

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

DATE & TIME: January 8, 2021 @ 1:00 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.

The Board office recommends that individuals unfamiliar with ZOOM visit the website in advance to familiarize themselves with the format by viewing the online tutorials and reading the FAQs.

1. Public workshop called to order by NSBAT Chair, Tedd Girouard at 1:02PM.

Board Members present: Tedd Girouard, Keoni Kins, Jay Cambridge, and Kyle Moore.

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

2. **Public comment.** Tedd asks Michelle if she has received any public comment. Michelle confirms that she has not received any written communication for public comment and no members of the public are in attendance on Zoom. Tedd then asks the new Board members in attendance, Jay Cambridge and Kyle Moore, to introduce themselves.

Jay Cambridge, the public Board member, is originally from San Francisco, California. His military background is with the Air Force as security forces Military Police. He is the founder of The Intentional Movement, a movement of transformation and healing. Kyle Moore, originally from Pennsylvania, has been a licensed athletic trainer since 2009. He is the associate head athletic trainer with the Vegas Golden Knights. The new members thank the Board for the opportunity and Tedd expresses appreciation for their willingness to serve.

3. **Review and discuss the Strategic Plan for the Board and reassess priorities. (For Possible Action)**
Tedd states that it is important for boards to have goals and objectives. This workshop is especially important considering that our Board has two new members and will experience turnover with the remaining three positions in September. Tedd explains to the new Board members about Open Meeting Law (OML) and how the workshop format allows for open conversation. After the workshop, a final version of the strategic plan will be voted on by the Board. Harry Ward gives a brief overview of OML and explains that COVID restrictions do not allow the Attorney General's (AG) office to conduct in person training. Harry directs the new Board members to the OML training on the AG's website.

Tedd starts the review of the Strategic Plan (See attached copy) by reading the mission of the Board and emphasizes that the role of the Board is to protect the public health and safety, not the profession. The Board wants to be progressive with that mission in mind when considering the current goals and objectives.

1 – Licensing Objectives

Item 1.1 Revise initial application and develop online version. Michelle informs the Board that she has been working on converting the initial application to an online version, like the annual renewals, which will streamline the licensure process and add payments by credit card. The Board discusses adding questions about Military service to the initial application, as emphasized during the Sunset Subcommittee review, which would allow for a 50% reduction of fees to current military members, veterans, and their spouses. Tedd asks Michelle to add that to the agenda for the next Board meeting for a vote.

Regarding the online application, the Board has recently considered proposals from Certemy and Thentia. Considering the high cost that some of these companies charge, Tedd suggests looking into working with the Board of Certification (BOC) directly. The Board was unaware that licensing software could cost thousands of dollars per year. Keoni requests that Michelle look into the BOC's ability to customize the application process and additional gathering of data required by future legislation. Tedd suggests a new target date of July 2021.

Item 1.2 Research and implement measures to reduce initial application time. Michelle informs the Board that the fingerprinting process takes the most time; however, the Department of Public Safety is in the process of modernizing their system. Since the Board cannot remove the requirement of a background check, others were considered. In response to the Sunset Subcommittee urging Boards to streamline licensing, the Board met on September 11, 2020 and voted to remove the requirements for notarization and official transcripts from the initial application. An online licensing system may speed up the process more. Item 1.2 was completed in May 2020.

Keoni suggests a review of the application's instructions. Michelle will simplify the instructions, consolidate the current licensure forms to one document, and outline the steps for licensure on the website. Item 1.3 was added: Update application instructions and post requirements on the Board website. Target date: July 2021.

2 – Legislative Objectives

Item 2.1 Finalize new regulation R053-19. Tedd informs the Board that the Dry Needling regulations have been finalized. The Legislative Commission's Subcommittee that reviews regulations voted seven to five in favor of passing our regulation. Item 2.1 was completed in November 2020.

Item 2.2 Draft and approve policy regarding criminal history review (AB 319). Michelle gives the Board a brief overview of AB 319, which allows an individual with criminal history to petition a board, before they begin their education, to find out if their criminal history will prevent them from getting licensed. Unfortunately, the legislation's wording conflicts with FBI's privacy policies. An individual cannot request that the FBI run their fingerprints; the request must come from an agency. The Board has previously discussed adding a notice to the website that an individual can petition the Board to review their criminal history.

