



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Board of Medicine, Department of Health Professions
<b>VAC Chapter Number:</b>	18 VAC 85-120-10 et seq.
<b>Regulation Title:</b>	Regulations Governing the Certification of Athletic Trainers
<b>Action Title:</b>	Provisional certification
<b>Date:</b>	6/6/03

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The intent of the proposed regulatory action is to expand the current provisional certification to include persons who have applied for state certification and are otherwise qualified by virtue of holding certification from the National Athletic Trainers Association Board of Certification (NATABOC) but who are awaiting verifications of professional education, professional activity and licensure or certification in another state, if applicable. Provisional certification would allow those persons to begin work as an athletic trainer and not delay their employment by the several weeks it normally takes for all required documentation to be received.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400 (6) provides the Board the authority to promulgate regulations to administer the regulatory system:

**§ 54.1-2400 -General powers and duties of health regulatory boards**

*The general powers and duties of health regulatory boards shall be:*

...  
 6. *To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

The specific legal authority to promulgate the regulation for provisional certification is found in paragraph C of § 54.1-2957.4.

**§ 54.1-2957.4. Certification as athletic trainer required; requisite training and educational requirements; powers of the Board concerning athletic training.**

A. It shall be unlawful for any person to practice or to hold himself out as practicing as an athletic trainer unless he holds a certificate as an athletic trainer ninety days after the effective date of regulations promulgated by the Board implementing athletic trainer certification. The Board shall issue certificates to practice athletic training to applicants for such certification who meet the requirements of this chapter and the Board's regulations.

B. The Board shall establish criteria for the certification of athletic trainers to ensure the appropriate training and educational credentials for the practice of athletic training. Such criteria may include experiential requirements and shall include one of the following: (i) a Virginia testing program to determine the quality of the training and educational credentials for and competence of athletic trainers, (ii) successful completion of a training program and passage of the certifying examination administered by the National Athletic Training Association Board of Certification resulting in certification as an athletic trainer by such national association, or (iii) completion of another Board-approved training program and certifying examination.

C. *At its discretion, the Board may grant provisional certification to persons who have successfully completed an approved training program or who have met requisite experience criteria established by the Board. Such provisional certification shall expire as provided for in the regulations of the Board.*

D. The Board shall promulgate such regulations as may be necessary for the certification of athletic trainers and the issuance of certificates to athletic trainers to practice in the Commonwealth. The Board's regulations shall assure the competence and integrity of any person claiming to be an athletic trainer or who engages in the practice of athletic training.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

Current regulations (18 VAC 85-120-80) provide for the issuance of a provisional certification to an applicant who is a graduate of an accredited education program or has fulfilled internship educational requirements through NATABOC and who has applied to take the certification examination to practice athletic training under the supervision and control of a certified athletic trainer.

The Board proposes to add another type of provisional certification for an applicant who has already completed an educational program, passed the certifying examination and has been certified by NATABOC. Such applicant would have to submit to the Board an application and fee along with documentation of current NATABOC certification. The Board could then issue a provisional certification for a period not to exceed 90 days, which would allow the applicant to begin practice during the time it takes to obtain other information and documentation, such as school transcripts, verification of professional activity and verification of licensure or certification from other states.

To distinguish between the graduate with a provisional certification, who is waiting for results of the certification examination and the certified athletic trainer who has completed all requirements for NATABOC certification and has applied for certification with the Virginia Board of Medicine, there may need to be different terminology used. Since the current provisional certificate holder has not passed the certification examination, he is required to work under the supervision and control of a certified trainer. For the limited period of the provisional certification, it would not be necessary for an applicant who already has NATABOC certification to work under supervision and control. Such a distinction in titles with appropriate identification would allow the public to distinguish between the “graduate provisional certificate holder” and the “certified provisional certification holder.” If an applicant provides evidence that he holds current NATABOC certification, the Board is satisfied that the trainer can work for a limited period of time awaiting verification of other requirements and that the public health and safety is adequately protected.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

When a university or school system hires an athletic trainer, there is often a need for that individual to begin work almost immediately. At the present time, there is no mechanism for issuance of a temporary or provisional license or certification, so the trainer is unable to perform the duties for which he was hired until all documentation has been received and a certificate granted. To address the need to allow certified athletic trainers the ability to begin work once the application, fee and copy of current NATABOC are received, the Board would like to issue a provisional certificate under its authority in § 54.1-2957.4.

In the promulgation of a proposed amendment, the Board will determine the period of time for which the provisional certification could be valid. That period would likely be between 30 and 90 days. There is precedence for a 30-day period for practice awaiting licensure in the profession of nursing. In § 54.1-3001, there is an exemption from licensure for an applicant who

is licensed in another state or Canada and has submitted an application and fee to the Board. To determine the appropriate limit for issuance of a provisional certificate, the Board will consider factors such as public safety and the length of time it takes to receive verification of licensure from other jurisdictions and transcripts from schools offering athletic training education.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The proposed regulatory action would not strengthen or erode the authority and rights of parents, encourage or discourage economic self-sufficiency, strengthen or erode the marital commitment or increase or decrease disposable family income.