

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

LCB File No. R148-20

September 11, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 3, 10, NRS 640B.260; §§2 and 11, NRS 640B.260 and 640B.310; §4, NRS 622A.360, 622A.390 and 640B.260; §§5-8, NRS 233B.120 and 640B.260; §9, NRS 233B.100 and 640B.260; §12, NRS 640B.260 and 640B.410.

A REGULATION relating to athletic training; providing for the approval of the Board of Athletic Trainers of certain programs of study; requiring the submission of certain information to the Board by licensees and applicants for licenses; authorizing the Chair of the Board to rule on certain motions in a contested case under certain circumstances; establishing procedures concerning petitions for declaratory orders and advisory opinions; establishing procedures concerning petitions requesting the adoption, filing, amendment or repeal of a regulation; revising provisions governing certain fees charged and collected by the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, an applicant for a license to engage in the practice of athletic training must, in addition to certain other requirements, have at least a bachelor’s degree in a program of study approved by the Board of Athletic Trainers. (NRS 640B.310) **Section 2** of this regulation provides Board approval of each bachelor’s degree program of study that is accredited by the Commission on Accreditation of Athletic Training Education.

Under existing law, an applicant for the issuance or renewal of a license to engage in the practice of athletic training is required to provide the Board with certain information as a condition of licensure. (NRS 640B.310, 640B.330, 640B.340) **Section 3** of this regulation requires an athletic trainer who is licensed by the Board or an applicant for such a license to report to the Board, within 30 days after an event occurs, certain: (1) criminal actions or convictions; (2) disciplinary or other administrative actions; (3) civil actions relating to his or her practice as an athletic trainer; and (4) orders for protection against domestic violence. **Section 3** also establishes certain procedures that the Board will follow upon receipt of such a report.

Existing law establishes certain uniform procedures to be used in the prosecution of contested cases before certain regulatory bodies in this State, including the Board. (Chapter 622A of NRS) Those procedures govern, among other things, the filing and disposition of certain

pre-hearing motions and certain motions filed after the close of a hearing. (NRS 622A.360, 622A.390) **Section 4** of this regulation provides that if the Board hears a contested case, the Chair of the Board is authorized to rule on such motions or to call a meeting of the Board to rule on such motions.

Existing law requires certain regulatory agencies to provide by regulation for the filing and prompt disposition of petitions for declaratory orders and advisory opinions as to the applicability of any statutory provision, agency regulation or decision of the agency. (NRS 233B.120) **Sections 5-8** of this regulation establish procedures concerning petitions for declaratory orders and advisory opinions filed with the Board in compliance with the statutory requirements.

Existing law provides that any interested person may petition certain regulatory agencies requesting the adoption, filing, amendment or repeal of a regulation and requires each such agency to prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. (NRS 233B.100) **Section 9** of this regulation establishes procedures concerning such petitions filed with the Board.

Existing law requires that, with certain exceptions, an applicant for a license to engage in the practice of athletic training must, in addition to certain other requirements, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization. (NRS 640B.310) Existing regulations provide that the passing grade on the examination will be determined by the National Athletic Trainers' Association Board of Certification, Inc. or its successor organization. (NAC 640B.040) Existing regulations also adopt by reference certain standards of professional practice and requirements to maintain certification published by that organization. (NAC 640B.030) **Sections 10 and 11** of this regulation revise the name of the organization to the Board of Certification, Inc.

Under existing law and regulations, the Board of Athletic Trainers has established certain fees. (NRS 640B.410; NAC 640B.060) **Section 12** of this regulation revises the amount of the fee for an initial application for a license to engage in the practice of athletic training. **Section 12** also establishes a fee for an initial application for a license to engage in the practice of athletic training without examination.

Section 1. Chapter 640B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *For the purposes of NRS 640B.310, an applicant for a license who has at least a bachelor's degree in a program of study that is accredited by the Commission on Accreditation of Athletic Training Education, or its successor organization, has at least a bachelor's degrees in a program of study approved by the Board.*

2. Information about programs of study that are accredited by the Commission on Accreditation of Athletic Training Education may be obtained at the Internet website <https://caate.net>.

Sec. 3. 1. *Not later than 30 days after the occurrence of the event, a licensee or an applicant for a license shall report to the Board:*

(a) Any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state, territory or possession of the United States or the District of Columbia 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.

(b) Any disciplinary action taken against any professional license or certificate that the licensee or applicant holds in this State or any other state, territory or possession of the United States or the District of Columbia and any other administrative action taken against the licensee or applicant initiated in this State or any other state, territory or possession of the United States or the District of Columbia.

(c) Any civil action filed against the licensee or applicant relating to his or her practice as an athletic trainer in this State, any other state, territory or possession of the United States, the District of Columbia or any federal court.

(d) Any order for protection against domestic violence issued against the licensee or applicant in this State or any other state, territory or possession of the United States or the District of Columbia 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.

2. The Executive Secretary of the Board or his or her designee shall review each report submitted pursuant to subsection 1 and may take any or all of the following actions:

(a) Conduct an investigation pursuant to NRS 640B.720.

(b) Require the licensee or applicant to provide additional relevant information.

3. If a licensee or an applicant for a license fails to report any information required by this section, the Board will determine whether or not to take disciplinary action against the licensee or refuse to issue a license to the applicant.

4. A licensee or an applicant for a license who fails to report to the Board any information required by this section is subject to disciplinary or other action pursuant to NRS 640B.700.

Sec. 4. If, pursuant to NRS 622A.300, the Board hears a contested case, the Chair of the Board may:

1. Rule on any prehearing motion filed with the Board pursuant to NRS 622A.360 or call a meeting of the Board to rule on the motion.

2. Rule on any motion filed with the Board after the close of the hearing pursuant to NRS 622A.390 or call a meeting of the Board to rule on the motion.

Sec. 5. 1. The Board will consider a petition for a declaratory order or an advisory opinion as to the applicability of a statutory provision or a 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.

Sec. 6. 1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the 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 less than 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.*

Sec. 7. 1. *If the Board grants a petition pursuant to subsection 4 of section 6 of this regulation, the Board will issue a declaratory order or an advisory opinion. The Chair of the Board or other presiding officer shall assign one member of the Board to write the declaratory order or advisory opinion. Not later than 30 days after being assigned to write the declaratory order or advisory opinion, the member shall complete the draft of the declaratory order or advisory opinion, 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 completion of the 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. To be issued as a final declaratory order or advisory opinion of the Board, the draft of the order or 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.*

Sec. 8. *A petitioner shall comply with the provisions of a declaratory order or advisory opinion issued by the Board in response to his or her petition.*

Sec. 9. 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 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 or amended or the existing language of the regulation to be repealed, as applicable;

(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 files 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 files the petition.

Sec. 10. NAC 640B.030 is hereby amended to read as follows:

640B.030 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.

Sec. 11. NAC 640B.040 is hereby amended to read as follows:

640B.040 The passing grade for the examination required by paragraph ~~{(g)}~~ **(f)** of subsection 1 of NRS 640B.310 will be determined by the ~~{National Athletic Trainers' Association}~~ Board of Certification, Inc., or its successor organization.

Sec. 12. NAC 640B.060 is hereby amended to read as follows:

640B.060 1. The Board will charge and collect the following fees:

For an initial application for a license	300 \$250
<i>For an initial application for a license 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 labels100
For a dishonored check25

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.