

Title 22. Examining Boards
Part 40. Advisory Board of Athletic Trainers
Chapter 871. Athletic Trainers
Subchapter A. General Guidelines and Requirements
Amendments §§871.9, 871.12

Proposed Preamble

The Advisory Board of Athletic Trainers (board) proposes amendments to §871.9 and §871.12, concerning the licensure and regulation of athletic trainers.

BACKGROUND AND PURPOSE

In accordance with Occupations Code, Chapter 451, the board is amending the sections to modify the alternative for licensure for applicants who have successfully completed an approved national examination. Additionally, the continuing education requirement for renewal of a license is also modified.

SECTION-BY-SECTION SUMMARY

The amendment to §871.9 restricts the alternative for licensure for applicants who have successfully completed an approved national examination to those that have not previously attempted completion of an examination administered by the board.

The amendment to §871.12 requires a licensee to complete two hours of training in concussion management as part of the continuing education required for renewal of a license.

FISCAL NOTE

Stewart Myrick, Program Director, has determined that for each fiscal year of the first five years the sections are in effect, there will be no fiscal implications to the state as a result of enforcing or administering the sections as proposed. Implementation of the proposed sections will not result in fiscal implications for local governments.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Mr. Myrick has also determined that there will be no effect on small businesses or micro-businesses required to comply with the sections as proposed. This was determined by interpretation of the rules that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the sections.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the sections as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Mr. Myrick has also determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the sections. The public benefit anticipated as a result of enforcing or administering the sections is to continue to ensure public health and safety through the licensing and regulation of athletic trainers.

REGULATORY ANALYSIS

The board has determined that this proposal is not a “major environmental rule” as defined by Government Code, §2001.0225. “Major environmental rule” is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is specially intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The board has determined that the proposed rules do not restrict or limit an owner’s right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be submitted to Stewart Myrick, Program Director, Advisory Board of Athletic Trainers, Mail Code 1982, P.O. Box 149347, Austin, Texas 78714-9347, or by email to at@dshs.state.tx.us. When emailing comments, please indicate “Comments on Proposed Rules” in the subject line. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

STATUTORY AUTHORITY

The amendments are proposed under Texas Occupations Code, §451.103, which authorizes the board to adopt rules necessary for the performance of its duties.

The amendments affect Occupations Code, Chapter 451.

§871.9. Examination for Licensure.

(a) - (j) (No change.)

(k) An applicant who fails to take the examination within a period of two years after the initial examination approval notice is mailed by the board shall [may] have such approval withdrawn and the application for licensure voided.

(l) (No change.)

(m) If an applicant has successfully completed the examination administered by the Board of Certification, Inc. (BOC) on or after January 1, 2004, the applicant shall not be required to complete the state examination described in subsections (a) - (l) of this section, unless the applicant has previously held a license issued by the board. The applicant must furnish the board a copy of the test results indicating that the applicant passed the examination.

(n) An applicant who has failed the state examination described in subsections (a) - (l) of this section must successfully complete that examination in order to be issued a license. If the application has been voided as described in subsection (k) of this section, the person shall submit a new application, and the provisions of subsection (m) of this section shall apply.

(o) [(n)] If an applicant has completed the examination administered by the Board of Certification, Inc. (BOC) before January 1, 2004, the applicant shall be required to complete the state examination described in subsections (a) - (l) of this section.

§871.12. Continuing Education Requirements.

(a) (No change.)

(b) Hours required for continuing education. A licensee must complete 20 clock-hours of continuing education during each two-year period. The continuing education must include 2 clock-hours of training in concussion management. In addition to the 20 clock-hours of continuing education, a licensee must also successfully complete a cardiopulmonary resuscitation (CPR) techniques course and an automated external defibrillation course during each two-year period. The two-year period begins on the first day following the license issuance month and ends upon the expiration date of the license. (Changed two to numerical 2 to match other clock-hours in subsection)

(c) - (j) (No change.)