



ARIZONA BOARD OF ATHLETIC TRAINING  
4205 N. 7<sup>th</sup> Avenue, Ste. 305  
Phoenix, Arizona 85013  
(602) 589-6337  
FAX: (602) 589-8354  
www.at.az.gov  
[at.info@otboard.az.gov](mailto:at.info@otboard.az.gov)

## REGULAR SESSION MEETING MINUTES

January 5, 2015

**Board Members Present:** Aaron Nelson ATC – Chair  
Eric Freas ATC – Vice-Chair  
Jennifer Fadeley – Public Member  
Harold Callihan – Public Member  
Bart Peterson ATC – Athletic Trainer Member

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

**Legal Staff Present:** Michael Raine – Assistant Attorney General

### Call to order

The regularly scheduled meeting of the Arizona State Board of Athletic Training was called to order at 9:00 a.m.

### Approval of the Meeting Minutes

Bart Peterson moved to accept the regular session meeting minutes of December 1, 2014. Eric Freas Seconded the motion. The motion passed 5-0.

### Declaration of conflicts of Interest

There were no conflicts.

### Review Board Meeting Schedule

There were no changes made to the meeting schedule. The meeting time will be at 9:30 a.m.

- a. February 2, 2015 Telephonic
- b. March 2, 2015 In Person
- c. April 6, 2015 In Person

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

## **Initial Review of Complaints**

Nichole Edwards 14-AT-0724, Ms. Edwards was present for the discussion. Board Executive Director, Randy Frost summarized the complaint filed against Ms. Edwards. The complaint alleged that Ms. Edwards had performed a treatment that was outside the scope of practice for an athletic trainer. Board President, Aaron Nelson stated that he had researched the Boards administrative rules and statutes which lead him to The NATA guidelines. The NATA guidelines include in a ATs scope of practice, the treatment that Ms. Edwards performed on a student. After some additional discussion, Eric Freas moved to dismiss the complaint against Ms. Edwards and notify the parties involved of the outcome. Harold Callihan seconded the motion. The motion passed 5-0.

## **Open Complaints and Investigations**

- a. Ruth Aragon 14-AT-1017, Formal Hearing

Time: 9:30 a.m.

Aaron Nelson, Chair, opened the hearing by stating that this is the date, time and place where the matter dealing with Ruth Aragon, Holder of License No. 1017, 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: Aaron Nelson, Eric Freas, Jennifer Fadeley, Harold Callihan and Bart Peterson.

Board Staff present for this Hearing: Randy Frost, Executive Director and Karen Whiteford, Administrative Assistant.

Counsel Present: Michael Raine – Assistant Attorney General representing the State of Arizona. Jill Foster, Assistant Attorney General, Solicitor General's Office, representing the Board.

Aaron Nelson, 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) – Mr. Frost stated none was filed.
3. All pleadings of record – Mr. Raine stated that the pleading in this matter is the Complaint and Notice of Hearing itself.

Aaron Nelson, Chair, asked the parties to identify themselves.

Michael Raine, Assistant Attorney General, representing the state was present.

Jill Foster, Assistant Attorney General, Solicitor General's Office, representing the Board was available by telephone.

Ruth Aragon, respondent, was not present, nor did she appear to be represented.

Aaron Nelson called upon The Executive Director, Randy Frost, to provide a summary of the process and timeline that the Board Staff followed to provide notice to Ms. Aragon. The Board determined that Ruth Aragon had been served the notice of the hearing and that the hearing would continue

Aaron Nelson, Chair, called for witnesses in this matter. Mr. Raine called upon Randy Frost, Board Executive Director and Thomas Hancock, Assistant Superintendent for the Peoria Unified School District. Mr. Nelson swore in the witnesses.

Mr. Nelson asked if there were any preliminary matters the Board should consider. Mr. Raine stated that he had some proposed findings of fact and conclusions of law that he would like the Board to consider.

Mr. Nelson asked Mr. Raine if he would like to make an opening statement. Mr. Raine made a brief opening statement.

Mr. Raine stated that the State believes that revocation is appropriate in this case.

