

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

DATE: **December 15, 2017**

LOCATIONS:

University of Nevada, Reno
1664 N. Virginia Street
Mathewson IGT Knowledge Center
Room #5
Reno, Nevada 89557

University of Nevada, Las Vegas
4505 S. Maryland Parkway
System Computing Services
Room #102
Las Vegas, Nevada 89154

1. Meeting called to order by NSBAT Chairman, Jeremy Haas at 9:03 a.m.

Board Members Present: Chairman Jeremy Haas, Vice Chair Tedd Girouard, Board Members Keoni Kins, Frank Sakelarios, and Randi Hunewill.

Randi Hunewill is introduced by Stacey Whittaker as the new Public Member for the Board and thanked for volunteering to serve on the Board.

Staff Present: Sarah Bradley, Senior Deputy Attorney General; Stacey Whittaker, outgoing Board Executive Secretary; and Michelle Cothrun, incoming Board Executive Secretary

Public Members Present: David Orr and Kevin Kikugawa

2. **Public Comments.** Kevin Kikugawa is the new Director of Sports Medicine at the University of Nevada, Reno and came to see the process and how to potentially help in the future. David Orr is interested in seeing the process. There are no further comments.

3. **Review and approve Board meeting minutes of September 15, 2017 & September 22, 2017. (For possible action)** Keoni Kins requests a clarification to Item #12 from the September 15th minutes. Jeremy Haas motions to approve the minutes of both September 15th and September 22nd meeting minutes with amendments from Keoni Kins on Item #12 from the September 15th minutes. Tedd Girouard seconds the motion. Motion passes unanimously.

4. **Update on disciplinary action reports and investigations of unlicensed activity. (Discussion)** Actions taken regarding a report of unlicensed activity at a charter school in Las Vegas, presented by Stacey Whittaker:

- The first letter to the individual went unanswered.
- A follow-up certified letter was sent to the individual and a copy sent to the Principal at the school. Any response will be reported on at the next Board meeting.

The Board's 3rd quarter disciplinary action reports and statistics submitted to the Legislature, presented by Stacey:

- 32 licenses were issued and 26 were not renewed.
- The total number of licensed Athletic Trainer in the State is 233 for that quarter.

The Board discusses inquiries they receive from Athletic Trainers regarding the status of investigations and appropriate replies. Sarah Bradley explains that all complaints regarding unlicensed activity are confidential until the matter is brought before the Board for a hearing so that Board members are free to hear the matter without having formed an opinion beforehand. Sarah recommends responding to inquiries with the statement that the Board follows up on all complaints and referring the person to the Executive Secretary. The Board does not comment on matters publicly until the Board brings a public action. The same holds true for complaints against one of the Board's licensees.

Sarah outlines the process for a report of unlicensed activity:

- When a complaint is made that an individual is practicing athletic training without a license with the Board, an informational letter is sent to the individual advising them that a license to practice as an Athletic Trainer is required in the State of Nevada.
- If after several attempts, there continues to be no response, a member of the Board would visit the person in question at their place of employment to see if the person is practicing there.
- The Board can conduct a hearing on the matter and then seek disciplinary action such as entering an order to cease and desist, or seeking a court injunction against an individual who continues to practice without responding to the Board. The Board has not had a matter escalate to that point.

There are no further questions or comments.

* Another member of the public, Jessica Gaubatz, joins the meeting. She works with Kevin Kikugawa at the University of Nevada, Reno.

5. Review and discuss items to be considered for NAC640B regulation updates. (For possible action) Stacey Whittaker and Michelle Cothrun report on their meeting with Colleen Platt, an attorney contracted with the Board to help with potential regulations.

- Colleen reviewed the Board's statutes and regulations and advises that there is nothing that needs to be done at this time.
- SB69 from this legislative session requires Boards to have language regarding licenses by endorsement. The Board has language in NRS640B.330 that takes precedent over SB69.
- NAC640B.030 includes continuing education (CE) requirements when the Board adopted the standards of professional practice of the National Athletic Trainers' Association Board of Certification, Inc. (NATABOC), now referred to as the BOC. Licensees are required to maintain certification, including any continuing education requirements, with the BOC.

