

## MINUTES OF THE PUBLIC MEETING FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS

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**DATE & TIME:** January 8, 2021 @ 2:00 p.m.

**Public Access with Zoom:**

**Meeting ID: 845 146 4289**

**Passcode: 102425**

Due to COVID-19 and Governor Sisolak's Emergency Mandate to Stay at Home for Nevada, this meeting will only take place via Zoom. The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about Zoom, go to <https://zoom.us/>. On the scheduled day and time of the meeting, visit the ZOOM website and click "Join a Meeting." You will be prompted to enter your name, along the Meeting ID and Meeting Password above.

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1. Meeting called to order by NSBAT Chair, Tedd Girouard at 2:08PM.

**Board Members Present:** Tedd Girouard, Keoni Kins, Frank Sakelarios, Jay Cambridge, and Kyle Moore.

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

2. **Public comment.** Tedd Girouard asks Michelle Cothrun if she has received any public comment. Michelle confirms that she has not received any written communication for public comment and that there are no members of the public in attendance on Zoom. There is no further comment.

3. **Review and approve Board meeting minutes of May 29, 2020 and September 11, 2020. (For Possible Action)** Tedd asks if there are any comments on the minutes. Harry Ward states that normally he would suggest for new board members not to vote on approving minutes if they were not present at the meeting. Since there can be a challenge with having a quorum, he suggests that the two new Board members say they approve as to form but not as to content. Tedd Girouard motions to approve the board meeting minutes from May 29, 2020 and September 11, 2020. Frank Sakelarios seconds the motion. Tedd Girouard, Keoni Kins, and Frank Sakelarios vote in favor of approving the motion. Jay Cambridge and Kyle Moore both vote to approve the form and not the content. The motion passes.

4. **Update on disciplinary action reports and investigations of unlicensed activity. (Discussion)** Michelle informs the Board that the number of active licensees is now 281. In addition, Harry Ward reviewed letters she drafted regarding unlicensed activity. Before the Christmas break, she sent the letters to an individual and their employer but has not received a response. Considering how COVID-19 has affected mail service, Harry suggested sending an email with the letter as an attachment. If there is still no response, the next step would be to send a more strongly worded letter via certified mail.

Tedd asks if this matter should be investigated. Michelle believes it may turn into an investigation because the claim was made that people are being approved to work as athletic trainers in schools without being licensed athletic trainers. Michelle realizes she may have shared too much information. Harry steps in and advises that, in theory, the board is not supposed to get the details, because the Board might be the fact finder in determining whether there are alleged violations. He believes some letters went out to these individuals at high schools that

may have been advertised as athletic trainers. For the school to advertise incorrectly that an individual is something they are not may be a grey area of law. The argument could be made that the employer held them out publicly as athletic trainers, not the individuals themselves. These issues may need to be dealt with later. Tedd asks for a follow-up at the next Board meeting.

**5. Review and approve method of Board endorsement for licensees who dry needle and have submitted the required proof of their 150 hours of didactic education and training. After the Board reviews the submitted documentation, the active licensee list posted on the Board website will indicate which licensees have Board approval to dry needle. (For Possible Action)** Michelle explains that this matter came up after she received an email regarding the new dry needling regulation asking if the Athletic Trainers that dry needle would receive a certificate or endorsement from the Board. If so, will that be noted on the website or on their license? In discussing this matter briefly with Harry, the simplest way to show which ATs dry needle is to indicate it on the active licensee list with just a simple yes or no. An individual who just got dry needled by an Athletic Trainer can go to the board website, look that trainer up, and see that they are able to dry needle. Michelle asks the Board if an endorsement is the correct wording to use.

Tedd questions if this additional step of adding an endorsement is necessary, considering that the regulation does not require it. Kyle Moore agrees stating that Athletic Trainers get certifications for so many other things. However, there are risks with dry needling compared to other manual therapies. From a public safety perspective, it does make sense for dry needling. Keoni agrees and expresses concern over where to draw the line on other endorsements. Michelle adds that this could potentially prevent some people from contacting the Board office inquiring which AT's can dry needle, considering that this was a controversial regulation that was highly contested. Being proactive could be good for the Board. Frank Sakelarios also sees both sides. Michelle suggests that instead of an endorsement, their license could indicate that they have submitted the required documentation and are in compliance with the NRS for dry needling. Jay Cambridge agrees with Michelle's suggestion. Tedd feels he is wavering and asks if there is a Board member that would like to motion.

