

# STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

## MINUTES OF PUBLIC MEETING

September 30, 2012

Las Vegas, Nevada

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| Members Present: | Elizabeth (Liz) Straughan, Eric Gerken, David Tanabe, Ronald Tulak                    |
| Members Absent:  | Allison Stephens  |
| Staff Present:   | Loretta L. Ponton, Executive Director,<br>Henna Rasul, Senior Deputy Attorney General |
| Public Present:  | None  |

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The meeting was called to order at 1:30 p.m. by Liz Straughan, Chair. A roll call confirmed a quorum was present.

**Public Comment** –No public was in attendance.

**Approval of the Agenda** – Liz asked for a motion. Eric made a motion, seconded by Dave to approve the agenda as presented. The motion passed.

**Approval of the Minutes** – Liz asked if there were any comments or revisions to the minutes of the meeting of June 9, 2012. No comments or revisions were heard.

Eric made the motion, seconded by Dave to approve the minutes of the June 9, 2012 meeting as written. The motion passed.

**Disciplinary Actions** – Liz stated she would turn this item over to Loretta for presentation.

### **Consent Decree Case No. 12-01, Lisa Randol, COTA/L, License # 10-1013**

Loretta stated Ms. Randol wishes to enter into a Consent Decree with the Board, she has moved from the state and wishes to voluntarily surrender her license, resulting in a revocation of her license.

Discussion of the terms and conditions was heard.

Dave made the motion, seconded by Eric to approve the consent decree as presented. The motion passed.

### **Consent Decree, Case No. 12-05, Skye Woods, OTR/L, License#09-0080**

Loretta stated Mr. Woods is actively practicing in Nevada and wishes to enter into a Consent Decree with the Board. Loretta was asked, and Loretta confirmed, the two cases are not related.

Discussion of the terms and conditions of the consent decree and probation were heard.

Dave questioned the language in paragraph 14 regarding notification of change in supervising occupational therapist or supervision as Mr. Woods is an OTR. The current language would be appropriate for a COTA but not an OTR. Discussion was heard regarding the meaning and applicability of the language.

Dave made a motion to approve the consent decree with Mr. Sky Woods, Case No. 12-05, with a revision to paragraph 14 to strike “or supervising occupational therapist” in the first sentence, and to strike “or supervision” in the second sentence, effective upon execution of all signatures. The motion passed.

Loretta was directed to revise the Consent Decree and transmit for appropriate signatures.

### **Dismissal – Case No. C12-06**

Loretta stated that after review and investigation, it was determined there was insufficient evidence to warrant a formal complaint. The case is brought before the Board for formal dismissal.

Dave made the motion, seconded by Ron to dismiss and close Case No. C12-06. The motion passed.

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

Loretta reported licensing numbers continue to increase, with over 820 licensees as of September 30. There has been an increase in COTA licensees compared to previous years’ numbers. The numbers reflect the graduating classes at Touro and CCSN. Dave asked whether the Board of Regents took any action on the CCSN program closure.

Loretta replied that she had informed them of the Board’s support of the CCSN COTA program. CCSN made a report to the Board of Regents which basically stated the same issues as that reported to ACOTE; the lack of funding for professional instructors/director for the program.

Loretta summarized the financial reports as of June 30, 2012 stating the revenue increased to over \$175,000 which is reflective of the increased licensing activity; expenditures are below budget by approximately \$8,000. The financial statements include all the costs of the reorganization of the administrative office and the move to the new location. There were no questions on the financial statements.

Loretta reported the biennial audit of FY 11/FY 12 has begun and is expected to be complete by November 1<sup>st</sup>.

Loretta reported on her attendance at the GL Suite User conference and stated Eric and Allison will be attending the NBCOT conference in October. NBCOT will be subsidizing registration and one nights lodging.

Loretta stated the OTR Audit is in process and the CE audit still has two (2) outstanding responses.

Loretta referred the members to the pre-filed bill draft listing provided by Paula Berkley in addition to information on the Interim committee on Health Care regarding unlicensed healthcare. Loretta stated that there are several pre-filed bills in the listing regarding unlicensed healthcare. The information on attendance at the Legislative Committee was also discussed.

Loretta stated there will be a Board and Commission training in Carson City for interested Board members. The training will be teleconferenced to Las Vegas.

Loretta also handed out a copy of a compliment for the Board received from a previous licensee.

Loretta reported that she has worked with Annalyn Carillo in the Governor's office to track member terms back from the original appointments to the present. A staggered term schedule will be recommended to the Governor based upon the research, for the upcoming board member appointments. Loretta also reported that Annalyn requested a mass recruitment not be done; that a more directed recruitment be considered. Ron and Eric stated they have a couple of interested persons and will provide their names. Ron asked Loretta to check the term end date for his appointment.

Loretta reported she has two (2) pending complaints in process.

#### **Contract Performance Review – Executive Director Services, Lorylynn, Ltd.**

Liz stated all members have responded and provided their review evaluations. Liz reported that all members awarded full points for each category. Three members gave bonus points of 3, 5 and 10.

Liz summarized the evaluation comments which justified the top rating and stated that based on the performance review, consideration of a performance award is warranted.

Eric made the motion that based upon the performance review and services provided, the Board award Lorylynn Ltd a full performance bonus as budgeted. The motion was seconded by Ron and passed unanimously.

Liz reopened Item 7 – Executive Director's Report

Loretta and Dave reported that they and Paula Berkley attended the Physical Therapy board meeting on September 27<sup>th</sup> to present the Board's bill draft request. Dave stated the meeting went well, there were some good questions about habilitation and rehabilitation, a question about use of prosthetics which delineates upper extremity and manual muscle testing which doesn't delineation between upper extremity and lower extremity. Dave also stated that they asked if it was taught in school which Dave said he couldn't answer specifically. Dave stated he tried to contact Yvonne at Touro, Loretta said she did talk with Yvonne who indicated she sent a name of an individual who might help. Loretta also reported that a member of the PT association was also present at the meeting. Dave also reported questions were asked about dry-needling, and also about the number of COTA's an OTR could supervise, both topics were outside the scope of

the BDR; they were also interested in knowing the places an OT can practice, specifically referring to an athletic facility.

Loretta reported the PT Board passed a motion to have their Executive Director send a letter stating they don't have an objection to the BDR at this time.

**Report from Board Chair** – Liz asked for availability for January 19<sup>th</sup> or January 26<sup>th</sup> for the next Board meeting. There was a consensus the next meeting date will be January 26<sup>th</sup> in Las Vegas. Loretta asked about a date for a teleconference in November to approve the audit report. There was a consensus that November 14<sup>th</sup> at 5:00 p.m. would be scheduled as a teleconference.

Discussion was held regarding additional dates for teleconferences to receive legislative updates. Tentative dates of February 20<sup>th</sup> and March 20<sup>th</sup> were agreed to, if needed.

Liz suggested that licensees be sent an email with notice of Board meeting dates to increase participation at the meetings.

**Report from Legal Counsel** – Henna stated she had nothing else to report.

**Public Comment** – No public was in attendance.

**Adjournment** – Dave made the motion, seconded by Eric to adjourn. The motion passed and the meeting was adjourned.