

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

DATE & TIME: November 17, 2023 @ 1:00 p.m.

Public Access in Person:

Board Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

Virtual Meeting Access via Zoom:

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXITMnVCZz09>

Meeting ID: **897 506 8640**

Passcode: **640B**

1. Meeting called to order by Board Treasurer, Jeremy Fisher at 1:03 PM.

Board Members Present: Jeremy Fisher, Treasurer; Leo Lozano, Public Board Member; Kendell Galor, Board Member, and Kristopher Bosch, Board Member.

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

Public Present: Ariel Ives, Tedd Girouard, Dustin Hopfe, and Mike Sepiol.

2. Public comment. Jeremy Fisher asks if there is any public comment before the start of the meeting. Tedd Girouard asks if the workshop will be after the Board meeting. Michelle Cothrun confirms that is the plan. Harry Ward, Deputy Attorney General, adds that there will be public comment before the public workshop, after the workshop, and then at the conclusion of our meeting. The other members of the public in attendance do not have public comment. Michelle also confirms that she has not received any comment by email or other means. There is no further comment.

3. Update on Board appointments and introduction of new Board members. (For Possible Action) Jeremy Fisher asks Kendell Galor to introduce herself. Kendell informs the Board that she was unable to attend the last meeting, but that Kyle Moore had given a brief explanation of how they worked together with the Vegas Golden Knights. She has been an athletic trainer since 2015, working with Cirque Du Soleil and UNLV ice hockey and others. She has worked as a performance medicine therapist. Currently she works in private practice in a gym that she and her husband own doing both athletic training along with strength and conditioning. Jeremy thanks Kendell for serving on the Board.

Michelle Cothrun informs the Board that Ariel Ives is attending the meeting. Michelle let the Governor's Office know that Ariel applied and is recommended to serve. The next time the Governor has

a meeting, she may be appointed. Michelle will keep the Board updated on Ariel's appointment. There is no further discussion.

4. **Discussion and election of Chair and Treasurer for the Board. (For Possible Action)** Item was tabled at the request of Kyle Moore, Board Chair, until the next meeting when he can attend.

5. **Review and approve Board meeting minutes for August 25, 2023. (For Possible Action)** Jeremy asks the Board if there are any questions regarding the minutes and there are none. Harry Ward informs the Board members that were not present at the meeting on August 25, 2023 that they can approve the minutes as to form and not content.

Jeremy Fisher motions to approve the minutes for the August 25, 2023 meeting and Kendell Galor seconds the motion. Jeremy Fisher, Kristopher Bosch, and Leo Lozano vote to approve the motion. Kendell Galor votes to approve as to form and not as to content. The motion passes.

6. **Update on disciplinary action reports and investigation of unlicensed activity. (Discussion)** Michelle Cothrun informs the Board that there are no reports of unlicensed activity, or any other investigations. She explains to the new Board members that she is required to submit certain statistics to the Legislative Counsel Bureau (LCB) on a quarterly basis. For the quarter of July 1st through September 30, 2023, there were 25 licenses added with 27 applications received. No applications were reviewed or rejected, and there were no disciplinary actions to report. As of September 30th, the total number of licenses was 327. There is no further discussion.

7. **Review and discuss financial status of the Board, including approval of all claim and expenses from August 1, 2023 to September 30, 2023, and the annual balance sheet for FY2023 that is submitted to the Legislative Auditor and the Chief of the Budget Division, per NRS 218G.400. (For Possible Action)** Jeremy Fisher begins the discussion by stating that he has reviewed the financials and asks if there are any comments. He acknowledges how Michelle Cothrun gathers the information and keeps it all straight. Michelle explains to the new Board members how the Board submits an annual balance sheet to the LCB since the Board's revenue is under \$200,000. The Bookkeeper prepares the report. Previous Board members Tedd Girouard and Keoni Kins suggested adding the annual balance sheet to the agenda so that all the financials are transparent. Michelle adds that the main difference between this year and last year is the bank fees. Several years ago, the Board was a victim of identity theft; therefore, the bank account now has extra fraud protection. That protection came with higher bank fees. But now that the Board has combined their checking and savings accounts, the balance in the one account offsets the higher banking fees. One year, Michelle was asked by an auditor about the high banking fees. With the combined accounts, those fees are no longer an issue.

Jeremy Fisher asks if there are any questions or comments. Hearing none, Jeremy Fisher motions to approve the financial status of the Board, including approval of all claims from August 1, 2023 to September 30, 2023, and the annual balance sheet for fiscal year 2023 that is submitted to the Legislative Auditor and the Chief of the Budget Division, per NRS 218G.400. Kristopher Bosch seconds the motion, and it passes.

8. **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)** Jeremy Fisher states that he has reviewed the dry needling application. He asks Michelle Cothrun if she has received a statement from the Dry Needling Subcommittee. Michelle explains that she reached out to the Subcommittee regarding this application, and they individually submitted their feedback. All three Subcommittee members recommended applicant #143 – Orr to pass.

Jeremy Fisher asks the Board members if anyone has an issue with this application. Hearing none, Jeremy Fisher motions that applicant #143 – Orr is recommended to dry needle in the state of Nevada. Kendell Galor seconds the motion, and it passes.

