



# Oregon

John A. Kitzhaber, MD, Governor

## *Health Licensing Agency*

700 Summer St. NE, Suite 320

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**WHO:** Oregon Health Licensing Agency  
Board of Athletic Trainers

**WHEN:** November 14, 2011 – 9 am

**WHERE:** Oregon Health Licensing Agency  
Rhoades Conference Room  
700 Summer St NE, Suite 320  
Salem, Oregon

### **What is the purpose of the meeting?**

The purpose of the meeting is to conduct regular board business. Please use appropriate language, manners and protocols when conducting board business. A working lunch may be served for board members and designated staff in attendance. A copy of the agenda is printed with this notice. Please visit <http://egov.oregon.gov/OHLA/AT/meetings.shtml> for current meeting information.

### **Is the public or licensees allowed to attend the meeting?**

Yes. Members of the public are invited and encouraged to be in attendance at all board/council meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment at the end of the meeting. Please wait to be recognized by the Chairperson prior to commenting.

### **Is it possible to watch the meeting live on the internet?**

Yes. You may access the meeting at <https://oregon.ilinc.com/join/bfkycxm> (Link provided is specific to this meeting date) If you need assistance accessing the meeting contact the iLinc Join Help Desk at 1-800-799-4510, and select option “1.”

### **What if the board/council enters into executive session?**

Prior to entering into executive session the board/council chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The board/council will return to open session before taking any final action or making any final decisions.

### **Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests contact a board specialist at (503) 373-2049. All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Oregon Health Licensing Agency  
Board of Athletic Trainers



9 am, Monday, November 14, 2011  
700 Summer Street N.E., Suite 320  
Salem, Oregon

**Revised 11/9/11**  
**Call to Order**

- 1. Approval of Agenda**
- 2. Approval of Minutes**
  - ◆ May 16, 2011
- 3. Reports**
  - ◆ Director's Report
    - 2013 Legislative Concept Discussion
    - 2012 Chair Summit
  - ◆ Statistical and Budget Report
  - ◆ Regulatory Report
- 4. Executive Session**

“ORS 192.660 (2)(f)” for the purpose of considering information or records exempt from public inspection;”

  - ◆ Policy, Legislation & Administrative Rules
    - OHLA Permanent Administrative Rules

**Working Lunch**

- 5. Items for Board Action**
  - ◆ Approve Administrative Rulemaking Schedule
  - ◆ AT scope of practice – Working in PT Setting and Signed Consent Questions
  - ◆ 2012 Chair/Vice-Chair
  - ◆ 2012 Committees
  - ◆ 2012 Board Meeting Dates
- 6. Public Comment**
- 7. Other Board Business**
  - ◆ Board Interest File

**Agenda is subject to change.**  
For the most up to date information visit [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

# **Approval of Minutes**





Oregon Health Licensing Agency  
Board of Athletic Trainers



9 am, Monday, May 16, 2011  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**MINUTES**

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**MEMBERS PRESENT**

Russ Cagle, Chair  
Greg Hill, Vice-Chair  
Jeremy Ainsworth  
Nelson Lomax  
Robert Sandmeier

**STAFF PRESENT**

Randy Everitt, Director  
Sylvie McMillan, Fiscal Services and Licensing Manager  
Kraig Bohot, Public Information Officer  
Nancy Sellers, Senior Policy Analyst  
Sinnamon Harris, Board Specialist

**MEMBERS ABSENT:**

None

**GUESTS PRESENT:**

Shelly Jones

\*This meeting was live video streamed.

**Call to Order**

Russ Cagle, Chair, called the meeting of the Board of Athletic Trainers to order at 9:06 am, Monday, May 16, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. Roll was called.

**1. Approval of Agenda**

**MOTION:**

Jeremy Ainsworth made a motion with a second by Dr. Sandmeier to approve the agenda. Motion passed unanimously.

**2. Approval of Minutes**

**MOTION:**

Greg Hill made a motion with a second by Jeremy Ainsworth to approve the minutes for February 28, 2011. Motion passed unanimously.

### **3. Reports**

#### **• Directors Report**

Randy Everitt, Director, welcomed the board and provided an overview of the meeting's agenda. He noted the meeting was now broadcast live on the internet through Oregon iLinc services. Stakeholders and other interested parties could watch the proceeding live from their own personal computers with the meeting materials also available for viewing during the live meeting.

#### **• Outreach and Communications**

Kraig Bohot, Public Information Officer, presented an overview of public information activities at OHLA. Bohot briefly explained: *Licensing Line*, print publications, OHLA website, media relations, presentations, public record requests, and application forms and the main publication *Central Issues*. He also explained where the links are for the sign-up process to automatically receive *Central Issues* or *Licensing Line*.

#### **• Statistical Report**

Sylvie McMillan, Fiscal Services and Licensing Manager, presented an overview of statistics related to the board. Statistics included were licensing, examination and regulatory statistics, active license trends, complaints, and website traffic.

#### **• 2010-2011 Budget**

McMillan reviewed the statement of cash flow for the 7/01/09 through 3/31/11 period and the cost allocations with the board. She also spoke about the projected statement of cash flow 7/01/09 through 6/30/2011, the end of the biennium. McMillan explained the agency is waiting for the outcome of House Bill 5027 concerning OHLA fees before making the decision to switch AT registrations from two-year to one-year renewals because of the fiscal impact. If HB 5027 passes, all AT registrations may be moved over at one time. Otherwise, the agency will file a temporary rule for all the students who are BOC certified and now must register. The students represent "new" monies and can be added without a negative fiscal impact to a one-year cycle.

#### **• Regulatory Operations Division Report**

Everitt reported on enforcement activity for David Sparks, Regulatory Operations Manager. Between July 2009, and May 2011, 19 complaints had been filed with the agency. Of those 19 complaints, two remain open. The current regulatory reporting period is February 23, 2011, through May 9, 2011. The Agency received two complaints during this reporting period. Both are currently under investigation.

#### **• Policy, Legislation & Administrative Rules**

##### **• OHLA Temporary Administrative Rules**

Nancy Sellers, Senior Policy Analyst, pointed out the temporary rule OAR 331-020-0040(4) to clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the agency, its boards or councils and OAR 331-010-0050 to allow authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status. Sellers noted the last was to acknowledge federal standards for authorization holders in active military status.

##### **• OAR 581-022-0421 Safety of School Sports - Concussions**

Sellers presented the Department of Education's (DOE) rule changes implementing Max's Law to the

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board. Sellers stated the administrative rule will be included in the draft letter to be sent to stakeholders in the footnote section.

- **Legislation and Rules Committee Update**

Sellers presented the board with an updated proposed administrative rulemaking schedule and explained how the agency would implement moving all athletic trainers to a one-year registration depending upon the outcome of House Bill 5027. At the last board meeting, the board had approved requiring students who have already received their initial degree and BOC certification and are working as athletic trainers to register in Oregon. There are two options for moving all the AT registrants to one-year:

a. If HB 5027 passes, all registered Athletic Trainers and the students who now must register may be switched over to one-year registration effective August 1 2011, through a temporary administrative rule.

b. If HB 5027 does not pass, it is likely that only the newly-registering students will be able to move to a one-year registration effective August 1, 2011, with other registrants moving at a later date. McMillan reiterated the new students registrants could start August 1, 2011, because these registrants are new coming into the system and are a financial plus for the Board of Athletic Trainers.

#### **4. Items for Board Action**

- **Continuing Education Requirement Related to Traumatic Brain Injury**

The AT Legislation and Rules Committee had earlier recommended two hours every three years for continuing education related to traumatic brain injury. However, this recommendation was put on hold while the Oregon Legislature considered a now-derailed bill that would require certain health-care-related professionals (including athletic trainers) to complete two hours of continuing education regarding traumatic head injury each year.

Currently, Oregon registered athletic trainers are not required to receive such training. The board had stated the desire to be included in the Oregon Department of Education (DOE) rule implementing Max's Law relating to return-to-play decisions for students. Sellers' issue statement noted ensuring that all registered athletic trainers have current training may significantly promote public safety and the health of student athletes.

The board discussed having the registrants attest to meeting two hours of continuing education related to traumatic brain injury in the past three years when renewing their registrations.

