



**Oregon Health Licensing Agency
Board of Athletic Trainers
Legislation/Rules Committee Meeting**

Date: February 10, 2011

Members Present: Russ Cagle
Jeremy Ainsworth
Shelly Jones, SME

Members Absent: None

Staff Present: Nancy Sellers, Senior Policy Analyst
Sinnamon Harris, Board Specialist

Guests Present: None

*This meeting was live audio streamed within the Oregon Health Licensing Agency

Russ Cagle called the Board of Athletic Trainers Legislation & Rules Committee meeting to order at 9:00 am, February 10, 2011, at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon. The purpose of the meeting was to continue review and discuss Oregon Revised Statutes and Oregon Administrative Rules as directed by the Board of Athletic Trainers at its November 29, 2010 meeting.

Nancy Sellers, Senior Policy Analyst, presented the agenda to the committee members.

Overview of Board of Certification (BOC) / Athletic Trainer Registered (ATR) Statistics Comparison

Sellers presented the committee members with a spreadsheet created by Mike Simpson, OHLA Budget & Statistical Analyst that compares data from the OHLA Elite System to the BOC database. The data was matched using the licensees' last names and birthdates. Simpson had created two lists: "ATs_Working_NoLicense" and "ATs_Working_Exp_Inactive."

The first, Sellers explained, was a list of ATs who are suspected to be working in Oregon without a license. And the second was a list of those persons who were previously licensed, but now appear to be working in Oregon on an inactive or expired license. The BOC was not able to provide addresses of where the ATR worked or any phone numbers associated to the ATR. The report was created for a quick update for the committee, but Sellers pointed out some further work will need to be performed to determine where these individuals are working. Sellers mentioned she had performed a sampling and had found that some were practicing Physical Therapist (PT) but had kept their BOC registration, and

another had been under an educational exemption. A more complete report will be presented to the full board at the upcoming February 28, 2011, meeting.

No Registration Exemption for BOC-Certified Graduate Students

Sellers will draft a letter to be presented at the next full board meeting regarding the board's decision to require registration by those graduate students who have attained their initial degrees and who hold a BOC registration informing them of the change and providing information on registration requirements.

Review Advice Provided by Katharine Lozano, Senior Assistant Attorney General

Sellers provided a Memorandum dated February 9, 2011, from Sr. AAG Katharine Lozano, under the subject heading: Athletic Trainers – Definition of Athlete, DOJ File No. 831751 GB0725-10. Sellers stated the Memorandum will be also provided to the full board at the next meeting. The committee reviewed the advice and discussed how to proceed with related rule-making. {Excerpts from the Memorandum will not be printed in this report as the full board will review the memorandum in its entirety at the next board meeting}.

Shelly Jones, Oregon Athletic Trainers' Society (OATS) President, participated as an invited subject matter expert for the Board of Athletic Trainers Legislation/Rules Committee Meeting. She inquired about a possible statute change in removing or clarifying the word "generally" as used under ORS 688.701(1). Sellers reviewed the record of legislative intent in adding this restriction on the scope of practice of athletic trainers when the profession became regulated in 1999. She noted that a request to remove the term "generally" from statute may be best pursued by OATS, as changing the scope of practice in this manner appears to be a benefit to the profession more than a public health and safety issue.

The board had already asked for advice from DOJ regarding the overlap and unique scopes of practice between physical therapists and athletic trainers. AAG Lozano is working with the appropriate DOJ attorneys on this question, which requires significant research; the answer will be provided to the board when it is complete.

Rule Revisions Discussions and Highlights

The committee began the rule review with **Division 120, Practice Standards**. Following are highlights of the discussion:

1. Under 331-120-0010 Scope of Practice:
 - a. The committee would like a definition of "invasive procedures." For example, treatment of blisters or shaving calluses. Also the committee had questions for further discussion surrounding the term: "Topical."
 - b. May add in requirement for blood-borne pathogens training and/or place it under continuing education requirements to keep licensees up-to-date with current information. Research OAR 437 division 2, Centers for Disease Control, to see if blood-borne pathogens are included.
2. Under 331-120-0020 Standards of Practice:
 - a. Add in Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA).
 - b. Define "sexual misconduct."
3. Under 331-120-0030 Collaboration Between Athletic trainers and Physicians:
 - a. The committee decided to strike (4)(a) through (i).

b. The committee decided to strike (5) for redundancy.

Sellers advised the committee to hold Division 105, 331-105-003, Fees, all of Division 110 Application and Qualification Requirements, and all of Division 115 Athletic Trainer Registration for agency staff consultation.

ORS 688.718 Registration Required;Exception

The committee asked Sellers for clarification from the agency's AAG surrounding ORS 688.718(2)(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."

Anisworth volunteered to provide examples and draft language as to who would require registration. For example, a person working over the 60 days allowed in conjunction with athletic trainer who is registered.

The meeting adjourned at approximately 1:20 pm.

Prepared by: Sinnamon Harris, Board Specialist