

ATHLETIC TRAINERS

CHAPTER 350 ATHLETIC TRAINING

CHAPTER 351 CONTINUING EDUCATION FOR ATHLETIC TRAINERS

CHAPTER 350
ATHLETIC TRAINING**645—350.1(152D) Definitions.**

“Active engagement” or *“actively engaged”* in the practice of athletic training, for the purposes of Iowa Code sections 152D.3(2) and 152D.3(3), means that an applicant is either:

1. Currently certified by the National Athletic Trainers Association, Board of Certification; or
2. Practicing athletic training as verified by notarized signatures from:
 - The athletic director or administrator of the institution, facility, or agency for which the applicant is currently providing services; and
 - The supervising physician for the institution, facility, or agency for which the applicant is currently providing services.

“Administrator” means the administrator of the Iowa board of athletic training examiners office.

“Board” means the Iowa board of athletic training examiners.

“Licensed athletic trainer” means a person licensed under Iowa Code chapter 152D.

“NATA” means the National Athletic Trainers Association.

“NATABOC” means the National Athletic Trainers Association Board of Certification.

“Physical reconditioning” means a part of the practice of athletic training which combines physical treatment and exercise and is carried out under the orders of a physician or physician assistant. Physical treatment is part of a service plan which includes but is not limited to the continued use of any of the following: cryotherapy, thermotherapy, hydrotherapy, electrotherapy, or the use of mechanical devices.

“Physician” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry under the laws of this state.

“Practice of athletic training” means the prevention, physical evaluation, emergency care, and physical reconditioning relating to injuries and illnesses incurred through sports-induced trauma, which occurs during the preparation for or participation in a sports competition or during a physical training program, either of which is sponsored by an educational institution, amateur or professional athletic group, or other recognized sponsoring organization, by a person who uses the title of licensed athletic trainer.

“Supervising physician” means a physician who supervises the athletic training services provided by a licensed athletic trainer.

“Supervision” means that a supervising physician directs the performance of a licensed athletic trainer in the development, implementation, and evaluation of an athletic training service plan as set out in 645—350.9(152D). Supervision shall not be construed as requiring the personal presence of a supervising physician at each activity of the licensed athletic trainer. It is the responsibility of the licensed athletic trainer to ensure that the practice of athletic training is carried out only under the supervision of a licensed physician.

645—350.2(147) Availability of information.

350.2(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, records of meetings, and records of hearings is available to the public between the hours of 8 a.m. and 4:30 p.m., Monday to Friday, except holidays.

350.2(2) Information may be obtained by writing to Administrator, Iowa Board of Athletic Training Examiners, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. All official correspondence shall be in writing and directed to the board address.

645—350.3(147) Organization and proceedings of the board.

350.3(1) The Iowa board of athletic training examiners consists of seven members appointed by the governor and confirmed by the senate. The members of the board shall include three licensed athletic trainers, three physicians licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery who shall represent the general public. Members shall serve three-year terms. A quorum shall consist of a majority of the members of the board.

350.3(2) A chairperson, vice chairperson, and secretary shall be elected at the first board meeting after April 30 of each year.

350.3(3) The board shall hold quarterly meetings and may hold additional meetings as called by the board chairperson, a majority of the board members, or the administrator. The chairperson shall designate the date, place, and time prior to each meeting of the board. The board shall follow the latest edition of Robert's Revised Rules of Order whenever any objection is made as to the manner in which it proceeds at a meeting.

645—350.4(152D) Temporary licensure. Rescinded IAB 10/7/98, effective 11/11/98.

645—350.5(152D) Temporary license renewal. Rescinded IAB 10/7/98, effective 11/11/98.

645—350.6(147,152D) Licensure requirements. An applicant for a license as a licensed athletic trainer shall meet the following requirements:

350.6(1) Graduation and receipt of a baccalaureate degree or postbaccalaureate degree from a U.S. regionally accredited college or university with proof of completion of the following courses:

- a. Advanced athletic training;
- b. Basic athletic training;
- c. Health;
- d. Human anatomy;
- e. Human physiology;
- f. Kinesiology; and
- g. Physiology of exercise.

Applicants who have obtained their education outside the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or postbaccalaureate degree conferred by a U.S. regionally accredited college or university in addition to providing proof of completion of the above coursework.

350.6(2) Successful completion of the National Athletic Trainers Association Board of Certification examination. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted to the Iowa board of athletic training examiners.

645—350.7(152D) Application for licensure.

350.7(1) Any person seeking a license shall submit to the board a completed application form which is provided by the board.

