

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

DATE: **May 29, 2020**

Public Access with Zoom:

Meeting ID: 858-1568-6021
Password: 995691

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1. Meeting called to order by NSBAT Chair, Jeremy Haas at 9:02AM.

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

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

2. Public comment. There are no members of the public attending on Zoom. Michelle Cothrun reads a letter that she has received from Steve McCauley into the record.

Dear members of the Board and associated staff:

If it pleases the board, submitted for your consideration and request for a rendered opinion, questions related to NRS 640B.260 #5 and proposed regulation for 640B.260, LCB file no. R053-19. Please render your opinion to the follow questions:

1. Current NRS 640B.260 states “...150 hours of didactic education and training in dry needling approved by the Board. Such hours may include didactic education and training completed as part of a graduate-level program of study.” Is it the opinion of this board that submission of graduate level transcripts as well as a course of study in dry needling (25 hours min) as per proposed regulation (LCB file # R053-19) will meet this requirement?
2. Typically, transcripts from graduate level course details only the number of units for each class which typically total 30-40 credit hours. Given this as well as an additional 25-hours in a typical dry need class, the applicant will be at least 50 hours short of the required 150 hours total. In the opinion of the Board does this calculation stand.
 - a. If so, will you provide resources or options for the applicant to obtain the missing hours?
3. Is there a deadline for expiration on the education earned by the applicant for their graduate level course work as well as their specific 25 hours of dry needling?
4. Is the information submitted by the applicant approved by the Board BEFORE granting privileges for dry needling?
 - a. If so, is there a protocol and process defined as to a timetable for granting privileges?

- b. If not does the applicant simply need to have all required documentation on file with the Board as the only requirement for granting of privileges?
5. Will the Board be willing to create a sub-committee for the purpose of defining a process by which education, application submission and adjudication will happen?

Thank you for your time and consideration of these questions, I look forward to your responses.

Sincerely,

Steve McCauley MHS, LAT, ATC, CSCS

Legislative chair, NEV-ATA

There is no further public comment.

3. Review and discuss the draft of the dry needling form that licensees will use to submit proof of their education and training for dry needling. Address the following: 1) Clarify whether the 25 hours of dry needling training are included in the 150 didactic hours or if they are in addition to, and 2) Possibly eliminate the need to list specific coursework and instead accept transcripts listing coursework completed. (For Possible Action) Michelle Cothrun explains to the Board how she created this form based on the PT Board's form, which is a cover sheet for a licensee to submit proof of their training for dry needling. The cover sheet and the proof would be kept in the licensee's file. The cover sheet, as written, requests that the licensee list the specific coursework to address if they have training in use of sterile needles, cadaver dissection and other subjects specified in the dry needling regulation. The Board must decide whether the individual licensee can submit their transcripts instead of filling out the form and listing all their relevant coursework.

Keoni Kins says that it is important to consider as a Board the specific language of NRS 640B.260.5, which states that not less than 150 hours of didactic education and training in dry needling must be approved by the Board. The Board has never clarified the specific course content or domains of coursework that the Board would accept to fulfill the 150 hours. For 40 hours of graduate coursework, half of that graduate program could be in clinic management or professional development. The coursework may not be relevant to dry needling.

Jeremy Haas looks over the cover sheet. He states that all licensees will have had anatomical review; however, not all athletic trainers get coursework with human cadaver dissection. He believes that it has been taken out of a lot of athletic training programs. Jeremy asks Tedd if UNLV offers human cadaver dissection.

Tedd Girouard starts by asking for clarification on the requirement that 125 hours may be in graduate level coursework from an athletic training program accredited by CAATE. For example, UNLV is not a graduate program accredited by CAATE. Most graduate programs have not been CAATE accredited. He adds that more programs do not have human cadaver dissection than do. It is not a requirement for even CAATE accredited graduate program. He agrees that the Board needs to specify what domains of coursework are acceptable and how to calculate the hours. 30 credit hours is 150 hours of class, since one credit hour is three hours per week. Keoni agrees that the way that a credit hour is calculated into contact hours will vary by institution. Tedd states that the form should have columns for credit hours and contact hours with a definition of a contact hour.

