unbiased manner. All actions taken by a board member and board are subject to scrutiny by the profession, the legislative and judicial branches of government, and the public, and to be valid and enforceable, must be based upon an objective consideration of legal evidence and application of relevant laws or regulations.

Conflict of Interest – Disqualification

Board members must be constantly aware of and avoid conflicts of interest. Board members when meeting in a properly noticed public meeting with a quorum are viewed as the NVBOT. Therefore, their image and reputation must be impeccable if the NVBOT is to remain a viable force in state government.

A board member must conscientiously avoid any attempt to regulate the economics of the profession through the establishment or enforcement of board laws and regulations, or through any selective applicability of such laws and regulations to any particular professional or group of professionals. A board member must consistently apply laws and regulations in an objective, unprejudiced manner for the protection of the public.

In many instances, board members are active members of one or more associations. There is no reason why a board member should not retain these memberships. However, members should avoid serving as officers in these associations. Members should also avoid serving on association committees that develop policies that could influence the board's adoption of laws and regulations, or the enforcement of laws and regulations in a manner that might be prejudicial to a particular professional or groups of professionals.

In the event board members discover that their views may have been prejudiced by activities related to their professional service, they should abstain or disqualify themselves from participating in board proceedings involving the relevant areas. Failure to do so may result in the reversal or setting aside of the board's decision in disciplinary matters, or rule and regulation adoption.

For example, suppose a board member served on an association committee involved in screening new applicants for membership in the association. Occupational Therapist Jones is rejected by the committee following proceedings in which the board member participated. Later, OTR Jones is called before the NVBOT on a disciplinary matter. The board member should disqualify himself or herself from participating in the Jones deliberations whether or not the reason for rejection of association membership was related to the reason for the disciplinary proceedings, since the board member's judgment has, at least, the appearance of being tainted.

Possible conflicts of interest in the regulation of individual occupational therapists could include the following:

- (a) a board member who is a relative or close friend of an individual being subjected to possible disciplinary action; or
- (b) a board member who maintains an occupational therapy establishment and is in competition with a nearby location that is owned by another occupational therapist who is subject to possible disciplinary action.

In the second example, the board's decision may substantially affect the economic position of that board member. It is advised that in such a situation, the board member seriously consider

disqualifying himself or herself. Unfortunately, it is not easy in many instances to readily ascertain whether a conflict is serious enough to require disqualification. If any doubt exists, a board member should consult the Attorney General's office. The important factor is to be aware of these areas of possible conflict.

Confidentiality

Much of the information to which board members become privy constitutes confidential or privileged information. State freedom of information acts and/or right of privacy acts generally determine the confidentiality status of such information. Generally, information in the files of applicants and licensees should be released only upon appropriate court order, or in accordance with appropriate board policies. Board members should be familiar with the provisions of statutes related to information held in agency files, and should avoid discussing any such information except in the context of board functions.

Board Member Liability

Judgments by boards and board members require a good working knowledge of their state practice acts in their entirety, particularly when considering the establishment of laws and regulations to be adopted by a board in order to implement the act.

Board members should understand that even while acting in their official capacity, irresponsible activities could lead to possible personal liability on the part of the board member. Under normal circumstances, a board member acting under legislative directive, in good faith, within the scope of his or her authority, who neither knew nor should have known that an act of that board member may have been in violation of the practice act or in deprivation of the constitutional rights and privileges of the affected party, will be protected from personal liability.

This protection or immunity from liability is a judicially established concept that was developed to permit administrative officials to carry out their duties and responsibilities without fear of liability. The immunity concept, however, does not protect a board member from lawsuits, nor does it guarantee the board member complete immunity from liability. It is only where the board member acts within the scope of the member's statutory authority in a reasonable and unbiased manner that the board member will avoid ultimate liability.

The U.S. Supreme Court in the case of *FTC vs. North Carolina Dental Board* is a case that centered on whether the dental board acted within their scope of authority in a reasonable and unbiased manner, and the court concludes that boards must be a majority of public members or must be supervised on the rulings they take on their regulations.

Antitrust Laws

It is incumbent upon board members to have an understanding of the existence of the antitrust laws and the relevant implications of these laws, as there appears to be a growing tendency to assert antitrust liability upon administrative officials.

Several years ago, there was a prevailing concept that state officials acting in their official capacities were absolutely immune from the antitrust laws. This concept of complete immunity has been eroded by court interpretation over the past several years.

