

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES OF PUBLIC MEETING

April 8, 2017

---

Members Present: Linda Frasier, Elizabeth Straughan, Allison Stone, Stacey Henderson, Sol Magpantay

Members Absent: None

Staff Present: Loretta L. Ponton, Executive Director,  
Henna Rasul, Sr. Deputy Attorney General

Public Present: Paula Berkley

---

Linda Frasier, Chair, called the meeting to order at 10:02 a.m. A roll call confirmed a quorum was present.

**Public Comments** – No public comments.

**Approval of Minutes** - Linda Frasier asked if there were any comments or revisions to the minutes of the meeting of January 21, 2017. Hearing none called for a motion.

Elizabeth Straughan made the motion, seconded by Allison Stone to approve the minutes of January 21, 2017. The motion passed with Stacey Henderson and Sol Magpantay abstaining.

**Legislative Report** - Paula Berkley updated the members on pending bills under consideration at the 2017 Legislative Session. Ms. Berkley highlighted bills of interest to Boards, stating there are no bills that have significant direct impact to the Board of Occupational Therapy other than additional administrative and reporting requirements. Ms. Berkley reported the bill consolidating the four behavioral health boards is being substantially amended. As amended, the existing boards would not be eliminated. The amended bill would add additional oversight and reporting to the Committee on Behavioral Health. Ms. Berkley reported that deadline for bills to pass out of Committee is April 14<sup>th</sup> or they are dead.

**Disciplinary Actions** - Linda Frasier asked Loretta Ponton to facilitate.

Ms. Ponton stated Case C16-03 is presented for consideration of formal dismissal. After review of all documentation received, it was determined there is insufficient evidence to establish a violation of Chapter 640A of the Nevada Revised Statutes and the Nevada Administrative Code.

Linda Frasier called for a motion on Case No. C16-03.

Allison Stone made the motion, seconded by Sol Magpantay to dismiss Case No. C16-03. The motion passed.

Loretta Ponton provided the Consent Decree with Ashley Shaul for consideration. Ms. Ponton and Henna Rasul responded to questions regarding the Consent Decree.

Linda Frasier called for a motion on Case No. C16-04.

Liz Straughan made the motion to approve the Consent Decree with Ashley Shaul, Case No. C16-04, seconded by Stacey Henderson. The motion passed.

**Proposed Revised Regulations** - Linda Frasier asked Ms. Ponton to facilitate. Loretta Ponton referred the members to the draft language, stating the first revision is to NAC 640A.361 which removed a “private” reprimand as a disciplinary action. A private reprimand is not allowable and this revision brings the regulation in compliance with state law.

NAC 640A.260 revisions propose clarifications on supervisory limitations for OTR’s and COTA’s. After discussion, language was proposed to identify a primary supervisor is required for each employer and to include students in the combined total of individuals that can be supervised by a primary supervisor.

Discussion of the responsibilities of the primary supervising OTR and the role of a treating OTR resulted in a determination that additional language should be developed to indicate a COTA should have a primary supervising OTR for each employer who is responsible for ensuring the supervisory log is completed and reviewed at least monthly. A secondary OTR can be designated as backup for the primary OTR to ensure coverage; other “treating” OTR’s who delegate to COTA’s can sign the supervisory log for activities performed by the COTA for the “treating” OTR’s clients, but will not be required to be listed as supervisors by the COTA.

NAC 640A.160 adds proposed language to provide a 50% reduction in fees for veterans and military families. The members were in agreement with the proposed language.

NAC 640A.011 defines the regular license type; proposing to change the term “Active” license to “Standard” license through the regulations to clarify the license type as different than the status of a license as “inactive” or “active”. There was concurrence on the need for the change.

**New Regulations** - Ms. Ponton proposed new language to define “Supervisory Occupational Therapist” to clarify the term as used in other sections of the regulations pertaining to supervision of occupational therapy assistants and provisional licensees. The members made no revisions.

Ms. Ponton stated there are instances where related parties are working together, either at the same employer or in their own self-employment capacity. There is currently no regulation prohibiting supervisory relationships between related parties. The proposed regulation would prohibit related parties from entering into supervisory associations. There was concurrence that the proposed new regulation would be appropriate.

Ms. Ponton continued with proposed new language for license by endorsement, explaining that the current law states the Board “may” issue licenses by endorsement. The proposed language establishes a requirement that a person must have held a license in good standing for a minimum of two years and requires passage of the jurisprudence exam. Additionally, official transcripts would not be required.

