

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

DATE: **June 21, 2019**

LOCATIONS:

**University of Nevada Reno**  
1664 N. Virginia Street  
System Computing Services  
Room #5  
Reno, Nevada 89557

**University of Nevada Las Vegas**  
4505 S. Maryland Parkway  
System Computing Services  
Room #306  
Las Vegas, Nevada 89154

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1. Meeting called to order by NSBAT Chairman, Jeremy Haas at 11:35AM.

**Board Members Present:** Chairman Jeremy Haas, Vice Chair Tedd Girouard, Board Members Keoni Kins and Randi Hunewill (attending via phone).

**Staff Present:** Henna Rasul, Senior Deputy Attorney General, attending on behalf of Sarah Bradley, and Michelle Cothrun, Board Executive Secretary

**Public Members Present:** Steve McCauley, Legislative Chair, Nevada Athletic Trainers Association, and Kate McCaffrey, LAT, ATC.

2. **Public comment.** Steve McCauley will save his comments for later on the agenda. No further public comment.

3. **Review and approve Board meeting minutes of February 22, 2019 and March 15, 2019. (For possible action)** Tedd Girouard asks that this agenda item be tabled until the next Board meeting. Michelle Cothrun states that she sent the meeting minutes to the Board members this morning. Tedd adds that he has been in class all morning and has not had a chance to review the meeting minutes. Jeremy Haas asks if the minutes can be sent earlier. Michelle explains that the minutes are usually sent a week or on the Friday before the meeting so that the Board members have the weekend to review them. Tedd would like them as soon as they are drafted and suggests having the minutes to review within a couple of weeks after the meeting, as everything will still be fresh in his mind. Jeremy agrees with Tedd that receiving the minutes as early as a couple of weeks after to review will be best.

Tedd Girouard motions to table the approval of the Board minutes to the next meeting. Keoni Kins seconds the motion. The motion passes unanimously.

4. **Update on disciplinary action reports and investigations of unlicensed activity. (Discussion)** Michelle Cothrun states that the Board has received a report of some allegations that there are services being provided by professionals other than athletic trainers at games. Michelle will be drafting a letter to be reviewed that will be a friendly inquiry. In addition, Michelle updates the Board on the complaint that was received and that Jeremy Haas has conducted his investigation.

Below are the statistics for the following quarters:

4<sup>th</sup> Q 2018: Five (5) new licenses were issued, and three (3) licenses were restored.

1<sup>st</sup> Q 2019: Ten (10) new licenses were issued, and seven or eight (7 or 8) applications pending. The applications that are pending are for applicants that sent in their paperwork in May but the jobs they have lined up do not start until August. They have asked that their licenses be issued after July 1<sup>st</sup> so they do not have to pay the extra renewal fees.

Jeremy Haas asks when is the earliest a new license can be issued without having to pay the extra renewal fees. Does the licensee need to wait to have their license issued on July 1<sup>st</sup> to avoid paying the renewal fees so soon after receiving their license? Michelle states that is how it was explained to her. She had three (3) applicants that started jobs in June so they paid the initial fees of \$300 to have their licenses issued before their start date. They then had to pay the renewal fees of \$150 before June 30<sup>th</sup> so that their license would not expire. Jeremy Haas says that policy needs to change and Tedd Girouard agrees. Jeremy and Tedd discuss how a new applicant that pays the initial fees of \$300 in May or June should not have to pay the renewal fees of \$150 before June 30<sup>th</sup>. Tedd explains that a student athletic trainer graduates in May and can be BOC certified by June 1. They are in limbo. They are not students anymore, and they are unable to work until they are licensed. The Board asks Steve McCauley how this situation was handled previously. He thought that initial applicants were not required to pay the renewal fees in June right after having paid the initial fees of \$300. Tedd suggests that Michelle look through the minutes to see if this issue was addressed by any of the previous Boards.

Michelle says that the statute states that licenses expire on June 30<sup>th</sup> regardless of the date they were issued. Michelle adds that there are other Boards that have a grace period in their statutes; however, our Board does not. Jeremy asks if the Board can make a decision to change that and Henna Rasul points out that the Board will need to go through the process of changing the statute – of changing the law. Tedd asks if it can be changed through the administrative code. Henna says no, not if it is in statute. She adds that if it is in the NAC then the change can be made through a regulatory change. But if it is in statute, then the Board would need to submit a bill in the next legislative session. Jeremy says this issue should be addressed by the Board because many new graduates are being punished by being made to pay twice or wait until July 1<sup>st</sup> to be licensed.

Michelle also asks about the athletic trainers that work at UNLV and UNR. Their employers will pay their renewal fees but their fiscal year ends at the same time as the Board's. The universities would like to pay on July 1<sup>st</sup> so that the expense hits their books during the same fiscal year as the expense occurs. However, our statute of the licenses expiring on June 30<sup>th</sup> will not allow that. Jeremy says that how these companies operate is not really a concern of the Board. There are ways around that. For example, employers may choose to reimburse their employees instead. Michelle states that since these items were not on the agenda, they can be added to the next agenda. Jeremy states that this agenda item was for discussion and there is no further discussion.

