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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission: Board of Athletic Trainers
Division:
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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-.01	Definitions
0150-01-.05	Licensure Process
0150-01-.08	Examinations
0150-01-.09	Licensure Renewal and Reinstatement
0150-01-.11	Retirement and Reactivation of License
0150-01-.12	Continuing Education
0150-01-.13	Professional Ethics

(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-.01 Definitions is amended by deleting paragraph (6) in its entirety and substituting instead the following language, so that as amended, the new paragraph (6) shall read:

(6) BOC – Board of Certification, Inc., or its successor organization.

Authority: T.C.A. § 63-24-111.

Rule 0150-01-.05 Licensure Process is amended by deleting both instances of the word “NATABOC” from subparagraph (2)(f) and replacing them with the word “BOC”, so that as amended, the new subparagraph (2)(f) shall read:

(f) An applicant shall have BOC submit directly to the Administrative Office satisfactory proof of BOC certification or proof of being eligible for that certification.

Authority: T.C.A. § 63-24-111.

Rule 0150-01-.08 Examinations is amended by deleting all four instances of the word “NATABOC” from subparagraphs (2)(a), (2)(b), and (2)(c), and replacing them with the word “BOC”, so that as amended, the new subparagraphs (2)(a), (2)(b), and (2)(c) shall read:

(a) The Board adopts the BOC certification examination and/or its successor examination as its licensure competency examination.

(b) The Board adopts the BOC’s determination as to the passing score on its examination.

(c) Application for and fees necessary to take the BOC examination must be sent to the BOC and not the Board

Authority: T.C.A. § 63-24-111.

Rule 0150-01-.09 Licensure Renewal and Reinstatement is amended by deleting subparagraph (2)(c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2)(c) shall read:

(c) Submit documentation demonstrating successful completion of the continuing education requirements, as provided in rule 0150-01-.12, which must have been completed pursuant to the schedule set out in Rule 0150-01-.12(1)(a); and

Authority: T.C.A. §§ 63-24-105 and 63-24-111.

Rule 0150-01-.11 Retirement and Reactivation of License is amended by deleting subparagraph (3)(c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (3)(c) shall read:

(c) Submit documentation demonstrating successful completion of the continuing education requirements, as provided in rule 0150-01-.12, which must have been initiated and completed within the two (2) years prior to submission of the application for reactivation; and

Authority: T.C.A. §§ 63-24-105 and 63-24-111.

Rule 0150-01-.12 Continuing Education is amended by deleting paragraphs (1), (2), (3), and (4) and their subparagraphs, parts and subparts in their entirety and substituting instead the following language, so that as amended, the new paragraphs (1), (2), (3), and (4) shall read:

(1) Continuing Education – Hours Required

- (a) All athletic trainers must complete fifty (50) hours of acceptable continuing education during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year.
- (b) For applicants approved for initial licensure by examination, successfully completing the requirements of Rules 0150-01-.05 and 0150-01-.08, as applicable, shall constitute compliance with this rule for the period preceding their first license renewal.
- (c) For applicants approved for licensure by reciprocity, evidence demonstrating compliance with the continuing education requirements for their current, out-of-state active athletic trainer license or certificate shall constitute compliance with this rule for the period preceding their first license renewal.
- (d) Any individual course will not be counted toward the required hourly total more than once per continuing education cycle, regardless of the number of times the course is attended or completed by any individual during that cycle.
- (e) The Board may waive or otherwise modify the requirements of this rule in cases where there is retirement, illness, disability, or for other good cause that prevents a licensee from obtaining the requisite number of continuing education hours. Requests for waivers or modification should be sent in writing to the Board prior to the end of the continuing education cycle in which the continuing education is required to be obtained.

(2) Continuing Education – Proof of Compliance

- (a) The due date for completion of the required continuing education is the December 31st immediately preceding the licensee's license expiration date.
- (b) All athletic trainers must indicate, by their signature on the license renewal form, that they have completed the required number of continuing education hours in the continuing education cycle preceding renewal. An athletic trainer who falsely indicates on a renewal form that he or she has completed the required number of continuing education hours may be subject to discipline under T.C.A. § 63-24-107(b)(6) and Rule 0150-01-.15(1)(c).
- (c) All athletic trainers must retain documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of each renewal cycle in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the Board or its designee. Certificates verifying the licensed individual's completion of the continuing education program(s) should include:
 - 1. Continuing education program's sponsor and BOC-approved provider number, date, length in minutes or hours awarded, program title, and licensee's name and license number; or
 - 2. An original letter from the continuing education program's sponsor indicating the date, length in minutes or hours awarded, program title and BOC-approved provider number, and licensee's name and license number.
- (d) If a person submits documentation for continuing education that is not clearly identifiable as acceptable continuing education, the Board may request a written description of the education and how it applies to the practice as an athletic trainer.

