

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

DATE & TIME: January 29, 2021 @ 1:00 p.m.

Public Access with Zoom:

Meeting ID: 897 506 8640

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1. Meeting called to order by NSBAT Chair, Tedd Girouard at 1:00PM.

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

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

2. **Public comment.** Michelle Cothrun confirms that no members of the public are attending on Zoom, and she has not received any public comment by email or any other means. No public comment.

3. **Review and approve Board meeting minutes of May 22, 2020. (For Possible Action)** Harry Ward recommends that the new Board members not in attendance at the May 22, 2020 meeting approve the minutes as to form but not as to content in order to comply with Open Meeting Law. Tedd asks if any Board members have comments or questions and there are none.

Keoni Kins motions to approve the meeting minutes from May 22, 2020. Tedd Girouard seconds. Tedd Girouard, Keoni Kins, and Frank Sakelarios approve the minutes. Kyle Moore was in attendance, so he votes to approve as well. Jay Cambridge approves as to form but not as to content, and the motion passes.

4. **Review and discuss the formation of a Board subcommittee to review proof of education and training documentation submitted by licensed Athletic Trainers to determine which licensees comply with the new dry needling regulation, and other duties to be determined by the Board. (For Possible Action)** Tedd Girouard recalls that he was on the Subcommittee for Pharmaceuticals as a member of the public before he became a Board member. He believes that public members should be considered for the Subcommittee. Harry Ward states that some Boards have members of the general public serving on their Subcommittees. They could offer a different perspective; however, they would probably not have any knowledge regarding dry needling or desire to volunteer

unless they are in a cross discipline. Jay Cambridge agrees that a representative from the public would offer a unique perspective.

Tedd is in favor of forming a Subcommittee because the responsibility to review the education requirements submitted in the dry needling applications should not fall on the Executive Secretary. He clarifies that the members need to be advanced clinicians, educated in athletic training, specifically in the context of athletic training education, not necessarily dry needling certified. The benefit of tasking a Subcommittee to perform the reviews is that this will be an ongoing process. Since members are appointed by the Board and not by the Governor, their terms are not limited to a few years. Harry advises to leave the terms open-ended and without restrictions.

Keoni Kins lists a few considerations in forming a Subcommittee. He asks the Board to think about the timing of the Subcommittee meetings after this first round, as these applications may come in throughout the year, and create a process that supports a quick review if somebody should apply for a license mid-annual cycle. Most importantly, draft a list of instructions on how to interpret the regulations. Oftentimes in reading these regulations more questions than answers arise, so providing clarity is crucial.

Tedd states that the Board could charge the Subcommittee to produce the guidelines themselves on how they would like to proceed. Harry Ward confirms that the Board could charge the Subcommittee with reviewing the statutes, regulations, and possibly coordinate with Board Counsel, to come up with a set of guidelines. He reiterates that the Subcommittee is an arm of the Board acting as fact finders. They do not take action on their own but report their findings and make recommendations to the Board for final approval. For instance, they may suggest a list of names be approved in Globo but withhold others for the Board to review and make the determination if there is a gray area.

Before discussing if the Board should have the Subcommittee draft the procedures, Tedd asks if there are Board members that would like to serve on the Dry Needling Subcommittee. Kyle Moore is happy to serve, since he dry needles and has a pretty good knowledge and clinical experience with it. His only reservation is his availability and schedule. Keoni Kins is also happy to help on the Subcommittee. His only question is the timeliness of responding to this first round of folks who have submitted their paperwork. He does not want to wait three months until the next scheduled Board meeting to make the final decision. Tedd suggests scheduling another Board meeting, if the subcommittee can complete this first batch in the next month. Considering the number of applications is around fifty, Kyle thinks that is manageable.

Tedd informs the Board that he has reached out to Steve McCauley, who is interested in serving on the Subcommittee as a member of the public and has intimate knowledge of the language of the regulation. Tedd suggests limiting the Subcommittee to three members and his opinion is that Keoni, Kyle, and Steve would do a good job. Kyle agrees with three members. Both he and Steve submitted their applications to dry needle. When their own applications are being considered, they can recuse themselves and there will still be two members left to vote.

Keoni returns the discussion to the need for a clear definition of graduate-level work. Tedd reads the relevant portion of the regulation: "... such hours may include didactic education and training completed as part of a graduate-level program of study" and emphasizes the word "may." Harry explains that in legal the word "shall" is mandatory, while "may" is permissive. Tedd's opinion is that the hours do not have to be part of the graduate-level program of study, as long as those hours are approved by the Board. Kyle Moore interprets the didactic education as continued education related to dry needling, or part of graduate-level coursework.

