

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

DATE & TIME: November 1, 2024 @ 3:00 p.m.

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 Chair, Kendell Galor at 3:02 PM.

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

Staff Present: Harry Ward, Deputy Attorney General; Michelle Cothrun, Board Executive Secretary; David Orr and Dustin Hopfe, Board Investigators.

2. Public comment. Kendell Galor asks Michelle Cothrun if she has received any public comment for this meeting. Michelle confirms that she has not received any public comment via email or other means. There is no public comment.

3. Review and approve the Board meeting minutes for April 19, 2024, and June 27, 2024. (For Possible Action) Kendell Galor states that she has reviewed the meeting minutes and asks if the other Board member have as well. She asks if there are any questions or concerns with the meeting minutes and there are none.

Kendell Galor moves to approve the meeting minutes for April 19, 2024 and June 27, 2024. Jeremy Fisher seconds the motion, and it passes.

4. Update of disciplinary action reports and investigations of unlicensed activity. (Discussion) Michelle Cothrun explains to the Board that moving forward this agenda item will solely provide updates on statistics submitted quarterly to the LCB, known as the Disciplinary Action Report (DAR). She anticipates that there will be no need for her to report on unlicensed activity. Since the last meeting, Michelle submitted the following statistics for two quarters:

Q2 (ending June 30, 2024): 2 new licenses added, 30 non-renewals.

Q3 (ending September 30, 2024): 23 new licenses added.

As of today's date, the total number of active licensees stands at 334, marking a record high for the Board. *During this discussion, Leo Lozano and Dustin Hopfe join the meeting.*

5. Review and discuss the financial status of the Board, including approval of the annual balance sheet for FY2024 that is to be submitted to the Legislative Auditor and the Chief of the Budget Division, per NRS 218G.400. (For Possible Action) Michelle Cothrun informs the Board that she is behind submitting monthly statements with supporting documents to the Bookkeeper. She has submitted statements through July, but August, September, and October are still pending. Michelle explains that entering renewal payments along with the corresponding partial refunds into the accounting software contributed to the delay. Nevertheless, the Bookkeeper had all the necessary information to complete the annual balance sheet, which has been submitted, along with confirmation of the up-to-date Disciplinary Action Reports (DAR). Michelle reminds the Board that previous members suggested adding a balance sheet review to the agenda to enhance transparency by making it part of the public record. She then provides a brief overview of the annual balance sheet.

Kendell Galor asks Michelle to update the Board of the status of the partial refunds and includes a discussion of agenda item #13: **Review and discuss the status of the partial refunds of renewal fees for the 2024 renewal period and other fees that were reduced beginning June 20, 2024. (For Possible Action)** Michelle Cothrun reports the challenges she has encountered. A few applicants have submitted a \$300 money order with their applications. She offered to return their money order and have them pay the correct, lower fee by credit card. She has done the same for a couple of applicants who were spouses of active military service members. Furthermore, she mistakenly issued refunds of \$125 and \$50 to two licensees and emailed the licensees upon realization of the error. One has not replied and the other has replied that they have not received the refund.

The Board discusses options for handling the overpayments and concludes that the licensees' actions do not constitute "unethical or unprofessional conduct." In good faith, they decide to give the licensees another opportunity to provide proof that they have not received the refunds. Michelle will follow up via certified letter, which is considered more official than email. Kendell asks the Board if there is any other discussion on this matter, and there is none.

Kendell Galor moves to allow Executive Secretary, Michelle Cothrun to send certified letters to the licensees who received extra refunds, requesting information on whether or not they have received those refunds. Ariel Ives seconds the motion, and it passes.

Jeremy Fisher moves to approved agenda item number five that includes the approval of the annual balance sheet for FY2024. Kendell Galor seconds the motion, and it passes.

6. Review and discuss dry needling applications with supporting documentation submitted by licensed athletic trainers and approve those who meet the statutory requirements. (For Possible Action) Kendell Galor informs the Board that she has reviewed all the dry needling applications. She reads the list of names that are being reviewed: #166-Flanagan, #167-Kriewald, #168-Ikeda, #169-Komisak, #170-Trunk, and #171-Chapman. Michelle Cothrun explains that the last application was reviewed by Steve McCauley and Kyle Moore. Also, since they both have working relationships with Ikeda, they both recused themselves. Those exceptions aside, all applications are recommended to approve. Jeremy Fisher states that he has also reviewed all the applications. Kendell asks the Board if anyone has any questions or concerns with these applications and there are none.