Harry advises to take these petitions on a case-by-case basis and gives examples of how that might work best. He believes there will be legislation to strike the expression "moral turpitude" from statutes and regulations. Tedd adds that these criminal history reviews are becoming more relevant in higher education and asks Michelle to draft language for the Board website and to add it to the next agenda for Board approval.

Item 2.3 Draft new regulations regarding the reduction and/or elimination of some fees. Michelle reminds the Board that at the September 11, 2020 meeting, the fees for a name change and a duplicate license were eliminated. She needs to draft new language and put it on the agenda for Board approval.

Item 2.4 Review status of draft of R162-18 with LCB. Michelle explains that the draft of R162-18 has been received from the Legislative Counsel Bureau (LCB) and that the Board had requested that Harry explain the language regarding prehearing motions to the Board. Tedd asks Harry if he can explain that process to the Board at the next meeting and asks Michelle to add it to the agenda.

3 – Disciplinary / Enforcement Objectives

Item 3.1 Recruit and retain two part-time, on-call investigators for consumer complaints. Michelle explains that the State has a hiring freeze and asks if the Board would like to go ahead and recruit despite the freeze. Keoni states that the hiring freeze should be observed unless there is a crucial need for investigators. Kyle Moore agrees and asks if the Board can do their own investigations. The Board discusses experience with Board members conducting investigations, the potential conflicts they created, and how they determined external investigators would be best. Since the Board has already approved the hiring of the investigators, Item 3.1 can be put on hold.

Item 3.2 Train both investigators on Board policies and practice act. Training the investigators can be put on hold until after the investigators are hired.

Item 3.3 Draft and approve a complaints/disciplinary action policy for complaints of unlicensed activity. Tedd asks Michelle the status of this item. Michelle explains that a disciplinary action policy was recommended by the previous DAG, Sarah Bradley. Sarah suggested looking at the policy of the Psychology board, which she helped draft. Michelle has looked at it but a lot of it does not apply to our Board. Tedd explains to the new Board members that most of the complaints during his tenure have been about unlicensed activity and the main response has been to send letters. Michelle adds that having a policy in place will allow her to move ahead without question or waiting for the next Board meeting to ask permission. Tedd goes on to explain to the new Board members how unlicensed Athletic Trainers come from California to work in Nevada. He would like the issue of unlicensed activity addressed before the end of the year.

Keoni suggests that Michelle put together a draft that gives the Executive Secretary the authority to act without the Board's prior approval when sending letters. Harry Wards advises to give Michelle, as the Executive Secretary, direction on when she has the authority to act at her own discretion and when to bring matters before the Board. Tedd stresses that unlicensed activity is a matter the Board must tackle and asks Michelle to add a review of the draft to the agenda of the next Board meeting. Target date: July 2021.

Item 3.4 Draft and approve a complaints/disciplinary action policy for complaints of unprofessional conduct of licensees. Michelle will look at disciplinary policies from other boards for comparison. Target date: July 2021.

4 – Licensee Outreach Objectives

Item 4.1 Encourage licensee and public attendance at Board meetings. Tedd states that Board meetings have had more public attendance in the last year than in previous years. This outreach will be ongoing, and Michelle will continue to notify the State association of the meeting times. Michelle states that increased public attendance may be due to interest in the Dry Needling regulation, in addition to the ease of attending virtually with Zoom. A discussion of Zoom is on the agenda for the Board meeting that follows the workshop because it helps with public access. Kyle Moore adds that he has not been in Nevada a long time but has noticed that the didactic meetings at UNLV are a good hub for athletic trainers. Tedd volunteers to let that group know the dates of the Board meetings and will continue to do so even after he is no longer serving on the Board. Target date will remain ongoing.

Item 4.2 Update online license renewal form. Michelle informs the Board that this item was completed by May 1, 2020. The renewal period is May 1 through June 30; therefore, the online renewal form must be updated and posted by May 1st every year. Target date: April/May every year.