**5. Review and discuss process for Jeremy Haas to become a certified investigator by attending the National Certified Investigator & Inspector Training offered by the Council on Licensure, Enforcement & Regulation (CLEAR). (For possible action)** Jeremy Haas explains that after discussing this and considering that he has only one (1) year left on the Board, it may not make sense for him to go through the training nor does he think he will have much time to dedicate to conducting investigations. Michelle adds that at the last meeting the Board considered the possibility of a licensed Athletic Trainer that may have experience with investigations. The Board mentioned a couple possible names of those that might be interested. Tedd Girouard asks how much the training costs. Michelle explains that the basic training is \$480 for non-members of CLEAR and \$385 for members. The Board cannot nominate someone else to attend the training but would have to go through the process of posting a job listing on the website. The Board discusses reaching out to a few licensees they feel may be good candidates since licensees do not regularly go to the website. Keoni Kins adds that advertising on the website may garner interest from a licensee that would perform investigations for a long period of time versus a Board member that leaves after their term ends. Henna Rasul points out that

some small Boards have their Executive Directors trained with CLEAR and may also have a part-time investigator that works about ten (10) hours per week. The Board discusses whether this would be a paid position. The Board can decide on whether this investigator position would be a paid position and what the hourly rate will be based on what other Board's pay a part-time investigator. Once the position is posted on the website, Michelle will let the Board know so that they can direct attention to the website. Jeremy Haas motions that the Board put the position of investigator on the Board's website for athletic trainers to apply. Tedd Girouard seconds the motion. The motion passes unanimously.

**6. Review and discuss the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy, as revised on April 18, 2018, to be adopted as an internal policy. (For possible action)** Michelle Cothrun explains that the Governor has made an executive order as of January 2019 that these policies be adopted as of April of 2019. New Board members would need to receive training within six (6) months of their appointment and a refresher every two (2) years. Henna Rasul points out that the training would be provided through NEATS. Tedd Girouard asks about Board members that are State employees that receive this training at work. The thought is that their training would satisfy this requirement. The Board members discuss sending Michelle proof that they have had the training so that it can be kept on file. Keoni Kins motions to adopt the State of Nevada Executive Branch Sexual Harassment and Discrimination Policy as an internal policy. Tedd Girouard seconds the motion. The motion passes unanimously.

**7. Review and discuss SB186 that proposes to expand the scope of practice of athletic training to include the performance of dry needling under certain circumstances and the Board's need to adopt regulations relating to dry needling. (For possible action)** Steve McCauley states that on June 1<sup>st</sup> NRS 640B was rewritten to include the definition of dry needling including direction to the Board to create policies to determine qualifications, set up procedures regarding the handling of needles and procedures to ensure that there is no needle retention. Steve requests that the Board go through the process of adopting temporary regulations. Henna Rasul states that since the legislative session has ended, the regulations could be permanent. The Board would be doubling their work if they went through the process of temporary and then permanent regulations. Steve's concern is that there are athletic trainers that are currently doing the procedure of dry needling and whether they will have problems while the new regulations are being adopted. At this point Susan Priestman, a public member, joins the meeting.

Steve adds that the statute as written requires 150 hours of didactic training. Do the athletic trainers that are currently dry needling satisfy that requirement? Jeremy Haas states that the PT Board would like to split up the 150-hour requirement with 125 hours of coursework and 25 hours of post graduate work. Jeremy would also like to know the next steps in the process.

The Board and Steve then discuss needle retention and whether the Board would require proof of the course training to allow an athletic trainer to practice dry needling. Steve reiterates that the urgency is that there are athletic trainers that are currently practicing dry needling, but the Board does not know if they meet the 150 hours of didactic training. A public workshop is required and the notice is 15 days. Henna states that she pulled up the bill and the effective date in October 1<sup>st</sup>. Michelle asks if a section regarding dry needling will need to be added to the initial application or renewal application. The Board discusses whether the statute requires that the Board keep record of whether the licensee meets the 150 hours of training. Tedd says the language of the statute does not specify that the athletic training board must approve whether a licensee can practice dry needling. The athletic trainer is responsible for meeting the training requirement. Keoni Kins points out the different language that is for physical therapists. Steve adds that everything an athletic trainer does is under the direction of a physician and that accounts for the difference in language for both professions. The Board discusses possible dates for

a workshop. The Physical Therapy Board meets next week on Friday, June 28<sup>th</sup>. It would be good for both boards to work together on the language of the new regulations.

Again, it is stressed that this workshop should be done as soon as possible. Tedd Girouard motions to have a workshop to create language in regard to SB 186 for the practice of dry needling in athletic training on July 26, 2019. Keoni Kins seconds the motion. The motion passes unanimously.

