

STATE OF NEVADA BOARD OF OCCUPATIONAL THERAPY

MINUTES OF PUBLIC MEETING

February 28, 2015

Las Vegas, Nevada

Members Present: Eric Gerken, Kittima Conrad, Linda Frasier, Deena Spaulding,
Allison Stephens
Members Absent: None
Staff Present: Loretta L. Ponton, Executive Director,
Henna Rasul, Senior Deputy Attorney General
Public Present: Elizabeth Straughan, Mindy Esterson, Stacey Schnebelen

The meeting was called to order at 12:45 p.m. by Eric Gerken, Chair. A roll call confirmed a quorum was present. Eric Gerken welcomed members of the public and asked for members and the public to introduce themselves.

Public Comments – No public comments were made.

Election of Chair and Vice Chair - Eric Gerken provided a summary of the role and responsibilities of the Chair and Vice Chair.

Kittima Conrad made a motion to appoint Eric Gerken as Chair, seconded by Allison Stephens. The motion passed with Eric Gerken abstaining.

Kittima Conrad made a motion to appoint Linda Frasier as Vice Chair, seconded by Allison Stephens. The motion passed with Linda Frasier abstaining.

Approval of Minutes – Eric Gerken asked if there were any comments or revisions to the minutes of November 19, 2014. Hearing none, called for a motion.

Allison Stephens made the motion, seconded by Deena Spaulding to approve the minutes of the meeting of November 19, 2014 as presented. The motion passed.

Consideration of the Application of Paul Vallarta for a License as a Certified Occupational Therapy Assistant – Eric Gerken stated Loretta Ponton will present.

Loretta Ponton explained Mr. Paul Vallarta is seeking licensure in Nevada for a second time. The Board previously denied licensure in January 2012.

Loretta Ponton summarized the Statement of Issues outlining license application history to include the denial of licensure in the State of California in 2006, 2008, 2010 and 2012; denial of licensure in Nevada in 2012; denial of licensure in Arizona in 2013 and approval of licensure in the State of Utah in 2013; and the history of legal convictions related to driving under the influence and misdemeanor battery in 1993 and 1994. Ms. Ponton stated that one (1) DUI legal conviction was within the previous 10 years; Mr. Vallarta completed court ordered probation on

that conviction on 8/20/12. Ms. Ponton summarized the probationary terms in the court order to include payment of a fine, completion of alcohol and drug education and counseling program, restitution, 3 month alcohol program, complete a hospital and morgue program and victim's impact program of mothers against drunk driving.

Discussion was held regarding

Allison Stephens made the motion, seconded by Kittima Conrad to approve Mr. Paul Vallarta's application for licensure as an occupational therapy assistant, immediately suspend the license, stay the suspension and place the license on probation; such probation to be tolled until Mr. Vallarta is employed in Nevada. The motion passed with Eric Gerken voting No.

Discussion was held regarding conditions and terms of probation.

Allison Stephens made the motion, seconded by Kittima Conrad to establish the following terms of probation:

1. Probationary period will be 2 years commencing upon employment in Nevada;
2. Probation must be completed within 4 years from date of initial licensure;
3. Practice requires close supervision in accordance with AOTA Supervisory Guidelines; supervisor must be physically present on the premises at all times;
4. Employment is restricted to skilled nursing facilities and acute rehab settings;
5. Quarterly reports from supervisor are required to be submitted to the Board on forms provided by the Board;
6. Immediate revocation of license upon any subsequent legal infractions; and
7. Probation will be lifted upon satisfactory completion of terms and duration of probation.

The motion passed with Eric Gerken voting No.

Disciplinary Matters – Eric Gerken asked Loretta Ponton to present. Loretta Ponton stated the Board is requested to ratify the dismissal of Case No. C14-03; after informal investigation there was insufficient evidence to substantiate the allegations contained in the complaint.

Allison Stephens made the motion to ratify dismissal of Case No. C14-03; seconded by Deena Spaulding. The motion passed.

Continuing Education Review – Eric Gerken directed the discussion to Loretta Ponton. Loretta Ponton stated the current CE regulations were adopted in 2008. The regulations are being brought before the Board for discussion of whether there is a need to revise the regulations.

The Board may wish to consider the following items: NBCOT requires 36 hours every 3 years which would equate to 12 hours per year, Nevada requires 10 hours per year; some listed allowable CE activities have never been utilized by licensees, the activity listings could be shortened by removing those items as there is a provision at NAC 640A.080 to have CE's approved if they are not included in the list; the current regulations allow carry-over of CE hours of up to 10 hours, in some cases individuals may complete 20+ hours in one year and therefore are not required to complete CE's the following year.

Discussion was heard regarding increasing the CE hour requirements; changing the carryover of CE hours and limitation of allowable hours on specific activities. There was a consensus that the CE regulations should be reviewed.

Eric Gerken directed Loretta Ponton to research CE requirements for the professional licensing boards in Nevada and national CE requirements by state; review current CE requirements and draft recommended revisions to be brought back to the Board at the next meeting.

Board & Staff Conference Reports – Eric Gerken, Kittima Conrad and Deena Spaulding provided an overview of the sessions attended at the NBCOT Regulatory Conference in October, 2014. All members felt the conference was useful and informative.

Loretta Ponton summarized the FARB conference she attended stating the attendees were diverse comprised of administrators, board members and legal counsel for a variety of regulatory entities in the nation.

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

The financial statements for the 2nd Quarter of FY 2015 were summarized; with no questions from the Board.

Loretta Ponton reported that Ms. Nichols, licensing specialists, will be attending the GL Solutions user conference in April.

The OTR Supervisory Audit and COTA Supervisory Audits have been completed with one outstanding response pending.

The conversion of the Board's website is almost complete; the credit card payment site has also been updated.

The venues for the sponsored seminars in September have been confirmed; in Las Vegas it will be held at the Embassy Suites and in Reno, at Airport Plaza; a save the date notice has been sent to licensees. Registration will be opened in July as space will be limited to 50 in Reno and 100 in Las Vegas.

The veteran's status report requested by the Governor's office was sent on February 20th. The information was collected through survey and the survey results were provided to Caleb Cage in the Governor's office.

The Board received an inquiry from NBCOT regarding their representing the Board as the reporting agent for disciplinary actions to the National Database. More information has been requested.

One new complaint has been received and is pending informal investigation.

Legislation – Loretta reported a listing provided by Paula Berkley of bill draft requests in the 2015 Legislative Session that are being tracked is attached for information. The Board's bill draft request, #238, on telehealth has not as yet been drafted for review; neither has

Assemblyman Oscarson's telehealth BDR #54-606. It is very early in the session and more information will become available as the session continues.

Board Chair Report – Eric Gerken thanked Allison Stephens for her contributions to the Board as the public representative over the past 5+ years. Loretta Ponton presented Allison with a plaque to commemorate her service to the Board.

Loretta Ponton also presented each board member with a certificate of participation for continuing education credit for their work over the last year.

Eric Gerken stated the next meeting will be May 9th in Reno. Eric Gerken reported that AOTA has a position statement on Productivity; there are discussions being held on the topic of employers pushing productivity especially in the skilled nursing and rehab settings which is an issue when it affects the quality or appropriateness of care. Eric stated he would like to have a discussion at the next meeting regarding this matter.

Legal Report – Henna Rasul stated there was nothing to report.

Public Comment – There were no public comments.

Adjournment – Allison Stephens made the motion, seconded by Linda Frasier to adjourn. The motion passed. The meeting was adjourned at 4:08 p.m.