CHAPTER 64B33-1
ORGANIZATION AND GENERAL PROVISIONS

64B33-1.001 Probable Cause Determinations
(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters 456 and 468, Part XIII, F.S., and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.
(2) There shall be one probable cause panel of the board, composed of two members, one of whom may be a past board member who is not currently appointed to the board.
(3) The probable cause panel members shall be selected by the Chair of the Board, one (1) of whom shall be designated by the Chair of the Board as the presiding officer of the panel.
(4) The probable cause panel shall meet at such times as called by the presiding officer of the panel or by two members of the panel. Any meeting of a probable cause panel must include a present board member.
Rulemaking Authority 456.073 FS. Law Implemented 456.073(4) FS. History–New 8-22-00, Amended 7-29-09.

64B33-1.002 Other Board Business for Which Compensation is Allowed.
The following is defined to be other business involving the Board pursuant to Section 456.011(4), F.S.:
(1) All Board or Committee meetings required by statutes, Board rule, or Board action.
(2) Meetings of Board members with Department staff or contractors of the Department at the Department’s or the Board’s request.
(3) Any meeting a Board member attends at the request of the State Surgeon General or by the Board or Board Chair.
(4) Probable Cause Panel Meetings.
(5) All participation in Board authorized meetings with professional associations of which the Board is a member or invitee. This would include all meetings of national associations of registration Boards of which the Board is a member as well as Board authorized participation in meetings of national or professional associations or organizations involved in educating, regulating, or reviewing the profession over which the Board has statutory authority.
(6) All attendance at continuing education courses for the purpose of monitoring said courses.
(7) All travel to and from Board meetings or other Board business that involves the use of all or any part of a day prior to or subsequent to completion of the Board meeting or other Board business.

64B33-1.003 Unexcused Absences of Board Members.
(1) A Board member’s absence from a Board meeting shall be considered unexcused if the Board member had not received approval of the Chair or the Chair’s designee prior to missing the meeting.
(2) Arriving late for a Board meeting or leaving early from a Board meeting without prior approval of the Chair or the Chair’s designee shall be considered an unexcused absence.
Rulemaking Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History–New 8-22-00.

64B33-1.004 Security and Monitoring Procedures for Examination.
Rulemaking Authority 456.017(1)(d), 468.705 FS. Law Implemented 456.017(1)(d) FS. History–New 8-22-00, Repealed 11-17-15.
64B33-1.005 Exemptions for Spouses of Members of the Armed Forces.
A licensee who is a spouse of a member of the Armed Forces of the United States is exempt from licensure renewal provisions for any period of time that the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

Rulemaking Authority 456.024(2), 468.705 FS. Law Implemented 456.024(2) FS. History–New 9-19-02.

64B33-1.006 Public Comment.
The Board of Athletic Training invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

1. Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.
2. Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.
3. Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate its support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of three (3) or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.


CHAPTER 64B33-2
REQUIREMENTS FOR LICENSURE; CONTINUING EDUCATION

64B33-2.001 Licensure Requirements.
All candidates for licensure shall pay the application fee and shall submit to the Department a completed DOH form DOH-AT-001 entitled “Board of Athletic Training State of Florida Application for Licensure,” (Revised 02/18), incorporated herein by reference. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, or at http://www.flrules.org/Gateway/reference.asp?No=Ref-09444. The application is also available from the website address as follows: http://www.floridasathletictraining.gov/licensing/.

1. Each applicant for licensure shall meet the following requirements:
   a. The applicant shall submit proof of successful completion of an accredited professional athletic training degree program.
   b. The applicant shall submit proof of passing the national examination to be certified by the Board of Certification.
   c. The applicant shall submit proof of current certification in both cardiopulmonary resuscitation and the use of an automated external defibrillator at the professional rescue level from the American Heart Association, the American Red Cross, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent.
   d. Beginning July 1, 2016, all applicants must submit to a background screening pursuant to section 456.0135, F.S.
2. All applicants for renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is
64B33-2.002 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.