350.7(2) The application form shall be completed in accordance with instructions contained in the application. If the application is not completed in accordance with the instructions, the application will not be reviewed by the board and the applicant will be so notified.

350.7(3) Each application shall be accompanied by a check or money order in the amount required payable to the Iowa Board of Athletic Training Examiners.

350.7(4) No application will be considered until requested supporting documents and fee have been received by the board.

645—350.8(152D) Documentation of physician supervision. Each licensee must maintain documentation of physician supervision. It is the responsibility of the licensee to ensure that documentation of physician supervision is obtained and maintained, including the following:

1. Athletic training service plan as set out in 645—350.9(152D);
2. Dates and names of physician and physician assistant orders or referrals;
3. Initial evaluations and assessments;
4. Treatments and services rendered, with dates; and
5. Dates of subsequent follow-up care.

645—350.9(152D) Athletic training service plans. Athletic training service plans shall be composed of the following components as taken from the NATA Board of Certification 1991 Standards of Athletic Training for Direct Service and for Service Programs.

350.9(1) Standards for athletic training—direct service.

a. Standard 1—direction. The athletic trainer renders service or treatment under the direction of a physician or dentist.

b. Standard 2—injury and ongoing care services. All services should be documented in writing by the athletic trainer and shall become part of the athlete's permanent records.

c. Standard 3—documentation. The athletic trainer shall accept responsibility for recording details of the athlete's health status. Documentation shall include:

- (1) Athlete's name and any other identifying information.
- (2) Referral source (doctor, dentist).
- (3) Date, initial assessment, results and database.
- (4) Program plan and estimated length.
- (5) Program methods, results and revisions.
- (6) Date of discontinuation and summary.
- (7) Athletic trainer's signature.

d. Standard 4—confidentiality. The athletic trainer shall maintain confidentiality as determined by law and shall accept responsibility for communicating assessment results, program plans, and progress with other persons involved in the athlete's program.

e. Standard 5—initial assessment. Prior to treatment, the athletic trainer shall assess the athlete's level of functioning. The athlete's input shall be considered an integral part of the initial assessment.

f. Standard 6—program planning. The athletic training program objectives shall include long- and short-term goals and an appraisal of those which the athlete can realistically be expected to achieve from the program. Assessment measures to determine effectiveness of the program shall be incorporated into the plan.

g. Standard 7—program discontinuation. The athletic trainer, with collaboration of the physician or dentist, shall recommend discontinuation of the athletic training service when the athlete has received optimal benefit of the program. The athletic trainer, at the time of discontinuation, shall note the final assessment of the athlete's status.

350.9(2) Standards for athletic training—service program. The following are minimal standards. Each one is essential to the practice of athletic training. It is intended that these standards be used by administrators as well as by athletic training personnel in the development of their service programs and to assess their effectiveness.

a. Standard 1—objectives. Basic to the development of any program are its intended purposes. Objectives and applicable policies should be clearly outlined for each activity, such as: athletic treatment, education of personnel, supervision and interdisciplinary relations. The objectives of the service program should implement those of the institution itself.

b. Standard 2—planning. Each objective should be supported by detailed plans for its implementation.

c. *Standard 3—evaluation.* Objective methods of data collection and analysis should be used in relation to each component of the program to determine the need for service, assess its effectiveness and indicate a need for change.

d. *Standard 4—types of services offered.* Athletic training is appropriately a health service offered under the direction of a physician or dentist for the prevention, immediate care, management/disposition and reconditioning of athletic injuries.

e. *Standard 5—personnel.* The service program should be directed by a NATA-certified athletic trainer who has met the qualifications established by the National Athletic Trainers Association Board of Certification, Inc. Education, qualifications and experience of all other personnel should meet existing standards and should be appropriate to their duties.

f. *Standard 6—facilities and budget.* Space, equipment, supplies and a continuing budget should be provided by the institution and should be adequate in amount, variety and quality to facilitate the implementation of the service program.

g. *Standard 7—records.* Objective, permanent records of each aspect of the service program should indicate:

- (1) Date, name of physician or dentist referral;
- (2) Initial evaluation and assessment;
- (3) Treatment or services rendered, with date; and
- (4) Dates of subsequent follow-up care.

h. *Standard 8—reports.* Written reports on each aspect of the service program should be made annually.

645—350.10(147,152D) License renewal.

350.10(1) The biennial license renewal period shall extend from March 1 of each odd-numbered year to February 28 of the next odd-numbered year.

