

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

DATE & TIME: March 22, 2023

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Kyle Moore at 3:00 PM.

Board Members Present: Kyle Moore, Bryan Lindl, Jeremy Fisher, and Kristopher Bosch.

Staff Present: Chricy Harris, Deputy Attorney General, appearing on behalf of Harry Ward; and Michelle Cothrun, Board Executive Secretary.

Public Present: Jennifer Barrett, a licensed athletic trainer.

2. Public comment. Jennifer Barrett is present and has no comment at this time. Kyle Moore thanks Jennifer for attending. Michelle Cothrun confirms that she has not received any comment regarding this meeting and there are no members of the public attending via Zoom. There is no public comment.

3. Update on Board appointments and introduction of newest Board member. (Discussion) Kyle Moore welcomes Kristopher Bosch to the Board and Kristopher introduces himself. He is a licensed Athletic Trainer and Physical Therapist. He did his schooling in Buffalo, New York. He has been in Las Vegas since 2009 and currently works for the United States Air Force within Special Warfare at Nellis Air Force Base. Kyle thanks Kristopher for serving on the Board as the dual-licensed member.

Kyle asks Michelle if there is any update on the opening for the public member of the Board. Michelle states that she has no update but will check in with the Governor's Office before the next meeting. She understands that they are overwhelmed with Board appointments. Jeremy Fisher asks if other medical professionals can serve as the public member on the Board. Michelle confirms that they can serve if they are not licensed athletic trainers. There is no further discussion.

4. 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 reviews the summary compiled by Michelle Cothrun with the Board members. All applicants except for one have been reviewed and recommended to pass by the Subcommittee on Dry Needling. The applicants recommended to pass are as follows: #121 Yamamoto, #122 Lopes, #123 Mertz, #124 Tobar, #125 Akana, #126 Castillo, #127 Pacheco, #128 Benzinger, #129 Rice, #130 Key, #131 Flores Flores, #132 Ruiz Rios, #133 Klein, #134 Comeau, #135 Christian, #136 Reel, and #137 Flores.

The one remaining applicant, Bozart-Dow #120, has not completed the statutory required 25 hours of in-person

dry needling instruction. Once that requirement is met, they can be recommended to pass. It has been communicated to the applicant that it is not the goal of the Board to limit anyone from practicing what they have been trained to do. However, the Board is mandated to uphold the statutes and regulations for dry needling.

Kyle explains the review process to Kristopher Bosch since he is new to the Board. The list of applicants are reviewed first by the Subcommittee to determine which are recommended to pass. The Board has the final vote to approve the recommendations to pass. After today's meeting, the applicants will receive an email letting them know their application has been approved. They will also receive an updated license that states they have met the qualifications to dry needle. The active licensee list on the Board website will reflect the same.

Kyle Moore motions to approve applicants #121 Yamamoto through #137 Flores to be approved to dry needle in the State of Nevada as licensed athletic trainers. Jeremy Fisher seconds the motion, and it passes.

5. Review and discuss findings in response to Executive Order 2023-004 and approve the report, due on or before April 1, 2023, that will be sent to the Office of the Governor and the Director of the Legislative Counsel Bureau. Executive Order 2023-004 directs all Nevada Occupational and Professional Licensing Boards to suspend the issuance of any new regulations, show cause for all occupational licensing requirements and to provide a recommended pathway for facilitating licensure reciprocity. (For Possible Action)

Kyle Moore asks Michelle Cothrun to go through the report. Michelle states that the main objective for this report is justifying the Board's requirements for licensure. Regarding reciprocity, NRS 640B.330 allows for licensure by reciprocity if the license requirements are "substantially equivalent." If an athletic trainer with an active license in another state underwent a fingerprint background check for licensure, then the requirements are substantially equivalent. The two main licensure requirements in Nevada are a current certification with Board of Certification (BOC), the national credentialing agency for athletic trainers, and a fingerprint background check.

The occupation of athletic trainer is regulated in 49 states. The only state without regulation is California. The Board discusses how to manage athletic trainers coming from California and Jeremy suggests a special license for them. Kyle points out that since they are not licensed, they cannot be issued a license based on reciprocity. To ensure public safety, licensure requirements must be the same. Michelle confirms that the Board does not waive fingerprint background checks, even for licenses by reciprocity. Jeremy clarifies that he was suggesting lowering licensure fees for athletic trainers coming from California.

