

REGULATORY UPDATE



A PUBLICATION FROM THE BOARD OF CERTIFICATION / FALL 2018

BOC EXAM REPORT: EVALUATES QUALITY AND PROVIDES TRANSPARENCY

CARE CONFERENCE 2019

Compliance and Regulatory Education: Best Practices for Athletic Training


The BOC Can Help State Regulators

Maintenance of Competence Task Force Update

SAVE THE DATE

CARE CONFERENCE 2019

Compliance and Regulatory Education: Best Practices for Athletic Training



"An excellent conference overall. I always walk away with useful and updated information I cannot get at other conferences."

"Outstanding as always."

JULY 12-13, 2019 | OMAHA, NEBRASKA

Presented by the BOC

It's year 9 and we're changing things up a bit!

The BOC Athletic Trainer Regulatory Conference's new name places the athletic training care you regulate front and center. Join us as we explore regulatory best practices and trends. Program topics will empower regulators and state leaders in developing strategic initiatives and resolutions that protect the public. Learn more at bocatc.org/conference.



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BOC EXAM REPORT: EVALUATES QUALITY AND PROVIDES TRANSPARENCY

The BOC Annual Exam

Report for the 2017-2018

exam year is available on the BOC website. The report summarizes the statistics concerning the quality of the BOC certification exam as a measurement instrument to indicate that the exam complies with psychometric requirements pertaining to certification and licensure tests.

Notably, estimates of reliability and equivalence across forms for the various parts of the exam are strong. Likewise, candidate performance on all parts of the exam is consistent with the public protection mission of the BOC.

The BOC administers the exam 5 times a year (February, April, June, August and October). The BOC exam year begins with the April exam administration and ends with the February exam administration the following year. The BOC Annual Exam Report is released each year to support our company values in providing transparency in our services.

Year	RD/PA Version	# First-time	# Pass	% Pass
2015-2016	6	4,059	3,357	82.71%
2016-2017	6	4,119	3,444	83.6%
2017-2018	6 and 7	4,012	3,240	80.8%

Process State License Applications More Efficiently

Is your office processing license applications efficiently? A verification of BOC certification can check many items off your license application checklist.



The BOC requires, collects and confirms the following for BOC certification:

- ▶ Passing of the BOC exam
- ▶ Graduation from a CAATE accredited program (Primary Source Verification: An official transcript is required with the degree and date of degree posted)
- ▶ Current Emergency Cardiac Care (ECC) certification

Kansas recently described the benefits of using the BOC's Primary Source Verification. A Kansas representative said, "Upon getting our (certification verification) reports electronically, we learned that you (BOC) also Primary Source Verify the school they have attended. This cuts out one step of our application making it that much quicker for our applicants to get through the licensing process due to not waiting on a school verification to arrive."

The BOC requires, collects and confirms the following for BOC certification renewal:

- ▶ Entry of 50 or 25 (depending on date certified) continuing education units (CEUs) including a minimum number of CEUs that qualify for the Evidence-Based Practice category
- ▶ Entry of continuous ECC certification

BOC conducts an audit after each reporting period.

Typically, there are 3 audit groups:

- ▶ Athletic Trainers (ATs) who have been disciplined and are required to participate in the audit
- ▶ ATs that report after the December 31 deadline (January 1 - last day of February)
- ▶ Randomly selected ATs

Basic verification is available electronically through the BOC website by searching the BOC's [online registry](#). ATs can also request official verification of their certification status and have their certification verification sent immediately via email directly to their state agency.

State Licensure Requirements: BOC Approved Provider Program

When setting requirements for state licensure, it is important to make sure requirements encourage Athletic Trainers (ATs) to accomplish quality continuing education (CE) programs. One way to achieve this is by encouraging ATs to complete CE programs offered by BOC Approved Providers.

BOC Approved Providers help ATs advance their knowledge, skills and abilities because CE programs and activities fall under the domains of athletic training as defined in *Practice Analysis, 7th Edition*. Organizations participating in the BOC Approved Provider Program are required to comply with the *BOC Approved Provider Maintenance Requirements*, which includes the *Standards for BOC Approved Providers*. Through the BOC Approved Provider Program, ATs are offered an extensive network of CE providers and programs.