(3) Acceptable continuing education – To satisfy the requirements of this rule, the continuing education must be approved in content, structure, and format by the BOC.

(4) Violations

- (a) Any athletic trainer who falsely attests to completion of the required hours of continuing education may be subject to disciplinary action pursuant to Rule 0150-01-.15.
- (b) Any athletic trainer who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to Rule 0150-01-.15 and may not be allowed to renew licensure.

- (c) Continuing education hours obtained as a result of compliance with the terms of a Board order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any continuing education cycle.

Authority: T.C.A. § 63-24-111.

Rule 0150-01-.13 Professional Ethics is amended by deleting the word "NATABOC" in subparagraph (3)(a) and replacing it with the word "BOC", so that as amended, the new subparagraph (3)(a) shall read:

- (a) An athletic trainer shall not misrepresent his or her professional qualifications. An athletic trainer meeting the requirements of the Board and having been duly licensed in the State of Tennessee may use the credentialing of "ATC, LAT" to signify both the BOC certification and licensure granted by the Board.

Authority: T.C.A. § 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)
Monroe J. Abram	X				
Joseph T. Erdeljac	X				
Walter S. Fitzpatrick, III	X				
Cliff Pawley	X				
Kurt P. Spindler				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 (board/commission/ other authority) on 11/07/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 09/11/13 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 11/07/13 (mm/dd/yy)

Date: 11/13/13

Signature: [Signature]

Name of Officer: Marc Guilford

Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 11-13-13

Notary Public Signature: [Signature]

My commission expires on: APRIL 19, 2017

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.

[Signature]
Robert E. Cooper, Jr.
Attorney General and Reporter

5-29-14
Date

Department of State Use Only

Filed with the Department of State on: 6/3/14

Effective on: 9/1/14

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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.

Chris Snoddy, President of the Tennessee Athletic Trainer's Society, on behalf of the Tennessee Athletic Trainers' Society, verbally addressed the Board in support of these rules.

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.

(If applicable, insert Regulatory Flexibility Addendum here)

Regulatory Flexibility Analysis

1. The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

These rules do not overlap, duplicate, or conflict with other federal, state, and local governmental rules.

2. Clarity, conciseness, and lack of ambiguity in the rule or rules.

These rules exhibit clarity, conciseness, and lack of ambiguity.

3. The establishment of flexible compliance and/or reporting requirements for small business.

The compliance requirements contained in the rules are the same for large or small businesses and are as flexible as possible while still allowing the Board to achieve its mandated mission of protecting the health, safety, and welfare of Tennesseans.

4. The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

Compliance requirements contained in these proposed rule amendments are the same for large or small businesses. The proposed two-year cycle for required continuing education hours mirrors the same two-year cycle for licensure, thereby establishing a friendly schedule.

5. The consolidation or simplification of compliance or reporting requirements for large or small businesses.

Compliance requirements contained in the rules are the same for large or small businesses.

6. The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rules.

These rules do not establish performance, design, or operational standards.

7. The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

These rules do not create unnecessary barriers or stifle entrepreneurial activity or innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Board of Athletic Trainers

Rulemaking hearing date: November 7, 2013

1. Type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Businesses and practitioners engaging in the practice of athletic training or wishing to offer athletic training services may be subject to these proposed rule amendments. Since the average number of hours required per year has been slightly reduced by these amendments, these individuals and businesses may experience a slight benefit by expending less time and money on continuing education courses. These proposed rule amendments would affect approximately 800 licensees.

2. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Administrative costs associated with required continuing education hours should remain the same, inasmuch as the rule currently requires reporting and recordkeeping for monitoring continuing education hours. The administrative costs associated with compliance audits may decrease slightly, since the proposed rule amendments allow the Board to use a continuing education cycle more similar to that used by most other boards, simplifying the auditing process.

3. Statement of the probable effect on impacted small businesses and consumers:

Aside from the potentially minor monetary savings from licensees taking fewer continuing education hours noted above, small businesses and consumers should experience little to no effect. Athletic trainers and the businesses that employ them may experience a slight positive impact due to the simplification of the continuing education cycle and the continuing education audit process.

4. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

There are no less burdensome, less intrusive, or less costly alternative methods of achieving the purpose and/or objectives of these proposed rule amendments.

