

**BOARD OF ATHLETIC TRAINING
GENERAL BUSINESS MEETING
EMBASSY SUITES ORLANDO
Lake Buena Vista South
4955 Kyngs Heath Road
Kissimmee, Florida 34746
(407) 597-4000
Friday, July 17, 2015 at 9:00 a.m.**

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
Nick Pappas, ATC, LAT, Chair
Brandon Harris, ATC, LAT
Kevin Christie, D.C.
Randy Schwartzberg, M.D.
James Hudson
Kari Riddle, ATC, LAT
Bo McDougal, ATC
Lynne Roberts

Staff present:

Lynette Norr, Board Counsel
Sue Foster, Executive Director
Penny Johnson, Regulatory Supervisor
Elana Jones, Prosecutor
Court Reporter – VRC – Holly Kapacinskas 386.255.2150

APPROVAL OF MINUTES

July 18, 2014, General Business Meeting

The minutes of the July 18, 2014 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Brian Hudson
Second: by Dr. Christie
Vote: unanimous

DISCIPLINARY PROCEEDINGS

Brian Jansen, Case #2013-04201 (VanOpdorp & Sehgal)

Voluntary Relinquishment

Mr. Jansen was not present nor represented by counsel. A two count administrative complaint filed March 2, 2015 alleged violations of s.468.719(1)(f), F.S. for violation of 456.072(1)(c),

F.S. and s. 456.072(1)(x), F.S. failure to report conviction or plea of nolo contendere involving his plea of nolo contendere to travelling to meet a minor after use of compute to lure child to engage in illegal act or otherwise engage in unlawful sexual misconduct.

A Voluntary Relinquishment of License was presented to the Board and respondent agrees to never reapply for licensure.

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

Motion: by Mr. McDougal

Second: by Mr. Hudson

Vote: unanimous

Michael David Evans, Case #2014-04594 (VanOpdorp & Sehgal)

Informal Hearing

Mr. Evans was not present and was not represented by counsel. An Administrative Complaint filed March 2, 2015 alleged violation of s. 468.719(1)(f), F.S. for violation of s. 468.711(3), F.S. for anyone licensed after January 1, 1998 must be currently certified by the Board of Certification or its successor. Respondent was licensed on January 25, 2001 and Department learned on March 14, 2014 that he was not certified with the Board of Certification.

Motion: by Dr. Christie to find that respondent was properly served and requested an informal hearing

Second: by Mr. Watson

Vote: unanimous

Motion: by Mr. McDougal to find that the material facts as alleged in the administrative complaint are not in dispute and to adopt the findings of fact as set forth in the administrative complaint as the Board's findings of fact in this proceeding.

Second: by Mr. Watson

Vote: unanimous

Motion: by Mr. Hudson to adopt the conclusions of law as set forth in the administrative complaint as the Board's conclusions of law

Second: by Dr. Schwartzberg

Vote: unanimous

Motion: by Mr. Harris to adopt the agenda materials into evidence in this proceeding

Second: by Mr. Watson

Vote: unanimous

Motion: by Dr. Schwartzberg to find respondent in violation of Florida statutes as charged in the administrative complaint

Second: by Mr. Hudson

Vote: unanimous

Department's recommendation: reprimand, fine of \$1000 to be paid within 90 days of final order and costs

Motion: by Dr. Christie to accept the Department's recommendation for penalty which included a fine of \$1000, reprimand, and add probation for 18 months with payment due within 60 days of receipt of final order

Second: by Ms. Riddle

Vote: unanimous

A Motion to Assess Costs of \$307.22 was presented to the Board. Following discussion, the following action was taken by the Board:

Motion: by Mr. Hudson accept costs payable within 60 days

Second: by Ms. Roberts

Vote: unanimous

TOPIC DISCUSSION

CS/HB 541

Mr. Pappas discussed the Committee Substitute for House Bill 541 and the corresponding Senate Bill 1526 with Board members. He presented a power point demonstration to the Board explaining the changes made during the past legislative session, using the current statutes and the new revisions. All of the changes will be in effect on January 1, 2016 with the fingerprinting requirement to begin July 1, 2016.

This bill included a revision of the legislative intent, revision of definitions, removal of required protocols and the requirement for background checks. He stated that this bill required the Board to make rule changes. Mr. Pappas met with Board Counsel, Rachel Clark and staff prior to this meeting and resulted in drafts for each rule for the Board's review and discussion.

