

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

DATE: **September 23, 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 Executive Secretary, Stacey Whittaker at 9:03 a.m.

Board Members Present: Tedd Girouard, Jeremy Haas, and Eathan O'Bryant. Frank Sakelarios present via teleconference.

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

2. **Public Comments.** Jenelle Lauchman, President of the Nevada Physical Therapy Association is present at the Las Vegas location. No comments made at this time.

3. **Introduction of newly appointed Board Member and update on Board Member Appointments. (Discussion)** Stacey Whittaker announces that Keoni Kins has been appointed by the Governor's Office to fill the dual credentialed Physical Therapist/Athletic Trainer vacancy. Due to the extremely short notice, Keoni was not able to attend the meeting. Stacey also wanted to commend both the Governor's Office and the Nevada Physical Therapy Association for working so quickly to fill this Board vacancy. There are no further questions or comments.

4. **Election of Chairperson for the Nevada State Board of Athletic Trainers. (For possible action)** Stacey Whittaker opens up the floor for Board Chair nominations. Both Jeremy Haas and Tedd Girouard express interest in serving as the Board Chair. Chief Deputy Attorney General, Brett Kandt informs the Board that they can elect both a Chair and Vice Chair if they so choose. Eathan O'Bryant motions to elect Jeremy Haas as Chairman and Tedd Girouard as Vice Chair for the Nevada State Board of Athletic Trainers. Board Member Frank Sakelarios seconds the motion. Motion passes unanimously.

5. **Review and approve Board meeting minutes of June 03, 2016. (For possible action)** Tedd Girouard motions to approve the June 03, 2016 meeting minutes as written. Eathan O'Bryant seconds the motion. Motion passes unanimously.

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)** Jenelle Lauchman, President of the Nevada Physical Therapy Association is present in Las Vegas to discuss these proposed language changes with the Board. Jenelle shares a draft copy with the members in Las Vegas and states that this is for informational purposes only at this point. Stacey Whittaker states that she has not received any draft language from Jenelle prior to the meeting after several requests were made. Jenelle states that she just emailed the documents over for Stacey to share with the other Board Members. The proposed language changes to the Physical Therapy statutes consist of modernizing the definition of "Practice of Physical Therapy", clarifying the language under "Applicability of Chapter" to include all licensed healthcare providers under NRS 629.021, and adding the term DPT and PTA to the list of protected terms and titles.

Chief Deputy Attorney General, Brett Kandt asks Jenelle who the Sponsor is that will be carrying this bill for the Legislative Session. After contacting the Association's Lobbyist, Jenelle confirms it is Senator Settmeyer. Brett advises the Board that if they foresee any concerns with this language, they will need to be prepared to present alternative recommendations. Stacey Whittaker will disseminate the proposed language from the Nevada Physical Therapy Association to the Board Members for their review. If there are any concerns with the language, they will be sent directly to Stacey Whittaker for further action. Jenelle thanks the Board for their time and asks that she be apprised if anything goes further with Item # 9 or Item #10 on today's meeting agenda. There are no further questions or comments.

7. 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 2nd quarter, 2016 and that 1 (one) license was issued or restored. There was one report of unlicensed activity received by the Board in which a local personal training gym was using the term "Athletic Trainer" throughout their website. A letter was issued by the Attorney General's Office regarding the unlicensed activity and Stacey Whittaker spoke with the entity regarding the concerns and the website has since been remedied. 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 has been in contact with the NIAA (Nevada Interscholastic Activities Association) regarding their current policy on AED's. There isn't any current language in the bylaws concerning the machines, and it is a great concern in the rural communities. Jeremy Haas states that in Clark County, the High Schools have a minimum of 2 AED's on site, often times three. Frank Sakelarios states that they are not mandated in Washoe County and that the number of machines available depends on the size of the school. The Board discusses whether this is something they should look into mandating or if it should come from the NIAA or the Sports Medicine Advisory Committee. The consensus is the Board will continue to voice their concerns regarding this issue and Frank Sakelarios hopes to participate in a conference call with both the NIAA and Advisory Committee to discuss this further. There are no further questions or comments.

9. Review and discuss the Board's position on NRS640B.145, and information gathered from other State's laws to determine if statutory amendments need to be made in regards to out of State Athletic Trainers coming into Nevada to work an athletic event. (For possible action)

Stacey Whittaker prefaces with the explanation that the current statutes under NRS640B.145 allow for a person who is employed as an Athletic Trainer outside this State to come into Nevada and work an athletic event without obtaining Nevada Licensure, as long as they are engaging in the practice of Athletic Training within the scope of their employment for this particular event. The concern the Board has is that the current language does not clearly define the oversight of visiting Athletic Trainers. For example, minor-league professional teams are owned by the major-league and can currently bring in their out of State Athletic Trainers based on their scope of employment. This could allow them to practice in Nevada for an unlimited amount of time without obtaining a Nevada Athletic Trainer License.

