

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

DATE & TIME: December 18, 2024 @ 3:30 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 Member, Ariel Ives at 3:37 PM.

Board Members Present: Ariel Ives, Board Member; Jeremy Fisher, Treasurer; and Leo Lozano, Public Board Member.

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

Public Present: Erinn Zubillaga.

2. Public comment. Michelle Cothrun confirmed that she did not receive any public comment about this meeting by email or other means. Erinn Zubillaga, the only member of the public present, had no comment.

3. Update of disciplinary action reports and statistics submitted quarterly to the Legislative Counsel Bureau (LCB). (Discussion) Michelle Cothrun clarified that the Disciplinary Action Report includes statistics the Board must submit to the Legislative Council Bureau (LCB). She initially miscalculated the submission timeline, thinking new statistics would be available for this meeting. However, the current quarter will end on December 31, 2024, meaning the statistics remain the same as the last report. There was no further discussion.

4. Review and approve the patient population survey list of questions to be sent to all active licensees. (For Possible Action) Ariel Ives provided background on the survey, explaining its purpose in assisting the Nevada Athletic Trainers Association (NATA) by collecting broader data than NATA alone can access. Since the Board has access to all licensees, it was recommended that the Board distribute the survey to better understand the number of people athletic trainers serve in Nevada's public and tourism sectors, whether during events or daily operations.

Leo Lozano raised two key points: correcting an error in the age ranges and refining the survey question on shared patient loads. He suggested adding a "sometimes" or "other" option instead of just

"yes" or "no" to reflect cases where athletic trainers rotate or receive occasional assistance. Jeremy Fisher discussed improvements to the survey's age categories, questioning whether a standardized demographic format exists and proposing more specific ranges to capture different patient populations across various settings, including schools, colleges, pediatric offices, and entertainment venues.

Jeremy also suggested modifications to the settings section, including distinguishing between secondary and post-secondary education due to differences in patient contact hours. He sought clarification on whether the Board needed to approve the final survey or just a general format, allowing the Executive Secretary to make necessary adjustments. Harry Ward confirmed that a well-crafted motion could allow for such flexibility.

Ariel Ives agreed with Jeremy's points but emphasized keeping the focus on patient treatment. While recognizing the relevance of teaching settings, she suggested an open-ended question for those in non-direct patient care roles. The group discussed using checkboxes for data collection and refining age brackets to: **5-8** (elementary school); **8-12** (middle school); **12-18** (high school); **18-24** (college); **25-40** (adults); **40-65** (middle-aged adults); **65+** (geriatric). The Board also discussed how to define treatment and ways to increase survey participation, considering incentives such as renewal fee discounts (which statutes do not allow) and employer encouragement (which could skew data). Including the survey in the renewal application was dismissed due to time constraints.

Jeremy Fisher proposed a motion for Ariel Ives and Michelle Cothrun to refine the survey based on the meeting's feedback, ensuring it accurately captures athletic trainers' workload, patient care responsibilities, and overall impact compared to other professions. He asked for any final comments. Leo Lozano supported the motion, highlighting the importance of starting with foundational data while expanding collection efforts in the future. Jeremy emphasized the long-term goal of a comprehensive data system, similar to Indiana's, to demonstrate the need for more athletic trainers and support legislative efforts.

Jeremy Fisher motioned to adopt the survey framework created by Ariel Ives, allowing for prudent refinements. Ariel Ives seconded the motion, and it passed.

5. Review and approve a working document for Board Investigators conducting investigations and site visits (For Possible Action) Ariel Ives introduced the Investigator Document as a working draft for discussion, with plans to refine it in January. The goal is to gather Board feedback and direction rather than finalize a formal policy. David Orr clarified that the document serves as a guideline for Board Investigators, who act as an extension of the Board. He noted that additional notes at the end highlight challenges they face, which the Board may need to address. Leo Lozano found the document well-structured with no major concerns but acknowledged that the additional notes raised important discussion points.

