Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Athletic Trainers Section
May 23, 2019
9:00 a.m.

Members Present
Trevor Bates, AT, Chair
Jason Dapone, DO (left at 12:20 PM)
Hollie Kozak, AT
Gary Lake, AT
Jeffrey Sczpanski, AT

Members Absent
none

Legal Counsel
LaTawnda Moore, AAG

Staff
Jennifer Adams, Investigator
Melissa Anthony, Executive Director
Thanh Mai Vo, Licensure Specialist

Guest
Bridget McAuliffe, OATA
Kevin Stanek

Call to Order
Trevor Bates, Chair, called the meeting to order at 9:01 AM.

Approval of Minutes
Action: Jeff Szczepanski moved that the minutes from the March 19, 2019, meeting be approved as amended. Gary Lake seconded the motion. The motion carried.

Executive Director Report
Deferred to the Joint Board meeting.

Event Approval
Jeff Szczepanski moved that the section approve four events for 19-001, 19-002, 19-003, 19-004 as submitted to the Section. Hollie Kozak seconded the motion. The motion carried.

Continuing Education Approval
Jeff Szczepanski moved to approve two applications for continuing education and request more information from a third. Gary Lake seconded the motion. The motion carried.

Administrative Reports
Licensure Applications
Action: Jeff Szczepanski moved that the Section approve a waiver of continuing education and reinstatement fees for LR-003357661 due to active military status. Gary Lake seconded the motion. The motion carried.

Action: Jeff Szczepanski moved that the Section approve the education and grant licensure for athletic trainer endorsement file #APP-00236537 based on the documentation provided. Hollie Kozak seconded the motion. The motion carried.

Action: Jeff Szczepanski moved that the Section approve the education and grant licensure for athletic trainer reinstatement file #LR-001945088 based on the documentation provided. Hollie Kozak seconded the motion. The motion carried.
**Action:** Hollie Kozak moved that the Athletic Trainers Section ratify, as submitted, the athletic training licenses issued by examination, March 20, 2019 through May 23, 2019, taking into account those licenses subject to discipline, surrender, or non-renewal. Jeff Sczpantski seconded the motion. The motion carried.

**Examination Applicants**
- Kiley Buchanan
- Steven Kinser
- Logan Catherine Kinley
- Troy Chima Azuogu
- Tori Korda
- Abby Marie Hergenrather
- Madison Myers
- Bailey Nicole Roberts
- Megan Sue Joseph
- Benjamin Robert Lefevre
- Kyle James Knech
- Megan Renee Ropp
- Grace Anne Steingass
- Ryan Nicholas Gernert
- Rebecca Spiegel
- Corina Salinas
- Priscilla Ali Prologo
- Janna M Deyhle
- Janelle Christensen
- Alexander Roman Sasyn
- Justin Robert Belle
- Emily Christine Merriman
- Adam Edward Paynter
- Roberta Gregory-Davis
- Ashley Riffle
- Andrew M Sucharski
- Alexia Paxos
- Andrea Marie Pohlman
- Jacob Brown
- Ethan Schmelzer

**Endorsement Applicants**
- Robert Alexander Cunningham
- Vinh The Ngo
- Brianna Isabelle Gruber
- Aaron Joseph Hoeing
- Terica Wharton
- Christian James Kinzer
- Patrick Reynolds
- Abigail Marie Walters
- Hailey Crum
- Christopher Derek Smith
- Fabrizio Apodaca
- Michael Matthew Novellino
- Carrie Ann Harbold
- Cameron Lawrence Stockdale
- Cory Delaney
- Richard Vincent Burke
- Elliott Palmeri
- Nathan Anthony Sultan

**Enforcement Actions:**

**Case Review Liaison Report**
Hollie Kozak reported that the Enforcement Division opened two new cases and closed five cases since March 19, 2019 meeting. There are three cases currently open.

**Affidavit Hearings**
Good Morning. My name is Trevor Bates, Chair of the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. Let the record show that this proceeding was called to order at 9:50 AM on May 23, 2019, at the Riffe Center 77 S. High Street, Columbus, Ohio 43215. Members of the Board Present for the proceedings are:

- Trevor Bates  Present
- Jason Dapore  Present
- Hollie Kozak   Present
- Gary Lake     Present
- Jeff Sczpantski Present

It will be noted for the record that a majority of the member of the board are present. There will be one adjudication proceeding today. The first proceeding is in the matter of case number AT-LD-19-001, Patrick McNutt.
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 Action (Chapter 119. Of the Ohio Revised Code).

