

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

DATE & TIME: September 13, 2022

Zoom Access:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Tedd Girouard at 3:02 PM.

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

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

2. Public comment. Michelle Cothrun confirms that she has not received any public comment by email or other means. No public comment.

3. Update on new Board appointments. Introduction of new Board members. (Discussion) Tedd Girouard introduces Bryan Lindl and asks him to give some of his background. Bryan Lindl states that he currently works at UNLV with the men's basketball team. He has been in Nevada for five years. He is originally from Wisconsin and has spent a lot of time in Colorado and Utah. Tedd welcomes Bryan to the Board and thanks him for agreeing to serve.

4. Review and approve Board meeting minutes of July 7, 2022. (For Possible Action) Tedd Girouard confirms with Michelle Cothrun that the meeting minutes have not been completed. This agenda item will be tabled until the next Board meeting.

5. Update on disciplinary action reports and investigations of unlicensed activity. (Discussion) Michelle Cothrun informs the Board that the next quarter to report to the LCB ends on September 30th and is due on October 20th. Between June 30th and today's date, Michelle has issued thirty-two (32) licenses. Last year, during this quarter, she issued ten (10). It has been a busy quarter for new licenses. She has six (6) applications pending and will be issuing a license today. As of today, the Board has 301 active licensees.

Tedd asks Michelle about unlicensed activity. She did receive one complaint. Tedd explains to the newest Board members to send all complaints to Michelle. If someone contacts you regarding a complaint, refer them to the Board directly. Harry Ward agrees that the best practice is to refer someone with a complaint to the Board. Jeremy Fisher asks if one of the Board members witnesses something, do they submit a complaint? Harry answers yes, a Board member, acting as a member of the public, can submit a complaint to the Board. They may have to recuse themselves later if the matter goes to a hearing. Michelle informs the new Board members that there is a consumer complaint form on the Board website. The form requests the necessary information; however, most times an email contains sufficient information. There is no further discussion.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from the 2022 fiscal year end, and the annual balance sheet submitted to the LCB, per NRS 218G.400. (For Possible Action) Tedd Girouard asks Michelle Cothrun to walk the Board through the financials. Michelle states that the total assets of the Board keep growing. She is still unsure about how to calculate the reserves versus the

total assets in the bank account. The Board does a good job keeping monthly expenses low. The bank fees are the only expense that has ever been called out in the audit. She anticipates those will be lower now that the Board consolidated both the checking and the savings accounts. Tedd adds that the Board going forward should seriously consider lowering fees. He notes that a formula for merit and/or COLA increases are also on the agenda.

Keoni Kins commends Michelle for the work she does with the financials. He adds that a potential expense would be getting someone on contract for investigations who can conduct onsite investigations for claims of unlicensed activity and more. Hiring investigators would be an important goal for the coming year. Tedd agrees and adds that hiring a lobbyist would be a good use of the Board's funds, especially considering the legislation that was introduced to dissolve our Board.

Tedd Girouard motions to approve the financial status of the Board for the 2022 fiscal year end. Keoni Kins seconds the motion, and it passes.

7. Review and discuss the documentation submitted by licensed athletic trainers who submitted their application for dry needling and approve those that fulfill the statutory requirements for dry needling. (For Possible Action) Michelle Cothrun explains that there is one dry needling applicant #120 Bozart-Dow, but she has not issued their athletic training license yet. Steve McCauley, Subcommittee member, reviewed the application and pointed out that the dry needling course submitted was for twenty-three (23) hours, not the statutory minimum of twenty-five (25). The applicant was approved to dry needle by the Physical Therapy Board and submitted their approval letter along with their application. Michelle confirms that they are dry needling as a physical therapist, not as an athletic trainer. Kyle Moore questions why they are applying for an athletic trainer license. The Board discusses possible scenarios where one might work under either an AT or PT license. Keoni Kins suggests asking the applicant for more detailed information in terms of the length of that class to see how many contact hours were earned to make a better decision.

Tedd Girouard requests that the Subcommittee find out if they have more hours than the twenty-three (23) hours. Kyle Moore agrees. The Subcommittee will then review the additional information from the applicant to determine the appropriate action. No action is taken.

8. Review and approve changing from a cash to a charge account with the Department of Public Safety. (For Possible Action) Michelle Cothrun explains some of the benefits of changing to a charge account. It may reduce the processing time for out-of-state applicants that submit fingerprint hard cards. The Department of Public Safety is moving to an online system with their modernization program. Michelle anticipates that payments will be online as well. Finally, the Board will be paying the \$40.25 fee which will essentially reduce the fees for the applicants.

Tedd Girouard motions to approve changing from a cash to a charge account with the Department of Public Safety. Kyle Moore seconds the motion, and it passes.

9. Review and approve the purchase of a high-capacity scanner to scan licensee physical files and convert to digital. (For Possible Action) Tedd Girouard asks if there are any comments on this agenda item. Keoni Kins motions to approve the purchase of a high-capacity scanner. Tedd Girouard amends the motion with a price cap of \$650.00 with taxes. Kyle Moore seconds the motion, and it passes.

