

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE R135-23

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 640B.

1. A clear and concise explanation of the need for the adopted regulation.

Pursuant to Executive Order 2023-003, the adopted regulation aims to streamline, clarify, and improve regulations in NAC 640B. Its purpose is to protect public health, safety, and welfare by ensuring that only qualified and competent athletic trainers are licensed in the state, to lower employment barriers by reducing fees, and to provide clearer guidelines for the public and licensees.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshops and notice of intent to act upon a regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject, as well as any persons who had specifically requested such notice. These documents were also made available and posted at the following locations:

Nevada State Library and Archives 100 North Stewart Street Carson City, Nevada 89701	Board of Athletic Trainers Office 6170 Mae Anne Ave, Suite 1 Reno, Nevada 89523
State of Nevada Public Notice Website https://notice.nv.gov/	Nevada Legislature Administrative Notices https://www.leg.state.nv.us/App/Notice/A/
State of Nevada Register of Administrative Regulations http://www.leg.state.nv.us/register/	Nevada State Board of Athletic Trainer's website: http://nevadaathletictrainers.nv.gov

The Board solicited comments through a series of public hearings and workshops, which were noticed as required, with individual notices sent to the interested parties lists maintained by the Board. In addition, the Board submitted the proposed changes to all active licensees and other potentially affected parties to survey their thoughts regarding the proposed revisions. The public response was positive, especially regarding the reduction of licensure fees, and is included in the meeting minutes, attached as Exhibit B.

In response to Executive Order 2023-003, the Board reviewed and streamlined its regulations with a focus on reducing licensure fees to lower barriers to employment. The process began with a Public Workshop to Review Regulations held on April 7, 2023, with a Notice of Public Hearing posted on March 7, 2023. Subsequent reviews included a meeting on April 28, 2024, to discuss additional public feedback and approve the report recommending the removal of at least ten regulations, later narrowed down to nine. On October 17, 2023 a Notice of Workshop to Solicit Comments on Proposed Regulation was posted for the Public Workshop held on November 17, 2023. The Board met again on January 12, 2024, to evaluate feedback from the Legislative Counsel Bureau on the proposed regulation, File No. R135-23, which aimed to eliminate specific fees that are required per NRS 640B.410. The suggested

revisions were approved to prevent drafting the regulation in conflict with statute. The process concluded with a Notice of Intent to Act Upon a Regulation issued on March 19, 2024 for an Adoption Hearing held on April 19, 2024, where final public comments were considered.

Copies of meeting agendas, meeting minutes, proposed regulation, workshop notices and notices of intent to act were posted and provided to persons who were known to have an interest in the subject. In addition, the Board emailed the notices and proposed changes to all active licensees. These documents were also made available pursuant to the provisions of chapters 233B and 241 of Nevada Revised Statutes.

A copy of the summary of the public response to the proposed regulation may be obtained from the Nevada State Board of Athletic Trainers, 6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523, or via email at atrainer@nsbat.nv.gov.

3. The number persons who:

a. Attended each hearing

April 7, 2023: 9

April 28, 2023: 5

November 17, 2023: 10

January 12, 2024: 8

April 19, 2024: 10

b. Testified at each hearing

April 7, 2023: 3

April 28, 2023: 0

November 17, 2023: 3

January 12, 2024: 0

April 19, 2024: 1

c. Submitted to the agency written comments

April 7, 2023: 1

April 28, 2023: 0

November 17, 2023: 0

January 12, 2024: 0

April 19, 2024: 1

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2. Comments were specifically solicited from licensed athletic trainers who are owners, operators or providers of athletic training services as self-employed practitioners. No small businesses commented on the regulation at the public hearings or workshops.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted on April 19, 2024 by the Board after review, discussion and consideration of comments and input received from interested persons on the proposed regulation. The Boards received comments relating to the reduction of licensure fees and requests for clarification on which fees were being reduced.

A change was made to ensure that the proposed regulation did not conflict with statute. On January 12, 2024, the Board met to review and discuss feedback received from the Legislative Counsel Bureau (LCB) regarding the proposed regulation that was assigned File No. R135-23. The regulation as requested sought to abolish fees for a duplicate license, which are required per NRS 640B.410. On January 12, 2024, the Board reviewed and approved the suggested revisions to prevent drafting the regulation in conflict with statute. The fee for a duplicate license was reduced from \$25 to \$1. At the Adoption Hearing held on April 19, 2024, no further changes were requested by the public or Board members.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each must include:

a. Both adverse and beneficial effect on businesses:

No adverse economic effect on businesses is anticipated by the proposed regulation. The benefit of lowered licensure fees will extend to licensed athletic trainers who are owners, operators, or providers of athletic training services as self-employed practitioners. To date, the Board has not received any comments from businesses in writing or at any of its hearings regarding any anticipated economic effect, either adverse or beneficial.

b. Both adverse and beneficial effect on the public:

No adverse or beneficial economic effect on the public is anticipated from the proposed regulation. The Board anticipates that the regulation will provide beneficial effects on the public by maintaining the highest standards of public safety.

c. Both immediate and long-term effects on the public:

The proposed regulation does not have an anticipated immediate or long-term economic effect on the public. Public safety benefits to the public will be immediate and continue for the long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal regulations that overlap or duplicate the regulation.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increases an existing fee.

EXHIBIT A – MEETING ATTENDEES/PARTICIPANTS

April 7, 2023	
Name	Kyle Moore
<input type="checkbox"/> <i>Title</i>	Board Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Bryan Lindl
<input type="checkbox"/> <i>Title</i>	Board Vice Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Jeremy Fisher
<input type="checkbox"/> <i>Title</i>	Board Treasurer
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Harry Ward
<input type="checkbox"/> <i>Title</i>	Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City, NV 89701
<input type="checkbox"/> <i>Business Telephone Number</i>	775-684-1216
<input type="checkbox"/> <i>Entity/Organization</i>	State of Nevada – Office of the Attorney General
Name	Michelle Cothrun
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Tedd Girouard
<input type="checkbox"/> <i>Title</i>	Director, Athletic Training Program
<input type="checkbox"/> <i>Business Address</i>	4505 S. Maryland Pkwy, Las Vegas, NV 89154
<input type="checkbox"/> <i>Business Telephone Number</i>	702-895-5828
<input type="checkbox"/> <i>Entity/Organization</i>	University of Nevada, Las Vegas
Name	Jennifer Barrett
<input type="checkbox"/> <i>Title</i>	Licensed Athletic Trainer
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided

Name	Michelle Samuel
<input type="checkbox"/> <i>Title</i>	Ph.D, Licensed Athletic Trainer
<input type="checkbox"/> <i>Business Address</i>	4505 S. Maryland Pkwy, Las Vegas, NV 89154
<input type="checkbox"/> <i>Business Telephone Number</i>	702-895-1015
<input type="checkbox"/> <i>Entity/Organization</i>	University of Nevada, Las Vegas
Name	Susan Priestman
<input type="checkbox"/> <i>Title</i>	Physical Therapist, DPT, President
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	702-373-6936
<input type="checkbox"/> <i>Entity/Organization</i>	American Physical Therapy Association, Nevada

April 28, 2023	
Name	Kyle Moore
<input type="checkbox"/> <i>Title</i>	Board Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Bryan Lindl
<input type="checkbox"/> <i>Title</i>	Board Vice Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Jeremy Fisher
<input type="checkbox"/> <i>Title</i>	Board Treasurer
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Harry Ward
<input type="checkbox"/> <i>Title</i>	Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City, NV 89701
<input type="checkbox"/> <i>Business Telephone Number</i>	775-684-1216
<input type="checkbox"/> <i>Entity/Organization</i>	State of Nevada – Office of the Attorney General
Name	Michelle Cothrun
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers

November 17, 2023	
Name	Jeremy Fisher
<input type="checkbox"/> <i>Title</i>	Board Treasurer
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Leo Lozano
<input type="checkbox"/> <i>Title</i>	Public Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Kendell Galor
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Kristopher Bosch
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Harry Ward
<input type="checkbox"/> <i>Title</i>	Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City, NV 89701
<input type="checkbox"/> <i>Business Telephone Number</i>	775-684-1216
<input type="checkbox"/> <i>Entity/Organization</i>	State of Nevada – Office of the Attorney General
Name	Michelle Cothrun
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Ariel Ives
<input type="checkbox"/> <i>Title</i>	Licensed Athletic Trainer
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Tedd Girouard
<input type="checkbox"/> <i>Title</i>	Director, Athletic Training Program
<input type="checkbox"/> <i>Business Address</i>	4505 S. Maryland Pkwy, Las Vegas, NV 89154
<input type="checkbox"/> <i>Business Telephone Number</i>	702-895-5828
<input type="checkbox"/> <i>Entity/Organization</i>	University of Nevada, Las Vegas

Name	Dustine Hopfe
<input type="checkbox"/> <i>Title</i>	Licensed Athletic Trainer
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Mike Sepiol
<input type="checkbox"/> <i>Title</i>	President
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Athletic Trainers Association

January 12, 2024	
Name	Kyle Moore
<input type="checkbox"/> <i>Title</i>	Board Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Jeremy Fisher
<input type="checkbox"/> <i>Title</i>	Treasurer
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Leo Lozano
<input type="checkbox"/> <i>Title</i>	Public Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Kendell Galor
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Ariel Ives
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers

Name	Harry Ward
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<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City, NV 89701
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<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Mike Sepiol
<input type="checkbox"/> <i>Title</i>	President
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada Athletic Trainers Association

April 19, 2024	
Name	Kendell Galor
<input type="checkbox"/> <i>Title</i>	Board Chair
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Jeremy Fisher
<input type="checkbox"/> <i>Title</i>	Treasurer
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Ariel Ives
<input type="checkbox"/> <i>Title</i>	Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Leo Lozano
<input type="checkbox"/> <i>Title</i>	Public Board Member
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Harry Ward
<input type="checkbox"/> <i>Title</i>	Deputy Attorney General
<input type="checkbox"/> <i>Business Address</i>	100 N. Carson Street, Carson City, NV 89701
<input type="checkbox"/> <i>Business Telephone Number</i>	775-684-1216

<input type="checkbox"/> <i>Entity/Organization</i>	State of Nevada – Office of the Attorney General
Name	Michelle Cothrun
<input type="checkbox"/> <i>Title</i>	Executive Secretary
<input type="checkbox"/> <i>Business Address</i>	6170 Mae Anne Ave, Ste 1, Reno, NV 89523
<input type="checkbox"/> <i>Business Telephone Number</i>	(775) 787-2636
<input type="checkbox"/> <i>Entity/Organization</i>	Nevada State Board of Athletic Trainers
Name	Dustin Hopfe
<input type="checkbox"/> <i>Title</i>	Licensed Athletic Trainer
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Dr. Ethan Kreiswirth
<input type="checkbox"/> <i>Title</i>	PhD., Athletic Trainer Certified
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Black Belt Sports Medicine, LLC
Name	Paul Kennedy
<input type="checkbox"/> <i>Title</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided
Name	Shelby Daly
<input type="checkbox"/> <i>Title</i>	Not provided
<input type="checkbox"/> <i>Business Address</i>	Not provided
<input type="checkbox"/> <i>Business Telephone Number</i>	Not provided
<input type="checkbox"/> <i>Entity/Organization</i>	Not provided

EXHIBIT B – MEETING MINUTES

NEVADA STATE BOARD OF ATHLETIC TRAINERS

NOTICE OF PUBLIC HEARING TO REVIEW REGULATIONS

DATE & TIME: April 7, 2023 @ 5:00 p.m.

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

As set forth in **Executive Order 2023-003**, the Board has been directed to review its regulations, Nevada Administrative Code (NAC) Chapter 640B, and identify at least ten (10) regulations recommended for removal. The purpose of this Public Hearing is to: (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduced or otherwise improved regulations that pertain to the Nevada Administrative Code (NAC) Chapter 640B. Stakeholder input received as a result of this Hearing will be reflected in the Report to the Governor's Office.

Persons wishing to comment upon the proposed recommended changes, or to propose additional regulatory changes may appear at the scheduled Public Hearing or may address their comments, views, or arguments in written form to the Board of Athletic Trainers. Written submissions must be received on or before **March 31, 2023**, and may be submitted by email to atrain@nsbat.nv.gov or in hard copy addressed to the Nevada State Board of Athletic Trainers, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. A copy of the Board regulations to be reviewed, NAC 640B and NAC 640B Review Notes Table, are attached hereto and available for viewing or printing on the Board's website, <https://nevadaathletictrainers.nv.gov/>.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Michelle Cothrun, Executive Secretary at (775) 787-2636 within 72 hours of meeting date and time.

This **Notice of Public Hearing to Review Regulations** has been sent to all licensed athletic trainers and persons on the agency's mailing list for administrative regulations and has been posted on the Board's website <https://nevadaathletictrainers.nv.gov/>, the Nevada State Board of Athletic Trainers Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; online at www.leg.state.nv.us; and State of Nevada Public Notice Website: www.nv.gov

Dated: March 7, 2023

NEVADA STATE BOARD OF ATHLETIC TRAINERS AGENDA OF PUBLIC HEARING TO REVIEW REGULATIONS

DATE & TIME: April 7, 2023 @ 5:00 p.m.

