

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

DATE: May 22, 2020

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1. **Meeting called to order by NSBAT Chair, Jeremy Haas, at 2:33PM.**

Board Members Present: Jeremy Haas, Chair; Tedd Girouard, Vice Chair; Keoni Kins, Treasurer; and Frank Sakelarios.

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

2. **Public comment.** Kyle Moore, public member, is in attendance via Zoom. He has no public comment.

3. **Review and discuss the posting of COVID-19 guidelines on the Board's website for licensees, especially those returning to work. (For Possible Action)** Michelle Cothrun informs the Board that she received a special survey from the Sunset Subcommittee regarding the Board's response to COVID-19. She has noticed that other boards made a list with a few links, including to the CDC. The Board's response could consist of the NATA resource which provides safety guidelines for returning to work. The BOC's document is quite extensive, but if the Board provides too much information, our licensees may not read it.

Keoni Kins states that the Physical Therapy Board did a pretty good job and their statement has two short paragraphs with a couple of links. We could provide links to the Nevada health response website and the link to the NATA resources.

Jeremy Haas states that our licensees are inundated with all this information and wonders if it is the place of the Board to provide safety guidelines. Michelle states that the State is taking COVID-19 very seriously and wants to be sure that all State agencies, licensing boards included, are providing guidelines before the State reopens.

Steve McCauley, public member, joins the meeting. Michelle agrees with Jeremy that we do not want to inundate our licensees. The best approach is to keep the statement brief and concise with a couple of links. Tedd Girouard expresses concern that guidance is changing and is dynamic. We need to be careful about using just links because

the information could become irrelevant in one week. He believes that the NATA link is a good one that is continually updated.

Harry Ward advises the Board to consider LEAD, which is the acronym for the State agency from the Governor. The Board could reference recommendations from the Government, the National agency NATA, and anything from the State. The guidance is important not only for the Sunset survey, but also for the State to get back open.

Michelle says that one of the State's websites is Nevada Health Response. Both Keoni and Tedd have provided Michelle with the link to the NATA's response. The NSBAT website can post a short statement that the Board encourages licensees to follow nationally recognized guidelines. And if they have any additional questions to please contact the Board office

Harry Ward suggests that the Board give Michelle some sort of guidance as to what to put on the website and the authority to add one or two other things, if needed. Jeremy Haas motions to allow Michelle Cothrun to update the NSBAT website with information on the COVID-19 guidelines and add links to the NATA website, the State's website, and any other recent information that would be beneficial to our licensees. Tedd Girouard seconds the motion and it passes unanimously

4. Review and discuss Governor Sisolak's Declaration of Emergency Directives in response to COVID-19, the Extension of the 2020 License Renewal Period, deferral of renewal fees, and requests for forbearance. (For Possible Action) Michelle Cothrun begins by reading Governor Sisolak's Emergency Directive 009. The Board will need to extend the renewal period by 90 days and allow licensees that are having financial difficulties because of COVID-19 to defer payment of their renewal fees.

Harry Ward suggests the Board motion to follow the directive and give the extension of 90 days. And should the Governor change the emergency directive later, the Board can make another motion to clarify. Tedd Girouard adds that the exact verbiage of the directive should be posted the website, because it is dynamic as well. But not give an exact date because it is not known when the emergency directive will end. Jeremy Haas expresses concern that no one will pay their renewal fees in June, and he agrees with Tedd about using the exact language of the directive. Michelle reminds the Board that there is a surplus in the reserves so the Board should not suffer financially. She states that only one person has complained about having to renew due to financial hardship.

Another consideration is how employers may still require that licensees renew despite the Governor's directive. Harry Ward states that an employer may require their employees to have current licenses. This may be a gray area. The problem may be that a license is not current because the annual fees have not been paid. But payment of fees has been suspended for 90 days. Tedd says the licensee is covered because the directive states that licenses are extended. If an employer mandates it, that is beyond the Board.

Tedd brings up the expiration dates for next year. Our statutes are clear that the licenses end on June 30. To clarify possible confusion, Tedd suggests adding a sentence on the website explaining that as well. Michelle explains that the benefit of the online renewal system is if a licensee finds out they need their license tomorrow, they go online to fill out the form, pay by credit card, and immediately receive their renewed license.

J. Hope, another public member, joins the meeting. Michelle will add a sentence to the website that regardless of the date that the license was renewed, all licenses expires on June 30, 2021. And Jeremy clarifies that this extension only applies to renewals and not new licensees, such as recent graduates seeking initial licensure.

