

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

---

DATE:           **November 15, 2019**

LOCATIONS:

**University of Nevada Reno**  
1664 N. Virginia Street  
System Computing Services  
Room #2  
Reno, Nevada 89557

**University of Nevada Las Vegas**  
4505 S. Maryland Parkway  
System Computing Services  
Room #204  
Las Vegas, Nevada 89154

---

**1. Meeting called to order by NSBAT Chair, Jeremy Haas at 12:35PM.**

**Board Members Present:** Jeremy Haas, Chairman; Keoni Kins and Frank Sakelarios, Board Members. Tedd Girouard, Vice Chair, will be arriving late.

**Staff Present:** Sarah Bradley, Senior Deputy Attorney General and Michelle Cothrun, Board Executive Secretary.

**2. Public comment.** No public members in attendance at either location. There is no public comment.

**3. Review and approve Board meeting minutes of July 26, 2019: 1) July 26, 2019 Public Meeting; and 2) July 26, 2019 Public Meeting and Workshop. (For Possible Action)** Jeremy Haas begins by asking if any of the Board members saw anything in the minutes that needed to be discussed. Keoni Kins and Frank Sakelarios did not see anything to discuss. Michelle Cothrun adds that due to the nature of some of the items discussed in the regular Board meeting, the minutes are more like a transcript to document everything. Jeremy asks if Item #4 regarding the unlicensed activity at the tournament that Tedd Girouard was going to investigate is on today's agenda. Michelle explains that Tedd's investigation is not on today's agenda specifically.

The process to seek an injunction will need to begin with the new Deputy Attorney General assigned to the Board. Sarah Bradley's last day is today. Sarah explains that the Board's statutes limit authority to those who are licensed but not to those unlicensed. At the next Board meeting, an agenda item will need to be added and the Board will need to vote on whether to begin a lawsuit. Sarah explains the process for an injunction and states that it is not fast. She adds that best practice would be to give the person notice that the Board will be discussing their actions at their next meeting and that the Board may decide to file a lawsuit. Another option would be to create an internal policy that for any complaint of unlicensed activity. The first step would be to send a letter educating the person that anyone practicing athletic training must be licensed in the State of Nevada. And if they continue to practice unlicensed activity, then file the lawsuit. Michelle adds that the Board discussed at the last meeting to open the Board's regulations to add the ability to issue a citation and a fine. Sarah recommends that the Board draft regulations for the next Legislative session. The deadline to send a bill draft request to the Governor is May of 2020 for any changes to the NRS.

Jeremy asks what the current policy is for unlicensed activity. Michelle states that it is to contact the person in question either by phone or by letter. Keoni Kins states that it would be best to contact the person with a letter to have that documentation. Frank Sakelarios agrees. Sarah states that Michelle needs to draft an internal policy for complaints of unlicensed activity for the Board's approval. Other Boards may have a policy in place that can be

used for guidance. Sarah suggests reaching out to the Psychology Board which just approved an extensive disciplinary policy. Michelle asks which agenda item we are on because the current discussion is for today's agenda Item #4. Jeremy wanted clarity on the issue of the unlicensed activity before approving the meeting minutes.

Jeremy moves to approve the meeting minutes from the previous meetings on July 26, 2019. Keoni Kins seconds the motion. The motion passes unanimously.

**4. Update on disciplinary action reports and investigations of unlicensed activity. (Discussion)** Jeremy Haas continues the discussion by asking if the Board can send a letter to the person in question regarding the unlicensed activity that Tedd Girouard investigated back in July. Sarah advises that Michelle send an educative letter to begin the process. Michelle Cothrun states that she is unsure whether she can send a letter on her own without having to wait until the next Board meeting for approval. Sarah clarifies that the internal policy would state that Michelle, as the Executive Secretary, would send a letter as the first step. The internal policy should outline steps for any complaint received with a letter of acknowledgment of the complaint and another advising the athletic trainer in question that a complaint was received. After that, the investigation process would begin. During this discussion, Vice Chair, Tedd Girouard enters the meeting.

Michelle advises the Board that Frank Sakelarios also submitted a complaint about possible unlicensed activity; however, that situation may have resolved itself. Sarah advises sending a letter anyway in case the person commits the same violation at a future time. Jeremy adds that complaints may increase with the new dry needling regulations, making an internal policy more imperative. Sarah clarifies that the educative letter is for cases of unlicensed persons engaging in the practice. The Board has more jurisdiction over its licensees. If a licensee violates the law, the Board will proceed to investigate for possible disciplinary action.

Below are the statistics reported to the LCB for 3<sup>rd</sup> Q 2019:

36 new licenses were issued. 23 licenses expired. 38 applications were received and reviewed.

2 applications are pending. No applications were rejected. There are now 280 active licensees.

Michelle asks Sarah for clarification on what is meant by reviewed - reviewed by the Board staff or the Board itself? Sarah reads the statute to the Board and feels that the number of reviewed applications are those that have problems that need to be reviewed by the Board before a license can be issued. For example, there may be an applicant with criminal history that needs to be reviewed. Michelle states that there have not been any applications that required Board review and that she has been reporting the number of applications received and reviewed as the same. She will go back to the LCB website and make the corrections. There is no further discussion.

