

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

DATE & TIME: August 25, 2023

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Kyle Moore at 1:04 PM.

Board Members Present: Kyle Moore, Board Chair; Jeremy Fisher, Treasurer; Kristopher Bosch, Board Member; and Leo Lozano, Public Board Member.

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

2. Public comment. Kyle Moore asks Michelle Cothrun if there is any public comment. Michelle confirms that she has not received any public comment regarding this meeting and there are no members of the public attending via Zoom. There is no public comment.

3. Update on new Board appointments. (Discussion) Kyle Moore informs the Board that he will be changing the order of the items on the agenda so that the discussion items are towards the end of the meeting. He moves to agenda item number five (5) and welcomes Leo Lozano to the Board as the public member. Kyle thanks Leo for his willingness to serve and asks him to introduce himself.

Leo Lozano has been a lecturer at UNLV in the Kinesiology and Nutrition Sciences departments since 2016. He is also a Certified Strength and Conditioning Specialist who works with athletes in the area from middle school, high school, college, up to professional athletes. He expresses his gratitude for the opportunity to help out and contribute wherever he can.

Since the last meeting, Bryan Lindl resigned from the Board because he and his family moved out of state. Kyle informs the Board that Kendell Galor was recently appointed to the Board. He will briefly introduce her even though she was unable to be present. Kendell is currently working in the private sector of athletic training and strength conditioning. Previously, she was an intern with the Vegas Golden Knights, which is how Kyle got to know her. At the next Board meeting, she will be able to introduce herself to the Board. There is no further discussion.

4. Review and approve Board meeting minutes for the following: July 7, 2022, September 13, 2022; November 4, 2022; March 22, 2023; April 7, 2023; and April 28, 2023. (For Possible Action)

Kyle Moore states that he has reviewed the meeting minutes and is happy with their content. He asks if any other Board members have any issue with the minutes. Harry Ward, DAG, reminds the Board that under Open Meeting Law (OML) the Board is required to approve minutes. But those who were not present, they can approve as to form and not as to content.

Kyle Moore moves to approve the meeting minutes as listed. Jeremy Fisher seconds the motion, and it passes.

5. Update on disciplinary action reports and investigations of unlicensed activity. (Discussion) Michelle Cothrun informs the Board that there are no current investigations, including of unlicensed activity. She submitted the following statistics to the LCB for the quarter ending June 30, 2023: six (6) new licenses were added, thirty-six (36) were removed or did not renew, and ten (10) applications were received. On 7/1/2023, there were 299 licensees. As of today's date, there are 316 active licenses. There is no further discussion.

6. Review and discuss the documentation submitted by licensed athletic trainers who recently completed the required Dry Needling course and approve those who fulfill the statutory requirements for dry needling. (For Possible Action) Kyle Moore moves to agenda item number twelve (12) to review dry needling applications. He explains the review process to the newest Board member, Leo Lozano. Today, there are two (2) applicants that were reviewed by the Subcommittee on August 23, 2023 and are both recommended for approval. Kyle asks if any of the Board members present have any issues with the approval of these two (2) applicants for dry needling.

Jeremy Fisher asks if there is an update on applicant #120 Bozart-Dow, and Kyle answers that there is no update. Jeremy asks if the Board is to assume she is only dry needling as a physical therapist. Kyle explains that, yes, she would need to be treating as a physical therapist. The Board then discusses why she would be approved by the Physical Therapy Board and not our Board. Kyle summarizes the Subcommittee's review process and states that the dry needling course she took in 2017 was short two (2) hours. There was a previous applicant Gordon that also submitted an older dry needling course that was short two (2) hours. She attended another dry needling course that gave her the required 25 hours of in-person instruction. In that case, the applicant did their due diligence to make sure they were approved. The precedent had been set.

Harry Ward, DAG, added that this Board cannot overrule a statute or regulation. No exceptions can be made. Jeremy wants it noted for the record that our Board came to the proper conclusion that the applicant did not meet the standard. He added that our Board has no control over what the PT Board does. Kyle agrees and concludes that we chose to strictly adhere to the statute for public safety.

Kyle Moore motions to approve the dry needling applications of applicant #141 Thompson and #142 Shaw for approval to dry needle in the state of Nevada. Jeremy Fisher seconds the motion, and it passes.

