

Laws and Rules Regulating the Practice of Athletic Training as of July 1, 2015



Chapter 4755. of the Ohio Revised Code
Chapters 4755-40 to 4755-48 of the Ohio Administrative Code

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OHIO REVISED CODE

[JOINT BOARD PROVISIONS]

4755.01 Ohio occupational therapy, physical therapy, and athletic trainers board created.

(A) There is hereby created the Ohio occupational therapy, physical therapy, and athletic trainers board consisting of sixteen residents of this state, who shall be appointed by the governor with the advice and consent of the senate. The board shall be composed of a physical therapy section, an occupational therapy section, and an athletic trainers section.

(1) Five members of the board shall be physical therapists who are licensed to practice physical therapy and who have been engaged in or actively associated with the practice of physical therapy in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the physical therapy section. The physical therapy section also shall consist of four additional members, appointed by the governor with the advice and consent of the senate, who satisfy the same qualifications as the members of the board sitting on the physical therapy section, but who are not members of the board. Of the additional physical therapy section members whose terms commence on August 28, 2007, one shall be for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Such additional members of the physical therapy section are vested with only such powers and shall perform only such duties as relate to the affairs of that section.

(2) Four members of the board shall be occupational therapists and one member shall be a licensed occupational therapy assistant, all of whom have been engaged in or actively associated with the practice of occupational therapy or practice as an occupational therapy assistant in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the occupational therapy section.

(3) Four members of the board shall be athletic trainers who have been engaged in the practice of athletic training in Ohio for at least five years immediately preceding appointment. One member of the board shall be a physician licensed to practice medicine and surgery in this state. Such members of the board shall sit on the athletic trainers section.

(4) One member of the board shall represent the public. This member shall sit on the board and shall attend each year at least three meetings of the physical therapy section, three meetings of the occupational therapy section, and three meetings of the athletic trainers section.

(B) Except for the terms of office specified in division (A)(1) of this section for the additional members of the physical therapy section commencing on August 28, 2007, terms for the members of the board and the additional members of the physical therapy section are for three years. Each member's term shall commence on the twenty-eighth day of August and end on the twenty-seventh day of August. Each member shall serve subsequent to the expiration of the member's term until the successor is appointed and qualifies, or until a period of sixty days has elapsed, whichever occurs first. A member shall not serve for more than three consecutive terms. All vacancies shall be filled in the manner prescribed for the regular appointments and are limited to the unexpired terms.

(C) Each member of the board and each additional member of the physical therapy section, before entering upon the official duties of office, shall do both of the following:

(1) Subscribe to and file with the secretary of state the constitutional oath of office;

(2) Sign and file with the executive director of the board a notarized statement that the member has read and understand sections 121.22 and 149.43 of the Revised Code and the provisions of Chapter 119. of the Revised Code that are applicable to the duties of the board

(D) Annually, upon the qualification of the member or members appointed in that year, the board shall organize by selecting from its members a president and secretary. Each section of the board shall independently organize by selecting from its members a chairperson and secretary.

(E) A majority of the members of the board constitutes a quorum to transact and vote on the business of the board. A majority of the members of each section constitutes a quorum to transact and vote on the affairs of that section.

(F) Each member of the board shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of the member's duties. In addition, each member of the board and each additional member of the physical therapy section shall receive the member's actual and necessary expenses incurred in the performance of official duties.

(G) The board of trustees of the Ohio Occupational Therapy Association may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three persons to fill each such position or vacancy on the board, and the governor may make the appointment from the persons so recommended. The executive board of the Ohio chapter of the American Physical Therapy Association may recommend, after any term expires or subsequent vacancy

occurs in a physical therapy position, at least three persons to fill each such vacancy on the board, and the governor may make appointments from the persons so recommended. The Ohio Athletic Trainers Association shall recommend to the governor at least three persons when any term expires or any vacancy occurs in an athletic trainer position. The governor may select one of the association's recommendations in making such an appointment.

(H) The board shall meet as a whole to determine all administrative, personnel, and budgetary matters. The executive director of the board appointed by the board shall not be a physical therapist, an occupational therapist, or an athletic trainer who has been licensed to practice physical therapy, occupational therapy, or as an athletic trainer in this state within three years immediately preceding appointment. The executive director shall execute, under the direction of the board, the policies, orders, directives, and administrative functions of the board and shall direct, under rules adopted by the board, the work of all persons employed by the board. Upon the request of the board, the executive director shall report to the board on any matter. The executive director shall serve at the pleasure of the board.