Consider the benefit to both your state's athletic training consumers and to the athletic training profession by encouraging ATs to complete CE offered by BOC Approved Providers.



THE BOC CAN HELP STATE REGULATORS

The BOC is here to support you in protecting the public effectively and efficiently. This past year the BOC provided support to 24 states. This included:

- ▶ Providing Data:
 - ▶ Definitions by state
 - ▶ State comparison data (fees, requirements, exam, etc.)
 - ▶ Board types by state
 - ▶ Exam and education requirements by state
 - ▶ Athletic Trainer employer data
 - ▶ BOC exam reports
 - ▶ Continuing education and renewal by state
 - ▶ Sample protocols
- ▶ Assistance with sunset and occupational licensure review reports
- ▶ Letters of support and opposition in the interest of public protection
- ▶ BOC Statement: Athletic Trainers and Advanced Skills
- ▶ Review and feedback for proposed rules/regulations
- ▶ Review and feedback for bill language
- ▶ Factual documents:
 - ▶ *BOC Practice Analysis, 7th Edition*
 - ▶ [Concussion management](#)
- ▶ Participation and assistance in board meetings
- ▶ Acceptance and processing of online initial and renewal state license applications

If you need the BOC's support, please contact Shannon at ShannonF@bocatc.org.



Maintenance of Competence Task Force Update



*Front row (left to right): Anne Minton, Stacy Walker, Thomas Woods, Katherine (Kitty) Newsham, Gail Samdperil, Denise Fandel, Michael Goldenberg, Susan McGowen, Larry Cooper, Anita James, Doug Gregory.
Back row (left to right): Kent Scriber, Jim Kinderknecht, Kim Terrell, Eric Fuchs, John Parsons, Kelli Wilkins, Rusty McKune, Nathan Burns.*

The Maintenance of Competence (MOC) Task Force had their third face-to-face meeting in April. The Task Force contains representatives identified by each of the members of the Strategic Alliance. This year, the Task Force has formed 2 groups of Athletic Trainers (ATs) and other healthcare professionals who will develop 2 pilot projects.

- 1.** The first pilot will be a self-assessment module (SAM) on the topic of mental health. ATs must achieve a set score to receive credit for completion of a SAM. The SAM will be delivered in an exam format via an unsecured environment meaning that ATs do not have to go to a testing center. The online system that is currently used to deliver self-assessment exams to students and ATs will form the foundation for delivering SAMs. In addition, the Task Force is working to identify a tool that will provide access to the journal references needed to correctly answer the items.
- 2.** The second pilot will be in a new area for many AT professionals: Quality improvement (QI). QI can be done in groups. For example, an entire staff might participate in the same quality improvement project (e.g., chart review) and each member of the group will be able to receive QI project credit. The purpose of QI in healthcare is to help ATs and their team deliver excellent, safe patient care.

Understanding Sunset and Sunrise Legislation

Sunset is the automatic termination of regulatory boards and agencies unless legislative action is taken to reinstate them. In some states, the process happens through the state auditor's office or a branch of the legislative research agency conducts the reviews.

The most common outcomes of sunset reviews include:

- ▶ Administrative and structural changes
- ▶ The statutory inclusion of sunset provisions in new laws
- ▶ The periodic examination of agencies through performance audits, also known as legislative or evaluation audits

Sunrise is a process in which an occupation or profession wishing to receive state certification or licensure must propose the components of the legislation, along with cost and benefit estimates of the proposed regulation. The profession must convince legislators that consumers will be unduly harmed if the proposed legislation is not adopted. At least 14 states adopted sunrise legislation, although this became more widespread with changes in legislative review processes in many states.

The Council on Licensure, Enforcement and Regulation (CLEAR) tracks individual [sunrise and sunset reports](#) on their website. For more information about sunset and sunrise, visit the [CLEAR website](#).

Resource

Council on Licensure, Enforcement and Regulation (2018). Sunrise, Sunset and State Agency Audits. Retrieved from <https://www.clearhq.org/page-486181>.

Professional Discipline in a Sister State

A “sister state” provision allows a state to discipline a medical practitioner if that practitioner has been disciplined by another state in which the practitioner is also licensed. This provision is normally included in the Professional Practice Acts for many states.

