

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

DATE: **November 12, 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 Stacey Whittaker, Executive Secretary at 9:07 a.m.

Board Members Present: Eathan O'Bryant, Chris Wittorff, Tiffney Touton, and Jeremy Haas. Rob Conatser will be arriving late.

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

2. **Public Comments.** No members of the public present in Southern Nevada. Brett Kandt, Chief Deputy Attorney General introduces himself as the Board's new Attorney General Representative.

3. **Review and approve Board meeting minutes of August 13, 2015. (For possible action)** Stacey Whittaker asks if the Board has any questions or concerns regarding the above mentioned meeting minutes, there are none. Eathan O'Bryant motions to approve the August 13, 2015 meeting minutes as written. Jeremy Haas seconds the motion. Motion passes unanimously 4-0.

4. **Update on disciplinary action reports and investigations of unlicensed activity. (For possible action)** Stacey Whittaker reports no disciplinary action taken during the third quarter 2015. There were twenty five (25) licenses issued or restored during this quarter and there are currently 202 Licensed Athletic Trainers in Nevada. Stacey also informs the Board that there was a report of a Chiropractor filling in for an Athletic Trainer at a High School football game with photos of the Chiropractor taping an athlete's knee. Stacey reached out to the Nevada Chiropractor Board to find out if this was within their scope of practice. The Chiropractor Board felt that taping the knee is within their scope of practice under "Physiotherapy". Stacey relayed this information to the complainant and they did not wish to pursue the complaint any further. 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 current vacancies. She was recently notified by the Governor's Office that the Board Member Appointment function was being moved from Las Vegas to Carson City. This was frustrating to hear since the Association had submitted nominations for the Board vacancies earlier in the year. Rob Conatser and Chris Wittorff were kind enough to serve as carryovers until such time the new appointments are made. Stacey will keep the Board apprised of any progress on the new Board Member appointments. There are no further questions or comments.

6. **Review and approve legal services and/or contracts to be provided to the Board by both the Attorney General's Office and The Platt Law Group. (For possible action)** The contract for The Platt Law Group has been disseminated to the Board Member's for review. The Board is interested in contracting with Colleen Platt who is now an Independent Contractor to work with the Board on proposed regulatory language that she previously provided assistance with while with the Attorney General's Office. Brett Kandt explains to the Board that while he is the Legal Counsel appointed to the Boards and Commissions through the Attorney General's Office, the Athletic Trainer Board does have statutory authority to hire outside counsel should they choose. Stacey Whittaker's concern is that the Board cannot afford to be paying two representatives for legal counsel at the same time. The Board agrees, and would

like to continue using the Attorney General's Office for general services while contracting with Colleen Platt solely on the proposed pharmaceutical language. The only concern raised with the Platt Law Group contract is the not to exceed amount of \$50,000.00. This is essentially all the money the Board has and is not looking to spend near that amount in legal fees. Brett Kandt advises the Board that while this is probably a standard amount put into all contracts, there is no reason the contract cannot be amended. The Board discusses the time frame they feel it will take to work on the proposed regulatory language and feel that \$7,500.00 would allow for 75 hours at \$100.00 per hour and would be sufficient.

Jeremy Haas motions to authorize Stacey Whittaker, Executive Secretary to enter into a contract with the Platt Law Group with a maximum amount of \$7,500.00 to provide legal services on the proposed regulatory pharmaceutical language. Tiffney Touton seconds the motion. Stacey Whittaker will work on getting the contract signed by all parties and submitted to the Board of Examiners for approval. Motion passes unanimously 4-0. Rob Conatser arrives at the Board Meeting.

7. Review and discuss update on proposed language from the Subcommittee on Pharmaceuticals. (For possible action) Stacey Whittaker states that once the Platt Law Group contract is approved with the Board of Examiner's office, the goal is to have the Subcommittee on Pharmaceuticals reconvene to discuss the proposed changes. Stacey hopes to have this in place by the first of the year. There are no further questions or comments.

8. Review and discuss the Board's current license application process to include procedures for background checks and licensure fees. (For possible action) Stacey Whittaker discusses the application process and the fact that the Board can now receive electronic verifications from the Board of Certification. She would also like to consider requiring a cashier's check or money order for the initial application fee in light of a recent returned check that the Board has been unable to collect from an applicant. Stacey also reviews the current fingerprinting policy and that the Board currently accepts a signed waiver form from the applicants stating that they have submitted their prints to the Department of Public Safety. The Board then issues the license prior to receiving the fingerprint results. Stacey's other concern is that because the applicants are sending their own prints to the repository and not through the Board, there is no record keeping if there are errors or omissions. She would like to see the prints sent to the Board and then forwarded to the Department of Public Safety. Brett Kandt offers to review the Board's regulations to determine if they have a provisional clause that allows them to issue the license without the fingerprint results. Otherwise, the Board should wait to issue the license until all components are received. Stacey will work to revise the current policies to reflect these changes. There are no further questions or comments.

9. Review and discuss any information obtained from other State Licensing Boards regarding concussion management. (For possible action) Stacey informs the Board that she was not able to find much information in other Board's regulations regarding concussion management. However, she did learn that within the last couple of years, over 50 States have passed laws pertaining to brain injuries such as AB455 in Nevada. Research also showed that Vermont requires the home team to ensure that a Licensed Athletic Trainer or Health Care Provider is present at any athletic event involving a contact sport. The Board will continue to monitor any new changes in concussion management. There are no further questions or comments.

10. Review and discuss financial status of the Board to include moving additional funds into the money market account and all matters relating thereto. (For possible action) Stacey asks if there are any questions regarding the financial statements that were sent out, there are none. She informs the Board that on the most recent bank statement, there were three fraudulent charges on the checking account amounting to approximately \$900.00. Stacey has put a freeze on the account and filed the appropriate claims with Wells Fargo to get the money reimbursed. The bank will also close this checking account to avoid future fraud and issue the Board a new checking account number. The Board discusses moving additional money into the Money Market account since there was an influx of revenue from the June license renewal period. There is approximately \$25,000.00 in the money market account and \$50,000.00 in the checking account. Based on the Board's current expenses and fiscal year

remaining, Tiffney Touton motions to move \$35,000.00 from the Board's newly issued checking account into the money market account. Jeremy Haas seconds the motion. Motion passes unanimously 5-0.

11. Future agenda items. (For possible action)

- A. Review and approve meeting minutes of 11/12/2015.**
- B. Update on disciplinary action reports and investigations of unlicensed activity.**
- C. Review NRS and NAC 640B for proposed changes in the 2017 Legislative Session.**
- D. Review and discuss financial status of the Board.**
- E. Update on Board Member appointments.**
- F. Review and discuss update on proposed language from the Subcommittee on Pharmaceuticals.**

12. Discussion, possible decision on date of next board meeting. (For possible action) The next board meeting is scheduled for Thursday January 28th, 2016 at 9:00 a.m.

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

14. Meeting adjournment. (For possible action) Chris Wittorff motions to adjourn the meeting of the Nevada State Board of Athletic Trainers at 10:04 a.m., Rob Conatser seconds the motion. Motion passes unanimously, 5-0.