

**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 665 Mainstream Drive, 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.

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 submit directly to the Administrative Office satisfactory proof of NATABOC 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.

(Rule 0150-01-.05, continued)

- (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.

(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.

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| (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

(Rule 0150-01-.07, continued)

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 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.

(Rule 0150-01-.08, continued)

- (2) Competency Examination
 - (a) The Board adopts the NATABOC certification examination and/or its successor examination as its licensure competency examination.
 - (b) The Board adopts the NATABOC's determination as to the passing score on its examination.
 - (c) Application for and fees necessary to take the NATABOC examination must be sent to the NATABOC 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.

(Rule 0150-01-.09, continued)

- (ii) The renewal and state regulatory fees as provided in Rule 0150-01-.06.
 - (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
 - (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
 - (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.
 - (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.

(Rule 0150-01-.11, continued)

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.

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

(Rule 0150-01-.12, continued)

- (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.
- (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.

(Rule 0150-01-.12, continued)

(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.

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.
- (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.

(Rule 0150-01-.13, continued)

- (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 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, 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-.14 RESERVED.

0150-01-.15 DISCIPLINARY GROUNDS, ACTIONS, AND CIVIL PENALTIES.

- (1) Grounds and Authority For Disciplinary Actions - The Board shall have the power to deny, limit, restrict or condition an application for a license to any applicant who applies for the same. The Board shall have the authority to suspend or revoke, reprimand or otherwise discipline any person holding a license to practice as an athletic trainer. The grounds upon which the Board shall exercise such power includes, but are not limited to, the following:
 - (a) Unprofessional, dishonorable, or unethical conduct;
 - (b) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of T.C.A. §§ 63-24-101, et seq., or any lawful order of the Board issued pursuant thereto, or any criminal statute of the state of Tennessee;
 - (c) Making false statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the practice as an athletic trainer;
 - (d) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of practice as an athletic trainer;

(Rule 0150-01-.15, continued)

- (e) Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the person's ability to practice as an athletic trainer;
 - (f) Willfully betraying a professional secret;
 - (g) The advertising of an athletic trainer business in which untrue or misleading statements are made, or causing the publication or circulation of fraudulent advertising relative to any disease, human ailment, or conditions;
 - (h) Willful violation of the rules and regulations promulgated by the Board to regulate advertising by practitioners who are under the jurisdiction of such board;
 - (i) Conviction of a felony, conviction of any offense under state or federal drug laws;
 - (j) Making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate;
 - (k) Offering, undertaking, or agreeing to cure or treat a disease, injury, ailment or infirmity by a secret means, method, device or instrumentality;
 - (l) Giving or receiving, or aiding or abetting the giving or receiving of rebates, either directly or indirectly for referrals of business or patients;
 - (m) Engaging in the practice of an athletic trainer under a false or assumed name, or the impersonation of another practitioner, or a like, similar or different name;
 - (n) Engaging in the practice of an athletic trainer when mentally or physically unable to safely do so;
 - (o) Violation of the continuing education provisions of Rule 0150-01-.12;
 - (p) Violation of the scope of practice statutes T.C.A. § 63-24-101;
 - (q) Violation of the ethic code established in rule 0150-01-.13;
 - (r) Knowingly employing, contracting for or otherwise utilizing unlicensed persons in the practice of athletic training, with or without compensation;
 - (s) Failing to report violations committed by other licensees of Tennessee Code Annotated, Title 63, Chapter 24 and Official Compilation, Rules and Regulations, Chapter 0150-01;
 - (t) Disciplinary action against a person licensed, certified, registered, or permitted to practice as an athletic trainer by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document memorializing the disciplinary action from the disciplining state or territory shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state.
- (2) Upon a finding by the Board that an athletic trainer has violated any provision of the T.C.A. §§ 63-24-101, et seq., or the rules promulgated pursuant thereto, the Board may take any of the

(Rule 0150-01-.15, continued)

following actions separately or in any combination which is deemed appropriate to the offense;