Antitrust laws regulate combinations, conspiracies, and monopolies in restraint of trade, including price fixing and other matters that involve the economics of the profession. Board members may ask why they should be concerned about antitrust laws when their sole responsibility is the protection of the public health, and when they have been instructed to avoid the economics of the profession in carrying out their duties as board members.

It is not always easy to ascertain when a board's action may have an economic effect that could be construed as involving a combination or conspiracy in restraint of trade. Other general policies could be construed as attempts to lessen competition, even though the effect on competition may not have been considered by a board member.

Whenever you are in an area in which you believe you could conceivably fall within the purview of the antitrust laws, you should seek advice from the Attorney General's office.

Tort Liability

Board members are also troubled by potential tort liability, particularly the tort of defamation of character, which includes both libel (written) and slander (verbal). Can a board member be held liable for accusations made against occupational therapists in the normal course of issuance of a complaint or for those which are asserted at a disciplinary hearing? What if an occupational therapist is found to have violated the practice act, is disciplined by a board, and is later successful in overturning the board decision by a court appeal? What is the liability of a board member signing a complaint against an occupational therapist? Generally, if board members are acting within the scope of their authority, in good faith, and in an unbiased manner, they will be completely protected against liability under torts such as defamation of character. In all instances, however, the board members should insist that facts alleged against an occupational therapist be substantiated to the greatest extent possible to avoid any allegations that a claim is so frivolous as to constitute gross negligence on the part of a board member and cause that board member possible liability.

The Board contributes to the State Tort Liability Fund, which is utilized to protect the State and the Board's interests.

Decision Making with Conviction

If an individual accepts appointment to the NVBOT, it becomes the duty of that individual to carry out responsibilities that include making decisions, which in many instances involve the livelihood of an occupational therapy practitioner or an applicant seeking licensure into the profession. These decisions must be made fairly and fearlessly. This chapter has isolated certain areas where the decision-making processes may require great thought and, perhaps, legal advice to assist board members in making the hard decisions that must be made to ensure proper protection of the public health.

Finally, a board member should be inquisitive and should not succumb to past practices of a particular board without knowing why certain procedures are being followed. New board members provide a fresh, independent view of the board's practices and procedures. They should not be reluctant to ask questions to better understand the individual functions of board members.

Resources - The Nevada Attorney General's Office provides tools and resources for Board members regarding their roles and responsibilities and legal requirements for conduct of Board business. These tools can be accessed from the Attorney General's Office website, Open Government: http://ag.nv.gov/Hot_Topics/Open_Government/

Additional Publications available: <http://ag.nv.gov/Publications/Manuals/>

- Nevada Board and Commission Manual
- Nevada Open Meeting Law Manual
- Administrative Rule Making Manual

CHAPTER 3 – LICENSES

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for licensure?
- When is good moral character used to determine whether licensure is granted?
- What are the requirements for license verification?

Licensure

NRS 640A.070 – This section of the law exempts certain persons from requirements to be licensed by the Board. The Occupational Therapy law does not apply to a person holding specific valid professional license issued by a Nevada regulatory board when practicing within the scope of that license; is employed by the Federal government; is a student in an occupational therapy program or is obtaining fieldwork experience required to complete the program.

NRS 640A.120 – The Board has defined the general requirements for licensure as an occupational therapist or occupational therapy assistant:

1. Be a person of good moral character
2. Successfully completed the academic requirements of an educational program in occupational therapy
3. Successfully completed a fieldwork program in occupational therapy
4. Pass an examination approved by the Board

NRS 640A.130 – The Board waives the educational and fieldwork requirement if the applicant has completed an equivalent foreign education and experience.

NRS 640A.140 - The Board requires a person to submit an Application and provide evidence that they possess the qualifications required for a license.

The Board provides On-Line Services including Initial Applications, License Renewals, credit card payment of fees, and electronic submittal of documentation.

NRS 640A.145 – The Board shall not allow issuance of a license if the person owes child support.

NRS 640A.150 – The Board approves the licensure exam and requirements for passage of the exam.

The Board has designated the National Board for Certification in Occupational Therapy (NBCOT) examination as the Board's exam for licensure. In addition, the Board has established a Nevada jurisprudence examination as an additional exam required for licensure in Nevada.

NRS 640A.160 – The Board does not require a person to take the NBCOT exam if the person holds current national certification by NBCOT.

