

**NEVADA STATE BOARD OF ATHLETIC TRAINERS
LEGISLATIVE SUBCOMMITTEE
AGENDA AND NOTICE OF PUBLIC MEETING**

DATE & TIME: December 13, 2022 @ 6:30 p.m.

Zoom Access:

**Meeting ID: 897 506 8640
Passcode: 640B**

1. Meeting called to order by Legislative Subcommittee Chair, Jeremy Fisher at 6:37 PM.

Subcommittee Members: Jeremy Fisher, NSBAT Treasurer and Legislative Subcommittee Chair, Steve McCauley, and Mark D’Anza.

Staff: Michelle Cothrun, NSBAT Executive Secretary.

Members of the Public: Susan Priestman, President, American Physical Therapy Association (APTA), Nevada Chapter.

2. Public comment. Susan Priestman introduces herself and states that the APTA monitors parallel boards to stay in good collaboration with colleagues. She remembers the great success with the NSBAT during the Dry Needling regulations in 2019. There are no other members of the public on Zoom, so no further public comment.

3. Review and discuss the purpose of the Subcommittee and the process for the review of potential amendments to the practice act in NRS 640B and/or regulations in NAC 640B for Board approval. (For Possible Action) Jeremy Fisher states that most of the discussion will be with agenda item number four (4). There is no need to explain a process for review. The list of items for review is concise. If any Subcommittee member would like to add an item for discussion, it can be added to a future meeting agenda. No action is taken on this item.

4. Review and discuss possible new regulations: (For Possible Action) Steve McCauley requests that the discussion begin with item “M”.

m. Removing and/or changing the NRS requirement for a Board member that is a dual-licensed Athletic Trainer and Physical Therapist;

Jeremy Fisher begins the discussion on item “M” stating that it is becoming increasingly harder to find dual-credential athletic trainers. As someone becomes a physical therapist, they tend to let their athletic training lapse. He asks if the Board continues to require the oversight of a physical therapist on our Board. Steve McCauley provides some historical context for the dual-licensed Board member. That position on the Board was a negotiated compromise between the Nevada chapter of the Physical Therapy Association and the Nevada Athletic Trainers Association. He cautions that anytime you want to try to open your practice act, it is a significant undertaking. While filling that role is challenging, there is no dire need. Certainly, the Board has looked down the road and seen that these candidates are going to be fewer and fewer. When there are no more dual-licensed candidates available and this requirement of the law can no longer be met, that is the justification and the impetus to open the Practice Act. Then we will have a sympathetic ear within the Legislature. His strong opinion is that we begin conversations with the APTA about how this language can be manipulated to satisfy all the parties involved.

Michelle Cothrun informs the Subcommittee that both Keoni Kins and Tedd Girouard have attended a meeting of the Physical Therapy Board and they had no issue with removing this requirement for a dual-licensed Board member. Steve clarifies that he means the Association since associations are generally the political wing of the profession. Opening the practice act is a legislative effort. Unless there is agreement with all parties involved, that legislation goes nowhere. From a cooperative standpoint, we must begin by getting the PT Association on record with their opinion.

Steve McCauley motions to recommend to the Nevada State Board of Athletic Trainers that the Board begin discussions with the Nevada chapter of the Physical Therapy Association, as well as the Nevada Board of Physical Therapy, regarding potential changes to the NRS with regard to this statute. Mark D'Anza seconds the motion. The Subcommittee is interested in knowing if Susan has any comment with regard to the proposal just made. Susan Priestman states that the APTA Nevada will be meeting on December 20, 2022. With the insight into the thoughts behind this change in the statutes, she will bring it to her board and get the opinion of the PT Association.

Jeremy Fisher calls for a vote, and the motion passes.

a. Adding a temporary license provision for licensed athletic trainers who move to the State to work over the summer;

Steve McCauley motions that this Subcommittee does not recommend issuance of temporary licensure. Jeremy Fisher seconds, and the motion passes.

b. Adding a grace period for graduate students who graduate in May and apply for initial licensure, waiving the immediate renewal fees due by June 30;

c. Adding a grace period for new licensees who obtain licensure 30 to 60 days before the renewal period;

d. Adding a grace period for renewals when June 30 falls on a Saturday or Sunday, the license will expire on the following Monday;

e. Instituting a brief grace period or late fee for renewals instead of licenses expiring on June 30;

The Subcommittee discusses whether it makes sense to open the practice act to add the items B, C, D, and E. These changes would require a change in statute since the June 30th expiration date is specified in NRS 640B.400. Michelle Cothrun explains that the Board had previously voted no on B, C, D, and E. However, she included these items on the agenda in case the decision was made to open up the Practice Act. Then we could take care of these issues created by the set June 30 expiration date.

Steve McCauley motions that items B through E be tabled for further Discussion. Jeremy Fisher seconds the motion, and it passes.

f. Adding a license status of “retired” instead of “expired” for those licensees retiring from the profession with a license in good standing, including a possible nominal fee;

Michelle Cothrun explains that she has had a couple of licensed athletic trainers say that they are retiring from the profession and wanted to know if their license status could be retired instead of expired. To them, expired sounds like they did something wrong. Michelle noticed that the credentialing person at BOC has AT Ret. after their name. Steve McCauley states that at minimum, adding a retired status would confuse the public and could open the door for fraud. Mark D'Anza reads from the BOC website: "...The designation 'AT Ret.' may be used to indicate that an individual was once BOC certified athletic trainer."

