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**IDAPA 22
TITLE 01
CHAPTER 10**

22.01.10 - RULES FOR THE LICENSURE OF ATHLETIC TRAINERS TO PRACTICE IN IDAHO

000. LEGAL AUTHORITY.

Pursuant to Idaho Code, Section 54-3914(2) the Idaho State Board of Medicine is authorized to promulgate rules to govern the practice of athletic trainers. (3-16-93)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 22.01.10, "Rules for the Licensure of Athletic Trainers to Practice in Idaho." (3-16-04)

02. Scope. Pursuant to this chapter and Idaho Code, Section 54-3904, athletic trainers must be licensed with the Board prior to commencement of activities related to athletic training. (3-16-04)

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rule-making that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Board of Medicine, 1755 Westgate Drive, Suite 140, Box 83720 Boise, Idaho 83720-0058. (3-16-04)

003. ADMINISTRATIVE APPEAL.

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General" and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine." (3-16-04)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this rule. (3-16-04)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The central office of the Board of Medicine will be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, Box 83720 Boise, Idaho 83720-0058. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 327-7005. The Board's office hours for filing documents are 8 a.m. to 5 p.m. (3-16-04)

006. PUBLIC RECORD ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (3-16-04)

007. FILING OF DOCUMENTS -- NUMBER OF COPIES.

All documents in rule-making or contested case proceedings must be filed with the office of the Board. The original and ten (10) copies of all documents must be filed with the office of the Board. (3-16-04)

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. Actively Engaged. A person who is employed in Idaho on a remuneration basis by an educational or health care institution, professional, amateur, or recreational sports club, or other bona fide athletic organization and is involved in athletic training as a responsibility of his employment. (3-16-04)

02. Association. The Idaho Athletic Trainers' Association. (9-16-89)

03. Athlete. A person who participates in exercises, sports, or games requiring physical strength,

agility, flexibility, range of motion, speed or stamina and which exercises, sports or games are of the type generally conducted in association with an educational institution or professional, amateur or recreational sports club or organization. (3-16-04)

04. Athletic Injury. A physical injury, harm, hurt or common condition (such as heat disorders), incurred by an athlete, preventing or limiting participation in athletic activity, sports or recreation, which athletic trainers are educated to evaluate and treat or refer to the directing physician. (3-16-04)

05. Athletic Trainer. A person who has met the qualifications for licensure as set forth in this chapter and Section 54-3906, Idaho Code, and is licensed under this chapter and Section 54-3909, Idaho Code. The athletic trainer's practice of athletic training shall be under the direction of a designated Idaho licensed physician registered with the Board or a designated Idaho licensed chiropractic physician. (3-16-04)

06. Athletic Training. The application by a licensed athletic trainer of the principles and methods of prevention of athletic injuries; recognition, evaluation and assessment of athletic injuries and conditions; immediate care of athletic injuries including common emergency medical situations; rehabilitation and reconditioning of athletic injuries; athletic training services administration and organization; and education of athletes under the direction of and in accordance with the scope of practice of his directing physician. (3-16-04)

07. Athletic Training Service Plan or Protocol. A written document, made upon a form provided by the Board, mutually agreed upon, signed and dated by the athletic trainer and directing physician that defines the athletic training services to be provided by the athletic trainer. The Board may review athletic training service plans or protocols, job descriptions, policy statements, or other documents that define the responsibilities of the athletic trainer in the practice setting, and may require such changes as needed to achieve compliance with this chapter and Title 54, Chapter 39, Idaho Code, and to safeguard the public. The Board of Chiropractic Physicians may review those athletic training service plans or protocols or other documents that define the responsibilities of the athletic trainer for those athletic trainers whose directing physicians are chiropractic physicians. (3-16-04)

08. Board. The Idaho State Board of Medicine, established pursuant to Section 54-1805, Idaho Code. (3-16-04)

09. Board of Athletic Trainers. The Idaho Board of Athletic Trainers, established pursuant to this chapter and Section 54-3912, Idaho Code. (3-16-04)