350.10(2) At least one month before the renewal date a renewal notice will be sent to each license holder, who according to the board's records has complied with the continuing education requirements, at the last address in the board's file. Failure to receive the notice shall not relieve the license holder of the obligation to pay biennial renewal fees on or before the renewal date.

350.10(3) If the licensee renews within 30 days after the renewal date, a penalty fee of \$50 is required in addition to the renewal fee.

350.10(4) The board reserves the right to audit documentation of physician supervision with license renewal.

645—350.11(147,152D) Fees. All fees are nonrefundable.

350.11(1) Application fee for a license to practice athletic training is \$100.

350.11(2) Biennial renewal fee for a license to practice athletic training is \$100.

350.11(3) Penalty fee for failure to submit renewal fee when due is \$50.

350.11(4) Reinstatement fee for a lapsed license is \$100.

350.11(5) Fee for a duplicate license if lost or stolen is \$10.

350.11(6) Fee for a certified statement that a licensee is licensed in this state is \$10.

350.11(7) Fee for a returned check is \$15.

645—350.12(272C) License denial.

350.12(1) An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a notice of appeal and request for hearing upon the board not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing as outlined herein shall specifically delineate the facts to be contested and determined at hearing.

350.12(2) If an applicant who has been denied licensure by the board appeals the licensure denial and requests a hearing pursuant to this rule, the hearing and subsequent procedures shall be held pursuant to the process outlined in rule 350.28(272C).

645—350.13(272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:

350.13(1) Fraud in procuring a license.

350.13(2) Professional incompetency.

350.13(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

350.13(4) Habitual intoxication or addiction to the use of drugs.

350.13(5) Conviction of a felony related to the profession or occupation of the licensee. A copy of record of conviction or plea of guilty shall be conclusive evidence.

350.13(6) Fraud in representations as to skill or ability.

350.13(7) Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

350.13(8) Involuntary commitment for treatment of mental illness or substance abuse.

350.13(9) Representing oneself as a licensed athletic trainer when the license has been suspended or revoked.

350.13(10) Revocation, suspension, or other disciplinary action taken by a certification/licensure authority of another state, territory, or country; or failure of the licensee to report such action in writing to the administrator of the board of athletic training.

350.13(11) Negligence by the licensee:

a. Failure to exercise due care.

b. Improper delegation of duties or inadequate supervision of employees or other individuals, whether or not injury results.

c. Conduct, practice, or conditions which impair the ability to safely and skillfully practice the profession.

350.13(12) Prohibited acts:

a. Permitting another person to use one's license.

b. Practicing outside the scope of the profession.

c. Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

d. Verbally, physically, or sexually abusing clients/patients.

e. Any sexual intimidation between an athletic trainer and a client/patient.

350.13(13) Unethical business practices:

- a. False or misleading advertising.
- b. Betrayal of a professional confidence.
- c. Falsifying client/patient records.
- d. Professional conflict of interest.
- e. Misappropriation of funds.

350.13(14) Failure to report a change of name or address to the Administrator, Athletic Trainer Advisory Board, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 30 days.

350.13(15) Falsification of a continuing education record.

350.13(16) Failure to report any judgment or settlement of malpractice claim or action to the Administrator, Athletic Trainer Advisory Board, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075, within 30 days of occurrence.

350.13(17) Failure to comply with a subpoena issued by the department.

350.13(18) Failure to report to the board any violation by another licensee of the grounds for discipline as listed in this rule.

350.13(19) Failure to respond to a request from the board within 30 days of certified mail notice of the request for response.

350.13(20) Failure to maintain timely and adequate records.

350.13(21) An athletic trainer shall not engage in sexual misconduct. Sexual misconduct includes the following:

a. Engaging in or soliciting a sexual relationship, whether consensual or nonconsensual, with a patient.

b. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with a patient.

350.13(22) Failure to adequately supervise personnel.

350.13(23) Violating a lawful order of the board, previously entered by the board in a disciplinary or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

350.13(24) Obtaining third-party payment through fraudulent means. Third-party payers include, but are not limited to, insurance companies and government reimbursement programs. Obtaining payment through fraudulent means includes, but is not limited to:

a. Reporting incorrect treatment dates for the purpose of obtaining payment;

b. Reporting charges for services not rendered;

c. Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which the licensee is entitled; or

d. Aiding a patient in fraudulently obtaining payment from a third-party payer.

350.13(25) Violation of any board statute or administrative rule.

645—350.14(272C) Disciplinary hearings—fees and costs.

