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Sequence Number: 04-13-11  
Rule ID(s): 4946  
File Date: 04/29/2011  
Effective Date: 07/28/2011

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Board of Athletic Trainers
<b>Division:</b>	
<b>Contact Person:</b>	Marc Guilford, Assistant General Counsel
<b>Address:</b>	Office of General Counsel 220 Athens Way, Suite 210 Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	Marc.Guilford@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0150-01	General Rules and Regulations Governing the Practice of Athletic Trainers
Rule Number	Rule Title
0150-01-.06	Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

### Substance of Proposed Rules

Rule 0150-01-.06 Fees is amended by deleting paragraphs (1) and (2) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1) and (2) shall read:

- |     |  |          |
|-----|--|----------|
| (1) | Licensure application-examination fee to be submitted at the time of application | \$200.00 |
| (2) | Biennial renewal fee to be submitted at the time of application                  | \$150.00 |

Authority: T.C.A. §§ 63-24-102, 63-24-105, 63-24-106, 63-24-111.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Joseph T. Erdeljac	X				
Janet M. Rasmussen-Wilbert	X				
Dr. Kurt P. Spindler	X				
Monroe J. Abram				X	
Walter S. Fitzpatrick, III				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Athletic Trainers on 11/18/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/27/10

Rulemaking Hearing(s) Conducted on: (add more dates). 11/18/10

Date: 1/20/11

Signature: *Marc Guilford*

Name of Officer: Marc Guilford

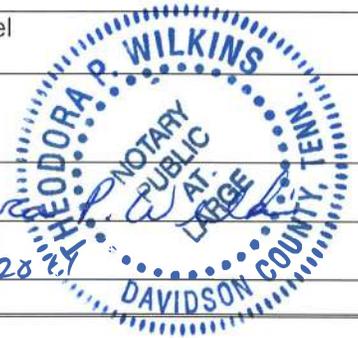
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 11/20/11

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/7/2011



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All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Robert E. Cooper, Jr.*

Robert E. Cooper, Jr.  
Attorney General and Reporter

2-18-11

Date

**Department of State Use Only**

Filed with the Department of State on: 4/29/11

Effective on: 7/28/11

*Tre Hargett*

Tre Hargett  
Secretary of State

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

### **PUBLIC HEARING COMMENTS**

#### **RULEMAKING HEARING**

#### **TENNESSEE BOARD OF ATHLETIC TRAINERS**

The rulemaking hearing for the Tennessee Board of Athletic Trainers was held on November 18, 2010 at 9:00 a.m. in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. Marc Guilford, Assistant General Counsel, Department of Health, presided over the hearing.

No members of the public attended the rulemaking hearing. No oral comments were received at the rulemaking hearing.

## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

### **Regulatory Flexibility Analysis**

#### **Board of Athletic Trainers**

**November 18, 2010**

The Board of Athletic Trainers must, pursuant to the Regulatory Flexibility Act of 2007, consider whether the proposed rule amendments will have an economic impact on small businesses (businesses with fifty (50) or fewer full-time employees). The proposed rule amendments are for the purpose of amending Rule 0150-01-.06, Fees.

As required by the Regulatory Flexibility Act of 2007, the Tennessee Department of Health conducted an analysis based on the criteria set forth in Tennessee Code Annotated Section 4-5-402 to determine the economic impact, if any, that the proposed rule amendments will have on small businesses. The outcome of the analysis is as follows:

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or reporting requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations.
- (4) The compliance requirements throughout the proposed rules are as "user-friendly" as possible while still allowing the Division to achieve its mandated mission the protection of the health, safety and welfare of the citizens of Tennessee. There is sufficient notice between the rulemaking hearing and the final promulgation of rules to allow licensees to come into compliance with the proposed rules.
- (5) Compliance requirements are not consolidated or simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.
- (6) The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation. The increased cost for licensing and renewal is minimal and is essential to the continued operation of the Board, which is necessary to protect the health, safety and welfare of Tennesseans.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The rule makes two changes:

- 1) The licensure application-examination fee is increased by \$50.00.
- 2) The Biennial renewal fee is increased by \$30.00

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 63-24-106: stating the Board shall establish fees, including the application-examination fee and biennial licensure renewal fee.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All current and future Athletic Trainers licensed in Tennessee will be affected. The Tennessee Athletic Trainers Society is the only practice organization of Athletic Trainers in Tennessee; it would be affected through its members. Neither the Tennessee Athletic Trainers Society or individual licensed Athletic Trainers explicitly urged adoption or rejection of this rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The fiscal impact is expected to be minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Marc Guilford, Assistant General Counsel, Department of Health possesses substantial knowledge and understanding of the rule.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Marc Guilford, Assistant General Counsel, Department of Health will explain the rule at a scheduled meeting of the committees.

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Marc Guilford, Assistant General Counsel, Department of Health, 220 Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611, Marc.Guilford@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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(Rule 0150-01-.05, continued)

- (4) Application review and licensure decisions shall be governed by Rule 0150-01-.07.

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-101, 63-6-101, 63-24-102, 63-24-103, 63-24-104, 63-24-105, 63-24-106, and Public Chapter 694 of the Public Acts of 2000, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed October 9, 1986; effective October 23, 1986. Amendment filed July 6, 1990; effective July 21, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002. Amendment filed September 5, 2002; effective November 19, 2002. Amendments filed March 14, 2006; effective May 28, 2006. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007.

**0150-01-.06 FEES.** All fees provided for in this rule are non-refundable.

<del>(1)</del>	<del>Licensure application-examination fee to be submitted at the time of application</del>	<del>\$150.00</del>
(1)	Licensure application-examination fee to be submitted at the time of application	\$200.00
<del>(2)</del>	<del>Biennial renewal fee to be submitted at the time of application</del>	<del>\$120.00</del>
(2)	Biennial renewal fee to be submitted at the time of application	\$150.00
(3)	Late renewal fee	\$100.00
(4)	Licensure restoration fee	\$ 50.00
(5)	Duplication of license fee	\$ 5.00
(6)	Biennial state regulatory fee to be submitted at the time of application	\$ 10.00
(7)	All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Athletic Trainers.	

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-105, 63-24-106, 63-24-111, Public Chapter 389, Acts of 1989, and Public Chapter 694 of the Public Acts of 2000, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed January 29, 1990; effective March 15, 1990. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed August 16, 2002; effective October 30, 2002. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007. Amendment filed November 26, 2008; effective February 9, 2009.

**0150-01-.07 APPLICATION REVIEW, APPROVAL, AND DENIAL.**

- (1) Review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator.
- (2) A temporary authorization to practice, as described in T.C.A. § 63-1-142 may be issued to an applicant pursuant to an initial determination made by a Board designee who has reviewed the completed application and determined that the applicant has met all the requirements for licensure, renewal or reinstatement. The temporary authorization to practice is valid for a period of six (6) months from the date of issuance of the temporary authorization to practice