

**PROPOSED REGULATION OF THE
STATE BOARD OF ATHLETIC TRAINERS**

LCB FILE NO. R162-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/21/2018**

NAC 640B.030 Adoption by reference and periodic review of certain standards of professional practice and requirements to maintain certification. (NRS 640B.260)

1. The Board hereby adopts by reference the standards of professional practice and the requirements to maintain certification, including, without limitation, any requirements for continuing education, set forth in *Standards of Professional Practice* adopted by the ~~National Athletic Trainers' Association~~ Board of Certification, Inc. The publication is available, free of charge, from the ~~National Athletic Trainers' Association~~ Board of Certification, Inc., at the Internet address <http://www.bocatc.org>.

2. The Board will periodically review the standards and the requirements in the publication described in subsection 1. Within 30 days after each review, the Board will determine whether any change made to the standards or the requirements is appropriate for application in this State. If the Board does not disapprove a change to an adopted standard or requirement within 30 days after each review, the change is deemed to have been approved by the Board.

NAC 640B.040 Examination for licensure: Determination of passing grade. (NRS 640B.260, 640B.310) The passing grade for the examination required by paragraph (g) of subsection 1 of NRS 640B.310 will be determined by the ~~National Athletic Trainers' Association~~ Board of Certification, Inc., or its successor organization.

NAC 640B.060 Fees. (NRS 640B.250, 640B.260, 640B.410)

1. The Board will charge and collect the following fees:

For an initial application for a license <i>without examination</i>	\$300
For the renewal of a license.....	150
For the restoration of an expired license.....	300
For the issuance of a duplicate license.....	25
For a change of name on a license.....	25
For a list of business addresses of licensees.....	25
For a list of business addresses of licensees on mailing labels.....	100
For a dishonored check.....	25

2. A fee charged and collected pursuant to this section:

- (a) Must accompany the application or other documentation to which the fee pertains; and
- (b) Is not refundable.

New Provision 1:

Pursuant to NRS 622A.360(4), the Board authorizes its Chair to decide prehearing motions listed in NRS 622A.360(2). If the Chair believes that the motion should be decided by the full Board, the Chair may decline to exercise this authority and a Board meeting shall be scheduled to decide the motion at issue within the required timeframe.

New Provision 2:

Pursuant to NRS 622A.390(4), the Board authorizes its Chair to decide prehearing motions listed in NRS 622A.360(1). If the Chair believes that the motion should be decided by the full Board, the Chair may decline to exercise this authority and a Board meeting shall be scheduled to decide the motion at issue within the required timeframe.

New Provision 3:

All licensee and applicants must report to the Board, within 30 days:

- 1. Any criminal conviction or pending criminal action initiated in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country. Minor traffic violations are not required to be reported to the Board.*
- 2. Any action taken against any professional license that they possess in this State or any other state or pending administrative action initiated in this State or any other state.*
- 3. Any pending civil action filed against them relating to their practice as an athletic trainer in this State or any other state or any federal court.*
- 4. The issuance of any protection order for domestic violence entered against the licensee or applicant initiated in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.*

The Executive Secretary or his or her designee will review the report and investigate it in the manner used for the investigation if he or she deems necessary. The licensee or applicant may be asked for additional information about this event, and making a report as required by this section does not automatically mean the Board will take disciplinary action against the licensee or applicant. Failure to report a qualifying event under this provision is grounds for disciplinary action.

New Provision 4: (Required by NRS 233B.120)

- 1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.*
- 2. A petition for a declaratory order or an advisory opinion must be in writing on a form prescribed by the Board.*

New Provision 5: (Required by NRS 233B.120)

- 1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board's Executive Secretary will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.*
- 2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.*
- 3. At a meeting at which a petition has been placed on the agenda for discussion, the Board will consider any information relevant to the petition, including, without limitation:*
 - (a) Oral or written testimony; and*
 - (b) Any other evidence.*
- 4. After consideration of the information relevant to the petition, the Board will grant or deny the petition.*
- 5. If the Board denies the petition, no further action will be taken.*

New Provision 6: (Required by NRS 233B.120)

- 1. If the Board grants a petition pursuant to New Provision 5, the Board will issue a declaratory order or advisory opinion. The Chair or other presiding officer shall assign one member of the Board to write the declaratory order or advisory opinion. The member so assigned has 30 days within which to submit to the Board the final draft, after reviewing comments by all members of the Board on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completing his or her draft of the declaratory order or advisory opinion, the assigned member shall submit it to the Board for final approval at the next regularly scheduled meeting of the Board. The declaratory order or advisory opinion must be approved by a majority of the members of the Board who are present at the meeting.*
- 2. After the Board renders its declaratory order or advisory opinion, the Board will give notice of it to the petitioner.*

New Provision 7:

A petitioner shall comply with the provisions of a declaratory order or advisory opinion issued by the Board.

New Provision 8: (Required by NRS 233B.100)

1. Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.

2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and must include:

(a) The name and address of the petitioner;

(b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;

(c) The proposed language of the regulation to be adopted, filed, amended or repealed;

(d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and

(e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.

3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.

4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of a regulation, the Board will initiate regulation-making proceedings concerning that regulation within 30 days after the date on which the petitioner filed the petition.

New Provision 9: (Authority is NRS 640B.260 and NRS 640B.310(1)(c))

Pursuant to NRS 640B.310(1)(c), as a prerequisite for licensure, the Board approves all degree programs which are approved by the Board of Certification, Inc., or its successor organization. Information about programs approved by the Board of Certification, Inc. is available at the Internet address <http://www.bocatc.org>.