Frank Sakelarios motions to approve to indicate which licensees have met and submitted the required proof of their didactic education and training and are in compliance with the requirements for dry needling statutes and regulations on their license and our website. Keoni Kins seconds the motion, and it passes.

**6. Review proof of education and training documentation submitted by licensed Athletic Trainers to comply with dry needling regulation and approve those qualified to dry needle. (For Possible Action)** Tedd states that this agenda item is the main reason for today's meeting and asks Michell to start the review process. Michelle explains that the list she has shared with the Board are the licensees who answered yes on their renewal application that they currently dry needle. The list does not include those who plan on dry needling in the next year. The status column indicates which applications to dry needle are complete or in progress because they are missing some documentation. She highlights the ones that have not submitted any documentation yet.

Tedd clarifies that licensees who have not submitted may have been dry needling at the time they renewed, now recognize that they do not meet the requirements, and have decided not to dry needle until they complete the new requirements. Michelle explains the challenges some licensees have experienced in gathering their supporting documentation due to COVID-19 restrictions. Keoni adds that he sees licensees that are dual licensed as Physical Therapists and may not be practicing as Athletic Trainers. That may explain why some have not submitted their application to dry needle.

Michelle adds that she has been reviewing the applications as she receives them. If she believes the application and supporting documentation fulfill the requirements, she marks the application as complete. Keoni has reviewed the documentation on his own and has questions on some of the applications Michelle has marked as complete. Michelle asks if she can contact a Board member if she has a question or needs clarification. For instance, some licensees document only the 125 hours additional hours and others outline hundreds of hours over the required 125. Harry explains the concerns about walking quorums and possible Open Meeting Law violations. He advises

that if Michelle is unsure about an application, it would be best to put it on the agenda for the next board meeting. Keoni questions how much of this review process needs to happen in an open meeting.

The Board then discusses if the additional 125 hours of didactic training and education must be graduate level courses, meaning post baccalaureate. Michelle states that she has received questions whether continuing education courses fulfill the requirement, because she was telling licensees to focus on university courses, including undergraduate. Tedd pulls up the language of the dry needling regulation to confirm the exact wording. Keoni says that the Board must give Michelle clear direction on which coursework fulfills the requirement. Kyle Moore states that leaving the interpretation to Michelle would be difficult. Practicing Athletic Trainers have a better grasp on the domains of study and what education is relevant to dry needling. This review process would be challenging for Michelle to do in silo. Keoni agrees and adds that is why he was questioning how to do these reviews efficiently, without taking several hours going through the applications individually during an open meeting once a year. Giving Michelle the proper perspective and direction so that the Board can be confident that the decisions being made are correct is crucial.

Harry advises that other boards have a committee to avoid taking up time in a public meeting. The members of the committee would have the background and education to review the dry needling applications. They would review the applications and report to the Board at the next meeting, where they could approve the names in globo. Board committees and subcommittees, acting as an arm of the board, do have to follow Open Meeting Law. However, they are not required to have the Deputy Attorney General (DAG) attend the meetings, which can save money for the smaller boards. Harry goes on to explain the Board has the authority to include non-board members as part of a committee or subcommittee. The number of members is up to the board, but he recommends an odd number in case they need to vote. Lastly, the formation of a committee or subcommittee should be added to the next Board meeting agenda.

Tedd agrees that a subcommittee is a good idea, but he is concerned about time. The Board agrees that these reviews are time sensitive. Tedd proposes that another meeting be scheduled soon to discuss forming the subcommittee and the date can be considered later in the agenda. He adds that serving on the subcommittee for pharmacology in athletic training was a good introduction to serving on the Board. He suggests that Board members consider possible candidates. Tedd tables the agenda item until the next Board meeting.

**7. Review and discuss financial status of the Board, including approval of all claims, expenses, and budget from September, October, and November 2020. (For Possible Action)** Michelle explains to the Board that in the past, Board meetings usually occurred on a quarterly basis, which went along with the financial reporting done on a quarterly basis. This year has been unusual with many more meetings, so the timing of the financials got very confusing. The bookkeeper downloads the reports from QuickBooks monthly. While the agenda states through November, Michelle downloaded the reports this morning, so they are dated through December 30, 2020. However, the financials have only been reconciled through November. Michelle suggests that the Board focus on the profit and loss detail report that has all the breakdowns. To hopefully avoid this confusion, going forward Michelle will download the financial reports monthly.

