

Title 22. Examining Boards
Part 40. Advisory Board of Athletic Trainers
Chapter 871. Athletic Trainers
Subchapter A. General Guidelines and Requirements
Amendments §§871.5, 871.9 and 871.14

Proposed Preamble

The Advisory Board of Athletic Trainers (board) proposes amendments to §§871.5, 871.9, and 871.14, concerning the licensure and regulation of athletic trainers.

BACKGROUND AND PURPOSE

In accordance with Occupations Code, Chapter 451, the sections are being amended to establish deadlines for incomplete applications, and for applicants to take the state licensing examination after being approved. The proposed amendments also establish guidelines for accepting the surrender of a license during the course of a complaint.

SECTION-BY-SECTION SUMMARY

The amendment to §871.5 requires an applicant to clear application deficiencies within one year of filing the application or the application shall be voided. The amendment to §871.9 requires an applicant to take the state licensure examination within two years after being approved for examination, or the approval may be withdrawn and the application voided. The amendment to §871.14 establishes guidelines for the board to accept the surrender of a license after a complaint has been filed against the licensee.

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 state or local governments as a result of enforcing or administering the sections as proposed.

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 not specifically 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 e-mailing 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 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.

Legend:

Single Underline = Proposed new language

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§871.5. Processing Applications.

(a) – (f) (No change.)

(g) If an application remains deficient for one year after notice of deficiency has been sent to the applicant, the application shall be voided.

§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 may have such approval withdrawn and the application for licensure voided.

(l) – (n) (No change.)

§871.14. Violations, Complaints and Disciplinary Actions.

(a) – (h) (No change.)

(i) When a licensee has offered the surrender of his or her license after a complaint has been filed, the board shall consider whether to accept the surrender of the license.

(1) Surrender of a license without acceptance thereof by the board, or a licensee's failure to renew the license, shall not deprive the board of jurisdiction against the licensee under the Act, this chapter, or other applicable statute.

(2) When the board has accepted a license surrender after a complaint has been filed, the license surrender is deemed to be the result of a formal disciplinary action, and a board order shall be prepared accepting the license surrender.

(3) Upon surrender of a license after a complaint has been filed, the surrender is considered a final disciplinary action and may be considered for denial upon subsequent reapplication for license.