



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Medicine, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VAC85-120-10 et seq.
<b>Regulation title</b>	Regulations Governing the Licensure of Athletic Trainers
<b>Action title</b>	Supervisory responsibilities
<b>Document preparation date</b>	12/8/05

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*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The purpose of the proposed regulatory action is to review and evaluate the supervisory responsibilities of licensed athletic trainers for the practice of provisional trainers and student trainers under their supervision and control. There is a need to further specify the intent of the Board in relation to requirements for availability and ongoing communications in order to assure the public that only licensed AT's are practicing independently without supervision.

### 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 number(s), 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) 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:*

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- ...*
- 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.

**§ 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 licensure 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.*

*(1999, cc. 639, 682, 747; 2004, c. 669.)*

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

Applicants for licensure who are graduates of an accredited education program or have fulfilled internship educational requirements through the National Athletic Trainers Association Board of Certification and who have applied to take the certification examination may currently be granted a provisional license to practice athletic training under the supervision and control of a licensed athletic trainer. Section 80 sets out the requirements for issuance of provisional licensure. Section 120 specifies the supervisory responsibilities of the licensed trainer for a provisional licensee and for student trainers working under his direction and control. The Advisory Board on Athletic Training believes many new graduates are, in fact, practicing independently with little or no supervision from a licensed trainer who may practice 50 or more miles away from the provisional licensee. If this practice continues without further delineation of the supervisory responsibilities, there is concern that the public health and safety may be at risk.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

Regulations require a graduate of an educational program in athletic training to submit an application for provisional authorization to practice athletic training for review by the chair of the Advisory Board or his designee. Typically, application review has been delegated to the Deputy for the Board of Medicine in charge of Licensure. The Advisory Board has recommended that in the interim, until regulations can be reviewed and the parameters of supervision further defined, all applications for provisional licensure be reviewed by the Chair of the Advisory Board to get a sense of the level and extent of supervision. That information will assist the Board in the development of proposed regulations to ensure that the provisional AT is being appropriately supervised.

## Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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There is no impact of the proposed regulatory action on the institution of the family and family stability.