Keoni, as the Board Treasurer, reviews the documentation Michelle submits to the bookkeeper and states everything looks good. He agrees with Michelle to have the financials reported in the Board meetings as monthly rather than quarterly statements, which makes more sense when meetings fall in the middle of a quarter. There are no more comments or questions.

Tedd Girouard motions to approve all claims, expenses, and budget from September, October, and November 2020, as outlined in the profit and loss detail document. Keoni Kins seconds the motion, and it passes.

**8. Review and approval of proposal from Thentia for online licensing software and database. (For Possible Possible Action)** Michelle recaps to the Board the two reasons the Board has been consciously saving money: office space and an online licensing software and database. Since the office space has been taken care of

with the co-working agreement, Michelle focused on finding the most cost-effective licensing software. When Michelle presented the proposal from Certemy, the Board broke down their annual cost of approximately \$5,000.00 by dividing it by the number of new licensees (around 40 per year). She suggests that a better way to break down the expense is dividing the annual cost by the number of active licensees. Thentia's proposal is \$1.00 per month per active licensee, which is now at 281. At \$12 per year per active licensee, less than 10% of their annual renewal fees of \$150.00 will pay for the licensing software.

Michelle adds that another consideration, which will be discussed later in the agenda, is potentially using \$100.00 from the landline to offset this cost. To be fair, another way to break down the cost is to divide the annual cost by the Executive Secretary's hourly rate. She calculates it to just over two hours per week and acknowledges that this system can accomplish more than she can in two hours a week. For due diligence, Michelle reached out to a couple of large boards that use Thentia to inquire about their experience. One board is very happy and the other is still transitioning from their old system. Considering the size of some of the Board using Thentia, time may be necessary for more feedback.

Michelle currently uses LogiForms for the Renewal form and AirTable for the online database, which are both user friendly and low cost. Even so, it would be best to have everything in one location. Thentia replaces both systems and offers an online portal for licensees, which would allow licensees to update their mailing address or upload their application to dry needle on their own. During the Sunset review, online applications with licensee portals were encouraged to streamline the licensure process and allow licensees to submit all their documentation online.

Previously Keoni has asked if these licensing software companies can work in conjunction with the BOC's system. Michelle asked the BOC if they have an API that would work with Thentia and they replied that potentially they could. Then again, they have their own system they would like our Board to use. Regarding continuing education certificates, the BOC only keeps them if that AT's account has been audited. Working with the BOC directly may not streamline that process more for our licensees.

Tedd acknowledges that cost was an issue, but he thinks that the Board is in a financial position for an online system like this and is in favor. He questions how much of the proposal centers around capturing continuing education and our Board does not keep track of CEUs. However, he sees the benefit for the dry needling licensees, and the \$12.00 per licensee per year is a reasonable number. Tedd then asks Michelle about the onboarding process and training timeline to get her up to speed. Michelle states that Thentia's interface is similar to a CRM database Michelle used at a previous job; however, with anything new, there is a learning curve. The Board is considering this proposal in January and Thentia's onboarding timeline is 60 days. If everything goes according to plan, the system could be up and running for the renewal period that begins in May. Tedd would like Michelle to inquire about that potential cost of onboarding new employees as well.

Keoni agrees that the cost is reasonable. Still, he would like Michelle to explore the BOC's system again and, by the next meeting, have a proposal the Board can take action on. As the Treasurer, he sees back to December of 2017, that there is about \$12,000 or more every year in net income left over that is ballooning the reserves. In trying to figure out what to do these reserves, an online licensing system seems like a logical place to spend some of that money. It would really improve the experience, not only for our Executive Secretary, but for our licensees.

Tedd suggests to Michelle to get another proposal from the BOC to see what they offer for a comparison. He would like the Board to compare the two proposals from Thentia and the BOC at the next meeting. Tedd tables the agenda item.

#### **9. Review and approval for continued use of ZOOM for Board meetings to allow more access to the Public for participation in meetings and to assist in the creation of meeting minutes. (For Possible Action)**

Tedd states that Zoom meetings are good and allow more access to the public. Harry thinks adding a virtual platform to all public meetings, whether by Zoom, BlueJeans, or WebEx, even with a physical location, will be the new norm. This additional access opens meeting up to the public and encourages participation. With COVID-

19 restrictions, people are getting educated on how to use them. Keoni asks Michelle to clarify what the Board is taking action on today. She explains that she is using her personal Zoom account. If the Board would like to continue using Zoom, she will set up an account with the Board credit card.

