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RULE ADOPTIONS

Reporter

52 N.J.R. 199(c)

*NJ - New Jersey Register > 2020 > FEBRUARY > FEBRUARY 18, 2020 > RULE
ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

Agency

LAW AND PUBLIC SAFETY >
DIVISION OF CONSUMER AFFAIRS >
MEDICAL EXAMINERS

BOARD OF

Administrative Code Citation

Adopted Repeal and New Rule: N.J.A.C. 13:35-10.4

Adopted Amendments: N.J.A.C. 13:35-10.7, 10.8, and 10.20

Adopted New Rules: N.J.A.C. 13:35-10.3A, 10.4A, and 10.4B

Text

Licensed Athletic Trainers

License Renewal

Proposed: July 1, 2019, at 51 N.J.R. 1091(a).

Adopted: November 13, 2019, by the Board of Medical Examiners, Scott E. Metzger, M.D., President.

Filed: January 16, 2020, as R.2020 d.022, **without change.**

Authority: N.J.S.A. 45:9-37.38.

Effective Date: February 18, 2020.

Expiration Date: April 3, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended August 30, 2019. **No comments were received.**

Federal Standards Statement

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

Full text of the adoption follows:

SUBCHAPTER 10. ATHLETIC TRAINERS

13:35-10.3A Licensure by reciprocity

(a) Upon receipt of a completed application, application fee, consent to a criminal history record background check, and requisite fee for such a check, the Board shall issue a license to any person who

documents that he or she holds a valid, current corresponding license in good standing issued by another state, if:

1. The Board determines that the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the current Board standards;

2. The applicant has been practicing in the profession of athletic training for a period of at least two years immediately prior to the date of application; and

3. The requirements of (b) below are satisfied.

(b) Prior to the issuance of the license, the Board shall have received:

1. Documentation from any state in which the applicant is, or ever was, licensed, indicating that the applicant's license(s) is in good standing;

2. The results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police, which do not disclose a conviction for a disqualifying crime; and

3. Designation of an agent in New Jersey for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.

(c) For purposes of this section, "good standing" means that:

1. No action has been taken against the applicant's license by any licensing board;

2. No action adversely affecting the applicant's privileges to practice athletic training has been taken by any out-of-State institution, organization, or employer;

[page=200] 3. No disciplinary proceeding is pending that could affect the applicant's privileges to practice athletic training;

4. All fines levied by any out-of-State board have been paid; and

5. There is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, New Jersey, or any other state, including: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or any offense involving any controlled dangerous substance or controlled dangerous substance analog.

(d) For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.

(e) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

(f) The Board may grant a license without examination to an applicant seeking reciprocity who holds a corresponding license from another state who does not meet the good standing requirement of (a) above due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime provided the alleged conduct of the applicant that is the subject of the action, proceeding, charge, or arrest does not demonstrate a serious inability to practice athletic training, adversely affect the public health, safety, or welfare or result in economic or physical harm to a person or create a significant threat of such harm.

13:35-10.4 Biennial license renewal

(a) The Board shall send a notice of renewal to each licensed athletic trainer at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensed athletic trainer of the option to renew as inactive. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(b) A licensed athletic trainer shall renew his or her license for a period of two years by submitting a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:35-10.19, prior to the date of license expiration.

(c) A licensed athletic trainer may renew his or her license by choosing inactive status. A licensed athletic trainer electing to renew as inactive shall not engage in the practice of athletic training, or hold him- or herself out as eligible to engage in the practice of athletic training, in New Jersey until such time as the license is returned to active status.

(d) If a licensed athletic trainer does not renew the license prior to its expiration date, the licensed athletic trainer may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:35-10.19. During this 30-day period, the license shall be valid and the licensed athletic trainer shall not be deemed practicing without a license.

(e) A licensed athletic trainer who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensed athletic trainer who continues to engage in the practice of athletic training with a suspended license shall be deemed to be engaging in the unlicensed practice of athletic training and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:35-10.4A License reactivation

(a) A licensed athletic trainer who holds an inactive license pursuant to N.J.A.C. 13:35-10.4(c) may apply to the Board for reactivation of an inactive license. A licensed athletic trainer seeking reactivation of an inactive license shall submit:

1. A renewal application;
2. A certification of employment listing each job held during the period of inactive license that includes the name, address, and telephone number of each employer;
3. If the renewal application is sent during the first year of the biennial renewal period, the renewal fee for the biennial period for which reactivation is sought, as set forth in N.J.A.C. 13:35-10.19. If the renewal application is sent during the second year of the biennial period, half of the renewal fee for the biennial period for which reactivation is sought, as set forth in N.J.A.C. 13:35-10.19; and
4. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:35-10.21.

(b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of athletic training and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above apply.

(c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure, to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of time license was inactive;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensed athletic trainer by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-10.4B License reinstatement

(a) A licensed athletic trainer who has had his or her license suspended, pursuant to N.J.A.C. 13:35-10.4(e), may apply to the Board for reinstatement. A licensed athletic trainer applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license that includes the name, address, and telephone number of each employer;
3. The renewal fee set forth in N.J.A.C. 13:35-10.19 for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee set forth in N.J.A.C. 13:35-10.19; and
6. Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:35-10.21.

(b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of athletic training and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)6 [page=201] above. If the other state does not have any continuing education requirements, the requirements of (a)6 above apply.

(c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of time license was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license issued to the licensed athletic trainer by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-10.7 Scope of practice

(a) A licensed athletic trainer in an interscholastic, intercollegiate, intramural, or professional athletic setting, in a setting where he or she is providing evaluation and immediate athletic training services for an injury suffered outside of the interscholastic, intercollegiate, intramural, or professional athletic setting pursuant to N.J.A.C. 13:35-10.6(b) or in any other setting pursuant to a referral from a physician (who may, in this instance, be licensed in another state), may provide to an athlete:

1.-4. (No change.)

(b)-(f) (No change.)

13:35-10.8 Records

(a) A licensed athletic trainer shall prepare and maintain for each athlete a contemporaneous, permanent record that accurately reflects the evaluation and treatment of the athlete's injury by the licensed athletic trainer.

(b)-(f) (No change.)

13:35-10.20 Sexual misconduct

(a) (No change.)

(b) As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

...

(c) - (1) (No change.)

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