

MINUTES OF THE MEETING FOR THE  
NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE:           **December 02, 2016**

LOCATIONS:

University of Nevada Reno  
1664 N. Virginia Street  
Mathewson/IGT Knowledge Center  
Room #110  
Reno, Nevada 89557

University of Nevada Las Vegas  
4505 S. Maryland Parkway  
System Computing Services  
Room #102  
Las Vegas, Nevada 89154

1. Meeting called to order by NSBAT Chairman, Jeremy Haas at 9:06 a.m.

**Board Members Present:** Jeremy Haas, Keoni Kins, Tedd Girouard, and Frank Sakelarios.  
Board Member Eathan O'Bryant excused absent.

**Staff Present:** Stacey Whittaker, Board Executive Secretary; Brett Kandt, Chief Deputy Attorney General.

2. **Public Comments.** No public comments at this time.

3. **Review and approve Board meeting minutes of September 23, 2016. (For possible action)**  
Tedd Girouard motions to approve the September 23, 2016 meeting minutes as written. Frank Sakelarios seconds the motion. Motion passes unanimously.

4. **Update on disciplinary action reports and investigations of unlicensed activity. (Discussion)**  
Stacey Whittaker reports to the Board that there were no disciplinary actions taken by the Board during the 3rd quarter, 2016 and that 33 (thirty three) licenses were issued or restored. There are three additional licenses pending at this time and there are currently 216 Licensed Athletic Trainers in Nevada. There are no further questions or comments.

Steve McCauley, public member has joined the meeting at the Las Vegas site.

5. **Review, discuss and approve the proposed statutory language changes to NRS 640B.145 that will be submitted to the Legislative Counsel Bureau for the 2017 Legislative Session. (For possible action)** Stacey Whittaker presents the proposed statutory language changes as determined by the Board at the last meeting. Stacey notes that she did add the term "Athletic Trainer" to the verbiage in order to further define what type of license, registration, or certification the individual must hold. There is a motion on the table by Tedd Girouard to approve the language as written. Steve McCauley, public member asks the Board who will be responsible for policing the 30 day period that these individuals will be able to practice in Nevada. His feeling is that this would create a financial burden on the board to hire an investigator to go out and police these athletic events. Jeremy Haas feels the onus would fall on the tournaments themselves. Tedd Girouard feels that the other issue is that we don't want to prevent Licensed Athletic Trainers from helping an out of State team if they are not employed by that organization. The role of the Board is to protect the public. The biggest problem right now is the California Athletic Trainers who come into Nevada to work an event. California is the only State that does not regulate Athletic Trainers by means of licensure, registration or certification. The Board further discusses the current statutory language and any enforcement provisions currently in place. Brett Kandt recommends that the Board consider not striking any of the current language in NRS640B.145, rather they add language to subsection 3 that could potentially address the issue of reciprocity. The prior motion made by Tedd Girouard to approve the amended language to NRS640B.145 is withdrawn.

The Board agrees that a better approach would be to add additional language to the current statutes to address the issue of out of State Athletic Trainers practicing temporarily in the State of Nevada.

Jeremy Haas motions to amend NRS640B.145 section 3 to include the language “a person who possesses a valid Athletic Trainer License, Registration, or Certification from another jurisdiction”. Tedd Girouard seconds the motion. Motion passes unanimously.

Stacey Whittaker states that she has been working with Paula Berkeley, Lobbyist in order to find a Sponsor to carry the bill and will keep the board apprised as to the status. There are no further questions or comments.

**6. Review and discuss the Board’s position on potential statutory language changes that the Nevada Physical Therapy Association is proposing for the 2017 Legislative Session that may have an effect on Licensed Athletic Trainers. (For possible action)** Jeremy Haas states that the information presented by the Physical Therapy Association at the last meeting did not appear to impact the Athletic Trainer profession and was the overall consensus of the Board. Steve McCauley, public member and former Chairman of the Nevada State Board of Athletic Trainers asks if the Physical Therapists use the term Doctor of Physical Therapy, would they be recognized in the State of Nevada as a Physician. If so, this could have gigantic implications for the Athletic Training profession. Meaning, could an Athletic Trainer then work under the direction of Physical Therapist if they were deemed a Physician. Jeremy Haas feels that the Physical Therapy Association is not moving towards this, rather they are trying to protect the terms of their profession. Keoni Kins agrees, there are no further questions or comments.

