

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES OF PUBLIC MEETING

June 15, 2013
Las Vegas, Nevada

Members Present: Eric Gerken, Ronald Tulak, Allison Stephens, Kittima Conrad
Members Absent: Linda Frasier
Staff Present: Loretta L. Ponton, Executive Director,
Henna Rasul, Senior Deputy Attorney General
Public Present: Paula Berkley

The meeting was called to order at 1:07 p.m. by Eric Gerken, Chair. A roll call confirmed a quorum was present.

Public Comment – No Public comment was heard.

Approval of the Agenda – Allison made a motion, seconded by Ron to approve the agenda. The motion passed.

Approval of the Minutes – Eric asked if there were any comments or revisions to the minutes of the meeting of April 10, 2013. No comments or revisions were heard.

Ron made the motion, seconded by Kittima to approve the minutes of the April 10, 2013 meeting. The motion passed, with Allison abstaining.

FY 2014 Budget – Eric asked Loretta to present. Loretta summarized the proposed FY 2014 Budget stating the revenue is projected to increase by approximate 6% due to increase in licenses issued and renewed; other income is budgeted at a reduction due to lower rates on investments as the board's initial CD's mature and have been reinvested; cost sharing income increased slightly as a result of adjusted cost allocation based upon actual costs incurred during calendar year.

Loretta noted that although licensing income has increased, it may be affected by the closure of the OTA program at CCSN, all students have graduated in 2012. Allison stated that the CCSN program has not closed but is not accepting new students at this time. The college is renewing its efforts to hire a program director and hopes to reopen the program in the future.

Loretta continued with explanation of the individual operating expense line items, noting that projected revenue exceeds budgeted expenses by \$6,125.00. A discussion regarding the IT line item in regards to costs of updating the website was heard. Also noted were amounts budgeted for legislative services during the legislative interim related to reviewing and revising regulations and monitoring interim committees; and renewal of the contract for bookkeeping services with no increase in fees.

Allison made the motion, seconded by Ron to approve the FY 2014 Budget as presented. The motion passed.

Interdisciplinary Practice Policy – Eric stated that he and Loretta worked on the policy as a follow-up to the PT Board discussion of potential issues with dual licensed individuals.

Discussion of each section of the policy has held with consensus to revise 1. Client Services by adding “and discipline” At the end of the last sentence; and 4. Reasonable Practice by deleting the second sentence.

Ron made the motion, seconded by Allison to approve Policy 11, Interdisciplinary Practice as revised. The motion passed.

Henna asked that the revised policy be sent to her to review prior to sending to the PT Board and their legal counsel.

Legislative Update – Eric welcomed Paula Berkley who provided a legislative report on the legislative session. Paula explained each bill that was tracked and the outcome of those that affect the Board’s law or operations. Paula elaborated on SB 220 which made additions to the NRS 640A explaining the intent was to standardize language in all boards’ laws regarding unlicensed practice, administrative authority to issue citations and assess fines; establish violations as a gross misdemeanor; and cooperate with law enforcement when appropriate. Also of direct impact was AB 155 which makes all health care professionals mandatory reports of child abuse. Paula stated that revisions to our regulations would most likely be necessary to come into compliance with new legislative mandates.

Eric stated that the Work Session would be moved after the reports in the interest of time. The Board members concurred.

Executive Director’s Report – Loretta directed the members to the written report in the board packet.

Licensure Statistics – Loretta provided an update on licensure statistics indicating an increase of over 8% in number of licensees over the previous year. The license renewal period is in progress; approximately 111 individuals have not renewed; however June is the late renewal period and it is expected that number will decrease.

Financial Reports - Loretta stated the financials reflect status through March 31, 2013. Loretta reported that revenue is projected to exceed budget by year end and that expenditures are within budget.

Board Conferences – Loretta reported the NBCOT conference will be held in Ohio, November 8th and 9th which is the week-end before Veteran’s day. More information will be provided when received from NBCOT.

Disciplinary Actions - Loretta reported there is one (1) pending complaints in process.

Allison made the motion, seconded by Ron to accept the Executive Director's report. The motion passed.

Report from Legal Counsel – Henna stated there was nothing to report.