However, in the recent decision of *LaBrot v. Illinois Department of Financial and Professional Regulation*, the Illinois Appellate Court for the Fourth District did not agree with this provision. The Court ruled that a state’s discipline that “mirrored” the sanction carried out in another state was “overly harsh” and rejected the discipline. This decision is significant because it shows medical practitioners licensed in multiple states do not necessarily have to accept an additional state discipline that “mirrors” the discipline imposed by another state.

For more information, view the [full article](#).

Resource
JDSUPRA (2018). Should A “Sister” State Necessarily Impose The Same Professional Discipline Against A Medical Practitioner That Another State Imposes? April 16, 2018. Retrieved from <https://www.jdsupra.com/legalnews/should-a-sister-state-necessarily-61965/>.

State Occupational Licensing Reform

State Occupational Licensing Reform Supported by Federal Grants

The United States Department of Labor recently awarded \$7 million in grants to help states review and streamline their occupational licensing rules. The grants will help support select states' analysis of licensing criteria and portability issues. States will also review licensing requirements to determine if they are overly broad or burdensome. Afterwards, states will be able to develop action plans to help reduce excessive licensing and consider other approaches to licensing that support the protection of public health and safety, such as professional certification.

“The Department is awarding grants – ranging from \$240,000 to \$1 million each – to nine states and two associations of state governments. In addition, the Department awarded \$1.5 million to help transitioning service members and veterans meet civilian educational requirements for employment in selected civilian licensed occupations.”

For more information, view the [full article](#).

Resource

U.S. Department of Labor (2018). U.S. Department of Labor Awards \$7 Million to States To Support Occupational Licensing Reform, June 25, 2018. Retrieved from <https://www.dol.gov/newsroom/releases/eta/eta20180625>.



State Occupational Licensing Reform News



Vermont

The United States Department of Labor awarded the Vermont Office of Professional Regulation \$450,000 to support occupational licensing reform. The grant will include:

- ▶ Top-to-bottom reforms in the licensure includes barbers, cosmetologists, estheticians and salons
- ▶ More efficient, simplified licensure for private investigators and security guards
- ▶ Review of assessment of participation in the Interstate Nurse Licensure Compact and reforms enabling funeral service professionals to earn licensure at lower cost, without having to leave the state
- ▶ Complete regulatory review of the way the state regulates real estate professionals

Resource
Vermontbiz (2018). Vermont gets \$450K from feds for professional occupational licensing reform, July 9, 2018. Retrieved from <https://vermontbiz.com/news/2018/july/09/vermont-gets-450k-feds-professional-occupational-licensing-reform>.



Kansas

The United States Department of Labor awarded the Kansas Department of Labor's Labor Market Information Services division a \$297,000 grant to support occupational licensing reform. The grant will include:

- ▶ Comparison of barriers to obtaining licensure with common valid licensing criteria, focusing on the identifying criteria that commonly impact service members and veterans and their spouses, and persons with a criminal record
- ▶ Reviewing disqualifying criteria starting with the essential functions of each job while still considering public safety

Resource
WIBW News (2018). Kansas Department of Labor Receives Grant to Support Occupational Licensing Reform, July 3, 2018. Retrieved from <https://www.wibwnewsnow.com/kansas-department-of-labor-receives-grant-to-support-occupational-licensing-reform/>.



New Mexico

The governor of New Mexico signed an executive order regarding occupational license requirements. The reforms will include:

- ▶ Ensuring occupational license requirements are not overly burdensome for individuals and businesses
- ▶ Eliminating outdated regulations
- ▶ Aligning best practices across the state's licensing bodies
- ▶ Specific provisions to aid military families stationed in the state

Resource
Los Alamos Daily Post (2018) Governor Signs Executive Order To Improve New Mexico's Occupational Licensing System, July 11, 2018. Retrieved from <https://www.ladailypost.com/content/governor-signs-executive-order-improve-new-mexicos-occupational-licensing-system>.



Pennsylvania

The governor of Pennsylvania endorsed several occupational licensing reforms. The reforms would include:

- ▶ Reducing unnecessary training that can create undue burdens and costs
- ▶ Calling on the Legislature to repeal 13 licenses, including for auctioneers, barbers and cemetery brokers

Resource
Pittsburgh Post-Gazette (2018) Reform licensing in Pennsylvania, July 2, 2018. Retrieved from <http://www.post-gazette.com/opinion/Op-Ed/2018/07/03/Reform-licensing-in-Pennsylvania/stories/201807050027>.

