

Louisiana State Board of Medical Examiners

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June 1, 2017

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Hon. Taylor F. Barras
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Re: Final Report: Athletic Trainers;
General, Licensure and Practice –
(LAC 46:XLV. Chapters 1, 31 and 57)

Dear Sirs:

Pursuant to La. Rev. Stat. §49:968(D), the Louisiana State Board of Medical Examiners respectfully submits the enclosed report on the final adoption of the captioned amendments. Notice was previously published in the March 2017 edition of the *Louisiana Register*, Vol. 43, No. 3, pp. 586-595. The Board plans to adopt the rule amendments by and upon publication in the July 20, 2017, edition of the *Register*.

Very truly yours,

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By: 
Keith C. Ferdinand, M.D.
Interim Executive Director

Enclosure

**FINAL REPORT RELATIVE TO PROPOSED AMENDMENT
OF ADMINISTRATIVE RULES GOVERNING ATHLETIC TRAINERS;
GENERAL, LICENSURE AND PRACTICE**

(La. Rev. Stat. §49:968(D))

By The

LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS

Submitted To The

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA SENATE,

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA HOUSE OF REPRESENTATIVES,

PRESIDENT OF THE SENATE

And

SPEAKER OF THE HOUSE OF REPRESENTATIVES

June 1, 2017

**FINAL REPORT RELATIVE TO PROPOSED AMENDMENT
OF ADMINISTRATIVE RULES GOVERNING ATHLETIC TRAINERS
GENERAL LICENSURE AND PRACTICE**

June 1, 2017

(La. Rev. Stat. §49:968(D))

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This Report is respectfully submitted by the Louisiana State Board of Medical Examiners (the “Board”), within the Department of Health and Hospitals, pursuant to La. Rev. Stat. §49:968(D).

By Notice of Intent published in the March 20, 2016, edition of the *Louisiana Register*, Vol. 43, No. 3, pp. 586-595, the Board proposed to amend its administrative rules governing athletic trainers (“ATs”), LAC Title 46:XLV, Subpart 1 (General), Chapter 1, Subpart 2 (Licensure and Certification), Chapter 31, and Subpart 3 (Practice), Chapter 57. Concurrently with submission of the Notice of Intent to the *Register*, in accordance with La. Rev. Stat. §40:968, the Board submitted a Report on the proposed amendments to the Senate and House Committees on Health and Welfare, the President of the Senate and the Speaker of the House of Representatives.¹ Following publication of Notice of Intent the Board did not receive a request for public hearing; however, during the comment period it did receive written comments from one (1) individual on the proposed amendments voicing particular concerns or suggestions.

This Report, submitted by the Board pursuant to and as prescribed by La. Rev. Stat. §49:968(D), sets forth a summary of the comments received by the Board on the subject amendments, and a statement of the Board's response to each comment, including a concise statement of the principal reasons for and against adoption of any modifications or changes.² A copy of the Notice of Intent containing the full text of the proposed rules that were previously published and appeared in the March 2017 edition of the *Louisiana Register* accompanies this Report as Appendix A, in the form of the final rules adopted by the Board and which are to be promulgated by and upon publication in the July 2017, edition of the *Louisiana Register*.

¹*Electronic Mail*, Keith C. Ferdinand, M.D., Interim Exec. Dir., La. State Bd. Med. Exam., RE: Report Relative to Proposed Rule Amendments Governing Athletic Trainers (March 9, 2017).

²*See*: La. Rev. Stat. §49:968(D)(1)(b).

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The subject rule amendments are proposed for adoption and promulgation pursuant to the Board's administrative rule making authority under the Louisiana Medical Practice Act, La. Rev. Stat. §37:1270, and the Louisiana Athletic Trainers Law, La. Rev. Stat. §37:3303.

I. Background—The proposed amendments to the Board's Rules govern regulations relative to general, licensure, certification and practice of athletic trainers, LAC 46:XLV Chapters 1, 31 and 57 to conform them to Act 418 of the 2014 Regular Session of the Louisiana Legislature, which amended the Louisiana Athletic Trainers Practice Act, La. Rev. Stat. §37:3301 *et seq.*, and to update the rules generally as made necessary by the passage of time and current practices.