#### **MOTION:**

Jeremy Ainsworth made a motion to accept the Legislation and Rules Committee recommendation of requiring two continuing education hours in the subject matter of traumatic brain injury every three years. A second was made by Dr. Sandmeier. Motion passed unanimously.

- **Draft Letter Approval for All Interested Parties of Athletic Training in Oregon**

Sellers presented a draft letter to be sent to all stakeholders. Below are the highlights of the letter's contents:

1. Student registration exemption discontinuation if the student has already passed the BOC examination as of August 1, 2011.
2. BOC-certified athletic trainers who may be improperly practicing without Oregon registration.
3. Update to the Implementation of Max's Law.

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Russ Cagle suggested a link to subscribe to *Central Issues* or *Licensing Line*, OHLA agency publications, be added to the bottom of the letter.

**MOTION:**

Jeremy Ainsworth made a motion to accept the draft letter as final as amended (with the addition of the link to *Central Issues/Licensing Line*) with a second by Greg Hill. Motion passed unanimously.

**5. Public Comment**

Shelly Jones, President of Oregon Athletic Trainers Society (OATS) offered a suggestion that "or course approved by the board" be added to the administrative rule in regards to continuing education for traumatic brain injuries.

**6. Executive Session-Place Holder**

The board did not enter into executive session.

**7. Other Board Business/Board Interest**

There was no "Other Board Business" or items in the "Board Interest File."

The meeting adjourned at approximately 11:15 am.

Prepared by: Sinnamon Harris, Board Specialist

# **Director's Report**



# 2013 Legislative Concepts

## OREGON HEALTH LICENSING AGENCY

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The Oregon Health Licensing Agency (OHLA) begins the legislative process more than a year before the actual legislative session.

To begin the process the agency has compiled a list of possible legislative concepts for each program. Members are asked to review the list and make comments as well as add additional changes. As part of that process the agency will consider all comments and suggestions and may call on the individual boards and councils Legislative & Rules Committees to fine tune language or to act as experts in a particular profession.

### **OHLA ORS 676 – Streamline the following among all OHLA professions:**

- Continuing education authority;
- Renewal requirements;
- Fee structure;
- Complaint and investigation confidential;
- Disclosure of confidential information to other public entity; and
- Charitable events exception for all programs or relevant programs;

### **Board of Athletic Trainers ORS 688:**

- Remove NATA references; and
- Standardized definition of “Physician Extender”
- Revise definition of athlete.

### **Board of Body Art Practitioners Oregon Laws 2011, Chapter 715 (ORS 690):**

- Ear lobe piercing only field of practice with grandfathering provision;
- Make tattooing a minor illegal;
- Add freelance authorization for electrology allowing electrologists to be mobile licensees.

### **Board of Cosmetology ORS 690:**

- Add work performed on the “face” related to esthetics;
- Add “cosmetology” field of practice;
- Practice standards and requirements for legend drugs and devices such as lasers and hydroquinone (skin lightening agent);
- Continuing education authority;
- Streamline public records confidentiality regarding complaints (690.195(2)); and
- Clarify authority to assess civil penalty to the Board (690.992) for violations of (676.612)

### **Board of Denture Technology ORS 680:**

- Perform X-rays part of scope of practice.

**Board of Licensed Dietitians ORS 691:**

- Mandatory licensure.

**Environmental Health Registration Board ORS 700:**

- Exempt individuals under a supervised internship from registration with guidelines by rule;
- Expand authority to allow other qualifying graduate degrees. (ORS 700.030 (1)(b))
- Define duties and parameters of an environmental health specialist;
- Designate title for registered waste water specialist as RWWS; and
- Elimination of waste water field of practice.

**Advisory Council on Hearing Aids ORS 694:**

- Council membership – designate four hearing aid specialists licensed under 694.065(a) and (c) and one audiologist licensed under ORS 681; and
- Add temporary licensure provisions by rule.

**Board of Direct Entry Midwifery ORS 678:**

- Mandatory licensing including exemptions;
- Broaden legend drugs and devices; and
- Insurance reimbursement.

**Nursing Home Administrators Board ORS 678:**

- Standards for directors/administrators for Assisted/Residential Living Facilities.

**Respiratory Therapist and Polysomnographic Technologists Licensing Board Oregon Laws 2011, Chapter 346 (ORS 690):**

- Add training to requirements for licensure under polysomnography; and
- Add language related to the practice of respiratory care to include:  
*“the insertion of devices to draw, analyze, infuse or monitor pressure in arterial, capillary or venous blood as prescribed by medical director” and emergent intraosseous placement.*

**Sex Offender Treatment Board ORS 675:**

- Designate titles for use by only a certified or associate sex offender treatment therapist as CCSOT and CASOT.
- Require that only certified or associate sex offender treatment therapists may treat minors or developmentally disabled;
- Mandatory licensure for all sex offender treatment therapists.

**Other Issues:**

- Durable medical equipment; and
- Home caregiver registry;

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**Oregon Health Licensing Agency**

700 Summer Street NE, Suite 320

Salem, Oregon 97301-1287

(503) 373-1917

**2012**  
**Chair Summit**  
**January 20th**



# **Statistical & Budget Reports**



# Oregon Health Licensing Agency

## Board of Athletic Trainers

*Licensing Division Statistics as of November 8, 2011*

*2011 - 2013 Biennium*

<b>Quarter</b>	<b>Registrations Issued</b>	<b>Renewals Processed</b>	<b>% Renewed Online</b>
<b>1st</b>	22	63	55.56%
<b>2nd</b>	11	4	25.00%
<b>Total:</b>	33	67	53.73%



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## Health Licensing Agency

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Web Site: [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA)

**June 1, 2011**

### **To All Interested Parties of Athletic Training in Oregon:**

The Oregon Health Licensing Agency (OHLA) and the Board of Athletic Trainers has important updates that may affect your work or the employment of persons to perform the duties of an athletic trainer in Oregon.

With limited exemptions, if you are performing the duties of an athletic trainer, purporting to be an athletic trainer, or are described by your employer as an athletic trainer, you must register as an athletic trainer with OHLA (see ORS 688.718, below).

**Persons found to be practicing athletic training without required registration are subject to civil penalties of up to \$5,000 for each violation.**

Please read the following carefully, and contact OHLA Senior Policy Analyst Nancy Sellers if you have questions. She can be reached by e-mail at [nancy.sellers@state.or.us](mailto:nancy.sellers@state.or.us) or by phone at (503) 373-1904.

**Student Registration Exemption Ending:** As of August 1, 2011, students who have already passed the BOC examination no longer are exempted from athletic trainer registration requirements. This also means that no college or university may use the athletic training services of these students if they are not registered with OHLA.

Students continuing their education in athletic training or working toward another degree will qualify for one-year registration (at half the regular two-year rate). Please refer to registration information online at [http://egov.oregon.gov/OHLA/AT/How\\_to\\_Get\\_Licensed.shtml](http://egov.oregon.gov/OHLA/AT/How_to_Get_Licensed.shtml) or at [www.oregon.gov/OHLA](http://www.oregon.gov/OHLA).

**BOC Certified vs. Oregon Registered:** OHLA recently compared the lists of those Oregon athletic trainers who are BOC certified with those who are registered in Oregon, and found a significant number of athletic trainers who may be improperly practicing without registration.

If you are a BOC-certified athletic trainer working in a related profession (including but not limited to physical therapy, occupational therapy or emergency medicine), you must register if you are performing any athletic training services that are not also authorized by your other profession's scope of practice as defined in Oregon Revised Statutes. It is your responsibility to understand the legal scopes of practice and register accordingly.



**Update to Implementation of Max's Law:** The Oregon Department of Education recently revised its administrative rule relating to "Max's Law" (ORS 336.485) regarding the safety of school sports in relation to concussions. The rule change now allows registered athletic trainers to make return to play decisions. Persons exempted from registration as athletic trainers are not covered by the new provisions:

OAR 581-022-0421 Safety of School Sports — Concussions ... "(3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion."

Thank you for your consideration of these important updates for athletic training registration, and for your support of our ongoing work to protect the safety and health of athletes in Oregon.