NATA Addresses Sexual Abuse/Assault

The National Athletic Trainers' Association (NATA) recently published a document that addresses the issue of sexual abuse/assault. *Integrity in Practice: What the Athletic Trainer Should Know About Sexual Abuse/Assault Signs, Symptoms, and the Duty to Report* breaks down what Athletic Trainers need to know about their responsibilities to provide trustworthy, patient-centered care.

"If at any time an athletic trainer (AT) suspects that an inappropriate behavior such as sexual abuse is occurring to a patient, it is the duty of the AT to report the perceived actions to the proper authorities. Failure to report any suspicion of sexual abuse to the proper authorities generally will be considered a NATA Code of Ethics violation and may also constitute a violation of state and/or federal laws, both of which have serious implications on one's athletic training certification and regulatory status."

For more information, view the [full article](#).

Resource

National Athletic Trainers' Association (2018). What the Athletic Trainer Should Know About Sexual Abuse/Assault Signs, Symptoms, and the Duty to Report. Retrieved from <https://www.nata.org/practice-patient-care/risk-liability/integrity-in-practice>.

NATA Member Statement: Collegiate Medical Models

The National Athletic Trainers Association (NATA) published a [statement](#) directing Athletic Trainers (ATs) to collegiate medical care models recommended by the National Collegiate Athletic Association (NCAA) and NATA.¹ The announcement came in response to recent conversations about care models at institutions following the death of Jordan McNair, a 19-year old football player at the University of Maryland.

This gold standard of care medical model "includes an administrative structure that empowers all medical and health care professionals, including athletic trainers, to make decisions related to the health and safety of athletes without influence from the athletic department, including coaches and other personnel."¹ The NCAA provides full details of the collegiate medical model at the NCAA website.²

Resources

1. National Athletic Trainers' Association (2018). Collegiate Medical Models: NATA Member Statement, August 17, 2018. Retrieved from <https://www.nata.org/blog/jordan-grantham/media-conversation-related-collegiate-medical-models>.
2. National Collegiate Athletic Association (2018). Athletics Health Care Administration Best Practices. Retrieved from <http://www.ncaa.org/sport-science-institute/athletics-health-care-administration-best-practices-0>.

LEGISLATION NEWS

The BOC tracks state and federal regulatory action affecting the athletic training profession. Visit the [BOC website](#) to view the full list of legislative bills that affect Athletic Trainers (ATs).

Arizona	Deregulation bill (HB2403) - DEAD Athletic trainers; regulation; repeal
California	Licensure bill (AB3110) - PASSED HOUSE; SENATE PLACED IT IN SUSPENSE Enacts the Athletic Training Practice Act, which would provide for the licensure and regulation of athletic trainers.
District of Columbia	Updates licensure bill (B22-0688) Expands scope of injuries treated and methods of treatment.
Hawaii	Sunset repeal bill (HB2062/SB2053) - PASSED Makes permanent the regulation of athletic trainers.
Illinois	Deregulation bill (HB5213/SB3397) Repeals the Illinois Athletic Trainers Practice Act.
Massachusetts	Update bill (H1142/S1263) - ACCOMPANIED A STUDY ORDER Updates the definition of "Athletic Trainer" and "Athletic Training."
Minnesota	Update to licensure bill (HF822/SF614) - PASSED Updates the Minnesota Athletic Trainers Act.
New Jersey	Revises Athletic Training Licensure Act (S2721) Amends the definition of "athletic training."
New York	Update bill (A02783/S01356) Updates the licensure of athletic trainers; provides certain exemptions and requires continuing education.
South Carolina	Athletic Trainers' Act (H4978) - DEAD Revises the name of the required examination.

Additional AT related bills can be found on the Bill Widget. Monitor legislative bills that affect ATs with the Bill Widget under State Regulators on the [BOC website](#). Click on Legislation to see current bills.

WE'VE GOT YOUR KID'S BACK

As a parent you know that sports are great for your kids. Physical activity, teamwork and fun can combine to make for a healthy, happy child.

