

**ADVISORY BOARD OF ATHLETIC TRAINERS
LICENSING REPORT
January 8th, 2018**

ATHLETIC TRAINERS

	4th Quarter FY 2017	TOTAL FY 2017	1ST Quarter FY 2018
New Licenses Issued	195	361	55
Renewed Licenses Issued	642	1,684	147
Online Renewals	592	1,553	132
% Renewed Online	92%	92%	90%
Total Population	3,709	3,709	3,720

TEMPOARY ATHLETIC TRAINER

	4th Quarter FY 2017	TOTAL FY 2017	1ST Quarter FY 2018
New Licenses Issued	6	9	8

Athletic Trainer Advisory Board
Enforcement Division Staff Report
January 8, 2018

Current Projects

- The Enforcement Division has reorganized our prosecution section to give special attention to programs added from the most recent transfer. Therefore, Enforcement has created a Medical and Health-Related team that has two prosecutors, Karen Cox and Virginia Fields, devoted solely to the prosecution and enforcement of cases in the Hearing Instrument Fitters and Dispensers, Orthotists and Prosthetists, Podiatrists, Speech Language Pathologists and Audiologists, Athletic Trainers, Dietitians, Dyslexia Therapists and Practitioners, Behavior Analysts and Midwives programs.

Key Statistics – Fiscal Year 2017

Shown below are key statistics for the Athletic Trainer program and for all TDLR programs combined for Fiscal Year 2017.

<u>Statistic</u>	<u>ATH</u>	<u>TDLR</u>
• Number of cases opened:	16	12,054
• Number of cases resolved:	13	12,405
• Number of Agreed Orders:	1	2,309
• Total amount of penalties assessed:	\$0	\$5,250,179
• Total amount of penalties collected:	\$0	\$2,571,951

Key Statistics – Fiscal Year 2018

Shown below are key statistics for the Athletic Trainer program and for all TDLR programs combined through November of Fiscal Year 2018.

<u>Statistic</u>	<u>ATH</u>	<u>TDLR</u>
• Number of cases opened:	3	2,362
• Number of cases resolved:	1	2,329
• Number of Agreed Orders:	0	356
• Total amount of penalties assessed:	\$0	\$661,475
• Total amount of penalties collected:	\$0	\$314,842

**ADVISORY BOARD OF ATHLETIC TRAINERS
JANUARY 8, 2018**

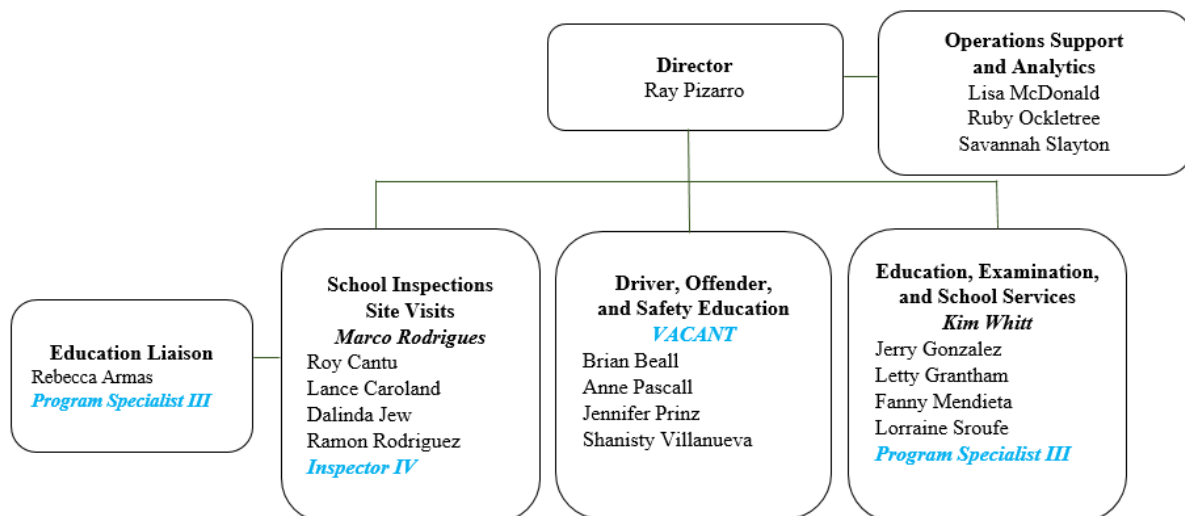
CURRENT PROJECTS

EDUCATION, EXAMINATION, AND SCHOOL SERVICES

TOTAL E-MAIL ANSWERED BY STAFF
(AS OF NOVEMBER 30, 2017)