Item 4.3 Reminder postcards regarding renewals. Michelle informs the Board that this item was completed. The Renewal reminder postcards were mailed on time; however, she did not send out reminder emails. The year before she sent out reminder emails, but no postcards. It is difficult to tell which reminders are more effective considering that Renewals were extended until September 29, 2020, due to Covid. She states that at a previous meeting when reminders were discussed, the Board voted for reminder emails to go out 30 days, 15 days, and 2 or 3 days before the June 30th expiration date.

Keoni recalls the Board discussing the fine line between good customer service and babysitting licensees. Being notified once about renewals should be enough. The Board's position has always been that as professionals, licensed Athletic Trainers should know when their license expires. Tedd agrees and proposes removing reminder emails.

Kyle asks Michelle if the postcards or emails are easier. Michelle says the postcards are easier, especially now that they are printed at a local print shop. A few postcards do get returned. Harry adds that postcards are helpful for those who have licenses in several states. He advises that if the Board has in its regulations that the licensee must notify the Board of their current address within 30 days of moving, the Board should have a current address. In addition, if the Board attorney were to submit a complaint and a notice of hearing, it is done by regular mail and certified mail to their last known address submitted to the board. Target date: May every year.

Item 4.4 Reminder emails regarding renewals. Michelle will add the matter of removing reminder emails to the next agenda.

Tedd, noticing the time, states that the remainder of the workshop, Objectives 5 through 8, will need to be tabled. He asks Michelle how members of the public can join the next meeting, which was scheduled for 2:00 PM. Michelle says that the Zoom meeting details are the same for the following Board meeting, so there is no need to end this meeting. Tedd suggests taking a short break before the Board meeting.

Tedd Girouard motions to table the remaining sections of the workshop until a later date. Jay Cambridge seconds and the motion passes.

4. **Public comment.** No public comment as there were no members of the public present.
 5. **Adjournment. (For Possible Action)** Tedd adjourns the public workshop at 2:03PM.
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Attachment: Strategic Plan of the Nevada State Board of Athletic Trainers, dated March 2020.

Strategic Plan of the Nevada State Board of Athletic Trainers

MISSION

The mission of the Nevada State Board of Athletic Trainers is to protect the public health, safety and welfare from the practice of Athletic Training by unqualified persons and from unprofessional conduct by persons who are licensed to engage in the practice of Athletic Training.

CURRENT GOALS AND OBJECTIVES

NSBAT has identified the following objectives to help meet its goals and mission. These objectives are assigned with a priority status of (E) Essential, (I) Important, or (B) Beneficial. To be reviewed at the beginning of each calendar year or as often as goals and objectives change.

1 - Licensing Objectives

#	ITEM	TARGET	DESCRIPTION
1.1	Revise initial application and develop online version (E)	July 2020	Develop online initial application with the ability to pay licensure fees with credit card.
1.2	Research and implement measures to reduce initial application time (I)	October 2020	After development of online initial application, what other technologies can be used to reduce the initial application time?

2 - Legislative Objectives

#	ITEM	TARGET	DESCRIPTION
2.1	Finalize new regulation R053-19 regarding dry needling (E)	June 2020 Time sensitive	Draft of regulation is with LCB for review
2.2	Draft and approve policy regarding criminal history review (AB 319) (E)	June 2020 Time sensitive	Draft policy and schedule Board meeting via teleconference for approval and post to NSBAT website
2.3	Draft new regulations regarding the reduction and/or elimination of some fees (E)	June 2020 Time sensitive	Draft of regulations due to LCB. Board must approve draft and public workshop must be scheduled.
2.4	Review status of draft of R162-18 with the LCB (E)	June 2020 Time sensitive	Follow up with LCB. Have not received a draft.

3 - Disciplinary / Enforcement Objectives

#	ITEM	TARGET	DESCRIPTION
3.1	Recruit and retain two part-time, on-call investigators for consumer complaints (I)	October 2020	With new dry needling regulations, there is a possibility of more consumer complaints. One investigator will be based in Northern Nevada and the other will be based in Southern Nevada. Post approved job description on NSBAT website and State HR website.
3.2	Train both investigators on Board policies and practice act	October 2020	Both investigators will be sent to National Certified Investigator & Inspector Training (NCIT) Programs for hands-on training and certification in investigation and inspection techniques and procedures offered by the Council on Licensure, Enforcement & Regulation (CLEAR).
3.3	Draft and approve a complaints/disciplinary action policy for complaints of unlicensed activity (E)	July 2020	Have draft ready for Board review and approval at next meeting. Complaints policy to be posted on NSBAT website.
3.4	Draft and approve a complaints/disciplinary action policy regarding complaints of unprofessional conduct of licensees (E)	July 2020	Have draft ready for Board review and approval at next meeting. Complaints policy to be posted on NSBAT website.