II. Summary of Proposed Rules—Among other items the proposed amendments: convert practice authority from a *certification* to a *license*; revise various definitions for consistency with the law; update the educational requirements for licensure eligibility; reduce to a simple majority *e.g.*, 4 of the 7 members of its advisory committee, necessary for a quorum of the committee; provide for licensure by reciprocity for those possessing the requirements prescribed for Louisiana applicants; repeal various provisions that are no longer applicable; update designation of the examination entity from the *National Athletic Trainers Association* to the *Board of Certification for the Athletic Trainer* (BOC); maintain but simplify seldom used temporary permits and remove the associated fee; and streamline provisions relative to continuing education (CE) programs. Currently, athletic trainers must earn and report 24 credit hours of CE every two years. The proposed amendments would require athletic trainers to earn and report with their annual renewal application 12 hours of CE. The proposed changes also: update exemptions from licensure to provide for assistant coaches administering and supervising their normal sports activities and students enrolled in an accredited training program; provide for compliance with the code of ethics of the BOC; and incorporate the causes prescribed by law for which the Board may refuse to issue, or take action against, a license.

**FINAL REPORT RELATIVE TO PROPOSED AMENDMENT
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June 1, 2017

(La. Rev. Stat. §49:968(D))

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III. Summary of the Comments and Board Response—As noted above, the Board received written comments from one (1) commenter to the Notice of Intent that appeared in the March 2017 edition of the *Register*. Summaries of the comments, as well as the Board's responses to each, are set forth below.

Comment 1. §3104.B.1.c.—*Athletic Training Advisory Committee*. The commenter suggests balancing the Board's athletic trainer advisory committee membership not only geographically but by sex and race of either current licensees or Louisiana citizens.

Response: Given that service on the athletic training advisory committee is voluntary, the Board is not in a position to designate particular candidates, dictate who will volunteer, or balance the appointments to the committee as suggested. Because under either the existing or proposed rule amendments the selection process is limited to those nominees/volunteers available for appointment, the Board does not believe the suggested change is appropriate.

Comment 2. §3159—*Application for renewal of license*. Noting that the law (Act 418) and proposed amendments require successful passage of the BOC certification examination as a prerequisite to AT licensure, the commenter suggests that the rules also require affirmation of continued BOC certification on all renewal paperwork for ATs, excepting only those ATs who were grandfathered under Act 418 changes to the law.

Response: Among the qualifications for an AT license, the law requires certification that the applicant has passed the BOC certification examination. An exception is provided for ATs already licensed by the Board, who had not passed the BOC certification examination at the time Act 418 became law, provided these individuals submitted a renewal application and paid the applicable renewal fee to the Board within one year of the effective date of Act 418.³ In conformity with the law, the proposed amendments require certification by the BOC evidencing that the applicant has passed the BOC certification examination as a requirement for licensure.

³La. Rev. Stat. §37:3306.1B.

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This change is incorporated into the proposed amendments for all applicants, except those excepted by La. Rev. Stat. §37:3306.1B.⁴ However, the law does not require continued certification by the BOC as a condition to AT licensure renewal, as the commenter would have the rules apply.⁵ Requiring that an individual seeking renewal of his or her AT license demonstrate (or affirm) continuing BOC certification imposes an additional condition which is not required by the law or consistent with the exception granted to those who were grandfathered into continued practice under the changes to the law. Accordingly, the Board does not believe the proposed suggestion is appropriate.

Comment 3. §5709B. *Unauthorized Practices*. Finally, the commenter suggests removing the phrase “for compensation or other remuneration” from §5709 for fear that an individual could practice as an AT without a license, provided he or she does not identify him/herself as an athletic trainer (prohibited by §5709A) or receive any form of payment or remuneration *e.g.*, compensation or remuneration (prohibited by §5709B) for the services provided.

Response: First, the only proposed changes to §5709B relate to Act 418’s conversion of ATs from being “certified” to “licensed” (La. Rev. Stat. §37:3305.1). Second, the phrase subject to the commenter’s comment has been in the current rule for many years and is not being altered by the proposed amendments. Further, in its recent institutional history the Board does not recall any instance where an individual performed in a manner described by the commenter *e.g.*, performed services of an AT but did not identify him/herself as an AT and received no compensation or other remuneration. More importantly, the law, which supersedes the rules, prohibits anyone who is not licensed by the Board from performing the activities of AT (La. Rev. Stat. §37:3305.1). Thus, even in the event an individual should perform in a manner described by the commenter, the Board would have jurisdiction to intervene. For these reasons, the Board does not believe the proposed suggestion is necessary.

⁴See: proposed amendments LAC 46:XLV.3107A.4 and 3109A.

⁵La. Rev. Stat. §37:3307.

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June 1, 2017

(La. Rev. Stat. §49:968(D))

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* * *

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct or indirect cost to the providers to provide the same level of service; or
3. the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on April 10, 2017.