Sincerely,



Russ Cagle, Ph.D., ATC, ATR  
Chair, Board of Athletic Trainers

**P.S. If you would like to receive e-mails regarding athletic training from the Oregon Health Licensing Agency, please sign up for the listserv at:**

[http://listsmart.osl.state.or.us/mailman/listinfo/ohla\\_board\\_of\\_athletic\\_trainers](http://listsmart.osl.state.or.us/mailman/listinfo/ohla_board_of_athletic_trainers)

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**Oregon Revised Statutes – 688.718 Registration required; exceptions.** (1) A person may not practice athletic training or claim to be a registered athletic trainer unless the person is registered under ORS 688.720.

(2) Nothing in ORS 688.701 to 688.734 is intended to:

(a) Limit, preclude or otherwise interfere with the practices of health care providers or other persons licensed or registered in this state under any other statutes, or prevent health care providers or other persons from engaging in the profession or occupation for which the health care provider or person is licensed or registered;

(b) Prevent any person from practicing athletic training if the person is employed as an athletic trainer by the federal government or any of its agencies;

(c) Preclude any person from pursuing a supervised course of study leading to a degree or registration as an athletic trainer in an accredited or approved educational program if the person is identified by a title that clearly indicates student or trainee status;

(d) Prevent any person from completing any supervised practical experience requirements established by the Board of Athletic Trainers by rule; or

(e) Prohibit any person from performing athletic training services in this state for purposes of continuing education, consulting or training if the services are performed for no more than 60 days in any calendar year and are performed in association with a registered athletic trainer if the person is:

(A) Registered or licensed and in good standing as an athletic trainer in another state; or

(B) Certified by and in good standing as an athletic trainer with the National Athletic Trainers Association Board of Certification.

(3) Nothing in ORS 688.701 to 688.734 shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers.

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**“Max’s Law” – ORS 336.485 Concussions; training of coaches; participation by athletes;**

**rules.** (1) As used in this section, “coach” means a person who instructs or trains members on a school athletic team, as identified by criteria established by the State Board of Education by rule.

(2)(a) Each school district shall ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

(b) The board shall establish by rule:

(A) The requirements of the training described in paragraph (a) of this subsection, which shall be provided by using community resources to the extent practicable; and

(B) Timelines to ensure that, to the extent practicable, every coach receives the training described in paragraph (a) of this subsection before the beginning of the season for the school athletic team.

(3)(a) A coach may not allow a member of a school athletic team to participate in any athletic event or training on the same day that the member:

(A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

(B) Has been diagnosed with a concussion.

(b) A coach may allow a member of a school athletic team who is prohibited from participating in an athletic event or training, as described in paragraph (a) of this subsection, to participate in an athletic event or training no sooner than the day after the member experienced a blow to the head or body and only after the member:

(A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

(B) Receives a medical release form from a health care professional.

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**Oregon Administrative Rules – OAR 581-022-0421 Safety of School Sports — Concussions**

(1) As used in this rule:

(a) “Annual training” means once in a twelve month period.

(b) “Coach” means a person who instructs or trains members on a school athletic team and may be:

(A) A school district employee;

- (B) A person who volunteers for a school district
  - (C) A person who is performing services on behalf of a school district pursuant to a contract.
  - (c) “Concussion” means exhibiting signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body.
  - (d) “Health Care Professional” means a Physician (MD), Physician’s Assistant (PA), Doctor of Osteopathic (DO) licensed by the Oregon State Board of Medicine, nurse practitioner licensed by the Oregon State Board of Nursing, or Psychologist licensed by the Oregon Board of Psychologist Examiners.
  - (e) “Proper medical treatment” means treatment provided by a licensed health care professional which is within their scope of practice.
  - (f) “Return to participation” means a student can rejoin the athletic event or training.
  - (g) “Training timeline” means every coach receives the training prior to the beginning of the season for the school athletic team they are specifically coaching.
  - (h) “Same day” means the same calendar day on which the injury occurs.
  - (2) Each school district shall:
    - (a) Develop a list of coaches.
    - (b) Identify which community (may include state or national) resources the district will use to provide the training as required in section (3) of this rule.
    - (c) Develop training timelines for coaches of all school athletic teams.
    - (d) Ensure coaches receive training once every twelve months.
    - (e) Develop a tracking system to document that all coaches meet the training requirements of this rule.
    - (f) Ensure no coach allows a member of a school athletic team to participate in any athletic event or training on the same calendar day that the member:
      - (A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or
      - (B) Has been diagnosed with a concussion.
    - (g) Ensure no coach will allow a student who is prohibited from participating in an athletic event or training, as described in section (2)(f), to return to participate in an athletic event or training no sooner than the day after the student experienced a blow to the head or body. The student may not return to participate in an athletic event or training until the following two conditions have been met:
      - (A) The student no longer exhibits signs, symptoms or behaviors consistent with a concussion; and
      - (B) The student receives a medical release form from a health care professional.
  - (3) In school districts which have the services of an athletic trainer registered by the Oregon Board of Athletic Trainers, that athletic trainer may determine that an athlete has not suffered a concussion and return the athlete to play. Athletic trainers may also work in consultation with a Health Care Professional in determining when an athlete is able to return to play following a concussion.
  - (4) The training required of coaches under this rules shall include the following:
    - (a) Training in how to recognize the signs and symptoms of a concussion;
    - (b) Training in strategies to reduce the risk of concussions;
    - (c) Training in how to seek proper medical treatment for a person suspected of having a concussion; and
    - (d) Training in determination of when the athlete may safely return to the event or training.
-

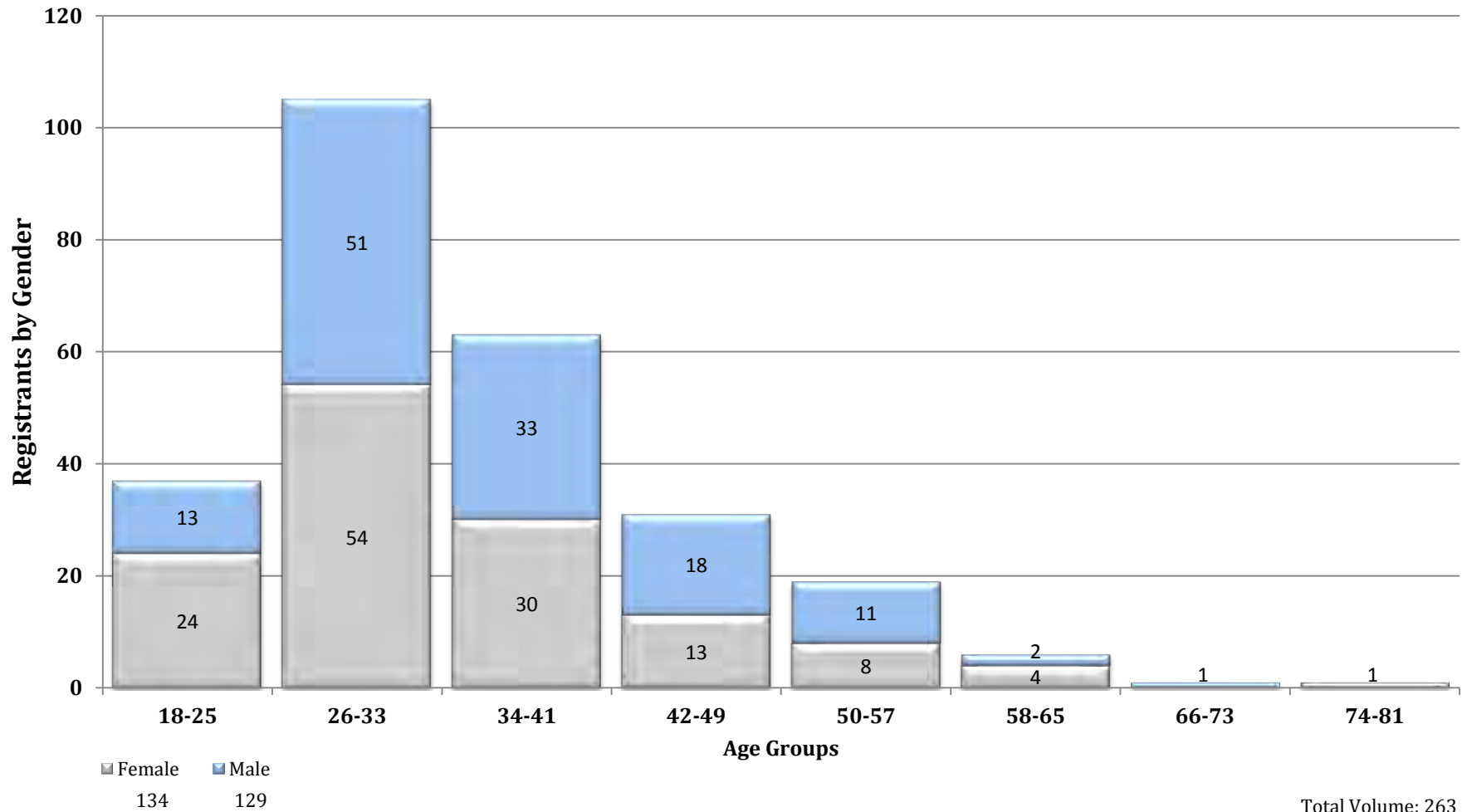
# Oregon Health Licensing Agency Board of Athletic Trainers