NRS 640A.165 and NRS 640A.166 - The Board may issue an expedited license by endorsement to a person who is a veteran and/or holds a current license in good standing in another state or territory of the United States and meets the requirements for licensing in Nevada.

A veteran, active military member, a veteran's spouse or military spouse are eligible for a reduced fee for licensure in Nevada.

NRS 640A.170 – The Board may issue a temporary license for a period of 6 months if a person meets the requirements for that license. A temporary license may be renewed one time.

A “provisional” license is a special type of temporary license established through regulation for a person who meets the requirements for licensure, except for passage of the NBCOT exam. Upon passage of the NBCOT exam, an individual may convert their provisional license to the standard license.

NRS 640A.180 - The Board establishes through regulation the term of a license, the method for renewal and reinstatement of a license and the manner in which a license may be placed on inactive status.

NRS 640A.180 - The Board establishes through regulation the fees for licensure in Nevada which must be set in an amount as to reimburse the Board for the cost of carrying out the provisions of the law and regulations.

Good Moral Character

The good moral character of an applicant is called into question anytime the applicant has committed a crime. As part of the application process, the applicant must disclose any legal issues and, submit all of the facts pertaining to the incident or conviction. Once the facts are accumulated, the case is evaluated for potential moral character determination. The Executive Director will rule either that the incident is not applicable or bring the applicant before the Board for a determination on whether a license should be issued.

Denial of Licensure

The Board may deny a license for missing any part of the licensure application.

The Executive Director may bring any application before the Board for action. The Board may deny the license for good cause after hearing and consideration of the specific circumstances.

Verification of Licensure

A licensee may request a written verification of licensure be sent to another licensing entity, upon payment of a \$25 fee for the service. On-line license verification is available without cost.

CHAPTER 4 – LAWS

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the guideline statutory requirements required for laws?

Laws

The Nevada Legislature is the entity that creates and approves statutory authority through law. The Nevada Legislature meets every two years. Any changes or revisions to the Nevada Revised Statutes requires a Bill to be introduced and passed by both the Assembly and the Senate. The Governor makes the final determination as to the passage of a Bill when it is signed into law or vetoed.

The laws found in Chapter 640A of the Nevada Revised Statutes were originally enacted on June 18, 1991. They formed the basis for how occupational therapy is practiced in the State of Nevada. All actions of the Board are governed by authority contained in NRS 640A.

The laws cover the following areas:

- a) General Provisions – NRS 640A.010 to NRS 640A.070
- b) Board of Occupational Therapy – NRS 640A.080 to NRS 640A.115
- c) Licensing – NRS 640A.120 to NRS 640A.190
- d) Disciplinary and Other Actions – NRS 640A.200 to NRS 640A.220
- e) Prohibited Acts; Penalties; Enforcement – NRS 640A.230 to NRS 640A.250

CHAPTER 5 – REGULATIONS

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the guideline statutory requirements required for regulations?

Regulations

Regulations are created, enacted and implemented by the Board. All regulations must conform to and be directly related to the authority granted by law to govern the practice of Occupational Therapy. The process for creating regulations is governed by the Nevada Administrative Procedures Act.

The regulations found in Chapter 640A of the Nevada Administrative Code were originally enacted on 12/23/1992, with implementing provisions added on 5/23/95. The regulations are regularly reviewed and updated as necessary. They provide the details on how occupational therapy is to be practiced in the State of Nevada.

The regulations cover the following areas:

- a) General Provisions – Definitions NAC 640A.010 to NAC 640A.018
- b) Licensing – NAC 640A.020 to NAC 640A.170

NAC 640A.030 to NAC 640A.041 establishes the prerequisite qualifications and documentation requirements for licensure in Nevada.

NAC 640A.050 Expiration and renewal of standard license. Sets the expiration date or term of a standard license at 2 years after the date the license was issued.

NAC 640A.060 to NAC 640A.068 provides the conditions for issuance of provisional and temporary licenses and conversion of such licenses to standard license; as well as the conditions for changing the status of a standard license to and/or from inactive status.

NAC 640A.070 to NAC 640A.202 establishes the continuing education requirements for licensure and renewal of a license in Nevada; and provides limitations on specific continuing education activities.

NAC 640A.160 Fees: The Board establishes its fees through regulation as listed in this section; and provides for reduced fees for military affiliations.

