24.118.101 BOARD ORGANIZATION

(1) The Board of Athletic Trainers adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title.

History: 2-4-201, 37-36-102, MCA; IMP, 2-4-201, MCA; NEW, 2011 MAR p. 576, Eff. 4/15/11.

24.118.201 PROCEDURAL RULES

(1) The Board of Athletic Trainers adopts and incorporates by this reference the public participation rules of the Department of Labor and Industry as listed in ARM chapter 101, subchapters 3 and 4.

History: 2-4-201, 37-36-102, MCA; IMP, 2-4-201, MCA; NEW, 2011 MAR p. 576, Eff. 4/15/11.

24.118.301 DEFINITIONS

(1) In addition to the terms defined in 37-36-101, MCA, the following definitions apply to the rules in this chapter:

(a) "Approved clinical instructor" means a BOC certified athletic trainer, licensed physician, or other individual credentialed in a health care profession, for no less than one year and who:

(i) is not currently enrolled in the entry level athletic training education program at the instructor's institution; and

(ii) whose training curriculum follows the standards of the Commission on Accreditation of Athletic Training Education (CAATE), June 30, 2008 edition, which are adopted and incorporated by reference. A copy of the CAATE standards may be obtained through the Board of Athletic Trainers, 301 S. Park Avenue, PO Box 200513, Helena, Montana, 59620-0513.

(b) "Board of Certification" means the Board of Certification, Inc. (BOC), the only accredited, certifying body accepted by the Board of Athletic Trainers, and which sets the standards of practice of athletic training.

(c) "Clinical instructor" means an individual credentialed in a health care profession for no less than one year, who may supervise students during clinical and/or field experiences, and who is not currently enrolled in the entry level athletic training education program at the instructor's institution. An individual credentialed in a health care profession for less than one year may serve as a clinical instructor if the instructor's institution has developed, documented, and implemented a plan for supervision of that instructor by an experienced, credentialed clinical instructor that ensures the quality of instruction provided to athletic training students.

(d) "Clinical instructor educator" means a clinical instructor educator as defined by the CAATE standards, June 30, 2008 edition, which are adopted and incorporated by reference. A copy of the CAATE standards may be obtained through the Board of Athletic Trainers, 301 S. Park Avenue, PO Box 200513, Helena, Montana, 59620-0513. A clinical instructor educator must also:

(i) have been recognized and designated by the institution as the clinical instructor educator for the individual's institution;

(ii) have been BOC credentialed for no less than three years;

(iii) have been designated and authorized by the institution to oversee approved clinical instructor training;

(iv) be knowledgeable in the content areas required for the training of approved clinical instructors; and

(v) if more than one individual is designated as the clinical instructor educator for the institution, then at least one of those individuals must be a BOC credentialed athletic trainer.

(e) "Graduate assistant" means a person who has graduated from a postsecondary institution with a baccalaureate degree, and has taken and passed the BOC's examination, and who is in the process of attaining a higher level of education.

(f) "Health care professional" means a licensed athletic trainer, chiropractor, naturopathic physician, nurse, nurse practitioner, occupational therapist, physical therapist, physician, physician's assistant, or podiatrist as defined in Title 37, chapters 3, 6, 8, 11, 12, 20, 24, 26, or 36, MCA.

(g) "Student assistant or athletic training student" means an intern or undergraduate currently enrolled in an accredited athletic training curriculum, in an undergraduate or graduate program at a postsecondary institution. An intern or student trainee may be called by the title "student assistant" or "athletic training student."


24.118.402 FEE SCHEDULE

(1) Original application and license fee $175

(2) License renewal fee 175

(3) Additional standardized fees are specified in ARM 24.101.403.

(4) All fees are nonrefundable and may not be prorated.


24.118.501 APPLICATIONS

(1) A completed application must include the following:
(a) transcripts sent directly from the educational institution documenting that the applicant has received at least a baccalaureate degree from a postsecondary institution that meets the academic standards for athletic trainers established by the National Athletic Trainers Association Board of Certification (BOC);
(b) proof of the applicant's current certification from the BOC;
(c) letters of recommendation from at least two clinical supervisors familiar with the applicant's clinical training;
(d) license verifications sent directly from all states where the applicant holds or has held a license in any professional capacity;
(e) proof of the applicant's current Health Care Provider Cardio Pulmonary Resuscitation (CPR) certification;
(f) the appropriate fee; and
(g) additional documentation the board may require to show no criminal conviction or disciplinary action against the applicant per 37-36-201, MCA.

(2) The board may issue a temporary license to an applicant who qualifies under 37-36-201(2), MCA.

(3) A temporary license is valid after the date of issuance for 90 days or until the board acts on the person's license application, whichever is earlier.

(4) Applications not completed within one year of submission will expire and a new application and fee will be required.


24.118.502 DEFINITION OF NONROUTINE APPLICATION

(1) The board considers the following as nonroutine applications for athletic trainer licensure that require full board review and approval:
(a) applications containing any of the criteria in the division's definition of nonroutine application in ARM 24.101.402; or
(b) applications that disclose:
   (i) an applicant having prior felony convictions of any nature, or prior misdemeanor convictions relating to sex, drugs, or violence;
   (ii) an applicant having two or more alcohol-related convictions over any period of time, or one alcohol-related conviction within the past five years; or
   (iii) that an applicant's professional license in this or another state or jurisdiction was disciplined or voluntarily surrendered.


24.118.504 SUPERVISION

(1) A qualified supervisor of an intern or student trainee studying a course of athletic training must be an approved clinical instructor, clinical instructor educator, licensed athletic trainer, or a health care professional.