5. Comparison of the proposed rule with any federal or state counterparts:

Federal: none

State: Almost all health related boards operate on a two year cycle for both licensure requirements and continuing education requirements.

6. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

These rule amendments will not provide exemptions for small businesses.

Impact on Local Governments

Pursuant to T.C.A. § 4-5-228(a), "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected financial impact on local governments."

(Insert statement here)

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 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;

Rule 0150-01-.01, Definitions: This rule amendment would delete the definition for "NATABOC" and replace it with a definition for "BOC". The organization formerly known as the "National Athletic Trainers Association Board of Certification" changed its name to simply, "Board of Certification".

Rule 0150-01-.05, Licensure Process: This Rule amendment would amend subparagraph 2(f) by changing two instances of "NATABOC" to read "BOC".

Rule 0150-01-.08, Examinations: This Rule amendment would amend subparagraph 2(a), 2(b), and 2(c) by changing four instances of "NATABOC" to read "BOC".

Rule 0150-01-.09, Licensure Renewal and Reinstatement: This Rule amendment would delete and replace a subsection to refer to the new 2-year cycle instituted by the amendments to rule .12.

Rule 0150-01-.11, Reinstatement and Reactivation of License: This Rule amendment would delete and replace a subsection to refer to the new 2-year cycle instituted by the amendments to rule .12.

Rule 0150-01-.12, Continuing Education: The amendment deletes and replaces the entirety of rule .12. The new rule will require that licensees obtain 50 hours in every two year cycle, as opposed to the current requirement of 80 hours in every three year cycle. The amendment also makes minor changes to what information is required on continuing education certificates, removing certain items and adding a requirement that the course provider's BOC provider number must be listed.

Rule 0150-01-.13, Ethics: This Rule amendment would amend subparagraph 3(a) by changing "NATABOC" to read "BOC".

- (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;

Tenn. Code Ann. § 63-24-111(a)(1) and (6) gives the Board of Athletic Trainers the authority to promulgate rules reasonably necessary for the performance of its duties and to establish continuing education requirements.

- (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;

These proposed rule amendments would most directly affect licensed athletic trainers by making compliance with the rules easier as the proposed two-year cycle for continuing education hours will mirror the two year cycle for licensure requirements. The amendments would additionally positively affect state continuing education auditors as the proposed amendments would simplify the auditing process. The Tennessee Athletic Trainers' Society, the official state organization representing the athletic training profession in the State of Tennessee, urge adoption of these rules amendments.

- (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 promulgation of these rules should not result in any increase or decrease in state and local government revenues and expenditures.

- (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, counsel for the Board of Athletic Trainers, 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

Office of General Counsel, Department of Health, 665 Mainstream Drive, 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.

None.

**RULES
OF
THE TENNESSEE BOARD OF ATHLETIC TRAINERS**

**CHAPTER 0150-01
GENERAL RULES AND REGULATIONS GOVERNING
THE PRACTICE OF ATHLETIC TRAINERS**

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0150-01-.01 DEFINITIONS. As used in these rules, the following terms and acronyms shall have the following meaning ascribed to them:

- (1) Administrative Office - The office of the administrator assigned to the Board located on the 227 French Landing, Suite 300, Heritage Place, Metro Center, Nashville, TN 37243.
- (2) Board – The Tennessee Board of Athletic Trainers.
- (3) Division - The Division of Health Related Boards, Tennessee Department of Health, from which the Board receives administrative support.
- (4) HRB - Health Related Boards.
- (5) License - The document issued by the Board to an applicant who has proven eligibility and has completed the licensure process.
- ~~(6) NATABOC – National Athletic Trainers Association Board of Certification, Inc., or its successor association.~~
- (6) BOC – Board of Certification, Inc., or its successor organization.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-101, 63-24-102, 63-24-103, 63-24-104, 63-24-105, 63-24-111 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. Repeal and new rule filed March 14, 2001; effective May 28, 2001. Amendment filed September 5, 2002; effective November 19, 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-.02 SCOPE OF PRACTICE. The scope of practice of all athletic trainers is governed by T.C.A. § 63-24-101 (2).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-24-101, 63-24-102, 63-24-103, 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. Repeal and new rule filed March 14, 2001; effective May 28, 2001. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007.

0150-01-.03 USE OF TITLES. Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "ATC, LAT" or "LAT," as applicable, or the title "Athletic Trainer" and to practice as an athletic trainer, as defined in T.C.A. §§ 63-24-101. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in every "advertisement" [as that term is defined in rule 0150-01-.20 (2) (a)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the athletic trainer to disciplinary action pursuant to T.C.A. § 63-24-107 (b) (1), (b) (5) and (b) (6).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-145, 63-24-102, 63-24-104, 63-24-105, 63-24-107, 63-24-111, 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. Repeal and reserved filed March 14, 2001; effective May 28, 2001. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007. New rule filed November 26, 2008; effective February 9, 2009.