Ms. Ponton stated that all applicants must hold NBCOT certification or for provisional licensure, be determined eligible to exam by NBCOT. NBCOT requires original transcripts as a requirement for eligibility for examination and certification. Ms. Ponton stated that it might be duplicative and unnecessary for the state to require original transcripts for licensure; it is an additional cost to the applicant and can result in delays in issuing a license waiting for transcripts to arrive. After discussion of applicability to all license applicants, there was consensus that original transcripts are duplicative of already established eligibility criteria.

Linda Frasier called for a motion on retaining or eliminating the requirement for original transcripts.

Liz Straughan made the motion to eliminate the requirement to submit original transcripts for all license applicants as NBCOT requires original transcripts for both eligibility to exam and certification, and NBCOT certification is required for licensure in Nevada. Allison Stone seconded the motion. The motion passed unanimously.

Ms. Ponton stated she would make the necessary application changes and will remove the reference to transcripts in the proposed new regulation.

Ms. Ponton continued with new regulatory language for discussion pertaining to how often an OTR must have direct contact with a client. The members discussed identifying the specific number of visits or number of days between direct contacts with a client, the various practice settings, including school based services, and differences in requirements for insurance and billing which dictate specific intervals such as Medicaid and Medicare. There was consensus that the OTR must use their professional judgement for the circumstances and settings of service. The recommendation was to revise the proposed language to indicate that a supervisory OTR must use their professional reasoning in determining the frequency of direct client contact, in compliance with state and federal regulations.

**Telehealth** - Linda Frasier, as follow up to the last meeting, stated telehealth remains a highlight of discussions throughout states. Ms. Frasier reported Deborah Slater of AOTA has an excellent presentation on telehealth including ethics. Ms. Frasier recommended Ms. Slater as a potential presenter for the Board seminars. Another presentation on Technology was also very informative and related to telehealth, which may be another topic for the seminars.

**Executive Director's Report** - Loretta Ponton directed the members to the written report, summarizing licensure statistics, financial reports as of February 28, 2017, and statistics on number of individuals who have attempted and/or completed the on-line jurisprudence exam.

Jurisprudence Exam - Ms. Ponton asked whether the Board wanted to consider whether to require the jurisprudence exam for licensure; it is now optional, with the Board allowing two (2) CE credits for completion. Ms. Ponton commented that it is common for individuals to fail the exam on their first attempt. After discussion, the members requested additional statistics and an evaluation of the exam questions that were most commonly missed.

Seminars - Ms. Ponton stated that a Survey of licensee interests for topics for the seminar did not reveal any one area of interest. The consensus reached by the members was to pursue Telehealth and Technology as the seminar topics for 2017.

The members discussed the low turnout in previous years including what efforts could be made to increase participation. Allison Stone indicated that the Nevada OT Association also provides an annual conference and perhaps the Board could outreach and/or coordinate efforts with NOTA.

Licensing System - Ms. Ponton reported that on-line applications would require an upgrade to GL6. After discussions with other Nevada boards that have upgraded, and considering the continued on-going issues with GL Solutions technical support and processes, Ms. Ponton stated that at this point GL6 it is not being considered.

Ms. Ponton reported that the GL system revisions to update the CE requirements is still not complete, an additional expedited project has been purchased at a cost of \$5,439 to make necessary changes to the on-line renewal process pertaining to the CE requirements. The revisions will most likely not be completed prior to the upcoming renewal period for the majority of licensees. If not complete, it will be necessary for staff to continue manual reviews of every renewal to ensure the 12-hour requirement and carry-over hours are calculated correctly.

Ms. Ponton reported that she is again researching other options for licensing software and has requested preliminary quotes from two companies. A formal request for proposals or invitation to bid process will be required, depending upon cost estimates.

NBCOT conference - Ms. Ponton reported there would not be a conference in 2017.

Complaints - Ms. Ponton reported that one new complaint has been received.

**Report from Board Chair** - Linda Frasier provided a report on the AOTA Conference, there were over 14,000 people in attendance; next year the conference will be held in Salt Lake City.

Ms. Ponton requested a change to the next meeting date as she has a conflict with the original date. After discussion, the next meeting was re-scheduled for July 29, 2017.

Ms. Frasier summarized future agenda items as follows: proposed regulations, sponsored seminars, final legislative report and FY 2018 Budget.

**Legal Report** - Henna Rasul stated there was nothing to report.

**Public Comments** – There were no public comments.

**Adjournment** – Linda Frasier called for a motion to adjourn. Stacey Henderson made the motion, seconded by Liz Straughan to adjourn. The motion passed. The meeting adjourned at 1:27 p.m.