Tedd motions to approve the continued use of Zoom for Board meetings and instructs the Executive Secretary to create an account for the board and paid for by the board. Keoni Kinds seconds the motion, and it passes.

**10. Review and approval for use of Otter.ai, an online transcription service that works in conjunction with ZOOM, for more accurate records of proceedings at Board meetings and to aide in creation of meeting minutes. (For Possible Action)** Michelle informs the Board that she is required by law to keep audio recordings of all the meetings. With Otter, she will have a transcription that helps in drafting the meeting minutes. The annual cost is \$100.00, which is reasonably priced for a transcription service. Harry adds that some boards use this service and believes boards are supposed to have meeting minutes posted to their website within 45 days. Keoni asks if Michelle has looked into the transcription service that ZOOM offers. She explains that the fine print indicates that their cost is \$100.00 per month.

Tedd Girouard motions to approve the use and the purchase of Otter.ai online transcription services for use at the Board meetings. Keoni Kins seconds the motion, and it passes.

**11. Review and approval of a monthly subscription of Adobe Acrobat DC. (For Possible Action)** Michelle states that Adobe Acrobat will cost \$14.00 per month, and it will be very helpful with all the scanning she does, especially with the receipts for monthly financials. Keoni agrees that he uses it often. Tedd Girouard motions to approve the monthly subscription of Adobe Acrobat DC. Jay Cambridge seconds the motion, and it passes.

**12. Review and approval of the purchase of a new laptop. (For Possible Action)** Michelle explains to the Board that she has been experiencing problems with the laptop she uses which was purchased in either 2013 or 2015. She would like to purchase a new laptop with a solid-state drive. Keoni asks if the Board has purchasing power through any State agreements for this kind of equipment. Harry agrees that the State has purchasing agreements for computers and encourages Michelle to reach out to the State Purchasing department to find out more information.

Tedd Girouard motions to approve the purchase of a new laptop computer, for the Executive Secretary, in an amount not to exceed \$1,000. Jay Cambridge seconds the motion, and it passes unanimously.

**13. Review and discuss the increased fees charged by AT&T for the Board phone and approve the search for alternative phone service. (For Possible Action)** Michelle informs the Board how much the AT&T phone bill has gone up in price. In October 2020, the bill was up to \$124.00 compared to \$87.62 when she started. She suggests that the Board can save money with a VoIP phone service instead. Tedd states that he is in favor of Michelle doing some research. He tables this agenda item and asks Michelle to give the Board a proposal at the next Board meeting.

**14. Review and approval of increased fees for the Wells Fargo analyzed business checking account. (For Possible Action)** Michelle explains to the Board that after the Board was a victim of fraud, the checking account was converted to an analyzed checking account for additional protection. The analyzed checking fee varies every month anywhere from \$50.00 all the way up to \$85.00, depending on the number of deposits made. The fees Wells Fargo charges for the analyzed accounts have gone up, but it is uncertain what effect that will have on the total monthly fee. Tedd appreciates Michelle bringing the increase in fees to the Board's attention. No action is taken.

**15. Review and approval of regularly scheduled transfers from the Board checking to the savings account to avoid the savings account going into inactive status. (For Possible Action)** Michelle informs the Board that Wells Fargo calls the account a government checking account, but the account is used as a savings account. After 10 months of no activity on the account, it goes into inactive status. The bank requires either a deposit or withdrawal to keep the account active. If not, Michelle receives letters stating that the funds will get turned over to the State. She suggests transferring a small amount to the account every six months.

Keoni states that when he reviews the monthly statement, he wonders the purpose of the account. He asks who determines the amount kept in the account. Michelle explains that it used to be a money market account, but it was changed by the bank. Boards are supposed to be nonprofit. She asks if a separate reserves account is required and mentions that she would like to add that discussion to the next agenda.

Tedd asks if the analyzed business checking account has all the fraud protection, it may make sense to combine both accounts. He asks Michelle to get a proposal from our banker to find out the Board's options. No action is taken.

