

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

DATE & TIME: April 19, 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 3:03 PM.

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

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

Public Present: Dustin Hopfe, Dr. Ethan Kreiswirth, Paul Kennedy, and Shelby Daly.

2. Public comment. Kendell Galor asks Michelle Cothrun if there have been any public comments submitted. Michelle confirms that she received only one comment specific for the adoption hearing. Former Board member, Keoni Kins, emailed that he agrees with the language that was submitted. She has not received any other public comments via email or other means. Deputy Attorney General, Harry Ward, reads the Zoom meeting ID and passcode into the record, along with details on how to call in for public comment.

Dr. Ethan Kreiswirth “Dr. K”, who runs a nationwide athletic training business, asks for clarification on the rules for practicing athletic training in Nevada under the banner of the International Brazilian Jiu Jitsu Federation (IBJJF), especially regarding licensure exemptions and requirements, given the lack of regulation in California. DAG Ward explains that this is a public comment period, and detailed responses would not be provided immediately but could be addressed later. Kendell Galor confirms that this topic will be discussed in more detail under agenda item number 18 later in the meeting. There is no further public comment.

3. Update on Board appointments. (For Possible Action) Michelle Cothrun reached out to the Governor’s Office to confirm Kendell Galor’s appointment, which is set to end in 2025, not 2026. She verified Jeremy Fisher's supposition of why Kendell’s term was shortened by a year: Kendell is fulfilling Bryan Lindl’s remaining term. A similar situation happened with Leo Lozano; however, Leo was permitted to serve a full term, likely because the remainder of the term he completed was significantly shorter. Michelle did not seek further clarification from the Governor’s Office, given their heavy workload of board appointments. She wanted to inform the Board and conclude the matter. There was no further discussion on this topic.

4. Review and approve Board meeting minutes for November 17, 2023, January 12, 2024, and February 29, 2024. (For Possible Action) Kendell Galor states that she has read all the meeting minutes and accepts their content. She asks the Board members for comments. Jeremy Fisher asks Michelle Cothrun for a modification of the minutes for the February 29, 2024 meeting and clarifies his earlier statements regarding the regulation of dry needling. He explains that his intention was not to suggest an amendment to the regulations but rather to strengthen the Board's position in reviewing applications and insisting on current education. His idea was to emphasize that a consensus had been reached by the Board regarding the importance of current education, without intending to imply a full regulatory change. He requests this clarification to prevent any misrepresentation of his views. Michelle confirms the context of Jeremy's mention of subsection five of the dry needling regulation, noting it was intended to bolster the review of education credentials, not to suggest regulatory amendments. Michelle will update the February 29, 2024 minutes with the one revision. There is no further discussion.

Kendell Galor motions to approve the minutes for November 17, 2023 and January 12, 2024. Jeremy Fisher seconds the motion, and it passes.

Kendell Galor motions to approve the minutes from February 29, 2024 with the amended speech for Jeremy Fisher. Jeremy Fisher seconds the motion, and it passes.

5. Update on disciplinary action reports and investigation of unlicensed activity. (Discussion) Michelle Cothrun reports that from January 1, 2024, to March 31, 2024, there were no disciplinary actions or investigations of unlicensed activity. During this quarter, seven new licenses were added. She reminded the Board that she submits statistics on a quarterly basis to the Legislative Counsel Bureau (LCB), which includes details on the number of licenses issued, applications received, and any rejections. This quarter was noted as straightforward with seven licenses added and no disciplinary actions. There is no further discussion.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from October 1, 2023 to February 29, 2024. (For Possible Action) Michelle Cothrun informs the Board that there has been a change in the fees for the special Wells Fargo account with fraud prevention features, a response to past incidents of fraud affecting the Board. The fees have increased from \$75 to \$150 monthly. She expresses the advantage in keeping the account and adds that it is not available to new customers. Historically, monthly bank fees ranged from \$40 to \$50 per month, but were waived for a time due to sufficient account balances. The amounts will be about the same again because of the fee increase. Jeremy, the Treasurer, confirmed that the financials were in order and did not have additional comments.

Jeremy Fisher motions to approve the financials of the Board from October 1, 2023 through February 29, 2024. Kendell Galor seconds the motion, and it passes.

7. Review and approve a rate increase for bookkeeping services with Numbers, Inc., and additional fees for payroll services. (For Possible Action) Michelle Cothrun reports that the bookkeeper has increased her rates by \$100 quarterly. Michelle supports the rate increase due to the bookkeeper's quality of work and the need for professional handling of payroll and taxes. She explains that the additional fees for payroll services are due to QuickBooks discontinuing compatibility with the bookkeeper's old service. QuickBooks now offers its own service at \$51 per month, which fits the Board's needs with only one employee. Michelle brings these changes to the Board for formal review and approval, as she does not have the authority to approve them herself.

