

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

In the matter of the amendment of)
ARM 24.118.301 definitions,)
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 March 4, 2019, at 11:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal 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 no later than 5:00 p.m., on February 25, 2019, to advise us of the nature of the accommodation that you need. Please contact Rhonda Morgan, Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; or dlibsdatr@mt.gov (board's e-mail).

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

24.118.301 DEFINITIONS (1) remains the same.

(a) "Approved clinical instructor" means a BOC certified athletic trainer, licensed physician, or other individual credentialed in a health care profession, for no less than one year and ~~who~~:

(i) who is not currently enrolled in the entry level athletic training education program at the instructor's institution; and

(ii) whose training curriculum follows the standards of the Commission on Accreditation of Athletic Training Education (CAATE), ~~June 30, 2008~~ July 1, 2012 edition, which are adopted and incorporated by reference. A copy of the CAATE standards may be obtained through the Board of Athletic Trainers, 301 S. Park Avenue, P.O. Box 200513, Helena, Montana, 59620-0513.

(b) and (c) remain the same.

(d) "Clinical instructor educator" means a clinical instructor educator as defined by the CAATE standards, ~~June 30, 2008~~ July 1, 2012 edition, which are adopted and incorporated by reference. A copy of the CAATE standards may be

obtained through the Board of Athletic Trainers, 301 S. Park Avenue, P.O. Box 200513, Helena, Montana, 59620-0513. A clinical instructor educator must also:
(i) through (g) remain the same.

AUTH: 37-36-102, MCA
IMP: 37-36-101, 37-36-203, MCA

REASON: The board determined it is reasonably necessary to update this rule by adopting and incorporating by reference the current 2012 edition of the Commission on Accreditation of Athletic Training Education (CAATE) standards.

24.118.402 FEE SCHEDULE

- (1) remains the same.
- (2) License renewal fee 475 75
- (3) and (4) remain the same.

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

REASON: The board authorized a 100 percent abatement of fees in the 2016 and 2018 renewal periods, as the board's cash balance was exceeding twice the program's annual appropriation, pursuant to 17-2-302, MCA. Because revenue continues to be higher than expenses, the board has determined that a decrease in the renewal fee is warranted to maintain the cash balance below the limit and comply with 17-2-302, MCA. The board estimates that the proposed fee change will affect approximately 139 persons and decrease annual revenue by \$13,900.

- 24.118.2101 RENEWALS (1) remains the same.
~~(2) Renewal notices will be sent as specified in ARM 24.101.414.~~
(3) through (5) remain the same but are renumbered (2) through (4).

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 delete (2) to align with current standardized renewal and application procedures and because the department repealed ARM 24.101.414 in 2015.

24.118.2301 UNPROFESSIONAL CONDUCT (1) The BOC's Athletic Trainers Standards of Professional Practice, implemented ~~January 1, 2006~~ January 2018, are adopted and incorporated by reference. A copy of the BOC Standards of Professional Practice may be obtained through the Board of Athletic Trainers, 301 S. Park Avenue, P.O. Box 200513, Helena, Montana, 59620-0513. Violation of BOC practice standards or codes of professional responsibility may be grounds for discipline.

- (2) through (3)(t) remain the same.

AUTH: 37-1-319, 37-36-102, MCA
IMP: 37-1-316, 37-1-319, 37-36-202, MCA

REASON: It is necessary to amend (1) to adopt and incorporate by reference the current 2018 version of the BOC's Athletic Trainers Standards of Professional Practice regarding unprofessional conduct of licensees.

4. The rule proposed to be repealed is as follows:

24.118.507 LIMIT ON NONLICENSEE CONDUCT

AUTH: 37-1-131, 37-36-102, MCA
IMP: 37-1-131, 37-36-101, 37-36-203, 37-36-204, MCA

REASON: The board determined that 37-36-203, MCA, already allows for exemptions and addresses preventative care. Additionally, the title and content may indicate that the board is trying to regulate individuals who do not fall under the definition of athletic trainer. The board concluded this rule is not necessary to define what preventative care or first aid includes, especially since there are ever-changing procedures and it is difficult to keep up with the changes. Further, the definition of athletic training at 37-36-101, MCA, adequately describes the scope of practice and addresses preventative care. The board is repealing this rule as unnecessary.

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) 841-2323, or e-mail to dlibsdatr.mt.gov, and must be received no later than 5:00 p.m., March 8, 2019.

6. An electronic copy of this notice of public hearing is available at athletictrainer.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site 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 that 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) 841-2323; 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. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.118.301, 24.118.402, 24.118.2101, and 24.118.2301 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.118.507 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2320; facsimile (406) 841-2323; or to dlibsdatr@mt.gov.

10. Rhonda Morgan, Executive Officer, has been designated to preside over and conduct this hearing.

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 January 29, 2019.