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

PLEASE NOTE: The Board may take items out of order, combine items for consideration, and items may be pulled or removed from the agenda at any time. Public comment will be taken at the beginning and end of the meeting. The public may provide comment on any matter within the Board's jurisdiction and/or authority, whether or not that matter is a specific topic on the agenda. However, prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment on that item. (NRS 233B.126) Public comment that is willfully disruptive is prohibited, and individuals who willfully disrupt the meeting may be removed from the meeting. (NRS 241.030(5)(b)) The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030). Once all items on the agenda are completed, the meeting will adjourn.

AGENDA

1. Call meeting to order and introduction of members to determine the presence of a quorum.
2. Introduction of workshop process. **(Discussion)**
3. Public comment.

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

4. The Nevada State Board of Athletic Trainers will receive comments and input from interested persons regarding the review of Chapter 640B of the Nevada Administrative Code (NAC) to identify at least ten (10) regulations recommended for removal. In addition, the Board will receive comments and input to (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduce or otherwise improve regulations that pertain to the Nevada Administrative Code (NAC) Chapter 640B. The input received will be reflected in the Report to the Governor's Office. **(For Possible Action)**

5. The Nevada State Board of Athletic Trainers will review, discuss, and possibly approve the Report that will be sent to the Governor's Office. **(For Possible Action)**
6. Public comment.

NOTE: Public comment is welcomed by the Board and may be limited to three minutes per person at the discretion of the Chair of the Board. Public comment will be allowed at the beginning and end of the meeting, as noted on the agenda. The Chair of the Board may allow additional time to be given a speaker as time allows and at their sole discretion. Comments will not be restricted based on viewpoint. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken (NRS 241.020)

7. Adjournment. **(For Possible Action)**

Pursuant to NRS 241.030 the board may close the meeting to consider the character, misconduct, competence, or health of a person.

Items on the agenda may be taken out of order; items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time.

Action by the Board on any item may be to approve, deny, amend, or table.

The Board may allow for public comments after each agenda item. In consideration of others, please limit your comments to no more than five (5) minutes. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126. Public comment options may include, without limitation, telephonic or email comment. To submit public comment, contact Michelle Cothrun at (775) 787-2636 or atrainner@nsbat.nv.gov.

The Board is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If accommodations are necessary, please contact Michelle Cothrun, Executive Secretary, at (775) 787-2636 no later than three (3) business days before the meeting. Board meeting correspondence and supporting materials for this public workshop may also be obtained by contacting Michelle Cothrun at (775) 787-2636 or atrainner@nsbat.nv.gov or by visiting <http://nevadaathletictrainers.nv.gov/>

**NOTICES FOR THIS MEETING HAVE BEEN POSTED IN ACCORDANCE WITH
NRS 241.020, ON OR BEFORE THE THIRD WORKING DAY BEFORE THE MEETING,
AT THE FOLLOWING LOCATIONS:**

*State of Nevada, Department of Administration Public Notice website: <http://notice.nv.gov/>

*The Nevada State Board of Athletic Trainer's website: <http://nevadaathletictrainers.nv.gov/>

*The Board office at 6170 Mae Anne Avenue, Ste 1, Reno, NV 89523-4705

In addition, this notice/agenda was mailed, e-mailed or faxed to groups and individuals as requested.

NEVADA STATE BOARD OF ATHLETIC TRAINERS

NAC 640B REVIEW NOTES

NAC	Section Title	Priority	Action	Notes/Comments
NAC 640B.005	Definitions.	5	Delete	The three definitions included are all redundant.
NAC 640B.010	"Board" defined.	6	Delete	Redundant – NRS 640B.025 contains same definition.
NAC 640B.013	"License" defined.	7	Delete	Redundant – NRS 640B.060 contains same definition.
NAC 640B.015	"Licensee" defined.	8	Delete	Redundant – NRS 640B.015 contains same definition.
NAC 640B.020	Interpretation of certain statutory terms.		Keep	Required by NRS 640B.260(2)
NAC 640B.030	Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. Subsection 1		Keep	Required by NRS 640B.260(3)
	Subsection 2		Review	Is this regulation necessary?
NAC 640B.040	Examination for licensure: Determination of passing grade.		Keep	Required by NRS 640B.260(1)
NAC 640B.050	Submission of items required for renewal of license.		Review	Is this regulation necessary?
NAC 640B.060	Fees. For an initial application of a license...\$300 For the renewal of a license.... \$150		Review/ Keep	Fees for initial license can be reduced and clarified to include without examination. The fees for the renewal of a license can be reduced. The restoration of an

	For the restoration of an expired license... \$300 For a list of business addresses of licensees...\$25			expired license can be clarified to a flat fee. Currently NRS 640B.410 contradicts NRS 640B.400 (c.2).
	For the issuance of a duplicate license...\$25 For a change of name of a license...\$25 For a list of business addresses of licensees on mailing labels ...\$100 For a dishonored check ...\$25	1, 2, 3, 4	Delete	Fees for a duplicate license and change of name are no longer required as printed hard copies of licenses are no longer provided. PDFs of licenses are easily sent to licensees. The fee for a list of business addresses on mailing labels and dishonored checks are no longer necessary.
	ADOPTED REGULATION NOT YET CODIFIED			
R053-19	Dry Needling regulations		Keep	Required by NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588.

[NAC-640B Revised Date: 7-09]

CHAPTER 640B - ATHLETIC TRAINERS

[640B.005](#)
[640B.010](#)
[640B.013](#)
[640B.015](#)
[640B.020](#)
[640B.030](#)
[640B.040](#)
[640B.050](#)
[640B.060](#)

Definitions.
 “Board” defined.
 “License” defined.
 “Licensee” defined.
 Interpretation of certain statutory terms.
 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification.
 Examination for licensure: Determination of passing grade.
 Submission of items required for renewal of license.
 Fees.

~~NAC 640B.005 Definitions. (NRS 640B.260) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640B.010, 640B.013 and 640B.015 have the meanings ascribed to them in those sections.~~
~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~NAC 640B.010 “Board” defined. (NRS 640B.260) “Board” means the Board of Athletic Trainers.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006; A by R106-07, 1-30-2008)~~

~~**NAC 640B.013 “License” defined.** (NRS 640B.260) “License” means a license to engage in the practice of athletic training issued pursuant to chapter 640B of NRS.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~**NAC 640B.015 “Licensee” defined.** (NRS 640B.260) “Licensee” means a person who has been issued a license pursuant to chapter 640B of NRS.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.020 Interpretation of certain statutory terms. ([NRS 640B.015](#), [640B.021](#), [640B.260](#)) As used in [NRS 640B.015](#) and [640B.021](#):

1. “Amateur athletic organization” means an entity that regulates or sponsors athletic activities by persons who have never accepted money, or who accept money under restrictions specified by a regulatory body, for participating in such athletic activities.
2. “Intercollegiate athletic association” means an entity that regulates or sponsors athletic activities between colleges or universities.
3. “Interscholastic athletic association” means an entity that regulates or sponsors athletic activities between high schools.
4. “Professional athletic organization” means an entity that regulates or sponsors athletic activities by persons who participate in such athletic activities for economic gain.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

NAC 640B.030 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. ([NRS 640B.260](#))

1. The Board hereby adopts by reference the standards of professional practice and the requirements to maintain certification, including, without limitation, any requirements for continuing education, set forth in *Standards of Professional Practice* adopted by the National Athletic Trainers’ Association Board of Certification, Inc. The publication is available, free of charge, from the National Athletic Trainers’ Association Board of Certification, Inc., at the Internet address <http://www.bocatac.org>.

~~2. The Board will periodically review the standards and the requirements in the publication described in subsection 1. Within 30 days after each review, the Board will determine whether any change made to the standards or the requirements is appropriate for application in this State. If the Board does not disapprove a change to an adopted standard or requirement within 30 days after each review, the change is deemed to have been approved by the Board.~~

~~—(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)~~

NAC 640B.040 Examination for licensure: Determination of passing grade. ([NRS 640B.260, 640B.310](#)) The passing grade for the examination required by paragraph (g) of subsection 1 of [NRS 640B.310](#) will be determined by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

~~**NAC 640B.050 Submission of items required for renewal of license.** ([NRS 640B.260, 640B.340, 640B.400](#)) All items required by [NRS 640B.340](#) and [640B.400](#) for the renewal of a license must be received by the Board, or postmarked, not later than June 30 of each year. If the Board does not receive the items, or if the items are not postmarked, on or before June 30, the license expires.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.060 Fees. ([NRS 640B.250, 640B.260, 640B.410](#))

1. The Board will charge and collect the following fees:

For an initial application for a license.....	\$300
For the renewal of a license.....	150
For the restoration of an expired license.....	300
For the issuance of a duplicate license.....	25
For a change of name on a license.....	25
For a list of business addresses of licensees.....	25
For a list of business addresses of licensees on mailing labels.....	100
For a dishonored check.....	25

- ~~2. A fee charged and collected pursuant to this section:~~

~~(a) Must accompany the application or other documentation to which the fee pertains; and~~
~~(b) Is not refundable.~~

(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)

**ADOPTED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R053-19

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-4, NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588.

A REGULATION relating to athletic trainers; prescribing the training required before an athletic trainer is authorized to perform dry needling; prescribing standards of practice for dry needling; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Athletic Trainers to prescribe by regulation the qualifications required for an athletic trainer to perform dry needling. Those qualifications must include the completion of at least 150 hours of certain didactic education and training in dry needling. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 2** of this regulation prescribes the requirements for such didactic education and training.

Existing law requires the Board to prescribe by regulation: (1) the standards of practice for athletic trainers; (2) procedures concerning the handling of needles used to perform dry needling; and (3) procedures to ensure that an athletic trainer does not engage in needle retention. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 3** of this regulation requires an athletic trainer to obtain the informed consent of a patient before performing dry needling. **Section 3** also requires an athletic trainer who performs dry needling to: (1) use only single-use, single-insertion needles; (2) refrain from inserting a needle more than one time or retaining a needle in the body of a patient after completing a procedure; and (3) dispose of those needles after completing a procedure. **Section 3** additionally prohibits an athletic trainer from delegating the performance of dry needling to a person who is not authorized to perform dry needling.

Section 1. Chapter 640B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *Before performing dry needling, an athletic trainer must submit to the Board written proof of successful completion of at least 150 hours of didactic education and training in dry needling which meets the requirements set forth in this section.*

2. *The courses taken to satisfy the didactic education and training requirements must:*

(a) *Be approved by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization, the Commission on Accreditation of Athletic Training Education, or its successor organization, or the Board of Athletic Trainers;*

(b) *Include instruction concerning:*

(1) *The use of sterile needles in accordance with standards prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Occupational Safety and Health Administration of the United States Department of Labor;*

(2) *The aspects of human anatomy relevant to dry needling;*

(3) *Control of blood-borne pathogens; and*

(4) *Circumstances under which performing dry needling on a patient may or may not be appropriate;*

(c) *Except as otherwise provided in paragraph (d), be provided as part of a graduate-level program of study approved by the Board; and*

(d) *Include at least 25 hours of didactic instruction and training provided through a postgraduate course of study that requires the successful completion of a written examination and a practical examination. Each part of the course, including, without limitation, each examination, must be completed in person.*

Sec. 3. 1. *Before performing dry needling, an athletic trainer must obtain a signed form which provides informed consent from the patient. Such a form must include, without limitation:*

(a) The definition of “dry needling” set forth in section 8 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1587;

(b) A description of the particular treatment that will be provided and the risks and benefits of the treatment; and

(c) The signature of the patient.

2. *An athletic trainer who performs dry needling:*

(a) Shall use only single-use, single-insertion sterile needles;

(b) Shall not insert the same needle:

(1) More than one time in a person; or

(2) In more than one person;

(c) Shall not retain a needle in the body of a patient after completing a procedure;

(d) Shall dispose of each needle after completing a procedure;

(e) Shall not delegate dry needling to a student athletic trainer, graduate student athletic trainer or other person who is not authorized to perform dry needling; and

(f) Shall ensure that the form described in subsection 1 is maintained as part of the health care records of the patient pursuant to NRS 629.051.

Sec. 4. An athletic trainer who wishes to perform dry needling after the effective date of this regulation shall submit proof of compliance with the requirements of section 2 of this regulation not later than 30 days after the effective date of this regulation.

MINUTES OF THE PUBLIC HEARING TO REVIEW REGULATIONS FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE & TIME: April 7, 2023

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by NSBAT Chair, Kyle Moore, at 5:01 PM.

Board Members Present: Kyle Moore, Board Chair; Bryan Lindl, Vice Chair; Jeremy Fisher, Treasurer. *Kristopher Bosch had a last-minute emergency and was not able to attend.*

Staff Present: Harry Ward, Deputy Attorney General; and Michelle Cothrun, Executive Secretary.

Public Present: Tedd Girouard, Jennifer Barrett, Michelle Samuel, and Susan Priestman.

2. Introduction of workshop process. (Discussion) Kyle Moore asks Michelle Cothrun to give a quick summary. Michelle explains that the main purpose of this workshop is to get the public's opinion or feedback on the report that was put together. Michelle asks Harry Ward how other boards have handled the workshop.

Harry Ward, Deputy Attorney General, summarizes the Governor's Executive Order 2023-003 which orders all boards to suggest at least ten (10) regulations for elimination. To adopt a regulation, a 30-day notice is required and the same is required with deregulation. This workshop gives the public the opportunity to provide feedback on which regulations to eliminate or keep. Kyle thanks Harry for his summary. There is no further discussion.