Kendell Galor sees no issues with the changes. Jeremy comments on the inevitability of price increases in business, suggesting that unless a more sustainable option is found within the next year, the Board should accept these new costs as part of regular business. There is no further discussion.

DAG Ward takes a moment to educate the members of the public present that the procedural details of meetings are mandated by the Open Meeting Law, which requires transparency and Board approval. He acknowledges that the public might find the process boring while they wait for the adoption hearing or another portion of the meeting. He hopes the public understands and emphasizes the necessity of these procedures for legal compliance. Kendell adds that she is moving through the agenda as quickly as possible.

Kendell Galor motions to approve the increases for bookkeeping and payroll services. Jeremy Fisher seconds the motion, and it passes.

8. Review and approve the cost of printing the Renewal reminder postcards. (For Possible Action) Michelle Cothrun reports that the cost for the renewal reminder cards is the same as last year. The only change in the price quote is removing the line item for postage because Michelle purchased the postage stamps and provided them to the printer. She highlights the effectiveness of the printed reminder postcards and notes that while the Board has debated their necessity in the past, licensees appreciate receiving physical reminders. Consequently, the Board continues the practice, although future preferences may change. In response, Kendell supports the approval of the costs for the renewal cards, mentioning personal appreciation for them. With no further discussion, she moves to approve.

Kendell Galor motions to approve the cost for the renewal postcards. Ariel Ives seconds the motion, and it passes.

9. Review and discuss the documentation submitted by licensed athletic trainers in their dry needling applications and approve those who fulfill the statutory requirements for dry needling. (For Possible Action) Kendell Galor states she has reviewed the two applications under consideration, #159-Wiseman and #160-Cross, and found them to be satisfactory. Jeremy Fisher notes that these applications were of higher quality and more thorough than previous ones, appreciating the inclusion of diverse elements previously discussed by the Board. Michelle Cothrun confirms that all three Subcommittee members reviewed both applications and recommend them for Board approval. Kendell asks for any other Board feedback, and there is none.

Kendell Galor motions to approve applications #159-Wiseman and #160-Cross to dry needle. Jeremy Fisher seconds the motion, and it passes.

10. Review and approve the cost of sending a Board Chair, Kendell Galor, to the BOC Conference, as well as approve the cost of a possible second attendee and additional Board members attending virtually. (For Possible Action) Kendell Galor informs the Board that the conference is in Omaha, Nebraska on July 8th through the 10th. She reports that her hotel stay has been covered by the BOC, with up to \$500 in airfare. The Board discusses reimbursing her related expenses. Michelle Cothrun explains that the conference room's limited capacity led to a restriction on in-person attendance, with Jeremy Fisher on standby for an available slot. Virtual attendance options were discussed for other Board members, with a registration fee of \$200 each.

Jeremy Fisher notes that attending virtually might be challenging due to a family vacation, although attending in person would be easier. Ariel Ives expresses willingness to attend virtually, in addition to Michelle Cothrun. Harry Ward suggests the motion include the possibility of Fisher attending in person if a

slot becomes available. Jeremy supports the expense and voices his enthusiasm about the conference, noting its importance for connecting with other professionals at a national level. The Board agrees to participating in the conference both in-person and virtually.

Kendell Galor motions to approve expenses for her in-person attendance at the BOC conference, and for Board member Ariel Ives and Executive Secretary Michelle Cothrun to attend virtually. She adds the possibility for Jeremy Fisher to attend in-person if a slot becomes available. Jeremy Fisher seconds the motion, and it passes.

11. Review and approve the wording and posting of job listing for an investigator. (For Possible Action) Kendell Galor begins the discussion and confirms if everyone has reviewed the job posting shared via Dropbox. Leo Lozano and Jeremy Fisher have no significant concerns, but Jeremy suggests adding a clause about random audits. He advocates for incorporating random audits into the investigator's duties to ensure compliance among licensees and to manage unlicensed activity at per diem events, which will enhance accountability and legitimacy. Kendell Galor supports this, noting that similar practices are effective with other boards.

Kendell proposes forming a subcommittee to screen applicants and conduct interviews. DAG Ward emphasizes that per Open Meeting Law conducting interviews should be open to the public. He also answers questions about the advertising requirements and clarifies the legal scope of the investigator's authority, particularly regarding unlicensed activity. He mentions the Board's limited enforcement capabilities but reviews the procedure for issuing cease and desist orders and possible injunctions to stop the activity. He adds that the Board is not required to have everything included in the wording for the posting of the job. The investigator's job duties can be specified after they have been hired.