Keoni adds that someone just submitting a transcript is not going to be helpful because the Board will not know what that course content was by looking at the name of the course. Michelle reminds the Board that she will be the one receiving and reviewing this information. The clearer the form is the better it will be to avoid having the Board review and approve each submission. She clarifies that the courses need to be approved by the BOC, CAATE or the Board. And the requirements listed in the LCB file R053-19 are the use of sterile needles, aspects of human anatomy relevant to dry needling, control of blood borne pathogens, and circumstances under which dry needling on a patient may or not be appropriate. Cadaver dissection is not mentioned in the requirements for Athletic Trainers. Michelle copied that language from the PT Board's form.

Tedd adds that the training must include those four listed areas, but it could include a variety of other coursework. Tedd opens the discussion whether the requirement is graduate studies or graduate education. Does that education

have to be from an accredited university? Or could graduate studies be from CEU courses? A dry needling course is a graduate course, not necessarily in graduate studies. Tedd would like to define that requirement for those licensees who have already graduated from college and want to perform dry needling. Keoni believes that the spirit of the remaining 125 hours was to give folks the opportunity who had been to a graduate program and who have taken relevant coursework to not have to take 150 dedicated hours of dry needling courses.

Jeremy's concern is that someone may try to piecemeal a bunch a CEU courses. Tedd clarifies that an athletic trainer must be certified to attend a dry needling class. For example, he knows someone that has a master's degree in business, but they have been a practicing athletic trainer for 25 years with countless CEUs and has kept record of them. Tedd is concerned that there will not be a mechanism necessary for that person to prove their training, even though they have been dry needling for seven or eight years.

The Board discusses the difference between being approved by the BOC, CATEE, or the Board. The Board may need to review some applicants on a case-by-case basis. If the requirements are too specific, then someone like Tedd referenced would be excluded; however, if they are not specific enough, they may allow some who are not qualified. Tedd suggests that a standing subcommittee to review dry needling applications may be needed. Initially there will be several reviews, but after that, there may be one or two a year.

Keoni states that the PT Board has a subcommittee that works on their continuing competency units, made up of non-Board members. There may be one Board member on that committee, but other members are PTs in the community that work on that committee to make recommendations for Board approval. Then the Board looks at the subcommittee's recommendation before voting. Jeremy reminds everyone that the agenda has an item to discuss the possible formation of a subcommittee.

The Board then discusses the attestation portion of the form and agrees that a licensee must at least provide their transcripts. The attestation is for licensees who are not able to provide their continuing education certificates because they are no longer required to maintain their certificates of completion after three years. Jeremy adds that if a licensee cannot provide their transcript on the rare excuse that the University went out of business, they will need to come before the Board to explain.

The Board discusses finalizing the content and the structure of the form. Frank Sakelarios suggests that the form needs a box where the licensee enters which domains they believe their class covers, for either continuing education or graduate level courses. Keoni recommends listing the domains per the language of the regulation and assigning each a letter to make it easy. The Board agrees that the licensee should list the course title, indicate which domains the class covers, and include both the credit and contact hours.

Jeremy Haas motions for Michelle to make the amended changes to this form to update the box regarding how to track accredited courses or coursework that qualifies for dry needling. Before Tedd seconds the motion, he would like to clarify that the Board will have a chance to review the form before it is used. Michelle confirms that she will have the Board review and approve the form before it is used. Tedd Girouard seconds the motion and it passes unanimously.

4. Review and discuss the 2020 Renewal form and decide if the question regarding dry needling should be removed. (For Possible Action) Michelle Cothrun explains to the Board where to find the question about dry needling on the renewal application, which reads, "Do you Practice dry needling? If yes, please email the Board office for the appropriate form." Once the regulation becomes officially adopted by the LCB, the licensee has 30 days to submit their proof of training and education to the Board. Since the renewal period has started, Michelle wanted to start tracking licensees who practice dry needling. She asks the Board if they want to start tracking licensees or wait until the regulation has been officially adopted.