Jeremy Fisher motions that the designation of retired should be left in the hands of the BOC. Mark D'Anza seconds the motion, and it passes.

g. Adding a veteran's expedited license with 50% fees;

i. Reducing initial licensure fees to possibly \$200 and renewals to \$125;

j. Removing fee of \$25.00 charged for change of name on a license;

k. Removing fee of \$25.00 charged for the issuance of a duplicate license;

l. Changing the fee for the restoration of an expired license to a flat fee of \$300;

Steve McCauley motions to have items G, and then I, J, K, and L referred back to the Board to have those items addressed by NAC. Jeremy Fisher seconds the motion, and it passes.

h. Adding the ability to apply for licensure by reciprocity according to NRS 640B.330 if the license in other state is current and in good standing with 50% fees and possibly waiving the fingerprint background check;

Michelle Cothrun explains that NRS 640B.330 allows for licensure by reciprocity if the license in the other state is active, in good standing, and the requirements are substantially equivalent. She has issued a few licenses by reciprocity since the Board discussed licensure by reciprocity. The 50% fees still needs to be done through NAC. Steve McCauley states this was placed in the NRS as a way to combat the traveling athletic trainer, who is now past 10 days exemption. This statute would apply to them. They simply need to apply and pay the 50% fee. The background checks cannot and must not be waived. He makes the point again that this Subcommittee should strongly recommend to the Board to have investigators conduct investigations and not just complaints. Investigators are needed to proactively seek out these tournaments and these individuals to give them the heads up that this is the law in the hope they will comply. Mark D'Anza adds that it is not uncommon for an AT that travels with a team to hold licenses in several states.

Jeremy Fisher motions to have item H referred back to the Board for the 50% fees to be done through the NAC. Waiving the fingerprint background check is not allowed by State law and not possible. Steve McCauley seconds, and the motion passes.

n. Adding that after a licensee has had their license expired for over 10 years, they must reapply for licensure;

Steve McCauley states that the timeframe, over 10 years, is arbitrary and not defensible. He recommends that any reinstatement of a license independent of the length of time of the expiration requires a background check. Steve McCauley motions that every expired license requires a background check. Mark D'Anza seconds the motion, and it passes.

o. Adding the requirement that a licensee must submit for a fingerprint background check after 10 or 15 of being licensed;

Steve McCauley has the same reservations with this suggested addition. The Subcommittee discusses how licensees must sign a statement on the renewal application on penalty of perjury that all the information provided is true and correct. There is no advantage to public safety to have a licensee submit another fingerprint background check. No action is taken.

p. Adding the ability for the Board to issue citations and fines for unlicensed activity;

Jeremy Fisher states that having investigators is a great idea. We may need one in the North and two or more in the South, especially in the summer. The Subcommittee discusses whether adding the ability to issue citations and fines can be done through NRS or NAC. If it needs to be done through statute, Steve states that this ability applies directly to the protection of the public. Without the ability to investigate and proactively address issues like unlicensed activity, the Board is not able to do its duty as defined by NRS.

Steve McCauley motions to ask the Attorney General's Office the parameters by which the NSBAT can hire investigators, conduct investigations, and impose fines and whether this can be accomplished through NRS or NAC. Jeremy Fisher seconds the motion, and it passes.

q. Modifying and/or broadening the definitions used in 640B such as "athlete" to broaden the patient population to include workers and others and "practice of athletic training" to include non-traditional settings;

r. Reviewing athletic training specialties, including soft tissue massage and X-ray;

s. Reviewing other possible modifications to third party reimbursement, direct access, and telehealth;

t. Reviewing the practice act of other States that have expanded athletic training specialties to include the following:

i. Arizona: new suturing rights;

ii. Oklahoma: Patient population includes physically active and workplace injury.

Jeremy Fisher starts the discussion with item Q and explains why broadening these definitions is important. He brings out that other states are changing their definitions. Steve McCauley explains the historical context and

how these definitions came to be after much negotiation. Steve still feels that the definitions are functional as is. He points out that there is an enormous amount of homework that must be done prior to having this conversation about changing these definitions.

Mark D'Anza motions to table items Q, R, S, and T. Steve McCauley seconds the motion, and it passes.

u. Review and discuss any other possible regulations the Subcommittee would present to the Board.
The Subcommittee has no other items to add. No action was taken on item U.

5. Review and discuss possible collaboration with collaboration with the NSBAT and the Gaming Control Board to address safety concerns at athletic events held at casinos. (For Possible Action)

6. Review and discuss possible collaboration with the NSBAT and the Athletic Commission to ensure a licensed Athletic Trainer is ringside to provide evaluation of concussions and Emergency Action Plans. (For Possible Action) Items number 5 and 6 are considered together. Steve McCauley motions that this Subcommittee should recommend to the Board that they make overtures to these two organizations for collaborative efforts. Jeremy Fisher seconds the motion, and it passes.

7. Future agenda items. (Discussion) Jeremy Fisher suggests going back to the items that were tabled. There is need for further legwork, whether through the Board or the Association and speaking with the other entities discussed during this meeting. There is no further discussion.

8. Discussion and possible decision on date of next meeting. (For Possible Action) Jeremy Fisher states that the Subcommittee does not need to meet until we have more information. Steve McCauley agrees and adds that another meeting should not be scheduled until a task is given to this Subcommittee by the Board. No action is taken.

9. Public comment. Jeremy Fisher asks Susan Priestman if she has a comment, and she has none. No members of the public joined during the meeting. There is no public comment.

10. Adjournment. (For Possible Action) Jeremy Fisher adjourns the meeting at **9:06 PM**.

**** MEETING MINUTES ARE SUBJECT TO APPROVAL
AT THE NEXT SCHEDULED SUBCOMMITTEE MEETING ****