64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to chapter 468, Part XIII, F.S., shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The hours of continuing education required for renewal must include a minimum of a two-hour course in prevention of medical errors required by subsection 456.013(7), F.S. The continuing education requirement includes current certification in both cardiopulmonary resuscitation and the use of an automated external defibrillator at the professional rescue level from the American Red Cross, the American Heart Association, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) For purposes of this rule, an applicant or licensee certified by the Board of Certification (BOC) or its successor during the biennium can demonstrate compliance with the continuing education requirements of this rule by entering his or her BOC certification number and submitting a copy of his or her active certification card in the CE tracking system, along with proof of completion of (a) the prevention of medical errors course, and (b) current cardiopulmonary resuscitation and the use of an automated external defibrillator at the professional rescue level.

(3) Acceptable continuing education must focus on the domains of athletic training, including Injury/Illness Prevention and Wellness Promotion, Examination, Assessment and Diagnosis, Immediate and Emergency Care, Therapeutic Intervention and Healthcare Administration and Professional Responsibility.

(4) The following continuing education is approved by the Board:

(a) Courses, professional development activities, live events, webinars, and publication activities approved by the Board of Certification (BOC);

(b) Post-certification courses in athletic training sponsored by a college or university approved by the United States Department of Education which provides a curriculum for athletic trainers. In order to be eligible, a course must be assigned credit hours and be listed on an official transcript. In order for practicum courses, clinical and internship experiences to be eligible, credit hours must be earned and listed as such on an official transcript. Teaching a college course is not acceptable for CE credit. Non-credit college courses are not acceptable for CE credit.

(c) A webinar is considered a live event if the provider can track the participant’s session activity. If the provider does not have the ability to track the participant’s activity, the course is considered a home study.

(5) Each athletic trainer shall maintain proof of completion of the required continuing education hours for a period of 4 years, and shall provide such proof to the department upon request.

(6) Submission of the active certification card and other required proof of compliance with these continuing education requirements will certify compliance. Any licensee who fails to maintain continuing education requirements, misrepresents completed requirements or attempts to obtain, obtains, or renews a license to practice athletic training through any fraudulent means shall be considered in violation of this part and subject to disciplinary action outlined in paragraph 64B33-5.001(4)(q), F.A.C.

Rulemaking Authority 456.013, 468.705, 468.711 FS. Law Implemented 456.013(7), 468.711(2) FS. History–New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00, 3-6-07, 8-12-08, 7-29-09, 1-16-12, 10-2-12, 1-5-16, 4-4-19.
64B33-2.004 Address of Record.
(1) Each licensee shall provide either written or electronic notification to the department of the licensee’s current mailing address and place of practice. The term “place of practice” means the address of the physical location where the licensee practices.
(2) Each licensee shall provide either written or electronic notification to the department of a change of address within thirty (30) days of the address change.
(3) If electronic notification is used, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.

Rulemaking Authority 456.035(1), 468.705 FS. Law Implemented 456.035 FS. History–New 7-14-03.

64B33-2.005 Requirements for Reactivation of an Inactive License.
An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in rule 64B33-3.001, F.A.C., and has complied with the following requirements:
(1) As a condition to the reactivation of an inactive license, an athletic trainer must submit proof of successful completion of approved continuing education for each year of inactive status, if initially licensed after January 1, 1998, submit proof of current certification by the Board of Certification and must disclose any criminal convictions or pending disciplinary or criminal charges. In addition, the athletic trainer must submit a written statement which accounts for all employment activity during the period of inactive licensure.
(2) Any athletic trainer whose license has been inactive for more than two consecutive biennial licensure cycles (more than 4 years) shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public.
(3) Effective July 1, 2016, all applicants will submit to background screening pursuant to section 456.0135, F.S. The board may require a background screening for an applicant whose license has expired or who is undergoing disciplinary action.

Rulemaking Authority 456.036, 468.705 FS. Law Implemented 456.0135, 456.036, 468.707, 468.711 FS. History –New 8-10-09, Amended 12-3-09, 1-16-12, 1-5-16.

CHAPTER 64B33-3
FEES

64B33-3.001 Fees.
The following fees are prescribed for athletic trainers:
(1) The application fee shall be $100.00.
(2) The initial licensure fee for those initially licensed in the first year of the biennium shall be $100.00. For those initially licensed in the second year of the biennium, the initial licensure fee shall be $100.00.
(3) The biennial renewal fee shall be $100.00.
(4) The inactive fee shall be $50.00.
(5) The delinquent fee shall be $75.00.
(6) The reactivation fee shall be $25.00.
(7) At any time other than renewal, the change of status fee shall be $25.00.
(8) The duplicate license fee shall be $25.00.
(9) The retired status fee shall be $50.00.

