

BEFORE THE BOARD OF ATHLETIC TRAINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.118.301 definitions,) REPEAL
24.118.402 fee schedule, 24.118.2101)
renewals, 24.118.2301 unprofessional)
conduct, and the repeal of 24.118.507)
limit on nonlicensee conduct)

TO: All Concerned Persons

1. On February 8, 2019, the Board of Athletic Trainers (board) published MAR Notice No. 24-118-5 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 170 of the 2019 Montana Administrative Register, Issue No. 3.

2. On March 4, 2019, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the March 8, 2019, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters stated that the 2012 CAATE standards referenced in ARM 24.118.301 will be soon outdated, as new standards will take effect on July 1, 2020. The commenters suggested using the word "current" rather than referencing the specific edition.

RESPONSE 1: The board will continue to improve on the way it addresses updating CAATE standards. However, 2-4-307, MCA, requires the board to cite to the specific code, rule, or other publication it is adopting by reference in administrative rule, and cannot adopt an unknown "future" version by reference. Any future versions must be adopted through the administrative rulemaking processes in compliance with the Montana Administrative Procedure Act (MAPA). The board is amending the rule as proposed so the reference to CAATE is more current.

COMMENT 2: Several commenters stated that "approved clinical instructor" in ARM 24.118.301 is no longer used in the 2012 or 2020 CAATE standards, but rather the term "preceptor" is used. The language of the 2012 and 2020 editions definitions of preceptor were provided.

RESPONSE 2: The board acknowledges that the definition is out-of-date but is unable to make this change in a final notice, as it was not included for public comment in the proposal notice. The board will address this change in a future project.

COMMENT 3: Several commenters stated that "clinical instructor educator" in ARM 24.118.301 is no longer used in the 2012 or 2020 CAATE standards and suggested removing the term.

RESPONSE 3: The board acknowledges that the definition is out-of-date but is unable to make this change in a final notice, as it was not included for public comment in the proposal notice. The board will address this change in a future project.

COMMENT 4: Several commenters stated that the reference to the BOC Standards of Professional Practice edition released in 2018 is outdated because they were updated in January 2019. The commenters suggest using the word "current" or "current version" rather than referencing the specific edition.

RESPONSE 4: The board will continue to improve on the way it addresses updating BOC standards. However, 2-4-307, MCA, requires the board to cite to the specific code, rule, or other publication it is adopting by reference in administrative rule, and cannot adopt an unknown "future" version by reference. Any future versions must be adopted through the administrative rulemaking processes in compliance with the Montana Administrative Procedure Act (MAPA). The board is amending the rule as proposed so that the reference to BOC is more current.

4. The board has amended ARM 24.118.301, 24.118.402, 24.118.2101, and 24.118.2301 exactly as proposed.

5. The board has repealed ARM 24.118.507 exactly as proposed.

BOARD OF ATHLETIC TRAINERS
JANET TRETHERWEY, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 16, 2019.