Kendell Galor moves to approve dry needling applications #166-Flanagan, #167-Kriewald, #168-Ikeda, #169-Komisak, #170-Trunk, and #171-Chapman. Jeremy Fisher seconds the motion, and it passes.

7. Review and discuss the status of the Subcommittee on Dry Needling and possible nomination for a new third member. (For Possible Action) Michelle Cothrun states for the record that Keoni Kins has stepped down from the Subcommittee, while Steve McCauley and Kyle Moore continue to serve. She expresses appreciation for Keoni's dedication and hard work. Harry Ward notes that having an odd number of members is customary to avoid tie votes. Kendell Galor mentions having a potential nominee. She reached out to Mike Sepiol and he is interested in serving. Kristopher Bosch also expresses interest. Kendell suggests tentatively nominating Kristopher Bosch, should Steve or Kyle choose to step away.

With no further discussion, Kendell moves to nominate Mike Sepiol and tentatively Kristopher Bosch for the dry needling subcommittee, pending decisions from Steve McCauley and Kyle Moore. Jeremy Fisher seconds the motion, and it passes.

8. Update on the hiring of investigators and approval of process for investigations and site visits. (For Possible Action) Michelle Cothrun acknowledges the challenges of starting the investigation process from scratch. Despite reaching out to other boards, she found no guidance on how to initiate the process. She has made progress on administrative tasks, such as setting up email addresses, ordering badges, and business cards for the three investigators. She will consult the bookkeeper to handle payroll setup and taxes. Kendell Galor shares that David Orr is willing to draft policies and procedures for investigations, which can be added to the next meeting agenda for review and potential approval. Additionally, David expressed interest in organizing a meeting with senior athletic trainers in the state to review Nevada Revised Statutes (NRS) and discuss various scenarios to gather insights and perspectives. She asks David to express his ideas.

David Orr emphasizes the importance of establishing clear policies and procedures based on past occurrences and the original intent of the practice act. He highlights the need to rely on historical knowledge from previous Board members to ensure compliance with Nevada laws and administrative codes. Orr suggests forming a group with expertise in athletic training and regulatory requirements to address external influences, such as practice acts from other states. He advocates for a standardized investigative and reporting process to maintain consistency and legal adherence. Jeremy Fisher raises concerns about the potential limitations of adopting a highly detailed policy for investigations. He acknowledges that while regulations provide structure, they may also restrict flexibility. He asks if the Board can approve a standard investigative procedure without amending the Nevada Administrative Code (NAC), as done by other boards, such as the Physical Therapy Board. He seeks clarification from Harry on this matter. Harry Ward, Deputy Attorney General, advises caution when adopting formal policies, noting that they require public comment and can be legally challenged if not followed precisely. He mentions that ambiguous policies can provide more flexibility. Ward emphasizes that investigators are responsible for protecting the public on behalf of the Board and suggests they consult former board members to identify key issues related to licensed and unlicensed practice. He recommends reviewing policies from other boards and considering a simple, clear policy for investigators. Ward shares a related issue faced by the Board of Psychological Examiners, where a private investigator filed a complaint arguing that board investigators are not licensed by the Private Investigators Licensing Board (PILB). Ward clarifies that board investigators are exempt if they are bona fide employees, meaning they are paid by the board with taxes deducted from their paychecks. He warns that this issue could arise for the Board and emphasizes the importance of ensuring compliance with relevant regulations under Nevada law.

Kendell finishes the discussion by asking David if he, along with Dustin Hopfe and the other investigator, Dana Coursey, would benefit from meeting with Steve McCauley and other non-Board members to begin drafting policies and procedures. She suggests sending a draft to Michelle for comments, and a vote at the next meeting. As a final reminder, Harry Ward advises Board members to avoid replying to all in email communications regarding policy feedback to prevent violating the Open Meeting Law (OML). He emphasizes that all communication should be directed individually to Michelle, without sharing opinions with other Board members, to avoid creating a "walking forum." There is no further discussion.