0150-01-.04 RESERVED.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-24-107, 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. Repeal and reserved filed March 14, 2001; effective May 28, 2001. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007.

0150-01-.05 LICENSURE PROCESS. To become licensed as an athletic trainer in Tennessee a person must comply with the following procedures and requirements:

- (1) Grandfathering - Athletic trainers certified prior to May 9, 2000 must submit the documentation required by paragraphs (2) (f), (g) and (h) of this rule to be eligible to continue to practice as an athletic trainer and receive a license upon renewal of their existing certification.
- (2) Licensure by examination:
 - (a) An application packet shall be requested from the Administrative Office.
 - (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it, along with all documentation and fees required by the form and rules, to the Administrative Office. It is the intent of this rule that activities necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - (c) An applicant shall submit a clear, recognizable, recently taken bust photograph which shows the full head, face forward from at least the top of the shoulder up.
 - (d) It is the applicant's responsibility to request that a graduate transcript, from an athletic trainer curriculum of a college or university approved by the Board, be submitted directly from the educational institution to the Administrative Office. The transcript must show that the degree has been conferred and carry the official seal of the institution.
 - (e) An applicant shall submit evidence of good moral character. Such evidence shall be two recent (within the preceding 12 months) original letters from medical professionals, attesting to the applicant's personal character and professional ethics on the signator's letterhead.

(Rule 0150-01-.05, continued)

- (f) An applicant shall have NATABOC BOC submit directly to the Administrative Office satisfactory proof of NATABOC BOC certification or proof of being eligible for that certification.
 - (g) An applicant shall disclose the circumstances surrounding any of the following:
 - 1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.
 - 2. The denial of professional licensure/certification application by any other state or the discipline of licensure/certification in any state.
 - 3. Loss or restriction of licensure/certification.
 - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory common or case law.
 - 5. Failure of any licensure or certification examination.
 - (h) If an applicant holds or has ever held a license/certificate to practice any profession in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of licensure/certification) from each such licensing board which indicates the applicant holds or held an active license/certificate and whether it is in good standing presently or was at the time it became inactive. It is the applicant's responsibility to request this information be sent directly from each such licensing board to the Administrative Office.
 - (i) An applicant shall submit the fees required in Rule 0150-01-.06.
 - (j) An applicant shall cause to be submitted documentation of successful completion of the examinations for licensure as governed by Rule 0150-01-.08. This verification must be submitted by the examining agency directly to the Administrative Office.
 - (k) The applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (3) Licensure by Reciprocity. To become licensed in Tennessee as an athletic trainer based on licensure or certification in another state, an applicant must
- (a) Comply with all the requirements of paragraph (2) of this rule except subparagraph (j).
 - (b) Be licensed or certified in a state that will license or certify athletic trainers licensed and residing in Tennessee without examination; and
 - (c) Hold a current, active athletic trainer license/certificate that is in good standing in another state; and
 - (d) Pay the fee required by Rule 0150-01-.06.
 - (e) Cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(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.

- | | |
|--|----------|
| (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 |
| (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. Amendment filed April 29, 2011; effective July 28, 2011.

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 and may not be extended or renewed. If the Board subsequently makes a good faith determination that the applicant has not met all the requirements for licensure, renewal or reinstatement and therefore denies, limits, conditions or restricts licensure, renewal or reinstatement, the applicant may not invoke the doctrine of estoppel in a legal action brought

(Rule 0150-01-.07, continued)

against the state based upon the issuance of the temporary authorization to practice and the subsequent denial, limitation, conditioning or restricting of licensure.