10. Review and discuss the approval of a Board Public Record Request policy, including the request form and Board website location. (For Possible Action) Michelle Cothrun informs the Board that we have always had a policy that a member of the public can request public records. She would then provide them. However, the Board is required to have a policy posted on the website. Michelle asks the Board for feedback whether it should be on a separate webpage or at the bottom of the Forms page. Tedd suggests keeping the policy and form at the bottom of the Forms page where they are currently. He asks for any feedback and there is none.

Tedd Girouard motions to approve the Board's public record request policy that Michelle provided. Jeremy Fisher seconds the motion, and it passes.

11. Review and discuss the Board's policy regarding employers contacting the Board office for status updates. (For Possible Action) Michelle Cothrun explains to the Board that she is unsure whether she can

provide a status update to employers. Harry Ward states that as long as the information is public, then the status update can be provided. No personal information can be disclosed. Tedd asks Michelle if a status column can be added in AirTable with an explanation of what that is still required for licensure. The Board members discuss how a status column would be a benefit as transparency is important to the application process.

Tedd Girouard motions regarding employers contacting the Board, that the Nevada State Board of Athletic Trainers changes their verification page to add a pending listing, including what stage of the of the application that is still pending. Kyle Moore seconds the motion, and it passes.

12. Review and approve adding a Board policy for a conditional license for applicants that have applied and are waiting for more than thirty days for the results of their background check. Once the background check results are received and meet the requirements for licensure, the license status will then be changed to active. (For Possible Action) Michelle Cothrun explains that some applicants are waiting anywhere from thirty (30) to (90) ninety days to receive the results of their background checks. Kyle Moore expresses concern that there are risks involved and asks if other States have similar policies. Michelle has found that other States do have conditional licenses. Jeremy Fisher brings up the concern that potentially athletic trainers will be working with minors. Tedd's concern is that the Board is holding up people from working. They have applied in good faith and under the penalty of perjury attested to the fact that they do not have any of these convictions. Even though they are certified and educated, they cannot work without a license. The timing is beyond the control of the Board. And if the background check does come back with something questionable, the Board can remove the license, as the license is provisional.

Since Bryan Lindl needs to leave the meeting at 4:00PM, the Board agrees to table this agenda item for further discussion.

13. Review and approve licensure by reciprocity according to NRS 640B.330 and the changes to the initial licensure process for licensed out of state athletic trainers. (For Possible Action) Tedd Girouard informs the Board that NRS 640B.330 allows for licenses by reciprocity if the applicant is licensed in another state with "substantially equivalent" licensure requirements, which includes a background check. As part of his job, Tedd compiles a database with the requirements for each state and can share that information with Michelle. Tedd wanted to inform the Board that licensure by reciprocity was already in the statutes. No action is necessary for this agenda item.

In consideration of Byran Lindl needing to leave the meeting early, the succession plan will be discussed next.

14. Discuss succession plan including nominating and voting on Chair, Vice-Chair and Treasurer positions for the Board. (For Possible Action) Tedd Girouard starts by expressing his gratitude to all the Board members for their service, to Michelle Cothrun, and to Harry Ward. He especially thanks Keoni Kins for serving so long. Tedd nominates Kyle Moore for the position of the Chair, to be effective at the adjournment of this meeting. With the understanding that his work schedule is challenging, Kyle Moore accepts the nomination. The Board votes to approve Kyle Moore as the Chair, and the motion passes.

Tedd goes on to explain the importance of the Vice Chair and how he started in that position. Tedd Girouard nominates Bryan Lindl, and Bryan accepts the nomination. The Board votes to approve Bryan Lindl as the Vice Chair, and the motion passes.

Tedd Girouard nominates Jeremy Fisher as the Treasurer of the Board. Keoni Kins explains briefly what his additional duties are as part of the checks and balances regarding the finances of the Board. Jeremy Fisher accepts the nomination. The Board votes to approve Jeremy Fisher as the Treasurer of the Board, and the motion passes. Tedd thanks Kyle, Bryan, and Jeremy for their willingness to serve and to take on the additional responsibilities as Board officers.

Kyle asks if the Board can discuss Keoni Kins' position in the Board next. Tedd Girouard moves to agenda item number 17.f regarding removing and/or changing the NRS requirement for a Board member that is dual-licensed Athletic Trainer and Physical Therapist.

15. Review and discuss possible new regulations: (For Possible Action)

- a. Adding a temporary license provision for licensed athletic trainers who move to the State to work over the summer;
- 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 possibly \$200 and renewals to \$125;
- d. Adding a veteran’s expedited license with 50% fees;
- e. Adding the ability to apply for licensure by reciprocity according to NRS 640B.330 if license in other state is current and in good standing with 50% fees;
- f. Removing and/or changing the NRS requirement for a Board member that is a dual-licensed Athletic Trainer and Physical Therapist;
- g. Adding the ability for the Board to issue citations and fines for unlicensed activity.

