

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

DATE: **May 10, 2012**

LOCATIONS:

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

College of Southern Nevada
Cheyenne Campus
3200 E. Cheyenne Avenue
Room 2647B
N. Las Vegas, Nevada 89030

1. Meeting called to order by Chairman, Jim Porter at 9:12 a.m. Members present in Las Vegas include Jim Porter and Travis Wakefield. Members present in Reno include Rob Conatser, Christine Wittorff, and Eathan O'Bryant; others present include Stacey Whittaker (Executive Secretary) and Keith Marcher (Attorney General Representative via teleconference).
2. **Public Comments.** There are no members of the public present in either Reno or Las Vegas.
3. **Review and approve minutes of meeting 01/19/2012.** Jim asks the Board if there are any questions, comments regarding the above mentioned meeting minutes, there are none. Rob Conatser motions to approve the 01/19/2012 meeting minutes as written. Travis Wakefield seconds the motion. Approved 5-0.
4. **Update on disciplinary action reports and investigations of unlicensed activity.** Stacey reports to the Board that the 1st Quarter Disciplinary Action Report was posted to reflect no disciplinary action taken and 3 licenses issued or restored during this quarter. There are currently 173 Licensed Athletic Trainers in Nevada. There are no further questions or comments.
5. **Review and discuss status of investigation regarding complaint received from the public regarding a Licensed Athletic Trainer.** Keith informs the Board that he cannot provide too much information to the Board without holding a Hearing but to summarize, the Board received a complaint against a Licensed Athletic Trainer in Southern Nevada. Jim Porter was assigned to the investigation and has done a thorough investigation of the complaint by reviewing medical records and conducting witness interviews to determine if a violation of the practice act has occurred. Jim and Keith went through a few hundred pages of information and Keith would recommend to the Board that at this point, write a letter to both parties that the case be closed due to lack of sufficient evidence that there was a violation of the practice act. Jim asks Stacey to draft the letter to both parties and have Keith approve the letters before they go out. Rob asks if there is any action being taken against the Athletic Trainer. Keith reiterates that nothing could be proven so the case will be closed. Stacey informs the Board that one of the parties in the investigation is sending additional records over for review. Keith says to hold off sending the letters until that information has been reviewed by he and Jim. The Board agrees with this decision, the letters will not go out until the additional medical records are received and reviewed.
6. **Review and discuss the Sunset Subcommittee of the Legislative Commission and their review of the Nevada State Board of Athletic Trainers.** Jim informs the Board that he, Stacey and two Licensed Athletic Trainers attended the public hearing on March 27, 2012 and gave our presentation to the Committee. The Board was then called back to a work session on April 27, 2012 where the Commission voted unanimously to continue the existence of our Board. The Commission said overall our Board is doing a great job and some felt that we are a model for other Boards and Commissions. Their recommendation will go to the Legislature sometime in July but as far as we know there will not be any changes to our Board and/or NRS 640B. The only recommendation the Commission had was to work on the Board's financial reserve for future actions such as lawyer fees or a catastrophic loss. Jim feels that there are few boards that have adequate reserve funds (not even the Veterinary

Board that was established in 1910) but we have started the process by investing some of our reserve. Keith asks if our Board has been paying into the Tort Claim Fund, Stacey says that she is not aware of them ever doing so. Keith says it is a good idea and will get the information to Stacey in order to set this up. There are no further questions or comments.

7. Review and discuss current status of A.B.455 and the provisions governing athletics in public schools.

Jim says at the last NIAA meeting, there was an agenda item regarding concussions and rules of the NAC. Also, the NIAA has been asked to formulate a regulation on how heat illness will be managed in the State of Nevada by the High Schools. Jim along with Dr. Carol Scott and Autumn Laidlaw have formulated documents that will be presented to the Board in June and then if it is approved they will be submitted to the Legislative Counsel Bureau. Jim feels that if these are approved, our Board will need to send out information to all Licensed Athletic Trainers in Nevada regarding changes that have been made. Chris asks if the NIAA has made a decision on how to present the AB455 information. Jim says that his will also be discussed at the meeting in June. There are no further questions or comments.

8. Review and discuss the NATA's positional statement regarding the prevention of sudden death in sports.

Jim states that this is for informational purposes only and that the Board received a copy of this document. This is the standard of care expected by Licensed Athletic Trainers in Nevada. Jim feels that there are some issues to be addressed such as using rectal thermometers in treating heat stroke. In the June guidelines it will probably be addressed that the NIAA does not agree with using rectal thermometers in a secondary school setting. Eathan asks Jim if he has ever had sickle cell trauma in the school settings. Jim says that it is prevalent in Southern Nevada and that the Athletic Trainers are aware of it. At UNLV they actually test for it, although they do not test at the High School level. As an athlete, Eathan was never tested for it and would like to know if they should talk to coaches and trainers regarding the trait. Jim says all coaches and trainers should be informed as well as modifying the student's workout. Rehydrating and recovery time is also very important and he expects the Athletic Trainers to be up on this issue. Jim also feels that there should be annual training for coaches in all aspects, as of now they only have to take a onetime first aid course. There are no further questions or comments.

