

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

DATE & TIME: September 13, 2021

Public Access with Zoom:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Tedd Girouard at 2:02 PM.

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 discuss a succession plan for the Board members whose terms end on September 30, 2021, to include the nomination and election of a new Board Chair and Treasurer. (For Possible Action) Tedd asks Michelle if she has any update from the Governor's office. Michelle has not received any notification about applications. The last time she checked the Governor's website, the Board's vacancies were not listed; however, people can still apply. She had one licensee express interest in serving, so she gave them the information on where to apply. Tedd knows of another that has applied and asks Michelle to follow up with the Governor's office.

Regarding other recruiting, Keoni has reached out to a handful of dual licensed licensees; however, there are not many that maintain their AT and PT licenses, which is a constraint. Tedd explains to Harry that the statutes specify that the Board has one member that is dual licensed and asks what happens if the Board cannot find someone. Harry Ward advises that the Board must follow the NRS and all that can be done is to leave the position open until it is filled.

Tedd states that as the athletic training profession changes to a master's degree, there will be fewer dual credentialed, dual licensed candidates. The Board discusses how the requirement for a dual licensed Board member came from the Physical Therapy Association (PTA) and possibly changing the NRS requirement due to the increasing difficulty of finding a licensee with those credentials. Harry advises against looking into changing the NRS. Tedd agrees with the necessity to tread lightly but expresses concern that a Board with four members will not be in anyone's best interest. Kyle Moore adds that being dual credentialed will not be in practice in the future. He thinks being proactive would benefit the Board, as opposed to leaving that position open without a voice. Tedd and Keoni discuss approaching the PTA and the PT Board together to let them know that it is increasingly difficult to find someone to fill the dual licensed position and to discuss ways to tackle the issue collaboratively. It was clearly a contentious matter that got the language included in the original NRS, so working together proactively is smart.

Regarding potential open positions, Harry confirms that Board members can stay on the Board until they are replaced by the Governor. They have the same voting rights and are acting as that Board member until either the Governor appoints someone else, or they resign. Tedd does not mind staying on as Chair the Board until his position has been replaced. Keoni is willing to stay on and serve as Treasurer for the short term, recognizing the difficulties in potentially filling the requirements of this seat, but will not commit to a perpetual position on this

Board. Tedd thanks Keoni for his service and agrees that staying on in perpetuity is not in his best interest. Frank Sakelarios is also willing to serve until his replacement is found. Tedd, Keoni, and Frank have all served two terms.

Kyle Moore expresses that he cannot commit to being the Chair of the Board. While he enjoys serving on the Board, he recognizes that the Chair requires more time and commitment. He recommends that if one position is replaced before another, that Tedd stay on as Chair to provide guidance. Having that valuable experience as long as possible will benefit the Board. Frank agrees that Tedd as Chair brings valuable experience to keep things going forward.

The Board discusses bringing the matter to a vote; however, Harry suggests not putting it to a vote to remain flexible. There is no further discussion, and no action is taken.

4. Review and approve Board meeting minutes for the following: May 22, 2020; January 8, 2021 Workshop; January 8, 2021 Board meeting; January 29, 2021; and April 19, 2021. (For Possible Action)

Michelle explains that the May 22, 2020 meeting minutes were approved at a previous meeting. She adds that she has worked on editing the transcripts of these meeting but has not completed the minutes. She will post the minutes as she completes them to the Board website, as opposed to Dropbox, and will notify the Board members when they are available for review. There is no further discussion, and this item is tabled until the next meeting.

5. Update on disciplinary action reports and investigations of unlicensed activity. (For Discussion)

Michelle informs the Board that she has not received any complaints of unlicensed activity, nor was any disciplinary action taken. The statistics she reported to the LCB for the quarter ending June 30, 2021: 5 new licenses were added and 35 were removed when they expired, and 10 applications were received. The system shows 267 active licensees; however, there are currently 280 active licenses, which is a new peak number.