*Regulatory Division Statistics as of November 8, 2011  
2011 - 2013 Biennium*

<b>Quarter</b>	<b>Complaints Received</b>	<b>Complaints Closed</b>	<b>Proposed Sanctions</b>	<b>Final Orders</b>
<b>1st</b>	2	0	1	0
<b>2nd</b>	0	1	0	1
<b>Total:</b>	2	1	1	1

# Oregon Health Licensing Agency Board of Athletic Trainers

Active Athletic Trainers  
Statistics grouped by Gender and Age Group as of November 8, 2011  
2011 - 2013 Biennium



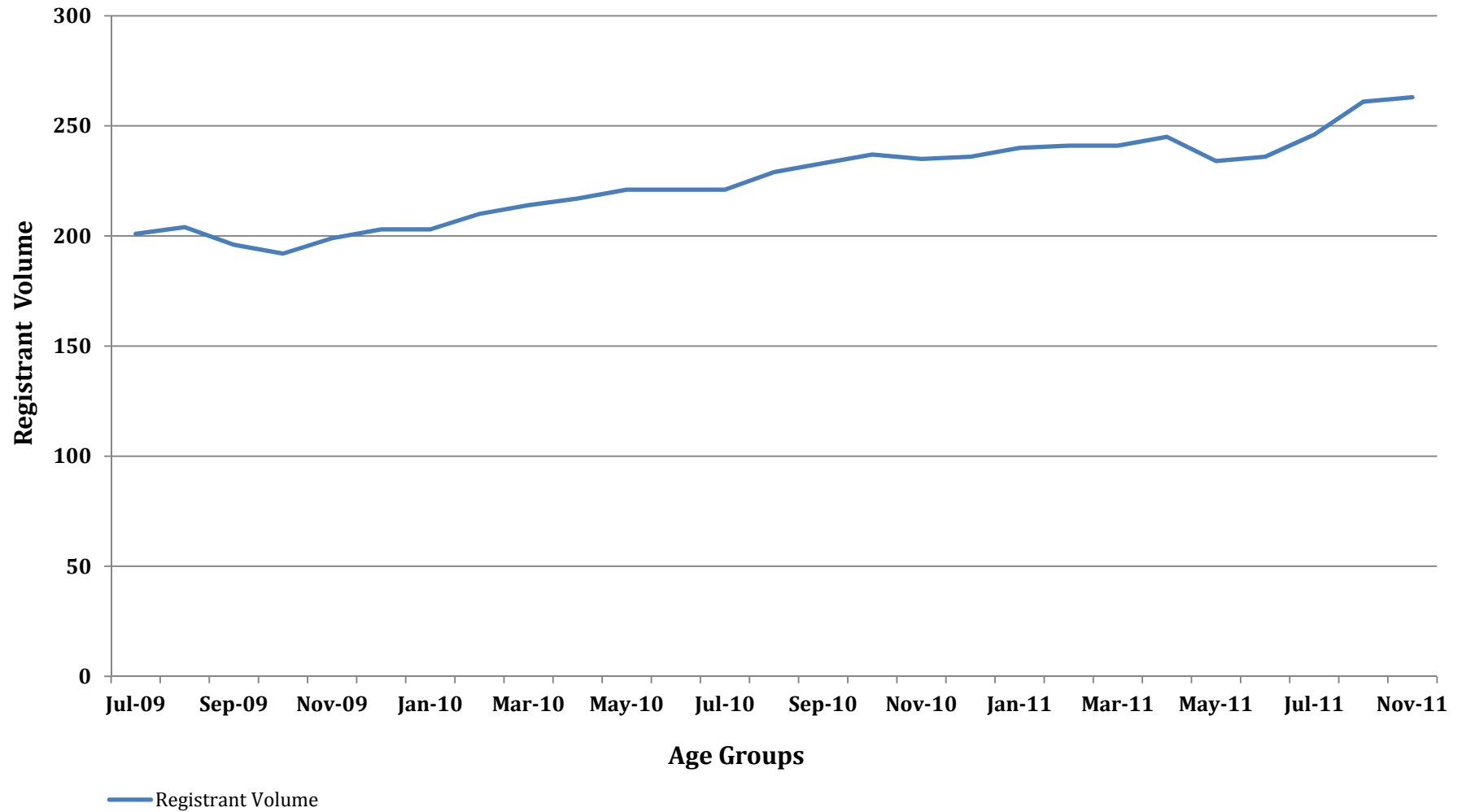
# Oregon Health Licensing Agency

## Board of Athletic Trainers

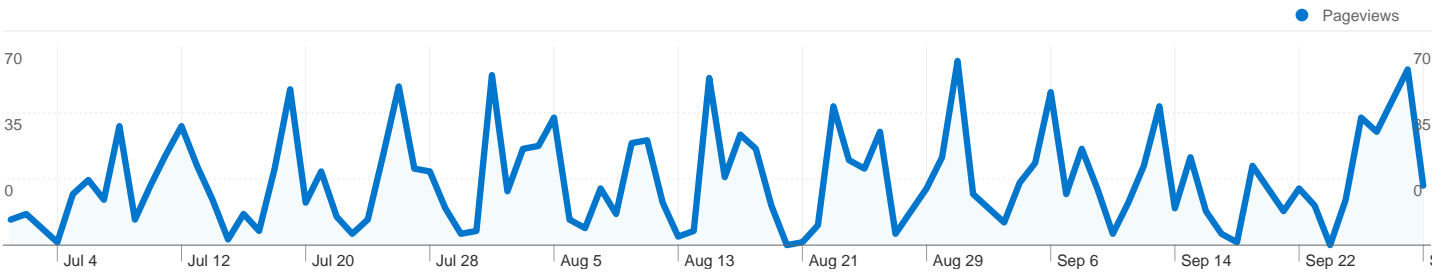
Active Athletic Trainer Registrants

Active Registration Trend

July 2009 - November 2011



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Content Performance

<b>Pageviews</b> <b>2,782</b> % of Site Total: 2.03%	<b>Unique Pageviews</b> <b>1,878</b> % of Site Total: 1.71%	<b>Avg. Time on Page</b> <b>00:01:15</b> Site Avg: 00:01:13 (2.26%)	<b>Bounce Rate</b> <b>43.48%</b> Site Avg: 47.28% (-8.03%)	<b>% Exit</b> <b>26.25%</b> Site Avg: 37.68% (-30.33%)	<b>\$ Index</b> <b>\$0.00</b> Site Avg: \$0.00 (0.00%)
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1 - 5 of 6

Page	Total Pageviews	oatswebsite.org Pageviews	google Pageviews	licenseinfo.oregon.gov Pageviews	(direct) Pageviews	oregon.gov Pageviews
/OHLA/AT/ATfees.shtml	521	313	139	0	69	0
/OHLA/AT/index.shtml	382	0	208	69	104	0
/OHLA/AT/How_to_Get_Licensed.shtml	313	173	0	34	104	0
/OHLA/AT/forms.shtml	313	208	69	0	34	0
/OHLA/AT/AToverview.shtml	243	0	34	208	0	0
/OHLA/AT/contact_us.shtml	243	34	139	0	69	0
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/OHLA/AT/docs/Forms/Qualification_Application.pdf	104	69	34	0	0	0
/OHLA/AT/ATContinuingEducation.shtml	69	0	69	0	0	0
/OHLA/AT/ATFAQs1004.shtml	69	0	0	69	0	0