9. Review and discuss the 5th edition of CAATE (Commission on Accreditation of Athletic Training Education) competencies.

Jim reviews the new competencies that will be coming out with significant changes in the educational process. The biggest changes for Athletic Trainers include the use of nasopharyngeal airways, the recognition and management of lung sounds, and the recognition and management of abdominal sounds. These will now be required moving forward and Athletic Trainers will have to demonstrate these competencies. Jim asks if the Board will need to have records from Athletic Trainers that they have taken the course and are competent to perform these skills. Jim is not certain if the BOC will require these to maintain their certification. The question is whether or not our Board wants to mandate this for the renewal period in 2014? Chris asks if we should wait and see what the BOC is going to do. Rob asks if any other states are implementing these yet, Jim is not sure. Rob asks if this will be tied in with CPR. Jim says no, these are specific to our profession. Rob agrees that this is a great idea but he feels we should also wait and see what happens. Jim says this will be on the State agenda but how do we confirm whether our people have done it or not, it could easily be added to our renewal application. Jim says that a decision does not need to be made today, just need to get the information out now. Rob motions to table this agenda item until the next meeting, Travis Wakefield seconds the motion. Approved 5-0. Keith asks the Board to make it very clear on the next meeting agenda if this will become a licensure requirement.

10. Review and discuss the administering of Non-Prescription Medications per NRS 639 and how it relates to the NATA's positional statement for Athletic Trainers.

Jim states that this issue arose after reviewing our investigation. Jim feels that this is not an issue at the High School level. At the college, university, performing arts and adult professions, this is a concern and how Athletic Trainers deal with pharmaceuticals. Stacey has distributed a copy of the Consensus Statement from the NATA that states it is essential the Athletic Trainer is aware of all state and federal laws and regulations that impact the facility. The question arises, does NRS 639 (Pharmacy practice act) restrict who can do what when it comes to dangerous drugs. Jim refers to NRS 639.0065 where it defines "dispense" and asks whether an Athletic Trainer can monitor and hand out over the counter medications to a consenting adult. This is a gray area and doesn't feel the issue is with prescriptions drugs, only over the counter medications which are considered dangerous drugs. Jim feels that as a Board, we should be advising Licensed Athletic Trainers on this issue. Keith feels that not all over the counter medications meet the definition of dangerous drugs but can be included depending on the dosage. Keith recommends that we confer with the State Board of

Pharmacy for clarification. Once we get the information, it can then be disseminated to the Athletic Trainers. NRS 640B for Athletic Trainers does not address this issue. Jim asks for a motion to assign Stacey and Jim the task of writing a letter to the Nevada State Board of Pharmacy for clarification on this issue. Chris Wittorff motions, Rob Conatser seconds the motion. Approved 5-0.

11. **Review and discuss whether or not Licensed Athletic Trainers should be required to submit the names of their Physician Director(s) to the NSBAT.** Jim informs the Board that under NRS 640B, Athletic Trainers are required to work under the supervision of a Licensed Physician. Physician by definition can be a number of physician groups that can supervise Athletic Trainers. Jim's concern is that we have Licensed Athletic Trainers who are practicing without Physician direction. The only way we can ensure this is if we ask them to identify their directing Physician on the renewal application. Rob asks about Athletic Trainers in a clinic setting. Jim says that in a Physical Therapy setting, they are not functioning as an Athletic Trainer they are functioning as a Technician. Rob asks what we are going to do if 90% of Athletic Trainers say they are not working in that capacity. In his job for example, Rob functions as a Technician most of the time, all of his clients have different Physicians. Travis feels that often times Physicians are leery to do this. Jim says you are not practicing under the law if you are not practicing under the supervision of a Physician, we cannot function as direct access. Rob feels that direct access would be if he were being contacted initially, he is seeing clients post physician, post therapist using the guidance of their physician. Rob feels that this might only be feasible in a college setting. Jim disagrees, everywhere he practices, he has a Physician Director. Rob asks about the various camps that are held, who is overseeing those Athletic Trainers. Chris asks if the responsibility would then go back to the coordinator of the clinic or event. Jim says it does not; it goes back to the Athletic Trainer. Jim's opinion is that on the license application, they will have to list where they are working and who their directing Physician is. It is the function of the Board to ensure Athletic Trainers are practicing under the law. Rob feels that this will be a tough one to police. Travis agrees, and also feels it is a little on the ridiculous side that a Podiatrist can refer on a high school athlete.

