

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

DATE & TIME: July 7, 2022

Zoom Access:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Tedd Girouard at 2:32PM.

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

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

Public Present: Vanessa Dunn with Belz & Case, Government Affairs.

2. Public comment. Vanessa Dunn has no comment. No public comment.

3. Update on new Board appointments. Introduction of new Board members. (Discussion) Tedd Giouard introduces Jeremy Fisher, the newly appointed Board member. Tedd asks Jeremy to give a little background and introduce himself. Jeremy Fisher is a Doctor of Athletic Training who teaches collegially and in a K-8 School. He has been the Director of Sports Medicine for Lingerie Football, now X League, and works with the 3ICE Hockey League. Tedd thanks Jeremy for applying to serve on the Board. At the next meeting, the Board will discuss a succession plan. Both Tedd and Keoni Kins are on their seventh year serving on the Board. Tedd ends by welcoming Jeremy to the Board.

4. Review and approve Board meeting minutes of January 31, 2022. (For Possible Action) Tedd Girouard asks if everyone has had a chance to review the meeting minutes. Tedd confirms that Jeremy Fisher has access to the Board Dropbox folder. Seeing there are no questions or comments, Tedd Girouard motions to approve the minutes from the Board meeting of January 31, 2022. Keoni Kins seconds the motion, and it passes.

5. Update on disciplinary action reports and investigations of unlicensed activity. (Discussion) Michelle Cothrun relates the statistics that were reported to the LCB for the second quarter, 3/31 through 6/30/22. Three (3) licenses were added, and thirty-seven (37) were removed, meaning the licensees did not renew. The total number of active licensees is 274. Michelle received eleven (11) applications; however, eight (8) licenses were issued on July 1st. Michelle explains that she gives applicants the option to have their license issued after the renewal period. She also reported zero (0) disciplinary actions. And there are no current investigations of unlicensed activity. Tedd explains that it is common for those that have passed their certification exams to wait until July 1st to get licensed. He asks if there are any questions, and there are none.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from last meeting on January 31, 2022 through May 31, 2022. (For Possible Action) Tedd Girouard asks Michelle Cothrun if anything stands out. Michelle comments that the reserves balance keeps growing. Tedd notes that Michelle's compensation has changed since the last meeting and is glad to see that change. Keoni Kins asks Michelle how the amount in reserves is calculated, noting that the Board's excess reserves was part of the 2020

Sunset Subcommittee review. Keoni suggests that a reserves policy review be added to the next Board meeting. Michelle explains that normally reserves are calculated by months of expenses anywhere from six months at minimum to two years at the upper end. But for our Board with low monthly expenses, that calculation may not work. The Board instead would need to agree to set money aside for specific projects. For instance, the Board had at one time planned to use some of the reserves for an online licensing software program. Tedd adds the importance of funds set aside for legal fees to protect the Board in case of a lawsuit. The Board going forward needs to look at the fees being charged because there is too much left over at the end of the year. Kyle Moore asks where the reserves is noted. Michelle will ask the bookkeeper if a line item can be added to the monthly financial reports.

Jeremy Fisher asks Harry Ward if the Board is covered under sovereign immunity. Harry answers that there is a limitation of liability under NRS Chapter 41. Harry explains that he would represent the Board and individual Board members should they be sued and how he bills for his time. Jeremy also brings out that dry needling may open up the possibility for more lawsuits. Harry concludes that the Board could have a separate budget for legal representation and may want to increase it to cover potential lawsuits due to dry needling. Tedd agrees this is all good discussion. Michelle will add a review of the reserves policy to the next agenda.

Tedd Girouard motions to approve the claims and expenses from January 31, 2022 through May 31, 22. Kyle Moore 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) Kyle Moore, Chair of the Subcommittee on Dry Needling, explains that applicants #109 through #112 were reviewed at the last Subcommittee meeting. They are as follows: #109 Zdebiak, #110 Whitehouse, #111 Burns, and #112 Avruskin. There were no issues with those applicants, and all were recommended to pass. Keoni Kins, as Subcommittee member, agrees with Kyle's summary.

Tedd Girouard motions that the Board approve licensees #109 through #112. They have fulfilled the statutory requirements for dry needling and are approved. Kyle Moore seconds, and the motion passes.

