

**BOARD OF ATHLETIC TRAINING
GENERAL BUSINESS MEETING
EMBASSY SUITES ORLANDO
(Lake Buena Vista South)
4955 Kyngs Heath Road
Kissimmee, Florida 34746
Friday, July 18, 2014 at 9:00 a.m.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:00 a.m. by Nick Pappas, Chair. Those present for all or part of the meeting included the following:

Members present:

James Watson
Heather VanOpdorp, ATC, Vice-Chair
Nick Pappas, ATC, LAT, Chair
Brandon Harris, ATC, LAT
Kevin Christie, D.C.
Randy Schwartzberg, M.D.
James Hudson

Members absent:

Bo McDougal, ATC (excused)
Motion: by Dr. Christie that this be an excused absence
Second: by Dr. Schwartzberg
Vote: unanimous

Staff present:

Rachel Clark, Board counsel
Sue Foster, Executive Director
Penny Johnson, Regulatory Supervisor
Lealand McCharen, Prosecutor

The Board members reviewed the Board Member Training Reference Manual and staff were available to answer any questions and explain processes to new board members.

Ms. Clark reviewed the Sunshine Law, Public Records, Administrative Procedures Act, and Mr. McCharen reviewed the Enforcement Program and the Disciplinary Process with the Board. Ms. Foster explained meetings by conference call, working with the media and travel information.

II. APPROVAL OF MINUTES

A. May 8, 2012, TCC - General Business Meeting

B. October 30, 2012, TCC - General Business Meeting

C. October 22, 2013, TCC - General Business Meeting

The minutes of the three meetings were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Schwartzberg to approve
Second: by Mr. Harris
Vote: unanimous

III. MOTION FOR VOLUNTARY RELINQUISHMENT

A. Andrew P. Flavell, Case #2013-18843 (PCP Waived)

Mr. Flavell was not present nor represented by counsel. The complaint alleges that Mr. Flavell was convicted on 9.19.13 in Orange County Circuit Court of two counts of lewd and lascivious battery, sex with minor student. Respondent currently resides at Putnam Correctional Institute.

A voluntary relinquishment of license was presented to the board. Following discussion, the following action was taken by the board:

Motion: by Mr. Harris to accept the voluntary relinquishment

Second: by Dr. Christie

Vote: unanimous

IV. RULE DISCUSSION

A. 64B33-2.003 Requirements for Continuing Education (Online Human Contact Courses)

Mr. Pappas discussed webinar classes and the question involving whether a webinar is considered home study or can be counted as a face to face course. He mentioned that the BOC has a frequently asked question on this and the answer is if the participant activity can be tracked and the provider states that this is a live program.

Following board discussion the Board determined that they would leave the webinar as home study and not change any rules at present.

V. TOPIC DISCUSSION

A. Tim Tate, Office of Unlicensed Activity

Mr. Tate, manager of the office of unlicensed activity, Department of Health, was present to discuss investigations and the process of unlicensed activity complaints.

B. Senate Bill 50, Chapter 286.0114 Public Meetings; Reasonable Opportunity to be Heard; Attorney Fees

This law became effective on October 1, 2013 and permits opportunities for the public to provide comment at public meetings. A sample rule used by other boards is located on pg. 84.

Following discussion, the following action was taken by the Board:

Motion: by Mr. Hudson to insert "5 minutes" and up to "3" people into this rule

Second: by Ms. VanOpdorp

Vote: unanimous

Statement of Estimated Regulatory Costs (SERC):

Motion: by Ms. VanOpdorp that this will not negatively impact small businesses

Second: by Mr. Harris

Vote: unanimous

C. New Evidence Based Practice Requirement for BOC Continuing Education

The Board discussed that these hours would be included in the general hours.

D. Legislative Discussion

Mr. Pappas reviewed some of the proposed legislative changes for the upcoming legislative session. He stated that ATAF had developed a task force to review the education level with discussion that a master's degree may be required in the future, updates to some of the antiquated statutes that had not been changed for 10 years.

Following discussion, the following action was taken by the Board:

Motion: by Mr. Harris to support the proposed concepts discussed

Second: by Dr. Christie

Vote: unanimous

Ms. Foster will send the Board members copies of proposed bills when they are filed this session.

E. Board of Certification, Disciplinary Action Exchange

Ms. Johnson explained the process regarding staff reporting of disciplinary actions to the BOC. All final orders are scanned with the individual's license and available on-line and also copies of all administrative complaints and final orders are sent to the National Practitioner's Data Bank.

F. House Bill 291 Youth Athletes/Concussion

The Board discussed this bill as it relates to athletic trainers. The Sports Medicine Advisory Committee was established to set up protocols for athletes who suffer concussions and/or heat related injuries. The discussion centered around which individuals could evaluate and clear patients for return to play. The appropriate health care provider is defined in rule as and M.D. or D.O. (Chapter 458 and Chapter 459, F.S.)

Mr. Bob Harris, Esq., appeared before the Board. Mr. Harris represents school districts and he stated that school districts will be responsible. The Board would like clarity on this issue and how to prevent "doctor shopping" for an athlete to return to play.

It was discussed that health care providers need to be educated regarding this new law. It was discussed that more information is needed on the definition of which practitioners are knowledgeable enough to treat concussion patients, etc.

VI. REPORTS

A. Assistant Attorney General

Ms. Clark, Esq. stated that currently there are no outstanding rules and she will notice the public comment rule that the Board passed at this meeting.

Mr. McCharen, Esq., Assistant General Counsel, reported that he had one case in which the Board acted upon at the meeting and two cases to be set for a future probable cause meeting.

B. Board Executive Director

1. Budget Information

Ms. Foster stated that this profession is currently in renewal until September 30, 2014 and the budget information was provided for informational purposes. Board members may contact Ms. Foster with any questions.

C. Board Members

VII. OTHER BUSINESS

A. Delegation of Authority

Motion: by Mr. Harris to approve

Second: by Mr. Hudson

Vote: unanimous

VIII. 2015 Meeting Date

A. July 2015

Mr. Hammons, president of ATAF, stated that the meeting will probably be the same dates as this year, but the location had not yet been determined.

IX. OLD BUSINESS

A. DOH/MQA Annual Board Chair/Vice Chairs and Association Meeting

1. September 11, 2013 – Jim Watson and Nick Pappas Attended

B. Budget Liaisons Training Meeting

1. March 6, 2014 – Nick Pappas Attended

X. NEW BUSINESS

A. DOH/MQA Annual Board Chair/Vice Chairs and Association Meeting

1. September 10, 2014 – Nick Pappas

B. Healthiest Weight Liaison Meeting

1. July 14, 2014 – Nick Pappas and Heather VanOpdorp

2. Consumer board member needed to fill Mr. Frisby's position

XI. FYI

A. Department of Health, Continuing Education Integration Project

B. Florida Department of Health, Year in Review 2012-2013

C. Board of Athletic Training, Board Statistics

D. Board of Athletic Training, Website Statistics

E. House Bill 533 Student Eligibility for Extracurricular Activities

XII. ADJOURNMENT

The meeting was adjourned at 11:36 a.m.