**5. Review and approve job description for recruitment of a Board investigator. (For Possible Action)** Michelle starts by saying that she was not sure if she could post the job description on her own. Sarah states that considering the small size of the Board, the best practice is to bring matters before the Board for approval, especially this matter since it is regarding employment. Jeremy reads over the job description and asks about next steps. Sarah advises that the job description, once it is approved, can be posted on the Board website and the State HR website. She also suggests the State association, NevATA, website. Jeremy starts by saying that ideally the candidate should be an athletic trainer. Keoni Kins suggests adding that to the list of minimum qualifications. The Board discusses whether to keep graduation from an approved college. Jeremy asks if the candidate needs to be actively licensed. Tedd Girouard states that a retired athletic trainer that has maintained their certification would be a good candidate. The Board discusses whether posting on other job sites would be a good idea, but the consensus is that the three sites mentioned already are good. Tedd asks if we need two investigators, one in both the North and the South. The Board agrees that one investigator in each location makes sense, which would mean possibly sending two candidates to CLEAR training. Jeremy then asks about an hourly rate and states that the hourly rates should factor in that this position is on an as-needed basis and probably low hours. The Board agrees that \$40 per hour plus expenses at the standard GSA rate is reasonable. The Board discusses how to manage billing to avoid an investigation becoming overly expensive. The Executive Secretary has the authority to approve up to five (5) hours of investigation. If the investigation requires more time, the Chair of the Board has the

authority to approve up to twenty (20) hours of investigation. If the matter requires more hours, then the matter must go before the Board for approval.

Jeremy moves to approve the job description with the following amendments:

- 1) Add minimum qualification of being an Athletic Trainer certified (ATC) and if licensed, to be in good standing with the Board;
- 2) Executive Secretary can approve up to five (5) hours, the Board Chair can approve up to twenty (20) hours, and any time over must be approved by the Board.

Tedd Girouard seconds the motion and the motion passes unanimously.

**6. Review and discuss “WHISTLEBLOWER PROTECTIONS – WHAT, WHEN, & HOW Written Guide for State of Nevada Officers and Employees, and Local Governmental Officers and Employees Developed by the Division of Human Resource Management’s Consultation & Accountability Unit as required by NRS 281.661 as amended by Assembly Bill 274 of the 2019 Legislative Session” and adopt an internal policy to comply with the requirement to obtain written confirmation that each Board member and staff receives a written summary or views a video recording that clearly explains the provisions. (For Possible Action)** Michelle Cothrun explains to the Board that she has emailed everyone in the Board the written summary with instructions for the non-State employees to sign up for the video training. However, the video training provides a certificate of completion. Tedd Girouard states that he has already completed the training and it took about fifteen minutes. Everyone is encouraged to read the written summary or to view the video recording and advise Michelle when they have completed the training. Jeremy asks if it is better to complete the training by viewing the video for the certificate of completion and Sarah says that it would be better. The Board will forward their certificates of completion to Michelle, along with certificates of completion for Sexual Harassment training.

**7. Review of consumer complaints pending. The Board will review recommendations received from its investigating board member on the matter listed below. The Board may vote to dismiss the complaint or move forward to discipline before the Board. (For Possible Action)**

**a. Complaint #18-0901**

Michelle starts off by explaining why this matter had to be tabled from the last Board meeting. Sarah Bradley asked that the vote be tabled so that she could check with the Nevada Commission on Ethics on how to proceed with this complaint. The Board considers the findings of the complaint.

Tedd Girouard motions that the case be dismissed with the evidence that the Board has at this time. Keoni Kins seconds the motion. Jeremy Haas recuses himself from voting. The motion passes unanimously.

**8. Review and discuss AB 319 from this past legislative session that requires professional licensing boards to develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if it will preclude them from a license. (For Possible Action)** Jeremy starts by saying that there are 24 minutes left until the joint Board meeting with the Nevada Physical Therapy Board that is scheduled at 2:00PM. He asks what remaining items need to be discussed now and which ones can be tabled for the next meeting. The Board can make that determination after this agenda item is considered.

Sarah explains AB 319 from this past legislative session and that the process to petition the Board must be done by regulation. The Attorney General’s office is requesting the status of implementing the process from all the Boards. Sarah says that a fingerprint background report is not required. The Board has the option to require it or not. A person can petition the Board and explain their criminal history and the Board can make a determination based on their statement alone. Some Boards are saying that they would want the fingerprint background report to be included with the petition. The Board has ninety (90) days to decide the petition from the date the petition is submitted. The Board also has the option to list certain crimes that would automatically disqualify someone from licensure. So far Boards are not choosing to list crimes on their website but have decided to review petitions on a case-by-case basis.

