

**Oregon Health Licensing Agency (OHLA)
Board Of Athletic Trainers
Minutes of October 6, 2008**

This set of minutes is a draft version from the Board of Athletic Trainers meeting held on October 6, 2008, and must be approved by the Board at the next regularly scheduled board meeting.

MEMBERS PRESENT

Kathi Stotts, Vice Chairperson
Bart Rask M.D.
Duane Iversen, ATR / PT
Dave Sherden, Chairman

MEMBERS ABSENT

None

STAFF PRESENT

Dixie Bryant, PSPD Manager
Richard McNew, ASD Manager
Mike Simpson, Statistical Analyst
Kraig Bohot, Communications Coordinator
Lisa Murphy, Board Specialist

AUDIENCE MEMBERS

Shelley Jones

CALL TO ORDER

David Sherden, Chairperson, called the meeting of the Board of Athletic Trainers to order at 9:11 a.m. on Monday, October 6, 2008, at the Rhoades Conference Room, located in the Veterans' Administration Building, 700 Summer St. NE, Salem, OR, 97301.

APPROVAL OF AGENDA

MOTION

Ms. Stotts made a motion with a second by Mr. Iverson to approve the agenda of November 6, 2008. Aye: Dr. Rask, Mr. Iversen, Mr. Sherden and Ms. Stotts. Nay: None. The motion passed.

MINUTES

MOTION

Dr. Rask made a motion with a second by Mr. Iverson to approve the minutes of April 28, 2008 and Ms. Stotts made a motion with a second by Mr. Iverson to approve the minutes of August 15, 2008. Aye: Dr. Rask, Mr. Iversen, Mr. Sherden and Ms. Stotts. Nay: None. The motions passed.

DIRECTOR'S REPORT

2009 LEGISLATION

Ms. Wilson, Director, provided an overview of the agency-wide legislation LC 831. LC 831 continues to conform and streamline agency standards, regulation and requirements for programs and professions regulated by the agency. The legislation makes program changes, technical adjustments and corrections, maximizes the benefits of economies of scale, regulatory consistency and accountability to continue to achieve solutions and outcomes for consumer protection. The legislation establishes consistent term limits (two consecutive four year terms) and stipulates at least one public member be appointed to all boards. The legislation proposes professional development through prescribed education or training and identifies practice standards, testing and oversight as determined by agency rule.

Ms. Wilson stated that the Oregon Health Licensing Agency's proposed legislation encompasses some of the topics reviewed by the Interim Committee on Health Care chaired by Representative Mitch Greenlick. Representative Greenlick's legislative interim committee revealed board membership and the appointment process are not uniform nor is the number of public members serving on these boards. Representative Greenlick's interim study may recommend to the 2009 Legislature an increase in public members on boards to 50%. The recommendation may also include other improvements and changes in board specific areas.

Ms. Wilson stated there was general opposition among professional association representatives at the interim committee public hearing to the proposal to increase the number of public members on boards to 50%. Ms. Wilson stated since the role of boards is public protection, it is logical at least one public member serve. She stated board members will have an opportunity to review both agency legislation and any other legislation after the bills are drafted by legislative counsel. The Legislature begins Monday, January 12, 2009.

Ms. Wilson referenced the Oregon Health Care Workforce Institute PowerPoint presentation noting the legislature is considering a committee to review scope of practice issues. Governor Kulongoski has requested a study of Oregon's preparedness for a shortage in health care providers during the next decade. The study will identify areas with projected shortfalls and recommend solutions. Ms. Wilson said bills are currently being drafted and will be ready in January of 2009. The bill, if approved, will not be made effective until 2010.

Board members inquired about the 2007 Legislation regarding the uniform fee structure, which was not approved by the legislature. Ms. Wilson stated that the agency is approaching the fee structure differently with cost allocation determined by several factors: program complexity, volume and liability. The Board was provided an opportunity to review the 2009-2011 Agency Budget Request.

Ms. Wilson stated OHLA is recruiting a public member for the Board of Athletic Trainers and encouraged submission of names of interested individuals, noting currently the Oregon Revised Statutes (ORS) has the Director of OHLA appointing the members. The ORS will be corrected during the 2009 legislative session.

