

**Arizona Board of Athletic Training  
Five-Year-Review Report  
Title 4, Chapter 49, Articles 1 through 4**

Introduction

The Board adopted rules, as authorized by statute, to provide policies and procedures for issuance and renewal of licenses, for receiving, investigating, and resolving complaints, and for responding to inquiries from consumers as to the license status of individual athletic trainers. These rules were adopted in 2001 and include R4-49-101 through R2-49-405, inclusive.

The Board conducted a five-year review of these rules that was approved by GRRC Council on October 4, 2011. The five-year review approved by Council during that time concluded that six rules must be amended and two new rule sections must be added to reflect changes required for laws (HB 2142 and SB 1326) passed in 2010. Additionally, the five-year review approved by GRRC Council in 2011 identified several rules that were to be amended as a result of the 2006 five-year review, but were not amended due to a rulemaking moratorium.

The rules affected are R4-49-101, R4-49-102, R4-49-103, R4-49-201, R4-49-202, R4-49-203, R4-49-204, R4-49-205, R4-49-302, R4-49-401, R4-49-403, and R4-49-404. The additional rules required were R4-49-207 Temporary License and R4-40-208 Continuing Education.

The Board was granted an exemption to the rulemaking moratorium in October 2011 to allow changes to and additions of the rules noted above. The Notice of Final Rulemaking was published March 1, 2013.

1. Authorization of rules by existing statutes:

A.R.S. §32-4103 (A)(7) – Provides general authority for the rules  
A.R.S. §32-4103(B) – Provides specific authority for the rules  
A.R.S. §32-4103(C) – Provides specific authority for the rules  
A.R.S. §32-4103(D)(1) – Provides specific authority for the rules  
A.R.S. §32-4126 – Provides specific authority to charge fees  
A.R.S. §32-4127(D) – Provides specific authority for the rules

2. Objective of the rules:

The objective of the rules is to establish the Board's policies and procedures for regulating the Athletic Training (AT) community as authorized by statute. Specifically, the rules do the following: prescribe procedures for issuance and renewal of licenses; prescribe procedures for receiving, investigating, and resolving complaints; and for responding to inquiries from consumers as to the license status of individual athletic trainers.

**ARTICLE 1. GENERAL PROVISIONS**

**R4-49-101 Definitions**

R4-49-101 informs the protected and the regulated public of the definitions used throughout the rules.

**R4-49-102 Fees**

R4-49-102 establishes fees for AT licenses and the form of acceptable payment.

**R4-49-103 Board Operations**

R4-49-103 informs the protected and the regulated public of the Board's administrative processes.

**R4-49-104 Service by the Board**

R4-49-104 informs the protected and the regulated public of the Board's process for service of official Board decisions, orders, subpoenas and notices.

**ARTICLE 2. LICENSURE****R4-49-201 Qualifications for Licensure**

R4-49-201 informs the protected and the regulated public of the necessary information in applying for a license.

**R4-49-202 Original License Application**

R4-49-202 informs the protected and the regulated public of what information must be supplied to the Board when applying for an initial license.

**R4-49-203 Renewal of License**

R4-49-302 informs the protected and the regulated public of what information must be supplied to the Board when applying for a renewal license.

**R4-49-204 Expired License: Reinstatement**

R4-49-204 informs the protected and the regulated public when a license has expired and explains the process for reinstatement.

**R4-49-205 License Application Review**

R4-49-205 informs the protected and the regulated public of the steps involved and time frames required to process a license.

**R4-49-206 License Display**

R4-49-206 informs the protected and the regulated public of the requirements for display of license in a conspicuous place.

**R4-49-207 Temporary Licenses**

R4-49-207 informs the protected and the regulated public of the requirements for obtaining a temporary license.

**R4-49-208 Continuing Education**

R4-49-208 informs the protected and the continuing education requirements for license renewal.

**ARTICLE 3. HEARINGS****R4-49-301 Hearing Procedures**

R4-49-301 informs the protected and the regulated public of the authorities by which the Board will conduct hearings.

**R4-49-302 Rehearing or Review of Decision**

R4-49-302 informs the protected and the regulated public of the process of requesting a rehearing of a Board decision.