(2) Graduate assistants as defined in ARM 24.118.301, are not considered to be student assistants or student athletic trainers, and are required to be licensed if they are practicing athletic training.


24.118.507 LIMIT ON NONLICENSEE CONDUCT

(1) "Preventative care and continuous follow up care" permitted by 37-36-203(2)(g), MCA, may not include modalities restricted to licensees in 37-36-101 and 37-36-204, MCA. Specifically, such unlicensed individuals' care may not involve the practice of prevention, recognition, assessment, management, treatment, disposition, or reconditioning of athletic injuries or include the following:
(a) the use of heat, light, sound, cold, electricity, exercise, reconditioning, or mechanical devices related to the care and conditioning of athletes;
(b) education and counseling of the public on matters related to athletic training;
(c) application and administration of topical medications by:
   (i) direct application;
   (ii) iontophoresis, a process by which topical medications are applied through the use of electricity; or
   (iii) phonophoresis, a process by which topical medications are applied through the use of ultrasound; or
(d) the administration or application of:
   (i) bactericidal agents;
   (ii) debriding agents;
   (iii) anesthetic agents;
   (iv) anti-inflammatory agents;
   (v) antispasmodic agents; or
   (vi) adrenocorticosteroids.


24.118.509 MILITARY TRAINING OR EXPERIENCE

(1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as an athletic trainer.
(2) Relevant military training, service, or education must be completed by an applicant while a member of either:
   (a) United States armed forces;
   (b) United States reserves;
   (c) state national guard; or
   (d) military reserves.
(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as an athletic trainer. Satisfactory evidence includes:
   (a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);
   (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
   (c) any other documentation as required by the board.
(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.


24.118.2101 RENEWALS

(1) All athletic trainers must renew their license annually with the board. The renewal date for an athletic trainer license is set by ARM 24.101.413.
(2) Renewal notices will be sent as specified in ARM 24.101.414.
(3) Licensees must, upon renewal, attest to holding current BOC certification.
(4) The board may conduct a random audit of ten percent for documentary verification of the certification requirement.
(5) All licensees shall notify the department within 30 days of any change in mailing addresses.


24.118.2103 CONTINUING EDUCATION

(1) Those continuing education credits required by the BOC to maintain current certification, will also serve as continuing education to maintain licensure as an athletic trainer in Montana.


24.118.2301 UNPROFESSIONAL CONDUCT

(1) The BOC's Athletic Trainers Standards of Professional Practice, implemented January 1, 2006, are adopted and incorporated by reference. A copy of the BOC Standards of Professional Practice may be obtained through the Board of Athletic Trainers, 301 S. Park Avenue, PO Box 200513, Helena, Montana, 59620-0513. Violation of BOC practice standards or codes of professional responsibility may be grounds for discipline.
(2) Licensees may be subject to discipline for those forms of unprofessional conduct defined in 37-1-316, MCA.
(3) The following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 36, MCA, and may be grounds for discipline:
   (a) exploiting a professional relationship with the patient for personal or financial gain;
   (b) using a false, fraudulent, or deceptive statement in any document connected with the practice of athletic training;
   (c) having been subject to disciplinary action of another state or jurisdiction, including the BOC, against a license or other authorization to practice athletic training based upon acts or conduct by the licensee, similar to acts or conduct that would constitute grounds for disciplinary action under Title 37, chapter 36, MCA, or these rules; a certified copy of the record of the action taken by the other state or jurisdiction is evidence of unprofessional conduct;
   (d) willfully disobeying of a rule adopted by the board, or an order of the board regarding evaluation or enforcement of discipline of a licensee;
   (e) failing to furnish to the board or its investigators or representatives information legally requested by the board;
   (f) failing to cooperate with a lawful investigation conducted by the board;
   (g) failing to report to the board any adverse judgment, settlement, or award arising from a medical liability claim or other unprofessional conduct;
   (h) obtaining a fee or other compensation, either directly or indirectly, by the misrepresentation that a manifestly incurable disease, injury, or condition of a person can be cured;
   (i) abusive billing practices;
   (j) making promises of athletic prowess or ability as a result of athletic training;
   (k) conspiring to misrepresent or willfully misrepresenting medical conditions improperly to increase or decrease a settlement, award, verdict, or judgment;
   (l) promoting or involvement in, gambling of any kind on the outcome of an athlete's or team's participation in an athletic competition or event;
   (m) committing any act of sexual abuse, sexual misconduct, or sexual exploitation, whether or not related to the licensee's practice of athletic training;
(n) administering a controlled substance as defined by the U.S. Food and Drug Administration (FDA) or successors; otherwise than in the course of legitimate or reputable professional practice;

(o) having been convicted of a federal or state law regulating the possession, distribution, or use of a controlled substance as defined by the FDA or successors, whether or not an appeal is pending;

(p) failing to transfer pertinent and necessary medical records to another licensed health care provider, the patient, or the patient's representative when requested to do so by the patient or the patient's legally designated representative;

(q) failing to appropriately supervise any student assistant or athletic training student practicing under the licensee's supervision, according to scope of practice and generally accepted standards of practice;

(r) failing to disclose having voluntarily relinquished or surrendered a license or privileges, or having withdrawn an application for licensure or privileges while under investigation, or prior to the granting or denial of an application in this state or in another state or jurisdiction;

(s) failing to maintain current BOC certification as required by statute, including adhering to and complying with all BOC continuing education requirements, and obtaining and carrying the proscribed professional liability insurance as required by BOC for certified athletic trainers; or

(t) any other act, whether specifically enumerated or not, that in fact constitutes unprofessional conduct.