

**MARYLAND BOARD OF PHYSICIANS
ATHLETIC TRAINERS ADVISORY COMMITTEE
OPEN MEETING MINUTES
Tuesday, May 8, 2012, 10:00 a.m., Room 110**

PRESENT: John Bielawski, ATC, Chair, Andrew Tucker Morris, M.D.,
John Mitchie, D.C., Rick Peret, Jr., PT, Valerie E. Cothran, M.D.,
Karen James, OTR/CHT, Richard Hinton, M.D., Karl Bailey, ATC

STAFF PRESENT: Ellen Douglas Smith, Chief Allied Health Programs, Karen Wulff, Public
Policy Analyst, Robin Bailey, Public Policy Analyst, Phyllis Washington,
Administrative Specialist

ABSENT: Lori Bristow, M.Ed., ATC

CALL TO ORDER

Mr. Bielawski called the meeting to order at 10:08 a.m.

APPROVAL OF MINUTES

On a motion made by Mr. Peret and seconded by Dr. Hinton the Committee approved the April 10, 2012 open meeting minutes.

LEGISLATIVE REPORT

Ms. Bailey handed out the 2012 Legislative Wrap-up which highlighted the bills that passed. She stated that the Athletic Trainer Bill passed and has been signed.

BOARD COUNSEL REPORT

There was nothing to report.

UNFINISHED BUSINESS

Athletic Trainer Regulations, Including Sanctioning Guidelines

Ms. Wulff explained that the athletic trainer's regulations had been held up because of sections that could not be supported by current statute. The new bill the Governor signed covers these areas. The regulations, which will include the Sanctioning Guidelines, will be republished and available for public comment for 30 days.

On a motion made by Mr. Bailey and seconded by Dr. Tucker, the Committee voted to recommend approval of the Athletic Trainers Regulations and Sanctioning Guidelines.

Firefighters as Industrial/Tactical Athletes – Follow-up

At the April 10, 2012 meeting, the Committee asked Board staff to pose a question to Noreen Rubin, Esq., Board counsel, about whether firefighters may be considered industrial/tactical athletes. Ms. Rubin advised:

Ms. Rubin stated that the issue is whether firefighting is an “exercise, recreation, sport, competition or game” that “is associated with an educational institution or a professional, amateur, or recreational sports club or athletic organization,” H.O. § 14-5D-01(c) [NOW D – based on HB 688], and whether firefighting is intended to be included as a setting or location where athletic activity, as defined in subsection © is being held. The definition of “setting” in 14-5D-01(m) [NOW Q – based on HB 688] does not include firefighting, but is limited to:

- (1) a location where an athletic activity, as defined in subsection (c) of this section, is being held;
- (2) Health or fitness club
- (3) Clinic or hospital;
- (4) Corporation; or
- (5) Government agency.

The plain statutory language and intent of the AT bill does not include firefighters, either expressly or impliedly. The statutory language in H.O. § 14-5D01(b) (defining “athlete”) and both (c)(1) and (2) (defining “athletic activity”) [NOW D] would need legislation revision to specifically include firefighters as athletes or as “tactical or industrial athletes.” Nothing in the AT statute mentions “tactical/industrial athletes” or supports the concept of “tactical/industrial athletes” as being within the scope of the statute’s provisions.

In conclusion, there is no statutory language to support firefighters as industrial/tactical athletes.

Dr. Hinton feels there is a conflict in the language and after much debate between the committee, asked Board staff to invite Ms. Rubin to the July committee meeting to discuss the conflict.

NEW BUSINESS

Athletic Trainers Advisory Committee Annual Report

Ms. Smith presented a sample annual report the Committee. She stated that one of the recommendations in the Sunset review was that the Chair make a presentation to the Board and they felt it easier if the Committee was involved.

There being no further business the meeting was adjourned at 11:13 p.m.

Submitted by:



Ellen Douglas Smith
Chief, Allied Health