3. Public comment. Michelle Cothrun confirms that she has not received any comments or feedback regarding this public workshop for the review of NAC 640B. Currently no members of the public have a comment, so there is no public comment.

4. The Nevada State Board of Athletic Trainers will receive comments and input from interested persons regarding the review of Chapter 640B of the Nevada Administrative Code (NAC) to identify at least ten (10) regulations recommended for removal. In addition, the Board will receive comments and input to (1) vet the Board's proposed recommended changes; (2) solicit input as to the merits of those changes; and (3) identify other regulatory changes stakeholders feel are worthy of consideration regarding the potential to streamline, clarify, reduce, or otherwise improve regulations that pertain to the Nevada Administrative Code (NAC) Chapter 640B. The input received will be reflected in the Report to the Governor's Office. (For Possible Action) Kyle Moore asks Harry Ward if we should go through the list of suggested items for removal in the NAC 640B Review Notes one by one. Harry Ward states that other boards have pulled certain items that need discussion and then at the end voted to approve as a whole group instead of individually. Michelle shares her screen

so that everyone can see the items as they are discussed. Kyle starts the discussion with the two items that are marked with the question: "Is this regulation necessary?"

Kyle states that NAC 640B.030, Subsection 2, is redundant and not necessary. Athletic trainers need to follow BOC regulations regardless. He asks for any other discussion. Michelle clarifies her question about this regulation. Is it necessary that the Board review and approve changes made by the Board of Certification (BOC) within thirty (30) days? Jeremy Fisher finds the thirty (30) days limiting and an unrealistic timeframe, and Kyle agrees. Jeremy asks for clarification if the NRS or NAC mention the Commission on Accreditation of Athletic Training Education (CAATE) at all or just references the BOC. Tedd Girourd clarifies that CAATE regulates the education of athletic training, whereas the BOC sets the standards for the practice of athletic training.

Michelle comments that this regulation went into effect in 2006 and it is a shame that Steve McCauley is not here, as he may know the reason it was added. Tedd reiterates that every athletic trainer must always comply with the BOC's practice standards and states that this regulation is redundant. Jeremy agrees because NRS 640B states that licensees must abide by the BOC's standards of being an athletic trainer and in maintaining certification. Since there is agreement, Kyle moves the discussion forward.

Kyle states that NAC 640B.050 is also redundant. Tedd Girouard asks if anyone has looked up the Board meeting minutes from January 30, 2008, when this regulation was added to the NAC. Since it was not in the original language, he wonders about the thought process behind it. While Michelle looks for the minutes, Bryan Lindl points out that the postmark of the renewal is not in the NRS. The Board discusses the possibility of prorated fees for recent graduates, changing from a set expiration date to expiring one year from issue date, and specifically reducing fees for graduates from UNLV. Jeremy asks if the fee could be waived altogether for UNLV grads to encourage athletic trainers educated in Nevada to stay and practice in Nevada. Tedd points out that the NRS puts limits on fees stating that the fees must not exceed a certain amount. Fees can be reduced through regulation. Kyle states that there is more discussion needed but for another meeting.

It appears that NAC 640B.050 was added to make sure that the items were postmarked on or before June 30. Jeremy states that the Board's renewal process has changed greatly since 2008 and asks if anyone submits their renewal in the mail. Michelle confirms that all renewals are submitted online. The Board concludes that since the renewals are now submitted online, the postmark language is not necessary. Kyle asks if there are any other points of discussion. Michelle suggests a clarification to the dry needling language that specifies the 25 hours of in person instruction, which now reads: "Each part of the course, including, without limitation, each examination, must be completed in person." She suggests moving the parenthetical statements to the end: "Each part of the course must be completed in person, including, without limitation, each examination" to emphasize that the examinations must also be completed in person. Kyle informs the Board that only two (2) dry needling applications had courses that did not fulfill the 25 hours of in person education. This issue is mainly for those that have taken a dry needling course several years prior to the time the regulation was adopted. The Board members agree that the current wording suffices.

Kyle opens the discussion to the members of the public in attendance and asks if they can suggest any changes. Tedd states that since the report is looking at NAC 640B.060 to eliminate the four (4) fees, he reminds the Board that there were discussions before he left to look at reducing the initial and renewal license fees. He goes on the record to state that he is still in favor of at some point of reducing those fees since the Board's reserves are exorbitant. Kyle assures Tedd that the Board continues to discuss reducing fees, but for the sake of this meeting, the focus is on the ten (10) items suggested for removal. Tedd, as a member of the public, is in full support of all the other changes. Jeremy asks if reducing fees can be done now. However, Harry states that the purpose of today's meeting is to deregulate. In other words, the Board is looking only to remove regulations, not changing them.

Jennifer Barrett, a member of the public, also agrees with the suggested ten (10) items listed. She adds that she would still like to see the definition of athlete changed to be more in line with the other states. Some of the definitions she sent to Michelle could potentially be used through NAC versus NRS. Kyle agrees that the profession

of athletic training is expanding. He adds that the Subcommittee which Jeremy is leading is taking the definitions under consideration. Susan Priestman, President of the APTA Board, appreciates the careful consideration of these changes and has no objections to any of these changes. Kyle thanks everyone for their input and there is no further discussion.

5. The Nevada State Board of Athletic Trainers will review, discuss, and possibly approve the Report that will be sent to the Governor's Office. (For Possible Action) Kyle Moore motions that in response to Executive Order 2023-003 by the Governor, the Athletic Training Board submit the eight items that were suggested for removal in the "NAC 640B REVIEW NOTES" prepared by Michelle Cothrun, with numbers nine (9) and ten (10) being NAC 640B.030, Subsection two, and NAC 640B.050. Jeremy Fisher seconds the motion. Kyle asks if there is any more discussion. Seeing none, he asks for a vote, and the motion passes.

6. Public comment. Kyle Moore asks Michelle Cothrun if she has received any public comment. Michelle confirms that no one has joined the meeting and she sees no raised hands from the public in attendance. There is no public comment.

7. Adjournment. (For Possible Action) Kyle Moore adjourns the meeting at **6:03 PM**.

MINUTES OF THE MEETING FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE & TIME: April 28, 2023

VIRTUAL MEETING ACCESS VIA ZOOM:

Meeting ID: 897 506 8640

Passcode: 640B

1. **Meeting called to order by NSBAT Chair, Kyle Moore at 7:30 PM.**

Board Members Present: Kyle Moore, Board Chair; Bryan Lindl, Vice Chair; Jeremy Fisher, Treasurer.

Staff Present: Harry Ward, Deputy Attorney General; and Michelle Cothrun, Board Executive Secretary.

2. **Public comment.** Kyle asks Michelle Cothrun if there is any public comment. Michelle confirms that she has not received any comment regarding this meeting and there are no members of the public attending via Zoom. There is no public comment.

3. **Review and approve the report in response to Executive Order 2023-003, due on or before May 1, 2023, that will be sent to the Office of the Governor and the Director of the Legislative Counsel Bureau. Executive Order 2023-003 directs all Nevada Occupational and Professional Licensing Boards to provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority. The final list of regulations recommended for removal will be approved after reviewing and discussing public comment received after the Public Hearing to Review Regulations held on April 7, 2023. (For Possible Action)** Kyle Moore states that the purpose of this meeting is to review public comment from Steve McCauley for one of the items that was selected to be removed at our last meeting. He asks the Board members if they have all had a chance to review the comment that Steve provided. Both Bryan Lindl and Jeremy Fisher agree that they have. Kyle agrees with Steve's comment considering that Steve was on the Board when the language was added. Even though it would be a rare need for this regulation, it is warranted. Kyle suggests removing NAC 640B.030, Subsection 2 from the list of ten (10) regulations that was put forward at the last meeting.

Bryan agrees and adds that it does not seem that the Board would ever use it, but having the option could be beneficial at some point. Jeremy agrees as well and appreciates Steve McCauley's historical perspective. He expresses concern about the 30 days' notice to have a meeting and asks if that would pose an issue. Michelle reads from Steve's email: "...If the Board does nothing, the standards adopted by the BOC will be approved by default in 30 days. So, in essence this regulation is a 'break in case of emergency' tool." Harry Ward clarifies that a meeting for the Board to take action on a matter only needs a three-day notice under Open Meeting Law. Kyle asks Harry if submitting less than ten (10) will be a problem for the Board. Harry does not know but states that our Board has few regulations to begin with so finding ten (10) to suggest for deregulation is proportionately more challenging than for other Boards that

have three times as many regulations. In addition, there is no guarantee that all of the regulations on the list will be deregulated. Michelle explains that she sent the report in the format she received from the Governor's Office for the Board members to review in case there was any problem with it. Kyle said he reviewed the report, and it looked fine to him.

Kyle Moore motions to modify the original list provided by Michelle Cothrun and eliminate NAC 640B.030, Subsection 2 of the recommended removal list. Bryan Lindl seconds the motion, and it passes.

4. Review and discuss the documentation submitted by licensed athletic trainers who recently completed the required Dry Needling course and approve those who fulfill the statutory requirements for dry needling. (For Possible Action) Kyle Moore explains to the Board that he requested that this one dry needling application be added to the agenda so that the applicant does not have to wait any longer to be approved. Michelle Cothrun explains that she informed the other Dry Needling Subcommittee members that #139, Batshoun submitted an application for review. Steve McCauley replied that he reviewed the application and stated, "I have no issues and would recommend approval for this applicant." And Keoni Kins wrote per his review, "...applicant Batshoun has documented acceptable number of combined Dry Needling specific and didactic hours, totaling greater than 150 hours. Has 27 hours of Dry Needling specific coursework and 159 hours of acceptable didactics. Per Subcommittee member Kins, recommends to the Board to approve this application." Kyle Moore adds that his recommendation is the same. He asks if either Bryan Lindl or Jeremy Fisher have any comments. Jeremy states that he reviewed the application and did not see any concerns. He agrees and so moves.

Kyle Moore motions to approve dry needling applicant #139, Batshoun for their ability to dry needle in the state of Nevada. Bryan Lindl seconds, and the motion passes.

5. Discussion and possible decision on date of next meeting. (For Possible Action) Kyle Moore states that the date of the next Board meeting does not apply as this meeting was at the last minute. No action is taken.

6. Public comment. Michelle Cothrun confirms that no members of the public have joined during the meeting. There is no public comment.

7. Adjournment. (For Possible Action) Kyle Moore adjourns the meeting at **7:48 PM**.

NEVADA STATE BOARD OF ATHLETIC TRAINERS NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada State Board of Athletic Trainers is proposing the amendment and/or repeal of regulations pertaining to Chapter 640B of the Nevada Administrative Code.

A Public Workshop to solicit comments from interested persons has been set as follows:

November 17, 2023 @ 1:00 p.m.

Board Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

Virtual Meeting Access via Zoom:

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

Meeting ID: **897 506 8640**
Passcode: **640B**

One tap mobile

+16699006833,,8975068640#,,,*022359# US (San Jose)
+17193594580,,8975068640#,,,*022359# US

Dial by your location

- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 669 444 9171 US
- +1 305 224 1968 US
- +1 309 205 3325 US

- +1 312 626 6799 US (Chicago)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 897 506 8640
Passcode: 022359

Find your local number: <https://us06web.zoom.us/j/8975068640>

Attendees on Zoom wishing to speak during public comment must raise their hand through the Zoom platform to be called upon by the Chair.

The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 640B. The proposed regulation may include the following and other matters properly related thereto:

- Repeals sections NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050
- NAC 640B.060 – Revises and clarifies fees charged by the Board. Removes fees for the issuance of a duplicate license, for a change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check.

A copy of the proposed regulations may be obtained by contacting the Board of Athletic Trainers by mail at 6170 Mae Anne Ave., Suite 1, Reno, NV 89523 or by email: atrainers@nsbat.nv.gov. A copy of the Board regulations to be reviewed are attached hereto and available for viewing or printing on the Board's website: <https://nevadaathletictrainers.nv.gov/>.

All licensees and interested parties are encouraged to participate in the regulatory review process.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the meeting. If special arrangements are necessary, please notify Michelle Cothrun, Executive Secretary at (775) 787-2636 within 72 hours of meeting date and time.

This **Notice of Workshop to Solicit Comments on Proposed Regulation** has been sent to all licensed athletic trainers and persons on the agency's mailing list for administrative regulations and has been posted on the Board's website <https://nevadaathletictrainers.nv.gov/>, the Nevada State Board of Athletic Trainers Administrative Office, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523; online at www.leg.state.nv.us; and State of Nevada Public Notice Website: www.nv.gov

Dated: October 17, 2023

**PROPOSED REGULATION OF
THE NEVADA STATE BOARD OF ATHLETIC TRAINERS
LCB File No. XXXX-XX**

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

A REGULATION relating to athletic trainers; revising provisions relating to the practice of athletic training; and providing other matters properly relating thereto.

CHAPTER 640B - ATHLETIC TRAINERS

640B.005	Definitions.
640B.010	“Board” defined.
640B.013	“License” defined.
640B.015	“Licensee” defined.
<u>640B.020</u>	Interpretation of certain statutory terms.
<u>640B.030</u>	Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification.
<u>640B.040</u>	Examination for licensure: Determination of passing grade.
<u>640B.050</u>	Submission of items required for renewal of license.
<u>640B.060</u>	Fees.