Tedd asks Michelle the timeline for an applicant to receive their license. Michelle has been informing applicants that results can take anywhere from six to eight weeks for fingerprint cards. She explains that the Department of Public Safety has been experiencing delays being inundated with new applications. They are taking measures to modernize their system, which take effect in 2023. There are similar delays with live scans and can take at least 45 days. Tedd wants to confirm that the Board is doing all it can to process the applications timely, as these delays are preventing people from working.

Keoni states that a customer service component is notifying potential applicants of these delays on the Board website. The Board office is not doing anything wrong but better communication is needed. It is unreasonable for applicants to have to wait two months for fingerprinting results to be able to practice. Michelle explains that there are instructions on the application to begin the fingerprinting process as soon as possible. She adds that the PT Board has a notice on their website alerting applicants about the delays in processing fingerprints. Michelle will add a similar notice to the Board website, which may alleviate some frustration. There is no further discussion.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from the 2021 fiscal year end, and the annual balance sheet that is submitted to the LCB, per NRS 218G.400. (For Possible Action)

Tedd asks Michelle if anything stands out that the Board should be aware of. Michelle mentions that the Board for its size has a large amount in reserves, which was called out in the Finance audit in 2017. Even with a couple of extra expenses, there are funds left over every year. He also asks about the telephone and telecommunication expense of \$4,595. Michelle explains that the expense category includes the fees for the Board website and email in addition to the telephone. Fortunately, the State has reduced its fees for the website and email from approximately \$150.00 per month to about \$80.00. She has not had a chance to look into VOIP as a cost-saving alternative to the AT&T landline. The discussion shifts to the office sharing agreement with the Board of Occupational Therapy. Michelle lists some of the benefits of the co-working agreement. Since she runs the Board office out of her home, there was not a physical location open to the public. The Board now has a physical office

that fulfills the NRS requirements that a State office is open for at least 40 hours per week, agendas are posted at the office, and meetings with a physical location are open to the public. The agreement greatly benefits our small Board.

Tedd Girouard motions to approve all claims and expenses from the 2021 fiscal year and the annual balance sheet that is submitted to the LCB. Keoni Kins seconds the motion, and it passes.

7. Review and discuss the findings made by the Subcommittee on Dry Needling. Discuss and approve their recommendations on which licensees fulfill the statutory requirements for dry needling. (For Possible Action) Michelle explains that the Subcommittee has been referring to the applicants by numbers and points out that there are several applications listed as still in progress with two incompletes. The list of numbers the Subcommittee recommends to pass are as follows: #91 Cortez; #98 Fisher; #70 Gaisford; #92 Grant; #51 Johnson; #96 Smith, M; #94 Smith, T; and #95 Touchet. The next agenda item will consider the two new applicants, #102 Ortiz, Jr. and #103 Johnson, which have not been reviewed by the Subcommittee.

Tedd Girouard motions that the Board approve the applicants who have been recommended to the Board by the Subcommittee. Kyle Moore seconds the motion, and it passes. Michelle will reach out to the licensees whose applications are incomplete or need additional information. There is no further discussion.

8. Review and discuss the documentation submitted by licensed athletic trainers who missed the deadline for the previous Subcommittee meeting or recently completed the required Dry Needling course. (For Possible Action) Kyle Moore states that he has reviewed both applications and concludes that #103 Johnson needs more information on how their classes relate to dry needling. For #102 Ortiz, Jr., his recommendation is to pass, noting that the Dry Needling certificate does not indicate approved by the Board of Certification (BOC). He asks if that is something the Board should consider in the future. Keoni agrees and points out that the other applicant also has courses that are not BOC approved. He adds that the regulation does stipulate BOC, CAATE, or Board approved. BOC approved is not a requirement, but it does offer understanding of the rigor of the course. Tedd and Keoni have reviewed the Dry Needling course in question, and both believe it to be high quality. Keoni adds that the PT Board has a Subcommittee that reviews and approves continuing education courses, and this course was approved, providing more confidence of its quality. The Board discusses starting a list of courses that meet the statutory requirements but may not be BOC approved.

