

**OREGON HEALTH LICENSING AGENCY
BOARD OF ATHLETIC TRAINERS
MINUTES OF April 30, 2007**

MEMBERS PRESENT

Dave Sherden, Chairperson, ATR
Kathi Stotts, Vice Chairperson
Bart Rask M.D.
Paula Wolcott, Public Member
Duane Iversen, ATR / PT

STAFF PRESENT

Susan Wilson, Director
Larry Peck, Regulatory Operations Division Manager
Samantha Patnode, Board Liaison

CALL TO ORDER

Chairperson David Sherden called the meeting of the Board of Athletic Trainers to order at 9:06 a.m. on Monday, April 30, 2007, at the Oregon Health Licensing Agency (OHLA) in the Rhoades Conference Room, 700 Summer St NE, Suite 320, Salem, Oregon.

APPROVAL OF AGENDA

MOTION

Ms. Stotts made a motion and Ms. Wolcott seconded to approve the agenda. The motion passed with Mr. Sherden, Dr. Rask, Mr. Iversen, Ms. Wolcott, and Ms. Stotts voting aye.

MINUTES

MOTION

Ms. Wolcott made a motion and Mr. Iversen seconded to approve the minutes of October 9, 2006. The motion passed with Mr. Sherden, Dr. Rask, Mr. Iversen, Ms. Wolcott and Ms. Stotts voting aye.

Revenues and Expenditures

Ms. Wilson explained the agency is recruiting for a new Fiscal/Board Officer. The two main categories of interest are **Personal Services**, employee compensation and related benefits and **Services and Supplies**, non-personnel expenses for agency operations. Charges are divided into two types – direct and indirect – for each program. Indirect costs for agency operation include office supplies, rent, telephones, data processing hardware and software, etc. and costs are distributed by a prorate. Direct charges include attorney general counsel, postage, instate travel or investigative costs, and are distributed at actual rates. She reported the beginning balance was \$12,345 as of July 1, 2005 and the cash balance was \$147,867 as of April 16, 2007.

Online Renewals

Ms. Wilson reported that out of the 108 possible athletic trainer renewals a total of 36 renewed using the online system from June 2006 through February 2007.

Enforcement

The Oregon Health Licensing Agency's **Complaints and Enforcement Section** conducts statewide, onsite inspections for licensed facilities and responds to and investigates complaints. Onsite facility inspections include surveillance and monitoring businesses, independent contractors and practitioners. Special Investigations are based on the result of citizen complaints or cases involving critical issues – both civil and criminal, such as bacterial/viral infection outbreaks, unlicensed or illegal practice, prohibited acts, fraud or trade practice violations, incompetence or violations of practice standards and other critical issues involving the health and safety of consumers. The **Complaints and Enforcement Section** is responsible for taking disciplinary action against licensees who are found in violation / non-compliance of state law.

Mike Tryon, Chief Enforcement Officer, reported the Board of Athletic Trainers percentage of overall OHLA complaints received for 2006 and 2007.

January 1 through December 31, 2006:

- Total Number of Licenses – 181
- Total Number of Complaints – 1
- Overall Percent of OHLA Complaints – 0%

January 1, 2007 through February 28, 2007

- Total Number of Licenses – 188
- Total Number of Complaints – 0
- Overall Percent of OHLA Complaints – 0%

He presented statistical complaint information for January 1, 2006 through December 31, 2006;

January 1, 2006 to December 31, 2006

- Complaints received – 1
- Proposed Orders – 0
- Final Orders – 2

Mr. Tryon presented a four year comparison report detailing the increase and decrease in complaints received, the ratio of complaints per licensee base, and orders written for 2003 to 2006.

He stated that no complaints had been closed or new complaints received since the October 9, 2006 board meeting.

Licensing

Ms. Cerynthia Murphy, Licensing and Examination Supervisor, provided the Board with statistics from April 11, 2007, which include the following;

- Total number of **active** – 188
- Total number of **inactive** – 111
- Total number of **expired** – 95

She reported statistics for January 1, 2006 to December 31, 2006 which reflects the licensing total for the following areas:

January 1, 2006 through December 31, 2006

- Original Registration Issued – 29
- Registration Renewed – 153
- Late Renewals - 20

She presented a four year comparison report detailing the increase and decrease in licensing transactions from 2003 to 2006.

Continuing Education Audit

Ms. Murphy reported that the 2005 Continuing Education Audit was completed noting that the nine registrants met the required continuing education hours.

Outreach and Communication

Kraig Bohot, OHLA Communications Officer, presented the OHLA Board and Council Orientation Video. He explained that the volunteer citizens that serve on eight different boards and councils are invaluable regulatory resources, providing professional knowledge and a consumer perspective. Mr. Bohot stated that the video and handbook highlights the roles and responsibilities of volunteer citizen boards and council members, the OHLA regulatory model and professions, and legislation and administrative rulemaking, and additional resources.

Mr. Bohot noted that the Governor's Web Page has a weekly feature story, which highlighted OHLA's Board and Council Orientation Video. He stated that the story focuses on Oregon's Pioneer Spirit and the volunteer citizens that contribute to the 200 boards and councils in Oregon.