~~— NAC 640B.005 Definitions. (NRS 640B.260) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640B.010, 640B.013 and 640B.015 have the meanings ascribed to them in those sections.~~

~~— (Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~— NAC 640B.010 “Board” defined. (NRS 640B.260) “Board” means the Board of Athletic Trainers.~~

~~— (Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006; A by R106-07, 1-30-2008)~~

~~— NAC 640B.013 “License” defined. (NRS 640B.260) “License” means a license to engage in the practice of athletic training issued pursuant to chapter 640B of NRS.~~

~~— (Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

~~— NAC 640B.015 “Licensee” defined. (NRS 640B.260) “Licensee” means a person who has been issued a license pursuant to chapter 640B of NRS.~~

~~— (Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.020 Interpretation of certain statutory terms. (NRS 640B.015, 640B.021, 640B.260) As used in NRS 640B.015 and 640B.021:

1. “Amateur athletic organization” means an entity that regulates or sponsors athletic activities by persons who have never accepted money, or who accept money under restrictions specified by a regulatory body, for participating in such athletic activities.

2. “Intercollegiate athletic association” means an entity that regulates or sponsors athletic activities between colleges or universities.

3. “Interscholastic athletic association” means an entity that regulates or sponsors athletic activities between high schools.

4. “Professional athletic organization” means an entity that regulates or sponsors athletic activities by persons who participate in such athletic activities for economic gain.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

NAC 640B.030 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. (NRS 640B.260)

1. The Board hereby adopts by reference the standards of professional practice and the requirements to maintain certification, including, without limitation, any requirements for continuing education, set forth in *Standards of Professional Practice* adopted by the National Athletic Trainers' Association Board of Certification, Inc. The publication is available, free of charge, from the National Athletic Trainers' Association Board of Certification, Inc., at the Internet address <http://www.bocatc.org>.

2. The Board will periodically review the standards and the requirements in the publication described in subsection 1. Within 30 days after each review, the Board will determine whether any change made to the standards or the requirements is appropriate for application in this State. If the Board does not disapprove a change to an adopted standard or requirement within 30 days after each review, the change is deemed to have been approved by the Board.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

NAC 640B.040 Examination for licensure: Determination of passing grade. (NRS 640B.260, 640B.310)

The passing grade for the examination required by paragraph (g) of subsection 1 of [NRS 640B.310](#) will be determined by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

(Added to NAC by Bd. of Athletic Trainers by R181-05, eff. 6-1-2006)

~~NAC 640B.050 Submission of items required for renewal of license. (NRS 640B.260, 640B.340, 640B.400) All items required by NRS 640B.340 and 640B.400 for the renewal of a license must be received by the Board, or postmarked, not later than June 30 of each year. If the Board does not receive the items, or if the items are not postmarked, on or before June 30, the license expires.~~

~~(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)~~

NAC 640B.060 Fees. (NRS 640B.250, 640B.260, 640B.410)

1. The Board will charge and collect the following fees:

For an initial application for a license <i>without examination</i>	\$300 \$200
For the renewal of a license.....	150
For the restoration of an expired license.....	300
For the issuance of a duplicate license.....	25
For a change of name on a license.....	25
For a list of business addresses of licensees.....	25
For a list of business addresses of licensees on mailing labels.....	100
For a dishonored check.....	25

2. If an applicant for an initial license as an athletic trainer is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board will charge a fee of \$100 for the processing of an initial license application without examination.

~~2.~~ 3. A fee charged and collected pursuant to this section:

- (a) Must accompany the application or other documentation to which the fee pertains; and
- (b) Is not refundable.

(Added to NAC by Bd. of Athletic Trainers by R106-07, eff. 1-30-2008)

**ADOPTED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R053-19

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-4, NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588.

A REGULATION relating to athletic trainers; prescribing the training required before an athletic trainer is authorized to perform dry needling; prescribing standards of practice for dry needling; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Athletic Trainers to prescribe by regulation the qualifications required for an athletic trainer to perform dry needling. Those qualifications must include the completion of at least 150 hours of certain didactic education and training in dry needling. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 2** of this regulation prescribes the requirements for such didactic education and training.

Existing law requires the Board to prescribe by regulation: (1) the standards of practice for athletic trainers; (2) procedures concerning the handling of needles used to perform dry needling; and (3) procedures to ensure that an athletic trainer does not engage in needle retention. (NRS 640B.260, as amended by section 11 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1588) **Section 3** of this regulation requires an athletic trainer to obtain the informed consent of a patient before performing dry needling. **Section 3** also requires an athletic trainer who performs dry needling to: (1) use only single-use, single-insertion needles; (2) refrain from inserting a needle more than one time or retaining a needle in the body of a patient after completing a procedure; and (3) dispose of those needles after completing a procedure. **Section 3** additionally prohibits an athletic trainer from delegating the performance of dry needling to a person who is not authorized to perform dry needling.

Section 1. Chapter 640B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. Before performing dry needling, an athletic trainer must submit to the Board written proof of successful completion of at least 150 hours of didactic education and training in dry needling which meets the requirements set forth in this section.

2. The courses taken to satisfy the didactic education and training requirements must:

(a) Be approved by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization, the Commission on Accreditation of Athletic Training Education, or its successor organization, or the Board of Athletic Trainers;

(b) Include instruction concerning:

(1) The use of sterile needles in accordance with standards prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or the Occupational Safety and Health Administration of the United States Department of Labor;

(2) The aspects of human anatomy relevant to dry needling;

(3) Control of blood-borne pathogens; and

(4) Circumstances under which performing dry needling on a patient may or may not be appropriate;

(c) Except as otherwise provided in paragraph (d), be provided as part of a graduate-level program of study approved by the Board; and

(d) Include at least 25 hours of didactic instruction and training provided through a postgraduate course of study that requires the successful completion of a written examination and a practical examination. Each part of the course, including, without limitation, each examination, must be completed in person.

Sec. 3. 1. *Before performing dry needling, an athletic trainer must obtain a signed form which provides informed consent from the patient. Such a form must include, without limitation:*

(a) The definition of “dry needling” set forth in section 8 of Senate Bill No. 186, chapter 277, Statutes of Nevada 2019, at page 1587;

(b) A description of the particular treatment that will be provided and the risks and benefits of the treatment; and

(c) The signature of the patient.

2. *An athletic trainer who performs dry needling:*

(a) Shall use only single-use, single-insertion sterile needles;

(b) Shall not insert the same needle:

(1) More than one time in a person; or

(2) In more than one person;

(c) Shall not retain a needle in the body of a patient after completing a procedure;

(d) Shall dispose of each needle after completing a procedure;

(e) Shall not delegate dry needling to a student athletic trainer, graduate student athletic trainer or other person who is not authorized to perform dry needling; and

(f) Shall ensure that the form described in subsection 1 is maintained as part of the health care records of the patient pursuant to NRS 629.051.

Sec. 4. An athletic trainer who wishes to perform dry needling after the effective date of this regulation shall submit proof of compliance with the requirements of section 2 of this regulation not later than 30 days after the effective date of this regulation.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

Proposed Regulation of the Nevada State Board of Athletic Trainers

Pursuant to NRS 233B.0608(1), the Nevada State Board of Athletic Trainers is required to make a determination whether its proposed regulation will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees. By that definition, all of Nevada's athletic training practices would be considered small businesses.

1. A Description of the Manner in Which Comment Was Solicited from Affected Small Businesses, a Summary of Their Responses, and an Explanation of the Manner in Which Other Interested Persons May Obtain a Copy of the Summary.

Pursuant to Executive Order 2023-003, the Board conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. During that review process, the Board identified nine (9) regulations recommended for removal, including some fees that are no longer necessary.

Comments were solicited from small businesses, specifically licensed athletic trainers who are owners, operators or provide athletic training services as self-employed practitioners, by notification of a Public Hearing to Review Regulations held on 4/7/2023. The Board solicited comments from the public through a notice of a public hearing and workshop. Notice of the workshop and the hearing were noticed as required on three different websites and individual notices sent to the interested parties lists maintained by the Board. In addition, the Board submitted the proposed changes to all active licensees and other potentially affected parties to survey their thoughts regarding the proposed revisions. No small businesses commented on the regulation at the public hearing or workshop.

Copies of the proposed regulation, the notices and minutes from these meetings are available by contacting the Board's Executive Secretary by phone at (775) 787-2636 or email at atrainner@nsbat.nv.gov or on the Board's website at <https://nevadaathletictrainers.nv.gov/Board/Meetings/2023/2023/>. A written request for copies may also be sent to the Board's mailing address: 6170 Mae Anne Ave, Suite 1, Reno, NV 89523-4705.

2. The Manner in Which the Analysis Was Conducted, Including the Methods Used to Determine the Impacts of the Proposed Regulation on Small Business.

The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses. In making this determination, the Board considered the comments received during the hearing and workshops, in addition to any comments received by email or mail.

3. The Estimated Economic Effect of the Proposed Regulation on the Small Businesses Which It Is to Regulate, Including, Without Limitation:

(a) Both adverse and beneficial effects; and

- 1) Adverse:** This regulation will have no adverse economic effects on Nevada small businesses.
- 2) Beneficial:** This regulation will be beneficial to small businesses in the streamlining, clarifying, and reduction of existing regulations.

(b) Both direct and indirect effects.

- 1) **Direct:** This regulation will have a direct effect on small businesses in the streamlining, clarifying, and reduction of existing regulations.
- 2) **Indirect:** Small businesses may experience the indirect effect of having more knowledgeable athletic trainers licensed to work in Nevada.

4. A Description of the Methods That the Agency Considered to Reduce the Impact of the Proposed Regulation on Small Businesses and a Statement Regarding Whether the Agency Actually Used Any of Those Methods.

The Board used informed, reasonable judgement in determining that there will not be an impact on small businesses due to the nature of the revisions. As these regulations have no impact on small businesses, there were no changes to consider or implement.

5. The Estimated Cost to the Agency for Enforcement of the Proposed Regulation.

There are no additional costs to the Nevada State Board of Athletic Trainers for the enforcement of these proposed regulations.

6. If the Proposed Regulation Provides a New Fee or Increases an Existing Fee, the Total Annual Amount the Agency Expects to collect and the Manner in Which the Money Will Be Used.

The regulation does not propose a new fee or increase an existing fee.

7. If the Proposed Regulation Includes Provisions Which Duplicate or Are More Stringent Than Federal, State, or Local Standards Regulating the Same Activity, an Explanation of Why Such Duplicative or More Stringent Provisions are Necessary.

The proposed regulation changes neither duplicate nor are they more stringent than any Federal, State, or local standards regulating the practice of athletic training.

8. The Reasons for the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.

These regulations are being modified and/or repealed with the specific intent to reduce regulation and any possible burden on small businesses. After considering all the presented information above, the Nevada State Board of Athletic Trainers has concluded that these regulations do not create an economic effect or impact on small businesses.

CERTIFICATION

I hereby certify that, to the best of my knowledge or belief, the Board conducted a concerted effort as described above to determine the impact of the proposed regulation on small businesses, namely on athletic training practices in Nevada, and that the information contained in the statement above was prepared properly and contains accurate information regarding all such efforts and the Board's determination based thereon.

Signed and effective on October 17, 2023



Michelle R. Cothrun, Executive Secretary
Nevada State Board of Athletic Trainers

MINUTES OF THE MEETING FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE & TIME: November 17, 2023 @ 1:00 p.m.

Public Access in Person:

Board Administrative Office
6170 Mae Anne Ave. Suite 1
Reno, NV 89523

Virtual Meeting Access via Zoom:

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

Meeting ID: **897 506 8640**
Passcode: **640B**

1. Meeting called to order by Board Treasurer, Jeremy Fisher at 1:03 PM.

Board Members Present: Jeremy Fisher, Treasurer; Leo Lozano, Public Board Member; Kendell Galor, Board Member, and Kristopher Bosch, Board Member.

Staff Present: Harry Ward, Deputy Attorney General; and Michelle Cothrun, Board Executive Secretary.

Public Present: Ariel Ives, Tedd Girouard, Dustin Hopfe, and Mike Sepiol.

2. Public comment. Jeremy Fisher asks if there is any public comment before the start of the meeting. Tedd Girouard asks if the workshop will be after the Board meeting. Michelle Cothrun confirms that is the plan. Harry Ward, Deputy Attorney General, adds that there will be public comment before the public workshop, after the workshop, and then at the conclusion of our meeting. The other members of the public in attendance do not have public comment. Michelle also confirms that she has not received any comment by email or other means. There is no further comment.

3. Update on Board appointments and introduction of new Board members. (For Possible Action) Jeremy Fisher asks Kendell Galor to introduce herself. Kendell informs the Board that she was unable to attend the last meeting, but that Kyle Moore had given a brief explanation of how they worked together with the Vegas Golden Knights. She has been an athletic trainer since 2015, working with Cirque Du Soleil and UNLV ice hockey and others. She has worked as a performance medicine therapist. Currently she works in private practice in a gym that she and her husband own doing both athletic training along with strength and conditioning. Jeremy thanks Kendell for serving on the Board.

Michelle Cothrun informs the Board that Ariel Ives is attending the meeting. Michelle let the Governor's Office know that Ariel applied and is recommended to serve. The next time the Governor has

a meeting, she may be appointed. Michelle will keep the Board updated on Ariel's appointment. There is no further discussion.

4. **Discussion and election of Chair and Treasurer for the Board. (For Possible Action)** Item was tabled at the request of Kyle Moore, Board Chair, until the next meeting when he can attend.