**16. Review and discuss joining the Administrative Collaborative of the State of Nevada Professional and Occupational Licensing Boards. (For Possible Action)** Michelle explains that the purpose of the collaborative is for her to meet with other executive directors to share ideas and information, like keeping track of different regulations in session. When originally presented with the proposal to join the collaborative, she thought she was joining on her own. However, as a representative of the Board, it would be appropriate for the Board to approve her joining this administrative collaborative.

Tedd Girouard motions to approve Michelle joining the Administrative Collaborative of the State of Nevada Professional and Occupational Licensing Boards. Kyle Moore seconds the motion, and it passes.

**17. Review and approve the closing of the Puliz storage account. (For Possible Action)** Michelle explains that the Board has three boxes in storage with Puliz for \$10.00 per month. Puliz has merged with another company called VRC that has a minimum charge of \$55.00 per month. VRC is not honoring the Puliz contracted rates. Upon receiving the notification of the merger and new rates, Michelle discussed the matter briefly with both Tedd and Harry. She emailed the company requesting to close the account and retrieve the boxes as soon as possible, since VRC is not honoring the agreement that was signed it back in 2017. She has still not heard anything back about closing the account or when she can go to pick up the boxes. She will have to keep emailing and calling until she receives a reply. Michelle states the contents of the boxes and that she will store them at her house. Harry suggests contacting the state of Nevada Library and Archives to confirm if what is stored in the boxes can be put in archives. Tedd agrees with Harry that some of the items may need to go to archives, so the Board is not holding on to them in perpetuity.

Tedd Girouard motions to approve the closing of the Puliz storage account. Keoni Kins seconds the motion, and it passes.

**18. Review and discuss open Board positions. (For Possible Action)** Tedd points out that the Board has no open positions since we have two new members. Realizing that Frank Sakelarios was not at the public workshop, he asks Kyle and Jay to introduce themselves again. Jay Cambridge is prior Military Police and currently the founder of The Intentional Movement. Jay found out about the opportunity to serve on a board from a friend who works at the Attorney General's office. He has the heart to serve and is happy to be on the Board of Athletic Trainers. Kyle Moore is currently the Associate Head Athletic Trainer with the Vegas Golden Knights. Originally from Pennsylvania, he has been in Nevada for four years. He has been a licensed athletic trainer in the states of Ohio, Maine, and Pennsylvania. There is no further comment.

**19. Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle informs the Board about the following:

- 1) Both the active and expired licensee lists are active links. The expired list was added on October 7, 2020. As changes occur, the website automatically updates.
- 2) The Board received a fraudulent unemployment claim. She submitted the response to the Unemployment Office and is waiting to hear that the fraudulent claim has been closed
- 3) New legislation for the collection of additional data when licensees renew will go through this Session. Boards may be required to collect statistical information such as age, gender, ethnicity, and more.
- 4) The modernization of the Department of Public Safety system will replace the paper process with an online portal that will be completed by 2023.
- 5) Required training to ensure that the Board website is ADA compliant.
- 6) The need to make the renewals form more secure by making sure the link is no longer active so that no one can renew after the deadline or making it password protected, like the restoration form.
- 7) Update all accounts to reflect the new Board address on Mae Anne Avenue.
- 8) Confirm that the Board website complies with NRS 603A.040, which states that no personal information can be posted on a public website.

Regarding the renewal form, Keoni suggests an expiration date may be easier than adding a password. Michelle will investigate that option with LogiForms. There is no further discussion.

**20. Report from Harry B. Ward, Deputy Attorney General. (Discussion)** Harry Ward has nothing to report. He is available to send out letters on his letterhead for the alleged unlicensed activity if Michelle does not receive a response to the letters Michelle sends out. There is no further discussion.

**21. Future agenda items. (Discussion)** The Board discusses adding training on Open Meeting Law for the two new Board members and an explanation of the LCB. File R148.20, which outlines giving the Chairperson the authority to decide on pretrial motions. There is no further comment.

**22. Discussion and possible decision on date of next meeting. (For Possible Action)** Tedd Girouard proposes meeting in a couple of weeks to discuss the formation of a Subcommittee to review dry needling applications and the possible licensing software proposal from the Board of Certification (BOC). The usual Board meeting can be later. The dates and times chosen are January 29, 2021 at 1:00 PM and April 23, 2021 at 3:00 PM. There is no further discussion.

**23. Public comment.** No public comment as there are no members of the public present.

**24. Adjournment. (For Possible Action)** Tedd Girouard adjourns the meeting at 4:14 PM.