



Oregon Health Licensing Agency
Board of Athletic Trainers



9 am, Monday, November 14, 2011
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Russ Cagle, Chair
Greg Hill, Vice-Chair
Jeremy Ainsworth

MEMBERS ABSENT:

Nelson Lomax
Robert Sandmeier

STAFF PRESENT

Randy Everitt, Director
Sylvie McMillan, Fiscal Services and Licensing Manager
David Sparks, Regulatory Operations Manager
Samie Patnode, Policy Analyst
Sinnamon Harris, Board Specialist

GUESTS PRESENT:

None

*This meeting was live video streamed.

Call to Order

Russ Cagle, Chair, called the meeting of the Board of Athletic Trainers to order at 9:01 am, Monday, November 14, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

1. Approval of Agenda

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth to approve the agenda. The motion passed unanimously.

2. Approval of Minutes

MOTION:

Jeremy Ainsworth made a motion with a second by Greg Hill to approve the minutes for May 16, 2011. The motion passed unanimously.

3. Reports

◆ Directors Report

Randy Everitt, Director, explained that a legislative concept is a formal idea that the agency vets with its boards or councils to determine if a statute (or law) needs to be revised. It is a lengthy process and Everitt further explained that the Legislative Concepts need to be submitted by early April of 2012 for the 2013 Legislation Session. Everitt noted the possible Legislative Concepts for the Board of Athletic Trainers that had been brought up in the past:

- Remove NATA references; and
- Standardized definition of “Physician Extender”
- Revise definition of athlete.

Russ Cagle mentioned the agency looking over ORS 688.718 regarding exemptions of secondary schools. Patnode offered that some of the issues may be handled by creating clarifying statements in rule.

There was discussion surrounding expanding ORS 688.701(1) “Athletic” definition to include industrial athletes. For example, a person had been injured on the job and had been an avid jogger. They would like to seek rehabilitation from an athletic trainer to get the back to jogging. This would include removing the “generally conducted in association with” phrase which was added to the Oregon Revised Statute in 1999 to specifically exclude those injuries that are not related to an “athletic injury.” Patnode advised the board that this issue would involve extensive outreach to stakeholders including the Physical Therapy Board, Occupational Therapist Board, etc. Jeremy Ainsworth asked more about the term, “generally” and Patnode replied that the term had been reviewed and was especially placed within the law to directly relate to athletic training.

The board discussed Oregon Revised Statute 688.718(e) and the need for clarification as to whether it included traveling teams who come from out of state or country or does it allow any person to perform athletic training services in this state for the purpose of continuing education, consulting or training if the services are performed for no more than 60 days. There were also questions regarding if the exemption was meant for the purpose of continuing education “training services” and did “training” mean “athletic training” or “training” as in teaching someone something.

Chair Summit

Everitt announced a Chair Summit will take place on January 20, 2012, for all the Boards and Councils for a business meeting. The purpose of the meeting is for the boards/councils to let the agency know how it can improve on its services and for the agency to let the boards/councils know where the business of regulation is headed. For example, Everitt stated, at the last Chair Summit the agency introduced the 28-point Investigatory Protocols. One of the concerns at the last meeting was customer service and as a result the agency increased people on the front line and added a position who answers the phone. This meeting will explore the political part of Oregon Health Licensing Agency as a state entity and how it relates to each profession.

◆ Statistical & Budget Report

Sylvie McMillan, Fiscal Services and Licensing Manager presented the statistics that included licensing, examination and regulatory statistics, authorization volume, complaints, and website traffic. McMillan also introduced a chart which outlined the “Small Board Gold, Silver, and Bronze Plans.”

These plans were developed by fiscal to allocate the shared (indirect) service rates for each board or council under Oregon Health Licensing Agency. The chart shows which board is using what functions of the agency and the costs are based on those services the boards are actually using. Full-Time Equivalent (FTE) Allocation represents all the agency's employee positions. Shared cost categories are divided into three agency divisions: Administrative Services, Fiscal Services/Licensing, and Regulatory Operations. Each board was placed into a Gold, Silver, or Bronze Plan based on the services used while Cosmetology has its own separate plan. The board will pay a percentage of each of the shared costs, such as, management, rules and legislation, qualifications and licensing, etc. McMillan noted the Silver and Bronze Plans does not include inspections as the agency only performs inspections on those boards with facility licenses. The Investigators keep a detailed log of which board they work on and those hours/ payroll costs are divided out at the end of the month for each board/council. McMillan noted that the Board of Athletic Trainers is in the Bronze Plan.

McMillan talked about a spike in new registrations since the letter regarding students who had registered with the Board of Certification (BOC) were notified that they needed to register with Oregon Health Licensing Agency also. Agency staff has contacted BOC for an updated list of registrants to compare with the agency's new registrants. The agency is hoping the monies will level off but are making future plans to level the budget with possible rebates, online renewal discounts, etc. McMillan stated she will be able to provide more information at the next board meeting.

◆ **Regulatory Operations Division Report**

David Sparks, Regulatory Operations Manager, reported on enforcement activity.

2009 – 2011 Biennium

Between July 2009 and June 2011, 21 complaints were received by the Agency, and of the 21 complaints, none remain open.