5. **Review and approve Board meeting minutes for August 25, 2023. (For Possible Action)** Jeremy asks the Board if there are any questions regarding the minutes and there are none. Harry Ward informs the Board members that were not present at the meeting on August 25, 2023 that they can approve the minutes as to form and not content.

Jeremy Fisher motions to approve the minutes for the August 25, 2023 meeting and Kendell Galor seconds the motion. Jeremy Fisher, Kristopher Bosch, and Leo Lozano vote to approve the motion. Kendell Galor votes to approve as to form and not as to content. The motion passes.

6. **Update on disciplinary action reports and investigation of unlicensed activity. (Discussion)** Michelle Cothrun informs the Board that there are no reports of unlicensed activity, or any other investigations. She explains to the new Board members that she is required to submit certain statistics to the Legislative Counsel Bureau (LCB) on a quarterly basis. For the quarter of July 1st through September 30, 2023, there were 25 licenses added with 27 applications received. No applications were reviewed or rejected, and there were no disciplinary actions to report. As of September 30th, the total number of licenses was 327. There is no further discussion.

7. **Review and discuss financial status of the Board, including approval of all claim and expenses from August 1, 2023 to September 30, 2023, and the annual balance sheet for FY2023 that is submitted to the Legislative Auditor and the Chief of the Budget Division, per NRS 218G.400. (For Possible Action)** Jeremy Fisher begins the discussion by stating that he has reviewed the financials and asks if there are any comments. He acknowledges how Michelle Cothrun gathers the information and keeps it all straight. Michelle explains to the new Board members how the Board submits an annual balance sheet to the LCB since the Board's revenue is under \$200,000. The Bookkeeper prepares the report. Previous Board members Tedd Girouard and Keoni Kins suggested adding the annual balance sheet to the agenda so that all the financials are transparent. Michelle adds that the main difference between this year and last year is the bank fees. Several years ago, the Board was a victim of identity theft; therefore, the bank account now has extra fraud protection. That protection came with higher bank fees. But now that the Board has combined their checking and savings accounts, the balance in the one account offsets the higher banking fees. One year, Michelle was asked by an auditor about the high banking fees. With the combined accounts, those fees are no longer an issue.

Jeremy Fisher asks if there are any questions or comments. Hearing none, Jeremy Fisher motions to approve the financial status of the Board, including approval of all claims from August 1, 2023 to September 30, 2023, and the annual balance sheet for fiscal year 2023 that is submitted to the Legislative Auditor and the Chief of the Budget Division, per NRS 218G.400. Kristopher Bosch seconds the motion, and it passes.

8. **Review and discuss the documentation submitted by licensed athletic trainers who recently completed the required Dry Needling course and approve those who fulfill the statutory requirements for dry needling. (For Possible Action)** Jeremy Fisher states that he has reviewed the dry needling application. He asks Michelle Cothrun if she has received a statement from the Dry Needling Subcommittee. Michelle explains that she reached out to the Subcommittee regarding this application, and they individually submitted their feedback. All three Subcommittee members recommended applicant #143 – Orr to pass.

Jeremy Fisher asks the Board members if anyone has an issue with this application. Hearing none, Jeremy Fisher motions that applicant #143 – Orr is recommended to dry needle in the state of Nevada. Kendell Galor seconds the motion, and it passes.

9. **Introduction of workshop process. (Discussion)** Before introducing the public workshop, Jeremy Fisher asks Michelle Cothrun if there is any public comment, including in the chat. Michelle confirms that there is no public comment in the chat. Seeing there is no public comment, Jeremy opens the public workshop.

10. **PUBLIC WORKSHOP – The purpose of the Workshop is to solicit comments on the proposed revisions to NAC 640B. Public comments must be directly related to the proposed regulation topics. Interested parties are strongly encouraged to submit comments in writing prior to the Workshop. (Discussion)**

- **Repeals sections NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050**
- **NAC 640B.060 – Revises and clarifies fees charged by the Board. Removes fees for the issuance of a duplicate license, for a change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check.**

After reading the purpose of the workshop, Jeremy Fisher asks Michelle if she received any comments in writing. Michelle confirms that she did not receive any written comments regarding the workshop. Before moving on to discuss the sections of NAC to be repealed, Jeremy asks if any of the public present have any public comments.

Tedd Girouard, a former chair of the Board and current program director of the undergraduate program at the University of Nevada, Las Vegas, expresses concerns about the financial management of the Board, noting that it holds excessive funds and suggesting that licensing fees for athletic trainers should be reduced. He advocated for lower fees, especially for in-state graduates, to ease their financial burden immediately after graduation. Specifically, he highlighted the costly licensing fees required in June and again in July, proposing a low fee to support new graduates and retain them within the state, addressing the local shortage of athletic trainers. Tedd emphasized the importance of considering these changes to lessen the financial strain on new professionals and encourage them to remain in Nevada.

Mike Sepiol, an athletic trainer and public member, expresses concerns about the proposed changes to the NRS code, particularly the removal of the licensing parts from some sections. He supports the idea of prorating license fees, aligning with Tedd's earlier comments on easing financial burdens for new graduates. Mike emphasized the need to understand these changes fully to make an informed decision.

Michelle Cothrun explains that the review of the NAC and proposed eliminations are in response to an executive order from Governor Lombardo, which ordered all boards and commissions to identify and recommend the repeal of at least ten regulations. The intent was to simplify regulations and reduce barriers to employment. The Board identified licensing fees as a significant hurdle, especially considering the transient nature of athletic training employment. The Board is modifying the fee schedule through NAC to avoid the complex legislative process required for changing statutes via NRS and to reduce financial obstacles for practitioners. Jeremy adds that NAC 640B.010 is the definition of licensing and it was suggested for repeal since it is a direct iteration of the NRS. The definitions were easy to eliminate because they are redundant.

Dustin Hopfe, an athletic trainer and member of the public, asks if NRS supersedes the NAC. Harry Ward briefly explains the hierarchy of the law and how the NRS is a legislative created statute that gives a law or directive to the public entity. Regulations regulate the public entity and must be consistent with the statute. Jeremy adds that regulations (NAC) are an interpretation or application of the law (NRS). In laymen's terms, a regulation is below a statute. Michelle asks Harry Ward if the definitions are still necessary, even if they are the exact copy of the NRS. Harry replies that many boards are also eliminating these definitions. Michelle also mentions an NAC that is possibly contradicting NRS is the fees for the restoration of a license and specifying a flat fee of \$300.00. Feedback from the LCB is required for both issues.

Jeremy focuses the discussion on the repeal of the five (5) definitions. He asks if there is any public comment on this first section. Seeing none, he asks if any Board member has any comment. Hearing none, Jeremy reads the list of NACs that are suggested for repeal with their corresponding definition. Jeremy Fisher motions to repeal sections of the NAC: NAC 640B.005, NAC 640B.010, NAC 640B.013, NAC 640B.015, and NAC 640B.050. Kristopher Bosch seconds, and the motion passes.

Jeremy moves the discussion to NAC 640B.060 that lists the fees charged by the Board by stating that there need to be a reduction of fees. He proposes a reduction of fees for initial applications, specifically for graduates from Nevada institutions who plan to stay and practice athletic training within the state. The goal is to retain locally trained professionals by removing financial barriers. Additionally, he suggests lowering renewal fees, and providing discounts for active-duty military and veterans. He then asks for public comments.

Dustin Hopfe asks about the initial licensure fee and the addition of "without examination". He also questions the logic behind the fee structure in Nevada, suggesting that while other organizations like BOC charge a large initial fee and a smaller annual renewal fee, Nevada could consider reducing the annual renewal fees given that they are required every year, unlike some other healthcare professions where renewal is biennial. Dustin suggests maintaining a higher initial fee and lowering the renewal fees might be more appropriate, given the financial burden of frequent renewals for healthcare professionals. Michelle explains that the NRS specifies maximum charges for licensing with and without an examination if the Board were to administer its own exams like other healthcare boards. The current fee list does not differentiate between initial applications with or without an exam, hence the need for clarification. And the rationale for the fee structure was to lower barriers to employment by reducing the initial licensure fee while maintaining the renewal fees, the Board's primary revenue. This approach also considers hypothetical future expenses such as office space or licensing software. By reducing initial licensure fees now, the Board can reassess its finances and possibly reduce the renewal fees in a few years.

Tedd Girouard questions Michelle about the finances of the Board, specifically expenses versus revenue and the fund balance. Tedd approximates the yearly excess at over \$16,000 and states that a fund balance of over \$165,000 is excessive. He agrees with Dustin that lowering renewal fees should be considered. He proposes adjusting the renewal fee to \$125, instead of \$100, to avoid negative cash flow while still addressing the surplus. Tedd recalls previous audits and legislative concerns about the Board's excessive reserve funds, which was viewed negatively. He also supports a reduction in initial licensing fees to \$200 and agrees with Jeremy's suggestions for a reduced fee to support in-state graduates from a Nevada school.

Jeremy suggests that the fee for these graduates should only cover the Board's hard costs, which is around \$50. Michelle confirms that the fee for fingerprinting set by the Department of Public Safety is \$40.25. If the Board covers the fingerprinting fee, \$50 should cover it. Tedd clarifies that UNLV is moving to a master's program and students will only graduate in the spring.

Mike Sepiol agrees that the Board should reduce fees. He asks what the excess fees will be used for and suggests the Board keep funds in reserves for possible attorney's fees to defend in a lawsuit. Jeremy explains that the Board has discussed using the reserves for legal needs and potentially hiring a lobbyist/legislative consultant. He highlights the increased liability that comes with the addition of dry needling techniques to athletic training, sharing a specific incident where a licensed practitioner's technique appeared questionable, raising safety concerns. Jeremy notes that generally athletic trainers reduce liability for entities by preventing injuries.

The Board then tries to approximate how much revenue will decrease over a year with the proposed reduction of fees and include increased expenses like Michelle Cothrun's raise. Jeremy wants to confirm that with the proposed decreased fees the Board would not be operating at a loss but approaching a break-even point. He seeks further comments on the discussion and there are none. He notes there is consensus among Board members and the public members present on removing certain fees and reducing others. Specifically, there is agreement on lowering the initial licensing fee from \$300 to \$200 and reducing the renewal fee from \$150 to \$125. Additionally, there is support for decreasing fees for in-state graduates of higher education institutions. After discussing possible scenarios for students that do not graduate on time, the graduate can receive the fee reduction if they apply within one year after graduating. Kristopher Bosch suggests specifying an initial new grad license. The Board members discuss how to confirm the applicant did graduate from a Nevada institute of higher education and is not lying on their application. Jeremy reminds the Board that applicants do sign a declaration under penalty of perjury. Harry Ward adds that if an applicant falsifies information on their application and obtains a license, the Board has the authority to revoke their license for ethical or criminal violations, which would require formal litigation. Tedd agrees that people lie and cheat, but the risk is not worth it. They would lose their ability to practice in the state. Dustin adds that they will then have to admit on any other state application that their license was revoked. After this point in the discussion, Tedd Girouard leaves the meeting. The Board thanks Tedd for his input. Jeremy asks for any final comments and there are none.

Jeremy Fisher motions to remove the fees for issuance of a duplicate license, for change of name on a license, for a list of business addresses on mailing labels, and for a dishonored check. Kendell Galor seconds the motion, and it passes.

Jeremy Fisher motions to reduce the license fee for an initial license from \$300 to \$200. Kristopher Bosch seconds the motion, and it passes.

Jeremy Fisher motions for the initial application for student graduating from a higher education institution in the state of Nevada that is CAATE accredited and/or its successor shall be granted a reduction application fee of \$50 for initial licensing as an athletic trainer for one year from date of conferment of degree. Leo Lozano seconds the motion, and it passes.

Jeremy Fisher motion for a license renewal fee of a currently licensed athletic trainer in the state of Nevada to be reduced from \$150 to \$125. Kendell Galor seconds the motion, and it passes.

Jeremy Fisher motions to reduce the fees for an initial license for veterans, active-duty military and surviving spouses from \$200 fee to \$100. Kendell Galor seconds the motion, and it passes.

Consideration of Proposed Regulation. Board members may discuss and consider public comments, approve or add, revise and delete proposed language. The Board may vote to amend its proposed regulation draft that will then be sent to the Legislative Counsel Bureau for review and drafting. (For Possible Action) Jeremy Fisher states that the Board has been considering public comments during the workshop. He asks if there are any comments or additions regarding sending the proposed regulation draft for NAC 640 B to the Legislative Counsel Bureau (LCB) for review and drafting. There are none.

Jeremy Fisher motions to send the approved and revised and deleted proposed language of NAC 640 B for amendment as its proposed regulation draft be sent to the Legislative Counsel Bureau for review and drafting. Kristopher Bosch seconds the motion, and it passes.

11. **Report from Executive Secretary, Michelle Cothrun. (Discussion)** Michelle Cothrun has nothing to report.

12. **Report from Harry B. Ward, Deputy Attorney General. (Discussion)** Harry Ward, DAG, has nothing to report.

13. **Public comment.** Jeremy Fisher asks if there is any comment from the members of the public that made it to the end of the meeting and there is none. He thanks Ariel Ives and Dustin Hopfe for staying until the end of the meeting. Jeremy points out that he appreciates all the participation from the licensed athletic trainers that attended today's workshop. Michelle Cothrun confirms that there are no comments on the chat and that she has not received any emails during the meeting. There is no further comment.