Rulemaking Authority 456.025, 456.036(3), (7), (10), (11), (16), 468.705, 468.709 FS. Law Implemented 456.025, 456.036, 468.709 FS. History–New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended 8-22-00, 9-19-05, 8-12-08, 7-29-09, 1-16-17.

CHAPTER 64B33-4
STANDARDS OF PRACTICE
64B33-4.001 Protocols; Scope of Practice.

(1) A licensed athletic trainer shall apply principles, methods and procedures within the following domains that provide the foundation of the scope of the athletic trainer’s practice.
   (a) Injury and Illness Prevention and Wellness Promotion;
   (b) Examination, Assessment and Diagnosis;
   (c) Immediate and Emergency Care;
   (d) Therapeutic Intervention;
   (e) Healthcare Administration and Professional Responsibility;

(2) A licensed athletic trainer shall apply the following principles, methods and/or procedures within the scope of the profession:
   (a) Rehabilitation through the use of safe and appropriate physical rehabilitation practices, including those techniques and procedures following injury and recovery that restore and maintain normal function status;
   (b) Application of principles and methods related to strength training, cardiovascular fitness, and performance enhancement;
   (c) Performance of tests and measurements to prevent, evaluate and monitor acute and chronic injuries or conditions;
   (d) Selection of preventive and supportive devices, temporary splinting and bracing, protective equipment, taping, strapping, and other devices or techniques to protect an injury or condition, facilitate ambulation and restore normal functioning;
   (e) Organization and administration including the development and implementation of strategies and procedures to minimize risk and to promote safety and wellness;
   (f) Recognition of factors related to injuries, illnesses, and conditions within the scope of the profession as well as correcting or modifying inappropriate, unsafe, or dangerous activity;
   (g) Design, review and/or revise policies and procedures related to prevention, care, and rehabilitation as well as emergency action plans to guide appropriate patient care, establish a sound, unified response to events, and to optimize outcomes overall;
   (h) Implementation of appropriate emergency and immediate care procedures;
   (i) Implementation of systematic, evidence-based examinations and assessments within the scope of the profession to ensure appropriate care, referral and course of action;
   (j) Education and counseling regarding wellness and the care and prevention of injury or conditions within the scope of the profession;
   (k) Creating, maintaining, and completing patient care and administrative documentation consistent with professional practice guidelines or requirements;
   (l) Knowledge of professional standards of practice and ethics, and ensure those standards are implemented as part of an athletic trainer’s duties and responsibilities;
   (m) Knowledge of basic business principles, policies and procedures, organizational, and resource management.

(3) For treatment and rehabilitation of musculoskeletal injuries the athletic trainer may utilize the following therapeutic interventions:
   (a) Therapeutic Exercise;
   (b) Massage and soft tissue mobilization;
   (c) Mechanical Devices (e.g., continuous passive motion, isokinetics, treadmill with or without differential air pressure);
   (d) Cryotherapy (e.g., ice, cold packs, cold water immersion, spray coolants);
   (e) Thermotherapy (e.g., topical analgesics, moist/dry hot packs, heating pads, paraffin bath);
   (f) Other therapeutic agents with the properties of water (e.g., whirlpool); electricity (e.g., electrical stimulation, diathermy); light (e.g., infrared, ultraviolet, laser therapy); or sound (e.g., ultrasound).

(4) The athletic trainer may apply topical prescription medications (e.g., steroid preparation for phonophoresis) only at the direction of a physician.
A licensed athletic trainer shall report new or recurring injuries or conditions to a physician in the manner requested by the physician.

Nothing herein shall be construed to prevent a person from administering standard first aid treatment. In the absence of a physician being available at a practice, competitive event, or other setting where a licensed athletic trainer is present, the licensed athletic trainer may provide first aid and preventative measures and implement appropriate procedures and strategies for transport and/or referral to a physician’s office, hospital, or other healthcare facility.