Brett Kandt, Chief Deputy Attorney General had one of their Legal Interns do some research on other State's laws regarding this issue and the information was provided to the Board. Jeremy Haas feels that the precedence has definitely been set in other States and would like to see Nevada do the same. Tedd Girouard feels that the current language is vague and should include the allowable length of time they can practice in Nevada. Frank Sakelarios agrees, the purpose of the Board is to protect the public. The only concern would be how to regulate the Athletic Trainers coming in from California, they are the only State that does not currently regulate the profession. The Board would like to come up with some proposed language that would help protect the public without limiting the competition. Brett Kandt reviews the options for the Board, whether they be statutory changes or regulatory changes. If the Board would like to submit a statutory change for this legislative session, they will need to seek out a Sponsor to carry the bill.

The Board reviews the current language from other States to include Indiana, Illinois and Hawaii and comes up with the following amendment to section (3) three of NRS640B.145.

“A person who possesses a valid license, registration, or certification from another jurisdiction who accompanies an athlete or team of athletes into this State for a temporary period, not to exceed thirty (30) consecutive days for a specific event.”

Tedd Girouard motions to authorize Stacey Whittaker, Board Executive Secretary to seek a bill amending NRS640B.145 as agreed by the Board to include testifying in favor of such amendments at the upcoming Legislative Session. Eathan O’Bryant seconds the motion. Motion passes unanimously.

10. Review and discuss the Board’s position on NRS640B.015, 640B.021 and 640B.090 to determine if the current statutes are sufficient in defining the various sites in which an Athletic Trainer can practice. (For possible action) Stacey Whittaker states that she has had several inquiries regarding the setting in which an Athletic Trainer can practice. Does the current language allow Athletic Trainer to practice in a non-athletic setting such as an occupational setting or work site? While the National Athletic Trainer’s Association recognizes different settings, does the Board need to review their current language? Jeremy Haas feels that the current language limits the profession and may need to be amended. The constraint lies in the definition of “athlete” and “athletic injury”. Tedd Girouard recommends reaching out to Steve McCauley to find out why the language was originally written as such. There may have been some pushback from the Physical Therapists at the time and may still be a contentious topic. Stacey Whittaker would also like to look into the other States’ practice acts to see if they go outside the definition of athlete and athletic injury. Item #10 will be tabled until the next meeting when more information can be presented.

11. Review and discuss the Board’s position on sending notice of requirements to individuals who are certified with the Board of Certification (National Certifying Agency for Athletic Trainers) but do not hold a license to practice Athletic Training in this State. (For possible action) Stacey Whittaker, Executive Secretary explains to the Board that this was once an annual project administered to prevent unlicensed activity in Nevada. The Board would review the current list of Certified Athletic Trainers in Nevada and compare that to those that hold a license to practice in the State. The Board would then send out a letter notifying the non-licensed individuals of their responsibility to be licensed if they were practicing Athletic Training in Nevada. Stacey feels that this was necessary back when licensure first became a requirement in Nevada but may not be a concern now. The Board agrees, the initial effort was needed to get information out about Nevada licensure but feel it isn’t necessary any longer. Tedd Girouard motions to discontinue sending notices to non-licensed, certified Athletic Trainers in Nevada. Eathan O’Bryant seconds the motion. Motion passes unanimously.

12. 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. Tedd Girouard motions to approve the financial statements and all Board claims and expenses as presented. Eathan O’Bryant seconds the motion. Motion passes unanimously.

13. Report from Executive Secretary, Stacey Whittaker. (Discussion) Stacey reviews the license renewal period ending June 30th; at the time of renewal there were 210 Licensed Athletic Trainers in Nevada and 32 of those individuals did not renew their license. This number is typical each year as there are many Athletic Trainers moving in and out of the State. Since the license renewal period, the Board has issued approximately 25 new licenses and reinstated three. There are several new applications pending as well. Stacey goes on to apprise the Board of the Board and Commission training coming up in October, the Balance Sheet that will be due to the Legislative Counsel Bureau by December 1, 2016, and the current procedures for the fingerprinting process. There are no further questions or comments.

Board Member Tedd Girouard excused at 10:50 a.m.

14. Report from Chief Deputy Attorney General. (Discussion). Chief Deputy Attorney General, Brett Kandt states that he will assist the Board in any way he can with the proposed statutory changes. He also extends the offer to provide any sort of Board training deemed necessary at a future Board meeting. There are no further questions or comments.

15. Future agenda items. (For possible action)

- A. Review and approve meeting minutes of September 23, 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 potential statutory language changes being proposed by the Nevada Physical Therapy Association.
- F. 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.
- G. Board Training provided by the Attorney General's Office if necessary.
- H. Review and discuss NRS 640B.015, 640B.021 and 640B.090 and any research found regarding other State's laws regarding the various sites in which an Athletic Trainer can practice.

16. Discussion, possible decision on date of next board meeting. (For possible action) The next board meeting is scheduled for Friday, December 2, 2016 at 9:00 a.m.

17. Public Comments. There are no members of the public present at this time.

18. Meeting adjournment. (For possible action) Meeting adjourned by Chairman, Jeremy Haas at 11:06 a.m.

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