



ARIZONA BOARD OF ATHLETIC TRAINING
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REGULAR SESSION MEETING MINUTES

January 7, 2013

Board Members Present: Michael Nesbitt, ATC – Chair
Aaron Nelson, ATC- Vice Chair
Harry Callihan - Public Member
Eric Freas ATC - Board Member
Jennifer Fadeley - Public Member

Staff Present: J. Randy Frost, Executive Director
Karen Whiteford, Administrative Assistant

Legal Staff Present: Beth Campbell, Assistant Attorney General

Call to order

The regularly scheduled meeting of the Arizona State Board of Athletic Training was called to order at 9:02 a.m.

Approval of the Meeting Minutes

Michael Nesbitt moved to accept the regular session meeting minutes of December 3, 2012. Harry Callihan seconded the motion. The motion passed 5-0.

Declaration of conflicts of Interest

There were no declarations of conflict.

Review Board Meeting Schedule

There were no changes made to the meeting schedule. The meeting time remains at 9:30.

- a. January 7, 2013 In Person
- b. February 4, 2013 Telephonic
- c. March 4, 2013 In Person

Review, Discussion, and Possible Action - Complaints, Investigations & Compliance

Initial Review of Complaints

There were no new complaints to come before the Board.

Open Complaints and Investigations

- a. William Martin, ATC Lic. # 0293 – Mr. Martin addressed the Board, six full-time employees have been hired – one of whom is an assistant who is responsible for reviewing certifications monthly. Certification status will be included in bi-monthly staff meeting agenda. Mr. Nesbitt highly encouraged Mr. Martin to develop policy to address handing off this responsibility as employees turnover and that this policy should be sent to the Board upon its finalization. Mr. Callihan asked if licenses are posted in the athletic training complex. Mr. Martin responded that they weren't during summer renovations but they were posted immediately after construction was completed in late-July. Mr. Nesbitt suggested that posting of licenses should also be included in policy. Martin agreed and said that the administrative person would also be responsible to make sure current licenses are displayed in the main facility. Mr. Martin stated that Human Resources receives copies of all licensure. Eric Freas moved to issue Mr. Martin a confidential advisory letter to Mr. Martin regarding the possible and probable implementation of new policy and procedure related to his assistant having their licenses posted as well as keeping them updated. HC seconded the motion. Motion passed 5-0.
- b. Michael Aaron Cox, ATC Lic. # 0427 –

Time: 9:46 a.m.

Beth Campbell, Assistant Attorney General, distributed exhibits to Board members.

Michael Nesbitt, Chair, opened the hearing by stating that this is the date, time and place where the matter dealing with Michael Aaron Cox, Holder of License No. 0427, as an Athletic Trainer in the State of Arizona is scheduled to be heard by the Arizona Board of Athletic Training.

The subject of this hearing is set forth in the Complaint and Notice of Hearing. This is a formal administrative hearing to determine if there have been violations of the Board's statutes and rules, and whether disciplinary action is warranted.

Board Members present for this Hearing: Michael Nesbitt, Aaron Nelson, Eric Freas, Jennifer Fadeley, and Harry Callihan.

Michael Nesbitt, Chair, stated; Let the record show that the Board Members have been furnished with copies of:

1. The Complaint and Notice of Hearing
2. The Respondent's Answer (IF ONE WAS FILED) – Ms. Campbell stated none was filed.
3. All pleadings of record – Ms. Campbell stated that the pleading in this matter is the Complaint and Notice of Hearing itself.

Michael Nesbitt, Chair, asked the parties to identify themselves.

Elizabeth Campbell, Assistant Attorney General, representing the state was present.

Diana Rasner, Assistant Attorney General, Solicitor General's Office, representing the Board was present.

Michael Aaron Cox, respondent, was not present, nor did he appear to be represented.

The Board determined that Mr. Cox had been served the notice of the hearing and that the hearing would continue.

Michael Nesbitt, Chair, called for witnesses in this matter. Ms. Campbell stated that this is a document case and there will be no witnesses.

Michael Nesbitt, Chair, asked if there were any preliminary matters the Board should consider. Ms. Campbell stated that she had left out the notice under 32-32-06 that respondent is entitled to ask for and receive the Board's exhibits; however, as respondent has chosen not to appear or participate in this hearing today, her argument is that he has waived that and that the Board should proceed.

Diana Rasner asked if there were any documents intended for use that had not been provided to the respondent. Ms. Campbell stated that all exhibits intended for use contained the respondent's signature or thumbprint and believed that he has received and reviewed. Ms. Campbell also stated that the police report contained in the Board's packet should be disregarded as it was not one of the state's intended exhibits. Diana Rasner stated that the Board may go forward based solely on the court records that have been provided.

Michael Nesbitt, Chair, asked Ms. Campbell would like to make an opening statement. Ms. Campbell made a brief opening statement.

Michael Nesbitt, Chair, asked the State to call its first witness. Ms. Campbell stated that the State's witness is the documents provided at the beginning of the hearing.

Ms. Campbell stated that the State believes that revocation is appropriate in this case.

Ms. Campbell stated that she had no additional witness and rested the State's case.

Michael Nesbitt, Chair, stated that this concludes the evidentiary portion of the administrative hearing. The Board will now hear closing arguments. The State may present a closing argument.

Ms. Campbell stated that the State believes that revocation is appropriate.

Michael Nesbitt, Chair, stated that, having heard the testimony and reviewed the evidence and arguments of the parties, the Board will now discuss the case. The Board can begin with general discussion or entertain motions.

On motion by Mr. Nelson and seconded by Ms. Fadeley, the Board unanimously agreed to adopt all factual allegations in the Complaint as findings of fact.