Work Session – Website Structure

Eric reported that he and Loretta met with the website developer to have a general discussion regarding updating the Board's website. Eric asked the members for input regarding what they would like to change and add to the website, and stated Linda had provided comments in writing which were handed out.

Loretta directed the members to the handout draft structure explaining the concept that the website should address three areas; what's of interest to practitioners; what's of interest to the public; and the Board's information which includes the state required statements, links and Board administrative items such as Board meetings. Loretta explained the proposed structure in general outline format and what would be included under each page.

Discussion was heard with recommendations to include a link to the facebook page; Allison added that on-line continuing education should be considered; Paula stated a test on NRS would be good as too many people don't know the law and regulations. It was stated a continuing education could be awarded or the Board could make it mandatory; questions could be changed periodically. It was also suggested that a pop-up banner "Did you know" on each of the pages with a question would be another option for general information. Access to continuing education courses would also be a plus. Eric stated that the home page should have "quick" access to renew a license or pay with a credit card.

Discussion continued with Allison suggesting perhaps a log-in to track where people are going and what pages are being accessed. Eric stated he did discuss with Victor statistical analytics capabilities and said we shouldn't make it harder for people to access information by having a mandatory login.

Eric stated the intent should be to make it easier and quicker to find what you are looking for, the least amount of navigation the better. Loretta added a Search feature should really help in that area.

Ron stated he likes the current format with the tabs at the top and we should not deviate too much from that structure. A search feature is fine, but he likes to just click. Ron suggested that a survey might also be nice; Allison agreed. Eric pointed out the proposed How Are We Doing which is like a survey.

It was suggested that several design format options be brought back to the Board to review perhaps at the next Board meeting.

Loretta summarized that additional features for a survey, possible test and CE activities are recommended; and that design formats be requested for presentation at the next meeting.

NAC 640A Regulations – Eric tabled this item to a future meeting due to time constraints.

Telehealth – Eric reported that telehealth was discussed at the NBCOT conference last year and AOTA has recently updated a policy paper on telehealth which was provided to the Board members.

Eric summarized the issues he felt were identified in the AOTA telehealth document. The positives are it would improve access to care as it relates to on-going personnel shortages. Some of the issues are that not all OT activities are appropriate for phone or video conference.

Eric continued that the document does not state what is appropriate for delivery by telehealth; that telehealth may lend itself to potential abuse if not used or overseen correctly.

The AOTA document directs individuals to contact individual State Boards for clarification of telehealth requirements and licensure requirements.

Eric stated the Board needs to have a policy on telehealth; Linda submitted her comments in writing and asked the members for their comments.

Loretta commented the Board needs to keep in mind that they are here to protect the public, not make it easier for the practitioner. On licensure, Loretta stated she feels at a minimum, a practitioner who is treating a client in Nevada should hold a Nevada license; in addition, if they are using technology, they should be trained in the use of that technology.

Allison asked how other professionals are addressing telehealth. Paula commented that it is being used in other fields; but not much has been written to address these issues. Loretta added, that in her research she has found it is a “hot topic” and being discussed not only in OT but other professionals as well, but there are not many who have yet written regulations on the matter.

Ron commented that individuals need to know who is licensed; another issue is COTA supervision, how is that going to be handled if a COTA is to practice through telehealth. Ron provided examples of how a COTA could use telehealth effectively.

Allison questioned how an individual who chooses to use OT services through tele-practice from a practitioner located in another state differs from someone who travels to California for a medical procedure and then returns to Nevada. She stated it is the client’s choice in provider and she feels the client does have recourse through the other state’s regulating body, if necessary.

Discussion was heard of the differing scenarios of service and jurisdictional governance issues.

Ron reiterated that once the client is in Nevada, it is the Board’s duty to protect the client. Allison stated she does not see the distinction between the two scenarios; and asked if there were any legal guidance regarding jurisdiction if the client makes the choice.

Henna responded that there are some reciprocity arrangements between states which include licensure requirements; discussion continued on the differences.

Eric concluded stating all these issues will continue to be considered in future discussions.

Report from Board Chair – Eric had nothing more to report.

Public Comment – No comments were made.

Adjournment – Allison made the motion, seconded by Ron to adjourn. The motion passed. The meeting was adjourned at 4:32 p.m.