Jeremy Haas motions to allow Michelle Cothrun to update the Board's website with the Emergency Directives from Governor Steve Sisolak to update the extension of the 2020 license renewal period. Tedd Girouard seconds and the motion passes unanimously.

5. Review and discuss licensing by endorsement pursuant to NRS 622.530. (For Possible Action) Michelle Cothrun explains to the Board that although this issue has been discussed this a few times, she must answer to the Sunset Subcommittee. While the Board was not directly included in AB 357, that discusses

licensing by endorsement and also consideration for service members and their spouses, in rereading the language, it mandates that all state agencies allow for licensing by endorsement and for reciprocity. So, the Board is required to start making regulations to comply.

Harry Ward states that the Board can start working on regulations. The Board can look at how other Boards are handling the language of their regulations. Michelle informs the Board that when she watched the Sunset Subcommittee on May 4th, fingerprint background checks were brought up to the Subcommittee. There is still a need to get fingerprinted and licensure by reciprocity will not waive that requirement. Ultimately, the Sunset Subcommittee does not want the licensing process to become a hindrance to employment.

Tedd Girouard considers what is truly the barrier to employment since now the Board has an online system. Michelle explains that the initial licensure application still needs to be converted to the online system. Some applicants take a long time submitting their documentation, while other submit them all at once. The licensure process has been streamlined. For instance, the application accepts notarized copies of diplomas and does not require transcripts. Tedd states that if an applicant submits their BOC certification, the Board knows they have a degree and that proof arrives in a day. Michelle states that the background check takes the longest time. When she receives the report from the Department of Public Safety, she can issue the license that day. Tedd adds that the Board does not have an exam, so the process cannot be further streamlined.

Keoni Kins believes that the spirit of the law was not to be creating extra ways to get licensed but that if someone comes to Nevada with a license in another jurisdiction that is valid and in good standing that additional language would help to expedite that process. Harry Ward agrees that is the intent of the law. Michelle expresses concern to the Board that the NSBAT was not included in AB 357. Unfortunately, an internal policy is not enough. Keoni sees that other boards are complying with regulation because their statutes have been changed. He agrees with Michelle that it is concerning that a licensing board that clearly licenses healthcare providers was left out of that assembly bill when everyone else was included.

Michelle explains that the Sunset Subcommittee asks if they can do anything to help and she wants to point out this oversight of how athletic trainers were left out of AB 357. Therefore, it is confusing to know why and how to correct it. Harry Ward says he can look into it and possibly reach out to the LCB or the Sunset Subcommittee.

Tedd states that in the meantime, we can add something to the website advising that the Board will process out of state licensees as quickly as possible to prevent any unnecessary delay. Keoni suggests to Michelle to pull data to present to the Sunset Subcommittee about the average length it takes to process an application to show that the Board complies with the timeline specified. Statutory changes take a long time and at least we can show that we comply with the expedited licensure process.

Frank Sakelarios asks about the fingerprinting process specifically for undergraduate students, if that process is waived, and if the Board has already had that discussion. Michelle explains that she looked at the previous board meeting minutes. The Board has concluded that temporary and contingent licenses would not be allowed because of the mandatory fingerprinting process. Tedd clarifies that the issue was not about the fingerprinting process because a new graduate student can be fingerprinted well before they are certified. Then Tedd suggests adding a statement to the website that if the applicant is looking for employment in Nevada, and they have a license in another state, that they need to get their fingerprints done right away. If they know about it, then that barrier is dealt with. Michelle advises the Board that the fingerprinting documents encourage submitting fingerprints by live scan for the fastest results, but that same information can be posted on the website.

Now that the Board has discussed the matter, Harry Ward suggests a simple motion for clarity of what Michelle should post of the website. Tedd Girouard motions to allow Michelle to draft language to explain to out of state applicants who are already in good standing from their state licensing boards, that the Board will not delay their licensure application when they when they apply and the Board will also give directive as to fingerprinting by live scanning within Nevada to do that in an expedited manner. Jeremy Haas seconds the motion.

Frank Sakelarios suggests clarifying licensed because not all states require licensure. Tedd says he could modify his motion to state licensed or registered. The Board discusses which states require only registration and whether registered should be added to the motion. Michelle reads from the statute which states that the applicant holds a corresponding valid, unrestricted license to practice his or her occupation. Tedd thinks the motion can stay the same. Harry Ward advises the Board that they do not need to re-motion. The motion passes unanimously.