After discussing enhancements to the job description and the process for hiring, the Board agrees to integrate random audits into the investigator's role and proceed with the hiring process. There is no further discussion.

Kendell Galor motions to approve the job listing for hiring an investigator. Jeremy Fisher seconds the motion, and it passes.

12. Public Adoption Hearing – R135-23. (Discussion) Kendell Galor begins the public adoption hearing by reading the purpose from the agenda.

The purpose of the hearing is to receive final comments from all interested parties regarding the adoption and repeal of regulations that pertain to LCB File No. R135-23, Chapter 640B of the Nevada Administrative Code (NAC).

A REGULATION relating to athletic trainers; correcting a statutory reference; revising fees relating to the licensing of athletic trainers; repealing certain duplicative provisions relating to athletic trainers; and providing other matters properly relating thereto.

Open Public Comments Kendell Galor opens for public comment. Dustin Hopfe, a member of the public, seeks confirmation if the revisions to section 640B and associated fees are all included in the Legislative Counsel Bureau (LCB) file. Kendell Galor confirms that these changes pertain to the November 17, 2023 workshop that Dustin attended. Michelle Cothrun elaborates that the meeting materials, including a notice of hearing for LCB file number R135-23 and the proposed regulation changes, are available on the Board's website. She details the updated fee structure: initial application fees reduced from \$300 to \$200, renewal fees from \$150 to \$125, duplicate license fee from \$25 to \$1, and other adjustments. Special fee reductions are

also mentioned for active military, veterans, and their spouses, along with recent Nevada graduates in athletic training.

Dustin then asks if the reduction in fees will be in effect this June for the upcoming renewals. DAG Ward states that the timeline for implementing the new fee schedule is uncertain as the matter is returning to the LCB for further processing. It will subsequently be sent to the Secretary of State for recording. Michelle explains that although the Board is eager to introduce reduced licensing fees this year to align with renewals, it is more realistic to expect these changes to take effect next year due to the additional steps required to get the new regulation approved. Consequently, licensees will pay the usual \$150 fee for renewals this year.

DAG Ward advises Chair Galor to check for further public comments or input from the Board before proceeding. Following this advice, Kendell solicits additional public comment or Board input on the topic. Finding no further comments, she moves on to the next agenda item.

Close Public Comments Kendell Galor closes the public comment portion of the adoption hearing.

13. **LCB File No. R135-23 – Consideration of Public Comments. (For Possible Action)** Michelle Cothrun confirms for the record that there were no public comments for consideration. No action is taken.

14. **Consideration of Adoption of Regulations – LCB File No. R135-23. (For Possible Action)** Kendell Galor motions to adopt the regulations, LCB File No. R135-23. Jeremy Fisher seconds the motion, and it passes.

Before moving on to the next agenda item, DAG Ward suggests reopening the session for public comment following the conclusion of the adoption hearing, noting that essentially two meetings have occurred today within one. He proposes briefly allowing public feedback on the actions taken before moving to agenda item number 15, with a plan for a final public comment session at agenda item number 23. Kendell asks if there is any further public comment on the adoption of the Regulations for LCB file number R135 -23 and there are none. She again closes the public comments and moves on to the next agenda item.

15. **Review and approve a Board policy regarding legal names to be used on licenses, with nicknames or preferred names to be added in quotation marks. (For Possible Action)** Michelle Cothrun explains that the policy arose from applicants wanting to use preferred names different from their legal names, as well as credentials on their licenses. She has drafted a policy to allow nicknames or preferred names in quotation marks alongside the legal name on the license. She confirmed with the BOC (Board of Certification) that they require the use of legal names on their certifications. Leo Lozano agrees that the license should have their legal name, and then a preferred name in quotations in the middle, so that all parties' interests are satisfied. Michelle will add a brief explanation of the policy to the initial and renewal applications since licensees are asked to indicate how they would like their name to appear on their license certificate.

Kendell Galor supports the format of the legal name with the preferred name or nickname essentially taking the place of a middle name. Jeremy Fisher agrees that the Board's policy must align with the BOC. He adds that if a licensee legally changes their name to reflect a new identity, for instance, they will need to supply supporting documentation to change their name on their license, including an updated BOC certification. Michelle speculates on potential future legislative changes allowing preferred names but reiterates the Board's need for an official policy regarding the use of legal names on licenses. The discussion concludes with agreement on the policy as drafted by Michelle.