Tedd states that he will recuse himself since he has conflicts of interest with these two licensees. Kyle reiterates that additional information is needed from applicant #103 Johnson. If the Subcommittee does decide to provide model applications, #102 Ortiz, Jr.'s application would be a good candidate. There is no further discussion.

Kyle Moore motions to pass and approve applicant #102 Ortiz, Jr. Keoni Kins seconds the motion and Tedd Girouard abstains from voting. The motion passes with four votes and one abstention.

9. Review and discuss a possible action plan for the Board to monitor licensed athletic trainers that are dry needling but have not been reviewed and approved by the Board. (For Possible Action) Kyle Moore informs the Board that a concern came up in the Subcommittee meetings, primarily from Steve McCauley. The Subcommittee members discussed licensees that have been dry needling before the regulation went through, but have not gone through the Board approval process, may still be dry needling. There was additional discussion of possibly utilizing some of the Board's funds to have formal investigations or sending an email to all licensees as a friendly reminder that if they are dry needling without approval from the Board, they are breaking the law or in violation of the statutes. He recommends that investigations can be performed once a complaint is reported and that a licensee wide email may be best.

Harry Ward suggests that an email would be better. If a licensee responds that they are not dry needling, but a later investigation shows that they have been, they will have two violations: one for lying and the other for dry

needling without the proper qualifications. The Board discusses possible complications with conducting investigations and decides on an educational email to include a licensee's ethical obligation to report any violations of the statute. The Board also considers the licensees that have applied but have incomplete applications and the lengths the Subcommittee has gone to review those applications in a timely manner.

Tedd suggests that Michelle contact the Subcommittee after receiving a couple of applications. Potentially these meetings with one agenda item including public comment can be quick, so that licensees may continue to practice dry needling. Michelle will draft an educative email for all licensees that both Tedd and Kyle will review separately. There is no further discussion, and no action was taken.

10. Review and discuss the closing of the Puliz storage account, the fees associated with the closing of the account, and the account being sent to collections. (For Possible Action) Michelle Cothrun informs Harry Ward, since he was not in attendance at the previous meeting, that this agenda item was tabled. In an email, she sent a copy of the check and the invoice that was paid to close the account to the person in the Collections department. She explained how the Board was paid through December of 2020, yet received an invoice on December 8, with a letter dated October 26 stating that Puliz had been bought out by another company. And now instead of being charged \$10 a month, the charge would be \$55 or more. In an email dated December 14, Michelle requested to close the account. She repeatedly called and emailed but did not receive confirmation to pick up the boxes until the first week of February. As far as the Board is concerned, the account has been paid and closed. Still, she has not received a response from her email and keeps receiving invoices with late fees that are growing.

Michelle asks what the next step would be. Harry confirms Michelle is doing what she should by documenting everything. He suggests sending the documentation, including a note that the account has been closed, via certified mail. There is no further discussion.

11. Review and discuss the proposal submitted by the BOC for licensing software. (For Possible Action) Tedd has reviewed the proposal and feels that the \$10,000 setup fee is exorbitant, but this system could be good for licensees by streamlining the licensure process with less duplication of effort and their information in just one location. The Board breaks down the annual fees of approximately \$5,000.00 and discusses the length of commitment of five years. Michelle explains that the contract would have to go through the State approval process, which may be lengthy. Licensing software used to be exempt, but that is no longer the case. Harry Ward adds that State contracts are reviewed by the Board of Examiners.

Keoni asks Michelle to specify the scope of work, as this platform is probably more robust than necessary. Michelle states that the BOC would convert the application for initial licensure to an online application. They would also handle renewals, accept payments, maintain our licensee's data, and run reports. Keoni's personal experience with these types of platforms is that they are cumbersome and duplicative, especially when it comes to monitoring continuing education. He asks Michelle to make sure that whatever is being offered is going to streamline our licensees' experience, as well as hers. If so, then the cost makes sense.

Michelle explains that the BOC has their system, which they would be customizing for the Board. They did not give her a product demo like she had with Certemy, Thentia, or InLumon. Since the Board members have experience with the BOC system, Michelle asks for their opinion on the user experience. Tedd explains that the BOC is rolling out a brand-new platform this month, so the Board has no experience with it. Michelle states that she has some ideas, which is the reason for the next agenda item.

