

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

DATE & TIME: January 31, 2022

Public Access with Zoom:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Tedd Girouard at 2:36 PM.

Board Members Present: Tedd Girouard, Keoni Kins, Jay Cambridge, and Kyle Moore.

Staff Present: Harry Ward, Deputy Attorney General, and Michelle Cothrun, Board Executive Secretary.

2. Public comment. Tedd Girouard informs the Board that he invited Bryan Lindl to attend today's meeting. Bryan has applied to be a member of the Board but has not been appointed by the Governor's Office. Bryan introduces himself as an Assistant Athletic Trainer at UNLV. He works with the Men's basketball and golf teams.

Tedd expresses his appreciation for Bryan attending and asks Michelle if she has received any other public comment. Michelle confirms that she has not and there is no further public comment.

3. Update on new Board appointments. (Discussion) Michelle reports to the Board that the Governor's Office responsible for Board appointments has informed her that our Board has received three applications. All three are excellent candidates. Unfortunately, none of them can fill the dual-licensed role. We have yet to hear of any appointments and must be patient since the Governor's office is overwhelmed.

Tedd asks Keoni Kins about his outreach efforts. Keoni states that he attended the last Physical Therapy Board meeting as a member of the public to remind them of the dual-licensed vacancy on our Board. One of the PT Board members suggested changing the dual-licensed member to another public member when our Board looks at opening our statutes and supporting regulations. Keoni shared the information of where to apply with those in attendance and with the Nevada chapter of the American Physical Therapy Association. He did have one person who attended reach out and said that they had a colleague who was dual-licensed and interested in applying. Keoni will follow up with them personally to see if they are still interested.

Tedd adds that the next Board should consider altering the requirement of a dual-licensed Board member. There is no further discussion.

4. Review and approve Board meeting minutes for the following: January 8, 2021 Workshop; January 8, 2021 Board meeting; January 29, 2021; April 19, 2021; and September 13, 2021. (For Possible Action)

Tedd Girouard would like to consider and approve the meeting minutes one at a time. Harry Ward, Deputy Attorney General, reminds the Board that if they were not at the meeting, they can approve as to form and not as to content. However, the January 8, 2021 meetings were the first official meetings for Jay Cambridge and Kyle Moore.

Tedd begins the review and approval process with the January 8, 2021 Workshop meeting minutes. Tedd asks if there are any comments on the workshop meeting minutes. Seeing none, Tedd Girouard motions to approve the Board meeting minutes for the January 8, 2021 Workshop. Keoni Kins seconds, and the motion passes.

Tedd asks if there are any comments for the Board meeting that followed the workshop. He does not have any and sees none from the other Board members. Tedd Girouard motions to approve the Board meeting minutes for the January 8, 2021 Board meeting. Jay Cambridge seconds, and the motion passes.

Tedd moves on to the meeting minutes for January 29, 2021. He asks if there are any comments on this one. Seeing none, Tedd Girouard motions to approve the Board meeting minutes for January 29, 2021. Jay Cambridge seconds, and the motion passes.

Tedd considers the next meeting minutes for April 19, 2021. He asks if there are any comments and there are none. Tedd Girouard motions to approve the Board meeting minutes for April 19, 2021. Jay Cambridge seconds, and the motion passes.

Tedd finishes the set with the meeting minutes for September 13, 2021. He asks if there are any comments on these last meeting minutes and there are none. Tedd Girouard motions to approve the Board meeting minutes for September 13, 2021. Jay Cambridge seconds, and the motion passes. There is no further discussion.

5. Update on disciplinary action reports and investigations of unlicensed activity. (For Discussion)

Michelle Cothrun informs the Board that we have 294 active licensees. She does not expect the number of active licensees to change this quarter; however, the numbers usually do change after Renewals.

She explains that there is an ongoing investigation of unlicensed activity, and that individual happens to be licensed with another board. That board has reached out to inquire about our investigation, because they received a complaint that this individual is working outside of their scope of practice. Michelle checked with Harry Ward, since complaints are confidential, before sharing information with their Executive Director and Investigator.

