

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

DATE:       **January 17, 2013**

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 9:17 a.m.

**Board Members Present:** Jim Porter, Tiffney Touton, Rob Conatser, Eathan O’Bryant, Chris Wittorff.  
**Staff Present:** Stacey Whittaker, Executive Secretary; Keith Marcher, Attorney General Representative via teleconference.

**Public Present:** Steve McCauley, Las Vegas. No members of the public present in Reno.

2. **Public Comments.** Steve McCauley would like to present his public comments with Item #3 on the meeting agenda. No further comments are made.

3. **Review and discuss proposed regulation language regarding Licensed Athletic Trainers and pharmaceuticals. (For possible action)** Jim explains that we may be working towards a temporary regulation to address the issues that have been brought to the board regarding Athletic Trainers and pharmaceuticals. The Board would need to set up a Workshop and Hearing during February and March in order to move forward. Jim has worked on the preliminary language by looking at other Board’s regulations and also added language for return to participation and definitions shared by the Pharmacy Board. Jim asks the Board if they have any questions regarding this proposed language. Rob asks Jim to clarify why these issues have come up? Jim says that due to the complaint filed with the NSBAT, it was deemed that Athletic Trainers could be in violation of the practice act. It is important to delineate what an AT can do under a Physician with their qualifications and education. Rob asks what has changed to 640B.090. Jim says that he has added language for the return to participation, pharmacy usage, and treatments including iontophoresis and phonoporesis. Rob asks if these treatments weren’t included in the original language because the Physical Therapists didn’t want it included. Steve McCauley states that when the original NRS was written, it was kept as general as possible, the profession would take on many forms and they didn’t want to be restrictive right out of the gates. The thought was that if it was under a Physician and within the education and training of an Athletic Trainer, then it could be done. Rob asks if we are putting the cart before the horse. He feels that the Board should follow the original path of creating a Subcommittee to work on this language. Jim reminds Rob that Keith Marcher had suggested working on it as a temporary regulation because of the legislative timing. Jim says that the only reason item G was added regarding the treatments was because Athletic Trainers are not included in NRS 454.231 and we can be found in violation if it is not put into regulation. Keith reminds the Board that a temporary regulation is the fastest route to take but that there are pitfalls. The problem is that a temporary regulation can be changed down the road and it is only effective until November 2013, then the process would have to be repeated. Keith says that the other option would be to

wait until the Legislative Session goes home, submit the language to the LCB and go through the process of creating a permanent regulation.

Rob feels that Jim has done a great job on the preliminary language but that it moved rather quickly and doesn't want to see them limit themselves.

Jim's concern would be that a permanent regulation would not become effective until July 2014 and is concerned if additional complaints are filed with the Board. Keith clarifies that it will take time for the Legislature to review the regulation but that it shouldn't take a year. He feels that it makes more sense to work on the language towards a permanent regulation rather than a temporary regulation that will expire in November of this year. The Board has a good framework to start with and it would be a good idea to have a Subcommittee continue to work on this language and wait to send it off once the Session has ended. Steve agrees with Keith and feels the creation of a Subcommittee would prevent problems down the road. He feels that if the language is agreed upon by a Subcommittee and other professions, then it has a much better chance at the Legislative Counsel Bureau. Steve also feels that a temporary regulation that expires in November 2013, defeats the purpose.

Keith recommends that the Board put together a meeting in the near future to create the Subcommittee. The committee can meet 2-3 times before the language needs to be submitted to the Legislature in July. Jim asks for a motion to table Item #3 and delegates Stacey to set up a phone conference by the end of January 2013 to establish the Subcommittee. Rob Conatser motions, Eathan O'Bryant seconds the motion. Approved 5-0. Keith advises the Board that the phone conference/meeting must be held at a location in which the public can attend. The Board can then nominate individuals for the Subcommittee and include 1-2 Board Members, someone from the industry and other professions.

Jim would like to discuss the proposed regulation language he drafted (NAC 640B.411) regarding the requirement of LAT's to report their Physician Director's name at the time of licensure renewal. He feels that this falls in line with holding our licensees accountable and monitoring the actions of Athletic Trainers. The Board does not currently conduct inspections and Jim feels that this needs to be discussed as well. Because these items are not on the current agenda, they will be tabled until the next board meeting.

There are no further questions or comments.

4. **Review and approve minutes of meeting 11/01/12. (For possible action)** Stacey informs the board that she has made a correction to the original meeting minutes, changing the next meeting date from January 17, 2012 to January 17, 2013. Rob Conatser motions to approve the 11/01/12 meeting minutes with this change. Chris Wittorff seconds the motion. Approved 5-0.

5. **Update on disciplinary action reports and investigations of unlicensed activity. (For possible action)** Stacey reports no disciplinary action or reports of unlicensed activity during this quarter. 6 licenses were issued or restored and there are currently 174 Licensed Athletic Trainers in Nevada. There are no further questions or comments.

6. **Review and discuss the Sunset Subcommittee of the Legislative Commission and their review of the Nevada State Board of Athletic Trainers. (For possible action)** Jim and Stacey have no new information to report on this item and will continue to monitor the process. There are no further questions or comments.

7. **Review and discuss the 2013 Legislative Session and the review of BDR's and Fiscal Note Requests. (For possible action)** Jim explains to the Board that both he and Stacey are set up with the Legislature to receive and review all BDR's and Fiscal Note Requests for the 2013 Legislative Session. Jim asks if any of the other Board Members would like to be added to this list to receive the documents. The Board feels that there is no need to add additional members at this time. There are no further questions or comments.

8. **Review and discuss financial status of the Board. (For possible action)** Jim reminds the Board that at the last meeting, it was voted to convert the Executive Secretary position to an employee versus an Independent Contractor. Stacey is currently working on this conversion. There are no questions or comments regarding the financial statements that were sent out for review.

9. **Future agenda items. (For possible action)** The Board would like to set up a phone conference within the next two weeks in order to discuss the creation of a subcommittee to review the regulation language for Athletic Trainers and pharmaceuticals. This will be the only agenda item for this meeting. The next regularly scheduled Board meeting will have the following agenda items:

- A. **Review and approve minutes of meeting 01/17/2013 and 01/31/13.**
- B. **Review and discuss any bill drafts of the 2013 Legislative Session affecting Licensed Athletic Trainers.**
- C. **Review and discuss proposed regulation language NAC 640B.411 and the reporting of Physician Directors at renewal time.**
- D. **Review and discuss how the Board can implement an inspection process for Licensed Athletic Trainers.**
- E. **Update on disciplinary action reports and investigations of unlicensed activity.**
- F. **Review and discuss the Sunset Subcommittee of the Legislative Commission and their review of the Nevada State Board of Athletic Trainers.**
- G. **Review and discuss financial status of the Board.**

10. **Discussion, possible decision on date of next board meeting. (For possible action)** The next board meeting is scheduled for Thursday, May 16<sup>th</sup>, 2013 at 9:00 a.m.

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

12. **Meeting adjournment. (For possible action)** Rob Conatser motions to adjourn the meeting of the Nevada State Board of Athletic Trainers, Tiffney Touton seconds the motion. Approved 5-0.