9. Review and approve the Board's membership in the Council on Licensure, Enforcement & Regulation (CLEAR) to receive a discount on classes and for the investigators to attend CLEAR's National Certified Investigator & Inspector Training (NCIT) programs. (For Possible Action)

Kendell Galor states that the Board's membership in CLEAR is a good idea. Michelle Cothrun explains that the board previously approved investigator training when Keoni Kins and Tedd Girouard were members, but they ultimately decided against hiring investigators. There was initial discussion about Michelle taking the training to better understand the investigation process. The online training includes a basic and advanced course leading to certification. Michelle explains that the membership costs \$260 for a regulatory organization, offering at least a \$100 discount per course.

The Board considers whether membership is financially worthwhile. Leo Lozano asks if CLEAR is the standard for this kind of training and it is for the professional regulatory community. Harry Ward reiterates that the Board investigators need some sort of certification and notes that the CLEAR courses are not limited to investigators. The Executive Secretary and Board members can also participate. He suggests that if funds are available, investing in continuing education (CE) could be a wise use of resources. Jeremy Fisher expresses no concern about the cost of a CLEAR membership for the current year and supports using funds to train investigators, Michelle, and even board members. He believes the expense is minimal within the overall budget. However, he raises a concern about the long-term value of the membership, questioning its necessity beyond the initial training phase. He suggests reassessing the membership annually during budget meetings to determine if continued participation provides value beyond course discounts once the necessary training has been completed. Kendell agrees and asks if there is any further discussion. Hearing none she moves to approve.

Kendell Galor moves to approve payment for the Board's CLEAR membership for 2024, with a plan to reassess its value in future years. The motion also includes covering the cost of CLEAR training for all three investigators, Michelle Cothrun, and any interested board members. Ariel Ives seconds the motion, and it passes.

10. Discuss the Legislative initiative in BDR 301 of the 83rd (2025) Session sponsored by the Department of Business and Industry. (For Possible Action) Michelle Cothrun informs the board about a proposed Bill Draft Request (BDR) that aims to merge our Board with others to form the Nevada Board of Healing and Rehabilitative Process. This new board would include Athletic Trainers, Physical Therapists, Occupational Therapists, Massage Therapists, and Chiropractors. She notes that this is just one of several proposed bills aimed at consolidating various regulatory boards, moving away from earlier plans to create a few large "super boards." A draft of the BDR is expected before Thanksgiving, but the timeline is uncertain. Michelle assures the board that she will provide updates as soon as new information

becomes available. Kendell Galor's main concern is that each board represented on this larger board must have an equal representation. She emphasizes the importance of having more than one athletic trainer representative on the proposed new board, given the critical role athletic trainers play in emergency scenarios, rehabilitation, and daily care. It is crucial to advocate for adequate representation to reflect the wide scope of responsibilities covered by athletic trainers. Jeremy Fisher adds that it is odd that only lobbyist and the Executive Director can attend the meeting at Business and Industry.

Michelle Cothrun reminds the Board that once the BDR is available, they can submit comments, but they must do so as private individuals, not as board members. She emphasizes the importance of identifying oneself as a member of the public. Michelle adds that licensees can provide input as well, noting that other professions involved in the proposed board merger have significant resources, including lobbyists and active associations. Kendell emphasizes the importance of taking the process seriously and involving the Nevada Athletic Trainers' Association. Jeremy stressed that advocacy must come from the State Association, not the Board, as it is part of the Executive Branch. He also expresses concern that the bill could hinder efforts to update the practice act, including joining the AT compact, which will be discussed in the next agenda item. Dustin Hopfe is with the State Association and will reach out to Brittany Backofen, the new President. The Board agrees that there will be more opportunities to discuss the BDR. With no further comments, Kendell moves on to the next agenda item.