An active life comes with risks. Injuries happen – pulled muscles, broken bones, even head trauma. Heat can take its toll while youth get used to warming temperatures or play under a blazing sun.

Licensed Athletic Trainers (ATs) can make the difference between safe play and dangerous injuries for your young athletes. Who's got your kid's back?

ATs AT WORK WHILE YOUR KIDS ARE AT PLAY.

ATs are health care professionals who work to prevent, diagnose and treat injuries. ATs are also uniquely qualified to respond to other emergency, acute and chronic medical conditions – including cardiac abnormalities and heat stroke. This message is brought to you in partnership by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the Board of Certification for the Athletic Trainer.

The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board honors individuals who demonstrate a commitment to excellence in athletic training.

The BOC develops and administers the Athletic Trainer exam. Individuals applying for an Athletic Trainer license must provide proof of successfully completing the BOC Athletic Trainer exam. Learn more at [BOCATC.ORG](#).

“As a Board with a small staff, nice graphics and images are not easy to develop. We appreciated this resource from BOC as it made our social media outreach to introduce our latest license renewal cycle much more engaging for our license holders.”

- Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Promoting Awareness

The advertisement above highlights the role of the Athletic Trainers (AT) in keeping young athletes safe. These ads are available to state regulators for promoting awareness about licensed ATs and your state agency's information. Visit the [BOC website](#) to select an advertisement and email Shannon Fleming at ShannonF@bocac.org with the following information:

- ▶ Option number(s) of the ad(s) you would like us to modify
- ▶ Your agency's logo (acceptable file formats: psd, eps, png or jpeg on a white or transparent background; minimum size: 500x200 pixel or 400x200 pixels)
- ▶ The exact name of your agency as you would like it to appear in the ad

We will provide the advertising artwork file, in PDF format, to you within 3 business days.



In-Depth Look:

An Athletic Trainer who is the Athletic Training Supervisor and Assistant Athletic Director for a Secondary School in Hawai'i

Describe your setting:

I practice alongside 2 other full time Athletic Trainers (ATs) and oversee our athletic training program. Our coverage priority goes to our high school athletic programs, but we also work with our middle and elementary school sports.

How long have you been practicing as an AT?

I have been a BOC Certified Athletic Trainer since 1997 and was fortunate to find a position at a high school that same year.

Describe your typical day:

My responsibilities are similar each day. As with most high schools, we review the daily and weekly schedule, set-up and prepare for practices and evaluate and treat

athletes as needed. We usually have the time to visit practices and games at various venues on campus.

One thing that stands out for me at Kamehameha Schools is the constant communication between the athletic training department and various other departments. We communicate with high school administration, security, athletic utilities personnel and custodial/grounds crew. It is the responsibility of the entire school community to

Zeny Galo Eakins, ATC, CAA is the Athletic Training Supervisor and Assistant Athletic Director at Kamehameha Schools in Hawai'i.



make sure all students are safe as well as to make sure all facilities are safe and in working order.

What do you like about your position?

I absolutely love that every day, week and year is different. Since I work at a school, the student body also changes every year. New challenges always keep me on my toes and keep everyone from getting complacent.

What advice do you have about your practice setting for a young AT looking at this kind of work?

I would advise young ATs to learn how to work with different types of personalities and temperaments. That sort of adaptability is always a work in progress but will really help when practicing in the athletic training profession. In addition, learn how to show empathy to

young students and know there is always a time to be firm. Don't be afraid to educate those new to athletic training, like parents of younger students and those who have a harder time adjusting to change. Learn the art of compromise but always stand secure and do what is ethically right. Never stop learning how to work with people and help to highlight their strengths.



News in Brief

NSATA Hall of Fame Honorees

BOC Board President Rusty McKune, MS, ATC and BOC Executive Director Denise Fandel, MBA, CAE were among several Hall of Fame honorees at the Nebraska State Athletic Trainers' Association 2018 summer conference.



Front Row: (left to right) Dr. Michael Walsh, Greg Limbach, Dr. Kirk Hutton. Second Row: (left to right) Scott Martens, Kathy English, Denise Fandel, Dave Schultz. Back Row: (left to right) Rob Marshall, Rusty McKune, Todd Goshorn, Michael McCuiston.

