



Ohio Occupational Therapy, Physical Therapy,
and Athletic Trainers Board

Athletic Trainers Section
November 9, 2016
9:00 a.m.

Members Present

Jason Dapore, DO
Brian Hartz, AT, PhD, Secretary
Hollie Kozak, AT
Kimberly Peer, AT, Chair
Susan Stevens, AT, EdD

Staff

Jennifer Adams, Investigator Assistant
Shannon Gorey, Investigator
Diane Moore, Executive Assistant
Lisa Ratinaud, Enforcement Division Supervisor
Tony Tanner, Executive Director

Legal Counsel

Melissa Wilburn, AAG

Guests

Jason Nutter
Kylene Nutter

Call to Order

Kimberly Peer, Chair, called the meeting to order at 9:04 a.m.

Approval of Minutes

Action: Brian Hartz moved that the minutes from the September 8, 2016, meeting be approved as amended. Susan Stevens seconded the motion. The motion carried.

Executive Director's Report

- The Executive Director informed the Section that the FY 18-19 biennial budget was submitted to OBM.
- The Executive Director reported that the athletic trainer renewal on the new elicense portal was successful. There were some technical issues with setting passwords.
- The Executive Director discussed exploring a common method to tracking continuing education for the Board's licensees.
- The Executive Director reported that he will be working on the rule revisions.

The formal Executive Directors report is attached to the minutes for reference.

Liaison Updates

Hollie Kozak will join Susan Stevens as the Correspondence Liaisons.

Discussion of Laws and Rules

The rules changes will be discussed during the Section Retreat.

Administrative Reports

Licensure Applications

Action: Kimberly Peer moved that the Athletic Trainers Section ratify, as submitted, the athletic training licenses issued by examination, endorsement, and reinstatement by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from September 8, 2016, through November 9, 2016, taking into account those licenses subject to discipline, surrender, or non-renewal. Brian Hartz seconded the motion. The motion carried.

Examination Applicants

Kaylee Domoslawski
Tyler Kennedy

Russell I Jackson
Laura Denning

Douglas Hirt
Christopher Ifantiedes

Adam Gutierrez
Kelli Schramm
Courtney Sparks

Ethan Fleming
Alicia Price
Jessica Kidwell

Christine Bernazzoli
Trevor Pfister

Endorsement Applicants

Kyle Thompson
Jayson Vincent
Alexandria Ancona
Brittany Miller

Morgan Niceler
Alaina Marie Roth
Chelcey Lyons
Sheena Long

Yongung Kwon
Courtney McCord
Joseph Zidar

Reinstatement Applicants

None

Continuing Education Approval

Action: Brian Hartz moved that the Section approve 2 application for continuing education approval. Jason Dapore seconded the motion. The motion carried.

Event Approval

The Section approved zero Event Approvals since the September 8, 2016 Section meeting.

Assistant Attorney General Report

Melissa Wilburn, AAG reported that 119 appeal process was shortened. Ms. Wilburn informed Board Staff to forward appeal requests to the Attorney General's office immediately.

Case Review Liaison Report

Brian Hartz reported that the Enforcement Division opened one new case and closed zero cases since September 8, 2016 meeting. There are five cases currently open. There are zero active consent agreements.

Enforcement Actions

Affidavit Hearing

Good morning. My name is Kimberly Peer, Chairperson of the Athletic Trainer's Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Let the record show that these proceedings were called to order at 11:40 am on **November 9, 2016**, at the Vern Riffe Center, 77 S. High Street, Columbus, Ohio 43215. Members of the Board Present for the proceeding are:

The Executive Director called roll:

Jason Dapore	Present
Brian Hartz	Present
Hollie Kozak	Present
Kimberly Peer	Present
Susan Stevens	Present

It will be noted for the record that a majority of the members of the board are present. There will be one adjudication proceeding today. The proceeding is in the matter of **AT-FY16-007, Timothy Skudlarek**.

This proceeding shall be an affidavit-based adjudication relative to the Notice of Opportunity for Hearing mailed to the respondent in the aforementioned case and believed to have been properly served according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code).

As the respondent did not properly request a hearing in the case, this proceeding will be held before the board pursuant to *Goldman v. State Medical Board of Ohio*. The individual named does not have the ability to present written or oral testimony today, but may be present to hear the proceeding and outcome.

You have already received a sworn affidavit from **the Board's Enforcement Division Investigator**, and accompanying exhibits for the Goldman Proceeding in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate. Please take few moments to review the evidence and testimony.

In lieu of a stenographic record being made, let the minutes reflect that the original sworn affidavit and exhibits shall be kept as the official record of the proceeding in the aforementioned matter in the Board office.

I will now recognize Assistant Attorney General, Melissa Wilburn, for the purpose of providing a brief synopsis of the case. Ms. Wilburn, you may present your case.

Melissa Wilburn provided a synopsis of the case.