- (3) If an application is incomplete when received by the Administrative Office, or the reviewing Board member or the Board's designee determine additional information is required from an applicant before an initial determination can be made, the Board administrator shall notify the applicant of the information required. The applicant shall cause the requested information to be received in the Administrative Office on or before the sixtieth (60th) day after receipt of the notification.
- (4) If a reviewing Board member or designee initially determines that a completed application should be denied, limited, conditioned or restricted, a temporary authorization shall not be issued. The applicant shall be informed of the initial decision and that a final determination on the application will be made by the Board at its next meeting. If the Board ratifies the initial denial, limitation, condition or restriction, the action shall become final and the following shall occur:
 - (a) A notification of the denial, limitation, condition or restriction shall be sent by the Board's Administrative Office by certified mail, return receipt requested. Specific reasons for denial, limitation, condition or restriction will be stated, such as incomplete information, unofficial records, examination failure, or matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial, limitation, condition or restriction.
 - (b) The notification shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial, limitation, condition or restriction and the procedure necessary to accomplish that action.
- (5) The initial determination procedures of this rule will not apply if the Board reviews and makes final determination on any application during its meetings.
- (6) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to revoke or cancel the license. The notice will allow the applicant the opportunity to meet the requirements for licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke or cancel the license, the applicant shall have the right to proceed according to paragraph (4) of this rule.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-104, 63-24-105, 63-24-107, and 63-24-108. *Authority and Public Chapter 872 of the Public Acts of 2006.* **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. The Secretary of State transferred chapter 0880-04 to 0150-01, effective April 30, 2007.

0150-01-.08 EXAMINATIONS.

- (1) Licensure Examinations - With the exception of applicants qualified pursuant to Rule 0150-01-.05(3), all persons intending to apply for licensure as an athletic trainer in Tennessee must successfully complete the examinations pursuant to this Rule as a prerequisite to licensure. Such examinations must be completed prior to application for licensure. Evidence of successful completion must be submitted by the examining agency directly to the Administrative Office as part of the application process contained in Rule 0150-01-.05.
- (2) Competency Examination

(Rule 0150-01-.08, continued)

- (a) The Board adopts the NATABOC BOC certification examination and/or its successor examination as its licensure competency examination.
 - (b) The Board adopts the NATABOC's BOC's determination as to the passing score on its examination.
 - (c) Application for and fees necessary to take the NATABOC BOC examination must be sent to the NATABOC BOC and not the Board.
- (3) Jurisprudence Examination
- (a) An applicant must take and pass the Board-created and administered jurisprudence examination.
 - (b) A score of seventy-five percent (75%) or above will be considered passing for this examination.
 - (c) An examinee who fails this examination may subsequently retake it upon submitting payment of the licensure application-examination fee, as provided in rule 0150-01-.06.

Authority: T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-104, 63-24-105, and 63-24-106, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original 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.

0150-01-.09 LICENSURE RENEWAL AND REINSTATEMENT.

- (1) All licensees must renew their licenses to be able to legally continue in practice. License renewal is governed by the following:
 - (a) The due date for license renewal is its expiration date which is the last day of the month in which a license holder's birthday falls pursuant to the Division of Health Related Boards "biennial birthdate renewal system" contained in rule 1200-10-1-.10.
 - (b) Methods of Renewal - Licensees may accomplish renewal by one of the following methods:
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - Licensees who have not renewed their authorization online via the Internet will have a renewal application form mailed to them at the last address provided by them to the Board prior to the expiration date of their current license. Failure to receive such notification does not relieve the individual of the responsibility of timely meeting all requirements for renewal. To be eligible for renewal a licensee must submit to the Division of Health Related Boards on or before the license's expiration date the following:
 - (i) A completed and signed renewal application form.
 - (ii) The renewal and state regulatory fees as provided in Rule 0150-01-.06.

(Rule 0150-01-.09, continued)

- (c) Any renewal application received after the expiration date but before the last day of the month following the expiration date must be accompanied by the Late Renewal Fee provided in Rule 0150-01-.06.
 - (d) Any individual who fails to comply with the license renewal rules and/or notifications sent to them concerning failure to timely renew shall have their license processed pursuant to rule 1200-10-1-.10.
 - (e) Anyone submitting a signed renewal form, electronically or otherwise, which is found to be fraudulent or untrue may be subject to disciplinary action.
 - (f) Any licensee who receives notice of failure to timely renew pursuant to rule 1200-10-1-.10, and who, on or before the last day of the month following the month in which the license expires, executes and files in the Board's administrative office an affidavit of retirement pursuant to Rule 0150-01-.11 may have their license retired effective on their licensure expiration date.
- (2) Licenses processed pursuant to rule 1200-10-1-.10 for failure to renew may be reinstated upon meeting the following conditions:
- (a) Obtain, complete and submit a renewal/reinstatement/reactivation application; and
 - (b) Payment of all past due renewal fees; and the late renewal fee provided in rule 0150-01-.06; and
 - ~~(c) Submit documentation of successful completion of the continuing education requirements, as provided in rule 0150-01-.12, for all the three (3) calendar year (January 1 – December 31) periods that the license was expired that precede the calendar year during which the reinstatement is requested; and~~
 - (c) Submit documentation demonstrating successful completion of the continuing education requirements, as provided in rule 0150-01-.12, which must have been completed pursuant to the schedule set out in Rule 0150-01-.12(1)(a); and
 - (d) If derogatory information or communication is received during the renewal process, if requested by the Board or its duly authorized representative, appear before the Board, a Board member, a screening panel when the individual is under investigation or the Board Designee for an interview and/or be prepared to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.
 - (e) Any licensee who fails to renew licensure prior to the expiration of the second (2nd) year after which renewal is due may be required to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.
- (3) Renewal issuance and reinstatement decisions pursuant to this rule may be made administratively subject to review by the Board, any Board member or the Board Designee.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-138, 63-6-101, 63-24-102, 63-24-105, 63-24-106, 63-24-107, 63-24-111, and Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. Amendment filed September 5, 2002; effective November 19, 2002. Amendment filed March 14, 2006; effective May 28, 2006. 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-.10 RESERVED.

