

**OREGON HEALTH LICENSING AGENCY
BOARD OF ATHLETIC TRAINERS
Minutes of October 8, 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
Samantha Patnode, Program Coordinator
Karen Nelson, Administrative Assistant

AUDIENCE MEMBERS

Shelly Jones, Oregon Athletic Trainers Society

CALL TO ORDER

David Sherden, Chair, called the meeting of the Board of Athletic Trainers to order at 9:14 a.m. on Monday, October 8, 2007, at the Department of Agriculture, Basement Hearing Room, 635 Capitol NE, Salem, Oregon. Introductions of board members and Oregon Health Licensing Agency staff were made.

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. Stotts made a motion and Ms. Wolcott seconded to approve the minutes of April 30, 2007. The motion passed with Mr. Sherden, Dr. Rask, Mr. Iversen, Ms. Wolcott and Ms. Stotts voting aye.

DIRECTOR'S REPORT

Ms. Wilson stated the Oregon Health Licensing Agency (OHLA) is undergoing internal reorganization to lay a foundation to provide boards, customers and regulated professionals with the best regulatory services and resources. As OHLA's strategic plan develops, the first shift will occur in agency divisions and staff roles. The Business Administration Division is headed by Richard McNew who oversees agency-wide licensing responsibilities, fiscal management, budget and contract management, economic forecasting, human resources and payroll, information technology and systems management, and facility and property control.

Ms. Wilson added the result of reorganization and review will position the agency to maximize existing benefits of economies of scale and to make adjustments smoothly and effectively. The agency will carry forward, to the 2009 Legislature, proposed refinements and promote the value of streamlining and standardizing services and fees. The Athletic Trainer Board volunteered to be a more visible presence and actively support agency streamlining initiatives during the 2009 Legislative Session.

REVENUES AND EXPENDITURES

Richard McNew, Business Administration Division Manager, introduced himself to members and addressed the agency budget, revenues, standardization and fees. He reported that OHLA has a budget of \$6,131,235. Mr. McNew explained OHLA's objective in reorganization is geared toward efficiencies -- eliminating unnecessary or redundant processes and improving completed staff work and centralizing work around function to best serve the needs of OHLA customers. He stated that the more efficiencies the agency implements the less staff is required, which will have a beneficial affect on license fees. He noted the agency is reviewing every process and position for the agency's new cost allocation plan.

Mr. McNew provided an overview of the internal review that draws on outside resources and other agencies expertise and assistance to recommend efficiencies in restructuring OHLA accounting models, human resources and information technology. He explained that restructuring is an important step in preparing for future growth and expansion without having to increase fees and add staff when a new program is added to the central agency's administrative oversight.

Mr. McNew reported that when the cost allocation model is completed, he will re-project the budget and revenues and provide OHLA's Director, Susan Wilson, with his best assumptions for fees. He addressed changes to the Customer Service area of the agency and plans to add an express lane and on-site service kiosks to provide customers with additional service options.

Focusing on revenues, Mr. McNew reported that the 2007-09 current agency-wide revenue was \$1,410,646. He pointed out the new reporting tools for agency-wide expenditures and revenues based on actual figures. He noted that the members will be provided information on an on-going basis.

ONLINE RENEWALS

Ms. Patnode, Program Coordinator, reported that the Board of Athletic Trainers has the highest percentage of online renewals among OHLA's programs. She reported that 5 out of 9 months, 50% of the renewals were online. The Health Licensing Agency database will be updated in the future for user efficiency to renew online.

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.

Tim Molloy, Enforcement and Investigations Supervisor, reported the Board of Athletic Trainers percentage of overall OHLA complaints received for 2006 and 2007.

January 1 through August 31, 2007:

- Total Number of Registrants – 208
- Total Number of Complaints – 1
- Overall Percent of OHLA Complaints – 1%

January 1 through December 31, 2006

- Total Number of Registrants – 208
- Total Number of Complaints – 1
- Overall Percent of OHLA Complaints – 2%

Mr. Molloy presented statistical complaint information for January 1, 2006 through August 31, 2007;

January 1 to August 31, 2007

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

Mr. Molloy 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 there are no closed files documented and that File 07-4996 is waiting for a response to the proposed order.

EXECUTIVE SESSION – ORS 192.660(2)(f)

Chair Sherden called for the Board of Athletic Trainers at 10:02 am to enter into Executive Session under ORS 192.660(2)(f) for the purpose of considering information or records exempt from public inspection. He stated the Board would be reviewing enforcement File Number 07-4996. No recommendations will be made during Executive Session.

Executive Session concluded at 10:25 am and Regular Session reconvened.

File Number 07-4996

The Board reviewed the records regarding File Number 07-4996 and no action needed to be taken.

LICENSING

Ms. Patnro provided the Board with statistics from September 19, 2007, which included the following;

- Total number of **active** – 208
- Total number of **inactive** – 118

- Total number of **expired** – 95

Ms. Patnode reported statistics for January 1 through December 31, 2006, which reflects the licensing total for the following areas:

January 1 through December 31, 2006

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

Ms. Patnode presented a four year comparison report detailing the increase and decrease in registration transactions from 2003 to 2006.

