

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

DATE: **May 16, 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 9:09 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: Jay Henke, University of Nevada Reno. No members of the public present in Las Vegas.

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

3. **Review and approve minutes of meeting 1/17/2013 and 1/31/2013. (For possible action)**

Jim asks if there are any questions or comments regarding the meeting minutes, there are none. Tiffney Touton motions to approve the 1/17 and 1/31 meeting minutes as written, Chris Wittorff seconds the motion. Approved 5-0.

4. **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. 2 licenses were issued or restored during the 1st quarter. There are no further questions or comments.

5. **Consideration of Jeffrey Zerfas' application for licensure. (For possible action)** Jeff Zerfas has joined the meeting via teleconference to participate in the review of his application. Jim explains that Jeff's application is up for review due to a "Yes" response on Questions #2 and #4 of the application. Jim reviews NRS 640B.700 and 449.160 and the options the Board may take today regarding the application for licensure. Jeff Zerfas thanks the Board for the opportunity to take part in the meeting today and explains that the situation that took place over the last few years has made a profound impact on his life in many ways. In 2008, Jeff felt he was not in a good place in his life, alcohol was the problem and he didn't think much of it initially. As Jeff continued with the AA program, he learned it affected every aspect of his life and put other people at risk. He knows that now and has 2 years documented sobriety, is an AA sponsor and continues to work with alcoholics, sponsorships and outpatient facilities. Jeff feels that his attitude change is key and the impact that this has had on his life. He would go through it all over again because it has made him the person he is today.

Chris Wittorff asks Jeff if he has anyone from his support system that would be moving out to Nevada with him should he be granted licensure. Jeff says that it will just be him but that he has learned from a previous move how easy it can be to slip up. He knows how to reach out and get involved with AA and church, other ways to spend his free time.

Rob Conatser tells Jeff that he appreciates his openness and honesty and is happy to help him if the licensure and move go through. Rob's biggest concern is Jeff being in Nevada, he will be in the heart of it and it is a difficult State to be in. Jeff understands but feels that a relapse can happen anywhere. He feels that spiritual guidance will be key. He has been in situations in Kansas where they did nothing but

party and he has not had a relapse. Unfortunately it can happen anytime, anywhere and he is prepared for that. He will get involved with AA and church in his spare time.

Eathan O'Bryant explains to Jeff that he played basketball up at UNR in the 90's and didn't miss one game. He had great Athletic Trainers working with him and asks Jeff how we will know that he will bring his A game every day (the athletes depend on it). Jeff says that Athletic Training is his passion, it is what got him sober. If given the opportunity at UNR, he will give his best, he has a strong work ethic and will go the extra mile. Jeff feels that he is good at building relationships with the Athletes and has proven this over the years.

Tiffney Touton talks with Jeff about the social settings of Athletic Training and how he would handle those without using alcohol. Jeff tells the Board about a conference he went to in March in Oklahoma where his graduate friends were hosting the conference in a hospitality suite. There was food and alcohol flowing and Jeff feels he handled it perfectly. He has found that people are more accepting of him when he is sober and this is a huge confidence booster. Jeff has friends that drink and he does not allow it to change who he is.

Jim Porter addresses the issue of Jeff's probationary status of his Missouri Athletic Training License and asks if he is on probation with the BOC as well. Jeff says yes that he did not realize he had to report his trouble in Missouri to the BOC and they found out through the Board of Healing Arts. He has since taken a class on ethics as part of his punishment and knows now to dot his I's and cross his T's.

Chris Wittorff asks if his license in Missouri is on probation until 2021. Jeff confirms that it is.

Jim asks if there are any further questions or comments, there are none. Jim discusses moving into a closed session to make a decision on the application. Keith says that you only close the session to discuss the character of the applicant if necessary. Jim keeps the meeting open and asks the Board for their opinion. Rob is all in favor of second chances especially after hearing Jeff speak. He will be in the hands of the Athletic Trainers working with him and doesn't feel his Athletic Training skills are in question. Jim asks Keith if under NRS 640B, the Board can issue a probationary license. Keith explains that the Board can either grant the license outright, deny it, or accept it with conditions/probationary terms. Jim's concern is the BOC probation and would like to see that released. If Jeff's employment changes and he doesn't have the same support system, it could become sticky for the Board.

Rob feels that this can be circumvented by having him write in to the Board and the license can be revoked if he does not comply. Rob would like to see a quarterly write up from his Supervisor, AA attendance signed off and reports of employment changes. Jim asks for a motion to act on the application. Keith advises the Board to not structure the order based on another State, keep it clean.

Jim motions for the Board to vote on the approval of Jeff Zerfas' application for licensure with the following stipulations:

1. Probationary licensure status through 2015.
2. Submission of quarterly reports from Supervisor.
3. Documented attendance of weekly AA meetings.
4. Alcohol test results forwarded to the Board from the agencies currently conducting the tests.

Jim Porter calls for a vote to grant Jeff Zerfas licensure with the above listed probationary status.

All in favor (Tiffney Touton, Chris Wittorff, Rob Conatser, Eathan O'Bryant)

Opposed (Jim Porter)

Approved 4-1. Keith Marcher to draft probationary order and forward to Stacey who will then issue the probationary license.

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, it has not been put up for legislative action at this point. There are no further questions or comments.