MONTH	FY 2018	FY 2017	FY 2016	FY 2015
September	1,545	1,158	1,389	
October	1,205	1,263	1,060	
November	1,357	744	996	
December		653	760	
January		955	1,060	
February		974	1,047	
March		1,463	994	
April		981	966	
May		1,140	1,061	
June		1,747	911	
July		804	767	835
August		1,266	1,123	1,104
TOTAL	2,750	13,148	12,134	1,939

NEW DIVISION CHART



EDUCATION AND EXAMINATION STATISTICS AND TRENDS

ATHLETIC TRAINERS EXAMINATION STATISTICS

(AS OF NOVEMBER 30, 2017)

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	0	2	10	12				0				0				0	12
FAIL	2	11	22	35				0				0				0	35
TOTAL	2	13	32	47				0				0				0	47
RATE	0.0%	15.4%	31.3%	25.5%				0.0%				0.0%				0.0%	25.5%

ATHLETIC TRAINERS EXAMINATION BY EXAMINATION TYPE

(AS OF NOVEMBER 30, 2017)

SEPTEMBER - - OCTOBER - - NOVEMBER				1 ST QUARTER			
EXAMINATION TYPE				PASS	FAIL	TOTAL	RATE
WRITTEN				10	22	32	31.25%
PRACTICAL				0	0	0	0.0%
TOTAL				10	22	31	31.25%

ATHLETIC TRAINERS JURISPRUDENCE EXAMINATION

(AS OF NOVEMBER 30, 2017)

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS/FAIL TOTAL	37	16	24	77				0				0				0	77

Compliance Division Staff Report
Texas Department of Licensing and Regulation
Advisory Board of Athletic Trainers Meeting
January 8, 2018

Public Outreach – Southwest Athletic Trainers Association

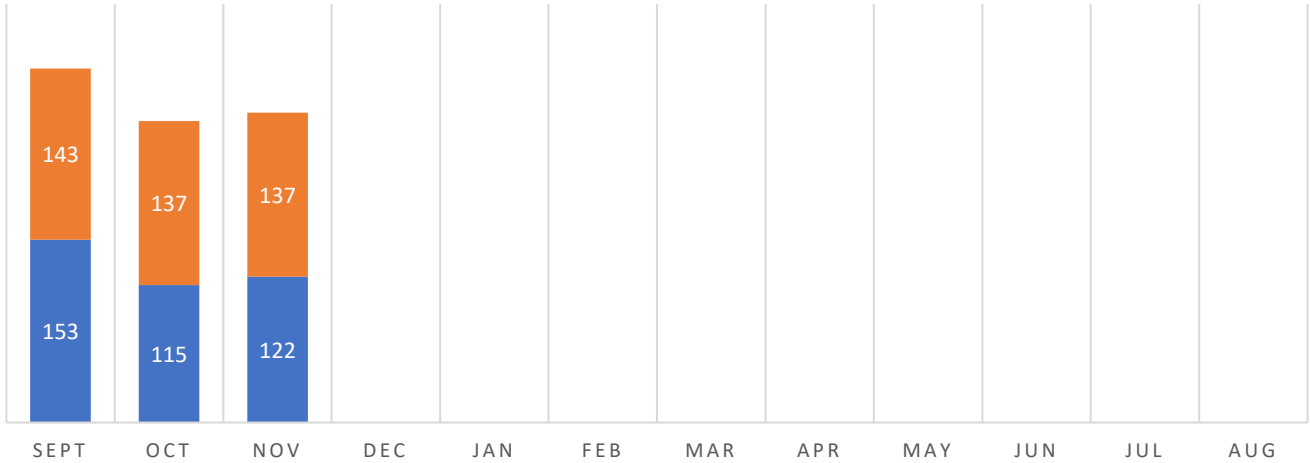
- Staff manned a booth at Southwest Athletic Trainers Association 63rd Annual Clinical Symposium in San Marcos in July 2017 to distribute information and answer licensing questions from participants.
- Staff will attend the Greater Houston Athletic Trainers Society Workshop on January 13 to visit with participants.

Medical and Health Professions Section update

- The Medical and Health Professions Section remains focused on maintaining the successful operation of the Phase I programs.
- Section staff are continuing their work on the SB 202, Phase II program transition, which occurred on 11/1/2017. In Phase II, six additional programs from DSHS transferred to TDLR (massage therapy, sanitarians, code enforcement officers, offender education providers, mold assessors/remediators, and laser hair removal facilities/personnel).