4 - Licensee Outreach Objectives

#	ITEM	TARGET	DESCRIPTION
4.1	Encourage licensee and public attendance at Board meetings (I)	Ongoing	Notify State AT Association, NevATA, of next Board meeting as soon as possible for posting on their website. Send agendas 10 days before the next scheduled Board meeting to encourage public attendance.
4.2	Update online license renewal form (E)	May 2020 Time sensitive	Updated license renewal form is posted to the NSBAT website on May 1 st . Renewal period: May 1 – June 30.

#	ITEM	TARGET	DESCRIPTION
4.3	Reminder postcards regarding renewals(E)	May 2020 Time sensitive	Reminder postcards regarding renewals are mailed out to all active licensees on May 1 st .
4.4	Reminder emails regarding renewals (E)	June 2020 Time sensitive	Reminder emails go out to licensees 30 days, 15 days, and 2 or 3 days before June 30. Watch if June 30 falls on a weekend.

5 - Financial Objectives

#	ITEM	TARGET	DESCRIPTION
5.1	Review reserves policy on a biennial basis (I)	April 2020 and October 2020	Every two years in April, the reserves policy will be reviewed by the Board. Since the reserves are in excess, the review will occur every six (6) months.
5.2	Reduce excess in reserves (I)	October 2020	Anticipated additional expense with investigators and possible office space may reduce reserves amount. If not, Board may vote to reduce fees.
5.3	Approve Budget annually (I)	April/May every year	Budget must be approved by Board in April/May, ahead of the fiscal year close of June 30 th .
5.4	Board Treasurer to review financials (I)	Monthly	Board Treasurer to receive monthly statements with backup at the same time as the bookkeeper. Improve financial records sharing.
5.5	Assign Board Treasurer as additional signatory for reserves account (E)	June 2020	Board Chair and Treasurer must sign to approve any transfer of funds from the reserves/savings account to the Board checking account.
5.6	Share office space to reduce costs and provide public access to Board office (B)	July 2020	Check in with other Boards to see if any have office space to share or lease. Will need to check in once offices are open again.

6 – Board Member Recruitment Objectives

#	ITEM	TARGET	DESCRIPTION
6.1	Review terms of Board Members and upcoming Board vacancies (E)	July 2020	Three Board members' terms end on September 30, 2021. Board members to recruit and make

#	ITEM	TARGET	DESCRIPTION
			recommendations. Effort needed to encourage more diverse candidates to serve on the Board.
6.2	Elect and onboard new Board Chair (E)	July 2020	Second term for current Board Chair, Jeremy Haas, ends September 30, 2020. Board to vote on new Board Chair so Jeremy can train and transition new Board Chair.

7 - Information Technology Objectives

#	ITEM	TARGET	DESCRIPTION
7.1	Review NSBAT website to make sure it is accessible and ADA compliant (E)	Ongoing	Do not "save as" a PDF. Use File/Export/Create PDF/XPS to keep accessibility for documents posted on NSBAT website. PDF document review on website to confirm accessibility.
7.2	Review office/IT equipment (B)	December 2020	Is office/IT equipment in good repair and up to date?

8 - Administrative Objectives

#	ITEM	TARGET	DESCRIPTION
8.1	Update NSBAT logo (I)	July 2020	The current NSBAT logo is a low-quality .PNG file. Update NSBAT logo to Vector file for a high-quality logo.
8.2	Draft and approve annual review policy for the Executive Secretary role (I)	October 2020	Annual review is needed for the Executive Secretary role. Check with other Boards to see what kind of annual reviews they have implemented.
8.3	Draft and approve a public records request policy (I)	October 2020	Public records request policy is required to be posted on Board's website. Check with other Boards to see what kind of policy they have in place.
8.4	Draft and approve vacation and sick day policies (I)	October 2020	Vacation and sick day policies are needed for the Executive Secretary role.