11. Discussion on interest in joining a national AT compact and possible approval of adding the Board's name to a list of supporters to be included in the BOC's application for a DOD grant through the Council of State Government. (For Possible Action) Kendell Galor explains that professional licensure compacts allow licensees to hold a single license that permits them to practice in multiple participating states. She feels that a compact would be good for the State and compares it to a driver's license, which allows driving in all 50 states, though this compact would apply only to states that agree to participate. Jeremy Fisher notes that the compact would not apply to California, as the state does not license athletic trainers. Kendell agrees with Jeremy that the compact will not address issues with athletic trainers from California but believes it would greatly benefit many licensees, especially those relocating due to military assignments. Kendell asks for additional discussion. Dustin Hopfe asks about the financial impact to the Board. Jeremy explains that joining the AT compact would not require financial contributions from the Board or licensees, as it is federally funded through a grant awarded to the BOC by the Department of Defense.

Kendell Galor motion to submit interest in joining the National AT compact to the BOC. Jeremy Fisher seconds the motion, and it passes.

12. Review and discuss the 2024 BOC Compliance and Regulatory Education (CARE) Conference. (Discussion) Kendell Galor reports that she and Jeremy Fisher attended the conference in person, while Ariel Ives participated virtually. She found the conference highly beneficial, providing valuable insights into how other states operate and fostering interstate relationships. Many topics, such as board operations in Iowa and Michigan and the AT compact, were covered at the conference. Kendell emphasizes the importance of sending board members annually to stay informed about national regulatory changes, especially with the evolving nature of the athletic training profession. Jeremy agrees the conference was valuable, highlighting insights gained from Ohio's approach to updating their practice act. He notes that attending the conference provided a better appreciation of how Nevada's NRS is

comprehensive and flexible for athletic trainers. Kendell concludes the discussion by emphasizing the conference's value, noting that it covered a wide range of relevant topics, including legal, investigative, and regulatory issues. She highlights that the conference addressed many subjects the board discusses regularly. With no further comments from Jeremy or Ariel, she moves on to the next agenda item.

13. Review and discuss the status of the partial refunds of renewal fees for the 2024 renewal period and other fees that were reduced beginning June 20, 2024. (For Possible Action) *Was combined with agenda item number five.*

14. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun shares a combination of future agenda items and updates. Ariel Ives suggested adding a quarterly newsletter to keep licensees informed about investigations, board meetings, and other matters. Jeremy Fisher proposed discussing the challenges of getting athletic trainers into high schools. Michelle also mentions her upcoming annual review and the need to address website accessibility issues by her participating in training and updating forms posted to the Board website. Additionally, she asks Board members to consider whether they want to serve a second term, as several terms will expire in 2025, to avoid last-minute decisions. There is no further discussion.

15. Report from Harry B. Ward, Deputy Attorney General. (Discussion) Harry Ward states that he has no updates but is open to questions. Kendell Galor acknowledges that he has already answered many questions and, with no further inquiries, moves on to the next agenda item.

16. Future agenda items. (Discussion) Kendell Galor notes that several topics have already been discussed and acknowledges Michelle Cothrun's efforts in maintaining an agenda list. She confirms that the investigator policies will be reviewed at the next meeting and asks if there are any additional items to consider for the next agenda. Jeremy Fisher emphasizes the need to address athletic trainer coverage in high schools to better protect the public. He argues that having only one athletic trainer can create challenges, such as long response times due to logistical barriers, potentially increasing risks rather than mitigating them. While improved wages in Clark County are a positive step, athletic trainers are overburdened, which could lead to staff shortages. Jeremy clarifies that his concerns are based on his observations, not criticism of healthcare providers or the School District. He highlights disparities, noting that private schools like Bishop Gorman have multiple athletic trainers, whereas public schools do not have the same coverage. He suggests incorporating feasibility and coverage studies to improve the situation and ensure adequate support for student-athletes. The Board members agree on the importance of this issue, and Kendell adds that a discussion on addressing emergency action plans should be included. Ariel Ives would also like to discuss issues with lack of sufficient coverage at tournaments. Kendell acknowledges that the Board has several important topics to address, noting that while some can be tackled, others require broader discussions as they are beyond the Board's control. She then moves on to the next agenda item.

17. Discussion and possible decision on date of next meeting. (For Possible Action) The Board members discuss a possible meeting date in December. Michell Cothrun will send out a Doodle poll to narrow down a date and time. There is no action taken.

18. Public comment. Michelle Cothrun confirms that no members of the public joined the meeting. There is no public comment.

19. Adjournment. (For Possible Action) Kendell Galor adjourns the meeting at 5:27 PM.

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