8. Review and discuss the documentation submitted by licensed athletic trainers who missed the deadline for the previous Subcommittee meeting or recently completed the required Dry Needling course and approve those that fulfill the statutory requirements for dry needling. (For Possible Action) Tedd Girouard asks Kyle Moore if the Subcommittee members have reviewed these applications. Kyle confirms that all three members have reviewed applicants #113 through #118. They are as follows: #113 Zdebiak; #114 Smith, K; #115 Draschner; #116 Rollins; #117 Michalski, Jr.; and #118 Koterwski. Kyle, after his review, recommends to the Board to approve applicants #113 through #118.

Steve McCauley, the Subcommittee public member, provided Michelle Cothrun with his feedback. Michelle reads Steve's feedback into the record. He has #113 Miskimen; #114 Smith, K; #116 Rollins; #117 Michalski, Jr.; and #118 Koterwski as a pass. For #115 Draschner, he was unsure about the last two submissions for CEUs: respiratory influences on core stability and diagnostic testing of the knee series. They equal two and a half credits, so #115 Draschner still has more than the required hours. Kyle and Tedd both note that the applicant still has more than enough contact hours.

Keoni Kins recommends passing #114 Smith, K; #115 Draschner; #116 Rollins; #117 Michalski, Jr.; and #118 Koterwski. He notes that #113 Miskimen has an Anatomy & Physiology course listed on their transcript that does not have a grade with it. The course shows up on the transcript as credits that the University accepted. With his experience working in Admissions, the criteria that the University used to accept the transfer credits is unknown. He suggests the person submit the transcript from the institution where they earned those credits. Jeremy Fisher agrees with Keoni's assessment regarding transfer credits. The Board discusses concerns over undergraduate coursework and possible low grades. Kyle reminds the Board that the regulation allows undergraduate coursework.

Tedd Girouard motions that the Board approve numbers #114 through #118 and that they have met the statutory requirement for dry needling. Kyle Moore seconds the motion, and it passes.

Kyle Moore motions that Michelle reach out to applicant number #113 Miskimen to get an unofficial transcript of the transfer anatomy credits to ensure collegiate level education was completed. If so, they have met the statutory requirements for dry needling. Jeremy Fisher seconds the motion, and it passes.

9. Review and discuss the approval of adding a reference guide and/or sample verification form to the Dry Needling application process. (For Possible Action) Kyle Moore states that the process for reviewing applications is much smoother because of the proposed sample form. If future applicants pay attention to the reference guide, their questions will be answered, and the review process will be painless. Tedd Girouard agrees that the document is an excellent resource and very helpful to the licensees. He commends the Subcommittee for putting it together. The Board discusses with Harry Ward whether to vote on approving the form as written. Harry cautions that if the Board approves it now, any future edits will need to be approved. The Board agrees that is not necessary. Jeremy Fisher asks Michelle if the dry needling application can be converted to an online form. Kyle questions if that would be a good use of Michelle's time. Since the number of applications each quarter is low, converting the form can be addressed if the number changes.

Tedd Girouard concludes that the Board does not need to make the form official. Instead, it should be a live document that the Subcommittee will keep track of and have it posted with the other forms for dry needling on the Board website. No action is taken.

10. Review and approve reimbursing Michelle Cothrun, Executive Secretary, the cost of three years of Otter.ai transcription services. (For Possible Action) Michelle Cothrun explains that she started using Otter.ai transcription services on her own to see how it would work out. She explains how she uses the services for the meeting minutes. The service was approved at an earlier Board meeting; however, she did not add her reimbursement to the agenda. She has paid \$99.99 per year for three years.

Tedd Girouard motions to approve reimbursing Michelle Cothrun for the three years of Otter.ai transcription services to the amount of \$300. Jay Cambridge seconds the motion, and it passes.

Tedd informs Harry Ward that since there is a Board member that will have to leave the meeting early, he will leave the Open Meeting Law training to the end. Tedd moves on the agenda item number regarding the 2022 BOC CARE Conference.

11. Review and approve a Board member and the Executive Secretary attending the 2022 BOC conference. (For Possible Action) Tedd Girouard explains how he has attended the CARE Conference two years in a row. Although he has enjoyed the conference and finds it valuable, he wants to know if another Board member can attend. The Board members discuss their various scheduling conflicts. Unfortunately, no one can attend. Tedd asks Michelle to contact the BOC to find out if the materials for the conference can be purchased instead. There is no further discussion.