Sarah Bradley advises the Board to add the following regulations:

- NRS233B.100 requires that all agencies have a process for allowing someone to request a regulation or modification of a regulation.
- NRS233B.110 requires that agencies have a process for declaratory orders.
- NRS233B.120 requires a process for advisory opinions.
- NRS233B allows agencies by regulation to specify witness fees and mileage for hearings.

All agencies are required to follow NRS233B but these requirements Sarah has listed must be addressed by regulation so agencies have a process in place.

Sarah explains the process of adding regulations to the Board:

1. Proposed regulations are sent to the Legislative Counsel Bureau (LCB) by June 30th, who will redraft them and begin the process to amend the regulations. Sarah has sample language that she recommends and will provide.
2. A workshop must be held which can be done during a Board meeting. Immediately after the workshop, the proposed language for the new regulations will be sent to the LCB. The agenda for the workshop must be posted 15 days before the date of the meeting.
3. A public hearing must then be held, which can also be done during a Board meeting. The agenda for the public hearing must be posted 30 days before the date of the meeting. And the public hearing cannot be conducted until the Board receives the language back from the LCB, which can take anywhere from 30 to 60 days.

Sarah suggests having the workshop at the first Board meeting of the year to meet these deadlines. The timing should be fine because the public hearing can take place after June 30th.

This item will be tabled until the next board meeting. There are no further questions or comments.

6. Review and discuss AB454 from the 2017 Legislative Session. (For possible action) Stacey previously advised the Board that the language in Senate Bill 292, allowing licensed professionals including Athletic Trainers an exemption to work for an athletic event in Nevada, was not passed. However, Colleen Platt pointed out that the language was added to AB454, the Accountancy Bill, and passed. This language automatically amends the Board's NRS.

Section 3 of the Bill states that if an individual wants an extension to the exemption an application is required. Stacey advises preparing an application form for extension beyond the ten (10) days allowed to practice in Nevada.

The Board discusses how an Athletic Trainer will find out about this exemption. Language can be added to the Board's website on either the Home page or the Frequently Asked Questions section.

Sarah mentions that the LCB has codification scheduled for this month. Once Staff receives notification from the LCB that the language has been codified, the Board will be notified.

The Board discusses concerns over tracking the 60 day maximum in context of the requirements that the out-of-state AT must be working with a team or organization and be licensed. This requirement may impel California to have their Athletic Trainers be licensed. There is no possible action and there are no further questions or comments.

7. Review and discuss the 2017 Boards and Commissions Audit conducted by the Governor's Finance Office, Division of Internal Audits. (For possible action) Stacey reports to the Board that she submitted the audit, which included the following:

- A financial audit and an evaluation of performance and administrative systems of the Board, including personnel and Executive Secretary/Director compensation.
- Contracts and analysis of fees paid for legal services.

Stacey adds that the State may seek oversight of professional licensing boards. She recommends creating a budget and approving the budget at Board meetings versus approving expenses as they arise.

Sarah mentions several concerns that may have compelled the audit:

- Boards operating within their authority and regulations.
- Embezzlement and theft from Boards.
- The Executive Branch and Legislative Counsel Bureau (LCB) Audit Division's concerns about having proper controls in place.
- Public concerns regarding Executive Director compensation and legal fees.

In light of these concerns, the Board's decision to obtain external bookkeeping services is timely and provides additional oversight. Sarah advises to assign a Board member, who is not a signatory on the bank accounts, as a Treasurer to review bank account statements and to do a reconciliation every month. Assigning a Board member as Treasurer will be an agenda item for the next Board meeting.

Stacey reports that the Sunset Committee Review, a Legislative committee responsible for reviewing Boards and Commissions every 10 years, met the previous week. They are reviewing every board and commission that has not been audited. The Board was reviewed in 2012 and the result was that they were pleased with how the Board is run and they suggested that the Board continue as it is. Unless we hear otherwise, the Board is exempt from the audit.

There is no possible action except adding the election of a Treasurer to the next agenda. There are no further questions or comments.

8. Review and discuss drafting a mission statement for the Board website. (For possible action)

Stacey informs the Board that when the State revamped the Board's website, the Mission statement was not included on the new site. Stacey reads the mission statement that was on the website previously. The wording was dictated in the Board's legislative declaration taken from NRS640B.003. The mission of the Board is to protect the public. Stacey asks if anyone wants to amend or add anything.