Coalition's Efforts Protect the Term "Certified"

The BOC joined the Louisiana Occupational Licensing Bill Coalition to protect an Athletic Trainer's ability to identify as a "certified" Athletic Trainer (AT) in Louisiana. Due to the coalition's efforts, bills HB 748 and HB 372 were amended to eliminate the potentially damaging language around the use of the term "certified" for non-licensure individuals and professions.

Although ATs are licensed in Louisiana, the BOC believed it was critical to advocate for the importance of professional certification. The coalition was successful as both bills were passed as amended and signed by the governor on May 30, 2018.

Mayor Recognized March as National Athletic Training Month

Omaha Mayor Jean Stothert recognized March as National Athletic Training Month with a signed proclamation on Wednesday, March 14, 2018. The proclamation was delivered to the Board of Certification for the Athletic Trainer headquarters located at 1415 Harney Street, Suite 200, Omaha, Nebraska 68102.



The BOC Board of Directors are picture with the proclamation.

Front Row: (left to right) Neil Curtis, Douglas Gregory, Rusty McKune, David A. Montgomery and René Revis Shingles. Back Row: (left to right) Erin Cramer, Diana Settles, Patrick Sexton, Michael Carrol, Kimberly Detwiler and Ed Christman.

Regulatory Network

News affecting Athletic Trainer regulation happens every day. Are you up to speed on changes at the state and federal level? The BOC State Regulatory Network collects news and provides a space for discussion among peers in the regulatory community. Don't miss it. [Sign up or log in today!](#)

Recap: NATA Clinical Symposia & AT Expo in New Orleans

On June 27-29, the BOC exhibited at the 69th National Athletic Trainers' Association (NATA) Clinical Symposia & AT Expo in New Orleans. The BOC staff were there to connect with convention attendees at the BOC booth and answer questions. Prizes were awarded to booth attendees through a booth drawing and a social media selfie contest.

On June 27, the BOC Board of Directors and staff hosted a reception to honor BOC volunteers and to present the Dan Libera Service Awards and the Paul Grace Leadership Award. Congratulations to Cindy Clivio, Jerry Diehl and Matt Rothbard who were the 2018 Dan Libera Award honorees. We'd also like to congratulate Kim Terrell who was the 2018 Paul Grace Leadership Award honoree, and Andee Monterone from California State University located in Fullerton, California who was the Lindsay McLean scholarship recipient.

Thank you to all who stopped by the BOC booth!



Pictured from left to right: Matt Rothbard, Kim Terrell and Cindy Clivio.

Disciplinary Action Exchange

The [Disciplinary Action Exchange](#) was developed to help the BOC, states and consumers locate disciplinary actions in an efficient manner. The BOC posts all disciplinary actions that have been deemed public.

We strongly encourage you to participate in the exchange. You can submit disciplinary actions via the online submission form, under the Links section of the AT Regulatory Connect home page.

What is the BOC's legal name?

The BOC was incorporated in 1989 under the name "National Athletic Trainers' Association Board of Certification, Inc." and this remains the legal name. To reference the BOC in laws, rules and regulations, please use the name below.

National Athletic Trainers' Association Board of Certification, Inc. (to be referred as Board of Certification, Inc. or BOC). If you have questions, contact the BOC at ShannonF@bocatc.org.



Meet the BOC Staff

Shannon Fleming, MA, ATC

Director of Credentialing and Regulatory Affairs



What do you enjoy most about your job?

I like helping others with the power of information. I especially enjoy working with our volunteers, who are such wonderful, hardworking champions for Athletic Trainers and patients of athletic training services.

What do you do for fun?

I have both a son and a daughter. I love watching my kids play sports or dance or whatever makes them smile. I also like to spend time at the lake with family and friends.

Favorite sports team?

Go Nebraska Huskers!

Who's your hero, and why?

Bob and Sally (my parental units) are my heroes. My dad's work ethic and creativity are untouchable, and he is the best grandpa ... just ask my kids! My mom is the glue that keeps our family connected, and she loves her grand-babies!

What was your favorite vacation?

My favorite vacation was Colorado 2017. My whole family stayed at a house in Tabernash, Colorado for a week. We went white-water rafting on the Colorado River, rented ATVs in Rocky Mountain National Park, kids went swimming in Grand Lake and of course the amusement park in Estes Park ... everyone had a blast!

