

## **Athletic Training Advisory Committee Minutes**

A conference call meeting of the Athletic Training Advisory Committee was held on November 28, 2005 at 9:30 A.M..

### **COMMITTEE MEMBER PARTICIPANTS**

Karen Manista, A.T. and William Hyncik, A.T.

### **OTHER PARTICIPANTS**

Joyce Brown, D.A.G.; Susan Gartland, Executive Director, Athletic Training Advisory Committee; Lisa Petrowski, Assistant to the Executive Director, Athletic Training Advisory Committee; and Charles Manning, Regulatory Analyst (present for discussion of regulations only)

### **OPEN MINUTES**

#### **I. Ratification of Minutes**

##### **A. SEPTEMBER 26, 2005**

A motion was made by Ms. Manista and seconded by Mr. Hyncik to accept the September 26, 2005 Open Minutes as presented. A vote was taken and the motion carried by a unanimous vote. The September 26, 2005 Open Minutes were ratified by the Board of Medical Examiners on October 19, 2005.

### **DISCUSSION ITEMS**

#### **II. Old Business**

##### **A. ATHLETIC TRAINING REGULATION 13:35-10.7 SEXUAL MISCONDUCT CHARLES MANNING, REGULATORY ANALYST**

On March 28, 2005, the Athletic Training Advisory Committee previously approved the attached proposed Sexual Misconduct regulation with amendments which was then recommended to the Board of Medical Examiners for its approval. On May 10, 2005 the Board of Medical Examiners reviewed the proposed regulation and referred it back to the Athletic Training Advisory

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Committee for further review. The Board commented that it believed the regulation relating to sexual misconduct for athletic trainers as written, may be too onerous a burden, especially in light of the application of the regulation to college and professional teams.

On September 26, 2004, Charles Manning, Regulatory Analyst, met with the Athletic Training Committee to discuss the comments of the Board of Medical Examiners concerning the proposed Sexual Misconduct regulation. The Committee members advised Mr. Manning that they reaffirm their original recommendation to the Board of Medical Examiners for approval of the proposed Sexual Misconduct regulation with amendments. The Committee has concerns with excluding the college and professional team athletic trainers from being subject to the proposed amended regulation. The Committee opined that sexual misconduct or harassment can occur at the college level and even though one could argue that a sexual relationship may involve two consenting adults, there still remains an issue that the athletic trainer is in a position of authority/power in that athletic trainer/student relationship. The Committee voted to resubmit the proposed amended regulation to the Board with no changes to the rule as the Committee feels strongly that the proposed amended regulation is in the best interest of the public.

The proposed amended regulation will be provided to the Board of Medical Examiners for its approval. If the Board of Medical Examiners does not approve the proposed amended regulation, the Committee would ask the Board to further delineate its reasoning for the exclusion of college and professional team athletic trainers.

Regulatory Analyst, Charles Manning, met with the Athletic Training Committee to discuss the Board of Medical Examiners comments concerning the Committee's reaffirmation of the proposed Sexual Misconduct regulation with no changes. Mr. Manning advised the Committee that the Board reaffirmed its position as it opined that it is not inappropriate for two consenting adults to become involved in a sexual relationship. The Committee will look into whether the Board of Certification has a Code of Ethics which includes any language that relates to sexual relationships between a professional and their client. The Committee reaffirmed its position and voted to resubmit the proposed amended regulation to the Board again for its approval with no changes.

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### **III. Adjournment**

A motion was made by Ms. Manista and seconded by Mr. Hyncik to adjourn the Open Meeting at 10:45 A.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland, Executive Director  
Athletic Training Advisory Committee

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