

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rulemaking related to discipline for athletic trainers  
and providing an opportunity for public comment**

The Board of Athletic Training hereby proposes to rescind Chapter 353, “Discipline for Athletic Trainers,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code chapter 152D and sections 147.36, 272C.3 and 272C.10.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 152D and 272C.

*Purpose and Summary*

The proposed rulemaking defines actions that are inconsistent with professional standards for licensees, which are established to protect the consumer and colleagues. Actions inconsistent with professional standards could result in disciplinary actions against a practitioner’s license.

The 19 boards in the legacy Health and Human Services Bureau of Professional Licensure have similar disciplinary standards for all professions. For this reason, one shared disciplinary chapter has been created that applies to all professions. This chapter contains only those disciplinary grounds that are unique to the athletic training licensees and are therefore excluded from the general disciplinary chapter.

No public comment was received during the November 21, 2023, public hearing.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Venus Vendoures Walsh  
Division of Licensing  
Iowa Department of Inspections, Appeals, and Licensing  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321-1270  
Phone: 515.242.6529  
Email: [venus.vendoures-walsh@dia.iowa.gov](mailto:venus.vendoures-walsh@dia.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 2:50 to 3:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: <a href="https://meet.google.com/jji-jaoj-uqy">meet.google.com/jji-jaoj-uqy</a> More phone numbers: <a href="tel:meet/yxd-hmkw-ppo?pin=1779851586643">tel.meet/yxd-hmkw-ppo?pin=1779851586643</a>
February 14, 2024 2:50 to 3:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: <a href="https://meet.google.com/jji-jaoj-uqy">meet.google.com/jji-jaoj-uqy</a> More phone numbers: <a href="tel:meet/yxd-hmkw-ppo?pin=1779851586643">tel.meet/yxd-hmkw-ppo?pin=1779851586643</a>

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the y and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 353 and adopt the following **new** chapter in lieu thereof:

CHAPTER 353  
DISCIPLINE FOR ATHLETIC TRAINERS

**645—353.1(152D) Definitions.**

“*Board*” means the board of athletic training.

“*Discipline*” means any sanction the board may impose upon licensees.

“*Licensee*” means a person licensed to practice as an athletic trainer in Iowa pursuant to Iowa Code chapter 152D and 645—Chapters 351 to 353.

**645—353.2(152D,272C) Grounds for discipline.** The board may impose any of the disciplinary sanctions provided in 645—Chapter 13 when the board determines that any of the following acts or offenses listed in such chapter or in Iowa Code section 147.55 have occurred:

**353.2(1)** Professional incompetency. Professional incompetency includes, but is not limited to:

*a.* A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

*b.* A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other athletic trainers in the state of Iowa acting in the same or similar circumstances.

*c.* A failure to exercise the degree of care that is ordinarily exercised by the average athletic trainer acting in the same or similar circumstances.

*d.* Failure to conform to the minimal standard of acceptable and prevailing practice of a licensed athletic trainer in this state.

**353.2(2)** Violation of a regulation, rule or law of this state, another state, or the United States, which relates to the practice of athletic training.

**353.2(3)** Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of athletic training in another state, district, territory or country.

**353.2(4)** Knowingly aiding, assisting, or advising a person to unlawfully practice as an athletic trainer.

**353.2(5)** Representing oneself as a licensed athletic trainer when one's license has been suspended or revoked, or when one's license is on inactive status.

These rules are intended to implement Iowa Code chapters 147, 152D and 272C.