0150-01-11 RETIREMENT AND REACTIVATION OF LICENSE.

- (1) Licensees who wish to retain their licenses but not actively practice as an athletic trainer may avoid administrative revocation of licensure and/or compliance with the licensure renewal process by doing the following:
 - (a) Obtain, complete, and submit to the Administrative Office, an affidavit of retirement form.
 - (b) Submit any documentation that may be required by the form to the Administrative Office.
- (2) Upon successful application for retirement of licensure with completion and receipt of all proper documentation to the Board's satisfaction, the Board shall register the license as retired. Any person who has a retired license may not practice as an athletic trainer in Tennessee.
- (3) Reactivation - Any licensee whose license has been retired may re-enter active practice by doing the following:
 - (a) Submit a written request for a Reactivation Application to the Board Administrative Office; and
 - (b) Complete and submit the Reactivation Application along with payment of the licensure renewal fee as provided in Rule 0150-01-.06 to the Administrative Office. If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board may require payment of the licensure restoration fee and past due renewal fees as provided in Rule 0150-01-.06; and
 - ~~(c) Submit documentation of successful completion of eighty (80) hours of continuing education, as provided in rule 0150-01-.12, during the three (3) calendar year (January 1 - December 31) period that precedes the calendar year during which the reactivation is requested; and~~
 - (c) Submit documentation demonstrating successful completion of the continuing education requirements, as provided in rule 0150-01-12, which must have been initiated and completed within the two (2) years prior to submission of the application for reactivation; and
 - (d) Submit any documentation which may be required by the form to the Board Administrative Office; and
 - (e) If requested, after review by the Board or a designated Board member, appear before either the Board, or another Board member, or the Board Designee for an interview regarding continued competence.
 - (f) In the event of licensure retirement or inactivity in excess of two (2) years or the receipt of derogatory information or communication during the reactivation process, the applicant should be prepared to meet or accept other conditions or restrictions as the Board may deem necessary to protect the public.
 - (g) An applicant who is currently under investigation may be required to appear before a screening panel of the Board.

(Rule 0150-01-.11, continued)

- (h) If licensure retirement was in excess of five (5) years, the licensee may be required to successfully complete whatever educational and/or testing requirements the Board feels necessary to establish current levels of competency.
- (4) License reactivation applications shall be treated as licensure applications and review decisions shall be governed by Rule 0150-01-.07.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-101, 63-6-101, 63-24-102, 63-24-105, 63-24-106, 63-24-111 and Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. Amendment filed March 14, 2006; effective May 28, 2006. 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-.12 CONTINUING EDUCATION. All persons licensed as athletic trainers must comply with the following continuing education rules.

~~(1) Continuing Education Hours Required~~

~~(a) Except as provided in 1 through 3, all athletic trainers must, by December 31, 2002, have completed eighty (80) hours of continuing education in courses approved by the Board and shall complete eighty (80) hours of continuing education in courses approved by the Board every three (3) years thereafter. The three (3) year periods shall commence on January 1 of the calendar year following the end of the previous three (3) year cycle and end on December 31 of the third full calendar year thereafter (i.e., January 1, 2003 to December 31, 2005).~~

~~1. For purposes of this rule the term "trigger date" shall mean the following:~~

- ~~(i) For those who have obtained and maintain certification with the NATABOC, the year in which that certification was obtained; and~~
- ~~(ii) For those who have not obtained certification with the NATABOC, the year in which licensure was obtained.~~
- ~~(iii) For those who fail to maintain certification with the NATABOC, the year in which that certification was originally obtained.~~