A licensed athletic trainer shall maintain the following regarding the standards of practice:

(a) A licensed athletic trainer shall neither practice nor condone discrimination on the basis or race, creed, national origin, sex, age, handicap, disease entity; social status, financial status or religious affiliation;
(b) A licensed athletic trainer shall provide competent care consistent with both the requirements and the limitation of the athletic training profession;
(c) A licensed athletic trainer shall comply with applicable local, state, and federal laws;
(d) A licensed athletic trainer shall preserve the confidentiality of privileged information and shall not release such information to a third party not involved in the patient’s care unless the patient consents to such release or release is permitted or required by law;
(e) A licensed athletic trainer shall report illegal or unethical practice pertaining to athletic training to the appropriate person or authority;
(f) A licensed athletic trainer shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, qualifications, identity, or services;
(g) A licensed athletic trainer employing, supervising, or evaluating the performance of other staff members shall fulfill such responsibilities in a fair, considerate, and equitable manner;
(h) A licensed athletic trainer shall not practice when their ability is impaired by the use of drugs or alcohol.


CHAPTER 64B33-5
DISCIPLINE

64B33-5.001 Disciplinary Guidelines
64B33-5.002 Mitigating and Aggravating Circumstances
64B33-5.003 Citations
64B33-5.004 Reasonable Time to Pay Fines, Costs and Assessments
64B33-5.005 Mediation
64B33-5.006 Minor Violations

64B33-5.001 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XIII, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct...
(3) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has committed any of the acts set forth in Section 468.719, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

<table>
<thead>
<tr>
<th>VIOLATIONS</th>
<th>RECOMMENDED PENALTIES</th>
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<td>First Offense</td>
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<tr>
<td>(a) Committing incompetency or misconduct in the practice of athletic training. (Section 468.719(1)(a), F.S.)</td>
<td>From reprimand to probation, a $500 to $750 fine, or refusal to certify a licensure application.</td>
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<tr>
<td>(b) Committing fraud or deceit in the practice of athletic training. (Section 468.719(1)(b), F.S.)</td>
<td>From reprimand to probation, and if fraud is proven, an administrative fine of $10,000, or refusal to certify a licensure application.</td>
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<tr>
<td>(c) Committing negligence, gross negligence, or repeated negligence in the practice of athletic training. (Section 468.719(1)(c), F.S.)</td>
<td>From reprimand to suspension, and a $1,000 to $2,500 fine, or refusal to certify a licensure application.</td>
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<td>(d) Being unable to practice athletic training with reasonable skill and safety by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition. (Section 468.719(1)(d), F.S.) (Section 456.072(1)(z), F.S.)</td>
<td>From reprimand to suspension, and a $1,000 to $2,500 fine, or refusal to certify a licensure application.</td>
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</table>

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated Section 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