9. **Introduction of workshop process. (Discussion)** Before introducing the public workshop, Jeremy Fisher asks Michelle Cothrun if there is any public comment, including in the chat. Michelle confirms that there is no public comment in the chat. Seeing there is no public comment, Jeremy opens the public workshop.

10. **PUBLIC WORKSHOP – The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 640B. Public comments must be directly related to the proposed regulation topics. Interested parties are strongly encouraged to submit comments in writing prior to the Workshop. (Discussion)**

- **Repeals sections NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050**
- **NAC 640B.060 – Revises and clarifies fees charged by the Board. Removes fees for the issuance of a duplicate license, for a change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check.**

After reading the purpose of the workshop, Jeremy Fisher asks Michelle if she received any comments in writing. Michelle confirms that she did not receive any written comments regarding the workshop. Before moving on to discuss the sections of NAC to be repealed, Jeremy asks if any of the public present have any public comments.

Tedd Girouard, a former chair of the Board and current program director of the undergraduate program at the University of Nevada, Las Vegas, expresses concerns about the financial management of the Board, noting that it holds excessive funds and suggesting that licensing fees for athletic trainers should be reduced. He advocated for lower fees, especially for in-state graduates, to ease their financial burden immediately after graduation. Specifically, he highlighted the costly licensing fees required in June and again in July, proposing a low fee to support new graduates and retain them within the state, addressing the local shortage of athletic trainers. Tedd emphasized the importance of considering these changes to lessen the financial strain on new professionals and encourage them to remain in Nevada.

Mike Sepiol, an athletic trainer and public member, expresses concerns about the proposed changes to the NRS code, particularly the removal of the licensing parts from some sections. He supports the idea of prorating license fees, aligning with Tedd's earlier comments on easing financial burdens for new graduates. Mike emphasized the need to understand these changes fully to make an informed decision.

Michelle Cothrun explains that the review of the NAC and proposed eliminations are in response to an executive order from Governor Lombardo, which ordered all boards and commissions to identify and recommend the repeal of at least ten regulations. The intent was to simplify regulations and reduce barriers to employment. The Board identified licensing fees as a significant hurdle, especially considering the transient nature of athletic training employment. The Board is modifying the fee schedule through NAC to avoid the complex legislative process required for changing statutes via NRS and to reduce financial obstacles for practitioners. Jeremy adds that NAC 640B.010 is the definition of licensing and it was suggested for repeal since it is a direct iteration of the NRS. The definitions were easy to eliminate because they are redundant.

Dustin Hopfe, an athletic trainer and member of the public, asks if NRS supersedes the NAC. Harry Ward briefly explains the hierarchy of the law and how the NRS is a legislative created statute that gives a law or directive to the public entity. Regulations regulate the public entity and must be consistent with the statute. Jeremy adds that regulations (NAC) are an interpretation or application of the law (NRS). In laymen's terms, a regulation is below a statute. Michelle asks Harry Ward if the definitions are still necessary, even if they are the exact copy of the NRS. Harry replies that many boards are also eliminating these definitions. Michelle also mentions an NAC that is possibly contradicting NRS is the fees for the restoration of a license and specifying a flat fee of \$300.00. Feedback from the LCB is required for both issues.

Jeremy focuses the discussion on the repeal of the five (5) definitions. He asks if there is any public comment on this first section. Seeing none, he asks if any Board member has any comment. Hearing none, Jeremy reads the list of NACs that are suggested for repeal with their corresponding definition. Jeremy Fisher motions to repeal sections of the NAC: NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050. Kristopher Bosch seconds, and the motion passes.

Jeremy moves the discussion to NAC 640B.060 that lists the fees charged by the Board by stating that there need to be a reduction of fees. He proposes a reduction of fees for initial applications, specifically for graduates from Nevada institutions who plan to stay and practice athletic training within the state. The goal is to retain locally trained professionals by removing financial barriers. Additionally, he suggests lowering renewal fees, and providing discounts for active-duty military and veterans. He then asks for public comments.

Dustin Hopfe asks about the initial licensure fee and the addition of "without examination". He also questions the logic behind the fee structure in Nevada, suggesting that while other organizations like BOC charge a large initial fee and a smaller annual renewal fee, Nevada could consider reducing the annual renewal fees given that they are required every year, unlike some other healthcare professions where renewal is biennial. Dustin suggests maintaining a higher initial fee and lowering the renewal fees might be more appropriate, given the financial burden of frequent renewals for healthcare professionals. Michelle explains that the NRS specifies maximum charges for licensing with and without an examination if the Board were to administer its own exams like other healthcare boards. The current fee list does not differentiate between initial applications with or without an exam, hence the need for clarification. And the rationale for the fee structure was to lower barriers to employment by reducing the initial licensure fee while maintaining the renewal fees, the Board's primary revenue. This approach also considers hypothetical future expenses such as office space or licensing software. By reducing initial licensure fees now, the Board can reassess its finances and possibly reduce the renewal fees in a few years.

