

GEORGIA STATE BOARD OF ATHLETIC TRAINERS

Teleconference Minutes

Monday, June 6, 2016 - 1:00 pm

The Georgia State Board of Athletic Trainers met via teleconference Monday, June 6, 2016.

Board Members Present

Mr. Russell Hoff, Chairperson
Dr. James Scott, Board Member
Mr. Jeff Porter, Board Member
Mr. Paul White, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Tamara Elliott, Board Support Specialist

Attorney General's Office

D Williams-McNeely, Assistant Attorney General

Visitors Present

No Visitors Present

Call to Order: Mr. Hoff established a quorum of the board present and called the meeting to order at 1:02 p.m.

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

1) March 7, 2016 Teleconference Minutes

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to approve the March 7, 2016 open session teleconference minutes as presented.

Licenses to Ratify: March 1, 2016 – May 30, 2016

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to ratify the list of licenses issued between meetings as presented.

Discussion – Board Rule 53-6-.04 Inactive Status

Ms. Price explained that the main reason she put this particular rule on the agenda for review is because some of the language is a bit confusing in regards to the process. Typically, when someone's license is revoked, either by operation of law or board vote and they attempt to apply for a license again, they don't get issued a new license number. They are issued the same license number by reinstatement or reactivation. The way the rule currently reads is as if they are getting a new license number and that adds confusion. Ms. Price also reviewed the reactivation fee and she was wondering if the fee should be \$150 which is the current reinstatement fee. She further stated that the overall requirements in terms of C.E. and BOC should also be reviewed in terms of what the Board does now verses when the rule was first put into effect.

Mr. Hoff recapped that the Board needed to review the application language, the applications fees, BOC status and C.E. hours for renewal. Mr. Hoff explained that the BOC is a 2 year certification and the number of C.E. hours required to maintain that certification is 75 hours, when the state C.E. requirement is 40 hours. Mr. Hoff mentioned that the Board currently only reviews BOC requirements for initial licensure so reviewing the state requirements for reinstatements should mirror the requirements for licensure. Ms. Price explained that there is not a practice requirement for reinstatement applicants so the Board may want to mirror what is done for the inactive status applicants. Mr. Hoff does agree that the fee should be consistent with reinstatement fees. Ms. Price suggested the Board draft additional comments about the rules and send them to her so she could draft an amendment to the current rule for the board to consider at the next meeting. Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to refer BR 53-6-04 to the Executive Director to draft an amendment to the rule in accordance with the boards discussion to review at the next scheduled board meeting.

Discussion – Policy D6 Medical Malpractice Complaint Cases

Mr. Hoff explained that he recently reviewed a malpractice case involving an Athletic Trainer and that this is the first time he has seen an Athletic Trainer be sued for malpractice while on this Board so he requested some guidelines from the Board as to how to handle these cases. Ms. Price explained that the policy is strictly to attempt to address malpractice cases from an investigative standpoint and that many Boards don't typically review these cases if the settlement is not over a certain dollar amount as many of these cases are often settled out of court. The Board discussed

the issue and thought that there was some type of policy currently in place to provide guidance to the Cognizant who reviews complaint cases or when the Board receives a report from NPDB. Mr. Hoff explained that as the Cognizant a policy would be really helpful to help guide him on how best to proceed when the Board receives a report from the NPDB that was settled for more than 10,000 and the allegations in the case violate the standard of practice act, then the Cognizant can go ahead and request all of the records and the case will likely be ready to present at the next meeting. Mr. Hoff stated that it's important to have some guidelines in place regarding what triggers a board review of cases that are not black and white. Dr. Scott motioned, Mr. Porter seconded and the Board voted unanimously in favor of the motion to accept Policy 6 as follows:

It is the policy of the Georgia Board of Athletic Trainers to grant the Cognizant Board Member the authority to initiate an investigation into medical malpractice complaints submitted to the Board on a case by case basis provided that the following criteria are met:

- 1) The malpractice complaint is accompanied by a copy of the medical malpractice payment report submitted to the National Practitioner Data Bank (NPDB);
- 2) The judgement or settlement in the case is equal to or greater than \$10,000; and,
- 3) The allegations made in the case violate the standards of care outlined in Rule 53-5-.01.

Upon finding that all criteria are met, the Cognizant may direct staff to subpoena the records for the purpose of peer review.