RULE DISCUSSION

64B33-2.001 Licensure Requirements

All candidates for licensure shall pay the application fee and shall submit to the Department a completed DOH form DOH-AT-001 entitled "BOARD OF ATHLETIC TRAINING STATE OF FLORIDA ~~EXAMINATION~~ APPLICATION FOR LICENSURE" (Revised 07/1505/12) incorporated herein by reference. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01938>. The application is also available from the website address as

follows:<http://floridasathletictraining.gov/licensing/>

http://www.doh.state.fl.us/mqa/athtrain/at_lic_req.html.

(1) Each applicant for licensure shall meet the following requirements:

(a) The applicant shall submit proof of successful completion of an accredited professional approved athletic training degree education program. curriculum:

(b) The applicant shall submit proof of passing the national examination to be certified by the Board of Certification Entry Level Certification examination, which is hereby approved by the Board, and proof of certification by the Board of Certification.

(c) The applicant shall submit proof of current certification in both cardiopulmonary ~~cardiovascular-pulmonary~~ resuscitation and the use of ~~with~~ an automated external defibrillator at the professional rescue level from the American Heart Association, the American Red Cross, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent.

(d) Beginning July 1, 2016, all applicants must submit to a background screening pursuant to 456.0135.

(2) All applicants for initial license or renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

Motion: by Mr. Hudson to approve the amended language with addition of “education”

Second: by Ms. Riddle

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Mr. Hudson that there is no adverse impact on small businesses

Second: by Ms. Roberts

Vote: unanimous

Motion: by Mr. Hudson that there is not a cost of \$200,000 in aggregate for 5 year period

Second: by Mr. Watson

Vote: unanimous

64B33-2.003 Requirements for Continuing Education

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, Part XIII, F.S., shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The hours of continuing education required for renewal must include a minimum of a two-hour course in prevention of medical errors required by Section 456.013(7), F.S. The continuing education requirement includes current certification in both cardiopulmonary ~~cardiovascular~~ ~~pulmonary~~ resuscitation with and the use of ~~an~~ automated external defibrillator at the professional rescue level from the American Red Cross, the American Heart Association, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) For purposes of this rule, one continuing education hour is the equivalent to fifty clock minutes.

(3) Acceptable continuing education must focus on the domains of athletic training, including Injury/Illness Prevention and Wellness Protection, Clinical Evaluation and Diagnosis, Immediate and Emergency Care, Treatment and Rehabilitation, and Organizational and Professional Health and Well-being. ~~prevention of athletic injuries; recognition, evaluation, and immediate care of athletic injuries; rehabilitation and reconditioning of athletic injuries; health care administration; or professional development and responsibility of athletic trainers.~~

(4) The following continuing education is approved by the Board:

(a) Courses, professional development activities, live events, webinars, and publication activities approved by the Board of Certification (BOC);

(b) Post-certification courses in athletic training sponsored by a college or university approved by the United States Department of Education which provides a curriculum for athletic trainers. In order to be eligible, a course must be assigned credit hours and be listed on an official transcript. In order for practicum courses, clinical and internship experiences to be eligible, credit hours must be earned and listed as such on an official transcript. Teaching a college course is not acceptable for CE credit. Non-credit college courses are not acceptable for CE credit.

~~(c)~~ (5) Home study courses approved by the BOC will be acceptable for no more than 10 of the required continuing education hours. The remaining 14 hours require actual attendance and participation. For those licensees who are initially licensed during the second year of the biennial period, only 5 of the required continuing education hours may consist of home study courses. The remaining 7 hours require actual attendance and participation.

(d) As defined by the BOC, a webinar is considered a live event if the provider can track the participant's session activity. If the provider does not have the ability to track the participant's activity, the course is considered a home study.

~~(5)~~ (6) Each athletic trainer shall maintain proof of completion of the required continuing education hours for a period of 4 years, and shall provide such proof to the department upon request.

Motion: by Ms. Riddle to accept the language as drafted above

Second: by Mr. Watson

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Mr. Hudson that SERC not required

Second: by Ms. Riddle

Vote: unanimous

Motion: by Mr. Hudson that will not impact small businesses over \$200K within a five year period

Second: by Dr. Schwartzberg

Vote: unanimous

64B33-2.005 Requirements for Reactivation of an Inactive License

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule [64B33-3.001, F.A.C.](#), and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, an athletic trainer must submit proof of successful completion of approved continuing education for each year of inactive status, if initially licensed after January 1, 1998, submit proof of current certification by the Board of Certification and must disclose any criminal convictions or pending disciplinary or criminal charges. In addition, the athletic trainer must submit a written statement which accounts for all employment activity during the period of inactive licensure.