Keoni Kins states that the Board may get critiqued by other professions for being easy with the interpretation of the regulation. He agrees with Kyle's interpretation of the language; however, it is tricky for those who have been practicing athletic trainers for a long time, where the entry-level degree was a bachelor's degree. They do not have a graduate degree and may need to comply with 150 hours through post baccalaureate professional development courses through continuing education. And if the Board agrees that meets the requirement, that must be made clear to the Subcommittee. Kyle thinks the requirement is post undergrad. Tedd thinks the education needs to be post

certification and questions if post baccalaureate better defines it. He adds that some master's programs are teaching dry needling as part of their core curriculum. Keoni recaps that it sounds like the Board is looking for post professional athletic training courses.

Kyle asks if the Subcommittee just needs to review applications and then bring the questionable ones before the Board for discussion. Keoni emphasizes that there needs to be some clarity as to what the standards are. He has reviewed about 14 of the applications that Michelle had listed as completed and the vast majority meet the requirements without a question. There are just a handful that would need some discussion.

Harry adds that the regulation states “approved by the Board,” which gives the Board the authority. He advises not to define what the statute says, but to give the Subcommittee some guidelines. They can then make recommendations to the Board to approve or not approve or bring this individual's education before the Board for discussion. He suggests that, if there is a question on a licensee’s application, the Board let them have their due process. Notify them that they are not going to be approved, and that they can appear before the Board to argue their case and potentially provide more evidence. If the Subcommittee needs more information, they do not have to wait on the Board. They have the authority to contact the licensee and request what they require to make their final recommendation. Tedd agrees and believes the main charge of the Subcommittee is to root out the applications that are questionable and need further review. The Board agrees on forming a Subcommittee.

Tedd Girouard motions that the State Board of Athletic Trainers forms an ongoing Subcommittee that is charged with reviewing the submitted applications by licensed Athletic Trainers to determine if those licensees comply with the new dry needling statutes and regulations. Keoni Kins seconds the motion, and the motion passes.

Tedd Girouard motions to nominate Kyle Moore and Keoni Kins to serve on the Dry Needling Subcommittee. Frank Sakelarios seconds the motion, and it passes.

Tedd Girouard motions to appoint Steve McCauley to also serve on the Subcommittee on Dry Needling. Kyle Moore seconds the motion, and it passes.

Tedd opens the motions for discussion and asks Keoni and Kyle if they have any questions or need any final direction from the Board. They both agree that they have a good understanding based on the previous discussion. Tedd recommends that the Subcommittee elect a Chair, meet as soon as possible to go through this initial batch, and decide on how often to meet thereafter. Harry adds that the Chair has the authority to delegate work, without having to come into an open meeting. Reviewing the applications privately before meeting together will save time. Harry refers to NRS 241.015, subsection four and advises that these Subcommittee meetings must comply with Open Meeting Law, including public comment, posting agendas and meeting minutes. A Deputy Attorney General is not required to attend, but he is always available to answer questions. To avoid a walking quorum, everything goes through Michelle. She will contact the Subcommittee members to coordinate and schedule the first meeting, which can occur in the evenings or on weekends. Tedd asks that once the first batch has been reviewed, let Michelle know and she will coordinate with the rest of the Board to schedule a special meeting to review and approve the Subcommittee’s recommendations.

Tedd thanks both Keoni and Kyle for agreeing to serve and there is no further discussion.

5. Review and final approval of proposal from Thentia for online licensing software and database. (For Possible Action) Michelle informs the Board that she reached out to the BOC. Unfortunately, with such a short turnaround, they requested more time to prepare a formal proposal. Michelle emphasized that pricing is a main concern the Board and gave the price range of proposals already considered with the highest and lowest bids. They replied that they are eager to work with our Board and can work with us on pricing. Michelle states that the current renewal process works well, so there is no need to rush into an agreement before the renewal period begins in May. Her concern is improving the compiling and reporting of data.

Tedd adds that when he was at the last BOC regulatory meeting, the North Dakota Board was very happy with the BOC’s arrangement, which could be in part because they do not have an Executive Secretary. Although this

software is not for protection of the public, it could provide protection of our licensees since their personal information would be stored in fewer locations.

If the Board does schedule a special meeting for the dry needling reviews and the BOC has submitted their formal proposal in time, the proposal will be added to the agenda. Tedd tables this agenda item.

6. **Future agenda items. (Discussion)** Tedd asks if any Board members have future agenda items but there are none. No further discussion.

7. **Public comment.** Michelle confirms that no members of the public have joined during the meeting. No public comment.

8. **Adjournment. (For Possible Action)** Tedd Girouard adjourns the meeting at 1:56 PM.