Tedd states that he will be jumping around. Kyle Moore informs the Board that he needs to leave the meeting early at 4:00PM. Michelle suggests agenda item number 15 would be easy since she has nothing to report.

12. Update on the LogiForms online initial application for licensure. (Discussion) Michelle Cothrun has nothing to report at this time. There is no further discussion.

Tedd Girouard moves to agenda item number 17 regarding withdrawing the LCB file No. R148-20.

13. Review and discuss withdrawing the LCB File No. R148-20 regarding pretrial motions and modifying the Board's fee schedule. (For Possible Action) Michelle Cothrun explains that withdrawing the LCB file No. R148-20 and the next agenda item with the review of possible new regulations are connected. Since the Board must review the fee schedule, the Board can withdraw this draft and start the process over. Tedd Girouard has read over the file a few times and is still not sure about the pretrial motions portion. Harry Ward briefly explains pretrial motions. Jeremy Fisher, in his review of the draft, questions the name of the Board of Certification (BOC). Michelle points out the feedback that the BOC provided. Their legal name is still National Athletic Trainers' Association Board of Certification, Inc., so they suggested that their name not be shortened to BOC. Tedd states that the Board needs to tackle the fees. Jeremy confirms with Harry Ward that withdrawing this file does not eliminate a licensee's ability to have a pretrial motion.

Tedd Girouard motions to withdraw the LCB file number R148-20 regarding pretrial motions and modifying the Board's fee schedule at this time. Jay Cambridge seconds the motion, and it passes.

14. Review and discuss possible new regulations: (For Possible Action) Tedd Girouard explains for the newest Board members that the Board is not actually voting for new regulations. Today is a discussion about whether to begin the process of changing the regulations. Tedd asks Harry Ward to talk about the process. Harry provides a quick overview, which includes scheduling workshops and requesting a draft from the LCB. The process is involved and time consuming.

a. Adding a temporary license provision for licensed athletic trainers who move to the State to work over the summer; Michelle Cothrun explains that she included the agenda from the April 24, 2020 meeting, where the Board discussed quite a few of these same items, in the meeting materials. The idea of a temporary license was rejected. However, since she receives a lot of questions about a temporary license, she included it in today's agenda. Tedd Girouard states that within the last few years the climate has changed in Nevada and a temporary license warrants discussion. The Board discusses athletic trainers that travel with their teams, which they are allowed to do, but then work per diem. Per diem work in that scenario is unlicensed activity. The Board discusses the temporary exemption from licensure given to athletic trainers travelling with a team or tournament. Per NRS 640B.335, the exemption is for 10 days. After that, they can get an additional 20 days by submitting an application.

Tedd reminds the Board members that the objective of the Board is public safety. And he suggests that the exemption and application be prominently displayed on the Board website. The Board also discusses the problem with athletic trainers from California because they are not licensed. Kyle also brings up that an athletic trainer can be working for AAU, but they are working for AAU on a per diem basis, not as an employee working for a sports team. *Kyle leaves the meeting at 4:04PM.* Jeremy explains different scenarios he has observed through the years and Tedd states that the issue is no one submits a complaint to the Board of the unlicensed activity. Tedd asks for feedback on his idea of drafting a educative letter to the State Association of California regarding the NRS stating that athletic trainers travelling with their teams must be licensed. Keoni Kins agrees that this is an important conversation. He questions what the right target is for that type of education and suggests that it might be the types of organizations that Jeremy mentioned earlier that are trying to skirt the law. Tedd suggests maybe informing licensees that if they observe unlicensed activity to make a complaint. Keoni agrees that informing our licensees could be a good use of the Board's time and funds. He also suggests a budget for investigators that proactively check licenses at these types of events. Jeremy's concern is that EMTs are working these events, triaging athletes, and returning them to play. Tedd states that may be beyond the scope of the Board, as the Board only has authority over its licensees. With that in mind, Tedd moves the discussion to adding the ability for the Board to issue citations and fines for unlicensed activity.

b. 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;

c. Reduce initial licensure fees to \$200 and renewals to \$125;

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

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

f. Adding the ability for the Board to issue citations and fines for unlicensed activity. Tedd opens the discussion by stating that during his seven years serving on the Board, unlicensed activity has been the biggest problem. The Board writes letters and usually gets no response. The Board discusses in depth various scenarios that repeat over the years regarding unlicensed activity. The Board agrees that issuing citations and fines would hopefully discourage unlicensed activity. Tedd reiterates that the objective of the Board in issuing fines is to protect the public. A potential fine schedule, along with remaining items b through e, will be discussed at the next Board meeting. Before moving to the Open Meeting Law training, Michelle asks Tedd if the Board can go to agenda item number thirteen regarding the Wells Fargo account. The services she is requesting will help her with her daily activities.