(2) Any athletic trainer whose license has been inactive for more than two consecutive biennial licensure cycles (more than 4 years) shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public.

(3) Effective July 1, 2016, all applicants will submit to background screening pursuant to s. 456.0135. The board may require a background screening for an applicant whose license has expired or who is undergoing disciplinary action.

Motion: by Ms. Riddle to approve the above underlined language

Second: by Mr. Watson

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Ms. Roberts that SERC is not required

Second: by Dr. Schwartzberg

Vote: unanimous

Motion: by Ms. Roberts that there will be not be an impact of over \$200K in the aggregate over 5 year period for small businesses

Second: by Mr. Hudson

Vote: unanimous

64B33-3.001 Fees

No changes were made by the Board in this section.

64B33-4.001 Protocols; Scope of Practice

This section was tabled by the Board for future discussion.

64B33-5.001 Disciplinary Guidelines

Motion: by Ms. Riddle to delete (3) (a), F.A.C. relating to failure to include the athletic trainer's name and license number in any advertising as this has been eliminated in statute

Second: by Mr. Hudson

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Mr. Pappas that there is not an impact on small business

Second: by Mr. Hudson

Vote: unanimous

Motion: by Mr. Pappas that SERC not required as there would be a positive impact on small business advertising with this repeal

Second: by Mr. Harris

Vote: unanimous

64B33-5.003 Citations

Motion: by Mr. Hudson to delete rule 64B33-5.003 (3) (b), F.A.C.; the citation rule regarding failure to include the athletic trainer's name and license number

Second: by Mr. Harris

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Dr. Schwartzberg that SERC is not needed

Second: by Ms. Riddle

Vote: unanimous

Motion: by Mr. Hudson that this will not impact small businesses over \$200K in the aggregate over a five year period

Second: by Mr. Watson

Vote: unanimous

64B33-5.005 Mediation

Motion: by Ms. Riddle to remove 64B33-5.005(2), F.A.C. regarding failure to include the athletic trainer's name and license number in the advertising

Second: by Mr. Hudson

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

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

Second: by Ms. Riddle

Vote: unanimous

Motion: by Dr. Schwartzberg that this will not impact small businesses over \$200K in the aggregate over a five year period

Second: by Mr. Watson

Vote: unanimous

64B3301.004 Security & Procedures for Exam

Motion: by Mr. McDougal to repeal

Second: by Mr. Harris

Vote: unanimous

Is Statement of Estimated Regulatory Costs (SERC) impact on small businesses required?

Motion: by Mr. Hudson that there is no impact on small businesses
Second: by Mr. Watson
Vote: unanimous

Motion: by Mr. McDougal that there is not costs of over \$200K in aggregate
Second: by Ms. Riddle
Vote: unanimous

REPORTS

Assistant Attorney General

2015-2016 Annual Regulatory Plan

Motion: by Mr. Watson to ratify this list of rules
Second: by Mr. Hudson
Vote: unanimous

Board Executive Director

Budget Information

Ms. Foster stated that the budget information, including the expenditures by function and the direct and allocated expenditures ending March, 2015 were included for the Board's information

Board Chair/Vice Chair meeting – Thurs., September 24- Tallahassee

Ms. Foster stated that Mr. Pappas would be attending the upcoming meeting which will also include the Department's Healthy Weight meeting.
Each Board will discuss their strategic plan, goals for the profession, long range planning, Board's purpose, SWOT (Strengths, weaknesses, opportunities and threats) analysis and members may email staff with suggestions. It was stated that this bill encompassed the strategic plan – as the old language had been in effect for 20 years.

Board Members

N/A

OTHER BUSINESS

Election of Officers

Motion: by Mr. Watson to nominate Mr. Pappas as Chair
Second: by Brian Harris
Vote: unanimous

Motion: by Mr. Pappas to nominate Mr. McDougal as Vice -Chair
Second: by Mr. Hudson
Vote: unanimous

Delegation of Authority

Motion: by Mr. Watson to approve the delegation

Second: by Ms. Riddle

Vote: unanimous

Committee Appointments

Continuing Education & Probable Cause Panel

The Chair will be contacted when these meetings are required.

2016 Meeting Date

July 15, 2016

FYI

Athletic Trainer Licensure Statistics

1. Fiscal Year 2012-2013

2. Fiscal Year 2013-2014

Governor Rick Scott Reappoints 112

Final Report for MQA Boards and Councils Healthiest Weight Florida Liaison Meeting

ADJOURNMENT

The meeting was adjourned at 12:30 p.m.