NAC 640A.170 Administrative fine for practicing with expired license. The Board may assess an administrative fine if a person continues to practice after a license has expired. The Board may also assess an administrative fine against a licensee for failure to provide information required to be filed with the Board.

c) Standards of Practice - NAC 640A.195 to NAC 640A.320

NAC 640A.195 to NAC 640A.210 establishes certain restrictions including the name on a person's license, use of professional title or initials, prohibitions on use of license and adopts the AOTA code of ethics and standards of practice.

NAC 640A.220 Professional responsibility regarding patients. Licensees must adhere to certain ethical and professional responsibilities including non-discrimination and professional competence.

NAC 640A.230 Scope of services with and without referral of patient by licensed provider of health care. Licensees may provide occupational therapy services to any person requiring assistance to perform the tasks of daily living, including those referred by a physician for specific medical conditions. A physician referral is not required in all cases.

NAC 640A.250 to NAC 640A.265 establish the supervisory authority, responsibilities and delegation of activities to an occupational therapy assistant or provisional licensee.

NAC 640A.267 to NAC 640A.275 establishes limitations on what an occupational therapist may delegate to a student, an occupational therapy aide or technician requiring direct supervision.

NAC 640A.290 to NAC 640A.320 contain miscellaneous provisions regarding patient records, fees, advertising and programs of research.

d) Disciplinary Action - NAC 640A.340 - NAC 640A.370

NAC 640A.340 Complaints: Any person may file a complaint with the Board. The Board may initiate a complaint against a person license by the Board. A complaint must identify one or more grounds for disciplinary action and provide sufficient detail to understand the complaint.

NAC 640A.350 Acts constituting unprofessional conduct: Lists acts constituting unprofessional conduct.

NAC 640A.361 Unprofessional conduct: Imposition of conditions on use of license. If the Board finds a person guilty of unprofessional conduct, specific sanctions can be imposed on the use of that license, including but not limited to, a public reprimand, probation, restrictions on scope of practice, remedial education, supervision of professional work, and physical or mental examinations for competency to practice.

NAC 640A.370 Recovery by Board of attorney's fees and costs. The Board may recapture from a person found guilty in a disciplinary hearing actual costs of attorney's fees and other direct expenses.

e) Proceedings Before the Board – NAC 640A.400 to NAC 640A.410 establish the process to petition the Board in a regulatory matter or for a hearing before the Board and allows for payment to witnesses in a disciplinary proceeding.

CHAPTER 6 – COMPLAINT HEARINGS

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for complaint hearings?

Complaint Hearings

Complaint hearings heard by the Nevada State Board of Occupational Therapy are similar to a courtroom hearing. The procedures and operating processes are outlined below.

NRS 640A.220 – All documents and other information filed with a complaint are:

1. Confidential, unless the person filing the complaint wishes for them to be made public;
2. The charging document filed with the Board to initiate disciplinary action pursuant to Chapter 622A and all documents and information considered by the Board when rendering a decision on the case is confidential.
3. The Board shall share the documents and files with any other board that is investigating the case.

NRS 640A.215 – Any person who becomes aware that a person practicing occupational therapy in this State has become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint. Complaints may be filed anonymously. Any anonymous complaints may not be processed if the complaint is found to be impossible or unfair to the person who is the subject of the complaint.

The following processes and conditions pertain to every complaint:

1. If the Board finds that a complaint involves a matter within the jurisdiction of another licensing board, the other board is notified and the complaint is referred.
2. The provisions of section 1 apply to:
 - (a) A complaint that concerns a person or licensed entity regulated by the Board and/or another licensing board.
 - (b) A complaint that concerns a person or licensed entity regulated solely by another board.
3. The provisions of this section do not prevent the Board from acting on a complaint that concerns a matter within its jurisdiction.
4. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent.
5. As used in this section, “licensing board” means a board created in Title 54 of Nevada Revised Statutes.

CHAPTER 7 – OPEN MEETING LAW

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements required for the open meeting law?

Open Meeting Law

The Nevada Open Meeting Law (OML) was enacted in 1960 to ensure that the actions and deliberations of public bodies be conducted openly. The Nevada Open Meeting Law is codified in Chapter 241 of the Nevada Revised Statutes.

The Nevada Open Meeting Law Manual is available from the Nevada Attorney General's Office.

Board members may not discuss Board business outside of an official Board meeting.

All communications with the Board are to be directed to the Board Administrative Office for response by the Executive Director.

The Executive Director will communicate to Board members by email, blind copy, or directly by telephone.

The Nevada Attorney General's Office provides Boards and Commission training annually which includes the Open Meeting Law requirements. Members are strongly encouraged to attend this training.

