



**Oregon Health Licensing Agency**  
**BOARD OF ATHLETIC TRAINERS**



9:00 am Monday, October 12, 2009  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**Minutes**

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**MEMBERS PRESENT:**

Kathi Stotts, Vice-Chair  
Bart Rask M.D.  
Dave Sherden, Chair  
Nelson Lomax  
Gregor Hill

**STAFF PRESENT:**

Samantha Patnode, Policy Analyst  
Sinnamon Harris, Board Specialist  
Amanda Perkins, Board Specialist  
Kraig Bohot, Public Information Officer  
Mike Simpson, Quality and Statistical Analyst  
Tim Molloy, Regulatory Operations Manager  
Larry Peck, Licensing Manager  
Sylvie McMillan, Business Services Manager  
Randy Everitt, Director

**GUESTS PRESENT:**

Jeremy Ainsworth  
Russ Cagle  
Shannon Millington

**Call to Order**

Dave Sherden, Chair, called to order the meeting of the Board of Athletic Trainers at 9:05 am on October 12, 2009, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon.

**Introductions:**

Randy Everitt – Director  
Greg Hill – New board member

**1 Approval of Agenda**

**MOTION:**

Kathi Stotts made a motion and Bart Rask seconded to approve the agenda for October 12, 2009. The motion passed unanimously.

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## **2 Approval of Minutes**

### **MOTION:**

Kathi Stotts made a motion and Bart Rask seconded to approve the minutes for April 27, 2009. The motion passed unanimously.

## **3 Reports**

### **A. Director's Report**

Randy Everitt, Director, opened with remarks concerning the board's budget. He stated that the agency is reviewing current fees to ensure they are sufficient to fund the board's operation. If changes are necessary, Sylvie McMillan, Business Services Manager, and Mike Simpson, Quality and Statistical Analyst, will present fee scenarios for the board's consideration. Everitt remarked that the primary goal is to restore the agency's credibility as a business model and the agency's relationships with the boards. In closing, Everitt discussed an article published in the Oregonian concerning the Governor's Reset Cabinet, which will develop options for restructuring state government in order to preserve and improve critical services to Oregonians. Everitt stated the Governor wants to make sure all boards in state government are properly aligned. The Reset Cabinet will likely issue a report in July of 2010. Everitt said he would keep the board fully informed of any new developments potentially affecting OHLA or the boards and councils the agency oversees.

### **B. Outreach and Communication**

Kraig Bohot, Public Information Officer, provided information regarding the Department of Consumer Business Services (DCBS) license directory. This portal provides a single information source online for Oregon licenses, certifications, permits, and registrations. Bohot also provided an overview of the quarterly newsletter "What's Up at DAS" (Department of Administrative Services). It featured Oregon's upcoming "Transparency" Web site which provides easy public access to information on state agencies' revenues, expenditures, contracts, staff salaries, etc. Bohot addressed the agencies closures due to furlough days.

### **C. Statistical Report**

Mike Simpson, Quality and Statistical Analyst, presented an overview of board statistics. Including licensing and inspection statistics (with both proposed and final orders), active license trends, graphs of percentages of examinations passed, facility breakdowns by counties, license age diversity, continuing education audit results, and web site traffic. The board was provided with the report and a copy was placed in board documents for retention. Simpson reiterated the need to consider restructuring the fees due to the cash flow. He remarked that a majority of the board revenue comes at the beginning of the biennium. Simpson is in the process of developing fee scenarios to present to the board for consideration.

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## D. 2009 Annual Performance Report

Mike Simpson summarized the 2009 Annual Performance Report. A copy was placed in board documents for retention.

## E. Board of Certification Active Athletic Trainer List

The board was provided with the list of all Athletic Trainers residing in Oregon as collected by the national Board of Certification, Inc. (BOC).

## F. Regulatory Operations Division

Tim Molloy, Regulatory Operations Manager, presented an overview of regulatory activity from March 1, 2009 to September 21, 2009. Since the last board meeting on April 27, 2009 the agency has received one complaint.