6. **Review and discuss NRS 622.510 and the development of “...opportunities for reciprocity for qualified active member of Armed Forces, member’s spouse, veteran or veteran’s surviving spouse.” (For Possible Action)** Michelle Cothrun states that the Board’s applications need a question regarding spouses of active members of the armed forces or spouses of veterans, in the section regarding military service. And that she believes the statute says that the Board cannot charge more than half of the fees for veterans or military spouses. They will still complete the fingerprinting process. Michelle then reads from the statute where the regulatory body cannot charge more than half of their fees. Michelle asks Harry Ward if that also applies to licenses by reciprocity. Harry Ward states that the intent of the statute is to give a discount, not more than 50% of the normal fee charged both to the veteran, to the active military and to their spouses. He states that the same would apply for licenses by reciprocity.

AB 357 changed the NRS for several boards, including their fees, but as was discussed before, our Board’s NRS was not included. The Board does not have the authority to reduce the \$300.00 fee for an initial license. Harry Ward agrees that the Board must follow their statutes with the fees as written. He suggests advising the Sunset Subcommittee that the Board is in the process of changing their statutes to comply.

Keoni Kins suggests mirroring the language that Tedd suggested in the last motion and include qualified active members of the armed forces members spouses, veterans, veteran surviving spouses to that language. Keoni motions to give Michelle the power to amend the last motion to include language surrounding active members of the armed forces members, spouses, veteran, or veteran surviving spouses. Tedd Girouard seconds the motion and it passes unanimously.

7. **Public comment.** Jeremy Haas begins by asking if either Steve McCauley or Kyle Moore have any comments. Steve thanks the Board and expresses his appreciation. He has a couple of questions for the Board regarding dry needling. Steve reads NRS 640B.260 number five and asks for clarification on the 150 didactic hours. Is the dry needling education included in that number or is it in addition to? Tedd Girouard clarifies Steve’s question of whether the hours are 25 plus 125, or 150 plus 25. The Board agrees that the intent was 125 plus 25 hours specific to dry needling.

Harry Ward steps in and informs the Board that this is considered public comment. For the record, the Board is not making any determinations nor taking any action. He informs Steve McCauley that public comment gives him the floor to say whatever he wants. The board is in no position, nor has the authority, to take any action when the specific matter is not on the agenda. Harry tells Steve that he could request that this discussion be put on the next agenda. Michelle states that an item can be added to the agenda for clarification because she is getting questions from licensees renewing about how they provide proof for their Dry Needling training.

Steve tells the Board that he would like to have the Board address clarifying the 150 hours in the NRS and the NAC language to be inclusive and not in addition to. Regarding the form that the applicant fills out to prove they have the knowledge and the skills necessary to perform dry needling, he suggests eliminating the specific coursework listed on the form and maybe just require the applicant to provide transcripts

In addition, he requests that the Board contact the Battle Born Medical Corps to plead the case that athletic trainers be listed as medical providers. He tried to apply to be a volunteer, but athletic trainers were not listed as health care provider. Tedd Girouard asks Steve to provide the information regarding the Battle Born Medical Corps because this is the first he has heard of it. Tedd adds that the Board would have to once again put this on the agenda

and have another meeting to discuss this. He states that it would be best if Steve can draft a letter and submit it to the Board for endorsement at the next meeting. Steve has nothing further to comment.

Kyle states that the only reason for coming on today was addressed by Steve regarding the Dry Needling form. He was informed of the form when he renewed my license and he just wanted to try to find out more information about that. He has nothing further to comment.

Harry Ward asks Michelle, just for the record, if the Board received any written public comment. And if so, it needs to put that on the record. For virtual meetings on Zoom, it is feasible for a person to submit written public comment. And submitting public comment by email should be posted on the Board website. Michelle says she will make note of submitting written public comment on the agenda and on the website. Harry suggests that Steve could likewise put what he said in writing and submit it to the board his public comment in writing for clarity. There is no more public comment.

8. Adjournment. (For Possible Action) Jeremy Haas moves to adjourn the meeting at 10:07am. Tedd Girouard asks if the Board needs to discuss the next meeting time and possible agenda items. Michelle Cothrun tells the Board that she did not put those items on the agenda. The next meeting has been scheduled in July.

The Board discusses having another meeting before the renewal applications are due to address the dry needling form. Michelle informs the Board that the dry needling forms are due within 30 days after the NAC becomes effective. Steve McCauley suggests forming a subcommittee to work on the form. Tedd states that will need to be on the next agenda, so he suggests having another meeting. Harry Ward informs the Board that they cannot take action but suggests that Michelle contact each of the Board members individually without contacting the other and see which date and time is available. The Board discusses if this form is urgent considering the regulation has not passed. Tedd states that he is fielding questions about this so the form should be on the next agenda. Michelle will send a survey for the next Board meeting.

Jeremy Haas now adjourns the meeting at 10:13am.