

Board of Athletic Trainers Minutes

Date: November 5, 2015

Time: 9:00 a.m. CST

Location: Poplar Conference Room
665 Mainstream Drive
Ground Floor
Nashville, TN 37243

Members Present: Monroe Abram, A.T. , Chair
Helen Binkley, A.T.
Craig Moorhouse, A.T., Vice Chair
Alex Diamond, M.D.
Walter Fitzpatrick, Consumer Member

Staff Present: Michael Sobowale, Unit Director
Lakita Taylor, Board Manager
Tomica Walker, Board Administrator
Paetria Morgan, Assistant General Counsel
Nichelle Dorroh, Office of Investigations, Disciplinary Coordinator

Upon the determination of a quorum being present, the Board meeting was called to order by Mr. Abram at 9:05 a.m.

Election of Officers

Mr. Fitzpatrick made a motion, seconded by, Ms. Binkley to nominate Mr. Abram as Board Chair. The motion carried.

Dr. Diamond made a motion, seconded by, Mr. Moorhouse to nominate Ms. Binkley as Vice Chair. The motion carried.

Rulemaking Hearing

After a preliminary discussion by the board on the necessity of proceeding with the scheduled rulemaking hearing at this meeting, Mr. Abram moved a motion, seconded by Mr. Fitzpatrick, to proceed with the rulemaking hearing. Thereafter, Paetria Morgan, Assistant General Counsel, called the rulemaking hearing to order.

The purpose of the rulemaking hearing is to solicit comments on the rule amendment proposed by the Board to amend Chapter 0150-01, General Rules and Regulations Governing the Practice of Athletic Trainers, Rule 0150-01-.06 – Fees.

A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. A proposed rule is filed with the Secretary of State, notice is given to the public for comment and a rulemaking hearing is held. Upon conclusion of the hearing, the proposed rules are forwarded to the Attorney General's Office for review of legality. If approved, they are filed with the Secretary of State, which is responsible for publication, and the Government Operations Committee of the General Assembly. The Rules must stay in the Secretary of State's Office for ninety (90) days at the end of which time will be the effective date. The Notice of Rulemaking Hearing included the entire text of the proposed rule and was published on the Secretary of State's website on June 8, 2015 and the State's Administrative Register website.

Pursuant to TENN. CODE ANN. § 4-5-204, Ms. Morgan presented a summary of the factual information which formed the basis of the rules contained in the Notice of the Rulemaking Hearing: The proposed rule will amend the fee schedule in Rule 0150-01-.06 by increasing the biennial license renewal fee by fifty-dollars (\$50) to \$200.

Ms. Morgan advised that members of the public wishing to comment on the rules should place their names on the sign-in sheet placed in the room. Before calling on commenters to place their comments into record, Ms. Morgan inquired about whether additional notice was provided to the public and licensees by the Board's administrative office. Ms. Walker responded that additional notices were provided to the Tennessee Athletic Training Society (TATS), e-mail notification to licensees, and also, notice was placed on the Board's website. Thereafter, Ms. Morgan called on commenters to place their comments into record:

Public Comments:

1. Clint Sanders, Communication Chair, TATS - The first comment came from John "Clint Sanders", Communication Chair for Tennessee Athletic Trainers' Society and Secretary-Elect for 2016, who asked the following, "unlike the renewal process, the initial licensure process can take from seven to twelve weeks, so will the fee increase help the administrative office speed up the initial licensure process?" Dr. Alex Diamond responded for the Board and stated that the point is well taken, but while considering the expenses that the Board has to cover, the needs of the professionals regulated should be considered as well.

Monroe Abrams, the Board Chair, also addressed Mr. Sanders' comments stating that the Board has to cover expenses incurred, and the money received from the increase will help to cover those expenses.