(I) The occupational therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of occupational therapy and, in particular, the examination of applicants, the issuance of licenses and limited permits, and the suspension or revocation of licenses and limited permits, and the suspension or revocation of licenses and limited permits to practice as an occupational therapist or occupational therapy assistant. The physical therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of physical therapy and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants, physical therapists, and physical therapist assistants. The athletic trainers section of the board shall have full authority to act on behalf of the board on all matters concerning the practice of athletic training and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants and athletic trainers. All actions taken by any section of the board under this division shall be in accordance with Chapter 119. of the Revised Code.

Effective 4/6/07

4755.02 Powers and duties.

(A) The appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall investigate compliance with this chapter or any rule or order issued under this chapter, and shall investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses or limited permits under section 3123.47, 4755.11, 4755.47, or 4755.64 of the Revised Code. The appropriate section may subpoena witnesses and documents in connection with its investigations.

(B) Through the attorney general or an appropriate prosecuting attorney, the appropriate section may apply to an appropriate court for an order enjoining the violation of this chapter. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the court's calendar. On a showing that a person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings provided by this division are in addition to all penalties and other remedies provided in this chapter.

(C) When requested by the appropriate section, the prosecuting attorney of a county, or the village solicitor or the city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) The appropriate section may employ investigators who shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees and limited permit holders at the place of business of the licensees or limited permit holders or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an

agency, but the court or agency shall required that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(F) The appropriate section shall conduct hearings, keep records and minutes, and enforce the relevant sections of this chapter.

(G) Each section of the board shall publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the licensure standards prescribed by the relevant sections of this chapter and the Administrative Code.

(H) The board shall submit to the governor and to the general assembly each year a report for all its official actions during the preceding year, together with any recommendations and findings with regard to the status of the professions of physical therapy, occupational therapy, and athletic training.

Effective 4/6/07

4755.03 Fees credited to occupational licensing and regulatory fund.

Except as provided in section 4755.99 of the Revised Code, all fees collected and assessed under this chapter by the appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board, shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund.

Effective 9/29/07

4755.031 Fee for costs of sanction proceedings.

A person sanctioned under section 4755.11, 4755.47, 4755.482, or 4755.64 of the Revised code shall pay a fee in the amount of the actual cost of the administrative hearing including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the appropriate section of the board. The fee shall be collected by the appropriate section.

Effective 4/6/07

[ATHLETIC TRAINERS SECTION]

4755.60 Definitions.

As used in sections 4755.60 to 4755.65 and 4755.99 of the Revised Code:

(A) "Athletic training" means the practice of prevention, recognition, and assessment of an athletic injury and the complete management, treatment, disposition, and reconditioning of acute athletic injuries upon the referral of an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a physical therapist licensed under this chapter, or a chiropractor licensed under Chapter 4734. of the Revised Code. Athletic training includes the administration of topical drugs that have been prescribed by a licensed health care professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code. Athletic training also includes the organization and administration of educational programs and athletic facilities, and the education of and consulting with the public as it pertains to athletic training.

(B) "Athletic trainer" means a person who meets the qualifications of this chapter for licensure and who is employed by an educational institution, professional or amateur organization, athletic facility, or health care facility to practice athletic training.

(C) "The national athletic trainers association, inc." means the national professional organization of athletic trainers that provides direction and leadership for quality athletic training practice, education, and research.

(D) "Athletic injury" means any injury sustained by an individual that affects the individual's participation or performance in sports, games, recreation, exercise, or other activity that requires physical strength, agility, flexibility, speed, stamina, or range of motion.

Effective 4/10/01

4755.61 Powers and duties of the athletic trainers section.

(A) The athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall:

(1) Adopt rules, not inconsistent with this chapter, for the licensure of athletic trainers, including rules that specify the application form and educational course work and clinical experience requirements for licensure and rules that prescribe requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(2) Establish and deposit fees in accordance with division (B) of this section and section 4755.03 of the Revised Code;

(3) Conduct hearings, keep records of its proceedings, and do all things necessary and proper to administer and enforce sections 4755.60 to 4755.65 of the Revised Code;

(4) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the requirements for the issuance of an athletic trainers license under this chapter and the rules adopted under it;

(5) Maintain a register of every person licensed to practice athletic training in this state, including the addresses of the licensee's last known place of business and residence, and the effective date and identification number of the person's license. The section shall make this list available to any person upon request and payment of a fee not to exceed the actual cost of printing and mailing.