**ATHLETIC TRAINERS
CUSTOMER SERVICE CONTACTS
EFFECTIVE OCTOBER 3, 2016**

■ Call Totals ■ Email Totals



These draft rules are provided for your review in preparation for your next advisory board meeting. They are not finalized and are still a work in progress. Thank for your input as the rules are developed.

ATHLETIC TRAINERS
Future Proposed Rulemaking

NOTE: H.B. 4007 changes have been made to §110.20 and §110.90. Clean-up changes have been made to all other sections. Fee reduction changes have been made in §110.80.

110.1. Authority.

The sections in this chapter are promulgated under the authority of the Texas Occupations Code, Chapters 51 and 451.

[110.1. Definitions.

~~The following words and terms, when used in these rules shall have the following meanings unless the context clearly indicates otherwise. Words and terms defined in the Athletic Trainers Act shall have the same meaning in these rules:~~

- ~~(1) Act—Texas Occupations Code, Chapter 451.~~
- ~~(2) Athlete—A person who participates in an organized sport or sport-related exercise or activity, including interscholastic, intercollegiate, intermural, semiprofessional, and professional sports activities.~~
- ~~(3) Board—the Advisory Board of Athletic Trainers.~~
- ~~(4) Commission—the Texas Commission of Licensing and Regulation.~~
- ~~(5) Department—the Texas Department of Licensing and Regulation.~~
- ~~(6) Executive Director—the executive director of the department.~~
- ~~(7) Licensee—A person who holds a current license or a temporary license as an athletic trainer issued by the department under the Act.~~
- ~~(8) Temporary license—A license issued under §110.30.]~~

110.10. Definitions.

The following words and terms, when used in these rules shall have the following meanings unless the context clearly indicates otherwise. Words and terms defined in the Athletic Trainers Act shall have the same meaning in these rules:

(1) Act--Texas Occupations Code, Chapter 451.

(2) Advisory Board--the Advisory Board of Athletic Trainers.

(3) Athlete--A person who participates in an organized sport or sport-related exercise or activity, including interscholastic, intercollegiate, intermural, semiprofessional, and professional sports activities.

(4) Commission--the Texas Commission of Licensing and Regulation.

(5) Department--the Texas Department of Licensing and Regulation.

(6) Executive Director--the executive director of the department.

(7) Licensee--A person who holds a current license or a temporary license as an athletic trainer issued by the department under the Act.

(8) Temporary license--A license issued under §110.30.

110.14. [The] Advisory Board Membership.

The Advisory Board of Athletic Trainers consists of five members appointed by the presiding officer of the commission with the approval of the commission as follows:

- (1) three members who are athletic trainers; and
- (2) two members who represent the public.

[110.19. Reimbursement.

~~(a) An advisory board member serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in performing duties as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.~~

~~(b) Expense reimbursements to advisory board members:~~

~~(1) are limited to authorized expenses incurred while traveling to and from advisory board meetings; and~~

~~(2) must be limited to those allowed by the State of Texas Travel Allowance Guide, the department's policies governing employee travel allowances, and the General Appropriations Act.~~

~~(c) Expenses can be reimbursed to advisory board members only when the legislature has specifically appropriated money for that purpose, and only to the extent of the appropriation.]~~

110.20. Application Requirements.

(a) - (c) (No change.)

~~[(d) The applicant must meet the fitness requirements under this chapter.]~~

(d) ~~[(e)]~~ The department will notify the applicant regarding whether the applicant qualifies to take the license examination.

(e) ~~[(f)]~~ Pursuant to Texas Occupations Code, Chapters 51 and 451, the commission or the executive director may deny the application for a violation of the Act.

(f) ~~[(g)]~~ If after review the department determines that the application should not be approved, the department shall give the applicant written notice of the reason for the proposed decision and of the opportunity for a hearing under Texas Government Code, Chapter 2001.

110.21. License Requirements.

(a) Applicants qualifying under the Act, §451.153(a)(1), shall have:

(1) a baccalaureate or post-baccalaureate degree, which includes at least 24 hours of combined academic credit from each of the following course areas:

(A) - (F) (No change.)

(G) therapeutic exercise, ~~[(or)]~~ therapeutic rehabilitation, or therapeutic modalities; and ~~[-]~~

(2) (No change.)

(b) - (c) (No change.)