15. Review and discuss the Wells Fargo banking account and approve the following: the addition of Desktop Deposit and Basic Banking services and of one or two Board members to act as dual custody approvers. (For Possible Action) Michelle Cothrun explains to the Board that there are two parts to her request. Desktop deposit would allow her to use an app on her phone to deposit checks, instead of having to go to the

bank. And the basic banking would allow her to pay the Board's credit card online instead of paying by check. She also goes on to explain that the dual custody is an extra security measure for wire transfers and ACH payments. Since Keoni Kins is listed as the Treasurer, the bank automatically wanted to give Keoni the dual custody. The purpose of the dual custody is so that the Executive Secretary cannot have complete access to the Board's funds and potentially take funds for themselves. Tedd asks Michelle what the checks and balances in place are now. She explains that we have Carol Woods, our bookkeeper, and Keoni, as the treasurer, review the financials monthly. Keoni states that the main reason he hesitated with the dual custody was that he thought the Board should comment regarding the additional services Michelle was requesting, even though her requests make sense. In addition, the dual signatory will not affect Michelle's daily activities. The Board is not sending wire transfers. The Board could have a policy in place where Michelle would need to make a request to the Board before making a wire transfer or for online payments to a new account. Being the Treasurer for the last few years, Keoni agrees with the current level of oversight with reviewing the monthly statements and checking for any red flag activity. The additional oversight is not necessary, and Tedd agrees with Keoni.

Keoni Kins motions that the Board approve adding to the Wells Fargo banking desktop deposit and basic banking services. He also motions that the Board forego adding a dual custody approver at this time. Tedd Girouard seconds the motion, and it passes.

Tedd Girouard tables the remaining agenda items until the next Board meeting.

16. Open Meeting Law training with Harry Ward, DAG. (Discussion) Harry Ward, Deputy Attorney General, goes over the PowerPoint presentation regarding Open Meeting Law training with the Board members. He asks if there are any questions and there are none. Tedd thanks Harry for the training and there is no further discussion.

17. Review and discuss the approval of a Board Public Record Request policy, including the approval of a request form and additional page on the Board website. (For Possible Action) This agenda item will be tabled until the next Board meeting.

18. Review and discuss adding a National Healthcare Practitioner Databank (NHPD) query to the licensing process. (For Possible Action) This agenda item will be tabled until the next Board meeting.

19. Review and discuss the addition of a merit and/or cost of living increases to the annual review process for the Executive Secretary position. (For Possible Action) This agenda item will be tabled until the next Board meeting.

20. Review and approve the process of hiring of a Legislative consultant. (For Possible Action) This agenda item will be tabled until the next Board meeting.

21. Review and approve the cancellation of the AT&T landline and approve the cost of using Zoom phone for phone service. (For Possible Action) This agenda item will be tabled until the next Board meeting.

22. Report from Executive Secretary, Michelle Cothrun. (Discussion) This agenda item will be tabled until the next Board meeting.

23. Report from Harry B. Ward, Deputy Attorney General. (Discussion) This agenda item will be tabled until the next Board meeting.

24. Future agenda items. (Discussion) All tabled agenda items will be added to the next Board meeting.

25. Discussion and possible decision on date of next meeting. (For Possible Action) Tedd Girouard does not want to set up a Board meeting without Kyle Moore present, because his schedule seems to be the tightest. Tedd asks Michelle to contact the Board members to schedule the next Board meeting. He suggests early September since there are several items to address. There is no further discussion.

26. **Public comment.** There is no public present at the end of the meeting. No public comment.
27. **Adjournment. (For Possible Action)** Tedd Girouard adjourns the meeting at 5:11PM.