Mr. Nelson asked the State to call its first witness. Mr. Raine called Randy Frost, Executive Director, as his first witness. Mr. Raine asked numerous questions regarding Ms. Aragon's licensure status. Mr. Frost was also asked if he had seen the states exhibits and Mr. Frost responded that he had. Mr. Raine asked several questions regarding the original complaint documents and then requested that the exhibit discussed be admitted into evidence as exhibit "1". Mr. Raine then asked Mr. Frost questions in regard to several other documents related to notices and correspondence sent to Ms. Aragon. Mr. Raine then requested that the documents be entered as exhibits "2" and "3". Aaron Nelson moved to have the documents into evidence. Jennifer Fadeley seconded the motion. The motion passed 5-0.

Mr. Raine next called Mr. Thomas Hancock Assistant Superintendent for the Peoria Unified School District as a witness. Mr. Raine asked Mr. Hancock questions regarding his role in the complaint and investigation of Ms. Aragon. Mr. Hancock summarized his involvement and the process that was followed by The Peoria Unified School District. Mr. Raine then asked Mr. Hancock to summarize the outcome of the investigation. Mr. Hancock stated that Ms. Aragon was questioned by the both by the District and the Peoria Police Department. Ms. Aragon admitted to having inappropriate contact with former students who actually were students at the time of the incident. Mr. Hancock stated that Ms. Aragon was fired from her position as an athletic trainer.

Mr. Raine stated that he had no additional witness and rested the State's case.

Aaron Nelson, 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.

Mr. Raine stated that he believed that the case was pretty straight forward as there were no arguments presented by the defendant on record. He stated that Ms. Aragon participated in the investigation and was on record as admitting to inappropriate behavior. The State believes that due to the evidence presented and the severity of the incident that a violation of ARS§ 32-4153 (9) occurred and that revocation of licensure was appropriate.

After Mr. Raines' closing statement the Board elected to go into executive session for legal advice. Bart Peterson moved to go into executive session at 10:05. Aaron Nelson seconded the motion. The motion passed 5-0

The Board returned from executive session at 10:08.

Aaron Nelson, 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 Ms. Fadeley and seconded by Mr. Callihan**, the Board unanimously agreed to adopt all factual allegations in the Complaint as findings of fact. Mr. Raine requested that the Board Chair call for a roll call vote for the record.

**On motion by Mr. Peterson 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. A roll call was conducted.

Aaron Nelson, 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 Ms. Aragon no longer work with children.

**On motion by Ms. Fadeley and seconded by Mr. Peterson**, the Board unanimously agreed to revoke the license of Ruth Aragon. A roll call vote was taken.

Aaron Nelson, Chair, concluded the formal hearing.

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

Mr. Nelson concluded the hearing of Ruth Aragon at 10:20 p.m.

b. Daniel Brauning 14-AT-1260, The Assistant Attorney General, Michael Raine informed the Board that a settlement conference was held between Himself, Mr. Brauning's Attorney and Mr. Frost. The result of the meeting was a revised consent agreement that he presented to the Board. After some discussion between the Board and Mr. Raine, Bart Peterson moved to approve the consent agreement as presented. Harold Callihan seconded the motion. The motion passed 5-0.

## **Discipline Status Report**

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

1. Steven Patera ATC Lic. #1088 Staff reported that there were no changes in Mr. Patera's status. The Board directed staff to remind Mr. Patera to comply with the terms of his agreement.
2. Yusuke Takahashi ATC Lic. #1166 Staff reported that Mr. Takahashi has completed all of his discipline requirements. His probation will end on 5/13/15.
3. Dale Gilbert ATC Lic. #0375 Staff reported that Mr. Gilbert completed his Board ordered CEs. His probation will end on 5/12/15.
4. Katherine Frick ATC Lic. #1292 Staff reported that Ms. Fricke has moved out of state to work in Iowa. Ms Fricke completed her requirements and will remain on probation in Arizona.
5. Stanley Johnston ATC Lic. #0830 Staff reported that there were no changes in Mr. Johnston's status. Staff will send a reminder to him.
6. James Cole II ATC Lic. #0565 Staff reported that they received his signed consent agreement and his civil penalty and his courses.
7. Ken Crenshaw ATC Lic. #0669 Staff reported that Mr. Crenshaw has completed his requirements and that he will be on probation until October 2015.
8. Ruth Aragon ATC Lic. #1017 Staff reported that Ms. Aragon's case will heard in a formal hearing later that morning.
9. Daniel Brauning ATC Lic. # 1260 Mr. Brauning will be presented with a new consent agreement.