<table>
<thead>
<tr>
<th>VIOLATIONS</th>
<th>RECOMMENDED PENALTIES</th>
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<td>First Offense</td>
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<tr>
<td>(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of athletic training. (Section 456.072(1)(a), F.S.)</td>
<td>From reprimand to suspension, and if fraudulent representations are proven, a $10,000 fine or refusal to certify a licensure application.</td>
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<td>Section</td>
<td>Description</td>
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<td>(b)</td>
<td>Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)</td>
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<td>(c)</td>
<td>Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice athletic training contrary to Chapters 468, Part XIII and 456, F.S., or the rules of the department or the board. (Section 456.072(1)(j), F.S.)</td>
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<tr>
<td>(d)</td>
<td>Failure to perform any statutory or legal obligation placed upon a licensee. (Section 456.072(1)(k), F.S.)</td>
</tr>
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<td>(e)</td>
<td>Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)</td>
</tr>
<tr>
<td>(f)</td>
<td>Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (Section 456.072(1)(o), F.S.)</td>
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<td>(g)</td>
<td>Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for</td>
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<tr>
<td>Performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (Section 456.072(1)(p), F.S.)</td>
<td>From letter of concern to probation, and a $1,000 to $2,500 fine, or refusal to certify a licensure application.</td>
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<td>(h) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (Section 456.072(1)(r), F.S.)</td>
<td>From reprimand to revocation, and a $1,000 to $4,000 fine, or refusal to certify a licensure application.</td>
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<tr>
<td>(i) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. (Section 456.072(1)(v), F.S.)</td>
<td>From reprimand to probation, and a $1,000 to $5,000 fine, or refusal to certify a licensure application.</td>
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<tr>
<td>(j) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)</td>
<td>From reprimand to probation, and a $1,000 to $5,000 fine, or refusal to certify a licensure application.</td>
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<td>(k) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s.1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)</td>
<td>From reprimand to suspension up to five years and a $1,000 to $5,000 fine, or refusal to certify a licensure application.</td>
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<td>(l) Failing to remit the sum owed to the state for</td>
<td>From reprimand to suspension up to five years and a $1,000 to $10,000</td>
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<td>Condition</td>
<td>Penalty</td>
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<td>overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (Section 456.072(1)(jj), F.S.)</td>
<td>$5,000 fine, or refusal to certify a licensure application.</td>
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<tr>
<td>(m) Being terminated for cause from the State Medicaid program or any other state Medicaid program, or the federal Medicare program. (Section 456.072(1)(kk), F.S.)</td>
<td>Revocation unless the applicant or licensee has been in good standing for the most recent five years or if the action was taken by another state or the federal program, the termination occurred at least 20 years prior to the application date.</td>
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<tr>
<td>(n) Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (Section 456.072(1)(ll), F.S.)</td>
<td>From reprimand to suspension up to five years and a $10,000 fine, or refusal to certify a licensure application.</td>
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<td>(o) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice licensee’s profession. (Section 456.072(1)(c), F.S.)</td>
<td>From reprimand to suspension up to five years and a $2,000 fine or refusal to certify a licensure application.</td>
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<td>(p) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including denial of licensure by the licensing authority of any jurisdiction, for a violation that would constitute a violation under Florida law. (Section 456.072(1)(f), F.S.)</td>
<td>From reprimand to suspension up to three years and a $1,000 to $3,000 fine, or refusal to certify a licensure application.</td>
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<td>(q) Attempting to obtain, obtaining, or renewing a license to practice a</td>
<td>From reprimand to revocation and a $1,000 to $5,000 fine, or refusal to certify a licensure</td>
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<tr>
<td>Section</td>
<td>Violation Description</td>
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<tr>
<td>456.072(1)(h), F.S.</td>
<td>Profession by bribery, by fraudulent misrepresentation, or through error of the department or the board.</td>
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<tr>
<td>456.072(1)(i), F.S.</td>
<td>Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or board.</td>
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<tr>
<td>456.072(1)(n), F.S.</td>
<td>Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.</td>
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<tr>
<td>456.072(1)(q), F.S.</td>
<td>Violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the Department.</td>
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<tr>
<td>456.072(1)(t), F.S.</td>
<td>Testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer-ordered drug</td>
</tr>
<tr>
<td>Violating any provision of the applicable practice act, or any rules adopted pursuant thereto. (Section 468.719(1)(e), F.S.)</td>
<td>From reprimand up to three year suspension and a $3,000 to $5,000 fine, or refusal to certify a licensure application.</td>
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<tr>
<td>(y) Being terminated from a treatment program for impaired practitioners for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program. (Section 456.072(1)(hh), F.S.)</td>
<td>Suspension until deemed able to practice with reasonable skill and safety and a $500 to $2,500 fine, or refusal to certify a licensure application.</td>
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</tbody>
</table>

**Rulemaking Authority 456.079, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History—New 10-22-02, Amended 1-16-07, 6-30-10, 12-19-12, 1-6-16, 10-4-16, 2-26-18.**

**64B33-5.002 Mitigating and Aggravating Circumstances.**

Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in subsections (3) through (5) of Rule 64B33-5.001, F.A.C. If mitigating factors are present, the administrative fine may be reduced and a less severe action, such as a reprimand or probation, taken against the licensee from the range of actions given in the disciplinary guidelines. If aggravating factors are present, the maximum administrative fine may be imposed and more severe action, such as suspension or revocation, taken against the licensee from the range of actions given in the disciplinary guidelines. The Board shall consider as aggravating or mitigating factors the following:

1. The danger to the public;
2. The length of time since the violation;
3. The number of times the licensee has been previously disciplined by the Board;
4. The length of time licensee has practiced;
5. The actual damage, physical or otherwise, caused by the violation;
6. The deterrent effect of the penalty imposed;
7. The effect of the penalty upon the licensee’s livelihood;
8. Any effort of rehabilitation by the licensee;
9. The actual knowledge of the licensee pertaining to the violation;
10. Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
11. Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
(12) Actual negligence of the licensee pertaining to any violation;
(13) Penalties imposed for related offenses under subsections (3) through (5), above;
(14) Any other relevant mitigating or aggravating factor under the circumstances.