This complaint, #09-5669, was classified as a critical licensing complaint. The complaint was determined to be unfounded upon investigation. The respondent is a strength and conditioning coach for a school. The respondent was advised to remove any advertisement from the school Web site that represented him as being an athletic trainer.

## G. 2009 Legislation

Samie Patnode, Policy Analyst, provided an overview of 2009 legislation.

**HB 2058B Passed** – Standardizes health profession regulatory boards and removes certain boards from jurisdiction of Department of Human Services (DHS).

**HB 2059B Passed** – Requires health professional licensees to report prohibited or unprofessional conduct of another licensee to regulatory board responsible for licensee. Punishes failure to report by maximum of \$720 fine. Requires board to report prohibited conduct to law enforcement agency. Requires licensee arrested for felony or convicted of misdemeanor or felony to report conviction or arrest to licensee's board.

**HB 2118C Passed** – Requires OHLA to investigate complaint against health regulatory board licensee, applicant or other person alleged to be practicing in violation of law. Requires that public members of health professional licensing boards review investigatory material and report concerning complaint against licensee. Allows health professional regulatory board to obtain fingerprints for purpose of conducting criminal background checks on board employees, volunteers or applicants for employment. Allows board to release or withhold personal electronic information i.e. address, personal telephone number for person licensed by board. Requires release of information if request for information is made for public health or state health planning purpose. Specifies that health professional regulatory board has continuing jurisdiction over person notwithstanding change in licensing status of person. Requires Director of OHLA to prepare periodic reports regarding licensing, monitoring and investigative activities of agency and submit reports to Governor.

**HB 2243B Passed** – Changes name of Board of Examiners of Nursing Home Administrators to Nursing Home Administrators Board. Establishes OHLA as provider of administrative and regulatory oversight and centralized service for board.

**HB 2345C Passed** – Directs DHS to establish or contract to establish impaired health professional program. Specifies components of program. Directs DHS to contract with independent third party to establish monitoring entity for impaired professionals. Specifies duties of monitoring entity. Authorizes health profession licensing boards to participate in impaired health professional program. Specifies procedures by which board may refer licensee to program. Prohibits boards from establishing alternate

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impaired health professional programs. Requires Department of Human Services to report on program to Governor, Legislative Assembly and health profession licensing boards on or before January 31, 2011. Deletes existing impaired professional programs of health profession licensing boards. Applies to licensees identified by health profession licensing boards, and disciplinary proceedings commenced, on or after July 1, 2010.

**HB 3232C Passed** – Continues to unify the central agency model to maximize the benefits of economies of scale, regulatory consistency among multiple professions, and accountability to Oregon consumers and the agency’s licensees. The measure strengthens the agency’s ability to take appropriate action to ensure consumer protection, improving business practices, setting appropriate educational standards and professional accountability, improving customer service.

**HB 2242 - Failed**

## **H. Permanent Administrative Rules**

Samie Patnode presented the agency’s permanent administrative rules addressing procedures for fingerprinting and criminal background check, and amendments pertaining to application requirements. The rules also clarify requirements for acceptable documentation and personal identification of applicants to strengthen applicant licensure qualification criteria.

## **I. Pocket Identification Card**

Larry Peck, Licensing Manager, distributed new licensing stock with improved safety features to board members. Molloy mentioned that the same safety features are used for all state checks. Board members expressed concern over laminating the pocket identification cards, asking if this practice could be viewed as defacing the license. The board was assured by Molloy that the practice was sanctioned by OHLA. The board asked for a position statement concerning lamination be written and posted to the OHLA/AT Web site.

## **4 Items for Board Action**

### **A. 2010 Board Meeting Dates**

A motion was made by Kathi Stotts and second by Greg Hill to approve the proposed 2010 meeting schedule: April 26, 2010 and November 29, 2010. The board will continue to meet at 700 Summer St NE, Suite 320, Salem, Oregon in the Rhoades Conference Room @ 9 a.m. The motion passed unanimously.