10. Board of Chiropractic Physicians. The Idaho State Board of Chiropractic Physicians, established pursuant to Section 54-706, Idaho Code. (3-16-04)

11. Directing Physician. A designated person duly licensed to practice medicine and surgery or osteopathic medicine and surgery in Idaho, and registered with the Board or a designated Idaho licensed chiropractic physician, who is responsible for the athletic training services provided by the athletic trainer and oversees the practice of athletic training of the athletic trainer. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the Board. (3-16-04)

011. BOARD OF ATHLETIC TRAINERS.

01. Board Appointments. The Board of Athletic Trainers of the Idaho State Board of Medicine shall consist of four (4) members, three (3) of whom shall be athletic trainers licensed in Idaho and actively engaged in the practice of athletic training, and one (1) of whom shall be a lay person. The Board shall appoint the members of the Board of Athletic Trainers. The Board shall give consideration to recommendations made by the Idaho Athletic Trainers' Association. If recommendations are not made within sixty (60) days of notification and request, the Board may make appointments of any qualified individual. In the event of a vacancy in one (1) of the positions, the Association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The Board shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If the Association does not provide a recommendation within sixty (60) days of notification and request, the Board shall appoint a person to the unexpired term. The Board may remove any Board of Athletic Trainers member for misconduct, incompetency, or neglect of duty after giving the member a written statement of the charges and an opportunity to be heard thereon. Each member will serve a term of four (4) years and terms shall be staggered. A

chairperson shall be elected from its membership. The Executive Director of the Idaho State Board of Medicine shall serve as the Executive Director to the Board of Athletic Trainers. The Board of Chiropractic Physicians may designate a contact person for the Board of Athletic Trainers regarding matters relevant to those athletic trainers whose directing physicians are chiropractic physicians. (3-16-04)

02. Board Affiliation. The Board of Athletic Trainers will work in conjunction with the Idaho State Board of Medicine and will perform the duties and functions promulgated by the Board, including: (9-16-89)

a. Evaluating the qualifications of applicants for licensure, and issuing and renewing licenses. (3-16-04)

b. Performing investigations of misconduct and making recommendations regarding discipline. (9-16-89)

c. Maintaining a list of currently licensed athletic trainers in this state. (3-16-04)

d. Final Decisions. The Board of Athletic Trainers shall have no authority to impose limitations or conditions on licenses issued under this chapter and shall be authorized only to make recommendations to the Board. The Board shall make all final decisions with respect thereto. (3-16-04)

e. On-Site Review. The Board, by and through its designated agents, is authorized to conduct on-site reviews of the activities of the athletic trainer at the locations and facilities in which the athletic trainer practices at such times as the Board deems necessary. (3-16-04)

012. SCOPE OF PRACTICE.

01. Exclusion of Independent Practice. The scope of practice excludes any independent practice of athletic training by an athletic trainer. The scope of practice of an athletic trainer shall conform to his established athletic training service plan or protocol and shall be overseen by his directing physician, who is responsible for the athletic training services provided by the athletic trainer. (3-16-04)

02. Referral by Directing Physician. An athletic injury not incurred in association with an educational institution, professional, amateur, or recreational sports club or organization shall be referred by a directing physician, but only after such directing physician has first evaluated the athlete. An athletic trainer treating or evaluating an athlete with an athletic injury incurred in association with an amateur or recreational sports club or organization shall especially consider the need for a directing physician to subsequently evaluate the athlete and refer for further athletic training services. (3-16-04)

03. Limitations of Scope of Practice. The scope of practice of the athletic trainer, as set forth in this chapter and Section 54-3903, Idaho Code, shall be limited to and consistent with the scope of practice of his directing physician. (3-16-04)

04. Identification. The athletic trainer must at all times when on duty identify himself as an athletic trainer. (3-16-04)