Jaime T. Monic
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Supervision of Psychologists and Licensed Specialists in School Psychology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA Board of Examiners of Psychologists \$500 in FY 17, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule. The proposed rule clarifies that, for individuals applying for a license as a Licensed Psychologist, postdoctoral supervision hours can accrue after all doctoral degree requirements are met. The proposed rule also clarifies that the supervision obtained in an internship may be applied toward the required three years of supervised experience needed to obtain a Licensed Specialists in School Psychology license.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect state or local governmental revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule benefits those applying for a license as a Licensed Psychologist in that it allows postdoctoral supervision hours to accrue after doctoral degree requirements are met, but before the doctoral degree is conferred. This rule also benefits those applying for a license as a Licensed Specialist in School Psychology in that it allows for experience gained under a supervised internship to be applied toward the experience needed to obtain the license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not affect competition and/or employment.

Jaime T. Monic
Executive Director
1703#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Athletic Trainers General, Licensure and Practice;
(LAC 46:XLV.Chapters 1, 31 and 57)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, and the Louisiana Athletic Trainers Law, R.S. 37:3303, the board proposes to amend its rules on athletic trainers (ATs) to accommodate changes to the law resulting from Act 418 of the 2014 Regular Session of the Louisiana Legislature and to update the rules generally as made necessary by the passage of time and current practices. Among other items, the proposed amendments: convert the authority to practice from certification to a license (Chapters 1, 31 and 57); revise various definitions (§§3103, 5703, 5705); update the educational requirements for licensure eligibility for consistency with the law (§3107); reduce to a simple majority e.g., 4 of the 7 members of its advisory committee necessary for a quorum (§3104.E); provide for licensure by reciprocity for those possessing the requirements prescribed for Louisiana applicants (§3109); repeal various provisions that are no longer applicable (§§3111-3125); update designation of the examination entity from the National Athletic Trainers Association to the BOC (§§3133, 3147); simplify seldom-used provisions on temporary permits (§3162) and remove the associated fee (§161.B); streamline provisions relative to continuing education and provide for BOC approved continuing education (CE) programs (§§3163-3179). Currently, athletic trainers must earn and report 24 credit hours of CE every two years. The proposed amendments would require athletic trainers to earn and report 12 hours of CE annually (§§3159, 3165). The proposed changes also: update the provisions dealing with exemptions from licensure to provide for assistant coaches administering and supervising their normal sports activities and students enrolled in an accredited training program (§5111); provide for compliance with the code of ethics of the BOC (§5717); and incorporate the causes prescribed by law upon which the board may refuse to issue, or take action against, a license (§5719).

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions Subpart 1. General

Chapter 1. Fees and Costs Subchapter F. Athletic Trainers Fees §159. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the licensure of athletic trainers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:

§161. Licenses

A. For processing applications for licensure as an athletic trainer, a fee of \$125 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:234 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:

§163. Annual Renewal

A. For processing an application for annual renewal of an athletic trainer's license, a fee of \$100 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subpart 2. Licensure and Certification

Chapter 31. Athletic Trainers

Subchapter A. General Provisions

§3101. Scope of Chapter

A. The rules of this Chapter govern the licensure of athletic trainers in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3103. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

Advisory Committee—the Athletic Training Advisory Committee to the Board, constituted under and pursuant to §3104.

Applicant—a person who has applied to the board for licensure as an athletic trainer.

Application—a request received by the board, in a manner prescribed by the board, for licensure as an athletic trainer in the state of Louisiana.

Athlete—an individual designated as such by the board, an educational institution, a professional athletic organization, or other board-approved organization who participates in an athletic activity sponsored by such institution or organization.

Athletic Trainer—an individual licensed by the board as an athletic trainer with the specific qualifications set forth in R.S. 37:3306.1 who, under the general supervision of a physician, carries out the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both.

* * *

Board-Approved Organization—one of the following:

a. Approved organization, including but not limited to the Amateur Athletic Union, the International Olympic Committee and its affiliates including but not limited to the U.S. Olympic Committee, the Pan American Sports Organization, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, college and university intramural sports, and sports events of the National Federation of State High School Associations;

b. An organization, whose athletic activity meets one or more of the following:

i. has an officially-designated coach or individual who has the responsibility for athletic activities of the organization;

ii. has a regular schedule of practices or workouts that are supervised by an officially-designated coach or individual;

iii. is an activity generally recognized as having an established schedule of competitive events or exhibitions;

iv. has a policy that requires documentation of having a signed medical clearance by a licensed physician or other board authorized health care provider as a condition for participation for the athletic activities of the organization.