14. **Adjournment. (For Possible Action)** Jeremy Fisher adjourns the meeting at 3:07pm.

MINUTES OF THE MEETING FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE & TIME: January 12, 2024 @ 3:30 p.m.

Virtual Meeting Access via Zoom:

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

Meeting ID: **897 506 8640**

Passcode: **640B**

1. **Meeting called to order by Board Chair, Kyle Moore at 3:44PM.**

Board Members Present: Kyle Moore, Board Chair; Jeremy Fisher, Treasurer; Leo Lozano, Public Board Member; Kendell Galor, Board Member; and Ariel Ives, Board Member.

Staff Present: Harry Ward, Deputy Attorney General; and Michelle Cothrun, Board Executive Secretary.

Public Present: Mike Sepiol.

2. **Public comment.** Kyle Moore asks Michelle Cothrun if there is any public comment. He asks Mike Sepiol if he has any comment at this time. Mike Sepiol is here to observe. Michelle states that she has not received public comment by email or any other means. No public comment.

3. **Update on Board appointment and introduction of new Board member. (For Possible Action)** Kyle Moore asks Michelle Cothrun about the update. Michelle informs the Board that Ariel Ives has been appointed. Ariel introduces herself and shares her educational and professional background. She holds a bachelor's degree in athletic training with a major in psychology from the University of New Mexico and a master's degree in advanced athletic training from North Dakota State University. She has practiced in Ohio and is currently working with Dr. Rosenberg as a clinic AT. Ariel also has international experience, teaching athletic training in Japan and working on a United Nations mission to help initiate EMT services in Uganda. Kyle thanks Ariel for her willingness to serve on the Board.

4. **Discussion and election of Chair for the Board. (For Possible Action)** Kyle Moore explains his decision to not serve as second term on the Board as Chair due to personal commitments. He thanks Michelle and all the Board members for their support during his tenure. He also thanks Tedd Girouard for his mentorship. Kyle nominates Kendell Galor for Board Chair, highlighting her passion and dedication to athletic training in Nevada. He also commends Jeremy for his outstanding work with the legislative subcommittee and suggests he continue in this role to maximize impact.

Kyle Moore motions to nominate Kendell Galor for Board Chair. Leo Lozano seconds the nomination, and it passes. Kyle opens the floor for any further nominations. Hearing none, Kyle Moore

takes another vote for Kendell Galor as the Board Chair. The voting passes unanimously with those present. Kyle congratulates Kendell and expresses gratitude for her future contributions in her new role.

5. Review and discuss the documentation submitted by licensed athletic trainers who recently completed the required Dry Needling course and approve those who fulfill the statutory requirements for dry needling. (For Possible Action) Kyle Moore asks the Board members if they have reviewed the dry needling applications and if Michelle Cothrun has received feedback from the Subcommittee members. Michelle explains that she has received feedback from all three members for the applications minus the last three: #153- Sandoval De Leon, #154-Warner, and #155- Lower. Harry Ward advises that the last three should be excluded from the Board's vote since they have not been reviewed by the full committee.

Jeremy Fisher, after his review of the applications, expresses concern about the relevance of outdated coursework. He notes one course from 2002 would not be accepted for further medical education like PT or med school due to their age. He stresses the importance of ongoing education and anatomy refreshment, drawing from his experience teaching biology. Jeremy emphasizes the need for more recent coursework in the dry needling applications, particularly when the original coursework dates back as far as the birth year of a new graduate applicant. He acknowledges there is no legislative barrier to using old courses but questions the prudence of accepting such outdated credentials. Jeremy calls for adding an agenda item for discussing a policy to ensure that continuing education credits are recent and relevant. Harry Wards reminds the Board that the Subcommittee has the discretion to request applicants provide updated CE units and that Board members can separate votes for specific applicants if they have reservations or concerns about outdated coursework.

Kyle acknowledges that some applicants' credentials may seem outdated even if they are clinically relevant. He proposes making this a discussion item at the next board meeting to possibly revise the Subcommittee's review process. Kyle states the importance of not changing the existing language, which could risk the ability for athletic trainers to dry needle in the state of Nevada. Jeremy agrees with Kyle, noting that while the current applicants are capable, the Board should focus on encouraging the use of more recent and relevant coursework. He supports adding this topic to the agenda for future meetings to ensure ongoing professional standards and relevance in the field. Jeremy also mentions that there is some confusion about the ambiguity in the language concerning "postgraduate coursework." It is unclear whether this term refers to coursework completed after obtaining a degree in athletic training.

Michelle reminds the Board that the Subcommittee has already addressed concerns about applicants using older undergraduate coursework to satisfy credit requirements for dry needling certification. She explains that while master's degree holders often submit their undergraduate classes to quickly fulfill a significant portion of the required hours, the instructions now emphasize the need for more current and relevant coursework. Despite this, applicants may still choose to submit older credits for convenience. Michelle also mentions that during the regulatory approval process, legislators tended to value university credits over CEUs, which they often view as simple online refreshers. Consequently, she advises applicants that the Subcommittee prefers a mix of university coursework and recent postgraduate CEUs to maintain a balance between legislative expectations and professional relevance.

Kyle Moore motions to approve applicants number 144, 145, 146, 147, 149, 150, 151, and 152 for their approval to dry needle in the state of Nevada. Jeremy Fisher seconds the motion, and it passes.

After the motion, Kyle leaves the meeting. Michelle thanks Kyle for his hard work, acknowledging the challenging circumstances he faced during his tenure which coincided with the pandemic. The Board members express their appreciation for his contributions to the Board.

6. **Review and discuss feedback received from the Legislative Counsel Bureau (LCB) regarding the proposed regulation that was assigned File No. R135-23, which seeks to revise and clarify fees charged by the Board. The regulation as requested seeks to abolish fees that are required per NRS 640B.410. Approve the suggested revisions to prevent drafting the regulation in conflict with statute. (For Possible Action)** Kendell Galor states that Michelle Cothrun emailed the Board this feedback about not being able to remove the \$25 fee for a duplicate license; however, it can be reduced to \$1. Michelle clarifies that the feedback received from the LCB was on two items in NAC 640B.060 related to licensing fees. The proposed addition of "without examination" to the language about fees for an initial application conflicts with existing NRS regulations. The recommended solution is to remove this clarification. Consequently, the fee for an initial application will be reduced from \$300 to \$200. Additionally, while completely removing the fee for issuing a duplicate license is not possible due to statutory requirements, it has been suggested to reduce this fee from \$25 to \$1 to remain compliant with the NRS. These adjustments aim to streamline the process and reduce costs without contradicting existing laws. Harry Ward suggests that two separate motions would be cleaner.

Kendell Galor motions to remove the language of without examination for initial licensure. Ariel Ives seconds the motion, and it passes.

Kendell Galor motions to reduce the fees for a duplicate license from \$25 to \$1. Jeremy Fisher seconds the motion, and it passes.

7. **Discussion and possible decision on date of next meeting. (For Possible Action)** Kendell Galor states that since Kristopher Bosch was unable to attend this meeting, the Board should wait and include him in deciding the date of the next Board meeting. Jeremy Fisher would like to meet soon, so Michelle Cothrun will send a Doodle poll to get a feel for everyone's schedule for the next few weeks. There is no action taken. At this point, Leo Lozano leaves the meeting.

8. **Public comment.** Michelle Cothrun confirms that no members of the public joined the meeting. Mike Sepiol has left the meeting, and she has not received any emails during the meeting. Jeremy Fisher would like to add to the next meeting agenda that the Board move forward with adding an investigator. There is no public comment.

9. **Adjournment. (For Possible Action)** Kendell Galor adjourns the meeting at 4:25PM.

**NEVADA STATE BOARD OF ATHLETIC TRAINERS
NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption of

**LCB File No. R135-23
of the
Board of Athletic Trainers**

DATE & TIME: April 19, 2024 @ 3:00 p.m.

Public Access in Person:

Board Administrative Office
6170 Mae Anne Ave, Suite 1
Reno, NV 89523

Virtual Meeting Access Via Zoom:

Meeting ID: 897 506 8640
Passcode: 640B

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

The purpose of the hearing is to receive final comments from all interested parties regarding the adoption, amendment, and repeal of regulations that pertain to LCB File No. R135-23, Chapter 640B of the Nevada Administrative Code (NAC).

A REGULATION relating to athletic trainers; correcting a statutory reference; revising fees relating to the licensing of athletic trainers; repealing certain duplicative provisions relating to athletic trainers; and providing other matters properly relating thereto.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R135-23

1. Need and purpose of the proposed regulations or amendments

The need for the proposed regulations is to address sections identified in the report to the Governor pursuant to Executive Order 2023-003 to potentially streamline, clarify, reduce, or otherwise improve regulations that pertain to Chapter 640B of the Nevada Administrative Code (NAC) and to protect the public health, safety, and welfare by ensuring that only qualified and competent athletic trainers are licensed in the state. The purpose of the adopted regulation is to provide clarity for the public, individuals, and licensees through regulations.

2. How to obtain the approved or revised text of regulations prepared by LCB

Individuals may obtain a copy of the proposed regulations by writing to the Board of Athletic Trainers, 6170 Mae Anne Ave, Suite 1, Reno, Nevada 89523; or by calling the Board office at 775-787-2636. The proposed regulations are also available for review and download on the Board website: <http://nevadaathletictrainers.nv.gov/>.

3. Methods used in determining the impact on a small business

Comments were solicited from small businesses, specifically licensed athletic trainers who are owners, operators or providers of athletic training services as self-employed practitioners by notification of a Public Hearing to Review Regulations held on 4/7/2023 and a Workshop to Solicit Comments on Proposed Regulation held on 11/17/2023. In addition, a Public Meeting was held on January 12, 2024 to review and discuss feedback received from the Legislative Counsel Bureau (LCB) regarding the proposed regulation that was assigned File No. R135-23. The Board solicited comments from the public through a notice of a public hearing and workshop. Notice of the workshop and the hearing were noticed as required on three different websites and individual notices sent to the interested parties lists maintained by the Board. In addition, the Board submitted the proposed changes to all active licensees and other potentially affected parties to survey their thoughts regarding the proposed revisions. No small businesses commented on the regulation at the public hearing or workshop.

The Board used informed, reasonable judgement to determine there will be no impact on small businesses. In making this determination, the Board considered the comments received during the hearing and workshops, in addition to any comments received by email or mail.

4. Estimated economic effect of regulations on business and the public

a. Adverse and beneficial effects

The adoption of these regulations should have no adverse economic effect on business, the public or practitioners of athletic training. The benefits of these regulations are that the public, clients, employers, and athletic trainers will be provided clarity in NAC 640B.

b. Immediate and long-term effects

The immediate and long-term effects of the regulations proposed in R135-23 are to improve clarity and communication of practice requirements for athletic trainers in Nevada.

5. Cost for enforcement of the regulations

There are no additional costs involved in enforcing the proposed regulations.

6. Overlap or duplication of other state or local governmental agencies

The proposed regulations do not overlap or duplicate any regulation of other state or local governmental entities.

7. Regulation required by federal law

Not applicable

8. More stringent than federal regulations

The Board is not aware of any similar federal regulations of the same activity in which the state regulations are more stringent.

9. New or increases in existing fees

The regulation does not propose a new fee or increase an existing fee. The regulation removes certain fees that are no longer necessary and lowers the fees for initial licensure and renewal fees.

Persons wishing to comment on the proposed action of the Board of Athletic Trainers may appear at the scheduled public hearing or address their comments, data, views, or arguments in written form to the Board of Athletic Trainers, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523. The Board of Athletic Trainers must receive all written submissions on or before **April 12, 2024**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Athletic Trainers may proceed immediately to action upon any written submissions.

A copy of this notice and the regulations to be adopted, R135-23, will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Copies of the notice and the regulations to be adopted, R135-23, will be available from the Board of Athletic Trainers, 6170 Mae Anne Ave., Suite 1, Reno, Nevada 89523, for inspection and copying by members of the public during business hours and will be available on the Board of Athletic Trainers website:

<http://nevadaathletictrainers.nv.gov/>. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulations, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This **Notice of Hearing** has been posted on the Board's website: <http://nevadaathletictrainers.nv.gov/>; and may also be accessed at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/> - Nevada Legislature Administrative Notices

<https://notice.nv.gov/> - State of Nevada Public Notices

<http://www.leg.state.nv.us/register/> - State of Nevada Register of Administrative Regulations

Dated: March 19, 2024

**PROPOSED REGULATION OF THE
BOARD OF ATHLETIC TRAINERS**

LCB File No. R135-23

January 29, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 640B.260 and 640B.310; § 2, NRS 640B.250, 640B.260 and 640B.410; § 3, NRS 640B.260 and 640B.400.

A REGULATION relating to athletic trainers; correcting a statutory reference; revising fees relating to the licensing of athletic trainers; repealing certain duplicative provisions relating to athletic trainers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this regulation corrects a statutory reference to account for changes made by Assembly Bill No. 275 of the 2019 Legislative Session. (Section 61 of Assembly Bill No. 275, chapter 627, Statutes of Nevada 2019, at page 4300)

Existing law requires the Board of Athletic Trainers to prescribe fees relating to the licensure of athletic trainers. (NRS 640B.410) **Section 2** of this regulation reduces the fees for: (1) an initial application for a license from \$300 to \$200; (2) the renewal of a license from \$150 to \$125; and (3) the issuance of a duplicate license from \$25 to \$1. **Section 2** additionally eliminates fees for: (1) a change of name on a license; (2) a list of business addresses of licensees on mailing labels; and (3) a dishonored check. **Section 2** also establishes reduced fees for an initial application for a license by: (1) an active member, the spouse of an active member, a veteran or the surviving spouse of a veteran of the Armed Forces of the United States; and (2) an applicant who graduated from certain accredited institutions within 1 year before the date on which the application is submitted.