7. Review and discuss the annual performance review for the Executive Secretary position and approve the 12% increase for State employees effective on July 1, 2023, and 4% effective on July 1, 2024 per AB522. (For Possible Action) Kyle Moore informs the Board that he and Michelle Cothrun met to go over her performance evaluation. She completed a self-evaluation which was provided to the Board. With the increases that were set by the Governor, their discussion centered on where Michelle should focus her attention, shifting more towards the Legislative process and the Subcommittee that Jeremy Fisher is leading. Kyle asks the Board if there is any discussion around this item. Jeremy asks if Michelle will get the increase for July since she is paid monthly. Michelle states that the Bookkeeper said the raise can be applied retroactively. Since there is no more discussion, Kyle will make a motion.

Kyle Moore motions to approve the Executive Secretary position for the 12% increase for State employees effective July 1, 2023 with backdating and 4% effective on July 1, 2024, per AB522. Jeremy Fisher seconds the motion, and it passes.

8. Discussion and election of Vice-Chair and Treasurer positions for the Board. (For Possible Action) Kyle Moore moves to agenda item number six regarding the possible election of a Vice-Chair and Treasurer. He informs the Board that he reached out to former Board Chair, Tedd Girouard, to find out how the position of Vice-Chair came to be. Tedd explained that Jeremy Haas, the Chair at the time, had some difficulty attending meetings. Since this Board is willing to work around Kyle's busy schedule,

Kyle can make all the meetings. In addition, there has been a lot of Board turnover and Kyle feels that Jeremy's experience is needed with the Treasurer position. He asks if there is any discussion. Jeremy has no issue with eliminating the Vice Chair position and asks what happens if Kyle cannot attend a meeting. Harry War, DAG, explains that any officer or Board member can conduct a meeting.

Kyle Moore motions to eliminate the Board's Vice Chair position and for Jeremy Fisher to remain in the Treasurer position. Leo Lozano seconds the motion, and it passes.

9. Review and approve the Legislative Subcommittee's recommendations to begin discussions with the Nevada chapter of the Physical Therapy Association, as well as the Nevada Board of Physical Therapy, regarding potential changes to the NRS requirement for a dual-licensed Board member. (For Possible Action) Kyle Moore asks Jeremy Fisher to provide the Board a summary of the Legislative Subcommittee's process to begin the discussion. Jeremy informs the Board that the Subcommittee met back in December of 2022. The Subcommittee met before the Governor issued his Executive Orders regarding regulations, which has taken the focus of the Board. Jeremy provides a history of the dual-licensed position on the Board and explains his understanding of the potential oversight that position provides. Steve McCauley is one of the members of the Subcommittee and he was the Board Chair during the time that NRS 640B was formed. Steve suggested reaching out and talking to the Nevada Physical Therapy Association (APTA Nevada) to explain why the Board would like to remove this requirement. Steve explained that the PT Association is the political arm of the profession, and this requirement was a negotiated concession to get NRS 640B passed. Susan Priestman, the President of the PT Association attended the Legislative Subcommittee meeting. The AT and PT boards were originally contentious against each other. However, the Board currently has a great working relationship with the PT Board. So, this is more of a reaching out in good faith before introducing legislation to eliminate this dual-licensed requirement from our statutes.

The Board discusses the possible benefits from a PT point of view of having a dual-licensed Board member considering that any member of the public is allowed to be at and comment at our meetings. The Board does not see an added benefit. Michelle Cothrun adds that she reviewed the minutes from the Legislative Subcommittee meeting to keep in mind Steve McCauley's concerns. He expressed that the Board would have a more sympathetic ear in the Legislature if the Board could prove that the requirement is a burden. In his opinion, we are not there yet. Jeremy mentions that there are approximately ten (10) dual-licensed AT/PT's in Nevada. Kyle Moore asks Harry Ward if the position is removed would there be a need to replace that position. Harry Ward recommends an odd number of Board members. Not replacing that Board position does not make sense for voting. He suggests just having another Board member that is licensed as an AT. However, like he said before, he would not recommend another member of the public since boards usually have only one (1) public member.

Kyle Moore states that discussions have begun with the PT Board and the PT Association. We can continue these discussions, but there is no decision to make at this point. Kyle thanks Jeremy for all the information presented. No action is taken, and there is no further discussion.

10. Review and discuss financial status of the Board, including approval of all claims and expenses from October 1, 2022 to July 31, 2023. (For Possible Action) Kyle Moore moves to agenda item number (7) seven. Michelle Cothrun explains the odd dates on the reports. She went back several agendas to find that the last time the expenses of the Board were approved was back in October of 2022. For clarity, the bookkeeper suggested changing the end date to June 30th since the fiscal year ends on June 30th.