(6) Publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, a list of persons who passed the examination required under section 4755.62 of the Revised Code;

(7) Investigate complaints concerning alleged violations of section 4755.62 of the Revised Code or other grounds for the suspension, revocation, or refusal to issue a license under section 3123.47 or 4755.64 of the Revised Code. In connection with its investigations, the athletic trainers section may subpoena witnesses, issue subpoenas, examine witnesses, administer oaths, and, under the direction of the executive director of the board, investigate complaints and make inspections and other inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 and this chapter of the Revised Code. The section may review and audit the records of any licensee during normal business hours at the licensee's place of business or at any other place where the licensee's records are kept. Notwithstanding section 149.43 of the Revised Code, the athletic trainers section and its employees, except pursuant to a court order, shall maintain in confidence all information obtained.

(8) Adopt rules governing the nature and scope of the examination required under section 4755.62 of the Revised Code and the reexamination required under section 4755.63 of the Revised Code and the minimum examination score for licensure or renewal thereof. The rules for the examination required under section 4755.62 of the Revised Code shall ensure the testing of the applicant's knowledge of the basic and clinical sciences relating to athletic training theory and practice, including professional skills and judgment in the utilization of athletic training techniques and such other subjects as the athletic trainers section considers useful in determining competency to practice athletic training.

(9) Conduct the examination required under section 4755.62 of the Revised Code at least twice a year at a time and place and under such supervision as the athletic trainers section determines;

(10) Adopt rules to determine which states' standards for licensure are equal to or greater than this state's for the purpose of waiving requirements under division (D) of section 4755.62 of the Revised Code;

(11) Adopt rules to determine which examinations meet the requirements of division (E) of section 4755.62 of the Revised Code;

(12) Adopt rules establishing the standards of ethical conduct for licensed athletic trainers under this chapter;

(13) Adopt rules specifying the scope and nature of the continuing education courses that are acceptable to the athletic trainers section and the number of courses that must be completed to comply with the requirement for renewal of a license under section 4755.63 of the Revised Code.

(14) Adopt rules establishing the schedule when licenses to practice as an athletic trainer expire during a biennium for purposes of section 4755.63 of the Revised Code.

(B) The fees adopted by the athletic trainers section pursuant to division (A)(2) of this section shall be established and adjusted as required to provide sufficient revenues to meet the expenses of the section in administering sections 4755.60 to 4755.66 of the Revised Code. The fees shall include the following:

(1) A nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination;

(2) An initial license fee;

(3) A biennial license renewal fee;

(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.

The athletic trainers section may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.

(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the athletic trainers section in accordance with Chapter 119. of the Revised Code.

Effective 3/24/08

4755.62 License qualifications.

(A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer unless the person is licensed as an athletic trainer, or otherwise engage in the practice of athletic training, pursuant to this chapter.

(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made.

(C) To qualify for an athletic trainers license, a person shall:

(1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code;

(2) Have paid the examination fee required under this section;

(3) Be of good moral character;

(4) Have shown, to the satisfaction of the athletic trainers, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the athletic trainers section of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the athletic trainers section under section 4755.61 of the Revised Code.

(5) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the athletic trainers section under section 4755.61 of the Revised Code;

(6) Have passed an examination adopted by the athletic trainers section under division (A)(8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.

(D) The section may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure in another state whose standards for licensure, as determined by the section, are equal to or greater than those in effect in this state on the date of application.

(E) The section shall issue a license to every applicant who complies with the requirements of division (C) of this section, files the required application form, and pays the fees required by section 4755.61 of the Revised Code. A license issued under this section entitles the holder to engage in the practice of athletic training, claim to the public to be an athletic trainer or to imply by words or letters that the licensee is an athletic trainer. Each licensee shall display the licensee's license in a conspicuous place at the licensee's principal place of employment.