BOC—Board of Certification for the Athletic Trainer or its successor.

CAATE—the Commission on Accreditation of Athletic Training Education or its successor.

Educational institution—a university, college, junior college, high school, junior high school, or grammar school, whether public or private.

LATA—the Louisiana Athletic Trainer's Association.

Licensure or License—the board's official recognition of a person's lawful authority to act and serve as an *athletic trainer* as such term is defined by the law, R.S. 37:3302.

Louisiana Athletic Trainers Law or the Law—Acts 1985, number 288, as amended, R.S. 37:3301-3313.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:937 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3104. Athletic Training Advisory Committee

A. ...

B. *Composition and Qualifications.* The advisory committee shall comprise seven members, including five athletic trainers and two physicians, each of whom shall, to be eligible for and prior to appointment to the committee, be licensed as an athletic trainer or licensed as a physician by and in good standing with the board, have maintained residency and practice in the state of Louisiana for not less than one year and have not less than three years of experience in their respective fields. In addition to such general qualifications, the athletic trainer and physician members of the advisory committee shall satisfy the following qualifications.

1. *Athletic Trainer Members.* The athletic trainer members of the committee shall be appointed and apportioned as follows:

a. - b. ...

c. insofar as practical or possible, in its appointment of members to the advisory committee, the board shall maintain geographic diversity so as to provide membership on the advisory committee by licensed athletic trainers residing and practicing throughout Louisiana, with at least one member from the Alexandria, Louisiana area or north, and at least one member from south of such area.

2. - 2.b....

C. Appointment; Term of Service. Each member of the advisory committee shall be appointed by the board. Each member of the advisory committee shall serve on the committee for a term of three years, or until his or her successor is appointed, and shall be eligible for reappointment.

D. Functions and Responsibilities of the Committee. The advisory committee is responsible and authorized by the board to:

1. assist the board in examining the qualifications and credentials of applicants for athletic trainer licensure and make recommendations thereon to the board;

2. advise and assist the board, as the board may request, with respect to investigative and disciplinary proceedings affecting licensed athletic trainers;

3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations, standards, policies, and procedures respecting athletic trainer licensure and practice; and

4. establish and appoint a continuing education subcommittee, comprising no fewer than three athletic trainer members of the advisory committee, to discharge the responsibilities prescribed by §3169.

E. Committee Meetings, Officers. The advisory committee shall meet at least once each calendar year, or more frequently as may be deemed necessary by a quorum of the committee or as requested by the board. The presence of four members including at least one physician member, shall constitute a quorum of the advisory committee. The advisory committee shall elect, from among its members, a chairman, a vice-chair, and a secretary. The chairman, or in his absence or unavailability, the vice-chair, shall call, designate the date, time, and place of, and preside at all meetings of the committee. The secretary shall record, or cause to be recorded, accurate and complete written minutes of all meetings of the advisory committee and shall cause copies of the same to be provided to the board.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:937 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter B. Requirements and Qualifications for Licensure

§3105. Scope of Subchapter

A. The rules of this Subchapter govern and prescribe the requirements, qualifications, and conditions requisite to eligibility for licensure as an athletic trainer in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:522 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR

§3107. Requirements for Licensure

A. To be eligible and qualified for licensure, an applicant shall:

1. ...

2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services (USCIS) of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);

3. possess a degree in athletic training from a CAATE accredited program, or a comparable degree accepted by the BOC and approved by the board:

a. an athletic training program accredited by CAATE on the date the applicant's degree was awarded or the program or curriculum was completed shall be considered a CAATE accredited program;

b. a degree that is accepted by the BOC as a comparable degree to a CAATE accredited athletic training program, shall be concurrently considered approved by the board for purposes of this Section;

4. possess BOC certification evidencing the successful passage of the certification examination administered by the BOC or its successor;

5. - 6. ...

7. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:522 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), LR 35:1886 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3109. License by Reciprocity

A. An individual who possesses a current, unrestricted license to practice as an athletic trainer issued by the medical licensing authority of another state, the District of Columbia, or a territory of the United States, shall be eligible for licensure in this state if the applicant meets all of the qualifications for licensure specified in §3107 of this Subchapter, and satisfies the procedural and other requirements specified in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter C. Board Approval

§3111. Scope of Subchapter

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3113. Applicability of Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3115. Approval of Schools and Colleges

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3117. Approval of Physical Therapy Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3119. Approval of Athletic Trainers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3121. Approval of Athletic Organization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3123. Withdrawal of Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:523 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

§3125. List of Approved Schools, Colleges, and

Universities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3312.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), repealed by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter D. Application

§3127. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as an athletic trainer in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3129. Application Procedure

A. Application for licensure shall be made in a manner prescribed by the board.

B. Application and instructions may be obtained from the board's website.

C. An application for licensure under this Chapter shall include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications for licensure set forth in this Chapter; and

2. such other information and documentation as are referred to or specified in this Chapter, or as the board may require, to evidence qualification for licensure.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:524 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:938 (May 1998), LR 30:235 (February 2004), LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3131. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, organization, or association by whom or with whom the applicant has been employed as an athletic trainer, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capability to act as an athletic trainer with reasonable skill or safety to athletes may be compromised by physical or mental condition, disease or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports, or recommendations

pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose any information or documentation, set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to §3131, to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefor, including, without limitation, the athletic trainer licensure or licensing authority of any state, the National Athletic Trainer's Association, the Louisiana Athletic Trainer's Association, the Board of Certification, the Louisiana Department of Health and Hospitals, state, county or parish, and municipal health and law enforcement agencies and the armed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313 and 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:938 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter F. Examination

§3133. Designation of Examination

A. The examination administered and accepted by the board pursuant to R.S. 37:3306.1.A is the Board of Certification or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:524 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3147. Passing Score

A. An applicant will be deemed to have successfully passed the examination if he attains a score equivalent to that required by the BOC as a passing score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:525 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1887 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3149. Reexamination

A. An applicant having failed to attain a passing score upon taking the licensure examination may take a subsequent examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:525 (August 1986), amended by House Concurrent Resolution 69 of the 2012 Regular Legislative Session, LR 38:1460 (June 2012), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter G. License Issuance, Expiration, Renewal, Reinstatement, Temporary Permit

§3153. Issuance of License

A. If the qualifications, requirements, and procedures prescribed or incorporated by §3107 and §3129 are met to the satisfaction of the board, the board shall issue to the

applicant a license to practice athletic training in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1888 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3155. Expiration of Licenses

A. Every license issued by the board under this Chapter shall expire, and thereby become null, void, and to no effect, on the 30th day of June next following the date on which license was issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR

§3157. Renewal of License

A. Every license issued by the board under this Subchapter shall be renewed annually on or before its date of expiration by submitting to the board an application for renewal, in a format prescribed by the board, together with the applicable renewal fee prescribed in Chapter 1 of these rules.

B. A notice for renewal of license shall be sent by the board to each person holding a license issued under this Chapter on or before the first day of June of each year. Such notice shall be sent to the most recent address of each licensed athletic trainer as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:526 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:235 (February 2004), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3159. Qualifications for Renewal; Continuing Education

A. To be eligible for annual renewal, a licensed athletic trainer shall successfully complete 12 credits/hours of continuing education recognized by the BOC and shall evidence such continuing education as prescribed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3161. Reinstatement of License

A. A license which has expired without renewal may be reinstated by the board if application for reinstatement is made not more than two years from the date of expiration and subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made in a manner prescribed by the board, together with the applicable renewal fee plus a penalty equal to twice the renewal fee.

C. With respect to an application for reinstatement made more than one year from the date on which the license expired, as a condition of reinstatement the board may

require that the applicant complete a statistical affidavit in a manner prescribed by the board, and/or possess current, unrestricted certification or licensure issued by another state.

D. A license issued by the board pursuant to R.S. 37:3306.1.B is subject to reinstatement provided the application is made within the two year time limit specified in §3161.A of these rules and in accordance with all other requirements specified by this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3162. Temporary Permit

A. General. The board may, in its discretion, issue such temporary licenses as are in its judgment necessary or appropriate to its responsibilities under law. A temporary license shall be designated and known as a permit.

B. Effect of Permit. A permit entitles the holder to engage in the practice of athletic training in the state of Louisiana only for the period of time specified by such permit and creates no right or entitlement to licensure or renewal of the permit after its expiration.