Existing law provides that words and terms defined in the Nevada Revised Statutes have the same meaning in corresponding provisions of the Nevada Administrative Code. (NRS 0.024) **Section 3** of this regulation repeals from the Nevada Administrative Code certain duplicative definitions that are set forth in the Nevada Revised Statutes. (NRS 640B.025, 640B.060, 640B.065)

Existing law provides that a license to engage in the practice of athletic training expires on June 30 of each year and may be renewed upon the submission of certain items before the license expires. (NRS 640B.400) **Section 3** repeals a duplicative requirement in Nevada Administrative Code that all items for the renewal of a license to engage in the practice of athletic training be submitted or postmarked on or before June 30 of each year.

Section 1. NAC 640B.040 is hereby amended to read as follows:

640B.040 The passing grade for the examination required by paragraph ~~(g)~~ (f) of subsection 1 of NRS 640B.310 will be determined by the National Athletic Trainers' Association Board of Certification, Inc., or its successor organization.

Sec. 2. NAC 640B.060 is hereby amended to read as follows:

640B.060 1. ~~The~~ *Except as provided in subsections 2 and 3, the* Board will charge and collect the following fees:

For an initial application for a license	(\$300) \$200
For the renewal of a license.....	(\$50) 125
For the restoration of an expired license	300
For the issuance of a duplicate license	(\$25)
For a change of name on a license	25 1
For a list of business addresses of licensees.....	25
For a list of business addresses of licensees on mailing labels	100
For a dishonored check	25

2. *If an applicant is an active member, the spouse of an active member, a veteran or the surviving spouse of a veteran of the Armed Forces of the United States, the Board will charge a fee of \$100 for an initial application for a license.*

3. *If an applicant is a graduate of an institution of higher education in the State of Nevada that is accredited by the Commission on Accreditation of Athletic Training Education, or its successor organization, the Board will charge a fee of \$50 for an initial application for a*

license if the application is submitted not later than 1 year after the date the degree was conferred.

4. A fee charged and collected pursuant to this section:

- (a) Must accompany the application or other documentation to which the fee pertains; and
- (b) Is not refundable.

Sec. 3. NAC 640B.005, 640B.010, 640B.013, 640B.015 and 640B.050 are hereby repealed.

TEXT OF REPEALED SECTIONS

640B.005 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 640B.010, 640B.013 and 640B.015 have the meanings ascribed to them in those sections.

640B.010 “Board” defined. “Board” means the Board of Athletic Trainers.

640B.013 “License” defined. “License” means a license to engage in the practice of athletic training issued pursuant to chapter 640B of NRS.

640B.015 “Licensee” defined. “Licensee” means a person who has been issued a license pursuant to chapter 640B of NRS.

640B.050 Submission of items required for renewal of license. All items required by NRS 640B.340 and 640B.400 for the renewal of a license must be received by the Board, or postmarked, not later than June 30 of each year. If the Board does not receive the items, or if the items are not postmarked, on or before June 30, the license expires.

MINUTES OF THE MEETING FOR THE NEVADA STATE BOARD OF ATHLETIC TRAINERS (NSBAT)

DATE & TIME: April 19, 2024 @ 3:00 p.m.

Virtual Meeting Access via Zoom:

<https://us06web.zoom.us/j/8975068640?pwd=ckhJYStrbi9wWk5BbXdKQXlTMnVCZz09>

Meeting ID: 897 506 8640

Passcode: 640B

1. Meeting called to order by Board Chair, Kendell Galor at 3:03 PM.

Board Members Present: Kendell Galor, Board Chair; Jeremy Fisher, Treasurer; Ariel Ives, Board Member; and Leo Lozano, Public Board Member.

Staff Present: Harry Ward, Deputy Attorney General; and Michelle Cothrun, Board Executive Secretary.

Public Present: Dustin Hopfe, Dr. Ethan Kreiswirth, Paul Kennedy, and Shelby Daly.

2. Public comment. Kendell Galor asks Michelle Cothrun if there have been any public comments submitted. Michelle confirms that she received only one comment specific for the adoption hearing. Former Board member, Keoni Kins, emailed that he agrees with the language that was submitted. She has not received any other public comments via email or other means. Deputy Attorney General, Harry Ward, reads the Zoom meeting ID and passcode into the record, along with details on how to call in for public comment.

Dr. Ethan Kreiswirth “Dr. K”, who runs a nationwide athletic training business, asks for clarification on the rules for practicing athletic training in Nevada under the banner of the International Brazilian Jiu Jitsu Federation (IBJJF), especially regarding licensure exemptions and requirements, given the lack of regulation in California. DAG Ward explains that this is a public comment period, and detailed responses would not be provided immediately but could be addressed later. Kendell Galor confirms that this topic will be discussed in more detail under agenda item number 18 later in the meeting. There is no further public comment.

3. Update on Board appointments. (For Possible Action) Michelle Cothrun reached out to the Governor’s Office to confirm Kendell Galor’s appointment, which is set to end in 2025, not 2026. She verified Jeremy Fisher’s supposition of why Kendell’s term was shortened by a year: Kendell is fulfilling Bryan Lindl’s remaining term. A similar situation happened with Leo Lozano; however, Leo was permitted to serve a full term, likely because the remainder of the term he completed was significantly shorter. Michelle did not seek further clarification from the Governor’s Office, given their heavy workload of board appointments. She wanted to inform the Board and conclude the matter. There was no further discussion on this topic.

4. Review and approve Board meeting minutes for November 17, 2023, January 12, 2024, and February 29, 2024. (For Possible Action) Kendell Galor states that she has read all the meeting minutes and accepts their content. She asks the Board members for comments. Jeremy Fisher asks Michelle Cothrun for a modification of the minutes for the February 29, 2024 meeting and clarifies his earlier statements regarding the regulation of dry needling. He explains that his intention was not to suggest an amendment to the regulations but rather to strengthen the Board's position in reviewing applications and insisting on current education. His idea was to emphasize that a consensus had been reached by the Board regarding the importance of current education, without intending to imply a full regulatory change. He requests this clarification to prevent any misrepresentation of his views. Michelle confirms the context of Jeremy's mention of subsection five of the dry needling regulation, noting it was intended to bolster the review of education credentials, not to suggest regulatory amendments. Michelle will update the February 29, 2024 minutes with the one revision. There is no further discussion.

Kendell Galor motions to approve the minutes for November 17, 2023 and January 12, 2024. Jeremy Fisher seconds the motion, and it passes.

Kendell Galor motions to approve the minutes from February 29, 2024 with the amended speech for Jeremy Fisher. Jeremy Fisher seconds the motion, and it passes.

5. Update on disciplinary action reports and investigation of unlicensed activity. (Discussion) Michelle Cothrun reports that from January 1, 2024, to March 31, 2024, there were no disciplinary actions or investigations of unlicensed activity. During this quarter, seven new licenses were added. She reminded the Board that she submits statistics on a quarterly basis to the Legislative Counsel Bureau (LCB), which includes details on the number of licenses issued, applications received, and any rejections. This quarter was noted as straightforward with seven licenses added and no disciplinary actions. There is no further discussion.

6. Review and discuss financial status of the Board, including approval of all claims and expenses from October 1, 2023 to February 29, 2024. (For Possible Action) Michelle Cothrun informs the Board that there has been a change in the fees for the special Wells Fargo account with fraud prevention features, a response to past incidents of fraud affecting the Board. The fees have increased from \$75 to \$150 monthly. She expresses the advantage in keeping the account and adds that it is not available to new customers. Historically, monthly bank fees ranged from \$40 to \$50 per month, but were waived for a time due to sufficient account balances. The amounts will be about the same again because of the fee increase. Jeremy, the Treasurer, confirmed that the financials were in order and did not have additional comments.

Jeremy Fisher motions to approve the financials of the Board from October 1, 2023 through February 29, 2024. Kendell Galor seconds the motion, and it passes.

7. Review and approve a rate increase for bookkeeping services with Numbers, Inc., and additional fees for payroll services. (For Possible Action) Michelle Cothrun reports that the bookkeeper has increased her rates by \$100 quarterly. Michelle supports the rate increase due to the bookkeeper's quality of work and the need for professional handling of payroll and taxes. She explains that the additional fees for payroll services are due to QuickBooks discontinuing compatibility with the bookkeeper's old service. QuickBooks now offers its own service at \$51 per month, which fits the Board's needs with only one employee. Michelle brings these changes to the Board for formal review and approval, as she does not have the authority to approve them herself.

Kendell Galor sees no issues with the changes. Jeremy comments on the inevitability of price increases in business, suggesting that unless a more sustainable option is found within the next year, the Board should accept these new costs as part of regular business. There is no further discussion.

DAG Ward takes a moment to educate the members of the public present that the procedural details of meetings are mandated by the Open Meeting Law, which requires transparency and Board approval. He acknowledges that the public might find the process boring while they wait for the adoption hearing or another portion of the meeting. He hopes the public understands and emphasizes the necessity of these procedures for legal compliance. Kendell adds that she is moving through the agenda as quickly as possible.

Kendell Galor motions to approve the increases for bookkeeping and payroll services. Jeremy Fisher seconds the motion, and it passes.

8. Review and approve the cost of printing the Renewal reminder postcards. (For Possible Action) Michelle Cothrun reports that the cost for the renewal reminder cards is the same as last year. The only change in the price quote is removing the line item for postage because Michelle purchased the postage stamps and provided them to the printer. She highlights the effectiveness of the printed reminder postcards and notes that while the Board has debated their necessity in the past, licensees appreciate receiving physical reminders. Consequently, the Board continues the practice, although future preferences may change. In response, Kendell supports the approval of the costs for the renewal cards, mentioning personal appreciation for them. With no further discussion, she moves to approve.

Kendell Galor motions to approve the cost for the renewal postcards. Ariel Ives seconds the motion, and it passes.

9. Review and discuss the documentation submitted by licensed athletic trainers in their dry needling applications and approve those who fulfill the statutory requirements for dry needling. (For Possible Action) Kendell Galor states she has reviewed the two applications under consideration, #159-Wiseman and #160-Cross, and found them to be satisfactory. Jeremy Fisher notes that these applications were of higher quality and more thorough than previous ones, appreciating the inclusion of diverse elements previously discussed by the Board. Michelle Cothrun confirms that all three Subcommittee members reviewed both applications and recommend them for Board approval. Kendell asks for any other Board feedback, and there is none.

Kendell Galor motions to approve applications #159-Wiseman and #160-Cross to dry needle. Jeremy Fisher seconds the motion, and it passes.

10. Review and approve the cost of sending a Board Chair, Kendell Galor, to the BOC Conference, as well as approve the cost of a possible second attendee and additional Board members attending virtually. (For Possible Action) Kendell Galor informs the Board that the conference is in Omaha, Nebraska on July 8th through the 10th. She reports that her hotel stay has been covered by the BOC, with up to \$500 in airfare. The Board discusses reimbursing her related expenses. Michelle Cothrun explains that the conference room's limited capacity led to a restriction on in-person attendance, with Jeremy Fisher on standby for an available slot. Virtual attendance options were discussed for other Board members, with a registration fee of \$200 each.

Jeremy Fisher notes that attending virtually might be challenging due to a family vacation, although attending in person would be easier. Ariel Ives expresses willingness to attend virtually, in addition to Michelle Cothrun. Harry Ward suggests the motion include the possibility of Fisher attending in person if a

slot becomes available. Jeremy supports the expense and voices his enthusiasm about the conference, noting its importance for connecting with other professionals at a national level. The Board agrees to participating in the conference both in-person and virtually.

Kendell Galor motions to approve expenses for her in-person attendance at the BOC conference, and for Board member Ariel Ives and Executive Secretary Michelle Cothrun to attend virtually. She adds the possibility for Jeremy Fisher to attend in-person if a slot becomes available. Jeremy Fisher seconds the motion, and it passes.

11. Review and approve the wording and posting of job listing for an investigator. (For Possible Action) Kendell Galor begins the discussion and confirms if everyone has reviewed the job posting shared via Dropbox. Leo Lozano and Jeremy Fisher have no significant concerns, but Jeremy suggests adding a clause about random audits. He advocates for incorporating random audits into the investigator's duties to ensure compliance among licensees and to manage unlicensed activity at per diem events, which will enhance accountability and legitimacy. Kendell Galor supports this, noting that similar practices are effective with other boards.

Kendell proposes forming a subcommittee to screen applicants and conduct interviews. DAG Ward emphasizes that per Open Meeting Law conducting interviews should be open to the public. He also answers questions about the advertising requirements and clarifies the legal scope of the investigator's authority, particularly regarding unlicensed activity. He mentions the Board's limited enforcement capabilities but reviews the procedure for issuing cease and desist orders and possible injunctions to stop the activity. He adds that the Board is not required to have everything included in the wording for the posting of the job. The investigator's job duties can be specified after they have been hired.

