

**Board of Athletic Trainers
Minutes**

Date: May 7, 2015

Time: 9:00 a.m. CST

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

Members Present: Joseph T. Erdeljac, A.T., Chair
Monroe Abram, A.T., Vice Chair
Walter Fitzpatrick, Consumer Member

Members Absent: Vacant, A.T.
Vacant, M.D.

Staff Present: Michael Sobowale, Unit Director
Tomica Walker, Board Administrator
Marc Guilford, Assistant General Counsel
Paetria Hampton, Assistant General Counsel
Lisa Tittle, Financial Officer
Nichelle Dorroh, Office of Investigations, Disciplinary
Coordinator

Guest: Valerie Nagoshiner, Assistant Commissioner for Legislative Affairs

Upon the determination of a quorum being present, the Board meeting was called to order by Mr. Erdeljac at 9:10 a.m. Mr. Erdeljac re-arranged the agenda and first called upon Valerie Nagoshiner, Assistant Commissioner, to give her report on legislative updates affecting the board.

Legislative Updates

Public Chapter 154

This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the commissioner of Health or his designee already has this authority but must go to the facility to review the medical records.

Public Chapter 94

This Act adds defined terms and rulemaking authority concerning the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals. The Act also

increases the time within which placement on the abuse registry may be appealed based on administrative error from 30 to 60 days.

Public Chapter 502

This Act requires the government operations committees to review every rule promulgated pursuant to the Uniform Administrative Procedures Act (UAPA) and makes other various changes to the rulemaking process under UAPA. It allows the committee to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This Act adds arbitrariness and capriciousness as two new considerations.

Public Chapter 268

This Act provides that a healthcare provider's disclosure of relevant information in response to a court order, including protected healthcare information will be deemed permissible disclosure. It makes disclosure of protected health information permissible in medical malpractice lawsuits.

Rulemaking Hearing

Mr. Erdeljac suggested that the rulemaking hearing scheduled on the agenda should be tabled until the next scheduled meeting of the Board given the improved finances of the board as reported in the financial report. He thereafter called upon Ms. Lisa Title, Division Fiscal Officer, to make a financial presentation.

Financial Report

Ms. Lisa Tittle, Fiscal Officer for Tennessee Department of Health gave the financial report. She stated that she was pleased that the Board has closed in the black for the current reporting period. She reported that the total direct expenditures, including payroll expenditure, is \$60,463.02 and the total allocated expenditure is \$80, 021.41, a little increase from the previous reporting period. She reported that the Board had revenue collections of \$88,266.96 and the projected current year net is \$8, 246.55, which erased the cumulative deficit from FY 2014 and left the Board with a surplus of \$6, 568.33. She stated that the Board should factor in their discussion of whether to do a fee increase that investigative and legal costs are hard to predict and may soar, which may have a detrimental effect on the board's financial outlook in the future.

Thereafter, Mr. Fitzpatrick made a motion, seconded by Mr. Abram, to adopt the previous suggestion made by Mr. Erdeljac to table the rule making hearing for a fee increase at the next board meeting in November. The motion passed.

Conflict of Interest Policy

Mr. Guilford, the board's advisory attorney, 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.

Approval of Minutes

The Board reviewed the minutes of the last meeting. Mr. Abram made a motion, seconded by Mr. Fitzpatrick, to approve the minutes of November 6, 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

DENISE ALDER
VICTORIA BENNETT
LEONARD JAMES CASTERLINE
KELLI COCKRELL
LAURIE JEWEL COOK
NICHOLAS DAVID CORK
JAMES HEATH FORGE
CLINT RAY GIBSON
JESSICA LEE HESTER
COREY KATHLEEN HUFFSTICKLER
ANNALEZA M JONES
BRITTANY ANN KLAUS
PETRA MONIQUE KNIGHT

ELIZABETH YATES KNOWLTON
TYLER ROBERT MARTIN
AMANDA LEWIS MCCARRELL
DAVID M MONTES
KATHLEEN NICOLE PEREZ
YUICHI SASAKI
THOMAS CARL SHELTON
NOEL LEE TILLER
ALEX JASON VANDER VORSTE
MONDAY EUGENE WILLIS
TIMOTHY ZINKE
ANGELA MARIE ZIOLKOWSKI

The motion carried.