For the new Board members, she explains that the fiscal year is July 1st to June 30th. In addition, the bookkeeper is in the process of completing the annual balance sheet that is sent to the LCB and Governor's Finance Office. At the next Board meeting, the Board will be looking at the entire fiscal year.

Michelle also explains about the growing reserves amount, which means the cash on hand. During the Governor's Finance Office audit of 2017 and the Sunset Subcommittee review, the Board was called out for having too much in reserves. The excess in reserves is a good indication that the Board is charging too much in fees in relation to the Board's expenses, which are kept low. For instance, the Board does not have a lease for office space since Michelle works from a home office. Leo Lozano asks Michelle how the reserves compare with other years. Michelle explains that the reserves have basically doubled since she started with the Board at the end of 2017. The Board discusses how reserves are generally calculated and how the excess can be used for hiring a lobbyist to assist with legislative matters.

Kyle Moore motions to approve all the claims and expenses from October 1, 2022 to July 31, 2023. Jeremy Fisher seconds the motion, and it passes.

11. Review and approve a Budget for Fiscal Year 2024. (For Possible Action) Kyle Moore asks Michelle Cothrun to summarize the budget. Michelle explains that the amounts in the budget are based on what was spent last fiscal year and rounded up. Some expenses might go up in the coming year. She also explains that the category of "Supplies" is not just office supplies. It also includes Adobe Acrobat, Logiforms, and Airtable. The Board briefly discusses the reserves. Kyle states that there is a potential risk of disciplinary actions and lawsuits due to dry needling, which is a legitimate reason to have funds in reserves for legal fees.

Kyle Moore motions to approve the Budget for fiscal year 2024. Kristopher Bosch seconds the motion, and it passes.

12. Review and approve the cost of printing the Renewal reminder postcards. (For Possible Action) Michelle Cothrun explains to the Board that the previous printer retired and sold the business. The people who ended up buying his business were the ones that printed the reminder postcards. The cost is more than last year. Michelle was happy with the results, especially since it prevented her having to print the cards, affix address labels and postage, and go to the post office to mail them. Jeremy Fisher asks Michelle if many postcards are returned. Michelle states that less than ten (10) were returned this year. Jeremy asks if reminder postcards are necessary in a digital age and if the money is well spent. Still, he likes the postcard. Michelle explains that during her first renewal cycle in 2018, she spent her time converting the renewal form to an online version and she did not send out postcards. The feedback was that licensees missed the postcards. They are appreciated. Kyle had a similar question wondering if emails would be better. However, if the postcards are receiving positive feedback from licensees, then they should be continued. Ultimately having the postcards printed makes the job easier for Michelle.

Kyle Moore motions to approve the cost of printing the renewal reminder postcards with the increase that is noted. Leo Lozano seconds the motion, and it passes.

13. Review and approve adding a Board member as a signer on the Wells Fargo checking account. (For Possible Action) Michelle Cothrun explains to the Board that she was under the impression that another signer would need to be on the account in case she needed to be reimbursed for something. However, the bookkeeper can add a reimbursement to Michelle's payroll, if Michelle provides the meeting minutes showing that the Board approved the reimbursement. Even so, it is a good idea to have another signer on the bank account as a backup in case Michelle is not available for some reason.

Kyle Moore states that it makes the most sense to have Jeremy Fisher be the additional signer since he is the Treasurer. Kyle asks Jeremy if he would be comfortable with that. Jeremy asks to clarify if both he and Michelle would have to sign checks. Michelle confirms that Jeremy would only be required to sign checks if Michelle cannot. That being the case, Jeremy is fine with being the additional signer.

Kyle Moore motions to add Jeremy Fisher, Treasurer, as a signer on the Wells Fargo checking account. Leo Lozano seconds the motion, and it passes.

14. Review and approve reimbursing Michelle Cothrun, Executive Secretary, the cost of four (4) years of Otter.ai transcription services. (For Possible Action) Michelle Cothrun explains to the Board that back on July 7, 2022, the Board approved her being reimbursed for three (3) years of the Otter transcription services. She thought she had changed the credit card being charged from her personal credit card to the Board's credit card. She was mistaken and was charged for another year.

