

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES OF PUBLIC MEETING

February 6, 2016

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Members Present: Linda Frasier, Kittima Conrad, Stacey Henderson, Sol Magpantay  
Members Absent: Deena Spaulding  
Staff Present: Loretta L. Ponton, Executive Director,  
Henna Rasul, Senior Deputy Attorney General  
Public Present: Paula Berkley, Liz Straughan, Mindy Esterson, Dave Bockhorn, Joyce Mosely

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### Public Hearing, LCB File No. R048-15 – NAC 640A

Ms. Ponton opened the Public Hearing at 11:00 a.m.; welcomed the individuals in attendance and asked each individual and board members to introduce themselves.

Ms. Ponton provided an introduction to the Hearing stating the purpose is to solicit comments on proposed regulations LCB File No. R048-15 which revises provisions concerning the requirements for continuing education and other items relating to the Board.

Ms. Ponton explained the regulations are presented for final hearing and will be considered for adoption at the Board meeting immediately following the public hearing. Ms. Ponton stated the regulations incorporate comments received at the public workshop held on November 17, 2015 and have been posted in accordance with the administrative rulemaking requirements. Ms. Ponton opened the floor for public comments.

Liz Straughan commented that she had previously submitted her comments and concerns. There were no revisions recommended by the public. The public attending the meeting expressed general support of the regulation.

Hearing no further questions or public comments, the public hearing was closed at 11:15 a.m.

### Board Meeting

The meeting was called to order by Linda Frasier, Vice-Chair at 11:16 a.m. A roll call confirmed a quorum was present.

**New Board Member Orientation** - Loretta Ponton provided an overview of the structure of the Board including staffing and general operations; administrative requirements to include the State Administrative Manual, open meeting law, budget process and audits; Board policies; licensing and regulatory data collection system; roles and responsibilities of Board members referencing the Nevada Board and Commission Manual, Open Meeting Law Manual, administrative rule making process; explaining the difference between the Nevada Revised Statutes and Nevada

Administrative Code. Loretta Ponton stated the Attorney General's Office provides a Board and Commission training annually and that all new members are encouraged to attend.

**Election of Chair and Vice Chair** - Loretta Ponton provided a summary of the role and responsibilities of the Chair and Vice Chair. Stacey Henderson nominated Linda Frasier for consideration as Chair stating Linda has served as Vice Chair and feels she is well qualified.

Kittima Conrad made a motion to appoint Linda Frasier as Chair, seconded by Stacey Henderson. The motion passed with Linda Frasier abstaining.

Stacey Henderson made a motion to appoint Kittima Conrad as Vice Chair, seconded by Sol Magpantay. The motion passed with Kittima Conrad abstaining.

**LCB File No. R048-15 - Consideration of Public Comments** - No recommendations or revisions were proposed by the public.

**Adoption of Regulation R048-15** - Having considered public comments, Linda Frasier call for a motion.

Kittima Conrad made the motion, seconded by Sol Magpantay to adopt regulation R048-15 as presented. The motion passed unanimously.

**Approval of Minutes** - Linda Frasier asked if there were any comments or revisions to the minutes of August 8, 2015, which was the Board Retreat. Loretta Ponton stated there were no action items on the agenda at the Board Retreat. It was noted that Linda Frasier and Kittima Conrad were the only members present who attended the August 8 meeting.

Kittima Conrad made the motion, seconded by Linda Frasier to approve the minutes of the meeting of August 8, 2015. The motion passed with Sol Magpantay and Stacey Henderson recusing.

Linda Frasier asked if there were any comments or revisions to the minutes of the meeting of November 17, 2015. Hearing none, called for a motion.

Kittima Conrad made the motion, seconded by Stacey Henderson to approve the minutes of the meeting of November 7, 2015 as presented. The motion passed with Sol Magpantay recusing.

**Disciplinary Matters** - Linda Frasier asked Loretta Ponton to present.

Loretta Ponton stated the Board is requested to review and take action upon two consent decrees negotiated by legal counsel and the Executive Director after conducting informal investigation found there was sufficient evidence to proceed to hearing. Ms. Ponton distributed the Consent Decree in Case C15-02, Mathew Rowden.