013. ATHLETIC TRAINING SERVICE PLAN OR PROTOCOL.

Each licensed athletic trainer providing athletic training services shall create, upon a form provided by the Board, an athletic training service plan or protocol with his directing physician. This athletic training service plan or protocol shall be reviewed and updated on an annual basis. Each licensed athletic trainer must notify the Board within thirty (30) days of any change in the status of his directing physician. This plan or protocol shall not be sent to the Board, but must be maintained on file at each location in which the athletic trainer is practicing. The Board may review athletic training service plans or protocols, job descriptions, policy statements, or other documents that define the responsibilities of the athletic trainer in the practice setting, and may require such changes as needed to achieve compliance with this chapter, Title 54, Chapter 39, Idaho Code, and to safeguard the public. This plan or protocol shall be made immediately available to the Board upon request. This plan or protocol shall be made immediately available to the Board of Chiropractic Physicians upon request for those athletic trainers whose directing physicians are chiropractic physicians. This plan or protocol shall include: (3-16-04)

01. Listing of Services and Activities. A listing of the athletic training services to be provided and specific activities to be performed by the athletic trainer. (3-16-04)

02. Locations and Facilities. The specific locations and facilities in which the athletic trainer will function; and (3-16-04)

03. Methods to be Used. The methods to be used to ensure responsible direction and control of the activities of the athletic trainer, which shall provide for the: (3-16-04)

a. Recording of an on-site visit by the directing physician at least biannually or every semester; (3-16-04)

b. Availability of the directing physician to the athletic trainer in person or by telephone and procedures for providing direction for the athletic trainer in emergency situations; and (3-16-04)

c. Procedures for addressing situations outside the scope of practice of the athletic trainer. (3-16-04)

014. DUTIES AND RESPONSIBILITIES OF DIRECTING PHYSICIANS.

01. Services and Supervision. The directing physician shall be responsible for the acts and athletic training services of the athletic trainer and for the supervision of the provision of athletic training. (3-16-04)

02. Availability. The directing physician must be available either in person or by telephone to supervise, direct, and counsel the athletic trainer. (3-16-04)

03. Verbal or Written Order. Prior to providing athletic training services, this direction will be provided by verbal order when the directing physician is present and by written order or by athletic training service plans or protocols, as established by Board rule, when the directing physician is not present. This direction shall include identifying acute athletic injuries or emergencies or sentinel events requiring the athletic trainer to immediately notify or refer to the directing physician. (3-16-04)

04. Referral From a Physician Licensed in Another State. Upon referral from a physician licensed in another state and in good standing, the practice of athletic training, physical rehabilitation, and reconditioning shall be carried out under the written orders of the referring physician and in collaboration with the directing physician. (3-16-04)

05. Disclosure Requirement. Each directing physician shall ensure that each person who receives the services of an athletic trainer is aware of the fact that said person is an athletic trainer. This disclosure requirement can be fulfilled by the use of nametags, correspondence, oral statements, office signs or such other procedures that under the involved circumstances adequately advise the person of the education and training of the person rendering athletic training services; (3-16-04)

06. Directing Physician. Each directing physician shall record: (3-16-04)

a. An on-site visit at least biannually or every semester to personally observe the quality of athletic training services provided; and (3-16-04)

b. A review of a representative sample of the records including, but not limited to, records made from the past six (6) months of the review to evaluate the athletic training services that were provided. (3-16-04)

07. Complaints. The directing physician shall report to the Board of Medicine all complaints received related to allegations against the athletic trainer including, but not limited to, the quality and nature of athletic training services provided. (3-16-04)

015. REGISTRATION OF DIRECTING PHYSICIANS LICENSED TO PRACTICE MEDICINE AND SURGERY BY THE BOARD OF MEDICINE.

01. Registration and Renewal. Each directing physician and alternate directing physician, licensed to practice medicine and surgery by the Board, must register with the Board and such registration shall be renewed annually. (3-16-04)

02. Completion of Registration Form. A physician applicant must complete a form provided by the Board documenting: (3-16-04)

a. The physician applicant has completed an athletic training service plan or protocol signed by the athletic trainer, directing physician, and alternate directing physicians; and (3-16-04)

b. The athletic training service plan or protocol is on file at the Idaho practice sites. (3-16-04)

03. Notification. Each directing physician and alternate directing physician must notify the Board within thirty (30) days of any change in the status of any athletic trainer for whom he is responsible, including, but not limited to, changes in location, duties, responsibilities, or supervision, or termination of employment. (3-16-04)