Before moving on, Tedd asks which option is better for our licensees and more cost effective. Michelle replies that what the Board is using now is most cost effective but admits that the BOC system may benefit our licensees best. She is familiar with LogiForms; however, the BOC's system is new with a learning curve for everyone. All the data migration would be her responsibility, either by inputting the data herself or providing it to the BOC. She would also need to work closely with the BOC to get everything up and running, requesting changes as needed, as

opposed to making the changes herself. Tedd states that Michelle is doing a good job with LogiForms and AirTable. If she can work with those systems and provide the same level of service or above, without costing \$10,000.00, that benefits the Board. With the BOC starting a new system, this may not be the right time. There is no further discussion, and no action is taken.

12. Review and discuss the current platforms, LogiForms and AirTable, that are used to create the annual renewal forms and approve the additional expense to convert the initial application to an online version. (For Possible Action) Tedd asks Michelle to give the Board an overview of LogiForms and AirTable. Michelle explains that AirTable is the database where our data is stored, and LogiForms is how we obtain the data. Both platforms cost approximately \$20.00 per month each. There are automation features that Michelle has not been able to explore because she is restrained by the amount the Board approved originally. Converting the initial application to an online version will allow applicants to upload documents like their photo and BOC certification along with paying by credit card. The Board will remain in control of the data and will not be under contract.

Harry points out that there are benefits to being a small board with not many licensees and the confidence that Michelle can do the job. His concern is business continuity. Michelle explains that onboarding a possible replacement would involve her teaching them how to use the software. Fortunately, they are both intuitive platforms created for the lay person. She will add an agenda item to get reimbursed for her time above and beyond the 15 hours per week she works. Tedd asks for any questions or comments and there are none.

Tedd Girouard motions that the Board approve \$2,500.00 per year for the usage of data extraction software and data management software, that is at the discretion of the Executive Secretary. Keoni Kins seconds the motion, but before he does, he suggests an amendment. He adds that he would like Michelle to submit annually a detailed account of how that money is being spent, along with the other financial reports. Tedd accepts Keoni's friendly amendment and the second. The Board votes and the motion passes.

13. Review and discuss the annual review of executive secretary performance and create a salary schedule that includes merit and/or cost of living increases. (For Possible Action) Michelle Cothrun explains that her understanding is the best practice is to have an annual one-on-one review with the Board Chair. After that, the review is brought to the Board for a vote. Harry Ward adds that the annual reviews are conducted in an open meeting with the Chair requesting comments from the other Board members before a vote. Keoni recommends that Michelle submit a self-evaluation to Tedd with a list of what she does, including reasons she is successful at some tasks and resources she needs to be successful at others. There is no further comment, and this agenda item is tabled until the next Board meeting.

14. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun informs the Board that she submitted a required annual report called the State Professional and Occupational License Reports (SPOLR) per NRS 353C.1965. The Board is required to provide information on licensees, including their Social Security Numbers, so they can be checked against a database to verify if they owe money to the State. In addition, regarding the purchase of a new laptop for the Board office, she has been unable to find a laptop for under \$1,000.00 that the State Purchasing agreements offer. Tedd suggests that Michelle purchase a laptop outside of the State if a suitable one can be found within the price limits given. There is no further discussion.

15. Report from Harry B. Ward, Deputy Attorney General. (Discussion) Harry Ward informs the Board that he has nothing to report.

16. Future agenda items. (Discussion) Tedd Girouard notes that future agenda items were discussed throughout the meeting. There is no further discussion.

17. Discussion and possible decision on date of next meeting, including the possibility of scheduling the 2022 calendar year for the Board. (For Possible Action) The Board discusses possible meeting dates and decides on December 6, 2021 at 2:30 PM. There is no further discussion.

18. Public comment. Michelle Cothrun confirms that no members of the public joined the Zoom meeting, so there is no public comment.

19. Adjournment. (For Possible Action) Tedd Girouard adjourns the meeting at **3:43 PM**.