Michelle Cothrun supported the document, comparing it to the dry needling application process, where guidelines were refined over time. She suggested expanding the Board's electronic database to track complaints. Dana Coursey asked for Board direction on random site visits or audits, noting that a database of sites would be needed. David Orr emphasized time and cost considerations and requested guidance on resource allocation.

Dustin Hopfe sought clarification on key aspects of the Investigator Document, including site visit selection, investigation procedures, and non-compliance response. He questioned whether the policies should be as structured as those of other regulatory boards, such as the Psychological Board, to ensure a defensible policy. He also asked how enforcement should work for temporary events, such as tournaments, where individuals may continue practicing after the investigators leave. In response, Ariel Ives suggested adding these questions to the additional comments section for further discussion in

January. Dustin Hopfe asked how policies could be modified once approved. Harry Ward stated that changes require Board approval via an agenda item. He noted that similar to other regulatory boards, adjustments may be necessary over time, particularly in response to legal challenges.

Michelle Cothrun emphasized that the document should remain flexible, as the Board's investigation process is still evolving. She explained that procedures will be adjusted as needed, with initial steps like certified letters escalating to legal action if non-compliance continues. Many complaints are resolved informally through education and warnings, and most day-to-day decisions will be handled by the Board Investigators and the Executive Secretary, only escalating to the Board when necessary. Formal Board involvement would occur only when misconduct is verified, and a hearing process is required. If violations persist, the Board's primary legal recourse would be to seek a court injunction.

Jeremy Fisher raised concerns about enforcing unlicensed athletic training violations, emphasizing that practicing without a license is a misdemeanor. He contacted the Clark County District Attorney's Office, which stated that Metro police should cite violations of Nevada Revised Statutes (NRS), though it remains unclear whether they would. He suggested that investigators observe and document repeat offenses, such as unlicensed individuals continuing to return athletes to play after injuries. Additionally, he proposed that the Board consider denying future licensure to individuals who repeatedly violate regulations. In response, Michelle Cothrun stated that licensed athletic trainers could assist in reporting violations, as any individual can submit a complaint. However, she reiterated that the Board's primary approach remains education, escalating to legal action only when necessary.

Dana Coursey reported that many event organizers and venues are unaware of athletic trainer licensing requirements. She proposed creating a one-page compliance guide for event organizers and volunteered to serve as an educational liaison to meet with major venues and ensure they understand regulatory requirements. Jeremy Fisher supported educating venues but emphasized that the Board cannot endorse vendors, as this could create favoritism concerns. He suggested that NATA (Nevada Athletic Trainers Association) might be a better resource for directing venues to licensed professionals. Jeremy also cited conversations with MGM regarding T-Mobile Arena and Grand Garden, where venues shift liability to event organizers rather than ensuring compliance. He questioned whether that stance would hold up in court and proposed strengthening relationships with regulatory bodies (e.g., Gaming Commission) to improve oversight and accountability.

In response, Michelle Cothrun suggested that documenting outreach efforts could support future legislative action if stronger enforcement becomes necessary. She proposed approving the working document for now with ongoing discussions between her and the investigators continuing primarily via a Dropbox folder. Harry Ward confirmed that the motion would grant authority to adjust the working copy but would not establish an official Board policy for the Investigators.

Jeremy Fisher motioned to approve the Investigator Document as a working document, allowing the Executive Secretary and Board Investigators to communicate and make necessary adjustments to effectively fulfill the Board's directives. Ariel Ives seconded the motion, and it passed.

6. Establish and approve the process for Board Investigators to submit timesheets and expense reports. Delegate authority to the Executive Secretary to approve reimbursements up to a specified amount. (For Possible Action) Ariel Ives opened the discussion. Dustin Hopfe raised concerns about reimbursement timing, questioning whether payments would only be processed around quarterly Board meetings. He suggested allowing Michelle Cothrun to authorize payments up to a set amount, particularly for upfront expenses like site visit fees, to prevent financial strain on the investigators. Michelle Cothrun stated that she is paid monthly but could explore biweekly timesheet submissions with the bookkeeper.