- (a) Advisory Censure - This is a written action issued for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
- (b) Reprimand - This is a written action issued for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places an athletic trainer on close scrutiny for a fixed period of time. This action may be combined with conditions that must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.
- (d) License Suspension - This is a formal disciplinary action that suspends the right to practice for a fixed period of time. It contemplates the re-entry into practice under the license previously issued.
- (e) License Revocation - This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked license upon conditions and after a period of time that it deems appropriate. No petition for reinstatement and no new application for licensure from a person whose license was revoked for cause shall be considered prior to the expiration of at least six (6) months from the effective date of the revocation order.
- (f) Conditions - Any action deemed appropriate by the Board to be required of a disciplined licensee in any of the following circumstances:
 - 1. During any period of probation, suspension; or
 - 2. During any period of revocation after which the licensee may petition for an order of compliance to reinstate the revoked license; or
 - 3. As a prerequisite to the lifting of probation or suspension or as a prerequisite to the reinstatement of a revoked license; or
 - 4. As a stand-alone requirement(s) in any disciplinary order.
- (g) Civil Penalties
 - 1. Purpose - The purpose of this is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. § 63-1-134.
 - 2. Schedule of Civil Penalties
 - (i) A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified, permitted or authorized by the Board guilty of a willful and knowing violation of T.C.A. § 63-24-101, et seq., or regulations promulgated pursuant thereto, to such an extent that there is, or is likely to be an imminent, substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, willfully and knowingly practicing as an athletic trainer without a license, certification or other authorization from the Board is one of the

(Rule 0150-01-.15, continued)

violations of T.C.A. § 63-24-101, et seq., for which a Type A civil penalty is assessable.

- (ii) A Type B civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified, permitted or authorized by the Board is guilty of a violation of T.C.A. § 63-24-101, et seq., or regulations promulgated pursuant thereto, in such a manner as to impact directly on the care of patients or the public.
 - (iii) A Type C civil penalty may be imposed whenever the Board finds the person who is required to be licensed by the Board or certified, permitted or authorized by the Board is guilty of a violation of T.C.A. § 63-24-101, et seq., or regulations promulgated pursuant thereto, which are neither directly detrimental to the patients or public, nor directly impact their care, but have only indirect relationship to patient care or the public.
3. Amount of Civil Penalties
- (i) Type A Civil Penalties shall be assessed in the amount of not less than \$500 or more than \$1,000.
 - (ii) Type B Civil Penalties may be assessed in the amount of not less than \$100 and not more than \$500.
 - (iii) Type C Civil Penalties may be assessed in the amount of not less than \$50 and not more than \$100.
4. Procedures for Assessing Civil Penalties
- (i) The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
 - (ii) Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess a type and amount of civil penalty which was not recommended by the Division.
 - (iii) In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
 - (I) Whether the amount imposed will be a substantial economic deterrent to the violator;
 - (II) The circumstances leading to the violation;
 - (III) The severity of the violation and the risk of harm to the public;
 - (IV) The economic benefits gained by the violator as a result of non-compliance; and,

(Rule 0150-01-.15, continued)

- (V) The interest of the public.
 - (iv) All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of Title 4, Chapter 5, Tennessee Code Annotated.
 - (h) Assessment of Costs - Shall be as set forth in T.C.A. §§ 63-1-144.
 - (i) Summary Suspension - This is a formal preliminary disciplinary action which immediately suspends a licensee's right to practice as an athletic trainer until a final disposition of the matter is had after a promptly instituted, full hearing before the Board. This type of suspension is ordered ex parte, pursuant to the notice procedures contained in T.C.A. § 4-5-320 and then only upon a finding by the Board that the public health, safety or welfare imperatively requires emergency action.
- (3) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (4) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (4) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
 - 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
 - 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
 - 3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.
 - (b) Procedures
 - 1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and

(Rule 0150-01-.15, continued)

- (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(c) Form Petition

Petition for Order of Compliance
Board of Medical Examiners

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

(Rule 0150-01-.15, continued)

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note - You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _____ day of _____, 20_____.

Petitioner's Signature

- (5) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
 - (i) A copy of the previously issued order; and
 - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and

(Rule 0150-01-.15, continued)

- (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
 - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
 - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-01-.11.
- (c) Form Petition

Petition for Order Modification
Board of Athletic Trainers

Petitioner's Name: _____
Petitioner's Mailing Address: _____

Petitioner's E-Mail Address: _____
Telephone Number: _____

Attorney for Petitioner: _____
Attorney's Mailing Address: _____

Attorney's E-Mail Address: _____
Telephone Number: _____

(Rule 0150-01-.15, continued)

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the _ day of _____, 20_____.