C. Permit Pending Application. The board may issue a permit to practice athletic training, effective for a period of 30 days, to an applicant who has made application to the board for licensure as an athletic trainer, who provides satisfactory evidence of current BOC certification and who is not otherwise demonstrably ineligible for certification under R.S. 37:3307.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, 37:1270, 37:3301-3313 and 37:3303.A(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 28:830 (April 2002), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:1888 (September 2009), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter H. Continuing Education

§3163. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing education requisite to renewal of licensure as an athletic trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3165. Continuing Education Requirement

A. To be eligible for annual renewal an athletic trainer shall evidence, in a manner prescribed by the board, the successful completion of not less than 12 hours of BOC approved continuing education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3167. Qualifying Programs and Activities

A. ...

B. Upon application to the board pursuant to §3171 of these rules, the board may approve additional programs and activities as qualifying for continuing education and specify

the hours which shall be recognized with respect to such program or activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:510 (June 1990), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3169. Continuing Education Subcommittee

A. The continuing education subcommittee of the advisory committee ("the CE subcommittee"), constituted under authority of §3104, shall have the authority and responsibility to:

1. ...

2. review documentation of continuing education by licensed athletic trainers, verify the accuracy of such information, and evaluate and make recommendations to the board with respect to whether programs and activities evidenced by applicants for renewal of licensure comply with and satisfy the standards for such programs and activities prescribed by these rules;

3. request and obtain from applicants for renewal of licensure such additional information as the committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the CE subcommittee is responsible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:511 (June 1990), amended LR 24:938 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3171. Approval of Program Sponsors

A. Any program, course, seminar, workshop, or other activity meeting the standards prescribed by §3167.A sponsored or offered by the BOC or LATA shall presumptively be deemed approved by the board for purposes of qualifying as an approved continuing education activity.

B. Upon the recommendation of the CE subcommittee, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing education activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:511 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3173. Approval of Activities

A. A continuing education activity of any type defined by §3167 sponsored by an organization or entity not deemed approved by the board pursuant to §3171 or an activity of a type specified by §3167 may be pre-approved by the board prior to participation in such activity or application for renewal of licensure upon written request to the board therefor accompanied by a complete description of the nature, location, date, content, and purpose of such activity and such other information as the board may request to establish compliance of such activity with the standards prescribed by §3167.A.

B. ...

C. Prior approval of a continuing education activity by the board is not necessary for recognition of such activity by the board for purposes of meeting the continuing education requirements requisite to renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3175. Documentation Procedure

A. Licensed athletic trainers shall maintain a record or certificate of attendance for at least four years from the date of completion of the acceptable continuing education activity.

B. Any certification of continuing education activities not presumptively approved or preapproved in writing by the board pursuant to these rules shall be referred to the CE subcommittee for its evaluation and recommendations pursuant to §3169.A.2. If the CE subcommittee determines that an activity certified by an applicant for renewal in satisfaction of continuing education requirements does not qualify for recognition by the board or does not qualify for the number of continuing education hours claimed by the applicant, the board shall give notice of such determination to the applicant for renewal and the applicant may appeal the CE subcommittee's recommendation to the board by written request delivered to the board within 10 days of such notice. The board's decision with respect to approval and recognition of any such activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3177. Failure to Satisfy Continuing Education Requirements

A. An applicant for renewal of licensure who fails to evidence satisfaction of the continuing education requirements prescribed by the rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 60 days following the mailing of such notice, following which it shall be deemed expired, un-renewed, and subject to revocation without further notice, unless the applicant shall have, within such 60 days, furnished the board satisfactory evidence, by affidavit, that:

1. ...
2. applicant's failure to satisfy the continuing education requirements was occasioned by disability, illness, acts of God, fire, or other good cause as may be determined by the board.

B. The license of an athletic trainer which has expired by nonrenewal or been revoked for failure to satisfy the continuing education requirements of these rules may be reinstated by the board upon application to the board filed within two years of the effective date of expiration, nonrenewal, or revocation accompanied by satisfactory documentation of the completion of not less than 30 continuing education hours within the prior two years and

payment of a reinstatement fee, in addition to all other applicable fees and costs, of \$50. Any continuing education activities recognized for purposes of reinstatement shall not be recognized for purposes of any subsequent renewal of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:512 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

§3179. Waiver of Requirements

A. The board may, in its discretion and upon the recommendation of the CE subcommittee, waive all or part of the continuing education required by these rules in favor of an athletic trainer who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the athletic trainer's satisfaction of the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B) and 37:3303.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), amended LR 24:939 (May 1998), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subpart 3. Practice

Chapter 57. Athletic Trainers

Subchapter A. General Provisions

§5701. Scope of Chapter

A. The rules of this Chapter govern the employment and practice of licensed athletic trainers in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5703. General Definitions

A. The definitions set forth in Chapter 31 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5705. Special Definitions

A. The *Activities of an Athletic Trainer*—the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both. The results of these activities should be recorded.