Jeremy Haas states that the question is appropriate, and it gives the licensees the opportunity to start gathering their information now and to have more than the thirty (30) days' notice. He suggests starting a mailing list of licensees to notify when the regulation passes. He adds that the renewal application should also ask if they intend to practice dry needling in the next year. Keoni Kins agrees with the questions of whether they perform dry needling

now or if they plan to in the future. This way the Board is better able to inform those of the regulations and how they can comply. Frank Sakelarios agrees with having both questions.

Tedd Girouard clarifies that the licensees are not filling out a form yet, but these questions are for information purposes so that Michelle can follow up with an email. He states that the form cannot be finalized until the Board knows the exact wording of the regulation. The Board discusses the wording of the email and whether to include that 150 hours of didactic education will be required. Keoni expresses concern that licensees are aware of the NRS regarding dry needling. They will look to the Board for guidance because they do not want to be out of compliance with the new statute. Frank states that giving the form to the licensees now gives them and Michelle a head start.

During this discussion, Steve McCauley joins the meeting. Michelle informs Steve that the Board is discussing agenda item number four (4). She explains to the Board that Steve was one of the licensees that received the draft of the form, along with a copy of the NRS and LCB file number R053-19, explaining that he would have thirty (30) days after the regulation comes into effect to submit proof of compliance. He would also receive notice of when the effective date is. Tedd says he is hesitant to send the form out again, since the Board has decided to update and review the form. The Board agrees that the form should be finalized first. Keoni states that the email is warranted to give licensees an idea that the regs are still in process and when they do go through, they have 30 days to report their training. He suggests also letting them know that the Board is working on finalizing a form that they will use to report their training.

Randi notifies the Board that she has a previously scheduled call she must join and apologizes. Harry Ward notes that the Board still has a quorum and the meeting can proceed.

Jeremy Haas motions to add a second question to the 2020 renewals: Are they currently dry needling and then another question regarding if they intend to dry needle within the year. Frank Sakelarios seconds the motion and it passes unanimously.

5. Review and discuss forming a Subcommittee for drafting the dry needling form and attestation that licensees who practice dry needling will submit to the Board as proof of their completion of education and training for dry needling. (For Possible Action) Jeremy Haas begins by stating that the Board has already been discussing forming a subcommittee to help review these forms to determine if they are appropriate or not. Jeremy asks if the Physical Therapy Board has already drafted their form. Michelle explains that she had reached out to the Physical Therapy Board and used their form as a basis for the one she created, which was discussed earlier in the meeting. The Board questions the need for a subcommittee to create the form when that matter has already been discussed in detail during agenda item number three. The Board also discusses forming a subcommittee to review the licensee submissions to make recommendations to the Board if their training is sufficient for them to practice dry needling. Michelle notes that she will add that for the next Board meeting.

Tedd questions how the Board will provide feedback on the form without breaking Open Meeting Law. Harry Ward advises the Board that work can be done, and feedback given directly to the executive director without copying the others. In a nutshell, the Board members cannot see each other's work, collaborate, or discuss it. It should be sent individually to the executive director and then the executive director can disseminate the material back to the Board. Tedd asks Harry if a Board member can collaborate with a non-Board member. Yes, one Board member can discuss the form with a non-Board member to put their heads together and then they come back to the entire Board for the Board to take action once the matter is on the agenda. Harry informs the Board that the subcommittee is an extension of the Board and must abide by Open Meeting Law. The subcommittee makes recommendations to the Board and then the Board would act on the recommendation of the subcommittee, whether they review transcripts and okay the hours of didactic training, or for drafting the dry needling form and attestation clause. Tedd comments that ultimately a subcommittee for drafting the form may tie the Board's hands.

