

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

DATE: **May 14, 2015**

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
Classroom Building Complex
Building B, Room 117
Las Vegas, Nevada 89154

1. Meeting called to order by Chairman, Rob Conatser at 9:05 a.m.

Board Members Present: Rob Conatser, Eathan O'Bryant, Chris Wittorff, and Tiffney Touton.
Board Member Jeremy Haas absent.

Staff Present: Stacey Whittaker, Executive Secretary; Keith Marcher, Senior Deputy Attorney General via teleconference.

2. **Public Comments.** No members of the public present at this time.

3. **Review and approve minutes of meeting January 15, 2015. (For possible action)** Rob Conatser asks if the Board has any questions or concerns regarding the above mentioned meeting minutes, there are none. Chris Wittorff motions to approve the January 15, 2015 meeting minutes as written. Eathan O'Bryant seconds the motion.
Motion approved 4-0.

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 the first quarter 2015. There were three (3) licenses issued or restored during this quarter and there are currently 191 Licensed Athletic Trainers in Nevada. There are no further questions or comments.

5. **Review and discuss current Board Member terms for the Nevada State Board of Athletic Trainers. (Discussion only)** Stacey Whittaker reviews the current Board Member terms to include the upcoming vacancies. Both Rob Conatser and Chris Wittorff will complete their second terms on September 30, 2015. Stacey will begin getting nominations from the Nevada Athletic Trainers Association to submit to the Governor's Office. Chris Wittorff states that she too has mentioned it to the President of the Association. Stacey asks Keith when the next Boards and Commission training will be held, he believes it will be in October of this year. There are no further questions or comments.

6. **Review and discuss update on proposed language from the Subcommittee on Pharmaceuticals. (For possible action)** Stacey Whittaker informs the Board that throughout the writing of the proposed language, the Board has had the opportunity to get input from Colleen Platt, Deputy Attorney General from the Nevada AG's office. Colleen has been instrumental in providing feedback regarding the language before it is submitted to the Legislature. The latest recommendation from Colleen is that before the Board can look at revising NRS639, we will have to revise our own statutes NRS640 regarding the scope of practice of Athletic Trainers which references the changes to NRS 639. Unless the Board has statutory authority that provides for that, we cannot draft such a regulation. Stacey has shared this information with both Jim Porter and Steve McCauley who have worked on the language. Because of this and the time that has passed, Stacey asks if it would be best to have the Subcommittee reconvene to review the proposed language. Tiffney Touton was a member on the Subcommittee and feels that this would be a good idea moving forward. Eathan O'Bryant motions to table Item #6 until the next Board Meeting. Chris Wittorff seconds the motion. Motion approved 4-0.

7. Review and discuss sending a representative from the Board to the next Board of Certification Conference. (For possible action) This item was addressed at the last meeting and it was determined that all Board Members had conflicts with the Conference date. Newly appointed Board Member Jeremy Haas has looked into it and he cannot attend due to scheduling conflicts as well. The Board will work towards sending a representative in 2017. There are no further questions or comments.

8. Review and discuss any 2015 Legislative Bills that may have impact on the Nevada State Board of Athletic Trainers to include AB53, AB89, AB158, AB269, AB295, AB355, AB364, SB59, SB68 and SB70. (For possible action) Stacey Whittaker gives the Board a brief overview of the various bills and what their impact could have on the Board. AB89 and SB68 may have a significant impact on licensing boards in that they propose changes to certain professions in regards to a license by endorsement, data gathering and the possibility of discounted licensure fees for Veterans. Also of importance is AB158 that was amended to include the authorization of Athletic Trainers (who have received training by a nationally recognized organization) to administer auto-injectable epinephrine. Stacey informs the Board that this Bill was well received throughout the Legislative Session and expects it to pass through. Stacey will provide the Board with a final Legislative update at the next Board meeting. There are no further questions or comments.

9. Review and discuss the upcoming 2015 license renewal period including the updated license renewal application. (For possible action) Stacey Whittaker informs the Board that renewal reminders have gone out in the mail. The Board has reviewed the updated license renewal application and there are no questions or comments. Stacey will provide an update at the next meeting of the results of the 2015 license renewal period.

10. Review and discuss the presence of Athletic Trainers at special athletic events in Nevada. (For possible action) Rob Conatser feels that with more and more events coming into Nevada, this is an issue that needs to be addressed. The Board sent out letters approximately three years ago to special events coming into the State and that policing these events is very difficult. Stacey Whittaker tells the Board that she receives a lot of inquiries from Licensed Athletic Trainers from other states coming into Nevada to work these special events. She informs them that as long as they are licensed in the state that is travelling to Nevada for the special event then it is permissible. Tiffney Touton asks if there is anything in the statutes that requires a Licensed Athletic Trainer be present at these events. Rob says there is not. Eathan O'Bryant states that there are hundreds of teams coming into town this month for a basketball tournament and he is not sure if they utilize Athletic Trainers. Tiffney asks Keith if there is any vulnerability to the Board from a liability standpoint. Keith feels that there isn't in this situation because typically when an event is coming into Nevada, they bring in their own Athletic Trainers which is allowed for the onetime event. Keith informs the Board that if this continues to be a concern, they can work towards firming it up in the 2017 session. Rob feels that this is a good idea and the Board can revisit this topic in six months to a year. There are no further questions or comments.