Ms. Wilson explained that within LC 001 the agency is proposing a dormant license, which would allow OHLA licensees to their license in a dormant license status if certain qualifications are met. The concept also includes up to three copies of licenses working in multiple locations. Upon passage of the bill the details and qualifiers will be identified within administrative rule.

Mr. Sherden asked for comments on the new two year license implemented October 1, 2008. Shelley Jones, public audience, conveyed there had been negative comments to the two year licensure, because the reduction was not significant enough to offset the fee for two year licensure. She said the cost is high for individuals coming from college and getting their license for the first time. Mr. McNew stated that the two year license cycle provides a reduction to yearly fees that would have increased otherwise.

ADMINISTRATIVE SERVICES DIVISION

Mr. McNew stated the statistical data provide historical information used for the 2009-2011 budget development. He noted the budget is on schedule to go to Governor's office. He stated that the application and licensing forms were revised for the October 1, 2008, implementation of the new two year licensing cycle and fees.

STATISTICS

Mr. Simpson, Statistical Analyst, reviewed the statistics for licenses issued and renewed for the biennium.

- Registrations issued: 53
- Renewal over the counter or by mail: 128
- Online renewals: 113

Mr. Simpson reported the regulatory statistics for the biennium.

- Complaints received: 1
- Proposed orders: 0
- Final orders: 0

Mr. Simpson reviewed the Athletic Trainers Web site statistics through August 2008.

- 3752 hits
- 535 visitors
- Daily average of 121

The top three pages:

- Home
- Athletic Trainers Laws and Rules
- How to Get Licensed

The top 3 most downloaded files:

- Qualification and Continuing Education
- Meeting minutes
- Athletic Trainer Information

REGULATORY OPERATIONS DIVISION

Mr. Molloy, Regulatory Operations Division Manager, reported one case to the Board regarding a licensee not reporting athletic injuries as required under OAR 331-120-0020. An investigation showed the licensee's records were not kept properly and a proposed order was issued. The Board members requested to see the file and will go to executive session at the end of the meeting.

PROGRAM OPERATIONS DIVISION

PERMANENT ADMINISTRATIVE RULES

Ms. Allbritton, Senior Policy & Strategic Analyst, drew the board's attention to the permanent rule filing which went into effect October 1, 2008, changing the fees and continuing education reporting periods.

CONTINUING EDUCATION ROLLOUT

Ms. Patnode, Qualification and Examination Analyst stated there were no changes to the continuing education (CE) requirements. She said currently athletic trainers in Oregon follow the guidelines set forth by Board of Certification (BOC), which are 75 hours every three years. Ms. Patnode recommended removing the specificity of the BOC requirements and adding that the board/agency would accept continuing education which has been approved by the BOC and/or other organizations as approved. This will allow the board the opportunity to set reporting periods and hours which coincide with other agency programs. She said that the Rules Advisory Committee would meet to review the plan in the future. Board members concurred.

OPERATIONS AND POLICY

Ms. Allbritton responded to a question related to industrial athletes: education, qualification, training, testing and licensing. She stated the Assistant Attorney General (AAG) has advised that "industrial athlete" does not conform to the current definition in the law of "athletic trainer". To change statutes will require legislative action. Any person providing services related to industrial athletes as an athletic trainer is operating outside the current scope of practice and subject to enforcement action by OHLA.

Senator Monnes Anderson, chair of the Health Care Committee, is focusing on what is in each health care provider's scope of practice. Senator Anderson is providing this information due to concerns of the expected shortage of licensed health care providers.

Mr. Iverson commented on compensation through third party payer which limits what Athletic Trainers can do in their scope of practice. Ms. Stotts said the National Athletic Trainers Association (NATA) prefers a short definition by law and then clarification by rule for specificity. Ms. Wilson stated for public protection practitioners must be educated, trained, qualified and tested for competency or prove that the training required for Athletic Trainers currently covers the training needed to treat industrial athletic injury.

OUTREACH AND COMMUNICATION

Mr. Bohot, Communications Coordinator, discussed the press release sent out regarding the reduced fees and renewal cycles, along with a new brochure about compliance, which is now available on our website. He provided an overview of the OHLA Web site, related links page and the Athletic Trainers web page. He showed the Board members the added links for NATA and BOC and the information for accreditation of entry level Athletic Trainers Education programs. There are also direct links from the Continuing Education page to the BOC and NATA. Mr. Bohot explained the consumer help page walks a client through the steps for filing a complaint.