04. Fees. The registration fee for a directing physician shall be no more than ten dollars (\$10) and the annual renewal fee shall be no more than five dollars (\$5). Alternate directing physicians shall not be required to pay a registration or renewal fee. (3-16-04)

016. DISCIPLINARY ACTION.

Every directing physician is subject to discipline by his respective Board pursuant to the procedures and powers set forth in Sections 54-1806, 54-1806A, and 54-707, Idaho Code for violation of these rules or upon any of the grounds set forth in Sections 54-1814 and 54-712, Idaho Code. (3-16-04)

017. -- 019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE.

01. Applicant. An applicant must be of good moral character and must meet the requirements of Section 54-3906, Idaho Code, and these rules. The Board may refuse licensure if it finds the applicant has engaged in conduct prohibited by Section 54-3911, Idaho Code; provided, the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. The Board or the Board of Athletic Trainers may, at its discretion, require any applicant to appear for a personal interview when necessary to identify and evaluate the applicant's credentials. (3-16-04)

02. Licensure. Each applicant shall either have received a bachelor's or advanced degree from an accredited four (4) year college or university, met the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers, and passed a certification examination required by the Board, or shall be entitled to apply for provisional licensure pursuant to Section 54-3908, Idaho Code. (3-16-04)

a. The written examination and passing score required for licensure as an athletic trainer, shall be the certification examination administered by the National Athletic Trainers' Association Board of Certification or equivalent examination recognized by the Board as recommended by the Board of Athletic Trainers. (3-16-04)

b. An applicant for licensure by certification examination who fails to pass the examination on any occasion must provide written notification to the Board within thirty (30) days of notice of failure. (3-16-04)

c. An applicant for licensure by certification examination who has failed to pass the examination on two (2) separate occasions will be denied eligibility to re-apply; however, the applicant may request the Board to consider his application on an individual basis. In its discretion, the Board of Athletic Trainers may make a determination if additional clinical or coursework is required to determine the applicant's eligibility to re-apply, and recommend to the Board such additional clinical or coursework. (3-16-04)

03. Application Expiration. An application for licensure that is not granted and license not issued in one (1) year from the date the application is received by the Board shall expire; however, the applicant may make a

written request to the Board to consider his application on an individual basis. In its discretion, the Board of Athletic Trainers may make a determination if extraordinary circumstances exist justifying extending the one (1) year time period up to an additional one (1) year and so recommend to the Board to grant the request for such extension of time. (3-16-04)

021. -- 029. (RESERVED)

030. APPLICATION FOR LICENSURE.

01. Application for Licensure by Certification Examination. Each applicant for licensure by certification examination shall submit a completed written application to the Board on forms prescribed by the Board, together with the application fee. The application shall be verified and under oath and shall require the following documentation: (3-16-04)

a. Receipt of a bachelor's or advanced degree from an accredited four (4) year college or university, and the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers. (3-16-04)

b. Successful completion of the certification examination administered by the National Athletic Trainers' Association Board of Certification or equivalent examination recognized by the Board as recommended by the Board of Athletic Trainers. (3-16-04)

c. Good standing with and current certification by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, recognized by the Board as recommended by the Board of Athletic Trainers. (3-16-04)

d. The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses. (9-16-89)

e. The disclosure of any charge, offense or disciplinary action against the applicant by any state professional regulatory agency or professional organization in a manner that bears a demonstrable relationship to the ability of the applicant to practice athletic training in accordance with the provisions of this chapter. (3-16-04)

f. The disclosure of the denial of registration, licensure or certification by any state, district or national regulatory body. (9-16-89)

g. Not less than two (2) certificates of recommendation from persons, other than relatives or individuals living with the applicant, who have at least two (2) years of personal knowledge of the applicant's character and ability to work as an athletic trainer. (3-16-04)

h. One (1) unmounted photograph of the applicant, no larger than three by four inch (3" X 4") (head and shoulders), taken not more than one (1) year prior to the date of the application. (3-16-04)

i. Such other information as deemed necessary for the Board to identify and evaluate the applicant's credentials. (9-16-89)