Tedd asks if that individual is representing themselves as an athletic trainer. Michelle explains that the individual may not be, but they have been hired to fill the position of an Athletic Trainer. Part of the complaint alleges that someone at Washoe County School District is giving permission for these hirings. There may have been difficulties with hiring Athletic Trainers during the pandemic, probably from a financial standpoint. Even so, other professionals cannot fill the role of a licensed Athletic Trainer. Michelle adds that the other Board has jurisdiction over this individual and their license; however, our Board, outside of seeking an injunction, does not have any other recourse. She anticipates that this investigation will continue for some time. There is no further discussion.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from last meeting on September 2021 through December 2021. (For Possible Action)

Michelle Cothrun explains to the Board that the date range of the financials provided starts in July 2021 through the end of the year. However, the expenses are dated and the ones beginning in September are easy to identify. Keoni Kins, as the Treasurer, confirms that the documents Michelle has provided are up to date and look accurate to him.

Tedd asks for any comments before voting to approve. Since there are none, Tedd Girouard motions to approve all claims and expenses from September 2021 through December 2021. Jay Cambridge seconds, and the motion passes.

7. Review and discuss the findings made by the Subcommittee on Dry Needling and approve their recommendations on which licensees fulfill the statutory requirements for dry needling. (For Possible Action)

Michelle Cothrun reminds the Board that the licensees are referred to by a randomly assigned number. She lists the numbers of the applicants that have been reviewed by the Subcommittee, which are all recommended to pass. Kyle Moore adds none were recommended to be reviewed by the full Board. There were a couple that supplied additional documentation. They have all met the qualifications discussed and no applications ended up being questionable in the eyes of the Subcommittee.

Michelle, in response to Kyle's question, confirms that all applications that have been received have been reviewed. The Board discusses how to handle any applications to dry needle that may be received between now and Renewals. Keoni asks Michelle to review the process to notify the applicants whether their application has been approved or not. Michelle explains that she updates their licenses to indicate they have met the requirements to perform dry needling. She emails the licensees to let them know they have been approved to dry needle and includes their updated license. She also updates the active licensee list, which shows a green checkmark for those licensees that are Board approved to dry needle.

Tedd suggests doing the Subcommittee reviews on a schedule, possibly three times a year to coincide with the Board meetings. A schedule would alert licensees of when they should be submitting their documentation. Keoni states that a prescribed timeline would not necessarily be helpful just for the person who moves here and wants to dry needle immediately upon their license being approved. The heavy lifting is done. We should anticipate

increased activity annually with new grads and during the renewal process. As was decided at a previous Board meeting, the Subcommittee should meet as needed with the Board open to holding a special meeting so as not to delay licensees from practicing fully.

Tedd Girouard motions that numbers #89 Avila, #97 Jacobucci, #99 Henke, #101 Gordon, #103 Johnson, #104 Galor, #105 Harkins, #106 Fasth, #107 Gahan, and #108 Royal have met the requirements set forth by the Board and the State of Nevada to allow them to do dry needling in the state of Nevada as Athletic Trainers. Keoni Kins seconds, and the motion passes.

Tedd expresses appreciation for the Subcommittee taking on the extra work of the dry needling reviews. The bulk of the reviews have been completed and there should not be that much work moving forward. He thanks the Subcommittee and there is no further discussion.

8. Review and discuss the approval of combining both Wells Fargo accounts into one Analyzed Business Checking account and the associated fees. (For Possible Action) Michelle Cothrun explains how the Board came to have an analyzed business checking account after having been a victim of fraud, mainly for the extra measures of fraud protection. For instance, checks only get cashed if they have been entered in the system. Two separate accounts are not necessary. Michelle thought the separate account that is used as a savings account was for reserves. However, a reserves account is an internal accounting document. It would be more convenient to have just the one account since the current savings account does not stay active with regular deposits. The fees stay about the same.

Tedd asks if any Board members have any questions. Keoni Kins comments that we make sure that by consolidating the accounts we do not go over the amount that would be Federally insured. Tedd adds that he would like to confirm that the account will still have fraud protection. Tedd asks if there are any questions or comments and there are none.

Tedd Girouard motions to approve combining both Wells Fargo accounts into one analyzed business checking account and paying the associated fees. Keoni Kins seconds the motion, and it passes.