~~2. Prorating for the initial three year cycle January 1, 2000 to December 31, 2002 shall be as follows:~~

- ~~(i) Any person whose trigger date was prior to December 31, 1999 shall be required to obtain the full eighty (80) hours of continuing education in courses approved by the Board during that cycle.~~
- ~~(ii) Any person whose trigger date falls within the year 2000 shall be required to obtain only fifty five (55) hours of continuing education in courses approved by the Board during that cycle.~~
- ~~(iii) Any person whose trigger date falls within the year 2001 shall be required to obtain only twenty five (25) hours of continuing education in courses approved by the Board during that cycle.~~
- ~~(iv) Any person whose trigger date falls within the year 2002 shall not be required to obtain continuing education until the start of the next three (3) year cycle.~~

(Rule 0150-01-.12, continued)

~~3. Prorating for any subsequent three (3) year cycles shall be as follows:~~

- ~~(i) Any person whose trigger date falls within the first calendar year of any cycle shall be required to obtain only fifty-five (55) of continuing education in courses approved by the Board during that cycle; and~~
- ~~(ii) Any person whose trigger date falls within in the second calendar year of any cycle shall be required to obtain only twenty-five (25) hours of continuing education in courses approved by the Board during that cycle; and~~
- ~~(iii) Any person whose trigger date falls within the last year of any cycle shall not be required to obtain continuing education until the start of the next three (3) year cycle.~~

~~(b) The Board approves a course for only the number of hours contained in the course. The approved hours of any specific individual course will not be counted more than once in a three (3) year cycle toward the required hourly total regardless of the number of times the course is attended or completed by any individual during that cycle.~~

~~(c) The Board may waive or otherwise modify the requirements of this rule in cases where there is retirement or an illness, disability or other undue hardship that prevents a licensee from obtaining the requisite number of continuing education hours. Requests for waivers or modification must be sent in writing to the Board prior to the expiration of the three (3) year cycle in which the continuing education is required to be obtained.~~

~~(2) Continuing Education – Proof of Compliance~~

~~(a) The due date for completion of the required continuing education is December 31st of the last year of any three (3) year cycle.~~

~~(b) All athletic trainers must, on the license renewal form, enter a signature that indicates completion of the required continuing education hours and that such hours were obtained during the appropriate three (3) year cycle.~~

~~(c) All athletic trainers must retain independent documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of each three (3) year cycle in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Division during its verification process. Certificates verifying the licensed individual's completion of the continuing education program(s) consist of any one or more of the following:~~

~~1. Continuing education program's sponsor, date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number.~~

~~2. An original letter on official stationery from the continuing education program's sponsor indicating date, length in minutes awarded (continuing education units must be converted to clock hours), program title, licensed individual's name, license number and social security number.~~

~~(d) If a person submits documentation for continuing education that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the education and how it applies to the practice as an athletic trainer.~~

(Rule 0150-01-.12, continued)

- ~~(3) Acceptable continuing education – To be utilized for satisfaction of the continuing education requirements of this rule, the continuing education must be approved in content, structure and format by NATABOC.~~
- ~~(4) Violations~~
 - ~~(a) Any athletic trainer who falsely attests to completion of the required hours of continuing education may be subject to disciplinary action pursuant to Rule 0150-01-.15.~~
 - ~~(b) Any athletic trainer who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to Rule 0150-01-.15 and may not be allowed to renew licensure.~~
 - ~~(c) Education hours obtained as a result of compliance with the terms of Board Orders in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any three (3) year cycle.~~

(1) Continuing Education – Hours Required

- (a) All athletic trainers must complete fifty (50) hours of acceptable continuing education during the two (2) calendar years (January 1 – December 31) that precede the licensure renewal year.
- (b) For applicants approved for initial licensure by examination, successfully completing the requirements of Rules 0150-01-.05 and 0150-01-.08, as applicable, shall constitute compliance with this rule for the period preceding their first license renewal.
- (c) For applicants approved for licensure by reciprocity, evidence demonstrating compliance with the continuing education requirements for their current, out-of-state active athletic trainer license or certificate shall constitute compliance with this rule for the period preceding their first license renewal.
- (d) Any individual course will not be counted toward the required hourly total more than once per continuing education cycle, regardless of the number of times the course is attended or completed by any individual during that cycle.
- (e) The Board may waive or otherwise modify the requirements of this rule in cases where there is retirement, illness, disability, or for other good cause that prevents a licensee from obtaining the requisite number of continuing education hours. Requests for waivers or modification should be sent in writing to the Board prior to the end of the continuing education cycle in which the continuing education is required to be obtained.