Petitioner's Signature

Authority: T.C.A. §§4-5-202, 4-5-204, 4-5-217, 4-5-223, 4-5-320, 63-1-122, 63-1-134, 63-1-144, 63-6-101, 63-6-213, 63-6-214, 63-6-216, 63-24-101, 63-24-102, 63-24-107, 63-24-108, 63-24-110, 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 June 30, 2004; effective September 13, 2004. 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-.16 REPLACEMENT LICENSE. A license holder whose “artistically designed” license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Administrative Office. Such request shall be accompanied by an affidavit (signed and notarized) stating the facts concerning the loss or destruction of the original document and the fee required pursuant to Rule 0150-01-.06.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-6-101, 63-24-102, 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. The Secretary of State transferred chapter 0880-4 to 0150-01, effective April 30, 2007.

0150-01-.17 CHANGE OF NAME AND/OR ADDRESS.

- (1) Change of Name – Any athletic trainer shall notify the Board in writing within thirty (30) days of a name change and will provide both the old and new names. A name change notification must also include a copy of the official document involved and reference the individual's profession, board, social security, and license numbers.
- (2) Change of Address - Each person holding a license who has had a change of address shall file in writing with the board his/her current address providing both the old and new addresses. Such requests must be received in the Administrative Office no later than thirty

(30) days after such change is effective and must reference the individual's name, profession, social security number, and license number.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-1-108, 63-6-101, and 63-24-102, 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-.18 RESERVED.

0150-01-.19 BOARD OFFICERS, CONSULTANTS, RECORDS, DECLARATORY ORDERS, SCREENING PANELS, AND ADVISORY RULINGS.

- (1) The Board shall, every three (3) years, elect from its members the following officers:
 - (a) Chair - who shall preside at all meetings of the Board; and
 - (b) Vice Chair - who shall preside at all meetings of the Board in the absence of the chair and who shall sign the approved minutes of the Board.
- (2) Records and Complaints
 - (a) Minutes of the Board meetings and all records, documents, applications and correspondence will be maintained in the Administrative Office.
 - (b) All requests, applications, notices, other communications and correspondence shall be directed to the Administrative Office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions or hearing requests must be received fourteen (14) days prior to a scheduled meeting and will be retained in the Administrative Office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
 - (c) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Administrative Office during normal business hours.
 - (d) Copies of public records shall be provided to any person upon payment of a fee.
 - (e) All complaints should be directed to the Division's Investigations Section.
- (3) The Board has the authority to select a Board consultant who shall serve as a consultant to the Division and who is vested with the authority to do the following acts:
 - (a) Review and make determinations on licensure, renewal and reactivation of licensure applications subject to the rules governing those respective applications and subject to the subsequent ratification by the Board.
 - (b) Decide whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
 - (c) Decide whether and under what terms a complaint, case or disciplinary action might be settled. Any proposed settlement must be subsequently ratified by the Board.
 - (d) Undertake any other matter authorized by a majority vote of the Board.

(Rule 0150-01-.19, continued)

- (4) Stays and Reconsiderations – The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.
- (5) Requests for Verification of Licensure for Athletic Trainers desiring to practice in another state must be made in writing to the Administrative Office.
- (6) Declaratory Orders - The Board adopts, as if fully set out herein, Rule 1200-10-1-.11 of the Division of Health Related Boards, and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's Administrative Office.
- (7) Screening Panels - The Board adopts, as if fully set out herein, Rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.
- (8) Advisory Rulings - Any person who is affected by any matter within the jurisdiction of the Board and who holds a license issued pursuant to Chapter 24 of Title 63 of the Tennessee Code Annotated, may submit a written request for an advisory ruling subject to the limitations imposed by T.C.A. § 63-24-111 (a) (7). The procedures for obtaining and issuance of advisory rulings are as follows:
 - (a) The licensee shall submit the request to the Board Administrative Office on the form contained in subparagraph (8) (e) providing all the necessary information; and
 - (b) The request, upon receipt, shall be referred to the Board's administrative staff for research, review and submission of a proposed ruling to the Board for its consideration at the next meeting after the draft ruling has been approved by the Board's consultant and advisory attorney; and
 - (c) The Board shall review the proposed ruling and either make whatever revisions or substitutions it deems necessary for issuance or refer it back to the administrative staff for further research and drafting recommended by the Board; and
 - (d) Upon adoption by the Board the ruling shall be transmitted to the requesting licensee. The ruling shall have only such affect as is set forth in T.C.A. § 63-24-111 (a) (7).
 - (e) Any request for an advisory ruling shall be made on the following form, a copy of which may be obtained from the Board's Administrative Office:

Board of Athletic Trainers
Request for Advisory Ruling

Date:

Licensee's Name:

Licensee's Address: _____

_____ Zip Code _____

License Number: _____

1. The specific question or issue for which the ruling is requested:

(Rule 0150-01-.19, continued)

-
2. The facts that gave rise to the specific question or issue:
-
-
-

3. The specific statutes and/or rules which are applicable to the question or issue:
-
-
-
-

Licensee's Signature

Mail or Deliver to:
Administrator, Tennessee Board of Athletic Trainers
665 Mainstream Drive
Nashville, TN 37243

Authority: T.C.A. §§ 4-5-105, 4-5-223, 4-5-224, 63-1-115, 63-1-117, 63-1-138, 63-24-102, 63-24-107, 63-24-110, and 63-24-111. **Administrative History:** New rule filed November 26, 2008; effective February 9, 2009.

0150-01-20 ADVERTISING.

- (1) Policy Statement. The lack of sophistication on the part of many of the public concerning an athletic trainer's services, the importance of the interests affected by the choice of an athletic trainer and the foreseeable consequences of unrestricted advertising by athletic trainers which is recognized to pose special possibilities for deception, require that special care be taken by athletic trainers to avoid misleading the public. The athletic trainer must be mindful that the benefits of advertising depend upon its reliability and accuracy. Since advertising by athletic trainers is calculated and not spontaneous, reasonable regulation designed to foster compliance with appropriate standards serves the public interest without impeding the flow of useful, meaningful, and relevant information to the public.
- (2) Definitions
- (a) Advertisement. Informational communication to the public in any manner designed to attract public attention to the practice of an athletic trainer who is licensed to practice in Tennessee.
- (b) Licensee. Any person holding a license to practice as an athletic trainer in the State of Tennessee. Where applicable this shall include partnerships and/or corporations.
- (c) Material Fact. Any fact which an ordinary reasonable and prudent person would need to know or rely upon in order to make an informed decision concerning the choice of practitioners to serve his or her particular needs.
- (d) Bait and Switch Advertising. An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell

(Rule 0150-01-.20, continued)

something else, usually for a higher fee or on a basis more advantageous to the advertiser.

- (e) Discounted Fee. Shall mean a fee offered or charged by a person for a product or service that is less than the fee the person or organization usually offers or charges for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee."
- (3) Advertising Fees and Services
- (a) Fixed Fees. Fixed fees may be advertised for any service. It is presumed unless otherwise stated in the advertisement that a fixed fee for a service shall include the cost of all professional recognized components within generally accepted standards that are required to complete the service.
 - (b) Range of Fees. A range of fees may be advertised for services and the advertisement must disclose the factors used in determining the actual fee necessary to prevent deception of the public.
 - (c) Discount Fees. Discount fees may be advertised if:
 - 1. The discount fee is in fact lower than the licensee's customary or usual fee charged for the service; and
 - 2. The licensee provides the same quality and components of service and material at the discounted fee that are normally provided at the regular, non-discounted fee for that service.
 - (d) Related Services and Additional Fees. Related services which may be required in conjunction with the advertised services for which additional fees will be charged must be identified as such in any advertisement.
 - (e) Time Period of Advertised Fees.
 - 1. Advertised fees shall be honored for those seeking the advertised services during the entire time period stated in the advertisement whether or not the services are actually rendered or completed within that time.
 - 2. If no time period is stated in the advertisement of fees, the advertised fee shall be honored for thirty (30) days from the last date of publication or until the next scheduled publication whichever is later whether or not the services are actually rendered or completed within that time.
- (4) Advertising Content. The following acts or omissions in the context of advertisement by any licensee shall constitute unethical and unprofessional conduct, and subject the licensee to disciplinary action pursuant to T.C.A. § 63-24-107.
- (a) Claims that the services performed, personnel employed, materials or office equipment used are professionally superior to that which is ordinarily performed, employed, or used, or that convey the message that one licensee is better than another when superiority of services, personnel, materials or equipment cannot be substantiated.
 - (b) The misleading use of an unearned or non-health degree in any advertisement.