Effective 4/6/07

4755.63 Renewal.

Each license issued under section 4755.62 of the Revised Code expires biennially in accordance with the schedule established in rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code, but each person holding a valid, unexpired license may apply to the athletic trainers section, on forms approved by the section, for license renewal. The section shall renew a license upon the payment of the license renewal fee prescribed by section 4755.61 of the Revised Code, submission of the renewal application, and submission to the section of proof of satisfactory completion of the required number of continuing education courses, as specified in rules adopted by the section under section 4755.61 of the Revised Code.

Effective 4/6/07

4755.64 Disciplinary actions.

(A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine or place a licensee on probation, for any of the following:

- (1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;
- (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;
- (3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;
- (4) Negligence or gross misconduct in the practice of athletic training;
- (5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;
- (6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;
- (7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;
- (8) Employing directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;
- (9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;
- (10) Failing the licensing examination;
- (11) Aiding or abetting the unlicensed practice of athletic training;
- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

(B) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Effective 9/29/13

4755.65 Exemptions.

(A) Nothing in sections 4755.61 to 4755.64 of the Revised Code shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, a dietitian licensed under Chapter 4759. of the Revised Code, a physical therapist licensed under this chapter, or a qualified member of any other occupation or profession practicing within the scope of the person's license or profession and who does not claim to the public to be an athletic trainer;

(2) Is employed as an athletic trainer by an agency of the United States government and provides athletic training solely under the direction or control of the agency by which the person is employed;

(3) Is a student in an athletic training education program approved by the athletic trainers section leading to a baccalaureate or higher degree from an accredited college or university and is performing duties that are a part of a supervised course of study;

(4) Is not an individual licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section for the purpose of providing athletic training to the visiting team, organization, or event;

(5) Provides athletic training only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or members of the person's family;

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed and registered under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license, by a person licensed under Chapter 4723. of the Revised Code and practicing within the scope of the person's license, by a person authorized under Chapter 4731. of the Revised Code to practice podiatry, by a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, by a person licensed under Chapter 4734. of the Revised Code to practice chiropractic, or by a person licensed under Chapter 4759. of the Revised Code to practice dietetics.

(C) Nothing in this chapter shall be construed as authorizing a licensed athletic trainer to practice medicine and surgery, osteopathic medicine and surgery, podiatry, or chiropractic.

Effective 4/6/07

[JOINT BOARD PROVISIONS]

4755.66 Effect of child support default.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective 4/6/07

4755.70 Criminal records checks requirement.

(A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The occupational therapy section, the physical therapy section, and the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do

not make the applicant ineligible for a license issued pursuant to section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised Code.

Effective 3/24/08

4755.71 Compliance with law regarding sanctions for human trafficking.

The Ohio occupational therapy, physical therapy, and athletic trainers board shall comply with section 4776.20 of the Revised Code.

Effective 3/22/13

4755.99 Penalties.

(A) Whoever violates sections 4755.05 or 4755.62 or divisions (A), (B), (C), (D), or (H) of section 4755.48 of the Revised Code is guilty of a minor misdemeanor. If the offender has previously been convicted of an offense under that section, the offender is guilty of a misdemeanor of the third degree on a first offense and misdemeanor of the first degree on each subsequent offense.

(B)(1) One-half of all fines collected for violation of section 4755.05 of the Revised Code shall be distributed to the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

(2) One-half of all fines collected for violation of section 4755.48 of the Revised Code shall be distributed to the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

(3) One-half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one-half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.

Effective 3/27/13

OHIO ADMINISTRATIVE CODE

[ATHLETIC TRAINERS SECTION]

CHAPTER 4755-40

Notice

4755-40-01 Notice of meetings.

(A) Any person may obtain the time and place of all regularly scheduled meetings or the time, place, and purpose of any special meeting by:

- (1) Visiting the board's website at <http://otptat.ohio.gov>;
- (2) Emailing the board at board@otptat.ohio.gov;
- (3) Writing the board at: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth Floor, Columbus, Ohio 43215-6108;"
- (4) Calling the board at 614-466-3774 during normal business hours; or
- (5) Appearing in person at the board office during normal business hours.