64B33-5.003 Citations.
   (1) Definition. As used in this rule:
      (a) “Citation” means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is
          served upon a subject for the purpose of assessing a penalty in an amount established by this rule;
      (b) “Subject” means the licensee alleged to have committed a violation designated in this rule.
   (2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department is hereby authorized to dispose
      of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which
      is the basis for the citation.
   (3) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:
      (a) Failing to complete the continuing education requirements prescribed in Section 468.711(2), F.S., and the rules
          promulgated thereto: $25.00 fine per continuing education hour plus proof of completing the continuing education
          within three months;
      (b) Failure to notify the Department of a change in the licensee’s current mailing address as required by Section
          456.035, F.S.: $50.00 fine, plus proof of compliance within 30 days, and costs;
      (c) Practice on an inactive license for less than four months: $100.00 fine for each month or fraction thereof, plus
          proof of compliance within 30 days, and costs;
      (d) Failure to timely pay required fees and fines: $100.00 fine, plus proof of compliance within 30 days, and costs;
      (e) First time issuance of a bad check to the Department for the payment of a fee or fine if not satisfied within 45
          days: $100.00 fine, plus proof of compliance, and costs;
      (f) First time failure to notify the Board in writing within 60 days of action taken against one’s license in another
          jurisdiction or of a criminal felony conviction within 30 days: $250.00 fine, plus proof of compliance, and costs;
      (g) First time falsely certifying completion of required continuing education: $100.00 fine, plus proof of completing
          the continuing education within three months, and costs;
      (h) Failure to sign, file or render any report required by statute as part of a licensee’s responsibility: $50.00 fine,
          plus proof of compliance, and costs;
      (i) Failure to report to the Department any person whom the licensee knows is in violation of the laws and rules of
          the Department: $50.00 fine, and costs; and,
      (j) Improper use of practice title or credentials: $50.00 fine, plus proof of compliance, and costs.
   (4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal
       service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Athletic
       Training and does not constitute discipline for a first offense, but does constitute discipline for a second subsequent offense.
       The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. All fines and costs are to
       be made payable to “Board of Athletic Training – Citation.”
   (5) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S.,
       unless otherwise exempt from the provisions of Chapter 119, F.S.


64B33-5.004 Reasonable Time to Pay Fines, Costs and Assessments.
Pursuant to Section 456.072(4), F.S., a reasonable time within which to pay any fines, costs and assessments imposed by the Board
shall be thirty (30) days unless a longer time period is set forth in the disciplinary order imposing the fines, costs or assessments.


64B33-5.005 Mediation.
(1) “Mediation” means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and non-adversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) For the purpose of Section 456.078, F.S., the Board designates as being appropriate for mediation first time violations of the following provision of Section 468.719(1), F.S.: except as provided in Section 465.016, F.S., failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.

(3) Such violations are appropriate for mediation only if:
   (a) The economic harm caused by an act or omission is not due to intentional misconduct;
   (b) There is no allegation of physical harm or injury to a patient related to such violation; and,
   (c) The violation does not result in an adverse incident as defined in Section 456.078(2), F.S.


64B33-5.006 Minor Violations.

(1) Subject to the limitations imposed by this rule, the following violations are designated as minor for the purposes of Section 456.073(3), F.S.
   (a) Violations of Section 456.072(1)(r), F.S., improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding;
   (b) Violations of Section 456.072(1)(u), F.S., failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint.

(2) This designation of violations as minor for the purposes of Section 456.073(3), F.S., is limited to initial violations.

(3) A monthly report of notices of noncompliance issued by the Department shall be reviewed by the Board to monitor the use and success of this procedure.

Rulemaking Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3) FS. History–New 1-2-17.