7. **Review and discuss the status of the Nevada State Board of Athletic Trainer's Subcommittee on Pharmaceuticals. (For possible action)** Tiffney Touton gives an update stating that the Subcommittee is scheduled to meet the following week to finalize a recommendation to be presented to the NSBAT. There are no further questions or comments.
8. **Review and discuss the 2013 Legislative Session and the review of Bills affecting Athletic Trainers to include AB456, SB369, AB228, SB453, AB286, SB320, SB219, SB220, BDR 19-769, and BDR 18-539. (For possible action)** Jim gives a brief overview of the various bills and explains that none of them have passed through the legislature at this time. SB453 is a bill that would allow public schools to purchase epi-pens to use in anaphylaxis situations. Certain individuals within the schools would have to be trained to use them. This bill has passed unanimously at the Senate and will move towards Assembly. AB286 focuses on special events and onsite emergency services. This may have a bearing on Athletic Trainers. SB 320 may also fall on Athletic Trainers as it relates to training of school nurses to use diabetic aids for students and athletes. Jim will continue to track these bills and some may require action at the next board meeting this fall. There are no further questions or comments.
9. **Review and discuss the 2013 License renewal process. (For possible action)** Stacey informs the Board that renewal card reminders went out this week and there is nothing else to report. There are no further questions or comments.
10. **Review and discuss proposed regulation language NAC 640B.411 and the reporting of Physician Directors at license renewal time. (For possible action)** Jim says that there would have to be a regulation in place for this and would like to withdraw this item in lieu of Item #11 on the agenda. There are no further questions or comments.
11. **Review and discuss how the Board can implement an inspection process for Licensed Athletic Trainers. (For possible action)** Jim would like to see a process for random inspections put into place under NRS 640B. Keith informs the board that they can look into the Massage Therapy Board as they have a policy in place for inspecting facilities for health and safety. Jim agrees and says that the other Boards such as Physical Therapy, Pharmacy and Nursing have a process in place. Tiffney feels it would be a good policy to have in place, part of monitoring the licensees and it would confirm compliance. Rob agrees, the Board may want to look into hiring someone. Jim feels that more and more programs are popping up, even nationally and the Board needs to make sure the standards are being met. There are over 125 special events per year now in Southern Nevada. Rob asks Jim to clarify if we would be inspecting Athletic Training facilities or special events. He says that Physical Therapy inspections focus on charts, notes, display of license etc. Jim reiterates the special events that are brought into Nevada that bring in their own Athletic Trainers, how many are practicing legally. Rob states that this is completely different than inspecting an Athletic Training setting and the agenda item needs to read unlicensed activity not inspection process. Jim feels that this is a serious issue that needs to be addressed. Rob motions to table Item #11 on the agenda until the next meeting so that the issues can be listed on the agenda appropriately. Chris Wittorff seconds the motion. Approved 4-1.
12. **Review and discuss the Secondary School Student Athlete's Bill of Rights and House Resolution 72. (For possible action)** Jim states that this is for informational purposes only and that it was read at the House of Representatives as a result of the NATA safe school program. Over 400 entities have signed off on the Bill. There are no further questions or comments.
13. **Review and discuss the United States House of Representatives Bill 1427 "Truth in Health Care Marketing Act". (For possible action)** Jim states that this is also for informational purposes only and that it happened at the Federal level and does not list Athletic Trainers but does mention medical providers. There are no further questions or comments.

14. **Review and discuss Nevada’s Scholarship Program and whether or not the Board can assist in the funding process. (For possible action)** Chris explains that at the district conference in Sacramento, it was discussed whether or not Athletic Trainers can help donate towards the scholarship fund. Chris proposes adding a contribution area to the license renewal form. Rob asks if it goes towards students in the Athletic Training program. Jim says that they have to have graduated from a Nevada School and accepted into a NATA program. Jim doesn’t think that the Board can legally add this to the license renewal form. Keith says that there is nothing that prohibits this but that it is not a good idea to mix board business with the public. There are no further questions or comments.

15. **Review and discuss financial status of the Board. (For possible action)** Stacey asks if there are any questions or comments regarding the financial statements that were sent out. Jim asks if the payment has been made to the State for the board member liability insurance. Stacey says that payment was sent back in September for the Board Members and that a payment was just sent in for the Executive Secretary position since the conversion from Independent contractor to Part time employee. There are no further questions or comments.

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

- A. **Review and approve meeting minutes of 5/16/2013.**
- B. **Review and discuss 2013 license renewal process.**
- C. **Review and discuss how the Board can implement an inspection process for Licensed Athletic Trainers.**
- D. **Review and discuss how the Board can implement an inspection process for unlicensed activity for special events that come into Nevada.**
- 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 the 2013 Legislative Session.**
- H. **Review and discuss report received from the Subcommittee on Pharmaceuticals.**
- I. **Review and discuss status of Unlicensed, Certified Athletic Trainers in Nevada.**
- J. **Review and discuss financial status of the Board.**

17. **Discussion, possible decision on date of next board meeting. (For possible action)** The next board meeting is scheduled for Thursday September 19th, 2013 at 9:00 a.m.

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

19. **Meeting adjournment. (For possible action)** Tiffney Touton motions to adjourn the meeting of the Nevada State Board of Athletic Trainers at 10:48 a.m., Rob Conatser seconds the motion.
Approved 5-0.