

GEORGIA BOARD OF ATHLETIC TRAINERS
Board Teleconference Minutes
Monday, March 5, 2018 – 1:00 p.m.

The Georgia Board of Athletic Trainer Examiners met via teleconference on Monday, March 5, 2018. The following members were present:

Board Members Present

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

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Foster, Board Support Specialist

Attorney General's Office Present

Reagan Dean, Senior Assistant Attorney General

Board Members Not Present

No members absent.

Administrative Staff Absent

Kathy Osier, Licensing Supervisor

Visitors Present

No Visitors Present.

Call To Order: Mr. Hoff established that a quorum of the Board was present and called the meeting to order at 1:00 p.m.

OPEN SESSION

Agenda The Board accepts the agenda as amended.

Open Session Minutes

1. December 4, 2017 Teleconference Minutes

Dr. Scott motioned, Mr. Porter seconded and the Board voted unanimously in favor of the motion to approve the December 4, 2017 open session teleconference minutes as presented.

Licenses to Ratify: November 28, 2017 – February 27, 2018

Mr. Porter motioned, Dr. Scott seconded and the Board voted unanimously in the favor of the motion to ratify the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between Board meetings.

Correspondence – Letter of Request from Rep Rick Williams Regarding Licensee Probation

Mr. Hoff motioned, Mr. Porter seconded and the Board voted unanimously in favor of the motion to notify the writer that the statutes provide for the use of the term, “probation” [O.C.G.A. §§ 43-1-19(e)]; however, the Board thanks the writer for their comments and will take them under consideration.

Discussion – Board of Certification (BOC)

1. BOC State Regulatory Network - Election of New Director

2. American Antitrust Institute – State Occupational Licensing Reform & Antitrust Laws – Making Sense

The Board accepts the Board of Certification (BOC) correspondence as information.

Discussion — Board Rules Now on Website Effective 12-07-17

1. Board Rule 53-6-.03 Reinstatement

2. Board Rule 53-6-.04 Inactive Status

The Board accepts the notification that Board Rule 53-6-.03 Reinstatement and Board Rule 53-6-.04 Inactive Status are now posted on the Board website as information.

Discussion – Responding to Questions from Licensees on Specific Interpretations of the Law Regarding Dry Needling

Mr. Hoff entered into a discussion concerning how board members should respond to questions received from applicants and licensees regarding interpretations of the law, specifically dry needling. He reminded the Board members that their role is not to interpret Georgia law and rules for any third party and that they should consult legal counsel of their choosing to assist them in an interpretation of the professions practice act. Mr. Hoff asked how the Board Members should respond if individuals feel that something should be added to the statute. Ms. Price stated that the Board may not lobby for changes in legislation and as a result Board Members should consider referring them to their local associations or their legislative liaisons who will then review the matter and decide whether or not to pursue legislative changes. She further stated that it is important to remind others that the role of the Board is to protect the health, safety and welfare of the public as a whole and not just the individual licensees. The Board does not look out for the specific interests of athletic trainers for that is the role of a lobbyist or a trade group.

Discussion – The Impact of Changing Educational Clinical Competencies on State Practice Acts Including the Proposed Educational Competencies of IV Administration and Suturing

Tabled for further discussion at the June 4, 2018 Board meeting.

Board Chairperson’s Report – R. Hoff

Mr. Hoff reported that he recently attended the 2018 Annual Meeting and Clinical Symposium by the Georgia Athletic Trainers’ Association in January and gave a presentation using the most recent Executive Director’s Report to update the participants about the work of the Board.

Executive Director’s Report – A. Price

The Executive Director’s report presented the Board with statistical data relevant to the processing of applications and complaints/compliance matters which have occurred since the last meeting. Ms. Price gave an update on the status of the pre-filed bills and resolutions of the Georgia General Assembly that have the potential to affect the business of the Board.

Mr. Hoff motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to accept the Executive Director’s Report as presented.

1:30 Public Rule Hearing

1. Board Rule 53-3-.05 Licensure for Military Spouses and Transitioning Service Members

Mr. Hoff called the hearing in the matter of Board Rule 53-3-.05 Licensure for Military Spouses and Transitioning Service Members hearing to order at 1:38 p.m. Members of the Board introduced themselves for the record and Mr. Hoff established that there were no members of the general public present.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF ATHLETIC TRAINERS
CHAPTER 53-5, STANDARDS OF PRACTICE, RULE 53-3-.05, LICENSURE FOR MILITARY SPOUSES
AND TRANSITIONING SERVICE MEMBERS.**

Purpose: All Professional Licensing Boards have been mandated by O.C.G.A. § 43-1-34 Military Spouses and Veterans Licensure to adopt rules and regulations implementing a process by which military spouses and transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof.