**B. 2010 Sub-Committees**

A motion was made by Kathi Stotts and a second by Bart Rask to approve the following nominees for 2010 sub-committees:

<b><i>2010 SUB-COMMITTEE LIST</i></b>	
<b>Legislation / Rules</b>	<b>Russ Cagle, (vacant) physician member, alternate:Jeremy Ainsworth</b>
<b>Enforcement/Public Safety</b>	<b>Jeremy Ainsworth, (vacant) physician member</b>
<b>Industry Liaison</b>	<b>Jeremy Ainsworth</b>
<b>Qualification/Licensing</b>	<b>Greg Hill, Russ Cagle</b>
<b>Customer Connection</b>	<b>Nelson Lomax</b>

The motion passed unanimously.

Randy Everitt asked if new board would be interested in forming a Budget Committee. He talked about how previously the chair worked directly with him reviewing different fee scenarios and then the chair would report back to the board. After discussion, it was decided that the new chair would continue to meet directly with Everitt to review and report on issues.

**C. 2010 Chair and Vice-Chair**

An election to appoint a chair and vice-chair for 2010 was held. Nelson Lomax and Russ Cagle were nominated for chair and Greg Hill was nominated for vice-chair. A motion was made by Kathi Stotts to elect Russ Cagle as chair with a second by David Sheriden. The motion passed unanimously. A motion was made by David Sheriden with a second by Kathi Stotts to elect Greg Hill as vice-chair. The motion passed unanimously.

**5 Public Comment**

Shannon Millington, Director of Physical Therapy/Sports Medicine Department at the University of Oregon, asked for the board’s opinion regarding a clinical aide working under an athletic trainer. Dr. Rask observed that he uses medical assistants in his practice quite frequently and he can train them to do whatever he wants under his direct supervision. Kathi Stotts asked if the clinic is using the clinical aide as an “extender” under a physician. Millington answered yes, the physician directs the athletic trainer to use the aide. The athletic trainer will direct the aide, for example, by stating “I want you to tape this

ankle or fit this boot.” Millington continued to state that nothing is done outside the direction of the athletic trainer by the clinical aide.

The aide is trained to the level of the physical therapist as required by the Physical Therapist (PT) Board. And they would use this as their standard but would be willing to obtain a higher level if the Athletic Trainer Board believed it was necessary. The setting is within the student health center. The clinical aid would be under the umbrella of a physician but the day-to-day work would be directly supervised by the athletic trainer. Millington made it clear that there would be no decision-making at all by the clinical aid and an athletic trainer would always be present. The clinical aid would not be acting or holding his or herself out to be athletic trainers.

Dave Sherden asked Nelson Lomax, as a member of the public, would this situation with someone being treated in this clinic by a clinical aide sound fair? Lomax referred to a personal situation where he was having leg treatments and a doctor sent him to the physical therapist where they had students and assistants take care of him. They were under the umbrella of the athletic trainer involved but they would get the instructions and not do anything they weren't told to do. Lomax stated that he was very comfortable with that.

**Motion:**

A motion was forwarded by Bart Rask that this clinical model be approved as described by Shannon Millington for the supervision of clinical aides by registered athletic trainers when overseen by a physician. The motion was seconded by Kathi Stotts. The motion passed unanimously.

**6 Executive Session**

No executive session was held

**7 Public Comment/Other Board Business**

A question was asked about coverage of high school events by medical students but the discussion was tabled for now pending more research.

Sherden thanked the outgoing board members, Kathi Stotts and Bart Rask, each with nine years of service to the Board of Athletic Trainers. Sherden, chair, will also be leaving the board. Sherden stated what a positive experience it had been for him to serve on the board and how he wishes the best of luck to the new board members! Sherden added special thanks to Samie Patnode who has worked with the board through the last nine years.

**Motion:**

A motion was made to adjourn by Kathi Stotts and second by Bart Rask. The motion passed unanimously. The meeting adjourned at approximately 10:34 a.m.

Prepared by: Sinnamon Harris, Board Specialist