Tedd Girouard adds that when he went to the Regulatory Conference during the summer, he received a template that included recommended language. Tedd then reads a more in-depth mission statement. Randi Humewill adds that mission statements should be short and to the point. The Board discusses which version they prefer as they are both very similar.

Jeremy Haas calls for a motion. Keoni Kins motions to use the original version of the mission statement. Randi Hunewill seconds the motion. The motion passes unanimously.

9. Review and discuss options for online license renewal systems. (For possible action) Tedd Girouard reports on options he considered:

- Paypal: 2.7% per transaction.

- No set up fees
- \$4.05 per license renewal of \$150.00
- The BOC presented their fee structure at the Regulatory Conference:
 - A one-time setup fee of \$1000.00 and online verification fee of \$850.00.
 - Additional \$15 to \$25 per license fee.

Stacey adds that PayPal would require an online renewal application and notes that LogiForms provides customizable, fillable PDF forms so that licensees can submit their renewals online.

- She knows an IT professional who has assisted another small board with developing their forms for approximately \$500.
- LogiForms also creates a database for \$25 per month, allowing information to be exported to an Excel spreadsheet, streamlining processing applications.
- A licensee may update information when they renew like their address or employer.
- We would need a means to keep that information updated on our end as well.

Sarah Bradley mentions that Type Forms offers similar services. The Board discusses the cost of the BOC versus using PayPal and the possibility of passing the fees to the licensees as a convenience fee.

- Sarah advises the Board that NRS353.1465 would allow the Board to charge a convenience fee not exceeding the amount charged to the State agency.
- The licensee would still have the option at renewal time to pay by check to avoid the fee.

The Board discusses possible safety issues with PayPal. Stacey adds that the Board may want to see what Wells Fargo Government Banking charges for credit card fees.

What the BOC offers is streamlined but costly. The Board discusses the possible benefits of waiting to see if the BOC's fees go down in time.

The Board will collect more information on the fees for LogiForms and Wells Fargo credit card services to discuss at the next Board meeting. There is no possible action for today and no further questions or comments.

10. Review and approve adding Michelle Cothrun, new Board Executive Secretary as a signatory to the Wells Fargo Board Checking Account and Business Market Account. (For possible action) Stacey Whittaker explains to the Board that Wells Fargo Government Banking requires that any changes to signatories be put on the agenda and approved by the Board with a copy of the meeting minutes sent to Wells Fargo in order to make changes. Jeremy Haas motions to add Michelle Cothrun as a signatory. Tedd Girouard seconds the motion and the motion passes unanimously.

11. Review and approve the authorization for Wells Fargo Bank to issue Michelle Cothrun, new Board Executive Secretary a board credit card for board expenses and operations. (For possible action) Stacey adds that the Board may want to add a dollar limit to the motion. At this time, the Board credit card has a limit of \$2,500. The Board discusses the purpose of the credit card. Stacey explains that the credit card is used for Board operation expenses, such as purchasing office supplies. Expenses have not come close to the current maximum limit. Jeremy Haas motions to authorize Michelle Cothrun to be on the Wells Fargo credit card with a limit of \$2,500. Tedd Girouard seconds the motion and the motion passes unanimously.

12. Review and discuss financial status of the Board, including approval of all claims and expenses. (For possible action) Stacey explains to the Board that she has provided a Profit and Loss statement and Balance Sheet for July 1 through October. The Oct payroll is not on the Profit and Loss because the Board is now on QuickBooks online and Carol Woods is now processing payroll. The information was not merged yet but the information will be provided at the next Board meeting. Carol will also perform a reconciliation before each Board meeting. Michelle Cothrun will coordinate with Carol regarding the Board's financial information for future meetings.

Stacey asks the Board if there are any questions regarding the finances. Randi Hunewill has a question regarding the Attorney General expense. Sarah Bradley explains how the billing process works and how she determines what she bills for. The Board does not pay Sarah for her time in addition to the Attorney General's office. There are no further questions or comments. Jeremy Haas calls for a motion. Tedd Girouard motions to approve all claims and expenses. Keoni Kins seconds the motion and the motion passes unanimously.