Kendell Galor moves to approve the policy regarding the use of legal names and preferred names in quotation marks on licenses. Leo Lozano seconds the motion, and it passes.

16. Review and discuss feedback from the Subcommittee on Dry Needling on the possible addition of a six-year lookback policy to the Dry Needling application. (Discussion) Kendell Galor tables the discussion, reasoning that there has been good discussion already. She adds that the existing requirement for athletic trainers to submit 50 continuing education units every two years sufficiently covers the educational needs for adding dry needling to their licensure. There is no further discussion.

17. Discuss athletic trainers administering IV's and injections and a possible email to licensees for educational purposes. (For Possible Action) Kendell Galor reiterates that current educational programs for athletic trainers do not include training for these procedures, thereby prohibiting them from legally administering IVs and injectables, except in the case of EpiPens at secondary schools that have a designated athletic trainer. Jeremy Fisher argues that athletic trainers are highly trained public health officers and should be allowed to perform these medical tasks, as it would benefit public health and reduce healthcare costs. He highlights that other states and training programs include such practices, advocating for Nevada to become a leader in sports medicine practices. Kendell acknowledges Jeremy's points but emphasizes that the current legal framework does not permit these actions. She proposes sending an educational email to clarify current regulations to those inquiring about the legality of such practices and possibly to all licensees. Michelle reassures Jeremy that changes to the practice act, such as those she observed with the dry needling regulations, typically involve extensive discussions, and often take several years to be approved.

Harry Ward, Deputy Attorney General, advises including the specific wording of the educational email in the agenda for the next meeting to avoid Open Meeting Law complaints. The Board agrees to table the discussion and approve the wording of an education email at the next Board meeting.

18. Discuss the temporary license exemption and whether the exemption applies to athletic trainers from California, who are not licensed. (For Possible Action) Kendell Galor clarifies that the temporary license exemption is specific to athletic trainers hired exclusively by an out of state visiting sports team. For example, if a team from California hires an athletic trainer to care solely for its members, that athletic trainer is exempt. However, athletic trainers working at events with general public participation must hold a Nevada license. She then opens for questions or comments on this topic.

Jeremy Fisher agrees with Kendell Galor and elaborates on her points. He notes that athletic trainers from California often work in Nevada without a license, seemingly without repercussions. However, he emphasizes that merely sending a cease-and-desist letter is an inadequate deterrent. He points to potential legal consequences outlined in NRS 640B.700, subsection one, stating that unlicensed activity could lead to severe penalties, including being barred from licensure in Nevada. Such violations raise significant ethical concerns, potentially disqualifying individuals from future licensure due to a demonstrated disregard for licensing laws and professional standards.

Jeremy adds that NRS 640B.335, subsection five, cites NRS 467, which governs unarmed combat events. Athletic trainers participating in these events are not eligible for the exemption in NRS 640B. He sought clarification from the Nevada Athletic Commission, which oversees Boxing, MMA, Muay Thai, kickboxing, and slap fighting. The Commission, which only sanctions judo and jujitsu events if they involve striking, has confirmed that no such events are scheduled through September. With all factors considered, Jeremy concludes that athletic trainers from California must be licensed.

Dustin Hopfe asks if federal laws such as the Sports Medicine Licensure Clarity Act might supersede Nevada licensing requirements for athletic trainers who travel with sports teams. Jeremy responds that any athletic trainer, including those from California, who are hired by and travel with their team are covered. He then provides a few examples. However, he points out that the situation differs for athletic trainers working at tournaments, as these events involve treating the general public in Nevada. Dustin thanks Jeremy for the clarification.

Kendell Galor asks for any other public comments, requesting a focus on the exemption for California athletic trainers. Dr. Ethan Kreiswirth, “Dr. K,” questions how to define a "team" for medical services at sports events, noting that members of the International Brazilian Jiu Jitsu Federation (IBJJF) pay for licensure and membership. He wonders how the federation fits within the exemption. Jeremy clarifies that federation membership differs from being part of a traditional sports team, which typically involves regular competition and coaching—a criterion not met by federation members. Using the NCAA as an analogy, he explains that simply paying a fee does not equate to team membership under Nevada law. Therefore, athletic trainers offering care to federation members must be licensed in Nevada since they provide general, not team-specific, care. He repeats that the exemption requires a current license, which California does not have.