Main Features: The rule will further clarify the means by which military spouses and transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA BOARD OF ATHLETIC TRAINERS
CHAPTER 53-5, STANDARDS OF PRACTICE, RULE 53-3-.05, LICENSURE FOR MILITARY SPOUSES
AND TRANSITIONING SERVICE MEMBERS.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 53-3-.05. Repealed Licensure for Military Spouses and Transitioning Service Members

(1) A military spouse or transitioning service member, as defined in O.C.G.A. § 43-1-34, is deemed eligible to apply for an expedited licensure process if the applicant:

(a) Has submitted a complete application along with a fee in the amount established by the Board; and,

(b) Is entitled to an athletic trainer's license by possessing the qualifications enumerated in Code Section 43-5-8 and has not committed an act which constitutes grounds for denial of a license under Code Section 43-5-10.

(2) If the applicant has held a license in another state, jurisdiction or territory, the applicant must submit verification of each license.

(3) The Board may request further verification of any credential submitted to include specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

Authority: O.C.G.A. Secs. 43-1-4, 43-1-7, 43-1-19, 43-1-25, 43-1-34, 43-5-6, 43-5-8, 43-5-9.

Written Comments Received

No written comments were received or offered during the hearing.

Verbal Comments Received

No verbal comments were received or offered from the general public during the hearing.

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to adopt the Board Rule 53-3-.05 Licensure for Military Spouses and Transitioning Service Members proposed amendment as posted.

The Board discussed the economic impact of Board Rule 53-3-.05 Licensure for Military Spouses and Transitioning Service Members upon licensees and noted that there is a positive economic impact in that it allows military service members, transitioning service members and their spouses to obtain a license to work sooner. Mr. Hoff further noted that the revisions to the rule are a result of a statutory requirement to make allowances to expedite licensure for military service members, transitioning service members and their spouses.

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-4; 43-1-7, 43-1-19, 43-1-25, 43-1-34, 43-5-6, 43-5-8 and 43-5-9 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Athletic Trainers.

The hearing adjourned at 1:42 p.m.

Miscellaneous Discussion

1. Consumer Member Board Seat

Mr. Paul White notified the Board that he will be resigning his position as the Consumer Member of the Board effective December 31, 2018. Ms. Price informed the Board of requirements for the Consumer Member Board seat and for Board members to be attentive for potential interested parties to fill the position. She indicated that parties interested in the Consumer Member Board are to send a letter of interest along with their resume to the Director of Executive Appointments in the Governor's Office.

2. Status of SD Bill for Interstate Licensure Compact

The Board accepts the Status of SD Bill for Interstate Licensure Compact as information.

Dr. Scott 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 Russell Hoff, Jeff Porter, Paul White and Dr. James Scott.

At the conclusion of Executive Session on Monday, March 5, 2018, 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

1. December 4, 2017 Executive Session Minutes

Dr. Scott motioned, Mr. Porter seconded and the Board voted unanimously in favor of the motion to approve the December 4, 2017 executive session teleconference minutes as presented.

Attorney General's Report – R. Dean

Mr. White motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's Office report as presented.

1. AG MEMO – OCGA Section 43-34-29.3 (Senate Bill 47)

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to refer O.C.G.A. § 43-34-29.3 to Mr. Hoff to use as the statutory basis to draft a Board Rule in Board Rules Chapter 53-5 Standards of Practice for the purpose of providing guidance to out of state athletic trainers who travel with sports teams in this state for a specific sporting event or with a national sports training center during a sports event which is sponsored by a national sport governing body.

Legal Services

1. LEGAL MEMO – Application 2702347

Mr. Hoff motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license with a Letter of Concern regarding unlicensed practice.

2. LEGAL MEMO – Application 2702611

Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to deny the request for reconsideration and uphold the previous motion.

Cognizant Report – R. Hoff

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

- 1. AT170002** Table pending request of sworn statement from Respondent regarding the allegations of the complaint.
- 2. AT170003** Refer to the Attorney General's Office for a Hearing or Public Consent Order for aiding and abetting unlicensed practice with a fine of \$1000 and two (2) years' probation. If the terms of the order are violated, the Board will consider revocation of license.
- 3. AT170004** Refer to the Attorney General's Office to issue a Cease and Desist Order for both Respondents for unlicensed practice.
- 4. AT180002** Refer back to Investigations to obtain additional information as was discussed in executive session.

Ratification List of Orders Issued by Policy

Mr. Porter motioned, Dr. Scott seconded and the Board voted unanimously in favor of the motion to ratify the list of Board Orders issued in accordance with Board Rules and Policies between meetings.

Applications for Board Review

Application 2561155 Dr. Scott motioned, Mr. White seconded and the Board voted unanimously in favor of the motion to grant inactive status.

Adjournment There being no other business to discuss, the meeting was adjourned at 2:54 p.m.

Minutes recorded by: Michelle Foster, Board Support Specialist

Minutes reviewed by: Adrienne Price, Executive Director

Minutes approved on: April 16, 2018

RUSSELL HOFF
BOARD PRESIDENT

ADRIENNE PRICE
EXECUTIVE DIRECTOR