350.14(1) The board may charge a fee not to exceed \$75 for conducting a disciplinary hearing which results in disciplinary action taken against the licensee by the board. An order assessing a fee shall be included as part of the board's final decision. The order shall direct the licensee to deliver payment directly to the professional licensure division as provided for in subrule 350.14(8).

350.14(2) In addition to this fee, the board may also recover from the licensee the cost for transcripts, witness fees and expenses, depositions, and medical examination fees. The board may assess these costs in the manner it deems most equitable.

350.14(3) The cost of the transcript includes the transcript of the original contested case hearing before the board, as well as transcripts of any other formal proceedings before the board which occur after the notice of the contested case hearing is filed.

350.14(4) Witness fees and expenses.

a. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing.

b. The board may assess to the licensee the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.

c. The costs for lay witnesses shall be determined in accordance with Iowa Code section 622.69. For purposes of calculating the mileage expenses allowed under this rule, the provisions of Iowa Code section 625.2 do not apply.

d. The costs for expert witnesses shall be determined in accordance with Iowa Code section 622.72. For purposes of calculating the mileage expenses allowed under this rule, the provisions of Iowa Code section 625.2 do not apply.

e. The provisions of Iowa Code section 622.74 regarding advance payment of witness fees and the consequences of failure to make such payment are applicable with regard to witnesses who are subpoenaed by either party to testify at the hearing.

f. The board may assess as costs the meal and lodging expenses necessarily incurred by witnesses testifying at the request of the state of Iowa. Meal and lodging costs shall not exceed the reimbursement employees of the state of Iowa receive for these expenses under the department of revenue and finance guidelines in effect January 1, 1994.

350.14(5) Depositions.

a. The costs for depositions include the cost of transcripts, the daily charge of the court reporter for attending and transcribing the deposition, and all mileage and travel time charges of the court reporter for traveling to and from the deposition which are charged in the ordinary course of business.

b. Deposition costs for purposes of allocating costs against a licensee include only those deposition costs incurred by the state of Iowa. The licensee is directly responsible for the payment of deposition costs incurred by the licensee.

c. If the deposition is that of an expert witness, the deposition costs include a reasonable expert witness fee. This fee shall not exceed the expert's customary hourly or daily fee, and shall include the time reasonably and necessarily spent in connection with such depositions, including the time spent in travel to and from the deposition, but excluding time spent in preparation for that deposition.

350.14(6) Within ten days after conclusion of a contested case hearing and before issuance of any final decision assessing costs, the designated staff person shall certify any reimbursable costs to the board. The designated staff person shall calculate the specific costs, certify the cost calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on each party of record at the time of filing.

350.14(7) A final decision of the board imposing disciplinary action against a licensee shall include the amount of any fee assessed, which shall not exceed \$75. If the board also assesses costs against the licensee, the final decision shall include a statement of costs delineating each category of costs and the amount assessed. The board shall specify the time period in which the fees and costs must be paid by the licensee.

350.14(8) All fees and costs assessed pursuant to this chapter shall be in the form of a check or money order made payable to the State of Iowa and delivered by the licensee to the professional licensure division.

350.14(9) Failure of a licensee to pay a fee and costs within the time specified in the board's decision shall constitute a violation of an order of the board and shall be grounds for disciplinary action.

645—350.15(272C) Procedures for approval of providers of continuing education activities. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.16(272C) Reporting of licensee. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.17(272C) Disability or illness. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.18(272C) Hearings—continuing education. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.19(272C) Inactive licensure. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.20(272C) Reinstatement of inactive license. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.21(272C) Reinstatement of lapsed license. Rescinded IAB 1/10/01, effective 2/14/01.

645—350.22 to 350.25 Reserved.

645—350.26(272C) Grounds for discipline. Renumbered as 645—350.13(272C), IAB 1/10/01.

645—350.27 to 350.30 Reserved.

645—350.31(272C) Disciplinary hearings—fees and costs. Renumbered as 645—350.14(272C), IAB 1/10/01.

These rules are intended to implement Iowa Code chapters 152D and 272C.

[Filed 11/9/95, Notice 8/2/95—published 12/6/95, effective 1/10/96]

[Filed 11/15/96, Notice 7/31/96—published 12/4/96, effective 1/8/97]

[Filed 9/17/98, Notice 7/15/98—published 10/7/98, effective 11/11/98]

[Filed 6/25/99, Notice 3/24/99—published 7/14/99, effective 8/18/99]

[Filed 12/22/00, Notice 10/18/00—published 1/10/01, effective 2/14/01]