13. Report from outgoing Executive Secretary, Stacey Whittaker. (Discussion) Stacey informs the Board that Department of Public Safety (DPS) is no longer accepting NRS179A.210, which applies to prospective employers, as the authority for fingerprinting.

- In 2003, that statute was assigned to the Board and the reasoning is not known.
- NRS179.210 was repealed in the 2017 Legislative session and can no longer be used.
- The Federal Bureau of Investigation (FBI) will take three (3) months to review the Board's statutes that require fingerprinting.
 - NRS640B.310 authorizes fingerprinting and we have submitted to have it approved and accepted by the DPS and FBI.
 - Michelle will follow up with DPS on the status of the approval process and report to the Board.

Stacey states that the live scan fingerprinting done in the State of Nevada is processed quickly.

- We can receive results in five (5) days versus weeks.
- The Board suggests adding a comment regarding live scan fingerprinting to our Frequently Asked Questions tab on the Board's website but it is mentioned on the initial application for licensure.

The Board discusses the list of programs of study that are approved by the Board.

- Stacey explains that the Board of Certification (BOC) has a list of approved, accredited programs of education to take their exam.
- Certification with the BOC is a requirement for the Board and the application for licensure asks which degree allowed you to sit for the BOC exam.
- NAC640B.030 adopts by reference the standards of the BOC.
- Sarah Bradley recommends a regulation to clarify and that can be added to the workshop on the next Board meeting.

Jeremy asks if this is Stacey's last Board meeting. The Board expresses their appreciation for Stacey and will miss her. There are no further questions or comments.

14. Report from Senior Deputy Attorney General, Sarah Bradley. (Discussion) Sarah Bradley mentions that the Attorney General's office is hoping to have additional training at the beginning of the year. Stacey states that it is difficult for Board members to attend all day training sessions. Sarah offers to bring copies of the handouts that were distributed at the most recent training or email links for the resources. If anyone has questions on the material, she can answer them at the next meeting or as questions arise. There are no further questions or comments.

15. Future agenda items. (Discussion)

- A. Review and approve meeting minutes of December 15, 2017.**
- B. Update on disciplinary action reports and investigations of unlicensed activity.**
- C. Workshop for proposed regulations.**
- D. Review and discuss financial status of the Board.**
- E. Elect a Board member as Treasurer to review financial statement**
- F. Review and discuss a proposed Budget**
- G. Review and discuss LogiForms for online renewals and Wells Fargo credit card services to compare to PayPay's fees for online payment processing.**

16. Discussion, possible decision on date of next meeting. (For possible action) The Board discusses options. Frank Sakelarios motions for the next Board meeting to be scheduled for Friday, March 16, 2018 at 9:00am. Tedd Girouard seconds the motion and it passes unanimously.

17. Public Comments. David Orr has a question about the investigation practices of the Board in regulating the activities of Athletic Trainers. Sarah Bradley discusses the current procedure for handling complaints against licensees versus complaints of unlicensed activity. Mr. Orr comments that there is much

delay with the Board sending a letter rather than investigating soon after a violation has been committed to gather the facts. Stacey Whittaker explains that all complaints are handled by the Board quickly and complaints of licensee violations are given priority and treated with urgency. The Board has a process in place working with the Attorney General's office to handle complaints and an investigator would not expedite the process. If the public were being harmed, then law enforcement would be involved. The Board has considered an investigator in the past but it was determined to be cost prohibitive and continues to be. If the Board were to receive a complaint of a violation against one of the Board's licensees, a Board member would investigate the matter on behalf of the Board and would then need to recuse themselves if the matter came to a public hearing before the Board. The Board has not had a matter escalate to that point.

Randi Hunewill requests if the Board members can introduce themselves, as she is new on the Board. Each Board member introduces themselves stating their background in Athletic Training and years on the Board. There are no further questions or comments.

18. Meeting adjournment. Randi Hunewill motions to adjourn the Board Meeting at 11:00am. Tedd Girouard seconds the motion. Motion passes unanimously.

****MEETING MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT REGULARLY SCHEDULED BOARD MEETING.***