## **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**

Juan Prieto	Johanna Urquijo*
-------------	------------------

Eric Freas moved to approve the initial application of Juan Prieto. Bart Peterson seconded the motion. The motion passed 5-0.

### **b. Initial applications, Board review**

The Board reviewed the application of Johanna Urquijo and the background information she provided. After some discussion it was determined that no action by the Board was

required. Bart Peterson moved to approve the application. Harold Callihan seconded the motion. The motion passed 5-0.

**c. Renewal applications**

Thomas Albert	Jennifer Allen	Fernando Alvidrez
Barton Anderson	Julie Anderson	Natasha Anderson
Suzie Aparicio	Steven Arias	Christy Armstrong
Travis Armstrong	Israel Aspericueta	Larry Ayers
Andrea Bagnall	Gregory Barajas	Jeffrey Barlow
Cory barton	Eric Bauer	Matthew Beauregard
Tina Benally	Samantha Birchall	Marc Bjork
Robb Blackaby	Carrie Blackburn	Matthew Blackburn
Felix Blanco	Kellie Bliven	Randy Boardman
Michael Boese	Chad Bohls	Taylor Bottari
Kayla Botts	Michael Boysen	Nathan Brooks
Shane Buckler	Roger Caplinger	Benjamin Carbajal
Aubrie Carter	Patrick Castillo	Stephen Cilladi
Richard Clark	Robert Clary	Matthew Corvo
Deborah Craig	Roger Darrow	Michael Dickey
Michelle Grover	Aaron Hoback	Senecca Stromberg
Brett Walker	James Williams	Sayaka Yasui

Eric Freas moved to approve the 51 renewal applications. Bart Peterson seconded the motion. The motion passed 5-0.

**d. Renewal applications: (Board Review)**

None

**e. Incomplete applications:**

Trenton James	David LaCroix	Edwin Nungesser
William Porter	Benjamin Downie	Tyler Moos
Maritza Rodriguez	Ryo Watanabe	

The Board staff updated the Board on the incomplete applications.

**f. Previously approved applications: (Board Review)**

There were no previously approved applications to review.

**Review, Discussion, and Possible Action - Other Business**

- a. Update of the AT stake holders meetings. Aaron Nelson stated that there wasn't anything new to report. No dates for a next meeting have been set.
- b. EMTs at youth sporting events. The Assistant AG, Michael Raine updated the Board that he doesn't have anything new to report. He did state that there had been various personnel changes and that some of the individuals that he was working with were no

longer working with DHS. He informed the Board that it will probably take some time for him to establish new contacts.

- c. Draft advisory letter on return to play and acceptance of physicals by a licensed physician. The Board discussed a letter from Assistant AG, Michael Raine regarding AZATAs interpretation of guidance he provided regarding the AIA physical policy. Mr. Raine stated that the AZATAs draft misstated his previous comments. Michael provided clarification on his guidance letter. After some discussion The Board directed staff to contact the AZATA and discuss distribution of the guidance document.
- d. Board Staff activities. Executive Director Frost announced to the Board that Karen Whiteford would be leaving the Board. Ms Whiteford accepted a job with the Physical Therapy Board. Mr. Frost asked the Boards permission to hire someone to fill the now open position. The Board directed Mr. Frost to proceed.
- e. Election of Officers for the 2015 Board year. Jennifer Fadeley moved to re-elect Aaron Nelson as Chair. Eric Freas seconded the motion. The motion passed 4-0. Harold Callihan nominated Eric Freas as Vice-Chair. Aaron Nelson seconded the motion. The motion passed 4-0.

### **Review, Discussion and Possible Action - Administrative Matters**

- a. Revenue and Expenditure – Mr. Frost stated that he did not have a current cash flow report to provide to the Board.
- b. Review of Administrative Project Status - Mr. Frost updated the Board on the following projects:
  - Policies and Procedures – Sunrise/Sunset Process
  - Board Automation
  - BOC Disciplinary Action Exchange
  - Dry Needling
  - Mandatory Board Training
  - Revision of Renewal Notification
- c. Future Agenda Items

### **Call to the Public**

Laurie White representing the AzATA was present.

### **Adjournment**

Eric Freas motioned to adjourn the meeting for January 5, 2015. Harold Callihan seconded the motion. The Board Meeting adjourned at 10:26 a.m.

Respectfully submitted,

*J. Randy Frost*

J. Randy Frost, Executive Director