

These minutes were approved by the Board of Athletic Training via mail ballot on 7.10.2023.

Minutes of the June 20, 2023 Board of Athletic Training Meeting

1. ROLL CALL

Jessica Roberts, Chairperson, called the meeting of the Board of Athletic Training to order at 9:04 a.m. on June 20, 2023, in the Goldenrod conference room, at the Nebraska State Office Building located at 301 Centennial Mall South, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on June 5, 2023.

Roberts announced that this is an open meeting, and the Open Meetings Act is posted.

Members Present: The following members answered roll call:

Jessica Roberts, Chairperson
Rebecca Docter, Secretary
Mike Nicola, Vice-Chairperson
Vanetta Early, Member

Others Present:

Suzanna Glover-Ettrich, DHHS Attorney (via Webex)
T.J. O'Neill, Assistant Attorney General
Claire Covert-ByBee, Program Manager
Amy Blinston, Health Licensing Coordinator
Dr. Douglas Vander Broek, DC, Board of Health

2. ADOPTION OF AGENDA

MOTION: Docter, moved, seconded by Nicola, to adopt the agenda. Voting aye: Docter, Nicola, Early, and Roberts. Voting nay: None. Motion carried.

3. REAFFIRMATION OF MAIL BALLOT

Roberts stated that the minutes from the January 24, 2023, Board Meeting were adopted by mail ballot. A quorum approved the mail ballot on January 31, 2023. Nicola, Docter, and Roberts voted to approve the minutes as written. Early did not vote.

4. INVESTIGATIONAL AND CONFIDENTIAL REPORTS -CLOSED SESSION

The Board did not move into closed session.

5. BOARD RECOMMENDATIONS

The Board did not make any recommendations.

These minutes were approved by the Board of Athletic Training via mail ballot on 7.10.2023.

6. PUBLIC HEARING COMMENT REVIEW

The Board discussed the 172 NAC 17 Hearing Summary, which includes the Department's responses. The Hearing Summary may be found here:

<https://dhhs.ne.gov/licensure/Pages/Board-Meeting-Documents.aspx>.

The Department indicated that the definition of Therapeutic Intervention to be added to 172 NAC 17 will be the description of Therapeutic Intervention as written in the Board of Certification, Inc's Practice Analysis, 7th Edition. Therapeutic Intervention means rehabilitating and reconditioning injuries, illnesses and general medical conditions with the goal of achieving optimal activity level based on core concepts using the applications of therapeutic exercise, modality devices and manual techniques. The Board indicated a preference for using Taber's Cyclopedic Medical Dictionary's definition of "Therapeutic Intervention", as "Treatment, techniques, and services designed to identify and prevent injuries and illness, as well as to provide optimal recovery for patients." This is also the updated definition of Therapeutic Intervention in the BOC Practice Analysis, 8th Edition.

7. SCOPE OF PRACTICE QUESTIONS

After discussion, the Board gave the following responses:

- a. Can an Athletic Trainer work in the operating room assisting orthopedic surgeons and podiatrists with orthopedic procedures based on the Nebraska Athletic Training Practice Act?

Opinion: A licensed athletic trainer may work in a variety of settings if they are working within their scope of practice.

- b. Would an athletic trainer be able to provide athletic training services to support a physician or podiatrist in the operating room or treatment room when they have the education and training commensurate with the requirements of a general acute hospital? This would include wound closure as outlined in guidelines established with the operating physician or with a referral from the podiatrist with or without the physician or podiatrist present.

Opinion: A licensed athletic trainer may support a physician and/or podiatrist in the operating room or treatment room if the practices being performed by the athletic trainer fall within the scope of practice of the athletic trainer.

- c. Would an athletic trainer working under guidelines established with a physician or referral from a podiatrist for surgical assistance be part of providing a therapeutic intervention in the manner, means, and methods deemed necessary to affect care for a patient?

The Board seeks further clarification of this question and is requesting an opinion from the Board of Medicine and Surgery. To assist both Boards, the following clarifying questions are being asked of OrthoNebraska: Can OrthoNebraska clarify the specific activities that the athletic trainer will perform while supporting the physician and/or

These minutes were approved by the Board of Athletic Training via mail ballot on 7.10.2023.

podiatrist in the operating room or treatment room? How will OrthoNebraska refer to the Athletic Trainer/how will the Athletic Trainer be referenced?

Covert-ByBee indicated that this is an advisory opinion of the Board of Athletic Training and is not considered legally binding.

8. UPDATE ON LICENSURE DATABASE

Covert-ByBee indicated that an emergency contract was signed with System Automation, the same entity that created the current database, to stabilize the system and upgrade from LIS to MyLicenseOffice (MLO). The stabilization piece should be complete by 2025. The Department is required to issue an RFP (Request For Proposal) for any significant expansion of the stabilized database.

9. LEGISLATIVE UPDATE

Covert-ByBee presented the Board with information regarding LB 227, which had 30 bills amended into it, and LB574, the Let Them Grow Act. The Chief Medical Officer, Dr. Timothy Tesmer, may be contacted for any questions regarding LB 574. These bills may be viewed on the Nebraska Legislature website: <https://nebraskalegislature.gov>.

10. LICENSURE AND EXECUTIVE ORDERS

Roberts stated EO 22-08 expires June 30, 2023.

11. LICENSURE APPLICATION PROCESSING REPORT

Roberts noted that the report showed one denied application. Covert-ByBee indicated if an applicant is removed from the checklist for failure to respond to requests for information, it will display as "denied" on the report.

12. TOPICS FOR NEXT MEETING

Topics identified for the next meeting include Regulation Promulgation, Follow-up on the Scope of Practice Question (OrthoNebraska and Board of Medicine), Licensure Database, Reaffirmation of Mail Ballot, Setting Meeting Dates for 2024, and APR.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 11:27 a.m.

Respectfully submitted,

Rebecca Docter, Secretary

These minutes were approved by the Board of Athletic Training via mail ballot on 7.10.2023.