After discussion of the terms and conditions outlined in the Consent Decree, Stacey Henderson made the motion to approve the Consent Decree with a revision to paragraph 2, Stipulated Adjudication to correct the hours of CE to read "three" and to add that the CE must be completed

within 3 months and is in addition to the hours required for renewal of a license. The motion was seconded by Kittima Conrad. The motion passed.

Henna Rasul stated she would revise the Consent Decree and notify Mr. Rowden of the change for his approval and signature. If Mr. Rowden does not approve the change, the matter will move to hearing but feels the change will be acceptable.

Loretta Ponton distributed the Consent Decree in Case C15-03, Christina Klatt. After review and discussion, Linda Frasier called for a motion.

Sol Magpagtay made the motion, seconded by Kittima Conrad to approve the consent decree in Case C15-02 as presented. The motion passed.

**Executive Director Performance Review** - Loretta Ponton explained that an annual performance review should be conducted by the Board of the Executive Director. This is the first review as an employee of the Board; the position was previously filled as an independent contract and effective July 1, 2014 was designated as an employee of the Board. The review period would cover July 1, 2014 through December 31, 2015. An evaluation form is provided which was developed based upon the duties and responsibilities of the position as contained in the job description and allows for additional comments as appropriate. In addition, the current employment agreement with the Executive Director provides for consideration of a raise in salary or change in benefits, at the discretion of the Board. It was noted that the salary has not been increased since 2010.

Linda Frasier stated the Board would jointly review each of the areas, assign a score and reach a consensus on the overall performance. Linda Frasier lead the review process with discussion heard from each Board member. Sol Magpagtay stated as a new member, she could only comment on her personal interactions with Loretta in three of the areas. Stacey Henderson stated the website needs updating to reflect the new members. All other comments were positive with a consensus that the evaluation indicates the performance was outstanding.

Discussion was heard regarding an increase in salary; Loretta indicated the Board had discretion and could approve a flat amount, a percentage increase or remain at the current level. After discussion with general agreement that an increase should be considered, Linda Frasier stated she would be more comfortable making a decision on the amount if more information on cost of living over the past few years could be provided. This item was tabled for future consideration.

**Executive Director's Report** - Loretta Ponton directed the members to the written report.

Ms. Ponton provided a summary of licensure statistics stating there has been an increase of 6.8% in total licensees, there are 1020 current licensees as of December 31, 2015, with 111 new licenses issued since July 1<sup>st</sup> through December 31<sup>st</sup>.

The 2nd Quarter FY 2016 financial statements were summarized. Stacey Henderson asked for clarification on two vendors listed in the transaction detail report regarding what the expenses were for. There were no other questions on the financial statements.

Loretta Ponton continued reporting that a survey of licensees was conducted on what topics would be beneficial for a sponsored seminar for the coming year. The results indicated a strong 83% identifying neuro-based, occupation based and evidence based practice as their preference.

After discussion, there was consensus the Board should continue providing sponsored CE's for licensees. Discussion also included the development of a web-based law and regulation CE course for additional options for licensees.

Loretta Ponton concluded reporting the CE and COTA supervisory audits are complete; one individual who did not respond to the CE Audit has been noticed that disciplinary action may be pursued and there are 3 pending complaints in process.

Kittima Conrad made the motion, seconded by Stacey Henderson to approve the executive director's report as presented. The motion passed.

**Report from Board Chair** - Linda Frasier directed the members to the proposed meeting schedule. After discussion, the next meeting was scheduled for teleconference on Wednesday, May 25, 2016. The NBCOT forum in New Orleans will be May 11-13, 2016. Ms. Frasier stated she would like to attend; Kittima Conrad also indicated she would like to attend.

**Future agenda items:** Linda Frasier asked if there were any items for future agendas. Loretta Ponton indicated that a discussion of Sponsored Seminars would be an agenda item and she would conduct outreach to AOTA and provide more information at the next meeting.

**Report from Legal Counsel** - Henna Rasul stated she had nothing to report.

**Public Comments** – No public comments were made. Linda Frasier thanked the members of the public for attending.

**Adjournment** – Linda Frasier adjourned the meeting at 1:37 p.m.