

*These minutes were approved by the Board of Athletic Training via mail ballot  
8.10.2022.*

Minutes of the July 19, 2022  
Board of Athletic Training Video Conference Meeting

**1. ROLL CALL**

Jessica Roberts, Chairperson, called the meeting of the Board of Athletic Training to order at 9:05 a.m. on Tuesday, July 19, 2022, via WEBEX and in person in Conference Room 3H, 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 July 8, 2022. Jessica Roberts, Rebecca Docter, and Michael Nicola joined the meeting via Video Conference.

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, Vice-Chairperson  
Mike Nicola, Secretary

**Absent:** Vanetta Early, Public Member

**Others Present:**

Suzanna Glover-Ettrich, DHHS Attorney  
Millisa Johnson-Wiles, Assistant Attorney General  
Claire Covert-ByBee, Program Manager  
Amy Blinston, Health Licensing Coordinator  
Anna Harrison, Compliance Monitor  
TJ O'Neill, Assistant Attorney General  
Jeff Newman, Investigator

**2. ADOPTION OF AGENDA**

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

**3. APPROVE MEETING MINUTES 1.25.2022 BOARD MEETING**

**MOTION:** Docter, moved, seconded by Nicola to approve minutes for the 1.25.2022 Board meeting. Voting aye: Docter, Nicola and Roberts. Voting nay: None. Motion carried.

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#### **4. INVESTIGATIONAL AND CONFIDENTIAL REPORTS -CLOSED SESSION**

**MOTION:** Nicola, moved, seconded by Docter to move into closed session at 9:13 a.m. to discuss confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Docter, Nicola and Roberts. Voting nay: None. Motion carried.

#### **5. BOARD RECOMMENDATIONS ON APPLICATIONS**

The Board returned to open session at 10:00 a.m. Docter moved, seconded by Nicola, to recommend approval of the application of Brandon Stolze with a probationary term of two years, quarterly employer reports, completion of the course "Professional Ethics for Athletic Trainers: Practical Strategies for Challenging Dilemmas" modules 1, 2, & 3 within 60 days, and participation in an oral jurisprudence exam before the Board within 6 months, due to Stolze's admission of practicing for more than 5 years without a license.

#### **6. LEGISLATIVE UPDATE**

Covert-ByBee provided updates on several legislative bills. LB15 was the Occupational Therapy Compact and was amended into LB752 and passed on April 18, 2022. Covert-ByBee indicated language was added to require Audiologists and Speech-language Pathologists to obtain a criminal background check by fingerprint as a provision of licensure. This was necessary to make Nebraska compliant with the Audiology Speech-Language Pathology Compact that was passed last session. The Nebraska State Patrol is the only agency authorized to complete criminal background checks by the Federal Bureau of Investigation, however Compact privileges will not be operational while the compact is in the process of getting established. LB752 also contained the Respiratory Care Expansion of Scope bill and will come into effect July 21<sup>st</sup>, 2022.

LB 436 is the Athletic Trainers expansion of scope bill, which was passed and signed by governor on April 18, 2022. This will go into effect July 21<sup>st</sup>, 2022.

LB709 changes requirements relating to preliminary applications under the Occupational Board Reform Act and was indefinitely postponed. This would have required the Board to codify applications that would be disqualified due to criminal history.

LB742 provided for minutes to be kept in an electronic record under the Open Meetings Act. The bill was passed and approved by Governor April 18, 2022.

LB743 would change provisions relating to when closed sessions may be held under the Open Meetings Act. This bill was indefinitely postponed.

LB908 provides additional requirements for virtual conferencing under the Open Meetings Act. This bill was passed and approved by Governor on April 18, 2022.

LB753 was amended into LB 752 and requires health care practitioners to provide notification regarding stem cell therapy.

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LB824 includes bathing as an activity of daily living for health care credentialing provisions. This bill was passed then signed by Governor on April 18, 2022.

LB885 would require implicit bias training for certain applicants and credential holders under the Uniform Credentialing Act. This bill was indefinitely postponed.

LB901 provides for cytomegalovirus public education and prevention. This bill was amended into LB741, which was passed and signed by the Governor on April 18, 2022.

LB963 was indefinitely postponed. This bill would adopt the Medical Ethics and Diversity Act.