As the respondent did not properly request a hearing in this 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 proceedings and outcome.

You have already received the sworn affidavit from the Board’s Enforcement Investigator and accompanying exhibits for the Goldman Proceeding in your board packet. The affidavit contains the evidence and testimony upon which you will deliberate.

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 Senior Associate Attorney General, LaTawnda Moore, for the purpose of providing a brief synopsis of the case. Ms. Moore you may present your case.

LaTawnda Moore provided a synopsis of the case.

Having heard Ms. Moore’s synopsis, may I now have a motion to admit the findings of facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence?

**Action:** Jeff Sczphanski moved that the Section admit the findings of facts and exhibits outlined in the sworn affidavit in the aforementioned case into evidence. Gary Lake seconded the motion. The motion carried, Hollie Kozak abstained.

Gary Lake moved the Section go into executive session for the purposes of quasi-judicial deliberation. Jason Dapore seconded

| Trevor Bates | Yes |
| Jason Dapore | Yes |
| Hollie Kozak | Yes |
| Gary Lake | Yes |
| Jeff Sczphanski | Yes |

The motion carried.

The Section went into private session at 9:50 AM. Hollie Kozak left the room. The Section returned at 9:59 AM.

In the matter of case number AT-LD-19-001, Patrick McNutt after review of the evidence, the Board makes the following findings of fact:

1. The Board had jurisdiction to conduct a 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. McNutt did not meet the examination requirements for licensure by failing to provide verification from the Board of Certification that he passed their certification exam.
3. McNutt did not request a hearing on the aforementioned charge.

Based on a thorough review of the evidence, the Board makes the following conclusions of law:

1. McNutt was properly served with the Notice of Opportunity for Hearing pursuant to R.C. 119.07.
2. R.C. 119.07 required McNutt to request a hearing within thirty (30) days of the mailing of the Notice.
3. The aforementioned findings of fact constitute grounds for denial of McNutt’s application pursuant to ORC 4755.64(A)(2) and 4755.62(C)(6), and Ohio Administrative Code 4755-43-06(B)(5) & (C)(3).

**Action:** Jeff Szczepanski moved to deny the athletic trainer application of Patrick McNutt. Gary Lake seconds the motion.

Trevor Bates  Yes
Jason Dapore  Yes
Hollie Kozak  Abstained
Gary Lake  Yes
Jeff Szczepanski  Yes

The motion carried.

The athletic trainer application of Patrick McNutt is hereby denied. Effective May 23, 2019.

The Executive Director is hereby instructed to prepare an adjudication order to carry out the mandates of this Board and serve the order on AT-LD-19-001, Patrick McNutt, in the manner prescribed by law.

This concludes the matter of AT-LD-19-001, Patrick McNutt.

The Section recessed for Joint Board at 10:30 AM and came back and 12:20 PM.

**Discussion of Laws and Rules**
The Section reviewed the rules status chart.

**Action:** Gary Lake moved that the Section final file the following rules with JCARR: 4755-43-01, 4755-43-02, 4755-43-04, 4755-43-08, 4755-43-10, 4755-43-11, 4755-43-12, 4755-44-01, 4755-44-02, 4755-47-01, 4755-47-02, 4755-47-03, 4755-47-04, 4755-47-05, and 4755-47-06. Hollie Kozak seconded the motion. The motion carried.

**Action:** Jeff Szczepanski moved that the Section file rules with JCARR. Gary Lake seconded the motion. The motion carried.

**Assistant Attorney General Report**
LaTawanda Moore, AAG had no formal report for the Section.

**Old Business**
None at this time.

**New Business**
None at this time.

**Correspondence**
The Section discussed the correspondence and made changes to the draft responses.

**Ohio Athletic Trainers Association (OATA)**
Bridget McAuliffe with OATA had no formal report for the Section.

**Open Forum**
The Section revised the standard responses.

**Items for the Next Meeting**
Telemedicine Standards
Documentation Standards
SOP vs. non-SOP RTP document
Next Meeting Date
The next regular meeting date of the Athletic Trainers Section is scheduled for Friday, July 26, 2019.

Adjournment
There being no further business and no objections. Trevor Bates adjourned the meeting at 1:11 PM.

Respectfully submitted,
Missy Anthony
Trevor Bates, AT, Chair
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section

Jason Dapore, DO, Secretary
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section

Melissa A. Anthony, Executive Director
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

JD:ma