Keith feels that this is analogous to how the Nursing Board operates with advanced practitioners of Nursing. They have to have a Physician that they are collaborating with. He's pretty sure they have to submit a list to the Licensing Board as well. It is up to the Board on how they want to handle this. Jim feels that the easiest way to deal with this is, that once a year at renewal time, Athletic Trainers have to submit the name of their Physician Director. Keith says we can add a question to the renewal application. Jim feels it will be a lot easier than doing an investigation into a complaint. PA's, PTA's, Nurse Practitioners all have to do this. Rob asks when this will be implemented; Jim says it needs to be this year. We can provide an explanation on the form itself. Jim asks for a motion to add this question to our original application and renewal application. Travis isn't in favor of this, in rural settings this can be tough because the Physician's do not want the liability and may want compensation. Rob asks if we can hold off and do a little more research. Jim feels that this is not an option, it is the law. The question is how the Board will administer it. Jim says we can always put it on this year's renewal application and then evaluate the process. Stacey says we need to move quickly as renewal reminders will go out within the next week; it is not a big deal to add a question to application. Rob says he won't have a problem getting several Physicians to sign off on him but he thinks a lot of Trainers will have a problem. Eathan feels that if Jim is currently doing this, he sets the standard of care and it should be done. Jim says he does not want to have to go before the Sunset Committee and explain to them that our Board is not doing our job. It was real easy to go before them and tell them we are meeting the standard of law. Jim again asks for a motion on this item. Eathan motions to approve the modification of the license application and renewal application to include Physician Director information. Chris Wittorff seconds the motion. Approved 3-2.

12. **Review and discuss General Liability and Medical Malpractice Insurance for Licensed Athletic Trainers.** Jim feels that we as a Board need to education Licensed Athletic Trainers that they have private liability insurance options. There are three different options based on whether they are working for an employer or individually. This can be confusing so the information needs to be put out there. Jim would like to put the information up on our website rather than sending out a mailing. The Board feels that this would be a good idea. Jim will draft the information and send to Stacey for posting on our website. There are no further questions or comments.

13. **Review and discuss financial status of the Board.** Jim asks the Board if there are any questions or comments regarding the financial statements that Stacey sent out, there are none.

14. **Review and discuss 2012/2013 license renewal process.** Stacey informs the Board that renewal reminders will go out within the next week. Chris asks if there is room on the cards to inform LAT's of the Physician Director requirements. Stacey says there is not much room on the postcards but that she could send a letter instead. Jim says not to go to the expense of sending out letters. Stacey recommends adding it to the letter/instructions sheet that is with the renewal application on the website. Jim asks Stacey to change this in addition to adding a question on the renewal application and original application regarding their Physician Director(s). There are no further questions/comments.

15. **Review and discuss policy for preparation of BDR's for the 2013 Legislative Session.** Jim asks if there are any issues that need to be dealt with for the 2013 Legislative process. Jim explains that he and Stacey will be included in the list of BDR's than come through that effect our Board. Jim feels that there will be a point in time where we need to look at future legislation but not for this session; he would like to get through the Sunset Committee first. There are no further questions or comments.

16. **Future agenda items.** Jim informs the Board that our next meeting will be Travis' last meeting before his term is up. Jim asks if there is any activity on his replacement. Stacey says that they have received a nomination and the Governor's Office is currently working on the appointment.

- A. **Review and approve minutes of meeting 05/10/2012.**
- B. **Update on disciplinary action reports and investigations of unlicensed activity.**
- C. **Update on the 2012 license renewal process.**
- D. **Update on A.B.455 and the provisions governing athletics in public schools.**
- E. **Review and discuss the Sunset Subcommittee of the Legislative Commission and their review of the Nevada State Board of Athletic Trainers.**
- F. **Review and discuss Governor's Order 2012-11 regarding reciprocity for Military Spouses seeking licensure in Nevada.**
- G. **Review and discuss letter sent to Pharmacy Board regarding OTC medications.**
- H. **Review and discuss the 5th edition of CAATE (Commission on Accreditation of Athletic Training Education) competencies.**
- I. **Review and discuss the status of the NSBAT paying into the Tort Claim Fund.**
- J. **Review and discuss financial status of the Board.**

17. **Discussion, possible decision on date of next board meeting.** The next meeting is scheduled for Thursday, September 20th, 2012 at 9:00 a.m.

18. **Public Comments.** There are no members of the public present in either Reno or Las Vegas.

19. **Meeting adjournment.** Travis Wakefield motions to adjourn the meeting of the Nevada State Board of Athletic Trainers at 10:37 a.m. Chris Wittorff seconds the motion. Approved 5-0.