(Rule 0150-01-.20, continued)

- (c) Promotion of professional services which the licensee knows or should know is beyond the licensee's ability to perform.
- (d) Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective client.
- (e) Any appeals to an individual's anxiety in an excessive or unfair manner.
- (f) The use of any personal testimonial attesting to a quality of competency of a service or treatment offered by a licensee that is not reasonably verifiable.
- (g) Utilization of any statistical data or other information based on past performances for prediction of future services, which creates an unjustified expectation about results that the licensee can achieve.
- (h) The communication of personal identifiable facts, data, or information about a patient without first obtaining patient consent.
- (i) Any misrepresentation of a material fact.
- (j) The knowing suppression, omission or concealment of any material fact or law without which the advertisement would be deceptive or misleading.
- (k) Statements concerning the benefits or other attributes of an athletic trainer's procedures or products that involve significant risks without including:
 - 1. A realistic assessment of the safety and efficiency of those procedures or products; and
 - 2. The availability of alternatives; and
 - 3. Where necessary to avoid deception, descriptions or assessment of the benefits or other attributes of those alternatives.
- (l) Any communication which creates an unjustified expectation concerning the potential results of any treatment.
- (m) Failure to comply with the rules governing advertisement of fees and services, or advertising records.
- (n) The use of "bait and switch" advertisements. Where the circumstances indicate "bait and switch" advertising, the Board may require the licensee to furnish data or other evidence pertaining to those sales at the advertised fee as well as other sales.
- (o) Misrepresentation of a licensee's credentials, training, experience, or ability.
- (p) Failure to include the corporation, partnership or individual licensee's name, address, and telephone number in any advertisement. Any corporation, partnership or association which advertises by use of a trade name or otherwise fails to list all licensees practicing at a particular location shall:
 - 1. Upon request provide a list of all licensees practicing at that location; and
 - 2. Maintain and conspicuously display at the licensee's office, a directory listing all licensees practicing at that location.

(Rule 0150-01-.20, continued)

- (q) Failure to disclose the fact of giving compensation or anything of value to representative of the press, radio, television or other communicative medium in anticipation of or in return for any advertisement (for example, newspaper article) unless the nature, format or medium of such advertisement makes the fact of compensation apparent.
 - (r) After thirty (30) days of the licensee's departure, the use of the name of any licensee formerly practicing at or associated with any advertised location or on office signs or buildings. This rule shall not apply in the case of a retired or deceased former associate who practiced in association with one or more of the present occupants if the status of the former associate is disclosed in any advertisement or sign.
 - (s) Stating or implying that a certain licensee provides all services when any such services are performed by another licensee.
 - (t) Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services.
- (5) Advertising Records and Responsibility
- (a) Each licensee who is a principal partner, or officer of a firm or entity identified in any advertisement, is jointly and severally responsible for the form and content of any advertisement. This provision shall also include any licensed professional employees acting as an agent of such firm or entity.
 - (b) Any and all advertisements are presumed to have been approved by the licensee named therein.
 - (c) A recording of every advertisement communicated by electronic media, and a copy of every advertisement communicated by print media, and a copy of any other form of advertisement shall be retained by the licensee for a period of two (2) years from the last date of broadcast or publication and be made available for review upon request by the Board or its designee.
 - (d) At the time any type of advertisement is placed, the licensee must possess and rely upon information which, when produced, would substantiate the truthfulness of any assertion, omission or representation of material fact set forth in the advertisement or public information.
- (6) Severability. It is hereby declared that the sections, clauses, sentences and parts of these rules are severable, are not matters of mutual essential inducement, and any of them shall be rescinded if these rules would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instance shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Authority: T.C.A. §§63-1-145, 63-1-146, 63-24-107, and 63-24-111. **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.