COMMITTEES AND REPORTS

There were no committee reports.

ITEMS FOR BOARD ACTION

2008 SUBCOMMITTEES

Subcommittees provide review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. The board shall nominate committee members.

Legislation / Rules	Kathi Stotts; Bart Rask, M.D.
Enforcement	David Sherden; Duane Iversen
Industry Liaison	Duane Iversen
Continuing Education	David Sherden
Public Safety	Bart Rask, M.D.; Kathi Stotts
Customer Connection	Duane Iverson

MOTION

Ms. Stotts made a motion with a second by Dr. Rask to accept the subcommittees as listed. Aye: Dr. Rask, Mr. Iversen, Mr. Sherden and Ms. Stotts. Nay: None. The motion passed.

2008 BOARD MEETING DATES

The Board of Athletic Trainers meets on a biannual basis with all meetings scheduled for 9:00 am on a Monday.

MOTION

Ms. Stotts made a motion with a second by Mr. Iverson to approve the April 27, 2009 and October 12, 2009 meeting dates, keeping the starting time at 9:00am. Aye: Dr. Rask, Mr. Iversen, Mr. Sherden and Ms. Stotts. Nay: None. The motion passed.

2008 CHAIR AND VICE CHAIR

The Board of Athletic Trainers shall elect a chairperson and vice-chairperson for 2009.

MOTION

Mr. Rask made a motion with a second by Ms. Stotts to approve the chairperson remain David Sherden and vice chair be Kathi Stotts. Aye: Dr. Rask, Mr. Iversen, Mr. Sherden and Ms. Stotts. Nay: None. The motion passed.

PUBLIC COMMENT

Questions and issues by Shelley Jones:

1. Oregon Athletic Trainers Association (OATA) met to discuss possible rule changes. Ms. Jones requested advice for the OATA to adopt the Standards of Professional Practice document in administrative rules for their position statement on concussions. Ms. Allbritton said that a document can be adopted, but not the subsequent changes to it. She said it is better to adopt the verbage of a document instead.

Mr. Sherden stated the current Oregon Administrative Rule (OAR) in regard to physician referral of concussions may be out-of-date since it is nearly 10 years old. Ms. Wilson suggested the Rules Committee review this rule.

2. Ms. Jones stated concerns about an investigation conducted on a licensee.

- The investigator did not seem prepared. He did not have the knowledge of athletic trainers and used improper terminology during an investigative interview.
- The investigator did not have knowledge of the standards required of high school or collegiate level athletic trainers.
- Ms. Jones suggested an investigator be well versed with the profession for easier communication.

Mr. Molloy stated that the role of an investigator is to collect data, but there were no records to refer to in this case. Ms. Wilson stated investigators are professionals who understand the laws and rules. The Board members are relied on to interpret practice issues. Mr. Iversen asked if the standards for recordkeeping are not all met, will a proposed order always be the result. Mr. Molloy answered that it is considered on a case by case basis.

Dr. Rask stated his interpretation of the rule is: if the service is not performed, there is no need to provide documentation. Mr. Molloy agreed, stating that in this instance there was possibly a language barrier between the investigator and the licensee.

Ms. Jones asked if an employer can be held responsible or receive any regulatory action against them if they have an athletic trainer working who has been fined. Ms. Wilson said the Agency does not have authority over employers.

EXECUTIVE SESSION – ORS 192.660(2)(f)

Mr. Sherden called The Board of Athletic Trainers to enter Executive Session under ORS 192.660(2)(f) at 11:05am for the purpose of considering information or records exempt from public inspection. No recommendation or action was made on **file number 074.996**.

Executive Session concluded at 11:22 a.m. Mr. Sherden reconvened regular session at 11:23 a.m

BOARD INTEREST FILE

None.

Ms. Stotts moved and Dr. Rask second to adjourn the meeting.

The meeting adjourned at 11: 26 a.m.

I attest that the Board of Athletic Trainers minutes of October 6, 2008 are a true and accurate reflection of the matters discussed and the views of the participants.

Lisa A. Murphy, Board and Qualifications Specialist