1 - 10 of 17

# Oregon Health Licensing Agency

## Board of Athletic Trainers

### Revenue and Expenditures

For the Biennium 2009-2011

<b>OREGON HEALTH LICENSING AGENCY</b> <b>ATHLETIC TRAINERS FUND 7510</b> <b>STATEMENT OF CASH FLOW - Actual</b> <b>FOR THE PERIOD 07/01/09 - 6/30/11</b>	
09-'11 Beginning Cash Balance	\$ 84,876.93
Revenues	\$ 118,608.66
Expenditures	\$ 122,065.47
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (122,065.47)
Subtotal: Resources Available	\$ 81,420.12
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Actual)</b>	<b>\$ 81,420.12</b>
<b>Cost Allocation 7/1/2009 - 1/31/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.37%
	1.97%
<b>Cost Allocation 2/1/2010 - 9/30/2010</b>	
Small Board Assessment Rate	1.60%
License Volume / Workload Complexity Rate	0.46%
	2.06%
<b>Cost Allocation 10/1/2010 - 6/30/2011</b>	
Small Board Assessment Rate	1.50%
License Volume Rate	0.31%
Indirect Rate for all Divisions	1.81%
Direct Expenses	100.00%

Agency Divisions	Shared Cost Categories	FTE ALLOCATION	Cosmetology	Board of Body Art	Denturists, Hearing Aids, Nursing Home Administrators and Environmental Health Specialists	Athletic Trainers, Respiratory Therapists and Polysmonographic Technologists , Direct Entry Midwives, Sex Offender Treatment Therapists and Dietitians
			Cosmetology Plan	Small Board Gold Plan	Small Board Silver Plan	Small Board Bronze Plan
Administrative Services Division	Management, Rules and Legislation and Board Support	10.00 FTE	X	X	X	X
	Education Services	1.00 FTE	X	X	X	
Fiscal Services / Licensing Division	Fiscal Services and Information Technologies	7.00 FTE	X	X	X	X
	Cosmetology Direct Support	1.00 FTE	X			
	Small Board Qualifications and Licensing	1.00 FTE		X	X	X
	Front Line	4.00 FTE	X	X	X	X
Regulatory Operations Division	Inspections	4.00 FTE	X	X		
	Investigations	4.00 FTE	X	X	X	X
	Admin Support	1.00 FTE	X	X	X	X
<b>TOTAL FTE / COST CATEGORIES</b>		<b>33.00 FTE</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>6</b>

# Oregon Health Licensing Agency

## Board of Athletic Trainers

### Revenue and Expenditures

For the Biennium 2011-2013

<b>OREGON HEALTH LICENSING AGENCY</b> <b>ATHLETIC TRAINERS FUND 7510</b> <b>STATEMENT OF CASH FLOW - Actual</b> <b>FOR THE PERIOD 07/01/11 - 9/30/11</b>	
11-'13 Beginning Cash Balance	\$ 81,420.12
Revenues	\$ 28,810.00
Expenditures	\$ 10,041.90
Less: Accrued Expenditures	\$ (18.96)
Less: Total Expenditures	\$ (10,022.94)
Subtotal: Resources Available	\$ 100,207.18
Change in (Current Assets)/Liabilities	\$ 3.81
<b>Ending Cash Balance (Actual)</b>	<b>\$ 100,210.99</b>
<b>Bronze Allocation</b>	
Shared Services (ASD, FSD, REG)	0.93%
Small Board Qualifications and Support	3.87%
Front Line Support	0.33%
Direct Expenses	100.00%

# Oregon Health Licensing Agency

## Board of Athletic Trainers

### Revenue and Expenditures

For the Biennium 2011-2013

<b>OREGON HEALTH LICENSING AGENCY</b> <b>ATHLETIC TRAINERS - FUND 7510</b> <b>STATEMENT OF CASH FLOW - Projection</b> <b>FOR THE PERIOD 07/01/11 - 6/30/13</b>	
11-'13 Beginning Cash Balance	\$ 81,420.12
Revenues	\$ 123,438.75
Expenditures	\$ 67,224.67
Less: Accrued Expenditures	\$ -
Less: Total Expenditures	\$ (67,224.67)
Subtotal: Resources Available	\$ 137,634.20
Change in (Current Assets)/Liabilities	\$ -
<b>Ending Cash Balance (Projection)</b>	<b>\$ 137,634.20</b>
<b>Bronze Allocation</b>	
Shared Services (ASD, FSD, REG)	0.93%
Small Board Qualifications and Support	3.87%
Front Line Support	0.33%
Direct Expenses	100.00%

**Regulatory  
Operations Division  
Report**



Oregon Health Licensing Agency  
Regulatory Division

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**BOARD OF ATHLETIC TRAINERS**

***2009 – 2011 Biennium***

Between July 2009 and June 2011, 21 complaints were received by the Agency, and of the 21 complaints, none remain open.

Below is a summary of the closed complaints categorized by investigation result. These 4 complaints were closed-out since the last Board meeting.

<b>Investigation Result</b>	<b>Count</b>
Civil Penalty	1
Unfounded	3

Below is a summary of all other closed complaints categorized by investigation result. These 17 complaints were closed-out prior to the last Board meeting.

<b>Investigation Result</b>	<b>Count</b>
Civil Penalty	1
Unfounded	16

***2011 – 2013 Biennium***

Between July 1, 2011 and November 7, 2011, 2 complaints were received by the Agency, and of the 2 complaints, 1 remains open.

Below is a detailed list of the 1 open complaint with an ongoing investigation:

<b>Case #</b>	<b>Received Date</b>	<b>Complaint Allegations</b>
11-6571	9/5/2011	Unlicensed Athletic Trainer

# **Policy, Legislation & Administrative Rules**

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on August 15, 2011 by the \_\_\_\_\_  
Date prior to or same as filing date

<u>Oregon Health Licensing Agency</u>	<u>OAR 331</u>	
<b>Agency and Division</b>	<b>Administrative Rules Chapter Number</b>	
<u>Samantha Patnode, Policy Analyst</u>	<u>700 Summer St. NE, Suite 320, Salem, Oregon 97301-1287</u>	<u>503-373-1917</u>
<b>Rules Coordinator</b>	<b>Address</b>	<b>Telephone</b>

to become effective August 15, 2011. Rulemaking Notice was published in the June 2011 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULE CAPTION**

Define terms used in ORS 676.612 and active military status protocols for authorization holders.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** 331-010-0050

**AMEND:** 331-020-0040, 331-020-0070

**REPEAL:**

Stat. Auth.: ORS 676.615

Other Auth.: ORS 408.450

Stats. Implemented: ORS 676.607, 676.608, 676.612, 408.450

**RULE SUMMARY**

Adopt 331-010-0050 allowing authorization holders in active military status waiver of renewal, fees and continuing education requirements, as well as protocols for restoration of former authorization status.

Define and clarify what constitutes an appearance before the agency during investigations of alleged violations of statutes or rules under the authority of the Oregon Health Licensing Agency (OHLA), its boards or councils.

Define and clarify the terms incompetence and negligence used in ORS 676.612 in relation to the boards or councils under the OHLA.

<u>Randall Everitt, Director</u>	<u>8/11/11</u>	
<b>Authorized Signer</b>	<b>Printed name</b>	<b>Date</b>

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. \*\*The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 m on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.  
ARC 930-2005

# **OREGON HEALTH LICENSING AGENCY**

## **DIVISION 10**

### **AGENCY GENERAL ADMINISTRATION RULES**

**331-010-0050**

#### **Authorization Holders; Military Leave**

**(1) A practitioner authorized to practice under a program listed in ORS 676.606 is not required to renew the authorization or pay renewal fees while in active military service unless required by the authorization holders branch of the military.**

**(2) To be restored to former authorization status the authorization holder must notify the agency in writing within 60 days of being honorably discharged.**

**(3) No fees will be due until the following renewal period.**

**(4) Requirements for completing continuing education hours during an authorization holder's active duty period shall be evaluated on a case by case basis.**

## DIVISION 20

### AGENCY REGULATORY OPERATIONS RULES

#### 331-020-0040

##### Complaint Processing and Investigation

Pursuant to ORS 676.608, complaints filed with the Oregon Health Licensing Agency will be handled as follows:

(1) The agency will determine if the complaint is related to a profession or occupation regulated and administered by the agency and the complaint falls within authority delegated to the agency by statute.