After discussing enhancements to the job description and the process for hiring, the Board agrees to integrate random audits into the investigator's role and proceed with the hiring process. There is no further discussion.

Kendell Galor motions to approve the job listing for hiring an investigator. Jeremy Fisher seconds the motion, and it passes.

12. Public Adoption Hearing – R135-23. (Discussion) Kendell Galor begins the public adoption hearing by reading the purpose from the agenda.

The purpose of the hearing is to receive final comments from all interested parties regarding the adoption and repeal of regulations that pertain to LCB File No. R135-23, Chapter 640B of the Nevada Administrative Code (NAC).

A REGULATION relating to athletic trainers; correcting a statutory reference; revising fees relating to the licensing of athletic trainers; repealing certain duplicative provisions relating to athletic trainers; and providing other matters properly relating thereto.

Open Public Comments Kendell Galor opens for public comment. Dustin Hopfe, a member of the public, seeks confirmation if the revisions to section 640B and associated fees are all included in the Legislative Counsel Bureau (LCB) file. Kendell Galor confirms that these changes pertain to the November 17, 2023 workshop that Dustin attended. Michelle Cothrun elaborates that the meeting materials, including a notice of hearing for LCB file number R135-23 and the proposed regulation changes, are available on the Board's website. She details the updated fee structure: initial application fees reduced from \$300 to \$200, renewal fees from \$150 to \$125, duplicate license fee from \$25 to \$1, and other adjustments. Special fee reductions are

also mentioned for active military, veterans, and their spouses, along with recent Nevada graduates in athletic training.

Dustin then asks if the reduction in fees will be in effect this June for the upcoming renewals. DAG Ward states that the timeline for implementing the new fee schedule is uncertain as the matter is returning to the LCB for further processing. It will subsequently be sent to the Secretary of State for recording. Michelle explains that although the Board is eager to introduce reduced licensing fees this year to align with renewals, it is more realistic to expect these changes to take effect next year due to the additional steps required to get the new regulation approved. Consequently, licensees will pay the usual \$150 fee for renewals this year.

DAG Ward advises Chair Galor to check for further public comments or input from the Board before proceeding. Following this advice, Kendell solicits additional public comment or Board input on the topic. Finding no further comments, she moves on to the next agenda item.

Close Public Comments Kendell Galor closes the public comment portion of the adoption hearing.

13. LCB File No. R135-23 – Consideration of Public Comments. (For Possible Action) Michelle Cothrun confirms for the record that there were no public comments for consideration. No action is taken.

14. Consideration of Adoption of Regulations – LCB File No. R135-23. (For Possible Action) Kendell Galor motions to adopt the regulations, LCB File No. R135-23. Jeremy Fisher seconds the motion, and it passes.

Before moving on to the next agenda item, DAG Ward suggests reopening the session for public comment following the conclusion of the adoption hearing, noting that essentially two meetings have occurred today within one. He proposes briefly allowing public feedback on the actions taken before moving to agenda item number 15, with a plan for a final public comment session at agenda item number 23. Kendell asks if there is any further public comment on the adoption of the Regulations for LCB file number R135 -23 and there are none. She again closes the public comments and moves on to the next agenda item.

15. Review and approve a Board policy regarding legal names to be used on licenses, with nicknames or preferred names to be added in quotation marks. (For Possible Action) Michelle Cothrun explains that the policy arose from applicants wanting to use preferred names different from their legal names, as well as credentials on their licenses. She has drafted a policy to allow nicknames or preferred names in quotation marks alongside the legal name on the license. She confirmed with the BOC (Board of Certification) that they require the use of legal names on their certifications. Leo Lozano agrees that the license should have their legal name, and then a preferred name in quotations in the middle, so that all parties' interests are satisfied. Michelle will add a brief explanation of the policy to the initial and renewal applications since licensees are asked to indicate how they would like their name to appear on their license certificate.

Kendell Galor supports the format of the legal name with the preferred name or nickname essentially taking the place of a middle name. Jeremy Fisher agrees that the Board's policy must align with the BOC. He adds that if a licensee legally changes their name to reflect a new identity, for instance, they will need to supply supporting documentation to change their name on their license, including an updated BOC certification. Michelle speculates on potential future legislative changes allowing preferred names but reiterates the Board's need for an official policy regarding the use of legal names on licenses. The discussion concludes with agreement on the policy as drafted by Michelle.

Kendell Galor moves to approve the policy regarding the use of legal names and preferred names in quotation marks on licenses. Leo Lozano seconds the motion, and it passes.

16. Review and discuss feedback from the Subcommittee on Dry Needling on the possible addition of a six-year lookback policy to the Dry Needling application. (Discussion) Kendell Galor tables the discussion, reasoning that there has been good discussion already. She adds that the existing requirement for athletic trainers to submit 50 continuing education units every two years sufficiently covers the educational needs for adding dry needling to their licensure. There is no further discussion.

17. Discuss athletic trainers administering IV's and injections and a possible email to licensees for educational purposes. (For Possible Action) Kendell Galor reiterates that current educational programs for athletic trainers do not include training for these procedures, thereby prohibiting them from legally administering IVs and injectables, except in the case of EpiPens at secondary schools that have a designated athletic trainer. Jeremy Fisher argues that athletic trainers are highly trained public health officers and should be allowed to perform these medical tasks, as it would benefit public health and reduce healthcare costs. He highlights that other states and training programs include such practices, advocating for Nevada to become a leader in sports medicine practices. Kendell acknowledges Jeremy's points but emphasizes that the current legal framework does not permit these actions. She proposes sending an educational email to clarify current regulations to those inquiring about the legality of such practices and possibly to all licensees. Michelle reassures Jeremy that changes to the practice act, such as those she observed with the dry needling regulations, typically involve extensive discussions, and often take several years to be approved.

Harry Ward, Deputy Attorney General, advises including the specific wording of the educational email in the agenda for the next meeting to avoid Open Meeting Law complaints. The Board agrees to table the discussion and approve the wording of an education email at the next Board meeting.

18. Discuss the temporary license exemption and whether the exemption applies to athletic trainers from California, who are not licensed. (For Possible Action) Kendell Galor clarifies that the temporary license exemption is specific to athletic trainers hired exclusively by an out of state visiting sports team. For example, if a team from California hires an athletic trainer to care solely for its members, that athletic trainer is exempt. However, athletic trainers working at events with general public participation must hold a Nevada license. She then opens for questions or comments on this topic.

Jeremy Fisher agrees with Kendell Galor and elaborates on her points. He notes that athletic trainers from California often work in Nevada without a license, seemingly without repercussions. However, he emphasizes that merely sending a cease-and-desist letter is an inadequate deterrent. He points to potential legal consequences outlined in NRS 640B.700, subsection one, stating that unlicensed activity could lead to severe penalties, including being barred from licensure in Nevada. Such violations raise significant ethical concerns, potentially disqualifying individuals from future licensure due to a demonstrated disregard for licensing laws and professional standards.

Jeremy adds that NRS 640B.335, subsection five, cites NRS 467, which governs unarmed combat events. Athletic trainers participating in these events are not eligible for the exemption in NRS 640B. He sought clarification from the Nevada Athletic Commission, which oversees Boxing, MMA, Muay Thai, kickboxing, and slap fighting. The Commission, which only sanctions judo and jujitsu events if they involve striking, has confirmed that no such events are scheduled through September. With all factors considered, Jeremy concludes that athletic trainers from California must be licensed.

Dustin Hopfe asks if federal laws such as the Sports Medicine Licensure Clarity Act might supersede Nevada licensing requirements for athletic trainers who travel with sports teams. Jeremy responds that any athletic trainer, including those from California, who are hired by and travel with their team are covered. He then provides a few examples. However, he points out that the situation differs for athletic trainers working at tournaments, as these events involve treating the general public in Nevada. Dustin thanks Jeremy for the clarification.

Kendell Galor asks for any other public comments, requesting a focus on the exemption for California athletic trainers. Dr. Ethan Kreiswirth, “Dr. K,” questions how to define a “team” for medical services at sports events, noting that members of the International Brazilian Jiu Jitsu Federation (IBJJF) pay for licensure and membership. He wonders how the federation fits within the exemption. Jeremy clarifies that federation membership differs from being part of a traditional sports team, which typically involves regular competition and coaching—a criterion not met by federation members. Using the NCAA as an analogy, he explains that simply paying a fee does not equate to team membership under Nevada law. Therefore, athletic trainers offering care to federation members must be licensed in Nevada since they provide general, not team-specific, care. He repeats that the exemption requires a current license, which California does not have.

Dr. K reports that Tedd Girouard, a former Board Chair, provided him with conflicting information at a recent conference, leading him to seek clearer guidelines for athletic trainers licensed in other states. He stresses the need for more precise definitions and published guidelines, particularly regarding what qualifies as a “team.” He also emphasizes the need for California athletic trainers to quickly obtain Nevada licenses, especially as the Board plans to hire an investigator soon and summer is only two months away. In response, Kendell acknowledges his concern about the apparent rapid pace of developments yet points out that hiring an investigator has been under consideration for several years. She reiterates that there are only two licensure exemptions: one under the Athletic Commission and the other for team-specific situations. She stresses that per diem athletic trainers serving the general public in Nevada must be licensed.

Jeremy argues that the key issue is who extends the invitation to the athletic trainers. For instance, if the International Brazilian Jiu-Jitsu Federation (IBJJF) were issuing the invitation, the athletic trainers could potentially be licensed in any state. However, since Dr. K’s company is the inviter, the athletic trainers must be licensed in Nevada, as state regulations only exempt athletic trainers invited by a recognized governing body. Jeremy believes this rule is clear, but Dr. K finds it ambiguous and open to interpretation. Dr. K proposes seeking another opinion from the Deputy Attorney General.

Harry Ward, DAG, explains that an official Attorney General's opinion could cost between \$5,000 and \$10,000 and take four to six weeks to obtain. He stresses that enforcement responsibilities rest with the Board and its investigators, not with individual interpretations. Dr. K voices concerns about the ambiguity of the Board's language on exemptions and licensure, arguing for it to be clearer and more universally understood. He highlights the potential confusion arising from differing interpretations and the absence of a consistent approach. In defense, DAG Ward upholds the current regulations and the Board’s role in safeguarding the public by ensuring athletic trainers are properly licensed, pointing out the challenges of doing so when athletic trainers come from California without licensure requirements. He emphasizes that Nevada’s laws aim to ensure that those providing athletic care are well-trained and licensed, thereby protecting public health.

Jeremy suggests that to avoid complications, companies should ensure all athletic trainers are licensed in Nevada, as some other California-based companies have done. He notes that circumventing the fees, which are \$300 for initial licensure and \$150 for renewals—with a reduction expected next year—makes no sense. Dr. K expresses concern that applications may not be processed in time for the summer tournaments.

Michelle Cothrun clarifies that athletic trainers licensed in states like Pennsylvania or Arizona, which also require fingerprint background checks, can obtain Nevada licenses quickly through reciprocity. Upon

submitting their application and paying the fees, they can receive their licenses immediately, although they must still complete the fingerprinting process. In contrast, unlicensed athletic trainers from California applying for the first time must wait several weeks for their fingerprint background checks to be processed, ensuring they meet Nevada's regulatory standards before practicing.

Kendell Galor emphasizes the Board's responsibility to provide clear guidelines, especially in areas like athlete safety and background checks, which are standard for many sports organizations. The conversation concludes with Dr. K asking how to submit further questions, given the length of the meeting. He will email Michelle with his questions. There is no further discussion.

19. Report from Executive Secretary, Michelle Cothrun. (Discussion) Michelle Cothrun informs the Board that she has moved the Open Meeting Law training folder to OneDrive and emailed the link to all members, noting that several have already completed the training. She also updated the Board's website to include new reciprocity language on the Forms page to notify applicants that those currently licensed in another state who have undergone a fingerprint background check during their licensure process may qualify for reciprocity. There was no further discussion.

20. Report from Harry B. Ward, Deputy Attorney General. (Discussion) Harry Ward has nothing to report currently, and states that he is open for any questions. There is no further discussion.

21. Future agenda items. (Discussion) Michelle Cothrun mentions the option of a paid Dropbox account, though she believes that OneDrive is satisfactory. She also informs the Board that the Department of Business and Industry is conducting a thorough review of all boards and their policies. A potential issue has arisen with the Board's workers' compensation account with Pro Group, which may not be a suitable replacement for the State workers' compensation plan. Michelle will collect further information to determine if a switch is necessary. Other topics discussed during the meeting will be included in the next agenda. There is no further discussion.

22. Discussion and possible decision on date of next meeting. (For Possible Action) Kendell Galor asks Michelle Cothrun to send a Doodle poll to the Board members to determine a possible date of the next Board meeting. Kendell suggests an additional brief meeting to discuss the investigator position. Michelle will inform the Board when she has received resumes for the Board's consideration. There is no action taken.

23. Public comment. Kendell Galor asks Michelle Cothrun to confirm that there is no public comment in the chat or in her emails. Michelle also confirms that most members of the public have left the meeting and that no new members have joined. Kendell asks Dustin Hopfe if he has any comment, and he does not. No public comment.

24. Adjournment. (For Possible Action) Kendell Galor adjourns the meeting at 4:56 PM.

***** MEETING MINUTES ARE SUBJECT TO APPROVAL
AT THE NEXT SCHEDULED BOARD MEETING *****