Dr. K reports that Tedd Girouard, a former Board Chair, provided him with conflicting information at a recent conference, leading him to seek clearer guidelines for athletic trainers licensed in other states. He stresses the need for more precise definitions and published guidelines, particularly regarding what qualifies as a “team.” He also emphasizes the need for California athletic trainers to quickly obtain Nevada licenses, especially as the Board plans to hire an investigator soon and summer is only two months away. In response, Kendell acknowledges his concern about the apparent rapid pace of developments yet points out that hiring an investigator has been under consideration for several years. She reiterates that there are only two licensure exemptions: one under the Athletic Commission and the other for team-specific situations. She stresses that per diem athletic trainers serving the general public in Nevada must be licensed.

Jeremy argues that the key issue is who extends the invitation to the athletic trainers. For instance, if the International Brazilian Jiu-Jitsu Federation (IBJJF) were issuing the invitation, the athletic trainers could potentially be licensed in any state. However, since Dr. K’s company is the inviter, the athletic trainers must be licensed in Nevada, as state regulations only exempt athletic trainers invited by a recognized governing body. Jeremy believes this rule is clear, but Dr. K finds it ambiguous and open to interpretation. Dr. K proposes seeking another opinion from the Deputy Attorney General.

Harry Ward, DAG, explains that an official Attorney General's opinion could cost between \$5,000 and \$10,000 and take four to six weeks to obtain. He stresses that enforcement responsibilities rest with the Board and its investigators, not with individual interpretations. Dr. K voices concerns about the ambiguity of the Board's language on exemptions and licensure, arguing for it to be clearer and more universally understood. He highlights the potential confusion arising from differing interpretations and the absence of a consistent approach. In defense, DAG Ward upholds the current regulations and the Board’s role in safeguarding the public by ensuring athletic trainers are properly licensed, pointing out the challenges of doing so when athletic trainers come from California without licensure requirements. He emphasizes that Nevada’s laws aim to ensure that those providing athletic care are well-trained and licensed, thereby protecting public health.

Jeremy suggests that to avoid complications, companies should ensure all athletic trainers are licensed in Nevada, as some other California-based companies have done. He notes that circumventing the fees, which are \$300 for initial licensure and \$150 for renewals—with a reduction expected next year—makes no sense. Dr. K expresses concern that applications may not be processed in time for the summer tournaments.

Michelle Cothrun clarifies that athletic trainers licensed in states like Pennsylvania or Arizona, which also require fingerprint background checks, can obtain Nevada licenses quickly through reciprocity. Upon

submitting their application and paying the fees, they can receive their licenses immediately, although they must still complete the fingerprinting process. In contrast, unlicensed athletic trainers from California applying for the first time must wait several weeks for their fingerprint background checks to be processed, ensuring they meet Nevada's regulatory standards before practicing.

Kendell Galor emphasizes the Board's responsibility to provide clear guidelines, especially in areas like athlete safety and background checks, which are standard for many sports organizations. The conversation concludes with Dr. K asking how to submit further questions, given the length of the meeting. He will email Michelle with his questions. There is no further discussion.

19. **Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle Cothrun informs the Board that she has moved the Open Meeting Law training folder to OneDrive and emailed the link to all members, noting that several have already completed the training. She also updated the Board's website to include new reciprocity language on the Forms page to notify applicants that those currently licensed in another state who have undergone a fingerprint background check during their licensure process may qualify for reciprocity. There was no further discussion.

20. **Report from Harry B. Ward, Deputy Attorney General. (Discussion)** Harry Ward has nothing to report currently, and states that he is open for any questions. There is no further discussion.

21. **Future agenda items. (Discussion)** Michelle Cothrun mentions the option of a paid Dropbox account, though she believes that OneDrive is satisfactory. She also informs the Board that the Department of Business and Industry is conducting a thorough review of all boards and their policies. A potential issue has arisen with the Board's workers' compensation account with Pro Group, which may not be a suitable replacement for the State workers' compensation plan. Michelle will collect further information to determine if a switch is necessary. Other topics discussed during the meeting will be included in the next agenda. There is no further discussion.

22. **Discussion and possible decision on date of next meeting. (For Possible Action)** Kendell Galor asks Michelle Cothrun to send a Doodle poll to the Board members to determine a possible date of the next Board meeting. Kendell suggests an additional brief meeting to discuss the investigator position. Michelle will inform the Board when she has received resumes for the Board's consideration. There is no action taken.

23. **Public comment.** Kendell Galor asks Michelle Cothrun to confirm that there is no public comment in the chat or in her emails. Michelle also confirms that most members of the public have left the meeting and that no new members have joined. Kendell asks Dustin Hopfe if he has any comment, and he does not. No public comment.

24. **Adjournment. (For Possible Action)** Kendell Galor adjourns the meeting at 4:56 PM.

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