(2) The agency investigator(s):

(a) Will review the information and as applicable, interview parties and witnesses, and examine physical evidence relating to the complaint;

(b) Will advise on whether an authorization holder or other individual practiced within the acceptable standards of the particular program;

~~(c) May attempt to informally resolve the matter;~~

~~(d)~~ (c) Will make recommendations for agency action.

(3) After receiving advice from the investigator(s), the agency will determine what action will be taken in accordance with ORS 676.608.

**(4) As used in ORS 676.608(8), to "appear before the agency" includes: an investigative interview conducted under oath, under subpoena or otherwise compelled; an interview or hearing before a board, council, or subcommittee of a board or council; any depositions authorized by the agency; pre-hearing conferences; and contested case hearings. It does not include interrogatories, written admissions, other written communications, or voluntary communications.**

Stat. Auth.: ORS 183, 676.605, 676.608, 676.615  
Stats. Implemented: ORS 183, 676.605, 676.608, 676.615  
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

## 331-020-0070

### Discipline

(1) The Oregon Health Licensing Agency may discipline authorization holders for violations of laws and rules, in accordance with ORS 676.612 and 676.992.

(2) Failure to cooperate with the agency or its agent is unprofessional conduct and is subject to disciplinary sanctions, which may include suspension or revocation and refuse to issue or renew or place on probation and assessment of civil penalties. Failure to cooperate with the agency or its agent includes, but is not limited to, the following:

(a) Failing to provide information within the specified time allotted and as requested by the agency;

(b) Failing to temporarily surrender custody of original client records to the agency upon request, which includes treatment charts, models, health histories, billing documents, correspondence and memoranda;

(c) Interference, use of threats or harassment which delays or obstructs any person in providing evidence in any investigation, contested case, or other legal action instituted by the agency;

(d) Interference, use of threats or harassment which delays or obstructs the agency in carrying out its functions under individual programs administered and regulated by the agency as listed in ORS 676.606 and rules adopted thereunder;  
or

(e) Deceiving or attempting to deceive the agency regarding any matter under investigation including altering or destroying any records.

(3) The agency, at its discretion, may require supplemental training in an appropriate area of study as determined by the agency, board or council, as a disciplinary sanction. Supplemental training may be in addition to assessment of a monetary penalty or the agency, board or council may waive or reduce a penalty, in cases requiring supplemental training.

**(4) As used in ORS 676.612(2)(j) incompetence means engaging in conduct which evidences a lack of ability or fitness to perform the holder's professional functions.**

**(5) As used in ORS 676.612(2)(j) negligence means engaging in conduct detrimental to the client.**

Stat. Auth.: ORS 676.607, 676.612, 676.992  
Stats. Implemented: ORS 676.607, 676.612, 676.992  
Hist.: HLO 1-2004, f. & cert. ef. 2-13-04; HLA 1-2009, f. & cert. ef. 6-1-09

# **Items for Board Action**

***ISSUE:***

Begin administrative rulemaking process for the Board of Athletic Trainers (Board).

***DISCUSSION:***

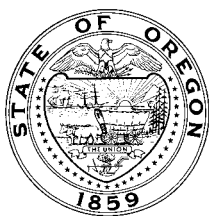
The Board has not reviewed administrative rules since 2004. In 2010-11 the Board worked with the Oregon Health Licensing Agency on specific policy questions relating to statutes and administrative rules.

Areas which may be addressed during rulemaking are Agency streamlining to ensure consistency among programs and align administrative rules with statutory authority including:

- Application requirements
  - National criminal background and fingerprint checks
- Pathways to licensure;
  - Board of Certification (BOC)
  - Commission on Accreditation of Athletic Training Education (CAATE)
  - Other states or countries
- Renewal requirements;
  - National criminal background and fingerprint checks
- Continuing education requirements.
- Define supervision
  - General
  - Direct
  - Personal
- Collaboration with physician

***RECOMMENDATION:***

Recommend approval of the administrative rulemaking schedule for 2012. See schedule attached.



# Administrative Rule Schedule

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## OREGON HEALTH LICENSING AGENCY

### Board of Athletic Trainers

Date	Action	Time
November 18, 2011	Approve rulemaking schedule	9 am
February 14, 2012	Legislation & Rules Committee	9 am
March 16, 2012	Legislation & Rules Committee – Statement of need & fiscal impact	9 am
March 30, 2012	Board meeting approve proposed rules – conference call	9 am
May 1, 2012	Notice of proposed rules –Oregon Bulletin	
May 30, 2012	Last day for public comment	
June 15, 2012	Legislation & Rules Committee	9 am
June 29, 2012	Board meeting adopt permanent rules	9 am
July 15, 2012	Permanent rules effective	9 am

Under ORS 676.607(f) the Oregon Health Licensing Agency (Agency) has authority and responsibility to approve and collect all fees for the programs under ORS 676.606 including the Board of Athletic Trainers. The Agency has final rulemaking authority under ORS 676.615. All Comments including recommendations from board members will be considered by the Agency.

All meetings are held at the Oregon Health Licensing Agency, Rhoades Conference Room, 700 Summer St, Suite 320, Salem, OR 97301, unless otherwise specified.

Members of the public are invited and encouraged to attend all board and committee meetings. However, audience members will not be allowed to participate, unless there is a dedicated placeholder on the agenda and/or the chairperson designates an allotted time.

Invited technical experts may be invited to participate in meetings regarding their knowledge and expertise in specific areas.

Please send all public comment to:

Samie Patnode, Policy Analyst  
700 Summer St NE, Suite 320  
Salem, OR 97301-1287  
[samie.patnode@state.or.us](mailto:samie.patnode@state.or.us)  
Work: (503) 373-1917

For current information regarding administrative rules or the rulemaking process visit the Web at [http://eqov.oregon.gov/OHLA/AT/Atlaws\\_rules.shtml](http://eqov.oregon.gov/OHLA/AT/Atlaws_rules.shtml).

## ISSUE

Address questions raised by Brad Aytes, Certified Athletic Trainer Mid Columbia Medical Center in The Dalles Oregon.

## DISCUSSION

On August 16, 2011, the Oregon Health Licensing Agency (Agency) received a request from Aytes asking the Board of Athletic Trainers to:

*1. When working in a physical therapy (PT) setting, does the athletic trainer function as an athletic trainer or a PT aid?*

*2. How does the Board interpret OAR 331-120-0020(11).....Performing services which have not been authorized by the consumer or his / her legal representative is prohibited. When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer? See original request attached.*

On September 1, 2011, the Agency notified Aytes that his request would be provided at the November 14, 2011 Board meeting. Aytes was encouraged to refine his question prior to the meeting and invited to attend the meeting, if possible, to provide clarification to the Board. The Agency provided some examples of information that may help the Board come to a conclusion:

- What the professional title of the individual in question?
- Whether that individual is holding himself or herself out as an athletic trainer and what specific activities that individual is performing? See original letter attached.

On October 17, 2010, the Agency received the following *refined* questions from Aytes: See attached refined question.

Upon review of the information received on October 17, it appears that Aytes only revised question one, which was to the Physical Therapist Licensing Board on October 26, 2011. See information attached. Question two was not revised.

**2. How does the Board interpret OAR 331-120-0020(11).....Performing services which have not been authorized by the consumer or his / her legal representative is prohibited. When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer? See original request attached.**

Using the *Public Advice Protocols* the board must consider each question and determine the best course of action. The board should consider the following questions:

- Can the board or agency determine answer without legal advice?
- Should the board refer the questions to the Scope of Practice, Standards & Procedures Committee?
- Should the board refer the questions to agency Assistant Attorney General (AAG) and if so should a Scope of Practice & Procedures Standards Committee be scheduled for question and answer with the agency and legal counsel? Or
- Should the board decline to address?

The board should also consider cost for legal advice and how much time may be necessary to obtain official advice from legal counsel.

## RECOMMENDATION

Determine next course of action regarding questions raised by Aytes.

-----Original Message-----

From: Bradley Aytes [mailto:bradleya@mcmc.net]

Sent: Tuesday, August 16, 2011 10:58 AM

To: ohla.info@state.or.us

Subject: 2 questions about practice act

Hello,

I have 2 questions regarding the practice act.