Discussion – Proposals for 2017 BOC Athletic Trainer Regulatory Conference

The Board accepted the correspondence regarding the 2017 BOC Regulatory Conference as information.

Discussion – Senate Bill 367

The Board held a discussion regarding Senate Bill 367 which will require the Board to ensure that it has considered all information relevant and surrounding the criminal history of an applicant before rendering a decision on licensure to include the type of offense(s), the age the individual was when the offense(s) occurred, the number of offenses, the circumstances surrounding the offense and if the offense or conviction is related to or will impact the profession for which they seek licensure. Ms. Price reported that she is aware that the Board already considers these factors but when making a decision to deny a license, the Board may need to be certain to articulate for the record within their motion that each factor was considered. She also pointed out that the bill limits the amount of information the Board will receive when a criminal background check is conducted and specifies that the actions the Board may take when an applicant or licensee is in a pretrial diversion program. She encouraged the Board to review the statute and to become familiar with the changes. The Board accepted the correspondence regarding Senate Bill 367 as information.

Board Chair's Report – R. Hoff

Mr. Hoff welcomed New Board Members, Dr. James "Jim" Scott and Mr. Jeff Porter to the Board. The Board accepted the verbal report as presented.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications, the number of active and inactive licensees and complaints/compliance matters. Ms. Price informed the Board that the Professional Licensing Boards Division has received general inquiries relevant to whether or not this Division of the SOS regulates Recreational Therapist and encouraged the Board to continue to monitor for any legislation proposed for this profession. She also updated the Board about division transitioning from the use of the Epiware to submit files to the Board to SharePoint as well as the future renovations to the Division offices. Ms. Price's report presented the Board with an update on the status of pre-filled bills being tracked in the Georgia General Assembly including SR 992, SB 230, SB 367, and HB 821. Ms. Price informed the Board that HB 952 went into effect on July 1, 2016. HB 952 provides for executive oversight of the licensing board(s). This new bill could possibly delay the process of the posting and adoption of Board Rules and Board Policies for up to 90 days. The Board accepted the report as presented.

Mr. Hoff volunteered to draft a rule regarding HB 821 to implement a process by which military spouses and transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses or combination thereof and present at the next scheduled board meeting for discussion.

Board Elections

1) Chairperson

Mr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to elect Russell Hoff as the Board's Chairperson.

2) **Vice Chair**

Mr. White motioned, Mr. Hoff seconded and the Board voted unanimously in favor of the motion to elect Dr. James Scott as the Board's Vice Chairperson.

3) **Cognizant**

Mr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to elect Russell Hoff and Jeff Porter as the Board's Cognizant.

Discussion – CAATE Curricular Content

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to refer the CAATE Request for Comments to Mr. Russ for review and to draft comments for the Board to consider at the next scheduled teleconference meeting.

Miscellaneous Discussion

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to schedule a teleconference meeting for Monday, July 25, 2016 at 1:00 p.m.

Mr. White motioned, Mr. Porter seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to Applications, receive the Attorney General’s, Cognizant, and Enforcement Reports. Voting in favor of the motion were those present who included Board members Mr. Hoff, Mr. Porter, Dr. Scott, and Mr. White.

At the conclusion of Executive Session on Monday, June 6, 2016, Mr. Hoff declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session.

OPEN SESSION

Executive Session Minutes

March 7, 2016 Teleconference Executive Minutes

Mr. Hoff motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to approve the March 7, 2016 executive session teleconference minutes as presented.

Attorney General’s Report

There are no open cases at this time. Mr. White motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to accept the report as presented.

Cognizant’s Report – R. Hoff

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

Renewal Application

L.M.F. Renew the license with a letter of concern regarding alcohol history. Applicant must submit documentation of completion of probation and renewal of driver’s license.

Ratification List of Board Orders

Mr. White motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to ratify the list of board orders as presented.

Executive Discussions

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- 1) AT160007 Refer the case to Dr. Scott to review and present at the next board meeting.

Applications for Board Review

Mr. Hoff motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- 1) J.A. Grant request for inactive status.
- 2) J.S.S. Grant request for inactive status.

3) J.H.C. Grant request for inactive status.

Adjournment: There being no further business to discuss, the meeting was adjourned at 2:32 p.m.

Minutes recorded by:

Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by:

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on:

September 26, 2016

RUSSELL HOFF _____
BOARD CHAIR

ADRIENNE PRICE _____
EXECUTIVE DIRECTOR