Kyle Moore states that the transcriptions are essential for the meeting minutes. He asks for comments from the Board. Hearing none, Kyle Moore motions to approve the reimbursement of the cost of four (4) years of the Otter transcription services from personal expenses to Board expenses. Jeremy Fisher seconds the motion, and it passes.

15. Review and approve the possible addition of a merit and/or cost of living increases to the annual review process. (For Possible Action) Kyle Moore states that in previous discussions on this matter, it was brought up that cost-of-living increases vary from 1 to 3% annually. He asks how the percentages are calculated. Michelle Cothrun explains that either the Board can follow the State and how they calculate increases or keep the cost-of-living/merit increase at a flat rate every year, so that the increases are done automatically with the annual review process. Kyle asks Harry Ward what his boards do. Harry Ward, DAG, informs the Board that his other boards may look at what the State or Federal Government does. Either way, they calculate increases on a year-by-year basis. Leo Lozano asks if this agenda item was added before the 12% increase. He reminds the Board that this year is 12% and a 4% increase is scheduled for 2024.

Since increases for this year and next year have already been calculated, Kyle Moore states that increases will be considered on a year-to-year basis. No action will be taken.

16. Review and discuss the parameters by which the Board can hire investigators, conduct investigations, and impose fines and whether this can be accomplished through NRS or NAC. (For Possible Action) Kyle Moore begins the discussion by giving the newest Board members the background of why hiring investigators was considered, including how it may be a good use of the excess in reserves. For now, NRS 640B does not give the Board the authority to issue citations and fines. Michelle Cothrun reads NRS 640B.900 which mentions penalties and how a person can be found guilty of a gross misdemeanor and given a fine of not more than \$2,000. The Board can also report them to the district attorney for the appropriate criminal proceedings. There is no mention of citations or fines. Harry Ward confirms that the changes will need to be made by NRS to give the Board that authority.

After discussing multiple scenarios of unlicensed activity that occur at tournaments that use EMTs instead of athletic trainers, Kyle Moore concludes that the issue could be solved mainly with education. If a tournament hires EMTs to work the event, they need to advertise as such. The Board cannot control EMTs assessing return to play, which is outside of their scope of practice. Everyone here would agree that every sporting event should have an athletic trainer. The Board cannot control that. All we can do is educate. This matter will be discussed again, once the Board finally decides what to do with NRS. No action is taken.

17. Review and approve starting the process of modifying the fee schedule through NAC. (For Possible Action) Kyle Moore states that he is in favor of keeping the fee schedule as it is and asks for feedback. Michelle Cothrun explains that the process of modifying the fee schedule has begun with submitting the ten regulations recommended for removal in response to Executive Order 2023-003. The Governor has ordered that Boards start the process of eliminating the regulations and follow through on their recommendations. She adds that the Board had previously voted on reducing the initial licensure fees, which are high compared to other states. Since the initial fees of \$300 can be viewed as an obstacle to employment, they can be reduced; however, the renewal fees can stay the same.

Kyle Moore states that modifying the fee schedule will have to be an agenda item for the next Board meeting included in the process of eliminating the regulations based on the Governor's Executive Order 2023-003. No action will be taken.

18. Review and discuss a collaboration with our Board and the Gaming Control Board to address safety concerns at athletic events held at casinos. (For Possible Action)

19. Review and discuss a possible collaboration with our Board and the Athletic Commission to ensure a licensed Athletic Trainer is ringside to provide evaluation of concussions and Emergency Action Plans. (For Possible Action) Kyle Moore combines agenda items eighteen and nineteen since they are similar. Kyle asks Jeremy Fisher to provide a summary on these two agenda items. Jeremy provides background to the Board on the two events that led to these items being added to the agenda. There was a medical emergency at a women's basketball tournament held at a casino; however, the promoter apparently did not have a proper emergency action plan. The other event was a UNLV boxing match held by a fraternity that resulted in the death of one of the boxers. The consensus of the Legislative Subcommittee was that it would be a good idea to reach out to these boards for education in terms of the safety measures athletic trainers can provide, especially considering how the promoters of these events were not properly equipped.

Kyle thanks Jeremy for his summary and expresses support for these collaborations to happen. No action is taken.