## **7. UPDATE ON LANCE**

Covert-ByBee provided an update regarding LANCE. LANCE is a complex database which will allow licensees to create a profile, complete their application electronically, make fee payments via credit cards, print their own licenses, submit documentation, and view their application process through an online system. LANCE is ready for user acceptance testing.

## **8. LICENSURE AND EXECUTIVE ORDERS**

Covert-ByBee provided an update on Licensure and current Executive Orders. These Orders were issued in response to the healthcare worker shortage. Executive Order 22-02 was issued on March 15<sup>th</sup> by Governor Ricketts and extends the provisions of EO's 21-12 and 21-15 through September 30, 2022. Athletic Training is not directly impacted by these Orders.

## **9. ALTERNATIVE DOCUMENTATION SHOWING PROOF OF COMPLETION OF STUDENT ATHLETIC TRAINING**

Roberts stated this is an agenda item follow-up from the last meeting. She advised that the Nebraska application to be licensed as an Athletic Trainer directs the applicant to provide a letter from their supervising Athletic Trainer from when they were a student to complete the application. There is a concern that some supervising Athletic Trainers are retiring or have passed away and are unable to complete the required documentation. Also, some programs have closed due to changing educational requirements. Therefore, in some instances, there may not be a person able to verify the education was completed in the letter format that the application requires.

Roberts continued to advise that she has looked at regulations in other states and found that some jurisdictions accept the Board of Certification for Athletic Trainers (BOC) credentials and/or transcripts from the educational institution the application attended. Current Nebraska statute states that any graduate prior to January 1, 2004, can apply for licensure through the student athletic training method, which requires 2 consecutive years of training under a supervising Athletic Trainer and a 4-year degree from an accredited college or university. The Board is considering changing regulations to accept BOC certification as proof of completing the required 2 years of student training. The Board will continue discussing this topic at future meetings.

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#### **10. REVIEW OF REGULATION PROMULGATION PROCESS & IDENTIFICATION OF NEXT STEPS**

Covert-ByBee indicated that when LB436 passed, a memo was submitted requesting that NAC 172 Chapter 17 be opened and revised to be compliant with statute. Authorization has been received to open that chapter for revision. Covert-ByBee indicated that this Board is at step 3 of the rulemaking process, which is taking preliminary steps by gathering information to address the change in statute. Next, the Board will set up meetings for this Fall and into 2023 to meet and draft the proposed regulations based on the new statutes. DHHS Legal reviews the draft then sends it on to the Governor's policy research office for approval. If approved, the draft will move into the Public Hearing and Comment period. Following the public hearings, comments will be brought back to the Board for a response. The Board may make additional changes or keep the draft as is, providing justification regarding public comments. The next phase is formal adoption of the new regulations by the Board of Athletic Training, then by the Board of Health. The new regulations are then sent to the Attorney General to assure constitutionality and statutory authority. The Governor then signs off to approve the regulations and files them with the Secretary of State. Five days after the filing becomes the official date of promulgation for the new regulations. Two items currently requiring regulation promulgation are dry needling and the administration of emergency drugs by Athletic Trainers.

#### **11. NATA SYMPOSIUM UPDATE**

Docter provided an overview of the recent NATA symposium she attended. Some sessions discussed how healthcare overall is being more educated on implicit bias, diversity, equity, and inclusion. Docter advised there is still time to sign up for virtual NATA through October and noted that the Harvard Implicit Bias test can be taken by any member of the public.

#### **12. REAFFIRMATION OF MAIL BALLOT**

The Board reaffirmed the mail ballot approving Rebecca Docter to represent the Board at the 2022 NATA Convention. Roberts, Docter, and Nicola voted to approve. Early was not present. The mail ballot was approved on March 10, 2022.

#### **13. APPLICATION PROCESSING REPORT**

Blinston presented the Licensure Application Processing Report. This was for informational purposes only. This report shows where the department is with application processing and the number of active licenses in Nebraska as of June 14, 2022.

#### **14. SET MEETING DATES FOR 2023**

After discussion, the Board scheduled Board Meetings on the following dates:  
September 20, 2022

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November 29, 2022

January 24, 2023

March 21, 2023

May 23, 2023

July 18, 2023

#### **15. TOPICS FOR NEXT MEETING**

Suggested topics for the next meeting: Alternative Documentation Showing Proof of Completion of Student Athletic Training, Legislative Update, LANCE Update, Application Processing Report, and Regulation Revision.

#### **16. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:56 a.m.

Respectfully submitted,

Mike Nicola, Secretary