B. *Practice of Prevention* shall include but is not limited to the following:

1. working cooperatively with supervisors and coaches in establishing and implementing a program of physical conditioning for athletes;

2. applying protective or injury-preventive devices such as taping, padding, bandaging, strapping, wrapping, or bracing;

3. working cooperatively with supervisors, coaches, and a team physician or consulting physician in the selection and fitting of protective athletic equipment for each athlete and constantly monitoring that equipment for safety; and

4. ...

C. *Emergency Management*—the care given to an injured athlete under the general supervision of the team or consulting physician. To accomplish this care, an athletic trainer may use such methods as accepted first aid procedures approved by the American Red Cross, the American Heart Association, or protocols previously established by the athletic trainer and the team or consulting physicians.

D. *Physical Rehabilitation*—the care given to athletes following injury and recovery. These treatments and rehabilitation programs may consist of pre-established methods of physical modality use and exercise as prescribed by a team physician, consulting physician, or both. Physical rehabilitation also includes working cooperatively with and under the general supervision of a physician with respect to the following:

1. reconditioning procedures;
2. operation of therapeutic devices and equipment;
3. fitting of braces, guards, and other protective devices;
4. referrals to other physicians, auxiliary health services, and institutions. Referrals will be made with the agreement of the athlete or, in the case of a minor, with agreement of a parent or guardian except when circumstances require emergency transfer and the parent or guardian is unavailable.

E. *General Supervision*—the service is furnished under a physician's overall direction and control, but the physician's presence shall not be required during the provision of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:526 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter B. Prohibitions

§5709. Unauthorized Practices

A. No person shall hold himself out to the public, any public educational institution, any athletic organization, or any individual student, amateur, or professional athlete as an "athletic trainer" or licensed athletic trainer in the state of Louisiana, nor identify or designate himself as such, nor use in connection with his name the letters, "AT," "CLAT" or "ATC," or any other words, letters, abbreviations, insignia, or signs tending to indicate or imply that the person is a licensed athletic trainer, unless he is currently licensed by the board as a licensed athletic trainer.

B. No person shall undertake to perform or actually perform, for compensation or other remuneration, the activities of an athletic trainer, as defined in this Chapter (§5705) unless he is currently licensed by the board as an athletic trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5711. Exemptions

A. The prohibitions of Subsection 5709.B of this Chapter shall not apply to:

1. an assigned athletic coach administering and supervising his normal sports activities;

2. a person who undertakes to perform or actually performs the activities of an athletic trainer in the employment of an educational institution or athletic organization domiciled in another state, while accompanying and attending athletes of an educational institution or athletic organization domiciled in another state during or in connection with an athletic contest conducted in Louisiana;

3. a person acting under and within the scope of professional licensure issued by another licensing agency of the state of Louisiana; or

4. any person enrolled in a CAATE accredited athletic training education program and who is designated by a title which clearly indicates his status as a student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5713. Prohibitions: Licensed Athletic Trainers

A. A licensed athletic trainer shall not:

1. undertake to perform or actually perform any activities, preventive measures, emergency management, physical rehabilitation of injury, or any other functions, treatments, modalities, procedures, or regimes, except under the direction and general supervision of a physician, employed or engaged as a team or consulting physician by the educational institution or athletic organization by which the licensed athletic trainer is employed or engaged;

2. prescribe, dispense, or administer any controlled substances; or

3. dispense or administer any medications for ingestion, subcutaneous, transdermal, intramuscular, or intravenous injection or topical application, except upon the prescription and direction, or pursuant to the written protocol of a physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter C. Ethical Guidelines and Standards of

Practice

§5715. Ethical Guidelines

A. A licensed athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the code of ethics of the Board of Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5717. Standards of Practice

A. A licensed athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the standards of practice announced and promulgated from time to time by the board pursuant to rules and regulations, advisory opinions, and interpretations and statements of position.