**8. Review and discuss the draft of an Operating Reserves Policy. (For possible action)**

Michelle Cothrun explains that what she has sent to the Board is not a draft but a tool kit with proposed language from a national CPA association that can be used as a basis for the Board to create a reserves policy. Steve McCauley leaves the meeting. Board members state that they only received the document this morning and were not able to review it. Michelle states that Sarah Bradley had suggested she contact other Boards that recently adopted their reserves policy to see what they used as a basis. Michelle was able to find the information but was not able to draft a document using numbers from the Boards expenses. Michelle explains that the standard practice is to calculate reserves using months of expenses. The minimum reserve is three (3) months of expenses in reserves to twenty-four (24) months of expenses in reserves as the maximum. Michelle believes that the Board is over the maximum. Kate McCaffrey leaves the meeting.

Michelle states that Executive Directors of Boards have received part two (2) of the audit report that will be presented to the Governor. The report must be kept confidential at this point but there is a possibility that the Board's expenses may increase based on the recommendations. There is no action taken and the item is tabled until the next Board meeting.

**9. Review and discuss financial status of the Board, including approval of all claims and expenses from February 2019 to April 2019. (For possible action)**

Michelle explains that she specified expenses through April 2019 because she was unsure if she would be able to get everything to the bookkeeper in time for this meeting. However, the financials that she sent to the Board are actually through the end of May, as of May 31<sup>st</sup>. Michelle also explains that the bookkeeper made an adjustment to the fees being collected. The Board was reporting the income from fees in the month they were received. An adjustment was made so that the fees collected are reflected in the correct fiscal year. For example, if a licensee paid their renewal fees in May, the fees are being reported as income for the next fiscal year. So far, 152 licensees have renewed and paid their fees in either May or June. That income will be reported for July 1<sup>st</sup>, the beginning of the new fiscal year. Jeremy has a question regarding the \$1.75 banking fees and Michelle explains that those are direct deposit fees for her payroll. He also asks about the service fees that are around \$50 but vary from month to month. That is the bank fee that Wells Fargo charges and it is based on a percentage of the amount in the bank. Michelle provides the client analysis statements to the bookkeeper and they can be made available for the Board to review as well. Jeremy Haas motions to approve the financial status of the Board, including approval of all claims and expenses from February through May 2019. Tedd Girouard seconds the motion. The motion passes unanimously.

**10. Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle Cothrun states that she has received the second part of the audit report and recommendations. The report will be presented next week. After the findings are presented, the findings can then be shared. The EBAC meeting will be in Carson City on Tuesday, June 25<sup>th</sup> and it has been suggested that it would be a good idea for the Executive Directors of the Boards attend that meeting. The Executive Directors will also be getting together the day before on Monday, June 24<sup>th</sup>. Michelle has nothing more to report.

Jeremy Haas asks what the total number of licensees is now. Michelle apologizes for missing that statistic. The Board now has 265 current licensees. Jeremy asks when the last time was that the active list was posted to the website. Jeremy is asking since his work sends reminder emails until the person

renews and he has employees asking why they are still receiving the reminders if they have already renewed. Michelle states that since renewals began in May, the updated list has been posted every Friday. The last list was on Friday, June 14<sup>th</sup> and a new list will be posted this evening. Michelle adds that when she mailed renewal reminder postcards, she only had four (4) returned as unable to forward. Jeremy asks why the list is not updated automatically as should be possible with the online database. Michelle explains her reasoning for waiting until the end of this renewal period to use the date collected online to start the online database. Michelle has nothing further to report. No further discussion.

11. **Report from Senior Deputy Attorney General, Sarah Bradley. (Discussion)** Henna Rasul, attending on behalf of Sarah Bradley, has nothing to report. No further discussion.

12. **Future agenda items. (Discussion)**

- A. Results from the workshop
- B. Approve minutes from February, March and June
- C. Timeline for licensure and possible for grace period for new graduates applying for licensure in June
- D. Posting of investigator position on the Board's website
- E. Reserves policy draft
- F. Report from Tedd on regulatory conference
- G. Update on Board members that have submitted their completion of discrimination and sexual harassment training
- H. Change of internal procedure to submit meeting minutes to Board members as soon as they are drafted well ahead of the next meeting
- I. Update on creation of online database
- J. Creation of Dropbox folder for Board meeting materials

Randi Hunewill wanted to add that regarding dry needling if that is something the Board believes would be appropriate for the secondary education level, she would be interested in seeing that happen. There are other topics regarding needles that are taught at the secondary level. There is no further discussion.

13. **Discussion, possible decision on date of next meeting. (For possible action)** The Board discusses having a Board meeting in addition to the public workshop on July 26<sup>th</sup>. There is no need to set the time now. After the workshop, the Board will decide on the next Board meeting. There is no action taken.

14. **Public comment** Susan Priestman, as Vice President of the Nevada Physical Therapy Association, states that she is in support of the Board working with the PT Board to keep the new regulations as congruent as possible. Jeremy Haas adds that a united front is in the best interest of everyone. There is no further comment.

15. **Adjournment. (For possible action)** Jeremy Haas adjourns the meeting at 12:50PM.