OUTREACH AND COMMUNICATION

Kraig Bohot, OHLA Communications Officer, presented an article from the Oregonian. The article refers to the Oregon Board of Nursing undergoing problems from a state investigation. They concluded the Board's action lacked a sense of urgency to protect the public. This investigation spurred the Department of Administrative Services (DAS) and the Governor's Office to review all state agencies that oversee boards. Ms. Wilson referred to a September 12, 2007 memo from the Governor's Office requesting all health-related licensing boards attend a special meeting to discuss regulatory performance, particularly as it relates to the disciplinary process. OHLA was represented at this meeting.

Mr. Bohot provided an overview of the OHLA Web site highlighting recent updates to the Board Web page. New features meet the American with disabilities Act (ADA) standards, such as adjustable type size. The new Oregon.gov 3.0 version offers more flexibility for presenting Web content. The short description of key online resources provides visitors with quick and easy access to what they need. Mr. Bohot pointed out that OHLA's Web Site is initiating the second phase of ongoing efforts to provide consumers with access to disciplinary action information of licensees.

Mr. Bohot reported that OHLA now oversees its ninth volunteer citizen board – the Sex Offender Treatment board (SOTB), and referred members to the agency's Web site for more information on the new regulatory program.

2007 LEGISLATIVE REPORT

Ms. Wilson reported that in an effort to keep the boards and councils apprised of the agency's continued communication efforts, OHLA will be providing a Web Analysis Report at the next scheduled board meeting, which will identify the following areas of interest:

- The most popular web pages on the agency's web site
- The number of visits for each web page
- The average length of time each page was visited
- The most popular files downloaded

Ms. Wilson stated the 2007 Legislature placed the Sexual Offender Treatment Board (SOTB)

under the jurisdiction of OHLA. She stated SOTB is a high profile statewide program supported by both the Governor and Attorney General. The Health Licensing Agency was selected because it offered an existing infrastructure and professional staff to respond, develop and coordinate treatment roles with county and statewide criminal and juvenile justice organizations while maintaining a regulatory process that is cost-effective and accountable.

Ms. Wilson noted that legislation promoted by OHLA during the 2009 Legislative Session will be presented as an agency bill. She advised that legislation pertaining to public protection will need to be solidified by April 4, 2008.

Members raised the issue of licensed physical therapists performing services within the scope of an athletic trainer's practice, when not registered as an athletic trainer, and questioned which agency would have regulatory responsibility for the services performed. Ms. Wilson clarified that each board oversees their respective profession and noted there is overlap or shared aspects between the two professions; the individual is limited to performing services related to their scope of practice.

BALLOT MEASURE – MINIMUM EDUCATION FOR SPINAL MANIPULATION

The result of "Yes" vote: Establishes minimum educational, training requirements, legal authorizations, for spinal manipulation and adjustments by persons in Oregon; makes violations punishable as unlawful chiropractic practice.

The result of "No" vote: Makes no changes to training and educational requirements for spinal manipulation and adjustments by different professions; requirements remain set by respective licensing boards.

Staff reminded the Board it cannot take a position on the Ballot Measure. It was suggested that the professional association should discuss the possible impacts of meet with the proponents of the measure, and work out any conflicts.

PUBLIC COMMENT

Shelly Jones, Oregon Athletic Trainers Society, addressed the Board about the potential ballot measure. There was discussion about high velocity, low amplitude spinal manipulation and chiropractic spinal adjustment, including stretching of the back.

The Board reviewed a *News Release* issued from the Office of Secretary of State, attached with a Department of Justice advice regarding dated August 28, 2007, the certified ballot title proposing a statutory amendment for the November 2, 2010 General Election and a copy of the proposed statutory amendment language. The ballot measure – "*Establishes minimum educational, other requirements to perform spinal manipulation, adjustments; violations are unlawful chiropractic practice.*" Members voiced concern regarding the provisions and discussed the intent, affect on athletic training and definitions proposed for "*high velocity, low amplitude spinal manipulation or chiropractic spinal adjustment and mobilization*".

ITEMS FOR BOARD ACTION

2008 BOARD MEETING DATES

MOTION

Ms. Wolcott made a motion and Mr. Iversen seconded to approve the April 28, 2008 and October 6, 2008 meeting dates. The motion passed with Mr. Sherden, Dr. Rask, Mr. Iversen, Ms. Wolcott, and Ms. Stotts voting aye.

2008 CHAIR AND VICE CHAIR

MOTION

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

Ms. Wolcott reported that her family is moving to Hawaii and she is resigning from the Board of Athletic Trainers.

2008 SUBCOMMITTEES

MOTION

Ms. Stotts made a motion and Dr. Rask seconded to the committees with the following changes: The motion passed with Mr. Sherden, Dr. Rask, Mr. Iversen, Ms. Wolcott, and Ms. Stotts voting aye.

Legislation / Rules:	Kathi Stotts; Bart Rask, M.D.
Enforcement:	David Sherden; Duane Iversen
Industry Liaison:	Duane Iversen; Public Member
Public Safety:	Bart Rask, M.D.; David Sherden
Continuing Education:	Kathi Stotts; Public Member
Customer Connection:	Duane Iverson

BOARD INTEREST FILE

Chair Sherden summarized the board interest file.

The meeting adjourned at 11:15 a.m.

I attest that the Board of Athletic Trainer minutes of October 8, 2007, are a true and accurate reflection of the matters discussed and the views of the participants.

Samantha J. Patnode, Program Coordinator