1. When working in a physical therapy setting, does the athletic trainer function as an athletic trainer or a pt aid? The practice acts for each are very different.

2. ORS 331-120-0020 #11 ... Performing services which have not been authorized by the consumer or his / her legal representative is prohibited.

When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer?

Thank you for your time, and I look forward to hearing back from you.

Brad

Brad Aytes MBA ATC/R

Certified Athletic Trainer

Mid Columbia Medical Center



# Oregon

John A. Kitzhaber, MD, Governor

## Health Licensing Agency

700 Summer St. NE, Suite 320

Salem, Oregon 97301-1287

Telephone (503) 378-8667

FAX (503) 585-9114

E-Mail: [ohla.info@state.or.us](mailto:ohla.info@state.or.us)

Web Site: [www.Oregon.gov/OHLA](http://www.Oregon.gov/OHLA)

September 1, 2011

Brad Aytes  
Mid Columbia Medical Center  
1700 E19th St  
The Dalles, OR 97058

Dear Mr. Aytes:

The Oregon Health Licensing Agency (Agency) appreciates your interest in Oregon Registered Athletic Training.

The questions you have presented to the agency are as follows:

1. *When working in a physical therapy setting, does the athletic trainer function as an athletic trainer or a pt aid? The practice acts for each are very different.*
2. *ORS 331-120-0020 #11 ... Performing services which have not been authorized by the consumer or his/her legal representative is prohibited. When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer.*

Currently, the agency does not provide personal legal advice to members of the public. However, you may certainly seek private legal advice on Oregon administrative law issues.

The agency will present your questions to the Board of Athletic Trainers (Board) at the November 14, 2011, meeting, at which time the Board may elect to address these issues in open session, may decide to seek advice of its own legal counsel on the matter, may determine that further clarification of your question is necessary, or may decline to address your question.

Please note, I encourage you to refine your first question by including as much detail as possible and any additional information that would assist the Board in coming to a conclusion, including what the professional title of the individual in question is, whether that individual is holding himself or herself out as an athletic trainer, and what specific activities that individual is performing. Please submit a revised question and additional information by October 20, 2011, otherwise, the original question will be submitted to the Board, and they may determine it is too generalized for response.

Further, your second question actually involves or implicates numerous complex legal issues and the Board may elect to consider preliminary written advice of its own legal counsel, in executive (closed) session, before determining whether it will address your question, seek analysis of the issues from its legal counsel, or decline to address your question.

The Agency encourages you to attend the Board meeting to clarify any questions the Board may have. You may call Sinnamon Harris, Board Specialist at (503) 373-1938 or [Sinnamon.m.harris@statem.or.us](mailto:Sinnamon.m.harris@statem.or.us) to be scheduled on the agenda for the November 14, 2011 meeting.

Please note that any response provided by OHLA is considered public record and may be published by the Agency.

Sincerely,

Samantha Patnode  
Policy Analyst

October 17, 2011

To whom it may concern,  
I contacted the OHLA several months ago in regards to a personal question I had about the practice acts for PT Aid and Athletic Trainer.

The original question I submitted was:  
When working in a physical therapy setting, does the athletic trainer function as an athletic trainer or a pt aid? The practice acts for each are very different.

To which I received the following:  
Please note, I encourage you to refine your first question by including as much detail as possible and any additional information that would assist the Board in coming to a conclusion, including what the professional title of the individual in question is, whether that individual is holding himself or herself out as an athletic trainer, and what specific activities that individual is performing. Please submit a revised question and additional information by October 20, 2011, otherwise, the original question will be submitted to the Board, and they may determine it is too generalized for response.

The individual in question is myself. I am an ATC/R working in outpatient rehabilitation and as a secondary school athletic trainer, both as part of my daily duties. It is not the specific activities of the position that I have a question about but, rather the difference in the supervision of treatment and tasks as outlined in the attached practice acts, especially those listed in 848-020-0060 Prohibited Treatment-Related Tasks, in which I am not allowed to administer modalities without direct supervision, nor initiate rehabilitative activities without the treating physical therapist doing it. However, these are in contrast to 331-120-0010 Scope of Practice for athletic trainers, where it is allowed and expected as part of the position.

I am not in any way looking to hamper or hinder treatment of any individual or hinder the persons performing those treatments. As a medical professional who falls under both practices acts in the course of my professional day, I would like to know which one takes preference in regard to providing quality patient care. Currently, within the clinic setting I follow the practice act for PT Aids, however, I would like to increase my responsibilities to better align with my level of education and experience. Additionally, I would like to note that this question is solely of my own curiosity, and not due to any legal inquiry.

Thank you for your time and consideration. I look forward to hearing what the outcome of this question is.

Brad Aytes ATC/R

**Oregon State Practice Act Guidelines for Aide Utilization**

### **848-020-0030**

#### **Supervision; Delegation of Supervision; Professional Responsibility of Supervisors and Supervisees**

(2) A physical therapist or physical therapist assistant shall not permit an aide to perform a treatment-related task or a non-treatment, patient-related task except under the supervision of a physical therapist or physical therapist assistant. A licensee shall not permit an aide to administer a task that is prohibited under OAR 848-020-0060, and shall not permit an aide to administer a non-prohibited procedure or modality to a patient unless a licensee has previously administered the entire specific procedure or modality to the patient.

### **848-020-0050**

#### **Assignment of Tasks to Aides**

(1) A supervising physical therapist or physical therapist assistant may assign treatment-related tasks and non-treatment, patient-related tasks to an aide.

(c) The physical therapist or physical therapist assistant must assign only those tasks which are appropriate for the aide to perform for that patient based on the aide's training, experience and ability.

### **848-020-0060**

#### **Prohibited Treatment-Related Tasks**

A physical therapist or physical therapist assistant shall not permit an aide to perform any of the following treatment-related tasks:

1. Administer iontophoresis. However, an aide who has been trained to do so may assist with iontophoresis by applying the medication to the electrode so long as a physical therapist or physical therapist assistant administers it to the patient.
2. Administer phonophoresis. However, an aide may operate the sound head if the physical therapist or physical therapist assistant has applied the medication to the patient, determined the treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
3. Administer electrotherapy. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the electrode placements, treatment protocols and parameters, as provided in the plan of care, and authorizes the aide to provide the treatment.
4. Administer ultrasound. However an aide may perform this task if the physical therapist or physical therapist assistant has examined the patient in person on the day of treatment and determined the treatment protocols and parameters,

as provided in the plan of care, and authorizes the aide to provide the treatment.

5. Administer mechanized or manual traction.
6. Perform manual stretching with the goal of increasing range of motion, neuro-facilitation or cardiac therapeutic exercise.
7. Perform soft tissue mobilization or massage (other than effleurage and petrissage). However, an aide who is separately licensed or registered under another Oregon statute to do so may perform these tasks if done under the direction and on-site supervision specified in OAR 848-020-0000(5)(a).
8. Wound debridement.
- 9.
10. Joint mobilization or manipulation.
11. Initiate or administer a physical therapy intervention the first time that intervention is administered or provided to a patient. This prohibition means that a physical therapist or physical therapist assistant must provide or administer the entire specific intervention before delegating that task to an aide.
- 12.
- 13.
14. Instruct a patient or a patient's caregiver in the application of any treatment.

## **OREGON ADMINISTRATIVE RULES, CHAPTER 331**

### **331-120-0010**

#### **Scope of Practice**

**The scope of practice of athletic training by a registered athletic trainer shall consist of the following:**

4. The development and implementation of an appropriate course of rehabilitation and/or reconditioning by the use of therapeutic modalities, including but not limited to: water, cold, heat, electrical, mechanical and acoustical devices, massage, manual techniques, gait training exercise, and physical capacity functional programs which are determined to be needed to facilitate recovery, restore athletic function and/or performance;
5. Athletic Trainers may dispense only non-scheduled medications under the supervision of a physician. Athletic Trainers shall not perform invasive procedures. Athletic Trainers may dispense and apply topical non-prescription medication;

**From:** Sherri Paru [sherri.paru@state.or.us]  
**Sent:** Tuesday, November 01, 2011 4:19 PM  
**To:** PATNODE Samie  
**Cc:** PERKINS Amanda R; bradleya@mcmc.net; HEIDER James; LOZANO Katharine M;  
EVERITT Randy L; HARRIS Sinnamon M  
**Subject:** RE: Scope of Practice - Physical Therapy Aide

Brad

I received several emails from the Oregon Health Licensing Agency in regards to your scope of practice questions. If you are working in a PT clinic under a PT plan of care, and your services are being billed as physical therapy, then you need to follow the PT Board Administrative Rules as they pertain to aides. If you are working as a separate entity, within the clinic and billing your services as Athletic Training, and having your own care plan and records, then you are functioning as at ATC. Currently, the PT Board rules do not have any exemptions for aides who are separately licensed, other than allowing LMTs to perform certain techniques. The PT Board is planning to look at the aide rules again in the future as this questions comes up from time to time. If you and/or your PT colleagues wish to present information to the Board, feel free to do so and the next time the Board does rulemaking, it will consider the information presented.