(d) In place of the requirements in subsections (a) and (b), an applicant ~~[applicants]~~ qualifying under the Act, §451.153(a)(1), shall have a baccalaureate or post-baccalaureate degree in athletic training from a college or university, which held accreditation, during the applicant's ~~[applicants]~~ matriculation at the college or university and at the time the degree was conferred, from a nationally recognized accrediting organization that is approved by the department.

(e) Certification required. An applicant must have:

(1) current certification in the techniques of professional rescuer cardio-pulmonary resuscitation and the use of an automated external defibrillator; or

(2) current certification for Emergency Medical Services (EMS) with the Department of State Health Services or its successor agency ~~[department]~~.

(f) - (h) (No change.)

110.23. Examination for Licensure.

(a) (No change.)

(b) The examination required under the Act, §451.156 consists ~~[shall consist]~~ of a written examination, ~~[and]~~ a practical examination, and a jurisprudence examination ~~[questions and evaluations]~~ prescribed by the department.

(1) An applicant must pass the written examination prior to taking the practical examination.

(2) An applicant must complete the jurisprudence examination no more than six months prior to the date of application.

(c) An applicant is eligible ~~[may file an application]~~ for examination if the applicant meets one of the following three options:

(1) the applicant:

(A) [(+)] is within 30 semester hours of graduation;

(B) [(2)] has completed or is currently pre-registered or enrolled in the courses listed in §110.21; and

(C) [(3)] has completed at least 1,300 hours of the required 1,800 hours and the apprenticeship program is in progress; [ø]

(2) [(4)] the applicant is currently enrolled in, and within two semesters of graduating from, an athletic training program at a college or university which holds accreditation from a nationally recognized accrediting organization that is approved by the department, if the applicant qualifies under the Act, §451.153(a)(1); or

(3) [(5)] the applicant has completed at least 600 hours of the required 720 hours and the apprenticeship program is in progress, if the applicant qualifies under the Act, §451.153(a)(2) or (a)(3).

(d) The department shall review all applications prior to the examination. An applicant meeting the requirements of subsection (c) or of §110.21 ~~[, and pays the required examination fee,]~~ shall be approved to take the examination.

(e) The department shall notify an applicant whose application has been approved for examination ~~[at least 30 days prior to the next scheduled examination]~~. Applications which are received incomplete or late may cause the applicant to miss the examination registration deadline.

~~[(f) An examination registration form must be completed and returned to the department by the applicant with the required examination fee (unless otherwise instructed by the department) at least~~

~~15 days prior to the date of examination. Applications which are received incomplete or late may cause a delay.]~~

(f) ~~(g)~~ Examinations shall be graded by the department's designee.

(g) ~~(h)~~ The department's designee ~~[department]~~ shall notify each applicant of the results of the examination within 30 days of the date of the examination.

(h) ~~(i)~~ The following procedures relate to applicants who fail the examination prescribed by the department.

(1) An applicant who fails the examination may take a subsequent examination after paying the examination fee.

(2) The department will make available ~~[furnish]~~ a copy of the department's policy concerning examination review to an applicant who fails an examination.

(i) ~~(j)~~ An applicant who fails to take the examination within a period of two years after the initial examination approval notice sent by the department, shall have such approval withdrawn and the application for licensure voided.

(j) ~~(k)~~ An applicant who has failed the state examination described in subsections (a) – (l) ~~(m)~~, must successfully complete that examination in order to be issued a license. If the application has been voided as described in subsection (i) ~~(j)~~, the person shall submit a new application, and the provisions of subsection (m) ~~(n)~~ shall apply.

(k) ~~(l)~~ Applicants who have passed the examination and do not have a degree, will have 90 days from their graduation date to submit all documents and fees necessary to show compliance with this chapter and complete the licensing procedure. If the application process is not completed within 90 days of the graduation date, the applicant shall be required to file a new application and retake the examination successfully in order to qualify for licensure.

(l) ~~(m)~~ A first-time applicant must apply for examination within five years from the date on which the applicant's qualifying degree was conferred or the apprenticeship was completed, whichever is later. An applicant may submit an application after this time period upon successful completion of remedial coursework or apprenticeship, as approved by the department.

(m) ~~(n)~~ If an applicant has successfully completed the examination administered by the Board of Certification, Inc. (BOC) on or after January 1, 2004, the applicant shall not be required to complete the state examination described in subsections (a) – (l) ~~(m)~~, unless the applicant has previously held a license issued by the department. The applicant must furnish to the department a copy of the test results indicating that the applicant passed the examination.