CHAPTER 8 – MEETING AGENDA

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the general statutory requirements for meeting agendas?

Meeting Agenda

The meeting agenda followed by the Nevada State Board of Occupational Therapy are routine and follow the constructs of proper meeting management. Agenda content contains mandatory language pursuant to the Nevada Open Meeting law and must allow for two Public Comment agenda items, one at the beginning of the meeting and one at the end of the meeting. Additional public comments may be accepted at the discretion of the Chair.

Any agenda item that may be considered for action by the Board must so state by indicating “for possible action”. No action may be taken on any item not specifically identified or listed for action on an agenda.

Meeting agenda’s must be posted at a minimum 3 working days prior to the meeting date, pursuant to the Nevada Open Meeting law.

The meeting agenda is composed of the following sections:

- a) Call to Order/Roll Call
- b) Public Comment - comments from the public (written, in person, or remote)
- c) Consideration and approval of the Minutes (for possible action)
- d) Complaint Hearing - if applicable (for possible action)
- e) Disciplinary Actions - if applicable (for possible action)
- f) Board Agenda Items (both informational and action items)
- g) Executive Director’s Report (for possible action)
- h) Report from Legal Counsel
- i) Report from Board Chair and Members
- j) Public Comment - comments from the public (written, in person, or remote)
- k) Adjournment

CHAPTER 9 – PARLIAMENTARY PROCEDURE

Chapter Objectives

After completing this chapter, you should be able to answer the following questions:

- What are the general requirements for parliamentary procedure?

Parliamentary Procedure

The Nevada Board of Occupational Therapy parliamentary procedures ensure that everyone has the opportunity to speak and be heard.

The Chair of the Board leads and facilitates the meeting.

Board Members should not speak until they have been acknowledged by the Chair. Members should speak one at a time and never speak when another Board Member is speaking.

One Board Member should state the case by making a motion for a vote on the issue and one Board Member should second the motion. If a motion for action does not get a second then the motion fails and no vote is taken.

Once the Board has a motion, with a second, it may choose to discuss the issue among themselves. When discussion is concluded, the Chair will call for a vote on the matter. A motion will pass upon majority vote of the members.

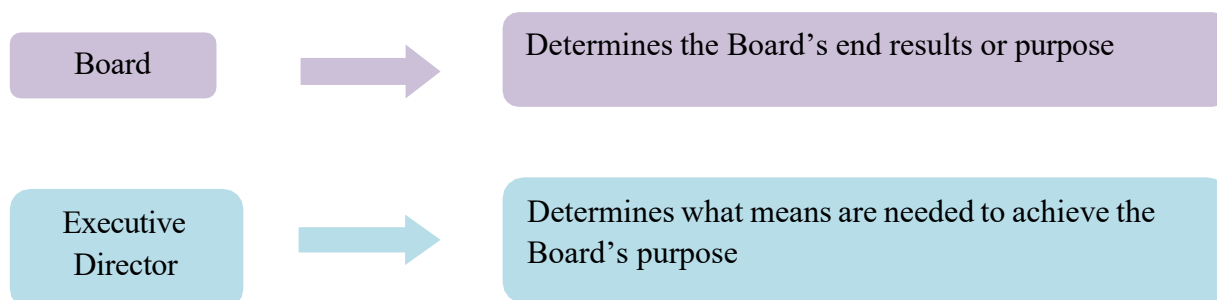
CHAPTER 10 – GOVERNANCE

Introduction

The Nevada Board of Occupational Therapy is effective when clear responsibilities are established. Forming an effective Board requires the Board to have a clear answer to this question:

What benefits (or end results) are we providing to whom?

In addition to answering this question, the Board needs to establish a single point of administrative authority. This person is responsible for using whatever means are necessary to accomplish these desired ends, within legal means or limitations establish in advance by the Board.



The Nevada Board of Occupational Therapy will be able to make better decisions more quickly and use the talents of its Board Members and the Executive Director if the Board:

- Is clear about its role
- Approves procedures for how the Board is going to operate and
- Establishes a partnership with the Executive Director to take actions needed to accomplish the Board's intended end results.

Board Members should be people who are interested in **governing** the Nevada Board of Occupational Therapy and not in performing hands-on activities, especially, not in a management role.