Keoni comments that when the Board is discussing these matters and creating agendas, the Board must try to include the public and licensees on these decisions. He thinks that the Board must commit to being better about getting their agendas out further in advance and being proactive in inviting the public and licensees for comment. A lot of issues could be solved if the Board had four or five licensees and two public members at each meeting. Making materials available in advance should help improve communication with the public and licensees

Harry Ward suggests the Board individually recruit people to participate in future meetings and for the subcommittee. Michelle adds that when she emails the state association with the next meeting date, she will inform them that members can email public comments. It may help so that if anyone is not able to participate in person, they can submit their comments ahead of time and they will be considered.

Jeremy Haas states that after discussion, the Board has decided to take no action and will wait until the next Board meeting in July to make any further decision upon this matter. There is no further discussion.

6. Review and discuss adding the Board's support to a letter submitted by Steve McCauley to the Battle Born Medical Corps asking that Athletic Trainers be recognized as healthcare providers. (For Possible Action) A copy of the letter is attached at the end of the meeting minutes as Exhibit A.

The Board discusses the letter submitted by Steve McCauley. Harry Ward states that he reviewed the letter and has no input. He would approve the letter as written from a legal standpoint. The Board discusses supporting the letter as written.

Keoni Kins motions to approve that the Board support the letter written by Steve McCauley to the Battle Born Medical Corps Director. The Board then discusses having the letter come from the Board directly instead. Keoni Kins then motions that the Board draft a similarly worded letter to Steve McCauley's letter addressed from the Nevada State Board of Athletic Trainers to the Battle Born Medical Corps Director. Tedd Girouard seconds the motion and it passes unanimously.

The Board discusses with Michelle how to draft the letter for Jeremy Haas to sign as the Board Chair. Jeremy asks Steve if he would like to the Board to use his wording exactly or modify it. Steve McCauley's only request is that the Board utilize their resources within the State organizations to get the letter to the appropriate person. Their website does not list the Director's name. The Board discusses whether the letter would need to be reviewed before Jeremy signs it. They decide that time is of the essence and that if Michelle follows the wording in Steve's letter, the Board will not need to review it before having Jeremy sign it. There is no further discussion.

7. Public comment. Jeremy Haas states that there is only one public member still in attendance. He asks Steve McCauley if he has any comment. Steve expresses appreciation to the Board for reviewing his letter. He is looking forward to the processes for dry needling and the appropriate form. Regarding the form, he agrees with Tedd Girouard that a subcommittee is not necessary to draft the form. Jeremy Haas thanks Steve for his contributions and help over the last couple of years. There is no further comment.

8. Adjournment. (For Possible Action) Jeremy Haas adjourns the meeting at 10:21 AM.

Exhibit A



5.28.2020

Nevada Governor's Office,

Nevada Department of Health and Human Services

Dear Battle Born Medical Corps Director

Thank you for providing such a valuable service to the citizens of Nevada. I write you today to draw your attention to a valuable asset within the healthcare workers of Nevada that you may have overlooked when creating your list of health care providers qualified to contribute their services in the Battle Born Medical Corps.

The health care providers I refer to are Athletic Trainers (AT's). Athletic trainers (ATs) are Licensed health care professionals In Nevada who render service or treatment, under the direction of or in collaboration with a Nevada Licensed physician, in accordance with Nevada State Board statutes, rules, and regulations (see NRS 640B).

As a part of the health care team, services provided by ATs include primary care, injury and illness prevention, wellness promotion and education, emergent care, examination and clinical diagnosis, therapeutic intervention, and rehabilitation of injuries and medical conditions.

Athletic training is recognized by the American Medical Association (AMA), Health Resources Services Administration (HRSA) and the Department of Health and Human Services (HHS) as an allied health care profession.

During the COVID-19 pandemic and statewide health care shortages, ATs play an important role in patient care and providing critical services for the citizens of our great state. Please consider adding this valuable health care professional to your list of medical providers.

Sincerely,

Steve McCauley

Nev-ATA legislative chair