20. Review and discuss the status of the online initial licensure application and the breakdown of the costs so far. (For Possible Action) Michelle Cothrun provides a brief summary to the Board regarding the challenges she has been facing with using Logiforms and the auto-generated emails sent to the licensees with a PDF of their renewed licenses attached. She may have found an alternative platform called Fillout that integrates with Airtable. Jeremy Fisher informs Michelle that his business partner met with a company that may be a good fit. He will email her the details. No action is taken.

21. Review and discuss a Board policy regarding legal names, nicknames, or preferred names and which may be used on licenses. (For Possible Action) Michelle Cothrun explains that the issue of which name to use on licenses has come up a few times, especially nicknames. Recently she has had applicants with a preferred name that is different than their legal name. She has informed applicants that the Board does not have an official policy on which names can be used on licenses. However, it is best practice to use their legal name or their name as it appears on their identification. She believes that is the policy of the BOC.

Harry Wards advises that drafting a policy for Board approval at the next meeting would be best. Jeremy Fisher asks if there is a legal precedent with using legal names. Harry agrees about using an applicant's legal name. However, if they would like an additional name, he suggests that Michelle add that name in quotation marks.

Kyle Moore asks Michelle Cothrun to draft a policy stating that the legal names need to be used on licenses. The Board will review and approve that policy at the next meeting. There is no further discussion.

22. Review and discuss possibly adding a requirement of certification by the United States Olympic & Paralympic Committee (USOPC) Safe Sports program a requirement for Nevada athletic trainers. (For Possible Action) Kyle Moore begins the discussion by stating that the additional requirement is a good idea, but the training belongs more with the Nevada Athletic Training Association (NevATA) to recommend. The Board discusses the possible benefit of adding another requirement considering that not all licensed athletic trainers in the state work with minors. Under Nevada law, athletic

trainers are already mandated reporters. Kristopher Bosch adds that he is required through his employer to take this training. He agrees that the requirement should come from an organization or employer, not from the Board. Kyle thanks everyone for the discussion. No action is taken.

After this discussion, Leo Lozano exits the meeting at approximately 3:30PM.

23. Review and discuss Sports Physical Therapy Certification. (Discussion) Kyle Moore informs the Board that this agenda item came from an email from Jeremy Fisher forwarded to Michelle Cothrun with concerns about this certification for physical therapists. Kyle wants to clarify, especially for potential employers, that a physical therapist with this certification is still different than an athletic trainer. He asks Kristopher Bosch for his input since he is also a physical therapist. Kris states that he is a Sports Clinical Specialist (SCS) and there are differences with the practice acts. He believes the goal of the SCS training was to close the gap so that a physical therapist could cover a field or sporting event. He would want to investigate those differences further to be sure that the information he is providing is accurate.

The Board members agree that professional sports teams hire both physical therapists and athletic trainers for each profession's training and skills. Kyle states that a physical therapist can work in a sports setting without this certification. Kris adds that the intent behind the SCS certification is to get a physical therapist qualified for sideline coverage. That point highlights Jeremy's concern that the lower budget team could possibly hire a physical therapist with this certification as a way of getting around hiring an athletic trainer. Kyle thanks Jeremy for bringing this matter to the Board for discussion and thanks Kris for his insights in having gone through the training himself. There is no further discussion.

24. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun informs the Board that there were some Open Meeting Law updates that came from this year's session. Harry Ward, DAG, explains that one change was made to how quorums are calculated. If there is an open position that the Governor has not filled yet, you do not count the open position when calculating the quorum. Unfortunately, that update does not help small boards; however, the change can help boards with nine or more board members. If there are changes that pertain to this Board, he will notify Michelle. There is no further discussion.

25. Report from Harry B. Ward, Deputy Attorney General. (Discussion) Harry Ward has nothing more to report.

26. Future agenda items. (Discussion) Michelle Cothrun confirms that the main agenda items for the next meeting would be the Board policy regarding legal names to be used on licenses and the process of eliminating the suggested regulations. There is no further discussion.

27. Discussion and possible decision on date of next meeting. (For Possible Action) Kyle Moore suggests finding a month the Board would like to meet next. Kyle will then provide Michelle Cothrun with his availability for that month and go from there. Michelle Cothrun suggests a meeting in either November or December. Kyle will provide Michelle with his availability in November. If need be, depending on everyone's schedule, a meeting in December will be considered. There is no further discussion or action taken.

28. Public comment. Michelle Cothrun confirms that no members of the public have joined the meeting on Zoom. There is no public comment.

29. Adjournment. (For Possible Action) Kyle Moore adjourns the meeting at **3:43 PM**.