Below is a summary of the closed complaints categorized by investigation result. These 4 complaints were closed-out since the last Board meeting.

Investigation Result	Count
Civil Penalty	1
Unfounded	3

Below is a summary of all other closed complaints categorized by investigation result. These 17 complaints were closed-out prior to the last Board meeting.

Investigation Result	Count
Civil Penalty	1
Unfounded	16

2011 – 2013 Biennium

Between July 1, 2011 and November 7, 2011, 2 complaints were received by the Agency, and of the 2 complaints, 1 remains open.

Below is a detailed list of the 1 open complaint with an ongoing investigation:

Case #	Received Date	Complaint Allegations
11-6571	9/5/2011	Unlicensed Athletic Trainer

4. Executive Session

Executive session was held pursuant to Oregon Revised Statute 192.660(2)(f) for the purpose of considering information or records exempt from public inspection. The board entered into executive session at 10:21 am and resumed the public meeting session at 10:34 am. Cagle noted that no final decisions or recommendations were made during executive session.

◆ **Policy, Legislation & Administrative Rules**

-OHLA Permanent Administrative Rules

Samie Patnode, Policy Analyst, discussed OAR 331-010-005 regarding allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status. The rule defines and clarifies what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of OHLA. The rule also defines and clarifies the terms incompetence and negligence used in ORS 676.612 in regulation to the boards or councils under OHLA.

5. Items for Board Action

◆ Approve Rulemaking Schedule for 2012

The Board has not reviewed administrative rules since 2004. In 2010-11 the Board worked with the Oregon Health Licensing Agency on specific policy questions relating to statutes and administrative rules.

Areas which *may be* addressed during rulemaking are Agency streamlining to ensure consistency among programs and align administrative rules with statutory authority including:

- Application requirements
 - National criminal background and fingerprint checks
- Pathways to licensure;
 - Board of Certification (BOC)
 - Commission on Accreditation of Athletic Training Education (CAATE)
 - Other states or countries
- Renewal requirements;
 - National criminal background and fingerprint checks
- Continuing education requirements.
- Define supervision
 - General
 - Direct
 - Personal
- Collaboration with physician

MOTION:

Jeremy Ainsworth made a motion with a second by Greg Hill to approve the administrative rulemaking schedule. The motion passed unanimously

◆ AT Scope of Practice - Working in a Physical Therapist (PT) Setting and Signed Consent Question
Patnode presented an issue statement addressing the questions raised by Brad Aytes, Certified Athletic Trainer Mid Columbia Medical Center in The Dalles. Patnode stated that Mr. Aytes had two questions and the first one relating to working in a PT setting had been referred to Sheri Paru, Clinical Advisor and Investigator for the Physical Therapist Licensing Board who answered Mr. Aytes email. The second question:

-How does the Board interpret OAR 331-120-0020(11).....Performing services which have not been authorized by the consumer or his / her legal representative is prohibited. *When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer?*

In the board's discussion they questioned who the consumer was and what type of school (public or

private). The discussion also noted that contracts may differ from district to district. The board acknowledged that they would need more clarifying information from Mr. Ayes before they could decide which method for answering the scope of practice questions to use; based on the current information provided by Mr. Ayes there were too many variables to render any type of decision or method to pursue an answer.

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth that the agency contact Mr. Ayes for more information {clarification} regarding the situation so the board may act appropriately {determine the next course of action} and/or refer the issue to the Practice and Procedures Standards Committee. The motion passed unanimously.

◆ 2012 Chair/Vice-Chair

Nominations for Chair were opened and Greg Hill nominated Russ Cagle for Chair. There were no further nominations so nominations were closed and Russ Cagle was elected 2012 Chair by a unanimous vote.

Nominations for Vice-Chair were opened and Jeremy Ainsworth nominated Greg Hill for Vice-Chair. There were no further nominations and so nominations were closed. Greg Hill was elected 2012 Vice-Chair by a unanimous vote.

◆ 2012 Committees

MOTION:

Jeremy Ainsworth made a motion with a second by Greg Hill to approve 2012 committee members the same as the 2011 committee members with the addition of Greg Hill as alternate on the Legislation and Rules Committee. The motion passed unanimously.

2012 Committees	
Legislation/Rules	Russ Cagle, Jeremy Ainsworth, Alternate: Greg Hill
Enforcement	Jeremy Ainsworth, Dr. Robert Sandmeier
Education/Examination	Russ Cagle, Greg Hill
Practice & Procedures Standards	Dr. Robert Sandmeier, Greg Hill
Customer Connection	Nelson Lomax

◆ 2012 Board Meeting Dates

The following dates were proposed for the Board of Athletic Trainers to conduct regular board business: Monday, February 27, 2012 @ 9 am, Friday, June 8, 2012 @ 11 am (immediately after the Legislation & Rules Committee meets @ 9 am), and Monday November 19, 2012 @ 9 am.

MOTION:

Greg Hill made a motion with a second by Jeremy Ainsworth to approve the above board meeting dates for 2012. The motion passed unanimously.

6. Public Comment

There was no public comment.

7. Other Board Business/Board Interest

There was no “Other Board Business” or items in the “Board Interest File.”

The meeting adjourned at approximately 11:22 am.

Prepared by: Sinnamon Harris, Board Specialist