02. Application for Provisional Licensure. (3-16-04)

a. The Board, based upon the recommendation of the Board of Athletic Trainers, may issue provisional licensure to applicants who have successfully completed a bachelor's or advanced degree from an accredited four (4) year college or university, and met the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers and who have met all the other requirements set forth by Section 030 of these rules but who have not yet passed the examination conducted by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, approved by the Board as recommended by the Board of Athletic Trainers. A provisional license shall be valid for a term of one (1) year, but may be renewed only twice, at the discretion of the Board, based upon the recommendation of the Board of Athletic Trainers. (3-16-04)

b. Each applicant for provisional licensure shall submit a completed written application to the Board on forms prescribed by the Board, together with the application fee. The application shall be verified, under oath, and contain the specific information in Subsection 030.01 and a provisional license athletic trainer/supervisor affidavit. (3-16-04)

i. Affidavit. An affidavit signed by an Idaho licensed athletic trainer affirming and attesting to supervise and be responsible for the athletic training services of the provisionally licensed graduate athletic trainer and to review and countersign all records and documentation of services performed by the provisionally licensed graduate athletic trainer. (3-16-04)

ii. Supervision. A provisionally licensed graduate athletic trainer shall be in direct association with his directing physician and Idaho licensed athletic trainer who shall supervise and be available to render direction in person and on the premises where the athletic training services are being provided. The directing physician and the supervising athletic trainer shall be responsible for the athletic training services provided by the provisionally licensed graduate athletic trainer. The supervising athletic trainer shall review and countersign all documentation of athletic training services performed by the provisionally licensed graduate athletic trainer. The extent of communication between the directing physician and supervising athletic trainer and the provisionally licensed graduate athletic trainer shall be determined by the competency of the provisionally licensed athletic trainer and the practice setting and the type of athletic training services being rendered. (3-16-04)

c. Scope of Practice. The scope of practice of the provisionally licensed athletic trainer, as set forth in this chapter and Section 54-3903, Idaho Code, shall be limited to and consistent with the scope of practice of his directing physician and supervising athletic trainer and conform with the established athletic training service plan or protocol. (3-16-04)

d. Expiration of Provisional License. All provisional licenses for athletic trainers shall expire upon meeting the minimum athletic training curriculum requirement established by the Board as recommended by the Board of Athletic Trainers and meeting all the other requirements set forth by Section 030 of these rules, including passing the certification examination conducted by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, approved by the Board as recommended by the Board of Athletic Trainers. (3-16-04)

03. Licensure for Uncertified Athletic Trainers Currently Practicing in Idaho. All athletic trainers holding current Idaho registration on July 1, 2003, who are not certified by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, accepted by the Board, may be issued a license upon submitting a completed written application to the Board on forms prescribed by the Board; proof of current cardiopulmonary resuscitation certification; and payment of the prescribed fee. After 2006, all initial renewals shall require documentation of successful completion of a Board approved medical screening course on forms provided by the Board. Such approved medical screening course may be included in the required eighty (80) hours of continuing educational activities or units. (3-16-04)

031. -- 039. (RESERVED)

040. LICENSURE (EXPIRATION AND RENEWAL).

All renewable licenses to practice as an athletic trainer shall be issued for a period of not less than one (1) year or more than five (5) years. All licenses shall expire on the expiration date printed on the face of the certificate and shall become invalid after that date unless renewed. The Board shall collect a fee for each renewal year of a license. The failure of any licensee to renew his license shall not deprive such person of the right to renewal, except as provided for herein and Section 54-3913, Idaho Code. The Board or the Board of Athletic Trainers may, at its discretion, require any applicant to appear for a personal interview when necessary to identify and evaluate the applicant's credentials. (3-16-04)