(n) ~~(o)~~ If an applicant has completed the examination administered by the Board of Certification, Inc. (BOC) before January 1, 2004, the applicant shall be required to complete the state examination described in subsections (a) – (l) ~~(m)~~.

110.25. Continuing Education Requirements.

(a) To renew a license, ~~[that expires on or after September 1, 2015]~~ a licensee must complete ~~[have completed]~~ 40 clock-hours of continuing education during each license term ~~[the previous two-year period]~~.

(1) The continuing education must include two clock-hours of training in concussion management.

(2) In addition to the number of continuing education clock-hours required under this subsection, a licensee must also show proof of current Emergency Cardiac Care certification at the Basic Life Support for Healthcare Providers/Professional Rescuers and Healthcare Providers level or beyond, which shall be maintained throughout each license term ~~[two-year period]~~. ~~[The two-year period begins on the first day following the license issuance month and ends upon the expiration date of the license.]~~

(b) - (e) (No change.)

(f) ~~[(4)]~~ The audit process shall be as follows:

(1) ~~[(2)]~~ The department shall select for audit a random sample of license holders for each renewal month. License holders will be notified of the continuing education audit when they receive their renewal documentation.

(2) ~~[(3)]~~ If selected for an audit, the licensee shall submit copies of certificates, transcripts or other documentation satisfactory to the department, verifying the licensee's attendance, participation and completion of the continuing education. All documentation must be provided at the time of renewal.

(3) ~~[(4)]~~ Failure to timely furnish this information or providing false information during the audit process or the renewal process are grounds for disciplinary action against the license holder.

(4) ~~[(5)]~~ A licensee who is selected for a continuing education audit may renew through the online renewal process. However, the license will not be considered renewed until the required continuing education documents are received, accepted and approved by the department.

(5) ~~[(6)]~~ Licenses will not be renewed until continuing education requirements have been met.

(g) ~~[(4)]~~ The department may not grant continuing education credit to any licensee for:

(1) education incidental to the regular professional activities of a licensee, such as learning occurring from experience or research;

(2) professional organization activity, such as serving on committees or councils or as an officer;

(3) any continuing education activity completed before or after the period of time described in

subsection (a); or

(4) performance of duties that are routine job duties or requirements.

110.30. Temporary License.

(a) A temporary license may be issued to an individual who meets the educational and apprenticeship requirements of this chapter.

(b) The temporary license entitles an applicant to perform the activities of an athletic trainer until the results of the first practical examination, which the applicant is eligible to take, are released.

(c) An applicant who failed an examination administered by the department, shall not be eligible for a temporary license. If a temporary license has previously been issued, it shall be voided and the applicant shall not be eligible for another temporary license.

(d) A person who ~~was [has been]~~ licensed as an athletic trainer but is no longer eligible to late renew the license [and allowed the license to expire], may be eligible for a temporary license upon submission and approval of a new application for licensure. The expiration of a temporary license issued under this subsection will be in accordance with subsection (b).

110.80. Fees.

(a) (No change.)

(b) The schedule of fees is as follows:

(1) initial license application fee (includes two-year license)--\$160 ~~[\$60]~~;

(2) temporary license fee--\$160 ~~[\$200]~~;

(3) renewal license application fee (includes two-year license)--\$160; and

(4) duplicate/replacement fee for licenses issued under this chapter--\$25.

~~[(3) written examination fee--\$75;~~

~~(4) practical examination fee--\$90;~~

~~(5) initial license fee--\$100;~~

~~(6) returned check fee--\$25;~~

~~(7) renewal license--\$250;~~

~~(8) jurisprudence exam fee--\$35;]~~

(c) The fees for the written examination, practical examination, and the jurisprudence examination are set by and payable to the department's designee.

(d) [(9)] Late renewal fees for licenses issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).

(e) [(10)] The dishonored/returned check or payment fee is the fee prescribed under §60.82 of this title (relating to Dishonored Payment Device).

(f) [(11)] The fee for a criminal history evaluation letter is the fee prescribed under §60.42 of this title (relating to Criminal History Evaluation Letters).

110.90. Administrative Penalties and Sanctions.

If a person or entity violates any provision of Texas Occupations Code, Chapters 51 or 451, this chapter, or any rule or order of the executive director or commission, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both in accordance with the provisions of Texas Occupations Code, Chapter 51 [~~and 451~~] and any associated rules.

110.95. Enforcement Authority.

The enforcement authority granted under Texas Occupations Code, Chapters 51 and 451 and any associated rules may be used to enforce Texas Occupations Code, Chapter [~~Chapters 51,~~] 451 and this chapter.