Having heard Ms. Wilburn's synopsis, may I now have motion to admit the facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence.

Action: Susan Stevens moved to admit the facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence. Jason Dapore seconded the motion.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Yes
Susan Stevens	Yes

The motion carried.

There being no further evidence to come before the board, this proceeding is now closed at 11:44 am.

The procedural and jurisdictional matters having been satisfied, we will now continue with the proceeding by deliberation on the sworn affidavit and exhibits.

At this time, is there a motion to recess the meeting in order to go into private session for the purpose of quasi-judicial deliberation on case number?

Action: Jason Dapore move to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on case number **AT-FY16-007, Timothy Skudlarek**, and to reconvene the meeting after deliberations are complete.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Yes
Susan Stevens	Yes

The meeting was recessed at 11:45 pm to enter private session for the purpose of quasi-judicial deliberation.

The Section came out of private session and reconvened the Board meeting at 12:10 pm.

In the matter of case number AT-FY16-007, Timothy Skudlarek, after review the evidence, the Board makes the following Findings of Fact:

1. The Board had jurisdiction to conduct the hearing in this matter pursuant to *Goldman v. State Medical Board of Ohio*, 110 Ohio App. 3d 124, 673 N.E. 2d 677 (1996).
2. From about February 2016, to about April 2016, Skudlarek engaged in sexual conduct while providing athletic training services at Plymouth High School.
3. Skudlarek send text messages of a sexual nature to a minor female student.
4. Skudlarek's employer, Avita Health Systems, terminated him from his position as an athletic trainer as a results of his sexual conduct with a minor student at Plymouth High School.
5. Skudlarek's sexual conduct occurred in the course of his practice as an athletic trainer.
6. Skudlarek did not request a hearing on the aforementioned charge.

In the matter of case number AT-FY16-007, Timothy Skudlarek, based on review of the evidence, the Board makes the following Conclusions of Law:

1. Skudlarek was properly served with the Notice of Opportunity for Hearing pursuant to R.C. 119.07.
2. R.C. 119.07 required Skudlarek to request a hearing within thirty (30) days of the mailing of the notice.
3. A preponderance of the evidence establishes that Skudlarek's sexual conduction with a minor student in the course of his practice as an athletic trainer, as detailed in the Findings of Facts, violates Ohio Rev. Code 4755.64 (A)(5) and Ohio Administrative Code 4755-41-01(E)(4)(b) and 4755-41-01 (E)(5)(b).

Action: Kimberly Peer moved to revoke the athletic trainer's license of Timothy Skudlarek. Hollie Kozak seconded the motion.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Yes
Susan Stevens	Yes

The motion carried. The license of Timothy Skudlarek, is hereby revoked, effective immediately.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the orders on case number **AT-FY16-007, Timothy Skudlarek**, in the manner prescribed by law.

This concludes the matter of **AT-FY16-007, Timothy Skudlarek**.

Hearing Officer Report and Recommendations for Case Number AT-FY16-001

The Section reviewed the hearing officer's report and recommendation from Paul Stehura, Hearing Officer in the matter of Jason Daniel Nutter, Case Number AT-FY16-001. The hearing was held before Hearing Officer Paul Stehura on August 25, 2016.

In accordance with Board procedures, the member(s) who were involved in the investigation and made recommendations to the Board regarding this case shall not participate in further adjudication of the case and must abstain from further participation in the adjudication of these matters. Brian Hertz recommended this disciplinary action and identified himself.

Hearing Officer Paul Stehura served the Report and Recommendation to the Board office on October 21, 2016. Jason Daniel Nutter received a copy of the Hearing Officer's Report and Recommendation via certified mail on October 24, 2016. Mr. Jason Daniel Nutter did not file written objections to the Report and Recommendations, nor requested to address the board today.

Action: Susan Stevens moved to recess the meeting to go into private session for the purpose of quasi-judicial deliberation on the matters. Hollie Kozak seconded the motion.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Abstained
Susan Stevens	Yes

The motion carried.

The Section went into private session at 9:50 am and reconvened the meeting at 11:25 am. Brian Hertz and Kimberly Peer left the room during private session. The Section asked the Executive Director to stay in the room.

Kimberly Peer asked each of the Board members if they received, read, and considered the entire record in this matter, including the transcript of proceedings, exhibits, oral testimony, the Hearing Officer's Report, and Hearing Officer's Recommendation, and testimony given today in the Matter of Jason Daniel Nutter, Case Number AT-FY16-001, and asked each member if they were prepared to adjudicate in this matter.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Yes
Susan Stevens	Yes

The motion carried.

Action: Susan Stevens moved to accept the Hearing Officer's findings of fact in the matter of Jason Daniel Nutter, Case Number AT-FY16-001. Jason Dapore seconded the motion. Brian Hertz and Kimberly Peer abstained from voting. The motion carried.