01. Renewal. All licenses shall be renewed before the expiration date printed on the face of the certificate by submitting a completed request for renewal on forms provided by the Board and accompanied by payment of the renewal fee to the Board. Licenses not renewed by the expiration date shall be canceled unless disciplinary action is pending. Each renewal request shall also include documentation of: (3-16-04)

a. If Currently Certified. Current certification by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, recognized by the Board as recommended by the Board of Athletic Trainers; or (3-16-04)

b. If Not Currently Certified. After 2006, successful completion of eighty (80) hours of Board approved continuing educational activities or units during each three (3) year reporting period on forms provided by the Board. During the first three (3) year renewal reporting period, successful completion of the required Board approved medical screening course, which may be included in the required eighty (80) hours of continuing educational activities or units. (3-16-04)

02. Reinstatement. Licenses canceled for non-payment of renewal fees or lapsed for a period of less than three (3) consecutive years may be reinstated by filing a completed request for renewal on forms provided by the Board with the Board; paying reinstatement fees; and providing documentation of good standing with and current certification by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, accepted by the Board. Those athletic trainers previously licensed while not holding certification shall provide documentation of successful completion of eighty (80) hours of Board approved continuing educational activities or units during each three (3) year reporting period on forms provided by the Board. (3-16-04)

03. Reapplication. A person whose license has been canceled or has lapsed for a period of more than three (3) years shall be required to re-apply as a new applicant; pay application fees; and document good standing with and current certification by the National Athletic Trainers' Association Board of Certification or a nationally recognized credentialing agency, accepted by the Board. Those athletic trainers previously licensed while not holding certification shall provide documentation of successful completion of eighty (80) hours of Board approved continuing educational activities or units during each three (3) year reporting period during the time the license has been canceled or has lapsed on forms provided by the Board, in lieu of current certification. The applicant shall successfully demonstrate to the Board, upon recommendation of the Board of Athletic Trainers, competency in the practice of athletic training. The Board, upon recommendation of the Board of Athletic Trainers, may also require the applicant to take an examination, remedial courses, or both, as shall be recommended by the Board of Athletic Trainers. (3-16-04)

04. Continuing Education. All licensed athletic trainers who are not certified after 2006 shall provide documentation of successful completion of eighty (80) hours of Board approved continuing educational activities or units during each three (3) year reporting period on forms provided by the Board. All licensed and currently certified athletic trainers may submit a summary of eighty (80) hours of Board approved continuing education activities or units during the preceding three (3) years with the renewal application to document this effort by the athletic trainer. Appropriate continuing professional education activities include but are not limited to, the following: (3-16-04)

- a.** Attending or presenting at conferences, seminars or inservice programs. (9-16-89)
- b.** Formal coursework in Athletic Training related subjects. (9-16-89)
- c.** Presentation of Athletic Training related information to allied professional or community groups. (9-16-89)
- d.** Conduct of Athletic Training related research or grant supported activity. (9-16-89)
- e.** Publication of an original article, review or report of clinical experience in an appropriate professional publication. (9-16-89)

041. -- 049. (RESERVED)

050. INACTIVE STATUS.

The Board, upon recommendation of the Board of Athletic Trainers, shall grant inactive status to a licensee who makes application for inactive status accompanied by payment of the prescribed fee to the Board and does not practice as an athletic trainer in Idaho. (3-16-04)

051. REINSTATEMENT FROM INACTIVE STATUS TO FULL ACTIVE STATUS LICENSURE.

An individual desiring reinstatement from inactive status to full active licensure to practice as an athletic trainer shall submit a completed written application to the Board together with the payment of prescribed fees. The application shall be verified and under oath. The Board upon recommendation of the Board of Athletic Trainers, may request such other information deemed necessary to identify and evaluate the applicant's proficiency, including, in its discretion, requiring a personal interview to identify and evaluate the applicant's credentials. (3-16-04)

01. Fee. The fee for converting an inactive license to an active license shall be no more than one hundred ten dollars (\$110) and the annual renewal fee for each year not actively licensed minus inactive renewal fees previously paid. (3-16-04)

02. Documentation of Inactive Time. Before the inactive license will be converted to full active license, the applicant must provide documentation accounting for the time during which an inactive license was held. The Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (3-16-04)