If you have any immediate questions that I can answer, feel free to contact me  
thank you,

Sherri Paru, PT  
Clinical Advisor/Investigator  
OPTLB  
800 NE Oregon St Suite 407  
Portland, OR 97232  
phone 971-673-0204  
fax 971-673-0226

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**From:** PATNODE Samie \* OHLA ASD  
**Sent:** Wednesday, October 26, 2011 11:25 AM  
**To:** 'bradleya@mcmc.net'  
**Cc:** PERKINS Amanda R \* OHLA ASD; HARRIS Sinnamon M \* OHLA ASD; EVERITT Randy L \* OHLA MGR; LOZANO Katharine M; PARU Sherri  
**Subject:** Board of Athletic Trainers versus Physical Therapist Licensing Board

Mr. Aytes,

The Oregon Health Licensing Agency received your clarification response on October 17, 2011, related to your daily job duties as it relates to supervision treatment and tasks as outlined in the Physical Therapist Licensing Board Oregon Administrative Rule (OAR) Chapter 848, Division 20.

If you're a registered athletic trainer you must follow the laws and rules of the Board of Athletic Trainers outlines in Oregon Revised Statute Chapter 688, Division 700 through 734 and OAR Chapter 331 Division 105 through 135.

Since your question relates specifically to physical therapy I have forwarded your information to Sherri Paru, Clinical Advisor and Investigator for the Physical Therapist Licensing Board. She can be contacted at (971)673-0240 or [sherri.paru@state.or.us](mailto:sherri.paru@state.or.us).

The Agency will still present the following question to the Board of Athletic Trainers at the November 14, 2011, board meeting; however it will likely be forwarded to the Agency's legal counsel for an in-depth analysis.

*ORS 331-120-0020 #11 ... Performing services which have not been authorized by the consumer or his / her legal representative is prohibited. When working in a secondary school setting, are you required to have a signed consent form from each parent, or is consent implied because the school is the consumer?*

If you have any questions please let me know.

Samie Patnode  
Policy Analyst  
Oregon Health Licensing Agency  
(503) 373-1917  
[Samie.patnode@state.or.us](mailto:Samie.patnode@state.or.us)

**From:** PATNODE Samie \* OHLA ASD  
**Sent:** Wednesday, October 26, 2011 11:24 AM  
**To:** PARU Sherri  
**Cc:** 'bradleya@mcmc.net'; HARRIS Sinnamon M \* OHLA ASD; PERKINS Amanda R \* OHLA ASD; LOZANO Katharine M; EVERITT Randy L \* OHLA MGR  
**Subject:** Scope of Practice - Physical Therapy Aide  
**Attachments:** Origianl\_E-Mail\_Formatted\_for\_PTLB.doc; Aytes\_PT\_versus\_AT\_9-1-11.pdf; Aytes\_Clarification\_Question.docx

Ms. Paru,

I am forwarding the Physical Therapist Licensing Board a questions which appears to be related to the scope of practice and supervision requirements for an individual who may be working as a physical therapy aid and who happens to have an athletic trainer registration.

History: The Oregon Health Licensing Agency (Agency) received two questions from Mr. Aytes, only one which is pertinent to the Physical Therapy Licensing Board. See initial questions below:

1. When working in a physical therapy setting, does the athletic trainer function as an athletic trainer or a pt aid? The practice acts for each are very different. (See original correspondence attached titled Original\_E-mail\_Formatted\_for\_PTLB)

The Agency sent Mr. Aytes a response which detailed the action plan and requested that Mr. Aytes further clarify his question so the Agency and the Board of Athletic Trainers are able to provide a thorough analysis. (See Agency letter titled Aytes\_PT\_versus\_AT\_9-1-11).

On October 17, 2011, the agency received clarifying information related to job duties of Mr. Aytes including specific reference to Oregon Administrative Rule (OAR) Chapter 848, Division 20. (See attached document titled Aytes\_Clarification\_Question)

I am copying Mr. Aytes on this e-mail so he is aware that his question has been forwarded to the appropriate regulatory body. If you have any questions please let me know.

Samie Patnode  
Policy Analyst  
Oregon Health Licensing Agency  
(503) 373-1917  
[Samie.patnode@state.or.us](mailto:Samie.patnode@state.or.us)

**Issue:**

With the end of 2011 approaching it is necessary for the Board of Athletic Trainers to elect a Chair and Vice-Chair for the year 2012.

**Discussion:**

Russ Cagle has served as Chair during the year of 2011.  
Greg Hill has served as Vice-Chair during the year of 2011.

**Recommendation:**

Board of Athletic Trainers nominates and elects a board Chair and Vice-Chair for the year 2012.

CHAIRPERSON

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VICE-CHAIRPERSON

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**Issue:**

With the end of the year 2011 approaching, it is necessary for the Board of Athletic Trainers to review the make up of committees and designated members to each committee.

**Discussion:**

The purpose of committees is to allow for review and discussion of specific issues, which usually require more in-depth fact-finding and deliberation than can be scheduled at periodic board meetings. Committees also serve as a resource to staff in the daily administration of the program with members providing technical expertise and direction, particularly in scope of practice, practice standards, education and regulatory aspects.

A committee may be comprised of one member acting, as liaison between the board and office staff, but must include a total number of members that equates to less than an a quorum.

Committee	Committee Purpose/Description
Legislation/Rules	Gain consensus on rule development and make recommendations for action to the board/agency. Committee work is centered on "fact-finding"-discussion of facts, perspectives and concerns.
Education/Examination	Establish requirements for training and education, equivalencies and continuing education.
Enforcement	Advise agency during investigation or review of disciplinary cases.
Customer Connection	Advises agency on areas affecting all board/councils uniformly. Projects may include Website review, agency publications and agency rulemaking.
Practice & Procedures Standards	Review and discuss inquiries received regarding scope of practice

**Recommendation:**

Board of Athletic Trainers designates committee members for the year of 2012.

# Oregon Health Licensing Agency Board of Athletic Trainers

<b>2011 COMMITTEE LIST</b>	
<b>Legislation / Rules</b>	Russ Cagle, Jeremy Anisworth
<b>Enforcement</b>	Jeremy Ainsworth, Dr. Robert Sandmeier
<b>Education/Examination</b>	Greg Hill, Russ Cagle
<b>Practice &amp; Procedures Standards</b>	Greg Hill, Dr. Robert Sandmeier
<b>Customer Connection</b>	Nelson Lomax
<b>2012 SUBCOMMITTEE NOMINEES</b>	
<b>Legislation / Rules</b>	_____ _____
<b>Enforcement</b>	_____ _____
<b>Industry Liaison</b>	_____ _____
<b>Education/Examination</b>	_____ _____
<b>Practice and Procedures Standards</b>	_____
<b>Customer Connection</b>	_____

**Issue:**

With the end of 2011 approaching it is necessary for the Board of Athletic Trainers to approve meeting dates for the year 2012.

**Discussion:**

The following dates are proposed for the Board of Athletic Trainers to conduct regular board business:

Monday, February 27, 2012 @ 9 am

Friday, June 29, 2012 @ 9 am (adopt Permanent rules)

Monday, November 19, 2012 @ 9 am

**Recommendation:**

Board of Athletic Trainers approves meeting dates for the year 2012. Approved meeting dates:

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# **Public Comment**

# **Other Board Business**



**Board Interest File**

# **Executive Session**

