

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

In the matter of the amendment of)
ARM 24.118.402 fee schedule and)
the adoption of NEW RULES I and II)
applications and NEW RULE III)
renewals)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
ADOPTION

TO: All Concerned Persons

1. On August 7, 2012, at 2:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Athletic Trainers (board) no later than 5:00 p.m., on July 30, 2012, to advise us of the nature of the accommodation that you need. Please contact Cynthia Breen, Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdatr@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.118.402 FEE SCHEDULE ~~(1) Fees for original examination and license, and original endorsement and license must be renewed annually by the date specified in ARM 24.101.413. The following is the fee schedule for licensed athletic trainers:~~

- ~~(a) (1) Original examination application and license fee~~ \$175
- ~~(b) Original endorsement application and license fee~~ 175
- (c) remains the same, but is renumbered (2).
- (2) and (3) remain the same, but are renumbered (3) and (4).

AUTH: 37-1-134, 37-36-102, MCA
IMP: 37-1-134, 37-36-201, 37-36-202, MCA

REASON: The board determined it is reasonably necessary to amend this rule to remove repetitive and confusing language. The board is also condensing the application and licensure fees into a single type while removing the endorsement method. There is no difference in either licensure requirements or the application review process between an applicant for initial licensure, or someone who is licensed in another state.

4. The proposed new rules provide as follows:

NEW RULE I APPLICATIONS (1) A completed application must include the following:

- (a) transcripts sent directly from the educational institution documenting that the applicant has received at least a baccalaureate degree from a postsecondary institution that meets the academic standards for athletic trainers established by the National Athletic Trainers Association Board of Certification (BOC);
- (b) proof of the applicant's current certification from the BOC;
- (c) letters of recommendation from at least two clinical supervisors familiar with the applicant's clinical training;
- (d) license verifications sent directly from all states where the applicant holds or has held a license in any professional capacity;
- (e) proof of the applicant's current Health Care Provider Cardio Pulmonary Resuscitation (CPR) certification;
- (f) the appropriate fee; and
- (g) additional documentation the board may require to show no criminal conviction or disciplinary action against the applicant per 37-36-201, MCA.

(2) The board may issue a temporary license to an applicant who qualifies under 37-36-201(2), MCA.

(3) A temporary license is valid after the date of issuance for 90 days or until the board acts on the person's license application, whichever is earlier.

(4) Applications not completed within one year of submission will expire and a new application and fee will be required.

AUTH: 37-1-131, 37-36-102, MCA

IMP: 37-1-131, 37-36-201, MCA

REASON: The board is adopting New Rule I to clearly set forth for applicants the specific requirements needed for licensure. The board concluded that maintaining all licensure requirements in a single location will make it simpler and easier for applicants to locate licensure requirements.

NEW RULE II DEFINITION OF NONROUTINE APPLICATION

(1) The board considers the following as nonroutine applications for athletic trainer licensure that require full board review and approval:

(a) applications containing any of the criteria in the division's definition of nonroutine application in ARM 24.101.402; or

(b) applications that disclose:

(i) an applicant having prior felony convictions of any nature, or prior misdemeanor convictions relating to sex, drugs, or violence;

(ii) an applicant having two or more alcohol-related convictions over any period of time, or one alcohol-related conviction within the past five years; or

(iii) that an applicant's professional license in this or another state or jurisdiction was disciplined or voluntarily surrendered.

AUTH: 37-1-131, 37-36-102, MCA

IMP: 37-1-101, MCA

REASON: The board is proposing New Rule II to implement 37-1-101, MCA, which allows department staff to issue and renew routine licenses on behalf of the boards. The board is now defining nonroutine applications to clarify which athletic trainer applications need full board review prior to license issuance and which can be processed by staff.

NEW RULE III RENEWALS (1) All athletic trainers must renew their license annually with the board. The renewal date for an athletic trainer license is set by ARM 24.101.413.

(2) Renewal notices will be sent as specified in ARM 24.101.414.

(3) Licensees must, upon renewal, attest to holding current BOC certification.

(4) The board may conduct a random audit of ten percent for documentary verification of the certification requirement.

(5) All licensees shall notify the department within 30 days of any change in mailing addresses.

AUTH: 37-1-131, 37-36-102, MCA

IMP: 37-1-131, 37-1-141, 37-1-309, 37-36-202, MCA

REASON: The board determined it is reasonably necessary to adopt New Rule III to clarify the current renewal processes and auditing requirement. The board anticipates this rule will alleviate confusion by providing licensees a clear reference for renewal questions.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdatr@mt.gov, and must be received no later than 5:00 p.m., August 14, 2012.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's web site on the World Wide Web at www.athletictrainer.mt.gov. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdatr@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Kevin Maki, attorney, has been designated to preside over and conduct this hearing.

BOARD OF ATHLETIC TRAINERS
CHRIS HEARD, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 2, 2012