On motion by Mr. Nelson and seconded by Mr. Freas, the Board unanimously agreed to adopt all of the alleged violations set forth in the Complaint as the Board's conclusions of law.

Michael Nesbitt, Chair, stated that the Board would now consider the Board's Order. Mr. Nelson stated that with the magnitude of this case and the fact that Athletic Trainers work with children, that it is important that the Mr. Cox no longer work with children.

On motion by Mr. Nelson and seconded by Mr. Freas, the Board unanimously agreed to revoke the license of Michael Aaron Cox. A roll call vote was taken. (Michael Nesbitt – yes, Aaron Nelson – yes, Eric Freas - yes, Jennifer Fadeley - yes, Harry Callihan – yes)

Michael Nesbitt, Chair, concluded the formal hearing.

Mr. Nesbitt asked how Mr. Cox will receive the notice. Ms. Campbell stated that Board Staff will prepare the order, which will then be sent to Mr. Cox's address of record.

Ms. Campbell stated that once the order becomes final, this order will be reported to the national database and NATA/BOC.

Discipline Status Report

The Board discussed the Disciplinary Status Report of the following licensees:

1. Mohammed Mirza, ATC Lic. # 0924, Staff informed the Board that Mr. Mirza is having difficulties finding online courses to take between November and January. Mr. Nesbitt suggested that the most recent BOC newsletter listed available courses. Mr. Nelson asked if he could discuss CEU acquisition with Mr. Mirza. Ms. Campbell stated she does not believe it would be a conflict of interest but it would be most appropriate for Mr. Mirza to come through the Board.
2. Ryan Pinson, ATC Lic. # 0238, Staff reported that there wasn't anything new to report. Mr. Pinson has 1.5 hours to complete by May.
3. Jeffrey Schrock, ATC Lic. # 0672, BC acted as advocate for the Board. After discussion, Harry Callihan motioned to rescind the formal hearing for March. Eric Freas seconded the motion. Motion passed 5-0. Motion to dismiss case that was to be heard in March 2013 was made by Aaron Nelson and seconded by Eric Freas. Motion passed 5-0.
4. Glenn Steele, ATC Lic. #0341, Staff reported that there wasn't anything new to report.
5. Chad Cook, ATC Lic. # 1092, Staff reported that there wasn't anything new to report.
6. Ricardo Moreno, ATC Lic. # 0281, Staff reported that there wasn't anything new to report.
7. Jennifer Hoenig, ATC Lic. # 1162, Staff reported that the latest lab reports are included in the materials. A letter from her employer is required by January 31, 2013.

8. Sara Smith, ATC Lic. # 1119, Staff reported that a letter was sent to Ms. Smith, asking for a certificate of completion for her CEUs.
9. Stephen McMullen Lic. # 1166, Staff reported that Mr. McMullen has completed some of the pre-approved courses and is working with Staff to locate additional courses.

Informal Interviews

There were no informal interviews to come before the Board.

Substantive review, discussion, and vote regarding the applications for licenses as follows

a. Initial applications

Harry Callihan moved to approve all two of the initial applications listed. Jennifer Fadeley seconded the motion. The motion passed 5-0.

b. Renewal applications

Aaron Nelson moved to approve 81 of the 82 renewal applications listed. Eric Freas seconded the motion. The motion passed 5-0.

The Board discussed the application of William Durrant who applied for reinstatement. The Board confirmed that Mr. Durrant has not practiced as an Athletic Trainer while his license was expired. Harry Callihan moved to approve the application of Mr. Durrant. Eric Freas seconded the motion. The motion passed 5-0.

c. Renewal applications: (continued practice without current license)

There were none.

d. Incomplete applications:

There were no incomplete applications to come before the Board.

Review, Discussion, and Possible Action Regarding AZ DPS Background Reports

There were no reports to discuss.

Review, Discussion, and Possible Action - Other Business

- a. Nomination and Vote of Board Chair. Jennifer Fadeley nominated Michael Nesbitt. Aaron Nelson seconded the nomination. The board voted unanimously for Michael Nesbitt to serve as Chair for 2013.
- b. Nomination and Vote of Board Vice-Chair. Harry Callihan nominated Aaron Nelson for Vice-Chair. Eric Freas seconded the nomination. The board voted unanimously for Aaron Nelson to serve as Vice-Chair for 2013.
- c. Lake Havasu letter – Staff reported that a response has been received, but was not included in the Board materials and cannot be discussed.

- d. Casa Grande letter – Staff reported that no response has been received.

Review, Discussion, and Possible Action regarding the revision of the Administrative Rules

- a. Status of Rules Revision – Executive Director, Randy Frost updated the Board on the status of the proposed rules. Mr. Frost reported that the GRRC is in possession of the proposed rules. Suggested changes are more clerical in nature. Citations must be revised to match the NATA Standards of Professional Practice document. The rules revision will go before the GRRC Board on February 5th and will either be approved or returned for further revision.

Review, Discussion and Possible Action - Administrative Matters

- a. Revenue and Expenditure.

Executive Director, Randy Frost stated that the Revenue and Expenditure Report will not be available until after January 11th or 12th.

- b. Review of Administrative Project Status.

Executive Director, Randy Frost provided an update on various projects to the Board.

Mr. Nesbitt reported that he will be speaking at the Arizona Athletic Trainer's Association about the Board and what they're doing.

Mr. Nesbitt suggested that Karen Whiteford ask for feedback from our licensees about what topics they would like to see on our website.

- c. Future Agenda Items.

Aaron Nelson asked that the letter from Lake Havasu High School be included in the February meeting materials.

Call to the Public

No one from the public was in attendance at this time.

Adjournment

The Board Meeting adjourned at 10:36 a.m.

Respectfully submitted,

J. Randy Frost, Executive Director