



Final Regulation Agency Background Document

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 85 -120
Regulation title	Regulations Governing the Certification of Athletic Trainers
Action title	Limited provisional authorization to practice
Document preparation date	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulatory action will allow the Board of Medicine to authorize an applicant for licensure as an athletic trainer to practice for no more than 60 days pending completion of the application package and submission of all documentation. Before receiving provisional authorization to practice, an applicant and his employer must request the authorization for good cause, provide documentation of current certification from the National Athletic Trainers Association Board of Certification (NATABOC) and, if licensed or certified in another state, documentation that the license or certificate is current and unrestricted.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 24, 2004, the Board of Medicine adopted final amended regulations for 18 VAC 85-120-10 et seq., Regulations Governing the Licensure of Athletic Trainers.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6), which provides the Board of Medicine the authority to promulgate regulations to administer the regulatory system:

§ 54.1-2400 -General powers and duties of health regulatory boards
The general powers and duties of health regulatory boards shall be:

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...

The specific legal authority to promulgate the regulation for provisional licensure is found in paragraph C of § 54.1-2957.4 (as revised by the 2004 General Assembly in Chapter 669).

§ 54.1-2957.4. Licensure as athletic trainer required; requisite training and educational requirements; powers of the Board concerning athletic training.

A. It shall be unlawful for any person to practice or to hold himself out as practicing as an athletic trainer unless he holds a license as an athletic trainer 90 days after the effective date of regulations promulgated by the Board implementing athletic trainer licensure. The Board shall issue licenses to practice athletic training to applicants for such certification who meet the requirements of this chapter and the Board's regulations.

B. The Board shall establish criteria for the licensure of athletic trainers to ensure the appropriate training and educational credentials for the practice of athletic training. Such criteria may include experiential requirements and shall include one of the following: (i) a Virginia testing program to determine the quality of the training and educational credentials for and competence of athletic trainers, (ii) successful completion of a training program and passage of the certifying examination administered by the National Athletic Training Association Board of Certification resulting in certification as an athletic trainer by such national association, or (iii) completion of another Board-approved training program and examination.

C. At its discretion, the Board may grant provisional licensure to persons who have successfully completed an approved training program or who have met requisite experience criteria established by the Board. Such provisional licensure shall expire as provided for in the regulations of the Board.

D. The Board shall promulgate such regulations as may be necessary for the licensure of athletic trainers and the issuance of licenses to athletic trainers to practice in the Commonwealth. The

Board's regulations shall assure the competence and integrity of any person claiming to be an athletic trainer or who engages in the practice of athletic training.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the final regulatory action is to expand the current provisional licensure to include persons who have applied for state licensure and are otherwise qualified by virtue of holding certification from the National Athletic Trainers Association Board of Certification (NATABOC) but who are awaiting verifications of professional education, professional activity and licensure or certification in another state, if applicable. Provisional licensure would allow those persons to begin work as an athletic trainer and not delay their employment by the several weeks it normally takes for all required documentation to be received. The health and safety of athletes, particularly those who are students in Virginia's schools and colleges, will be better protected by having a trainer who is authorized to practice as soon as his or her employment begins rather than having to wait several weeks for state licensure.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Section 75 is added to provide that: Upon written request from an applicant and his employer and for good cause shown, an applicant who provides documentation of current NATABOC certification and, if licensed or certified by another jurisdiction in the United States, documentation that his license or certificate is current and unrestricted may be granted authorization to practice as an athletic trainer for 45 days pending submission of all other required documentation and issuance of a license. At the discretion of the board, additional time, not to exceed 15 days, may be allowed to complete the application process.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

- 1) The primary advantage to the public would be the ability of athletic trainers to accept employment and begin practice sooner. School systems and higher education institutions would have the services of a trainer available, so students on athletic teams would receive appropriate preventive treatments and be safely treated for any injury that might occur. In most schools, there is only one athletic trainer on staff, so there would be no protection for athletes if a newly-hired person does not have authorization to practice. There are no disadvantages to this proposal. An athletic trainer would have to indicate minimal competency by submission of documentation that he has passed the qualifying examination. In order to sit for the NATABOC examination, a candidate must provide evidence of completing an approved educational program in athletic training. If he failed to complete the state application or if adverse information was received, the maximum period of authorization to practice would be 60 days.
- 2) There are no advantages or disadvantages to the Commonwealth.
- 3) There are no other matters of interest related to this regulatory action that are pertinent to the regulated community, government officials, and the public.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
75	Refers to authorization to practice pending issuance of a certificate by the Board	The Board has changed the term used to issuance of a “license.”	Conforming the proposed language with the change from certification to licensure. These regulations will be effective after the effective date of Chapter 669 of the 2004 Acts of Assembly, which is July 1, 2004.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Amended regulations were published in the Virginia Register of Regulations on February 9, 2004. Public comment was requested for a 60-day period ending April 10, 2004. During that period, no comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Current requirement	Proposed change and rationale
n/a	n/a	<p>Section 75 is added to provide that: Upon written request from an applicant and his employer and for good cause shown, an applicant who provides documentation of current NATABOC certification and, if licensed or certified by another jurisdiction in the United States, documentation that his license or certificate is current and unrestricted may be granted authorization to practice as an athletic trainer for 45 days pending submission of all other required documentation and issuance of a license. At the discretion of the board, additional time, not to exceed 15 days, may be allowed to complete the application process.</p> <p>Current regulations (18 VAC 85-120-80) provide for the issuance of a provisional certification to an applicant who is a graduate of an accredited education program or has fulfilled internship educational requirements though NATABOC and who has applied to take the certification examination to practice athletic training under the supervision and control of a certified athletic trainer.</p> <p>The Board proposes to add another type of provisional licensure for an applicant who has already completed an educational program, passed the certifying examination and has been certified by NATABOC, and if licensed or certified in another state, verification of such licensure or certification. Such applicant and his employer would have to request the 45-day authorization in writing, submit an application and fee along with documentation of current NATABOC certification and licensure or certification in another state, if applicable. The Board could then issue a provisional authorization to practice for a period not to exceed 60 days, which would allow the applicant to begin practice during the time it takes to obtain other information and documentation, such as school transcripts, verification of professional activity and verification of licensure or certification from all other states.</p>

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

In its analysis of the final regulatory action, the agency has determined that there is no potential impact on the institution of the family and family stability.