2. Chris Snoddy, AT, Star Physical Therapy - The second comment came from Chris Snoddy, with Star Physical Therapy who employs approximately forty athletic trainers. He is also the board's consultant. Mr. Snoddy acknowledged that the renewal process is efficient. Mr. Snoddy also acknowledged that the fee increase is approximately two (\$2.00) dollars per month. However, he stated that he does not support the fee increase unless the increase will ensure a quicker initial licensure process. He said that schools are going uncovered while waiting for athletic trainers to obtain initial licensure, and the delay is especially apparent during the summer months. He added that, according to the Korey Stringer Institute, the presence of an athletic trainer in a school helps prevent deaths related to athletic participation.

Walter Fitzpatrick, Consumer Member, responded for the Board and stated that the Board's administrative staff members should explain the initial application process to the Board members, should review the current process to determine if there are areas that need improvement, and if there are opportunities to streamline the initial application process, the administrative staff should implement those procedures. In response, each administrative staff present stated that license applications are being processed timely and the Board is meeting its benchmark in the area of applications processing.

With no additional commenter present, and seeing no other written comment was received, the board proceeded to vote on whether to adopt the rule change as proposed. Upon a motion made by Mr. Abram and seconded by Mr. Fitzpatrick, the Board voted by a roll call vote to adopt the proposed rule amendment. All members voted in the affirmative. After a review of the statement of economic impact, by a roll call vote, all board members voted in the affirmative to accept the economic impact statement as presented. After a review of the Regulatory Flexibility Analysis Statement, all board members voted to accept statement as presented. This concluded the rule making hearing.

Approval of Minutes

The Board reviewed the minutes of the last meeting. Mr. Fitzpatrick made a motion, seconded by Dr. Diamond, to approve the minutes of May 7, 2014 meeting as presented. The motion carried.

Ratifications

Mr. Fitzpatrick made a motion, seconded by Mr. Abram, to approve the following list of new licensees, reinstatements and closed files:

NEW LICENSEES

HARDY ODELL ARROWOOD, III
KIMBERLY B. AYER
ANDREW JOSEPH BEVERLY

LOUIS KEVIN AVERY
CAITLYN BROOKE BAILEY
KELLY S BARE

JULIANNE BETSILL
GARRETT JAMES BENNETT
SAMANTHA JO BERGMAN
KASEY DANIELLE
BLANKENSHIP
JUSTIN KYLE BOWLES
CHELSEA NICOLE BOWLING
CARLY ELIZABETH BUDIAC
MATHEW ALLEN BUTLER
MATTEA KATARENA BUTLER
JORDAN LEIGH CAGLE
CHANLLENE ROSE
CHALLENGER
KELLY DANIELLE CICH
STEPHANIE JEAN CLYNE
KARLIE DEE COLLINS
TIFFANY LEE CONLEY
KRISTEN MICHELLE COOK
MATTHEW CLAYTON COOKSEY
ELIZABETH ANN CORNELIUS
JAMIE MARIE COX
CORBAN BOYD CRESSLEY
LOGAN WHITFIELD CURRY
EMILY DANIELLE DAVIDSON
JACQUELINE EUGENIA REMIGIO
DAVIDSON
SAMANTHA PAIGE DAVIS
KATRINA DANIELLE DEVORE
ELLIOT DIEHL
PATRICIA ROSE DI MATTEO
ALYNSSA ADRIANA DURAN
HILARY DYCUS
JULIE MATTHEY ELLENA
KAYLA ELSER
ERIC ALEXANDER FAATZ
SAMANTHA NICHOLE FALK
BRITTNEY MICHELLE FAUST
TAVARUS RICHARD FERGUSON
LELAND SETH FLEMING
CARRENE GILBERT FRANCES

