

MINUTES
INDIANA ATHLETIC TRAINERS BOARD
September 20, 2011

I. CALL TO ORDER

Mr. David Craig called the meeting to order at 11:04 a.m., in Room W064, 402 West Washington Street, Indianapolis, Indiana and established a quorum pursuant to IC § 25-5.1.

Members Present:

David Craig, AT – President
Larry Leverenz, AT – Vice-President
Scott Lawrance, AT - Secretary
John Miller, MD
Jennifer VanSickle, Consumer Member

Members Absent:

John Knote, MD
Vacant, AT

Staff Present:

Thomas McGee, Board Director
Ronnie C. Saunders III, Assistant Board Director
Philip Thompson, Legal Counsel, Deputy Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda with the amendment of adding two items for discussion on the old/new business: potential Criminal Background Checks for new applicants and dates for the Regulated Occupations Evaluations Committee.

Lawrance/Leverenz
Motion carried 5-0-0

III. APPROVAL OF MINUTES FROM JANUARY 18, 2011

A motion was made and seconded to approve the minutes of the January 18, 2011 meeting, as amended.

VanSickle/Miller
Motion carried 5-0-0

IV. PERSONAL APPEARANCES

A. Travis Smarelli, Athletic Trainer Applicant

Mr. Smarelli appeared before the Board to discuss the positive response on his initial application for licensure as an athletic trainer. Mr. Smarelli answered “yes” to the following question:

Have you ever been convicted of, pled guilty or *nolo contendere* to any offense, misdemeanor or felony in any state?

Mr. Smarelli explained he was out with friends and he was the designated driver. He said that he had five beers over the course of four hours. He was driving home and was stopped by a police officer. He failed the field sobriety test and blew .08 on the BAC. He had just graduated at the time it occurred. In 2008, he went through the deferral program following an incident of underage drinking in Hamilton County.

Mr. Lawrance questioned Mr. Smarelli regarding whether he has practiced as an Athletic Trainer. He indicated that he has served as a first responder for basketball and is awaiting the result of his application to begin employment.

Mr. Smarelli indicated that he has been assessed for drug and alcohol as a part of his probation and was found not to have an addiction disorder. He has no criminal actions since his probation was released in September 2010.

A motion was made and seconded and the Board voted to grant Mr. Smarelli licensure.

Leverenz/VanSickle
4-0-0

V. ADMINISTRATIVE HEARINGS

A. In the Matter of Kristen Deible-Ripley License # 36001015A Administrative Cause No. 2011 ATB 001 Re: Final Hearing

Parties and Counsel Present:

Darren Covington, Deputy Attorney General
Shaw Friedman, Counsel for Respondent

Participating Board Members:

David Craig, AT – President
Larry Leverenz, AT – Vice-President
Scott Lawrance, AT
John Miller, MD

Case Summary: A complaint was filed against Ms. Deible-Ripley alleging Ms. Deible-Ripley dispensed fourteen tablets of Naprosyn 500mg, a non-controlled, prescription-only legend drug, which constituted practicing beyond the scope of her license.

Notice of hearing in this matter was mailed to Respondent by certified mail on August 22, 2011 and proof of delivery was received on August 25, 2011.

Mr. Craig swore in all witnesses for the hearing and took official judicial notice of its record in this matter. Mr. Covington presented an opening statement on behalf of the State and indicated that Ms. Deible-Ripley exceeded the scope of her practice in dispensing medication without the ability to do so. Mr. Friedman presented an opening statement that

all medication was provided with the direction of a physician and this action was the result of personal animosity.

Mr. Covington requested the Board to take administrative notice of the Indiana legend drug act and provided particular code cites for the Board to review. The Board reviewed the Indiana legend drug act.

Mr. Alcanda testified for the State. He is the outpatient care director for St. Joseph Medical Center and is responsible for compliance of athletic trainers. He is familiar with Ms. Deible-Ripley as she worked as an Athletic Trainer for St. Joseph Medical Center located at Plymouth High School. Mr. Alcanda received a complaint from a parent whose child was treated by Ms. Deible-Ripley. The parent was concerned with the method by which Ms. Deible-Ripley provided prescription medication, specifically Naprosyn-500, in an envelope to her child. This was in violation of St. Joseph's policy and procedure. Mr. Alcanda engaged in an investigation of the complaint and found prescription drugs in the Plymouth training rooms in a lockable but unlocked cabinet. Mr. Alcanda conducted an investigation of Ms. Deible-Ripley's patient files. The patient in question was a minor and there is no notation in the record that the parent was made aware of the situation or that the physician conducted a physical examination prior to dispensing the medication. Mr. Covington admitted excerpts of Ms. Deible-Ripley's employment records and Mr. Alcanda's investigation into evidence. Mr. Alcanda filed a complaint with the Attorney General's office because of concerns regarding the incident.