**7. Review and discuss the Board’s position on NRS 640B.015, 640B.021, 640B.090 and NAC640B.020 to determine if the current language is sufficient in defining the terms “Athlete” and “Athletic Injury”. (For possible action)** Jeremy Haas begins by sharing information from other States and how they currently define the terms Athlete and Athletic Injury. The concern is that the Nevada language may limit who an Athletic Trainer can treat. In Ohio, they broadly define the term Athletic Injury to include a wide range of individuals. Wisconsin doesn’t define Athlete, rather they define the term Physical Activity which encompasses a wider range of activities. Hawaii is currently defining the terms Athlete and Athletic Injury such as Nevada.

Steve McCauley, public member and former Chairman for the Nevada State Board of Athletic Trainers gives the Board a historical overview of why the language was adopted the way it was. The original proposed regulations presented in 2005 contained language that defined “Athletic Activity”. Because of great opposition, that particular section of the regulation failed miserably and was not adopted. Steve feels that the current language under NRS640B.021 encompasses all types of Athletes and that a statutory change of this kind could be problematic and met with significant opposition. Steve also feels that as long as the Licensed Athletic Trainer is practicing within the scope of their education and training, then this shouldn’t be an issue. Jeremy Haas agrees but feels the Board may need to be proactive on this subject rather than reactive. Does the current language cover someone who is simply working out at the gym and sprains their ankle? Steve feels that the language was written in NRS640B.021 section 2(a) such that anyone can be considered a “designated coach” which broadens the definition of Athletic Injury as incurred through participation in a recreational sport or activity. The language was crafted to allow as much freedom as possible.

Jeremy Haas asks how this would apply to someone working for a trucking company, Steve’s response is that it all hinges on the term athletic activity. His advice to the Board is that if an Athletic Trainer is harming the public, then the Board has the responsibility to adjudicate it.

Brett Kandt cautions the Board with broadening the current statutory language, this can create problems with interpretation. He goes on to explain the North Carolina Dental Board antitrust lawsuit and the impact that can be sustained. The Board agrees that the current statutory language is sufficient for now and it is not the Board’s role to expand the profession. There are no further questions or comments.

**8. Review and discuss the current procedures for using AED's (Automated External Defibrillators) in Nevada schools and any information obtained from the Nevada Interscholastic Activities Association. (Discussion)**

Frank Sakelarios does not have anything new to report on this item. He will continue to follow up with the Nevada Interscholastic Activities Association as to their stance on AED's in Nevada schools. Frank will provide an update at the next Board meeting. There are no further questions or comments.

**9. Review and discuss financial status of the Board, including approval of all claims and expenses. (For possible action)** Stacey asks if there are any questions regarding the financial statements that were sent out, there are none. Keoni Kins motions to approve the financial statements and all claims and expenses as presented. Tedd Girouard seconds the motion. Motion passes unanimously.

**10. Report from Executive Secretary, Stacey Whittaker. (Discussion)** Stacey Whittaker reports to the Board that she has completed and submitted the 2016 Balance Sheet to the Legislative Counsel Bureau and the Department of Administration. She will begin preparation of the 4<sup>th</sup> quarter reporting requirements and payroll taxes. Stacey also reports that she will work closely with other Board Executive Directors throughout the Legislative Session to monitor any bills that may impact the occupational licensing boards or NRS640B directly. There are no further questions or comments.

**11. Report from Chief Deputy Attorney General. (Discussion).** Chief Deputy Attorney General, Brett Kandt advises the Board to watch Senate Bill 69 this Legislative Session. It will have an impact on the occupational licensing boards in that it addresses license by reciprocity, time taken to process licenses, term limits for board members, and additional board reporting requirements. There are no further questions or comments.

**12. Future agenda items. (For possible action)**

- A. Review and approve meeting minutes of December 02, 2016.
- B. Update on disciplinary action reports and investigations of unlicensed activity.
- C. Review and discuss financial status of the Board including claims and expenses.
- D. Continued discussion on Automated External Defibrillators in Nevada schools.
- E. Review and discuss the status of the proposed statutory changes to NRS 640B.145 being presented to the Legislative Counsel Bureau for the 2017 Legislative Session.
- F. Review and discuss any proposed legislation for the 2017 session that would potentially amend NRS640B.

**13. Discussion, possible decision on date of next board meeting. (For possible action)** The next board meeting is scheduled for Friday, March 10, 2017 at 9:00 a.m.

**14. Public Comments.** There are no public comments at this time.

**15. Meeting adjournment. (For possible action)** Meeting adjourned by Chairman, Jeremy Haas at 11:05 a.m.

***\*MEETING MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT REGULARLY SCHEDULED BOARD MEETING.***