REINSTATEMENTS

MAKENZIE LYNN ALSIP
ADAM CHRISTOPHER HANEY
CHRISTOPHER LARRY JOHNSON
KAITLYN SUZANNE LEVAN

PAMELA DAWN MURRAY
JENNIFER YASMEEN REIST
WILLIAM B. BROWN

The motion carried.

CLOSED FILES

DENISE ALDER
MARILYN BREANNE HUDSON

VICTOR LEE MCLEMORE
ANDREW KENNETH SHADEL

Applicant Interviews/Review

There were no applicant interviews or review to be conducted at this meeting.

Office of General Counsel Report

Mr. Guilford presented the following Office of General Counsel (OGC) Report:

A. Litigation

There are six open cases at the Office of General Counsel. Mr. Guilford reported that the board will not hear any contested cases.

B. Legislative Update

The legislature is adjourned for the year. No bills affecting this board were proposed. Ms. Nagoshiner from the health department legislative liaison's office has already given a report.

C. Rules

A rulemaking hearing for a fee increase that was scheduled on the agenda was tabled for discussion at the next board meeting.

D. Federal Trade Commission v. North Carolina Board of Dentistry

Mr. Guilford discussed the recent Supreme Court decision in this case and potential ramification for all regulatory boards both nationwide and statewide. He stated that the decision could potentially lead to a review of how boards are being supervised by regulatory agencies in order to ensure that the boards continually have antitrust immunity. He stated that board members could have personal liability for antitrust actions but the State could provide immunity and the State of Tennessee does that. He cautioned that Boards have to stay true to their mission so that their actions will not be construed as being anti-competitive.

Investigative/Disciplinary Report

Ms. Nichelle Dorroh presented the report from the Office of Investigations. She reported that there are currently four (4) open complaints in the Office of Investigations and 2 have been closed – 1 with a letter of warning and 1 closed with no action. Two (2) practitioners are currently being monitored in the field for investigation. Once the investigations are complete, the investigative results would be sent back for a review by the board consultant and attorney for a recommendation to the board.

Agreed Citations

Mr. Sobowale, administrative director, presented the following Agreed Citations to the board for review and ratification:

Makenzie Alsip, License # AT 1690- Ms. Alsip 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.

Marjorie Leahu, License # AT 1485- Ms. Leahu 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

A. There are 932 active licensees as of April 30, 2015.

B. Licensure activity for November 1, 2014 through April 30, 2015:

- New licenses—32
- Reinstated licenses—7
- Retired licenses—6
- Renewed licenses— 18 (18 renewed online for April 2015)
- Expired—23

C. Board Vacancies

The board currently has two (2) vacancies. Mr. Sobowale informed the Board that the Health Department's liaison to the Health Related Boards (HRB) has been made aware of the vacancies and effort is currently underway to fill those vacancies.

D. Meeting Dates

The meeting dates for 2016 were presented to the Board as follows:

May 5, 2016
November 3, 2016

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 post-secondary institutions and employers of athletic trainers. Mr. Guilford informed the board that he and Ms. Hampton have a draft of the letter to present to the Board for review. He stated that there was no motion needed to adopt the letter. After review, the chair commented that the letter was well drafted and the Board decided to adopt the draft, as presented, to be sent to post-secondary institutions and employers of athletic trainers.

B. Scope of Practice Correspondence

Mr. Sobowale informed the board that correspondence was received from an attorney to an external business organization inquiring about the scope of services of individuals/athletic trainers employed and working with physically active employees in a warehouse setting, including treating their injuries. The board stated that no policy statement was required and that no further action from the board was needed. The board discussed that if individuals are acting under the practice act, then they will not be in violation.

C. Election of Officers

Mr. Abram made a motion, seconded by Mr. Fitzpatrick, for Mr. Erdeljac to remain as Board Chair. The motion carried.

Mr. Fitzpatrick made a motion, seconded by Mr. Erdeljac, for Mr. Abram to remain as Vice Chair. The motion carried.

D. Live Streaming for Board Meetings

Mr. Guilford reminded the board that the Division of Health Related Boards has begun to broadcast all board meetings via live-streaming on the internet.

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 10:17 a.m.

These minutes will be ratified at the meeting to be held November 5, 2015

Board of Athletic Trainers

May 7, 2014