AMANDA BEAL GARRISON
BLAIR ELIZABETH GINNEVER
JAMES OWEN HENSLEY
BRIANNE MICHELLE JONES
MICHAEL JAMES JUDD
JENNA ROSE KAETZEL
JENNA NELLIE KENNEDY
SUSAN MICHELLE LAWLESS
SHEENA KIRSTIN MACGOWAN
MARY FRANCES MAHON
BRETT DANIEL MASTROPOLL
MARGARET ANNE MASTY
GRANT GREGORY MATTIX
CHRISTOPHER MICHAEL
MAXEY
MATTHEW DAVID MCFADDEN
MARISSA YVONNE MCKIE
JERICA LAIME MOORE
RANDALL STEELE MORRIS
BRIAN D NELSON
MATTHEW ROBERT NORTON
CAROL A OSGOOD
MATTHEW PAHLS
BRENDA KIM PAIDER
LESLIE DALE PAYNE
JOSEPH HARLEY PETTITT
MEREDITH JEAN PIACENTINI
NICOLE LYNN PIETROSIMONE
ERICA KRISTIN POMANA
CHRISTOPHER EDWARD PROPPE
EMILY M QUATROMONI
KAYLAN ASHLEY RHOADES
JACQUELINE QUINN RIPPLE
MATTHEW GARRETT ROBINSON
MEGAN ALESE ROLFE
ALEXAN ROONEY
BRADLEY DEAN ROYER
NICHOLAS THOMAS SALVATO
MACKENZIE LEE SENESAC
REESE ALEXANDER SHIVERS

PAXTON KIMBER SISSON
DANA RAYE SNIDER
NATHAN LEE SOMMERS
STEPHANIE MARIE STARK
JENNIFER LYNN STAUTZ
TERA PEET STEWART
MIYA VENITA SULLIVAN
VICTORIA RAYE ANNE SWIFT
KRISTOFER MIKAL VANDER
WILT
ALLISON DIANNE VARNELL

ANTHONY RICHARD
WALUKONIS
NEVADA JEAN WATSON
CAROL WEAND
JORDAN A WEISE
LAUREN ELISE WESNER
JONATHAN DERRICK WILSON
SARAH GAIL WILSON
JOSEPH EDWARD WISNIEWSKI
JOHNNA RAE YEAGER
KALA ALEXANDER YOUNG

The motion carried.

REINSTATEMENTS

JENNIFER KATHLEEN BONE
SOLOMAN JOSIAH CAMPBELL
JEREMY EMMONS

MARJORIE LEAHU
KEITH RANDALL OAKES
LAUREN ELISE WALKER

The motion carried.

CLOSED FILES

JUSTIN KYLR BOWLES
LAWRENCE BUTLER
TERA PEET STEWART
BEAU JAMES WALTON
LINDSEY BRINZA

SAMANTHA DAVIS
ELLIOT JAMES DIEHL
MATTHEW FOOTE
JULIE LIVERMORE-BRASHER
MATTHEW MCFADDEN

Applicant Interviews/Review

Denise Bates – Ms. Bates’ file was presented before the board due to out of State discipline. Ms. Bates was not present. After review, Mr. Fitzpatrick made a motion, seconded by Dr. Diamond, to approve Ms. Bates’ application for licensure. The motion carried.

Office of General Counsel Report

Ms. Morgan presented the Office of General Counsel (OGC) Report. Ms. Morgan first discussed the Conflict of Interest policy statement and the FTC vs. North Carolina Dental Board case.

Conflict of Interest Policy

Ms. Morgan reviewed the conflict of interest policy with the board. He reminded the board of their obligation to disclose any conflict and recuse themselves from any issue that may pose a conflict to their unbiased service on the Board.

FTC vs. North Carolina Dental Board

Ms. Morgan gave an overview of the FTC case and concluded that as long as the decisions of the Board are based on the board's statutory authority and in furtherance of the board's mission to protect the public, the board will be protected from any lawsuit of this nature. Any recommended remedial steps for state boards in response to the FTC case would be communicated to the board in the future. In response to an inquiry from Mr. Fitzpatrick, Ms. Morgan stated the board will be granted immunity as state actors in any action for any decision taken in the performance of their duties on the board.