(2) Continuing Education – Proof of Compliance

- (a) The due date for completion of the required continuing education is the December 31st immediately preceding the licensee's license expiration date.
- (b) All athletic trainers must indicate, by their signature on the license renewal form, that they have completed the required number of continuing education hours in the continuing education cycle preceding renewal. An athletic trainer who falsely indicates on a renewal form that he or she has completed the required number of continuing education hours may be subject to discipline under T.C.A. § 63-24-107(b)(6) and Rule 0150-01-.15(1)(c).

(Rule 0150-01-.12, continued)

(c) All athletic trainers must retain documentation of completion of all continuing education hours. This documentation must be retained for a period of four (4) years from the end of each renewal cycle in which the continuing education was acquired. This documentation must be produced for inspection and verification if requested in writing by the Board or its designee. Certificates verifying the licensed individual's completion of the continuing education program(s) should include:

1. Continuing education program's sponsor and BOC-approved provider number, date, length in minutes or hours awarded, program title, and licensee's name and license number.
2. An original letter from the continuing education program's sponsor indicating the date, length in minutes or hours awarded, program title and BOC-approved provider number, and licensee's name and license number.

(d) If a person submits documentation for continuing education that is not clearly identifiable as acceptable continuing education, the Board may request a written description of the education and how it applies to the practice as an athletic trainer.

(3) Acceptable continuing education – To satisfy the requirements of this rule, the continuing education must be approved in content, structure, and format by the BOC.

(4) Violations

(a) Any athletic trainer who falsely attests to completion of the required hours of continuing education may be subject to disciplinary action pursuant to Rule 0150-01-.15.

(b) Any athletic trainer who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to Rule 0150-01-.15 and may not be allowed to renew licensure.

(c) Continuing education hours obtained as a result of compliance with the terms of a Board order in any disciplinary action shall not be credited toward the continuing education hours required to be obtained in any continuing education cycle.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-111, and Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed March 14, 2001; effective May 28, 2001. 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-.13 PROFESSIONAL ETHICS. All athletic trainers shall comply with the following code of ethics, violation of which may subject an athletic trainer to disciplinary action pursuant to Rule 0150-01-.15.

(1) **General.**

(a) An athletic trainer has the responsibility of maintaining and improving services by constantly examining, using the increasing knowledge upon which the athletic trainer's practice is based.

(Rule 0150-01-13, continued)

- (b) In order to maintain and enhance professional competence, an athletic trainer shall make use of appropriate educational opportunities and, when indicated, will seek consultation from colleagues and other suitable professionals.
 - (c) An athletic trainer shall respect the integrity of all individuals and groups with whom he or she is working and will be protective of their physical and emotional welfare.
 - (d) An athletic trainer shall not discriminate on the basis of sex, race, creed, national origin, or age while performing assigned duties.
 - (e) An athletic trainer shall not condone, engage in, or defend any conduct which violates any state statute or regulation.
- (2) Drugs.
- (a) An athletic trainer shall not engage in or condone usage by an athlete of any prescription drug not specifically ordered by and given under the supervision of a licensed physician, which has been dispensed by a licensed pharmacist or licensed physician.
 - (b) An athletic trainer shall not engage in or condone or allow the administration to an athlete of any nonprescription drug unless he or she operates under a protocol formulated by his overseeing physician.
 - (c) The activities described in this paragraph require notation in records and prior, written consent from the athlete's parent or guardian when the athlete is under eighteen (18) years of age.
- (3) Professional Representation.
- (a) An athletic trainer shall not misrepresent his or her professional qualifications. An athletic trainer meeting the requirements of the Board and having been duly licensed in the State of Tennessee may use the credentialing of "ATC, LAT" to signify both the ~~NATABOC~~ BOC certification and licensure granted by the Board.
 - (b) An athletic trainer shall practice only in those areas in which he or she is competent by reason of training or experience which can be substantiated by records or other evidence found acceptable by the Board in the exercise of the Board's considered discretion.
- (4) Testimonials and Endorsements.
- (a) Endorsements of commercial products must be in keeping with the highest principles and standards of the athletic training profession.
 - (b) The Board of Athletic Trainers or the names of any of its members may not be used in any testimonials and/or endorsements by athletic trainers.
- (5) Violation of this rule may subject the licensed athletic trainer to disciplinary action pursuant to T.C.A. §§ 63-24-107 (b) and 63-24-111 (a) (5).

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 63-24-111, Authority and Public Chapter 872 of the Public Acts of 2006. **Administrative History:** Original rule filed March 14, 2001; effective May 28,