Mr. Friedman cross-examined Mr. Alcanda. Mr. Alcanda stated that he resigned from his position with the outpatient care director. Mr. Alcanda also indicated that he was not involved in a situation between St. Joseph Medical Center and the prescribing physician. He stated that the record showed that there was a phone call from Ms. Deible-Ripley to the prescribing physician as part of the record. He also indicated he did not know what medication Naprosyn-500 was, but that it was used as an anti-steroidal. Mr. Friedman indicated that the patient was not a minor, but Mr. Alcanda denied this.

Mr. Covington called Ms. Deible-Ripley for testimony. She confirmed that she was an athletic trainer at Plymouth High School. She confirmed that she had dispensed the Naprosyn-500 to the patient after receiving a verbal order from Dr. McPherson. Mr. Friedman cross-examined Ms. Deible-Ripley and admitted her performance evaluations, and resume at the time of her application into evidence. She testified that she understood that an athletic trainer can dispense medication with a physician's order. She tried at all times to follow policy and procedure. She indicated that she was instructed not to use Dr. McPherson due to issues between Dr. McPherson and St. Joseph Medical Center.

The Board took a break to make copies. Upon reconvening, Board member Jennifer VanSickle had to excuse herself from the hearing due to a previous commitment. Mr. Friedman admitted the redacted patient records into evidence and Ms. Deible-Ripley's redacted evaluation of the patient into evidence. Mr. Friedman also admitted a survey of what over the counter medications local high schools were dispensing. Following Ms. Deible-Ripley's testimony, Mr. Covington rested.

Mr. Friedman called Dr. McPherron, D.O. to testify for Ms. Deible-Ripley. Dr. McPherron testified that his understanding of the law is that it allows an athletic trainer to dispense medication with an order from the physician. He also testified that he ordered the medication, but he never examined the patient at any time.

Mr. Friedman called Mr. Bench to testify for Ms. Deible-Ripley. Mr. Bench testified that he was the athletic director for Mr. Deible-Ripley. Mr. Bench testified that Ms. Deible-Ripley was an excellent employee and athletic trainer. He testified that Dr. McPherron was a conscientious physician. He indicated that he was aware of, but not present for, Mr. Alcanda's inspection of the training room. He testified that he never believed that Ms. Deible-Ripley would dispense medication without a prescription.

Mr. Covington presented a closing argument for the state and indicated that Ms. Deible-Ripley illegally dispensed medication without authority. Mr. Friedman presented a closing argument and indicated that the evidence does not support a finding in this violation and that she did nothing wrong in dispensing medication at the instructions of a physician and asked that the complaint be dismissed.

Following closing statements, the Board closed the hearing. Following a discussion of the Board members, a motion was made and seconded to dismiss the complaint.

Board Action:

Dismiss the Complaint
Miller/Lawrence
Motion carried 4-0-0

VI. LICENSURE APPLICATION REVIEW

A. Jason Conrad Rusznak, Athletic Trainer Applicant

The Board reviewed the application of Jason Conrad Rusznak. A motion was made and seconded to approve the application and issue a full license.

Leverenz/Lawrance
Motion carried 4-0-0

VII. OLD/NEW BUSINESS

A. Discussion: IC 20-34-7

The Board discussed that it was aware of the inherent vagaries in the legislation. Mr. Lawrance indicated that there is an effort to clear up the legislation in the next session.

B. Appointment of Board Designee(s) for the purposes of IC 25-1-7-14

A motion was made and seconded to designate Board chair, Board director, and Assistant Board Director as the Board designees for the purposes of IC 25-1-7-14(a)(1) and to designate the Board Chair as the Board designee for the purposes of IC 25-1-7-14(a)(2).

Lawrance/Leverenz
Motion carried 4-0-0

C. Discussion of criminal background checks

The Board discussed the fact that the new legislation required certain practitioners to have a criminal background check prior to obtaining licensure. It was discussed that Athletic Trainers were not included in that list.

A motion was made and seconded that it would be the policy of the Board to pursue criminal background checks for new applicants for licensure as an athletic trainer.

Lawrance/Leverenz
4-0-0

D. ROEC Presentation

The Board discussed that it would be presenting before the Regulated Occupations Evaluations Committee (ROEC). Mr. Craig explained what the presentation would include and Mr. McGee provided an explanation of the role of the ROEC. Mr. Craig requested that all Board members be involved in preparing the presentation.

VIII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana Athletic Trainers Board moved to adjourn at 2:21 p.m.

Miller/Lawrance
4-0-0

David Craig, President
Indiana Athletic Trainers Board