052. DENIAL OR REFUSAL TO RENEW LICENSURE OR SUSPENSION OR REVOCATION OF LICENSURE.

01. Application or Renewal Denial. A new or renewal application for licensure may be denied by the Board and shall be considered a contested case. Every person licensed pursuant to Title 54, Chapter 39, Idaho Code and these rules is subject to discipline pursuant to the procedures and powers established by and set forth in Section 54-3911, Idaho Code, the Idaho Administrative Procedure Act and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine." (3-16-04)

02. Petitions for Reconsideration of Denial. All petitions for reconsideration of a denial of a license application or reinstatement application shall be made to the Board within one (1) year from the date of the denial. (3-16-04)

03. Unprofessional Conduct. The Board, upon recommendation of the Board of Athletic Trainers, may refuse to issue a license or provisional license, or to renew a license, or may suspend or revoke a license or provisional license, or may impose probationary conditions if the licensee or applicant for licensure or provisional license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. All petitions for reconsideration of a denial of a license application or reinstatement application shall be made to the Board within one (1) year from the date of the denial. Such unprofessional conduct includes, but is not limited to: (3-16-04)

a. Obtaining license by means of fraud, misrepresentation, or concealment of material facts. (3-16-04)

b. Being guilty of unprofessional conduct, negligence or incompetence in the practice of athletic training as defined by the rules established by the Board, or violating the code of ethics which has been adopted and published by the Board, a copy of which is attached to these rules. (3-16-04)

c. Being convicted of a felony or a crime by a court of competent jurisdiction, which would have a direct and adverse bearing on the individual's ability to practice or provide athletic training services as an athletic trainer competently. (3-16-04)

d. The unauthorized practice of medicine. (4-2-93)

e. Violating any provisions of Title 54, Chapter 39, Idaho Code, or any of the rules promulgated by the Board under the authority of this chapter. (3-16-04)

f. Providing athletic training services as an athletic trainer which fails to meet the standard of athletic training services provided by other qualified athletic trainers in the same community or similar communities. (3-16-04)

- g.** Being found mentally incompetent by a court of competent jurisdiction or unfit by the Board to provide athletic training services as an athletic trainer. (3-16-04)
- h.** Providing athletic training services while under the influence of alcohol, controlled substances or other skill impairing substances so as to create a risk of harm to an athlete. (3-16-04)
- i.** Employing, directing or supervising the unlicensed practice of athletic training. (3-16-04)
- j.** Practicing or offering to practice athletic training as an athletic trainer for which the individual is not trained or beyond the scope of practice of athletic training as defined in this chapter and Title 54, Chapter 39, Idaho Code. (3-16-04)
- k.** Misrepresenting educational or certification attainments. (3-16-04)
- l.** Failure to supervise the activities of individuals who hold provisional licensure. (3-16-04)
- m.** Inconsistence with or failure to limit the scope of practice of athletic training to the scope of practice of the directing physician. (3-16-04)
- n.** Failure to maintain a current copy of an athletic training service plan or protocol between the athletic trainer and his directing physician. (3-16-04)
- o.** Failure to review and update the athletic training service plan or protocol on an annual basis. (3-16-04)
- p.** Failure to notify the Board within thirty (30) days of any change in the status of the athletic trainer's directing physician. (3-16-04)
- q.** Failure to make the athletic training service plan or protocol immediately available to the Board upon request. (3-16-04)
- r.** Any independent practice of athletic training by an athletic trainer. (3-16-04)
- s.** Advertising, representing or holding oneself out, either directly or indirectly, as a physician, chiropractic physician, physical therapist or occupational therapist unless so licensed in Idaho. (3-16-04)
- t.** Commission of any act of sexual contact, misconduct, exploitation or intercourse with an athlete for whom the athletic trainer provides athletic training services or former athlete or related to the licensee's practice of athletic training; (3-16-04)
- i.** Consent of the athlete shall not be a defense; (3-16-04)
- ii.** Subsection 053.03.f. shall not apply to sexual contact between an athletic trainer and the athletic trainer's spouse or a person in a domestic relationship who is also an athlete; (3-16-04)
- iii.** A former athlete is an athlete for whom the athletic trainer has provided athletic training services within the last twelve (12) months; (3-16-04)
- iv.** Sexual or romantic relationship with a former athlete beyond the period of time set forth herein may also be a violation if the athletic trainer uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the athlete. (3-16-04)
- u.** Aiding or abetting a person not licensed in this state who directly or indirectly performs activities requiring a license. (3-16-04)
- v.** Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any provision of this chapter. (3-16-04)

w. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any athlete or witness to prevent them from providing evidence in a disciplinary proceeding, investigation or other legal action. (3-16-04)

x. Failing to maintain confidentiality of records unless otherwise required or permitted by law. (3-16-04)

y. Use of any advertising statements that deceive or mislead the public or that are untruthful. (3-16-04)

z. Making statements that the licensee knows, or should have known, are false or misleading regarding skill or efficacy or value of treatment or remedy administered by the licensee in the treatment of any condition relevant to athletic training. (3-16-04)

aa. Failing to maintain adequate records. For purposes of Subsection 053.03.aa., "adequate records" means legible records documenting the provision of athletic training services that contain, at a minimum, the athletic training service plan or protocol, written orders, an evaluation of objective findings, the plan of care and the treatment records. (3-16-04)

bb. Promoting unnecessary devices, treatment, intervention or service for the financial gain of the athletic trainer, directing physician or of a third party. (3-16-04)

053. -- 060. (RESERVED)

061. FEES.

01. Licensure Fee. The fee for licensure shall be no more than two hundred forty dollars (\$240). (3-16-04)

02. Renewal Fee. The renewal fee shall be no more than one hundred sixty dollars (\$160) for each year renewed. (3-16-04)

03. Provisional Licensure Fee. A provisional license shall be valid for a term of one (1) year, but may be renewed only twice, at the discretion of the Board upon recommendation of the Board of Athletic Trainers. The fee for a provisional license shall be no more than eighty dollars (\$80). The renewal fee for a provisional license shall be no more than forty dollars (\$40) for each year renewed. (3-16-04)

04. Renewal Fee - Inactive Licensure. The renewal fee for inactive licensure shall be no more than eighty dollars (\$80) for each year renewed. (3-16-04)

05. Reinstatement Fee. The reinstatement fee for a license that has lapsed for a period of less than three (3) consecutive years shall be no more than fifty dollars (\$50) plus renewal fees for each renewal year. The fee for converting from an inactive status to full active licensure shall be no more than fifty dollars (\$50) plus the renewal fees for each year not actively licensed minus inactive renewal fees. (3-16-04)

06. General Fee Information. (9-16-89)

a. Necessary fees shall accompany applications. (9-16-89)

b. Fees shall not be refundable. (9-16-89)

c. In those situations where the processing of an application requires extraordinary expenses, the Board may charge the applicant with reasonable fees to cover all or part of the extraordinary expenses. (9-16-89)

062. EFFECTIVE DATE.

These rules shall be effective September 16, 1989. Amendments to these rules shall be effective April 2, 1993. (4-2-93)

063. -- 999. (RESERVED)

APPENDIX A
CODE OF ETHICS

The Athletic Trainer shall practice acceptable methods of treatment that meet the standard of treatment provided by other qualified athletic trainers in the same community or similar communities and shall not endeavor to extend his practice beyond his competence.

The Athletic Trainer shall continually strive to increase and improve his knowledge and skills and render to each athlete the full measure of his ability. All athletic training services shall be provided with respect for the dignity of the athlete, unrestricted by considerations of social or economic status, personal attributes, or the nature of the athlete's problems.

The Athletic Trainer shall hold in strict confidence all privileged information concerning the athlete unless otherwise required or permitted by law and refer all inquiries to the directing physician in charge of the athlete's medical or chiropractic care.

The Athletic Trainer shall not accept gratuities for preferential consideration of the athlete and shall guard against conflicts of interest.

The Athletic Trainer shall uphold the dignity and honor of the profession and abide by its ethical principles. He shall be familiar with existing state and federal laws governing the practice of athletic training and comply with those laws.

The Athletic Trainer shall cooperate with other health care professionals and participate in activities to promote community and national efforts to meet the athletic training needs of the public.

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