She proposed setting separate approval thresholds for expenses and timesheets, requiring Board approval for amounts exceeding a set limit. She assured the Board that all reimbursements would be documented.

Dana Coursey inquired about limits on investigator work hours and whether they should focus solely on complaints or also conduct random audits. Jeremy Fisher emphasized fiscal responsibility, advocating a prudent approach to investigations. He acknowledged Dana's outreach efforts to educate venues on compliance and asked for input on investigator workload, recognizing fluctuations based on event schedules. Regarding random audits, Jeremy questioned the appropriate percentage of licensees to audit, suggesting 3-5% as reasonable. He suggested that audits be based on a targeted checklist and proposed each investigator audit three licensees per year. Leo Lozano agreed and emphasized the priority of addressing unlicensed activity before expanding enforcement. Dustin Hopfe supported a checklist for site visits and suggested a randomized selection process to balance workloads, particularly between Las Vegas and Northern Nevada. He proposed an annual review to determine investigation goals and suggested monitoring 10 events per year to prevent investigator burnout.

Ariel Ives refocused the discussion on the agenda item. She proposed a 10-hour monthly work threshold per investigator and a \$150 per site visit limit, with Board review required for amounts exceeding these limits. Harry Ward recommended breaking the motion into two parts: one to set a reimbursement threshold and another to authorize Michelle to reimburse costs. Jeremy Fisher supported a monthly cap of 10-15 hours per investigator, cautioning that unlimited hours could become fiscally unsustainable. Leo Lozano agreed, suggesting that in the future the Board could reassess the cap based on workload and financial impact. Jeremy Fisher asked whether payment frequency should be included in the motion; however, further coordination with the bookkeeper is required.

- Ariel Ives motioned to approve Michelle Cothrun's authority to pay investigators up to 15 hours per investigator per month. Jeremy Fisher seconded, and the motion passed.
- Ariel Ives motioned to approve reimbursement of up to \$150 per investigator per site visit within a reasonable timeframe, authorizing Michelle Cothrun to process these payments. Leo Lozano seconded, and the motion passed.

7. Discuss SB78 of the 83rd (2025) Session sponsored by the Department of Business and Industry. (For Possible Action) Ariel Ives tables this agenda item until the next Board meeting, which will be scheduled in January 2025.

8. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun informs the Board that she has completed a long-term project of digitizing licensee paper files and applications. After years of work, she successfully scanned the records and shredded five boxes of paper at a much lower cost than expected—\$35 instead of the estimated \$500. To ensure data security, she backed up the scanned files on a thumb drive and purchased two additional drives for computer backups, in addition to utilizing OneDrive. These measures provide multiple layers of protection against hardware failure. There was no further discussion.

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

10. Future agenda items. (Discussion) Ariel Ives reviewed the key agenda items for the January meeting, which include:

- Approving past meeting minutes and financials
- Reviewing the investigator working document
- Discussion on disciplinary actions for investigators
- SB 78 discussion and update

Michelle Cothrun added that Jeremy Fisher wanted to discuss the lack of athletic trainers (ATs) in high schools and school athletics. Ariel Ives suggested including tournament coverage in that discussion, noting its importance. Jeremy Fisher clarified that while no direct action can be taken, documenting the issue on record helps apply pressure for accountability. Michelle reminds Board members that they can email her with any additional agenda items. There is no further discussion.

11. Discussion and possible decision on date of next meeting. (For Possible Action) Ariel Ives informed the Board that Chair Kendell Galor has requested that Michelle Cothrun send a Doodle poll by the end of the week to schedule the January 2025 meeting. There is no further discussion.

12. Public comment. Erinn Zubillaga had no public comment, and no other members of the public joined the meeting. No public comment.

13. Adjournment. (For Possible Action) Ariel Ives adjourned the meeting at 5:36PM.

**** MEETING MINUTES ARE SUBJECT TO APPROVAL**

AT THE NEXT SCHEDULED BOARD MEETING **