A. Litigation

There are seven (7) open cases at the Office of General Counsel. Ms. Morgan stated there is one Consent Order that will be presented at the meeting and gave an overview of the complaint process.

B. Legislative Update

Ms. Morgan discussed Public Chapter 325 – Sudden Cardiac Arrest Prevention Act. This legislation creates the “Sudden Cardiac Arrest Prevention Act” for the purpose of informing and educating coaches, school administrators, youth athletes, and their parents or guardians of the nature, risk, and symptoms of sudden cardiac arrest (SCA). It requires the governing authority of each public and nonpublic middle, junior, and high school to, through guidance provided by the Department of Health (DOH), adopt guidelines and forms to inform and educate coaches, school administrators, youth athletes, and their parents or guardians of the nature, risk, and symptoms of SCA, including the risk of continuing to play or practice upon experiencing specific symptoms related to SCA. The bill also requires any athlete, coach, parent, guardian, athletic director and as applicable, a licensed health care professional or lead administrator to sign a SCA information sheet.

C. Rules

Ms. Morgan stated that the board has already had a rulemaking hearing but she also went ahead to further explain the procedural steps and statutory timeframes involved in a rulemaking process to the board.

D. Consent Order

Jeremy Emmons, License # AT 1371- Mr. Emmons signed a Consent Order for practicing on an expired license. After discussion, Mr. Fitzpatrick made a motion, seconded by Mr. Abram, to approve the Consent Order as presented. The motion carried.

Investigative/Disciplinary Report

Ms. Nichelle Dorroh presented the report from the Office of Investigations. She reported that there are currently eleven (11) open complaints in the Office of Investigations and 5 have been closed – 2 with a letter of warning and 3 closed with no action.

Agreed Citations

Mr. Sobowale, administrative director, welcomed the new board members on behalf of the administrative staff and presented the following Agreed Citation to the board for review and ratification:

Solomon Josiah Campbell, License # AT 1761- Mr. Campbell signed an Agreed Citation for practicing on a lapsed license. After discussion, Mr. Fitzpatrick made a motion, seconded by Mr. Abram, to approve the Agreed Citation as presented. The motion carried.

Administrative Report

Ms. Walker, board administrator, presented the administrative report as follows:

A. There are 941 active licensees as of October 26, 2015.

B. Licensure activity for November 1, 2014 through October 26, 2015:

- New licenses—85
- Reinstated licenses—6
- Retired licenses—4
- Renewed licenses— 25 (20 renewed online for September 2015)
- Expired—84

C. Board Vacancies

All positions are currently filled at this time.

D. Meeting Dates

The meeting dates for 2017 were presented to the Board as follows:

May 4, 2017
November 2, 2017

Other Board Business

A. Letter to Post-Secondary Institutions

In order to promote awareness in the athletic training community of the need to employ only licensed Athletic Trainers rendering athletic training services, the Board had previously discussed sending a letter of awareness to all post-secondary institutions and employers of athletic trainers. The letter drafted by the board attorney has been signed by the Board Chair at its last meeting and have been sent out electronically to all licensees who “opted-in” to receive electronic mail notification from the administrative office. Ms. Morgan stated that the issue of unlicensed practice is why the Board is having such a huge increase in cases and it is important that the letter be communicated to people in the profession. Ms. Morgan suggested that the letter be sent via e-mail to appropriate recipients in order to cut down on the costs. The Board decided that in addition to post-secondary institutions, they would like for the letter to be mailed to all public and private secondary schools as well.

B. Board Newsletter

The Board reviewed the Board’s winter newsletter and expressed approval for publication.

Adjournment

There being no further business to discuss, Mr. Abram moved for adjournment of the meeting and seconded by Mr. Fitzpatrick. The motion carried.

The meeting was adjourned at 10:38 a.m.

These minutes were ratified by the Board at the May 5, 2016 meeting.