9. Review and approve the cost of printing letterhead and envelopes with the Board's updated mailing address, in addition to the reminder postcards for 2022 Renewals. (For Possible Action) Michelle Cothrun goes over the cost of printing letterhead and envelopes. Regarding the reminder postcards, she can give the printer an Excel file and they can do a mail merge. They also get a reduced rate on postage. Taking into consideration the price of postage and the address labels, having the printer add the mailing addresses and postage will cost about \$50.00 more than if Michelle were to do that work herself. Tedd asks if there are any questions or comments and there are none. Tedd confirms that the Board will not print letterhead before motioning.

Tedd Girouard motions to approve the cost of printing envelopes with the Board's updated mailing address, and reminder postcards for 2022 Renewals via the company Keystone Printing. Jay Cambridge seconds and the motion passes.

10. Update on converting the initial application to an online version. (Discussion) Michelle Cothrun explains that the Board members were sent a link to a preview that is not live yet. Michelle plans on making changes to what she has prepared so far to make the initial application more streamlined. The preview version when printed is thirteen (13) pages long, which is tedious to complete. Instead, the application can be a multi-page form. As the applicant finishes a section, they can save it and go to the next page. The form currently has spaces for six colleges and universities; however, the additional spaces can be made dependent. The same holds true for the 5-year work history. Eventually, Michelle can also convert the Dry Needling application to an online form. LogiForms has a drag and drop feature to upload multiple documents at once.

Michelle asks the Board for feedback regarding the updated paper form itself. She questions whether there is any need for a pdf of the application since the information will be stored in the database. She did confirm with the Department of Public Safety, and they said it is best practice to keep an original signature. Therefore, the only document that requires an original signature is the Fingerprint Background Waiver. Tedd Girouard states that he would like to see the Board move away from paper, which is less secure than data stored digitally. Jay Cambridge and Kyle Moore agree. Kyle adds that the online process is easier for an applicant, especially using an e-signature.

Tedd reiterates that the Board already voted on removing the notary requirement. Harry Ward states that if the Regulations don't require a notarized signature, the Board may move away from that. And likewise, for signatures. A copy of his signature, for instance, usually suffices for contracts with the state of Nevada.

Tedd suggests to Michelle that they work together to remove redundancies. For example, the Board does not need to know all the colleges an applicant attended, only the one that allowed them to sit for the Board of Certification exam. For the record, Harry Ward confirms that it would not be a violation of the Open Meeting Law for the Board Chair and Michelle to get together to work on the application. He cautions that they look at the regulations and that the work done together on the application would eventually be approved by the Board. Keoni Kins agrees that Michelle consult the Board's statutes and regulations to include only what is necessary and remove redundancies. He also wants this Board to update their statutes to include an expedited licensure process for active military, veterans, and their spouses. Adding the military questions to the initial application would allow the Board to do that efficiently and not have to update the form again in the future. Michelle will add updating the Board's regulations to include the military expedited license and the 50% fees to a future agenda. Tedd asks for any other comments, and there is no further discussion.

11. Review and discuss the annual review of executive secretary performance and create a salary schedule that includes merit and/or cost of living increases. (For Possible Action) Tedd Girouard informs the Board that he and Michelle Cothrun met this morning to go over her performance evaluation. Tedd agrees with Michelle's self-evaluation and reminds the Board that a copy is included with the meeting materials.

The major area discussed was the preparation for Board meetings and not being in compliance with Open Meeting Law. Over the years, there were lots of little transgressions so meetings would need to be rescheduled, which proved difficult given everyone's schedules. They discussed ways to improve the meetings moving forward and how the Board could facilitate to make her job easier. For further training, Tedd suggested that Michelle attend the BOC regulatory meeting this summer. He has benefited by attending and observed that other Athletic Training boards send their Executive Directors or Secretaries. Tedd then asks for any questions or comments before shifting the discussion to merit and/or cost of living increases.