#### **ARTICLE 4. ATHLETIC TRAINING PRACTICE**

##### **R4-49-401 Scope of Practice**

R4-49-401 informs the protected and the regulated public that the Board has adopted the National Athletic Trainers' Association competencies contained in the Athletic Training Educational Competencies (5th Edition), published in 2011, as the Scope of Practice for athletic trainers licensed in Arizona and where to obtain the publication.

##### **R4-49-402 Direct Supervision of Athletic Training Students**

R4-49-402 informs the protected and the regulated public of the number of athletic training students a licensed athletic trainer may supervise and that the licensed athletic trainer is responsible for any treatment provided by a student.

##### **R4-49-403 Standards of Practice**

R4-49-403 informs the protected and the regulated public that the Board has adopted the Board of Certification Standards of Professional Practice, dated January 1, 2006, as the standards of practice for athletic trainers licensed in Arizona and where to obtain the publication.

##### **R4-49-404 Code of Ethics**

R4-49-404 informs the protected and the regulated public that the Board has adopted the NATA Code of Ethics, dated September 28, 2005, for athletic trainers licensed in Arizona and where to obtain the publication.

##### **R4-49-405 Direction of a Licensed Physician**

R4-49-405 informs the protected and the regulated public of who is defined as a licensed physician and that a licensee must have treatment guidelines approved by a licensed physician.

3. Analysis of effectiveness of the rules in achieving the objective:

The rules in Article 1, General Provisions, effectively achieve their objectives. The rules in Article 2, Licensure, effectively achieve their objectives. The rules in Article 3, Hearings, effectively achieve their objectives. The rules in Article 4, Athletic Training Practice, effectively achieve their objectives.

4. Analysis of consistency with state and federal statutes and rules:

The rules in Articles 1 through 4 are consistent with the Arizona Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. To the extent necessary, the Arizona Board of Athletic Training's rules are consistent with those of the Office of the Secretary of State. There are no federal statutes or regulations with which the Arizona Board of Athletic Training rules must be consistent.

The rules in Articles 1 through 4 are consistent with Arizona Revised Statutes Title 32- Professions and Occupations, A.R.S Title 32, Chapter 41 Articles 1-3.

5. Status of enforcement of the rules:

The Arizona Board of Athletic Training enforces all the following rules as they are written: R4-49-101, R4-49-102, R4-49-103, R4-49-104, R4-49-201, R4-49-202, R4-49-203, R4-49-204, R4-49-205, R4-49-206, R4-49-207, R4-49-208, R4-49-301, R4-49-302, R4-49-401, R4-49-402, R4-49-403, R4-49-404, and R4-493-405.

6. Analysis of clarity, conciseness, and understandability of the rules:

The Board considers the language of the rules to be clear, concise, and understandable.

7. Written criticisms of the rules received within the last five years:

The Board has not received written criticisms regarding any of the rules within the last five years.

8. Comparison of economic, small business, and consumer impact with economic impact statement:

The Board's current EIS was adopted in 2012, as part of the process of amending and adding rules identified in the 2011 Five-Year Review. The economic impact of the rules has not differed from that projected in 2012.

The Board will be amending its rules to include the updated publication date of the Board of Certification Standards of Professional Practice. The proposed rule amendments are necessary to bring the rules in alignment with the Board of Certification's more detailed Standards of Professional Practice which are scheduled to become effective September 1, 2016. The amended rule affects the Board, a licensee, business that employs athletic trainers, provider of continuing education, and consumers of a licensee's services.

The Board should experience moderate costs to write and implement the rules, write the related economic, small business, and consumer impact statement, and mail the new rules to interested persons.

In 2011, when the Board's last five-year review was conducted, the Board licensed 582 athletic trainers. Currently, 649 athletic trainers are licensed by the Board or an 11.5% increase from 2011 to 2016. Additionally, the Board's budget for fiscal year 2011 was \$116,100 compared to the Board's current budget of \$118,900 or a 2.4% increase over 2011.

9. Any analysis submitted to the agency by another person that compares the rule's impact on this state's business competitiveness to the impact on businesses in other states:

None.

10. If applicable, that the agency completed the course of action indicated in the agency's previous five-year review:

It was noted in the 2011 five-year review that the Board would amend six rules and add two new rule sections to reflect changes required for laws (HB 2142 and SB 1326) passed in 2010. Additionally, the five-year review approved by GRRC Council in 2011 identified several rules that were to be amended as a result of the 2006 five-year rule review, but were not amended due to a rulemaking moratorium. The Board was granted an exemption to the rulemaking moratorium in October 2011 to allow changes and additions to the rules identified in the 2006 and 2013 five-year rule reviews. The Notice of Final Rulemaking was published March 1, 2013.