Responsibilities of a Board Member

- Determine the Nevada Board of Occupational Therapy's Mission and Vision
- Select the Executive Director
- Support the Executive Director and review his or her performance
- Ensure effective Nevada Board of Occupational Therapy planning
- Track progress toward meeting the results defined by the strategic plan
- Provide for the availability of adequate resources
- Enhance the Nevada Board of Occupational Therapy's public image

Framework

The Board Members establish the framework for the Board.

- Create and update the mission and vision statements
- Defines what benefits (or end results) the Board is providing to whom and what it will cost to deliver them
- Determines how the Board's performance will be measured.

Direction

The Board Members set the direction for the Board.

- Set goals and approve and monitor the strategic plan
- Develops Board policies, including the policies that govern how the Board will operate.

Accountability

The Board Members are responsible for the behavior and performance of Board Members and the Executive Director.

- Act with honesty and integrity.
- Hire and fire the Executive Director.
- Establish the end results the Executive Director is assigned to achieve and define any limitations on the means the Executive Director can use or any functions the Executive Director must perform.
- Monitor financial and operational performance.
- Receive and approve the audit report.

Role of the Board and the Role of the Executive Director

This section clarifies who has the primary accountability for which activities of the Board of Occupational Therapy. If the Executive Director must consult with the Board on most management decisions, the Executive Director may not be able to move the Board of Occupational Therapy forward and respond to opportunities or threats.

Clear authority makes the Nevada Board of Occupational Therapy more agile.

If a responsibility belongs to the Executive Director, the Board should discuss if the Executive Director should bring information about that function to the Board, and in what form and frequency. Unless directed by the Executive Director, the Board should avoid gathering information about the Board of Occupational Therapy or setting up relationships with staff members other than the Executive Director, since this may compromise the management structure of the Board of Occupational Therapy.

BOARD AND EXECUTIVE DIRECTOR RESPONSIBILITIES

BOARD OPERATIONS

Activity	Responsibility
Develop, approve and modify Board administrative structure	Board
Establish written policies and procedures for Board operations	ED
Appoint committees and hold them accountable	Board
Establish and enforce expectations for attendance at Board/committee meetings	Board
Train Board members	ED
Plan agenda for Board meetings	Joint
Take minutes at Board meetings	ED
Plan and propose committee structure	Board
Prepare exhibits, materials, and proposals for the Board and committees	ED
Sign or delegate the signature on legal documents	Board
Follow-up to insure implementation of Board and committee decisions	ED

PLANNING

Establish mission and strategic plan	Board
Articulate a vision for achieving goals	ED
Approve long range goals	Board
Provide input to long range goals	Joint

Formulate objectives	Joint
Direct the operational planning process	ED
Prepare performance reports on achievement of goals and objectives	ED
Monitor achievement of goals and objectives	Joint

FINANCIAL PLANNING, MANAGEMENT, AND OVERSIGHT

Prepare operating and capital budget	ED
Finalize and approve budget	Board
Ensure that expenditures are within budget	Joint
Approve expenditures outside authorized budget levels	Board
Provide for periodic audits and financial reviews	ED
Develop financial policies and procedures	ED
Approve financial policies and monitor that policies are being followed.	Joint
Ensure that there is adequate segregation of financial duties so that no one person is involved in all aspects of financial transactions	ED
Receive, review and approve audit reports	Board

PERSONNEL

Hire and discharge Executive Director	Board
Establish executive compensation	Board
Ensure succession planning	ED
Establish performance expectations/agreement and evaluate the ED	Board
Develop Personnel Policies, Procedures and Compensation Plan	ED
Approve Personnel Policies, Procedures and Compensation Plan	Board
Direct the work of the Board of Occupational Therapy and its programs	ED
Hire, supervise, evaluate and discharge staff other than the ED	ED
Handle complaints against the ED by a staff member or public	Board

MARKETING/COMMUNITY RELATIONS:

Interpret Nevada Board of Occupational Therapy law and/or regulations to stakeholders	ED
Develop marketing plan, materials, and awareness campaigns	ED
Outreach and delivery of information to stakeholders / community / interested parties	Joint

LEGISLATIVE / REGULATORY:

Review Board of Occupational Therapy law and/or regulations	ED
Develop proposed law and/or regulatory language	ED
Review and approve proposed law and/or regulations	Board
Monitor legislative and regulatory activities	ED

APPENDIX

Nevada Revised Statutes, Chapter 640A

Occupational Therapy

Nevada Administrative Code, Chapter 640 A

Regulations of the Board of Occupational Therapy