Mr. Bohot provided a tour of the new 3.0 version of the Oregon.gov Web site, which added features that are compliant with the Americans with Disabilities Act. He highlighted some of the new features, such as scrolling topics, navigation panes and other details. Mr. Bohot pointed out that the OHLA Web site "*License Inquiry*" had been updated to add the current disciplinary status of a license and removed personal address information from being disclosed.

Mr. Iversen asked about the process for determining how boards and programs are administered, such as placement within the Oregon Health Licensing Agency. Ms. Wilson explained that during the last two biennia the legislature has opposed creation of new stand alone regulatory boards/councils, favoring oversight and administration within a pre-existing regulatory entity. She reported that the legislature is considering regulation of two new programs that would be established within OHLA's central agency – Sex Offender Treatment Board (HB 3233) and Orthotics and Prosthetics Board of Examiners (SB 326). Ms. Wilson clarified that regulation of professions, such as the Physical Therapist Licensing Board (1971), were created years ago as autonomous boards. She noted that government has shifted toward downsizing not increasing the number of agencies by placing regulation of new programs within a pre-existing structure.

Mr. Bohot reported that letters were mailed to all colleges and universities notifying them that students who have not fulfilled the requirements for registration status may not practice athletic training unless supervised by a registered athletic trainer.

Permanent Administrative Rules – Continuing Education

Ms. Patnode reported that permanent administrative rules related to decrease in continuing education hours were filed and effective on December 1, 2006.

2007 Legislation

Ms. Wilson explained that she presented an OHLA Agency Profile before the Ways and Means Subcommittee on Education on January 22, 2007, to acquaint members with the agency model and answer questions, as a precursor to the budget hearing held February 14, 2007, to address specifics of the budget and review the agency's policy packages. Ms. Wilson noted that, although both presentations were successful, the Legislative Fiscal Office's (LFO) did not recommend approval of the agency's personnel package, requesting five additional positions, or the uniform fee package. She said that LFO had not received critical information regarding workload and staffing needs for the

agency. During the April 5, 2007 Ways and Means Committee, Public Hearing LFO reconsidered Package 101 and recommended that the five positions be granted to the agency with the four Complaint and Enforcement limited positions, allowing OHLA the opportunity to request permanent funding of the positions during the 2009-11

Legislative Session. On April 20, 2007, the Ways and Means Committee held a Work Session for HB 5027 and HB 5028 both bills were approved with do pass recommendations.

Ms. Wilson pointed out that the uniform fee proposal was not approved. She noted that all programs pay a percentage of the agency functions, and fees are allocated based on the number of licensees within the athletic trainer licensing pool. Discussion focused on current fees, how fees are established and how each board or program is allocated to pay certain percentages of services and special costs such as Attorney General fees.

Ms. Wilson stated that one program would have had an increase in fees if the uniform fee proposal would have been approved by the legislature; however that program will still have a fee increase regardless, due to a lower percentage charged and not paying their share of expenses. Ms. Wilson reiterated that the legislature's view of how fees should be implemented is for each program to pay based on their individual licensing base, not on the licensing base of OHLA at 80,000. If 300 licensees have to share the cost compared to 1000 licensees sharing the cost the lesser would pay a higher fee.

Board members asked if the agency could implement a facility fee for licensees that pay all costs which could offset the high professional licensing fee. Ms. Wilson stated that requiring high schools and colleges to pay a facility fee would not be feasible and not statutorily possible.

Ms. Wilson reported on SB 326, creates an Orthotics and Prosthetics Board of Examiners in the Oregon Health Licensing Agency (OHLA), and requires persons practicing orthotics/prosthetics in Oregon to be licensed. She reported on the action to date:

- April 4, 2007 - Senate Health and Human Services Committee conducted a Public Hearing, took testimony and reviewed proposed amendments;
- April 23, 2007 - Senate HHS Committee held a Work Session and recommended a do pass with amendments and referral to the Joint Ways and Means Committee

Ms. Wilson reported on HB 3233, creates a Sex Offender Treatment Board in OHLA. She noted the bill is a "title act" and authorizes certification for persons using the title certified clinical sex offender treatment specialists. She reported on the action to date:

- April 11, 2007 House Judiciary Committee conducted a Public Hearing, took testimony and reviewed proposed amendments;
- April 24, 2007 House Judiciary Committee held a Work Session, took additional clarifying comments, and recommended a do pass with amendments and referral to the Joint Ways and Means Committee.

Ms. Wilson provided a copy of the agency's testimony and background information on "*How a Bill Becomes a Law*", and thanked members for their support of OHLA's budget bill (HB 5027) and the proposed uniform fee package.

ITEMS FOR BOARD ACTION

Public Comment

No public comment

Board Interest File

Mr. Sherden summarized the board interest file.

The meeting adjourned at 11:00 a.m.

I attest that the Board of Athletic Trainer minutes of April 30, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

Samantha Patnode, Board Liaison