

**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 15, 2016 at 9:00 a.m.**

**TAB 1 CALL TO ORDER/ROLL CALL**

The meeting was called to order at 9:12 a.m. by Nick Pappas, Chair. Those present for all or part of the meeting included the following:

**Members present:**

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

**Members absent:**

James Watson – excused  
Lynn Roberts - excused

**Staff present:**

Ed Tellechea, Assistant Attorney General  
Rachel Clark, Board Counsel  
Jennifer Wenhold, Executive Director  
Penny Johnson, Regulatory Supervisor  
Court Reporter – American Court Reporting – Diana Brundage 407-896-1813

**TAB 2 APPROVAL OF MINUTES**

**July 17, 2015, General Business Meeting**

The minutes of the July 17, 2015 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Mr. Harris to approve the minutes

Second: by Dr. Schwartzberg

Vote: Unanimous

**October 28, 2015, TCC - General Business Meeting**

The minutes of the October 28, 2015 telephone conference call meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Schwartzberg to approve the minutes

Second: by Dr. Christie  
Vote: Unanimous

### **March 4, 2016, TCC - General Business Meeting**

The minutes of the March 4, 2016 telephone conference call meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Riddle to approve the minutes  
Second: by Dr. Schwartzberg  
Vote: Unanimous

### **May 2, 2016, TCC - General Business Meeting**

The minutes of the May 2, 2016 telephone conference call meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Dr. Christie to approve the minutes  
Second: by Dr. Schwartzberg  
Vote: Unanimous

### **TAB 3 ANTI-TRUST PRESENTATION**

Ed Tellechea, Assistant Attorney General presented a PowerPoint presentation of the U.S. Supreme Court Ruling in North Carolina State Board of Dental Examiners vs. the Federal Trade Commission for the Board's review and discussion.

### **TAB 5 LEGISLATION**

#### **HB 183 - Relating to Administrative Procedures**

This bill amends sections in Chapter 120, F.S., relating to administrative procedures and rulemaking. It requires each agency to review their minor violation rules. This Board's minor violation rules will be on the next meeting agenda for discussion.

#### **HB 221 - Relating to Health Care Services**

This bill pertains to health care providers who enter into insurance contracts; this bill prohibits out-of-network providers from balance billing members of a PPO or EPO for emergency services or for nonemergency services under specific circumstances. The bill provides for discipline of a health care practitioner subject to regulation under Chapter 458 or 459, Florida Statutes, who willfully fails to comply with the balance billing provisions for covered emergency services and nonemergency services.

#### **HB 981 - Relating to Administrative Procedures**

This bill is relating to administrative procedures and adding additional requirements for the calculation of estimated adverse impacts and regulatory costs. It will change the SERC (statement of estimated regulatory costs) questions.

#### **HB 7087 - Relating to Telehealth**

This bill creates the Telehealth Advisory Council, requiring the council to review certain findings and make recommendations to the Governor and Legislature. It requires the

Department of Health to gather information and the department will be surveying those professions that renew this year.

## **TAB 6 RULE DISCUSSION**

### **Rule 64B33-4.001 Protocols; Scope of Practice.**

The Board reviewed the current scope of practice for licensed athletic trainers in Florida. After discussion, the board made took the following action:

Motion: by Mr. Harris to strike paragraphs (1) & (2) in 64B33-4.001.

Second: by Ms. Riddle

Vote: Unanimous

(SERC): Statement of Estimated Regulatory Costs

Motion: by Dr. Schwartzberg that this rule change has not impact on small business regarding regulatory costs and no impact over \$200K in the aggregate.

Second: by Ms. Riddle

Vote: Unanimous

Motion: by Mr. Harris to have staff work with the Chairman to create a workgroup and schedule a Rules Workshop to discuss Rule 64B33-4.001 Protocols; Scope of Practice and discuss changing the current language with regard to the principles, methods and procedures for the scope of practice.

Second: Mr. Hudson

Vote: Unanimous

### **Rule 64B33-5.001 Disciplinary Guidelines.**

The Board reviewed the current disciplinary guidelines listed in the agenda. After discussion, the following action was taken:

Motion: by Mr. McDougal to strike (4) from Rule 64B33-5.001.

Second: by Ms. Riddle

Vote: Unanimous

(SERC): Statement of Estimated Regulatory Costs

Motion: by Dr. Schwartzberg that this rule change has not impact on small business regarding regulatory costs and no impact over \$200K in the aggregate.

Second: by Ms. Riddle

Vote: Unanimous

The Board asked Ms. Clark to review the current disciplinary guidelines and work with a current member to promulgate new language for full board review at a future meeting.

### **Rule 64B33-5.005 Mediation.**

The board reviewed the handout with proposed changes to 64B33-5.005 Mediation. After discussion, the board took the following action:

Motion: by Ms. Riddle to remove (2)(a) from Rule 64B33-5.005 Mediations. “Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome”

Second: by Mr. Harris

Vote: Unanimous

Motion: by Dr. Schwartzberg to include the proposed (b) as listed on the handout for 64B33-5.005 Mediations. “Except as provided in s.456.016, failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board”.

Second: by Mr. Hudson

Vote: Unanimous

(SERC): Statement of Estimated Regulatory Costs

Motion: by Dr. Schwartzberg that this rule change has not impact on small business regarding regulatory costs and no impact over \$200K in the aggregate.

Second: by Ms. Riddle

Vote: Unanimous

Motion: by Mr. Harris to open for rule development: Rules 64B33-4.001 Protocols; Scope of Practice, 64B33- 5.001 Disciplinary Guidelines and create a new Minor Violations rule.

Second: by Dr. Schwartzberg

Vote: Unanimous

## **TAB 8 REPORTS**

### **Assistant Attorney General**

Ms. Clark reported on the status of rules listed on the July 2016 report that was a handout in the member folders.

### **Board Executive Director**

Budget reports were provided for information.

### **Board Members**

No action was taken on this agenda item.

## **TAB 9 OTHER BUSINESS**

### **Election of Officers**

Motion: by Dr. Schwartzberg to nominate Mr. Pappas as Chair

Second: by Mr. Hudson

Vote: Unanimous

Motion: by Dr. Schwartzberg to nominate Mr. McDougal as Vice -Chair

Second: by Mr. Harris

Vote: Unanimous

**Delegation of Authority**

Motion: by Mr. Hudson to approve the delegation as listed in the agenda.

Second: by Ms. Riddle

Vote: Unanimous

**Meeting Date and Location for 2017**

Tentative date: July 7, 2017 Kissimmee

**TAB 10 FOR YOUR INFORMATION**

- New Health Care Complaint Portal
- Letter from Sue Foster
- 2016 MQA Legislative Summary
- MQA Enforcement Process
- National Medicare Fraud Takedown
- Governor Rick Scott Appoints Three to Board of Athletic Training

**TAB 11 ADJOURNMENT**

Motion: by Dr. Schwartzberg to adjourn

The meeting was adjourned at 12:15