



Oregon Health Licensing Agency
BOARD OF ATHLETIC TRAINERS



9:00 pm Monday, April 27, 2009
700 Summer Street NE, Suite 320
Salem, Oregon

Minutes

MEMBERS PRESENT:

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

STAFF PRESENT:

Samantha Patnode, Policy Analyst
Trampus Schuck, Board Specialist
Kraig Bohot, Public Information Officer
Mike Simpson, Quality and Statistical analyst
Tim Molloy, Regulatory Operations Manager

GUESTS PRESENT:

Jeremy Ainsworth
Greg Hill
Russ Cagle
Shelly Jones

Call to Order

Dave Sherden, Chair, called to order the meeting of the Board of Athletic Trainers at 9:08 am on April 27, 2009 at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. He introduced new board member Nelson Lomax.

Executive Session - ORS 192.660(2)(b)

Sherden convened Executive Session under ORS 192.660(2)(b) at 9:10 am for the purpose of reporting the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Executive Session concluded at 9:18 am.

Regular Session

Sherden reconvened regular session at 9:18 am. No action or recommendations were made.

I - Approval of Agenda

MOTION:

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

II - Approval of Minutes

MOTION:

Kathi Stotts made a motion and Bart Rask seconded to approve the minutes for October 6, 2008. The motion passed unanimously.

III - Reports

A. Director's Report

1. 2009 Legislation

Brian DeForest, Acting Director, presented 2009 Legislation regarding HB 3232, which was introduced by Representative Mitch Greenlick after Governor's Office pulled the concept due to technical issues and provisions in the "Relating to Clause". DeForest stated that many of the changes are housekeeping measures to bring programs into uniformity with the central agency model. Such changes are standardized board member terms, and licensing cycles. Other areas include language to allow the agency to establish specialty fields of practice for cosmetology, strengthen consumer protection, and referral of impaired practitioners to treatment programs.

DeForest highlighted the agency's budget bill HB 5525 and fee bill HB 5526 which had a public hearing on April 9, 2009, in the Ways and Means Education Subcommittee. A work session is scheduled later in the month. Meetings were scheduled and held with both Co-Chairs of the committee to review the budget and answer any questions. The agency and the information given was well received.

The board discussed fees and one year renewal verses two year. DeForest noted that he will be recommending that the new director re-evaluate the current fee structure. He stated the advantage to a one year renewal cycle is it allows a steady flow of revenue to be collected. The agency operates a single budget which acts as a conduit for each programs funding. Each program essentially has a single account under the agency, were revenues and expenses are managed.

Deforest reported HB 2243 transfers the Nursing Home Administrators Board into the Oregon Health Licensing Agency. He stated the board has essentially been operating within OHLA since November 2008 under an Inter-Agency agreement.

Samantha Patnode, Policy Analyst stated the agency is not pursuing HB 2242 which would create new category of definitions and qualifications for licensed direct entry midwives and unlicensed midwives, It would also prohibit licensed midwives from practicing if license were suspended or revoked under certain circumstances. She said instead that agency is working with the Governors Office to include OHLA in HB 2118 which prohibit any licensee under OHLA jurisdiction who is not required to be licensed from practicing if licensee is suspended or revoked. The bill also authorizes the agency to perform fingerprinting, and criminal background checks on employees. Patnode clarified questions from the Board.

Patnode provided an overview of legislation sponsored by Representative Mitch Greenlick explaining how the bills could affect the Board and the agency. She noted that specific bills add public members to health-related boards. Patnode explained other bills introduced by Greenlick address required terms in office, improved oversight with regards to impaired licensees, requirements for reporting incidences

where scopes of practice may overlap, and restricting the liability of hearings and court fees to complainants.

2. Administrative Rules

Patnode provided an overview of the temporary rules effective December 1, 2008, and the proposed rules which were filed simultaneously to allow for public comment which ends April 30, 2009. She said the agency is delaying filing permanent administrative rule in order to make changes to the application requirements, specifically, identification required to become an authorization holder. Patnode reported the proposed rules use the Department of Homeland Security Form I-9 as a model for identification requirements. Upon further investigation the agency found the purpose for the Form I-9 is to verify employment eligibility, rather than identity, which is not the intention of the agency. OHLA is revising the original proposed rule to reflect the Department of Motor Vehicle (DMV) Real ID Act requirements, put in place by the federal government in 2005. The DMV serves as an expert in the field of identification and determining its integrity. Patnode briefly discussed fingerprinting and criminal history background checks. She stated the permanent administrative rules are scheduled to be on or before May 15.

Patnode stated a public hearing was held on March 2, 2009, with Hearings Officer Bert Krages. She provided the hearings officer report which included recommendations to provide potential licensees with a pre-qualification process regarding fitness to practice at the time of pre-qualification. Patnode said the agency is currently developing a process.

B. Administrative Services Division

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Board. Statistics included were: licensing stats, inspection stats (with both proposed and final orders), active license trends, graphs of percentages of examinations passed, facility breakdowns by counties, age diversities, continuing education audit results, and Web site traffic. The board was provided with the report and a copy was placed in council documents for retention.

C. Regulatory Operations Division

Tim Molloy, Regulatory Operations Division Manager, presented an overview of regulatory activity to the Board from October 1, 2008 through March 1, 2009. He said three complaints had been received, all unfounded. Two were licensing complaints and one was a service complaint.

D. Program Operations Division

1) Outreach and Communication

Kraig Bohot, Public Information Officer, began by showing the Board the new Regulatory Compliance resource page on the OHLA Web site. Bohot explained this is a page to help licensees through the disciplinary process. He presented the Board with OHLA's 10 year report and explained it would be a virtual presentation.

Bohot provided an overview of the new “Frequently Asked Questions” section relating to fingerprinting and the requirements for the new administrative rule. This will clarify the agency’s rule regarding fingerprinting and criminal background checks on applicants and current licensees

2) Committees and Reports

Patnode presented the Customer Connection Committee report from January 7, 2009, related to agency proposed administrative rules. She said that one representative from each program was represented.

IV - Items for Board Action

No Items for Board Action at this time

V - Executive Session

No Executive Session at this time

VI - Other Board Business

No other board business at this time.

VII - Public Comment

Shelly Jones, Oregon Athletic Trainers Society (OATS), made commented regarding the license pocket cards. Jones stated athletic trainers use the pocket card as identification for entry to athletic events. She said the Oregon School Activities Association (OSAA), has made complaints that the cards are too generic. Jones asked if the agency could provide athletic trainers with better license pocket cards. She suggested the Oregon seal and license number be added to the card. Patnode said the agency would review the options available.

Jones asked if the Board of Athletic Trainers had a civil penalty fine schedule. Patnode stated there is no fine schedule for athletic trainers. Molloy reported the agency can assess a fine up to \$5000. Jones introduced Jeremy Ainsworth, the new governmental affairs chair for OATS. Jones stated OATS would like to propose administrative rule changes to update how concussions are addressed. Board members noted that there had been major changes to the mandates around servicing concussions. Patnode asked Jones to provide her with the information relating to concussion services, the agency would add the information into the next rulemaking cycle.

VIII - Miscellaneous

A. Board Interest File

The meeting adjourned at approximately 10:40 am.

Prepared by: Trampus Schuck, Board Specialist