Tedd confirms that Michelle has not had a raise since she started in 2017. At the minimum a cost-of-living increase for the Board's employee would be fair. Jay Cambridge is surprised to hear Michelle has not had an increase, as she is a great asset for the Board. Keoni Kins agrees with Jay and would like to create an internal policy so that the next Board does not forget about annual reviews with merit and/or annual cost of living increases. An internal policy whereby any employees of the Board are eligible, upon approval from the Board, for an annual increase and a COLA increase that is in line with the State of Nevada so that future employees are not shortchanged. Tedd adds that he would not want to tie future Board's hands by using the metric of the State for cost-of-living increases.

Considering that it has been five years, Tedd suggests raising Michelle's salary from \$20,000 to \$25,000 per year. Tedd reminds the Board that Michelle is contracted to work 15 hours per week in this role; however, some weeks she works significantly more hours. With that in mind, Tedd has asked Michelle to keep a time log of what she is doing and when, which can ultimately help the Board in future discussions regarding salary.

Keoni calculates that if Michelle had been getting a 3% cost of living increase for the last five years, her salary now would be around \$23,200. So he does not disagree with Tedd's recommendation to consider a new salary of \$25,000. Kyle Moore agrees and adds that during his brief time on the Board, Michelle has taken on the Subcommittee on Dry Needling and monitoring Senate Bill 335, which put the Board at risk of abolishment. Those items put her over the number of hours she is required to work. He would argue more on the salary, depending on the percent for cost of living.

Tedd suggests \$26,000 and asks Jay for his input. Jay agrees with Kyle and thinks the number should be closer to \$30,000. Tedd would like to focus on the salary increase today and suggests doing research on cost-of-living increases before the next Board meeting. The cost-of-living increase does not have to be tied to the State policy for State employees. There have been many years when State employees do not get an increase, but the cost of living does increase. Harry Ward recommends adding a start date for the salary increase. Before he motions, Tedd asks the Board members if they disagree or have any other thoughts, and there are none.

Tedd Girouard motions, effective March 1, 2022, the Executive Secretary salary will increase to \$26,000 annually. Kyle Moore seconds, and the motion passes. Tedd thanks Michelle for all her work and apologizes that her salary has not been addressed sooner. There is no further discussion.

- 12. Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle Cothrun informs the Board about the following items:
- a. Discussion at the last Admin Collaborative that Business and Industry plans on submitting legislation for consolidating Boards.
 - b. The purchase of a new laptop.
 - c. Possibly withdrawing the LCB file from 2018 that was given a new file number. The Board's fee schedule needs to be reviewed again.
 - d. Open Meeting Law training for new Board members.
 - e. Puliz storage account has not been resolved. The new company still bills for the closed account and has not given the Board credit for the last payment paid when the account was closed.
- 13. Report from Harry B. Ward, Deputy Attorney General. (Discussion)** Harry Ward informs the Board that he has given other board Open Meeting Law training and that the Attorney General's Office has a manual online. He recommends having the training this year. Tedd Girouard would like the training added to the next agenda. There is no further discussion.
- 14. Future agenda items. (Discussion)** The Board members discuss adding the following items for discussion and possible action on the next agenda:
- a. Hiring a Legislative consultant to keep the Board informed of potential legislative items.
 - b. Removing the requirement of the dual-licensed Athletic Trainer/Physical Therapist serving on the Board.
 - c. Having a Board member and Michelle Cothrun attend the BOC regulatory conference.
 - d. Review the Board's fee schedule.
 - e. Withdrawing the LCB file regarding pretrial motions.
 - f. Cost of living increase schedule for the Executive Secretary role.
 - g. Expediting applications and reducing fees for veterans, active Military, and their spouses.
 - h. Open Meeting Law training.
- 15. Discussion and possible decision on date of next meeting, including the possibility of scheduling the 2022 calendar year for the Board. (For Possible Action)** Tedd Girouard starts the discussion by stating that the nature of athletic training as a profession, especially for those like Kyle Moore that travel with teams, makes it impossible to schedule meetings for an entire year. Harry Ward suggests that the Board not decide on a date for the next meeting, but instead have Michelle poll the Board members at a future time. Tedd suggests sending out a poll in March to possibly meeting late April or May. No action is taken, and there is no further discussion.
- 16. Public comment.** Bryan Lindl is the only member of the public in attendance, and he has no comment. No public comment.
- 17. Adjournment. (For Possible Action)** Tedd Girouard adjourns the meeting at **3:56 PM**.