Removing and/or changing the NRS requirement for a Board member that is a dual-licensed Athletic Trainer and Physical Therapist; Kyle Moore asks the benefit of changing the statute versus finding a replacement for Keoni Kins, the dual-licensed Board member. His concern is being dual-licensed is phasing out. Tedd Girouard is not aware of any other healthcare Board that has a member of another profession required to serve on their Board. He informs the Board that he and Keoni attended a meeting of the Physical Therapy Board, and they had no issue with removing this requirement. The idea of changing the AT/PT position to another member of the public is discussed. Harry Ward cautions that in his experience legislators are not comfortable with two (2) public Board members. *During the discussion, Bryan Lindl leaves the meeting.* Tedd emphasizes that as the athletic training programs move to a master’s degree, there are going to be very few that are dual-licensed and advises the Board moving forward to address this matter. Tedd suggests forming another subcommittee to review this list of possible new regulations and to work on amending or changing the NRS. Keoni suggests including a licensed physical therapist to get their input as well. Tedd cautions when opening the practice act to do everything in one shot.

Regarding action on this agenda item, Tedd motions to form a subcommittee that Jeremy Fisher would be Chair of that subcommittee and responsible for putting this subcommittee together, to address items (a) through (g) plus any other legislative changes that that the subcommittee feels like they can address. They will then report back to the Board for Board action. Keoni Kins seconds the motion, and it passes. Tedd closes the discussion by thanking Jeremy for taking this on and stating that he is available for guidance and direction.

16. Review and discuss adding a National Healthcare Practitioner Databank (NHPD) query to the licensing process. (For Possible Action) Tedd Girouard begins the discussion by stating that the Board already requires a background check for felonies and gross misdemeanors. He states that the licensure process is already onerous and asks for feedback. Kyle Moore questions how much time the query would add to the process. Jeremy Fisher relates his experience and how his application was delayed over forty-five (45) days, even though he was in good standing. The Board discusses possible scenarios and ultimately feels that there is no benefit to adding an NHPD query to the current licensure process. No action is taken.

17. Review and discuss withdrawing the LCB File No. R148-20 regarding pretrial motions and modifying the Board’s fee schedule. (For Possible Action) Tedd Girouard reminds Michelle Cothrun that this agenda item was approved at the last Board meeting. There is no further discussion.

18. 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) Tedd Girouard asks if there is a simple calculation for cost of living increase. After a discussion of possible COLA increases of one (1) to three (3) percent, Tedd suggest adding a discussion of Michelle’s merit and cost of living increase to the next Board meeting. By then she will be coming up for another annual review with the new Board Chair. No action is taken.

19. Review and approve the process of hiring a Legislative consultant. (For Possible Action) Tedd Girouard asserts that since the Board has funds, these funds can be utilized to hire a Legislative consultant in the best interest of the licensees, and in the public protection. Jeremy Fisher agrees that a lobbyist is essential in taking action on the possible new regulations and opening of the practice act. The Board discusses the process of getting contracts approved. Tedd asks Michelle to do some investigation and provide some options at the next Board meeting. No action is taken. *Jeremy Fisher leaves the meeting.*

20. Review and approve the cancellation of the AT&T landline and approve the cost of using Zoom phone for phone service. (For Possible Action) Michelle Cothrun advises the Board that the change has already occurred and that Zoom phone has been in use since March. The amount paid for Zoom phone for the entire year is approximately the same AT&T was charging for one month.

Tedd Girouard motions to retroactively approve the cancellation of AT&T landline and approve the cost of using Zoom for office phone service. Keoni Kins seconds the motion, and the motion passes with four (4) votes to zero (0).

21. Update on the LogiForms online initial application for licensure. (Discussion) Michelle Cothrun explains to the Board that she has not had time to work on the initial application due to renewals. Tedd Girouard says to keep this agenda item on the next Board meeting.

22. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun informs the Board that the BOC CARE Conference materials will be posted on their online archive. When they are posted, she will forward the notice to everyone. Also, she is using an online app called Clockify to keep track of her hours and daily activities. Her hours vary weekly, and it seems like she is working more than the fifteen (15) hours per week. Tedd suggests that she keep the detailed reports of her activities for herself and keep track of her hours for her annual review with the new Chair.

23. Report from Harry B. Ward, Deputy Attorney General. (Discussion) DAG, Harry Ward, has nothing to report.

24. Future agenda items. (Discussion) Tedd Girouard notes that future agenda items were discussed during the meeting and asks for any comment. There is no further discussion.

25. Discussion and possible decision on date of next meeting. (For Possible Action) Kyle Moore suggests meeting in November. During the discussion, Jay Cambridge announces that this meeting will be his last with the Board. Tedd Girouard thanks Jay for his service on the Board. Jay will email Michelle to discuss his resignation. Kyle will send some options that work best for him in November and asks Michelle to send a Doodle poll to all the Board members. There is no further discussion or action taken.

26. Public comment. No members of the public have joined the meeting. No public comment.

27. Adjournment. (For Possible Action) Tedd Girouard adjourns the meeting at **5:18PM**.