Tedd Girouard questions Michelle about the finances of the Board, specifically expenses versus revenue and the fund balance. Tedd approximates the yearly excess at over \$16,000 and states that a fund balance of over \$165,000 is excessive. He agrees with Dustin that lowering renewal fees should be considered. He proposes adjusting the renewal fee to \$125, instead of \$100, to avoid negative cash flow while still addressing the surplus. Tedd recalls previous audits and legislative concerns about the Board's excessive reserve funds, which was viewed negatively. He also supports a reduction in initial licensing fees to \$200 and agrees with Jeremy's suggestions for a reduced fee to support in-state graduates from a Nevada school.

Jeremy suggests that the fee for these graduates should only cover the Board's hard costs, which is around \$50. Michelle confirms that the fee for fingerprinting set by the Department of Public Safety is \$40.25. If the Board covers the fingerprinting fee, \$50 should cover it. Tedd clarifies that UNLV is moving to a master's program and students will only graduate in the spring.

Mike Sepiol agrees that the Board should reduce fees. He asks what the excess fees will be used for and suggests the Board keep funds in reserves for possible attorney's fees to defend in a lawsuit. Jeremy explains that the Board has discussed using the reserves for legal needs and potentially hiring a lobbyist/legislative consultant. He highlights the increased liability that comes with the addition of dry needling techniques to athletic training, sharing a specific incident where a licensed practitioner's technique appeared questionable, raising safety concerns. Jeremy notes that generally athletic trainers reduce liability for entities by preventing injuries.

The Board then tries to approximate how much revenue will decrease over a year with the proposed reduction of fees and include increased expenses like Michelle Cothrun's raise. Jeremy wants to confirm that with the proposed decreased fees the Board would not be operating at a loss but approaching a break-even point. He seeks further comments on the discussion and there are none. He notes there is consensus among Board members and the public members present on removing certain fees and reducing others. Specifically, there is agreement on lowering the initial licensing fee from \$300 to \$200 and reducing the renewal fee from \$150 to \$125. Additionally, there is support for decreasing fees for in-state graduates of higher education institutions. After discussing possible scenarios for students that do not graduate on time, the graduate can receive the fee reduction if they apply within one year after graduating. Kristopher Bosch suggests specifying an initial new grad license. The Board members discuss how to confirm the applicant did graduate from a Nevada institute of higher education and is not lying on their application. Jeremy reminds the Board that applicants do sign a declaration under penalty of perjury. Harry Ward adds that if an applicant falsifies information on their application and obtains a license, the Board has the authority to revoke their license for ethical or criminal violations, which would require formal litigation. Tedd agrees that people lie and cheat, but the risk is not worth it. They would lose their ability to practice in the state. Dustin adds that they will then have to admit on any other state application that their license was revoked. After this point in the discussion, Tedd Girouard leaves the meeting. The Board thanks Tedd for his input. Jeremy asks for any final comments and there are none.

Jeremy Fisher motions to remove the fees for issuance of a duplicate license, for change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check. Kendell Galor seconds the motion, and it passes.

Jeremy Fisher motions to reduce the license fee for an initial license from \$300 to \$200. Kristopher Bosch seconds the motion, and it passes.

Jeremy Fisher motions for the initial application for student graduating from a higher education institution in the state of Nevada that is CAATE accredited and/or its successor shall be granted a reduction application fee of \$50 for initial licensing as an athletic trainer for one year from date of conferment of degree. Leo Lozano seconds the motion, and it passes.

Jeremy Fisher motion for a license renewal fee of a currently licensed athletic trainer in the state of Nevada to be reduced from \$150 to \$125. Kendell Galor seconds the motion, and it passes.

Jeremy Fisher motions to reduce the fees for an initial license for veterans, active-duty military and surviving spouses from \$200 fee to \$100. Kendell Galor seconds the motion, and it passes.

Consideration of Proposed Regulation. Board members may discuss and consider public comments, approve or add, revise and delete proposed language. The Board may vote to amend its proposed regulation draft that will then be sent to the Legislative Counsel Bureau for review and drafting. (For Possible Action) Jeremy Fisher states that the Board has been considering public comments during the workshop. He asks if there are any comments or additions regarding sending the proposed regulation draft for NAC 640 B to the Legislative Counsel Bureau (LCB) for review and drafting. There are none.

Jeremy Fisher motions to send the approved and revised and deleted proposed language of NAC 640 B for amendment as its proposed regulation draft be sent to the Legislative Counsel Bureau for review and drafting. Kristopher Bosch seconds the motion, and it passes.

11. **Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle Cothrun has nothing to report.

12. **Report from Harry B. Ward, Deputy Attorney General. (Discussion)** Harry Ward, DAG, has nothing to report.

13. **Public comment.** Jeremy Fisher asks if there is any comment from the members of the public that made it to the end of the meeting and there is none. He thanks Ariel Ives and Dustin Hopfe for staying until the end of the meeting. Jeremy points out that he appreciates all the participation from the licensed athletic trainers that attended today's workshop. Michelle Cothrun confirms that there are no comments on the chat and that she has not received any emails during the meeting. There is no further comment.

14. **Adjournment. (For Possible Action)** Jeremy Fisher adjourns the meeting at 3:07pm.