B. It shall be deemed a violation of minimum standards of practice applicable to licensed athletic trainers for a licensed athletic trainer to violate of the code of ethics of the Board of Certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

Subchapter D. Grounds for Administrative Action

§5719. Causes for Administrative Action

A. The board may refuse to issue a license to, or suspend, revoke, or impose probationary conditions and restrictions on the license of an applicant for licensure or a licensed athletic trainer for any of the causes provided by R.S. 37:3308.1 of the Louisiana Athletic Trainers Law (R.S. 37:3301-3313) if the licensee or applicant:

1. has been convicted of or entered a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered;

2. has been convicted of or entered a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of an athletic trainer;

3. commits perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice as an athletic trainer;

4. provides false testimony before the board or provides false sworn information to the board;

5. engages in habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence;

6. solicits patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading;

7. makes or submits false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value;

8. demonstrates cognitive or clinical incompetency;

9. engages in unprofessional conduct;

10. engages in continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of practice as an athletic trainer in this state;

11. knowingly performs any act which in any way assists an unlicensed person to practice as an athletic trainer, or having professional connection with or lending one's name to an illegal practitioner;

12. pays or gives anything of economic value to another person, firm, or corporation to induce the referral of injured athletes to an athletic trainer;

13. has been interdicted by due process of law;

14. is unable to practice as an athletic trainer with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol;

15. refuses to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into the applicant's or licensee's physical or mental fitness and ability to practice as an athletic trainer with reasonable skill or safety;

16. practices or otherwise engages in any conduct or functions beyond the scope of practice of an athletic trainer as defined by this Chapter or the board's rules;

17. has been subjected to the refusal of the licensing authority or another state to issue or renew a license, permit, or certificate to practice as an athletic trainer in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts, or conditions practice, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate;

18. has been subjected to denial, revocation, suspension, probation, or other disciplinary sanction from the BOC or its successor for violation of the standards of professional practice;

19. has violated any rules and regulations of the board, or any provisions of this Chapter.

B. The board may reinstate any license suspended or revoked hereunder, or restore to unrestricted status any license subjected to probationary conditions or restrictions by the board upon payment of the reinstatement fee and satisfaction of such terms and conditions as may be prescribed by the board; provided, however, that an application for reinstatement of a license revoked by the board shall not be made or considered by the board prior to the expiration of one year following the date on which the board's order of revocation became final.

C. The board may, as part of a decision, consent order, or other agreed order, require the applicant or license holder to pay all costs of the board's proceedings and a fine not to exceed \$1,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

§5723. Causes for Action; Definitions

A. As used in R.S. 37:3308.1 of the law, a person who has "secured a license by fraud or deceit" means and includes a person who:

1. makes any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for licensure under Chapter 31 of these rules; or

2. makes any representation, or fails to make a representation, or engages in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the questions for licensure required by Chapter 31 of these rules.

B. As used in §5719.A of this Chapter, the term *convicted*, as applied to a licensed athletic trainer or applicant for licensure as an athletic trainer, means that a

judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilt or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3301-3313.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 12:527 (August 1986), amended by the Department of Health, Board of Medical Examiners, LR 43:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendment to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., April 21, 2017.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Monday, April 24, 2017 at 10:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Keith C. Ferdinand, M.D.
Interim Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Athletic Trainers General, Licensure and Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the publication fee associated with the proposed rule changes, which are estimated to cost the LA State Board of Medical Examiners \$2,804, it is not anticipated that state or local governmental units will incur any other costs or savings as a result of promulgation of the proposed rule. The proposed rule change amends the Louisiana State Board of Medical Examiners athletic training rules to conform to Act 418 of the 2014 Regular Session of the Louisiana Legislature and to update the rules to conform to current practices. The proposed amendments implement the following: convert the authority to practice from a certification to a license; revise various definitions; update the educational requirements for licensure eligibility for consistency with the law; reduce to a simple majority e.g., 4 of the 7 members of its advisory committee necessary for a quorum; provide for licensure by reciprocity for those possessing the requirements prescribed for Louisiana applicants; repeal various provisions that are no longer applicable; update the designation of the examination entity from the National Athletic Trainers Association to the Board of Certification (BOC); simplify the seldom used provisions on temporary permits and remove the associated fee; streamline provisions relative to continuing education, and provide for BOC approved continuing education (CE) programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This amendment removes fees associated with the issuance of temporary permits. However, it is not anticipated that removal of this fee will have an impact on revenue collections of the board, given that in recent years, no temporary permits have been issued.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule changes the CE requirement for athletic trainers from 24 hours in a 2-year period to 12 hours per year. The aggregate license cost to trainers over a 2-year period remains the same. Therefore, the proposed rule change is not anticipated to result in costs and/or economic benefits to any person or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change does not affect competition and/or employment.

Keith C. Ferdinand, M.D.
Interim Executive Director
1703#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

**Physician Assistants, Licensure
and Certification; Practice
(LAC 46:XLV Chapters 15 and 45)**

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State