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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
ATHLETIC TRAINERS

Adopted Amendments: N.J.A.C. 13:35-10

Proposed: July 7, 2003 at 35 N.J.R. 2834(a).

Adopted: November 12, 2003 by the State Board of Medical Examiners, David Wallace, MD, President.

Filed: June 16, 2004 as R.2004 d.273, without change.

Authority: N.J.S.A. 45:9-37.38 and P.L. 2001, c.156.

Effective Date: July 19, 2004.

Expiration Date: September 20, 2004.

Summary of Public Comments and Agency Responses:

The official comment period ended September 5, 2003. The Board received two comments from the following individuals:

1. Susan H. Gartland, Executive Director, New Jersey State Board of Physical Therapy Examiners
2. J. Timothy Sensor, ATC, ATL, Chief Athletic Trainer, Chief Clinical Supervisor, Kean University

COMMENT: One commenter contends that there is no rationale for changing athletic trainers from "registered" to "licensed." The commenter argues that the educational levels and requirements for athletic trainers have not changed, nor is there any indication that athletes do not use the services of athletic trainers because they are registered by the state and not licensed.

RESPONSE: P.L. 2001, c.156 amended N.J.S.A. 45:9-37.35 et seq., changing the term "registered athletic trainer" to "licensed athletic trainer" in the statute. The amendments to N.J.A.C. 13:35-10 effectuate this change as enacted by the Legislature.

COMMENT: One commenter argues that the Social Impact statement in the proposal was inaccurate when it claimed that there will be "a beneficial impact on society as . . . [the proposal] will continue to ensure the competency of athletic trainers." The commenter claims that there is no indication that athletic trainers are less competent because they are registered, or that they will become more competent if they are licensed.

RESPONSE: The Board believes that the commenter misread the Social Impact statement. The statement did not claim that society will be benefited because the term "registered" is being changed to "licensed." The statement was intended to communicate the Board's belief that society will be benefited because the rules will continue to ensure the competency of athletic trainers. The Board did not claim that athletic trainers are less competent due to registration or that licensure will make athletic trainers more competent.

COMMENT: One commenter is confused by the amendments to the definition of "athletic training" in N.J.A.C. 13:35-10.2. The commenter is not clear why the word "and" was taken out of the first sentence of the definition and was

added to the second sentence. The commenter questions if the Board can change the definition from the way it appears in the statute. The commenter is also concerned because the proposal deleted the phrase "and includes" in the first sentence.

RESPONSE: Taking out the word "and" from the first sentence and "athletic training shall also include" from the second sentence clarifies the definition of "athletic training" in N.J.A.C. 13:35-10.2 but does not change the substance of the definition. As such, the change does not violate any statutory provision.

COMMENT: One commenter is concerned because the proposal deleted the phrase "but are not limited to" from N.J.A.C. 13:35-10.4. The commenter believes this amendment will limit the ability of athletic trainers to use professional judgment when caring for athletes. The commenter claims that there are many functions that can be classified as maintenance and reconditioning programs and argues that deleting "but are not limited to" may narrow an athletic trainer's scope of practice due to a technicality.

RESPONSE: The Board does not believe that the deletion of "but are not limited to" narrows an athletic trainer's scope of practice. The list of activities in N.J.A.C. 13:35-10.4 is clearly not exclusionary and the term "but are not limited to" is unnecessary because it is extraneous language. Deleting the term clarifies the rule without changing its substance and does not affect an athletic trainer's ability to use professional judgment when caring for athletes.

Federal Standards Statement

A Federal standards analysis is not required because there are no applicable Federal laws or standards to the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 10. ATHLETIC TRAINERS

<< NJ ADC 13:35-10.1 >>

13:35-10.1 Scope and purpose

(a) This subchapter is promulgated by the New Jersey State Board of Medical Examiners, pursuant to N.J.S.A. 45:9-37.35 et seq., providing for the licensure and regulation of athletic trainers within the State of New Jersey.

(b) The rules contained in this subchapter shall apply to all individuals currently practicing as athletic trainers, as well as those individuals studying to become athletic trainers within this State and applicants for licensure. The rules are designed to better define the allowable activities, professional standards, and the educational requirements of athletic trainers.

<< NJ ADC 13:35-10.2 >>

13:35-10.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Athletic training" means the practice of physical conditioning and reconditioning of athletes, the prevention of injuries incurred by athletes and at the direction of a physician licensed in the State of New Jersey, the application of physical treatment modalities to athletes as recommended by the Advisory Committee and defined in N.J.A.C. 13:35-10.4(c).

...

<< NJ ADC 13:35-10.3 >>

13:35-10.3 Application for licensure

(a) An applicant for athletic trainer licensure shall submit to the Board:

1. A completed application form;
2. Proof that the applicant has completed a program of education, training and experience which is approved by the National Athletic Trainers' Association Board of Certification, Inc., or its successor;
3. Proof that the applicant has passed the examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor, or an equivalent examination as adopted by the Board; and
4. The application fee pursuant to N.J.A.C. 13:35-10.6.

<< NJ ADC 13:35-10.4 >>

13:35-10.4 Approved activities

(a) A licensed athletic trainer may provide the full spectrum of pre-season, in-season and post-season conditioning programs. These programs include maintenance and reconditioning programs, as well as bandaging, wrapping, taping, padding, and splinting procedures for the prevention and management of injuries.

(b) Nothing in this subchapter shall be interpreted to prohibit licensed athletic trainers from providing first-aid.

(c) A licensed athletic trainer may, at the direction of a licensed physician, administer the following physical treatment modalities:

1.-8. (No change.)

(d) A licensed athletic trainer may, at the direction of a licensed physician, provide testing or neuromotor and musculoskeletal functional capability for the purposes of conditioning, reconditioning or otherwise evaluating the athlete's performance capability. However, nothing in this subchapter shall be interpreted to permit a licensed athletic trainer to conduct electromyographic testing or nerve conduction velocity studies.

(e) The licensed athletic trainer shall not diagnose an injury or illness. However, prior to implementing or while maintaining the plan of care, the licensed athletic trainer shall exercise professional judgment to determine whether any intervening circumstances have adversely affected the athlete's ability to participate in or continue to participate in the plan of care.

(f) A written record regarding the treatment of an athletic injury shall be created by the licensed athletic trainer and maintained for a period of seven years from the date of the last entry.

(g) Nothing in this subchapter shall be interpreted to prohibit licensed athletic trainers from being employed or performing activities which do not require licensure or registration provided they do not hold themselves out as athletic trainers during that employment or performance.

(h) Nothing in this section shall be interpreted to prohibit unlicensed individuals from applying bandaging, wrapping, taping, padding or splinting techniques to non-injured athletes.

<< NJ ADC 13:35-10.5 >>

13:35-10.5 Violations

Without limiting the prosecution of any practices which may be unlawful under any other state or Federal law, a violation of this subchapter shall be deemed to be a violation of the Athletic Training Licensure Act, N.J.S.A. 45:37-

35 et seq., and shall be subject to the sanctions and penalties of N.J.S.A. 45:1-1 et seq.

<< NJ ADC 13:35-10.6 >>

13:35-10.6 Fees

(a) The following fees shall be charged by the Board for athletic trainer licensure:

- 1. Temporary licensure or authorized licensure without examination \$60.00
- 2. Initial Licensure Fee
 - i. If paid during the first year of a biennial renewal period \$70.00
 - ii. If paid during the second year of a biennial renewal period \$35.00
- 3. Biennial renewal \$70.00
- 4. Endorsement \$60.00
- 5. Late renewal fee \$50.00