Sarah then reads the Board's statute 640B.700 and it states that the Board may refuse to issue a license to an applicant who has been convicted of a felony, a crime related to controlled substances, or a crime involving moral turpitude. The Board can already deny licensure based on those crimes. Jeremy states that he would prefer not listing crimes that would disqualify a person from licensure but instead that each case be reviewed. Tedd adds that the time limit is important so that the Board does not hold up an applicant's employment. In addition, he has had students tell him that they have a DUI on their record and they want to know if that would preclude them from licensure in the future. He could then refer them to the Board so they find out before investing in their education. Jeremy brings out that a fingerprint background check may be better because a person can say they have one assault charge, but the FBI report brings out that they have several. Sarah outlines a possible process and then advises that a draft would need to be sent to the LCB for review as part of a regulation. The deadline is June 30, 2020. She suggests that a Board member can start a draft and work with Michelle on it. Then the Board can have a meeting in January to discuss the draft.

Keoni volunteers to work on the draft for the January meeting. Tedd said he can also work on it. Sarah clarifies that Keoni and Tedd should communicate through Michelle on the draft. She recommends that Michelle reach out to other Boards. There are 34 Boards in total that will be working on their regulations to comply with AB 319.

Jeremy Haas motions that Keoni Kins will begin a rough draft of language for AB 319 to review criminal history and determine the ability to get licensed. Tedd Girouard seconds the motion and it passes unanimously.

**9. Review and approve the draft of an Operating Reserves Policy, including possible ways to manage the excess in reserves brought out by the Boards and Commissions Occupational and Professional Licensing Boards Audit. (For Possible Action)** Michelle shares with the Board that with her research, the maximum is twenty-four (24) months of expenses in reserves. The audit brought out that the Board has thirty-seven (37) months in reserves. The reserves include all the Board's cash, not just what is in savings. Now the Board's cash balance is higher. Sarah suggests getting an office space. Michelle reminds the Board that an office lease has been discussed before but she explains her reasons for getting an office space. That was one of the reasons the Board has been working on building their reserves. She has found an executive office suite that leases for around \$700 per month which includes a reception area. Michelle informs the Board that there was regulation that fell through that would require all Boards to use a State-run licensing portal. The larger Boards fought the regulation because they felt that they would be taking the largest hit financially. Currently our Board has a reasonably priced option with AirTable for an online database.

Another possibility is reducing fees. The Board discusses possibly reducing the renewal fees. Michelle suggests starting out by reducing renewal fees to \$125. Some Boards have renewals every other year, but the Board prefers renewals every year due to turnover in the profession. Tedd suggests reducing the initial fees to \$200, since the initial fees affect those applicants that are most vulnerable. Keoni suggests getting the office space before exploring the reduction of fees. The Board discusses the financial implications of the different options and concludes that it would be best to start with an office space to see how the costs incurred affect the finances of the Board before reducing fees. There will be additional expenses with the Board investigator positions to consider as well.

Sarah tells the Board that once a possible space is found, an agenda item would need to be added so that the Board can vote on a lease. She also suggests tabling the rest of the agenda items for a phone meeting, possibly in December. Michelle suggests going to Item #12, since the BOC has a December deadline for adding support to their letter. No further discussion or action taken.

**10. Review and discuss financial status of the Board, including approval of all claims and expenses through Fiscal Year End 2019 and July through end of September 2019. (For Possible Action)** This item is tabled until the next Board meeting.

**11. Review and discuss a performance evaluation process for the Executive Secretary position, currently held by Michelle Cothrun. (For Possible Action)** This item is tabled until the next Board meeting.

**12. Review and discuss the proposed letter drafted by the BOC in support California bill AB 1592 to license Athletic Trainers and possibly add support to their letter by adding the Board's name to the signature. (For Possible Action)** Keoni Kins motions that the Board add their name to the letter supporting California Assembly Bill 1592. Tedd Girouard seconds the motion and it passes unanimously.

**13. Review and discuss the Small Business Impact Statement for LCB File No. R053-19 regarding proposed dry needling regulation. (For Possible Action)** This item is tabled until the next Board meeting.

**14. Report from Executive Secretary, Michelle Cothrun. (Discussion)** This item is tabled until the next Board meeting.

**15. Report from Senior Deputy Attorney General, Sarah Bradley. (Discussion)** This item is tabled until the next Board meeting.

**16. Future agenda items. (Discussion)** This item is tabled until the next Board meeting.

**17. Discussion, possible decision on date of next meeting. (For Possible Action)** Jeremy Haas starts by stating that the remainder of the agenda items would take less than an hour phone call so the call should be scheduled sooner rather than later. Tedd Girouard suggests next Friday. The Board discusses a possible time.

Jeremy Haas motions that the next meeting will be on Friday, November 22<sup>nd</sup> at 2:00PM via teleconference. Tedd Girouard seconds the motion and the motion passes unanimously.

**18. Public comment.** There is no public comment.

**19. Adjournment. (For Possible Action)** Jeremy Haas adjourns the meeting at 1:58PM.

***\*\* MEETING MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT REGULARLY SCHEDULED BOARD MEETING.***