

Compliance Division Staff Report
Athletic Trainers Advisory Board Meeting
December 12, 2016

Update and Discussion

Update and discussion regarding transition of the Athletic Trainers Program from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR) pursuant to Senate Bill 202, 84th Legislature, Regular Session (2015)

- The Athletic Trainers licensing program transferred from DSHS to TDLR on October 1, along with six other health professions licensing programs. Since that date, the TDLR Health Professions Consolidation Team has met weekly to review different aspects of the transition, such as new web content, revision of application forms, staff training, IT topics, and other transition-related issues, and address/resolve any items that have arisen.
- Overall, the transition has been successful and has resulted in minimal disruption to the normal operation of the licensing programs.

Personnel Updates

- The Compliance Division welcomed three new members to its health professions team. Mary Hoffman, Heather Muehr, and Stewart Myrick, from DSHS, joined the team on October 17.

Public Outreach – Texas State Athletic Trainers Association (TSATA)

- Compliance staff conducted phone conferences with Spanky Stephens, TSATA Executive Director, on October 14 and November 3, to update him on transition activities and gather feedback. He indicated that their members feel the transition has gone smoothly. At his request, we plan to continue conducting phone conferences with him on a quarterly basis.

Health Professions Section Update

- The Health Professions Section remains focused on maintaining the successful operation of the Phase I programs.
- Section staff have begun initial preparations for the SB 202, Phase II program transition, scheduled for 11/1/2017. In Phase II, six additional programs from DSHS will transfer to TDLR (Massage therapy, Sanitarians, Code Enforcement Officers, Offender Education Providers, Mold Assessors/Remediators, and Laser Hair Removal Facilities/Personnel).

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Current Projects

Continuing Education Audit

The Continuing Education Audit for Athletic Trainers will start on November 30th, auditing those licensees which expire in January.

PSI Administering the First Written and Practical Examination

Rebecca Armas and Frances Mendieta met with the Athletic Trainers Exam Review Committee on September 14-16, 2016 to finalize the written and practical examinations.

Beginning November 1, 2016, TDLR will offer the Athletic Trainer written examination in Abilene, Amarillo, Arlington, Austin, Corpus Christi, Dallas, El Paso, Fort Worth, Harlingen, Houston, Lubbock, Midland, San Antonio, Tyler and Waco on a day to be scheduled by the exam candidate.

The practical examination is scheduled to be administered on December 4, 2016 in Arlington, Houston, Lubbock, and San Antonio. The deadline to register is Monday, November 21, 2016.

When a Candidate meet all examination eligibility requirements, they will receive an eligibility postcard from PSI. The postcard contains instructions for registering and scheduling their examination. Candidates should review the Candidate Information Bulletin (CIB) which provides the exam content outline, exam fee payment information, exam site addresses, and detailed information about PSI's examination administration procedures.

Work Group

Rebecca Armas and Frances Mendieta met with the Education Work Groups from all the new programs to work on updating the existing Jurisprudence Examinations to reflect all the TDLR Law and Rules. We will reach out to the members after the first of the year to organize meetings to add to the bank of questions and discuss how the exam is administered.

Personnel Updates



Please join us in welcoming our new Education Inspector, Mr. Lance Caroland. In the last 5 years, Lance has been a Field Inspector with the Field Operations Division. Prior to TDLR he worked for Parks and Wildlife coordinating public educational programs for schools and for state parks. With his inspection/education background, Lance will be a huge asset for E&E and our providers.

OUR STAFF ALWAYS AIMS FOR SUCCESS

Athletic Trainer Advisory Board
Enforcement Division Staff Report
December 12, 2016

Recent Accomplishments and Current Projects

- On July 29, criminal conviction guidelines for Athletic Trainers, Orthotists and Prosthetists, Speech-Language Pathologists and Audiologists, and Hearing Instrument Fitters and Dispensers were published on the Department's website. The guidelines for these 4 programs were approved by the Commission on June 22, and were published in the Texas Register shortly thereafter.
- On August 30, participated in industry-specific training regarding the practice of Athletic Trainers. The training was presented by Red Ganus, a member of the Advisory Board of Athletic Trainers. Topics included descriptions of the services provided by licensees to their clients, the settings in which they interact, the types of clients served, the tools or techniques employed, and the records that are customarily created.
- In August and September, we received a total of 107 pending enforcement cases from DSHS. We understand these represent all of the cases currently pending in the seven programs transferred to TDLR on October 3. Enforcement attorneys and managers are in the process of reviewing the cases to determine their current status and the next steps needed. The cases were received in the form of paper case files. They will be added to Legal Files, TDLR's electronic case file system, as open cases.
- Between June and November, we have held multiple meetings to develop procedures for obtaining expert witness evidence in cases involving standard of care issues, in the new health-related programs. These procedures will require frequent communication between the attorney and investigator throughout the investigation. We are still working on some of the associated documents, such as an initial questionnaire, to screen the potential expert for the specific case, and a confidentiality agreement to be signed by the selected expert in each case. These procedures should give us a good place to start for investigations involving standard of care issues. We will review the procedures with the enforcement workgroups from each health-related program's advisory board, and with the full advisory board for each program.
- We have identified the advisory board members from each health-related program who are potentially qualified to serve as expert witnesses in enforcement investigations. We have prepared a spreadsheet detailing each expert's known qualifications, and are preparing to send a letter to each one (individually) to confirm their willingness to serve as expert witnesses when needed. We will need expert evidence in investigations that involve standard of care issues.
- We have held multiple meetings with members of the enforcement workgroup to create a finalized draft of the Penalty Matrix, which is on the agenda for your consideration today. The advisory board members appointed to this workgroup are Dr. David Schmidt and Red Ganus.

Athletic Trainers Licensing Report December 12, 2016

Athletic Trainers

	TOTAL
10/1/2016 – 10/31/2016	
New Licenses Issued	23
Renewed Licenses Issued	182
Total Population	3,598