Action: Susan Stevens moved to accept the Hearing Officer's conclusions of law in the matter of Jason Daniel Nutter, Case Number AT-FY16-001. Hollie Kozak seconded the motion. Brian Hertz and Kimberly Peer abstained from voting. The motion carried.

Action: Susan Stevens moved to modify the Hearing Officer's recommendations to terms 1, 2, and 8 in the matter of Jason Daniel Nutter, Case Number AT-FY16-001.

Modifications to Hearing Officer's Recommendations made in terms 1, 2, and 8 as follows:

1. Mr. Nutter shall continue to undergo individual counseling, at his cost, under the treatment of his current counseling team, at intervals determined by his counseling team for the duration of his probationary term of five years. Each member of his counseling team shall report, in writing, to the Board for the duration of the probationary period on a semiannual basis. The report shall include, but is not limited to: the description/status of counseling sessions provided to Mr. Nutter; any significant changes or concerns regarding Mr. Nutter's behavior or thoughts which may relate to or impact his fitness or ability to practice as an athletic trainer in Ohio or the safety of Mr. Nutter's patients or the general public; the need to refer Mr. Nutter for treatment/evaluation by a psychologist, psychosexual expert, or other health care professional. Mr. Nutter will agree to follow all treatment recommendations of his counseling team. If there are necessary changes to his counseling team, Mr. Nutter will notify the Board by electronic or written means within 14 business days. He will also notify the Board within 30 days with name, specialty, and contact information of the new counseling team member for approval.

2. Mr. Nutter shall execute all necessary authorizations for the Board to obtain all past, present, and future mental health/counseling records and reports prior to license reinstatement.
3. Mr. Nutter's license is permanently restricted to limit his athletic training practice to treatment of individuals over the age of 18. After the five year probationary period, Mr. Nutter may apply to the Board, in writing, to modify this restriction.

The rationale for the modifications listed above to the Hearing Officer's Recommendations include additional measures of protection for the health, safety, and welfare of the public. Additionally, the Hearing Officer recommended that the Board set additional conditions for Mr. Nutter's probation.

Jason Dapore seconded the motion.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Abstained
Susan Stevens	Yes

The motion carried.

The application of Jason Daniel Nutter to be licensed as an athletic trainer by reinstatement, is hereby approved with conditions.

Tony Tanner reported that the costs required under section 4755.031 of the Ohio Revised Code covered a total of two invoices: (1) hearing officer, and (2) court reporter, which included one transcript. The total cost for the two vendors are \$3,834.15.

Action: Susan Stevens moved that, pursuant to section 4755.031 of the Ohio Revised Code, fees be assessed against Jason Daniel Nutter in the amount of \$3,834.15. Jason Dapore seconded the motion. Brian Hertz and Kimberly Peer abstained from voting.

The Executive Director called roll:

Jason Dapore	Yes
Brian Hertz	Abstained
Hollie Kozak	Yes
Kimberly Peer	Abstained
Susan Stevens	Yes

The motion carried.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandate of this Section of the Board and serve the order to Jason Daniel Nutter in the manner prescribed by law.

This concludes the Matter of Jason Daniel Nutter, Case Number AT-FY16-001.

Old Business

Rules Renumbering Project

The Section is still working on the rules renumber project.

New Business

None

Correspondence

The Section reviewed the correspondence and provided feedback to the AT Correspondence Liaisons.

Ohio Athletic Trainers Association (OATA)

There was no formal report for the Section.

Open Forum

There were no items discussed during open forum.

Items for the Next Meeting

Standard Agenda Items

Items for Retreat

Mock Adjudications

- Rules Renumbering Project

Next Meeting Date

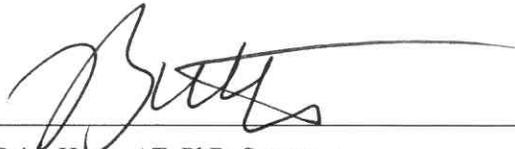
The next regular meeting date of the Athletic Trainers Section is scheduled for Wednesday, January 11, 2017.

Adjournment

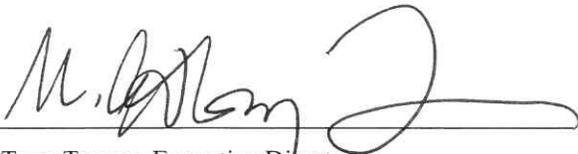
Action: Brian Hartz moved that the meeting be adjourned. Jason Dapore seconded the motion. The motion carried. The meeting was adjourned at 12:16 pm.

Respectfully submitted,
Diane Moore

Kimberly Peer, AT, Chair
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board, Athletic Trainers Section



Brian Hartz, AT, PhD, Secretary
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board, Athletic Trainers Section



Tony Tanner, Executive Director
Ohio Occupational Therapy, Physical Therapy, and
Athletic Trainers Board

BH::dm