The conversation moves to the fees the Board charges. Michelle informs the Board that the 2020 Sunset Subcommittee review suggested lowering fees since Board has excess reserves. Previously, the Board had decided that the duplicate license and change name fees were no longer necessary and considered lowering the initial licensure fee, since \$300 is quite steep. In the meantime, the Board no longer charges credit card fees, which essentially lowers the licensure and renewal fees. The third-party processing fees Stripe charges are \$9.00 for the initial and \$4.65 for renewals. Regarding the fee for the list of business addresses, Michelle explains that is a common fee licensing boards charge. Jeremy explains that \$25 is low and suggests \$100 instead. Michelle will investigate the standard amount other boards charge. The reduction of fees will be considered in depth during the April 7th Board meeting to review the report due for Executive Order 2023-003.

Concerning measures to expedite licensure, the Board no longer requires official transcripts as that duplicates the work the BOC does during the certification process. In addition, applications are no longer required to be notarized. Michelle also notes that fingerprint background checks can delay applications by four to six weeks. The processing times of background checks are outside of the Board's control. For now, no state compacts exist for athletic training. The Board discusses the benefits of compacts. Kyle comments that a compact may push California to finally regulate athletic trainers, but at least a couple of states would need to initiate a compact.

Michelle cautions that changes may not occur after submitting this report. Even so, the leg work will not be for nothing, considering that the Board has the Legislative Subcommittee. And if there is enough feedback from licensed athletic trainers, the Board will be responding to that feedback in addition to looking at other states. The

Board has historically resisted opening up the practice act in NRS 640B, which is viewed as risky. Jeremy asks if the Board can open only certain portions to ensure no other portions can be affected. Chrissy Harris answers that the Board certainly has the capability to keep a limited scope for any statutory changes. Although there is always the chance that the discussion could go off the rails.

Jeremy Fisher suggests opening up only the NRS section with the definitions of what an athletic trainer can do and their patient population. He stresses that athletic trainers are the only allied healthcare profession in Nevada with such a limited patient population. Jennifer Barrett asks if the Board can expand the definitions through NAC. Michelle states that definitions can be modified through the NAC. Jeremy clarifies that the definitions he is discussing are only in NRS 640B. The definitions will be looked at in depth during the April 7th meeting.

Chrissy briefly explains the difference between NRS and NAC. She advises the Board to see what can be done from a regulation standpoint. Changes that supplement what is already existing in the NRS is the best course. Michelle informs the Board that the thought has always been that opening the NRS should only be done once. For instance, if removing the requirement of a dual-licensed PT/AT Board member position would require opening the Practice Act, make sure all the Board's needs are addressed. That is the charge of the Legislative Subcommittee.

To wrap up the discussion, Michelle asks the Board members if the report does an adequate job of justifying the requirements the Board has for licensure. The Board members agree and there is no further discussion.

Kyle Moore motions to approve the report put together by Michelle Cothrun, Nevada State Board of Athletic Trainers Information Report to Governor's Office, Executive Order 2023-004. And any subsequent forms that would be required by the Governor's Office with the same information present in this report. Bryan Lindl seconds the motion, and it passes.

6. **Future agenda items. (Discussion)** Kyle Moore states that the future agenda items will be in the upcoming meetings. Any items for follow-up discussed during today's meeting will be added to the agenda. There is no further discussion.

7. **Discussion and possible decision on date of next meeting. (For Possible Action)** The next Board meeting has already been scheduled for April 7, 2023. There is no further discussion.

8. **Public comment.** Jennifer Barrett asks how the Board will monitor the California licenses and guarantee that they do not stay in the State longer than the time allowed. Kyle Moore states that it is the responsibility of the athletic trainer to be accurate and inform the Board about their activities in the State. Jeremy Fisher agrees and adds that the applicant signs under the penalty of perjury that they have not falsified information. And if they were found out, their license would be revoked. Kyle adds that the Board could potentially conduct investigations as well. Unfortunately, unlicensed activity will be a constant topic until California requires licensure.

Michelle Cothrun confirms that no other members of the public joined during the meeting. There is no further public comment.

9. **Adjournment. (For Possible Action)** Kyle Moore motions to adjourn the meeting at **4:11 PM**. Jeremy Fisher seconds the motion, and it passes.

**** MEETING MINUTES ARE SUBJECT TO APPROVAL
AT THE NEXT SCHEDULED SUBCOMMITTEE MEETING ****