11. A determination that the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

The Board believes that the rules impose the least burden and costs to the community regulated by the rules. The Board has made every effort to ensure the policies, procedures, paperwork and compliance costs effectively work for the regulated community, but that they are also efficient, cost effective and necessary to achieving the regulatory objectives for the Board.

12. A determination after analysis that the rule is not more stringent than a corresponding federal law unless there is statutory authority to exceed the requirements of that federal law:

The Board believes that the rules in Articles 1 through 4 are not more stringent than corresponding federal law.

13. For a rule adopted after July 29, 2010, that requires issuance of a regulatory permit, license or agency authorization, whether the rule complies with A.R.S. § 41-1037

The Board believes that the rules in Articles 1 through 4 that were amended after July 29, 2010, are in compliance with A.R.S. § 41-1037.

13. Course of Action:

- a. The Board plans to amend one of its rules to update the publication date of the Board of Certification Standards of Professional Practice. These changes to the Standards include, but are not limited to, the addition of the following items:
- 1.6 Does not engage in intimate or sexual activity with a patient and/or the parent/guardian of a minor patient
  - 1.7 Informs the patient and or parent/guardian of a minor patient of any risks involved in the treatment plan
  - 1.7.1 Does not make unsupported claims about the safety or efficacy of treatment
  - 3.4 Provides athletic training services only when there is a reasonable expectation that an individual will benefit from such services
  - 3.5.1 Provides only those services for which they are prepared and permitted to perform by applicable local, state and/or federal rules, requirements, regulations and/or laws related to the practice of athletic training
  - 3.6 Does not guarantee the results of any athletic training service

Specifically, the Board plans to amend the following rule:

**R4-49-403 Standards of Practice** – A licensee shall comply with the standards of professional practice contained in Board of Certification Standards of Professional Practice,

dated January 1, 2006 and published by the Board of Certification, Inc., 1415 Harney Street, Suite 200, Omaha, Nebraska 68102, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office. The material incorporated contains no future amendments or editions.

- b. The Board plans to amend one of its rules to update the publication date of the NATA Code of Ethics, define that NATA is the National Athletic Trainers' Association, and change the address for the NATA. The changes to the Code of Ethics include, but are not limited to the following:
- Item 1.3 adds verbiage which prohibits the NATA member from releasing confidential information using social media.
  - Items 2.1 and 3.4 add a requirement for the NATA member to comply with state practice acts
  - Item 2.4 requires the NATA member to cooperate in ethics investigations by the NATA, state professional licensing/regulatory boards, etc.

Specifically, the Board plans to amend the following rule:

**R4-49-404. Code of Ethics** – A licensee shall work within the code of ethics for athletic trainers as stated in A.R.S. § 32-4153(10) and the NATA Code of Ethics, dated September 28, 2005 and published by the National Athletic Trainers' Association, 2952 Stemmons Freeway #200, Dallas, TX 75247, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office. The material incorporated contains no future amendments or editions.

- c. The Board plans to add an item to a rule which would require an applicant applying for reinstatement to provide a statement from his/her employer as to whether the applicant has practiced or will practice on an expired license.

Specifically, the Board plans to add item B.5. to R4-49-204 – Expired License: Reinstatement

R4-49-204. Expired License: Reinstatement

A. A license expires if it is not renewed on or before the renewal date.

B. An expired license may be reinstated within three years of expiration of the license if:

1. The former licensee has: a. Current certification from the BOC as an athletic trainer, or b. Proof of continuing education to meet the requirements for the time not licensed;
2. A renewal application is submitted under R4-49-203;
3. The license reinstatement fee and renewal fee are paid under R4-49-102; and
4. The former licensee attests, in writing, that the licensee has not practiced athletic training in Arizona during the time the license was expired.
- 5. The former licensee's employer attests, in writing, on letterhead, that the licensee has not practiced athletic training in Arizona during the time the license was expired.**

The Board will continue to work with the public to ensure that these rules not only meet the objectives of the Department, but also consider the needs of licensees who require licenses to carry out the practice of athletic training. The Board will continue to review these rules while closely monitoring both state and federal legislation. Subject to the rulemaking moratorium, the Board plans to amend the rules by June 2017.