11. Review and discuss concussion management as it pertains to Licensed Athletic Trainers. (For possible action) Chris Wittorff has asked for this item to be discussed since California has passed a law that mandates a seven day waiting period for return to play after a concussion. Chris feels that our law is very vague without a return to play protocol or standard in which to go by. Rob states that both Northern and Southern Nevada are using the Impact Test for concussions and typically use a particular Physician for direction. Rob feels that most High Schools have a pretty good protocol in place and follow the NIAA policy, it's the younger kids that raise a concern. Eathan feels that in some cases, they just want to get the kids back to play as quickly as possible and that a standard protocol would be a good idea. Stacey reminds the Board that AB455 was passed in 2011 regarding concussion management and that the NIAA has since adopted a policy. Rob states that most often times the Athletic Trainer doesn't release the player to play, they push that to the Physician. Players must have a release in order to return to play. Tiffney Touton feels that this a huge gray area and that a return to play protocol is a good idea but may be challenging to apply. Eathan recommends talking to the different High Schools in Nevada to see what their protocol is for return to play. Rob agrees with this idea and asks the Board Members to help gather the information. Eathan motions for the Board Members to gather information on area High Schools

return to play protocol and bring to the next board meeting. Chris Wittorff seconds the motion. Motion passes 4-0.

12. Review and discuss the need to mandate Athletic Trainers at all Nevada High Schools. (For possible action) Rob Conatser states that while the Board would like to see Athletic Trainers mandated at all Nevada High Schools, it is apparent how difficult this could be. He feels that Clark County has a good handle on this in Southern Nevada but that Washoe County is trying to keep them in place. Chris Wittorff feels that this is especially problematic in the rural areas like Austin and Eureka. The Athletic Trainer was just let go from Fallon High School due to budget cuts. Rob recommends that the Board either begin working on proposed language or table until such time that it is more feasible. Eathan O'Bryant motions to table Item #12. Tiffney Touton seconds the motion. Motion approved 4-0.

13. Review and discuss the United States Supreme Court decision in the North Carolina State Board of Dental Examiners vs. The Federal Trade Commission case. (Discussion only) Stacey Whittaker has asked Keith Marcher to give the Board a brief overview of this recent court case as it is creating quite an uproar with Licensing Boards across the nation. Keith explains that this all began when the North Carolina Board of Dental Examiners sent Cease & Desist letters to teeth whitening services across the State that were not being performed by Dentists. The individuals performing the teeth whitening complained to the Federal Trade Commission that this was anticompetitive in nature and sued the Board for an antitrust violation. The Board of Dental Examiners lost the case. Keith feels that what is most troubling is that the court said that Board's that are made up of market participants (like most here in Nevada), can lose their immunity defense in a case without State supervision. Changes that can occur because of this might be to put all Boards and Commissions under the State for supervision, or work towards changing the composition of the Boards. While this is a little alarming, Keith reassures the Board that there is nothing they can do at this time other than exercise caution. Governor Sandoval's office is aware of the case and the Board's will have to wait and see if any action will be taken in 2017. There are no further questions or comments.

14. Review and discuss financial status of the Board. (For possible action) Stacey Whittaker reviews the financial statements that were sent out. There are no further questions or comments.

15. Future agenda items. (For possible action)

- A. Review and approve meeting minutes of 5/14/2015.
- B. Update on disciplinary action reports and investigations of unlicensed activity.
- C. Review and discuss financial status of the Board.
- D. Update on Board Member appointments.
- E. Review and discuss final results of the 2015 Legislative Session and disseminating information to licensees if needed.
- F. Review and discuss update on proposed language from the Subcommittee on Pharmaceuticals.
- G. Review and discuss special athletic events coming into Nevada regarding Athletic Trainer coverage.
- H. Review and discuss concussion management at the High School level.
- I. Review and discuss the results of the 2015 license renewal period.

16. Discussion, possible decision on date of next board meeting. (For possible action) The next board meeting is scheduled for Thursday August 13th, 2015 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) Rob Conatser motions to adjourn the meeting of the Nevada State Board of Athletic Trainers at 10:05 a.m., Eathan O'Bryant seconds the motion. Motion approved 4-0.