(B) Any person may obtain advance notice of all meetings at which any specific type of public business is to be discussed by identifying the type of public business for which the person desires to be notified and by supplying the Ohio occupational therapy, physical therapy, and athletic trainers board with stamped, pre-addressed envelopes. The board will mail to such person a notice of the time and place of meeting, and the type of business to be discussed, at least four calendar days before the meeting is scheduled unless the meeting is an emergency meeting.

(C) The board will maintain a list of representatives of the news media who requested in writing notice of special or emergency meetings. The board shall mail to such representatives notice at least four days before special meetings or shall telephone or email notice at least twenty-four hours before special meetings. In the event of an emergency meeting, the representatives of the news media who requested notification shall be notified immediately of the time, place, and purpose of the meeting. News media requesting meeting notification shall supply the board with the name, mailing address, email address, and telephone number of the representative to be contacted.

Effective 5/1/09 Five Year Review (FYR) Date 3/29/17

4755-40-02 Method of public notice in adopting, amending or rescinding rules.

(A) Prior to the adoption of any rule subject to the requirements of the Chapter 119. of the Revised Code by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board, public notice of the section's intention to consider adoption, amendment or rescission shall be given at least thirty days prior to the date set for the public hearing. Notice shall be given by publication on the register of Ohio. The athletic trainers section may also issue notice by other means deemed appropriate. The notice shall include:

- (1) A statement of the athletic trainer section's intentions to consider, adoption, amendment or rescission of a rule;
- (2) A synopsis of the proposed rule, amendment, or rescission, or a general statement of the subject matter to which the proposed rule, amendment or rescission relates;
- (3) A statement of reason or purpose of adoption, amendment or rescission of rules; and,
- (4) The date, time and place set for the public hearing on the proposed action.

(B) Any person may receive notice by supplying the athletic trainers section with stamped, pre-addressed envelopes.

Effective 12/10/01 Five Year Review (FYR) Date 3/29/17

4755-40-03 Definitions.

For the purposes of the administrative rules promulgated in accordance with section 1347.15 of the Revised Code, the following definitions apply:

(A) "Access" as a noun means an opportunity to copy, view, or otherwise perceive whereas "access" as a verb means to copy, view, or otherwise perceive.

(B) "Acquisition of a new computer system" means the purchase of a "computer system," as defined in paragraph (C) of this rule, that is not a computer system currently in place nor one for which the acquisition process has been initiated as of the effective date of rule 4755-40-07 of the Administrative Code.

(C) "Board" means the Ohio occupational therapy, physical therapy, and athletic trainers board.

(D) "Computer system" means a "system," as defined by section 1347.01 of the Revised Code, that stores, maintains, or retrieves personal information using electronic data processing equipment.

(E) "Confidential personal information" has the meaning as defined by division (A)(1) of section 1347.01 of the Revised Code and identified in Chapter 4755-40 of the Administrative Code that reference the federal or state statutes or administrative rules that make personal information maintained by the board confidential.

(F) "CPI" means confidential personal information, as defined in paragraph (E) of this rule.

(G) "Employee of the board" means each employee of the board regardless of whether the employee holds an elected or appointed office or position within the board. "Employee of the board" is limited to the employing state agency.

(H) "Incidental contact" means contact with the information that is secondary or tangential to the primary purpose of the activity that resulted in the contact.

(I) "Individual" means natural person or the natural person's authorized representative, legal counsel, legal custodian, or legal guardian.

(J) "Information owner" means the individual appointed in accordance with division (A) of section 1347.05 of the Revised Code to be directly responsible for a system.

(K) "Person" means natural person.

(L) "Personal information" has the same meaning as defined in division (E) of section 1347.01 of the Revised Code.

(M) "Personal information system" means a system that maintains personal information, as those terms are defined in section 1347.01 of the Revised Code. System includes manual and computer systems.

(N) "Research" means a methodical investigation into a subject.

(O) "Routine" means common place, regular, habitual, or ordinary.

(P) "Routine information that is maintained for the purpose of internal office administration, the use of which would not adversely affect a person" as that phrase is used in division (F) of section 1347.01 of the Revised Code means personal information relating to the board's employees that is maintained by the board for administrative and human resource purposes.

(Q) "System" has the same meaning as defined by division (F) of section n1347.01 of the Revised Code.

(R) "Upgrade" means a substantial redesign of an existing system for the purpose of providing a substantial amount of new application functionality, or application modifications that would involve substantial administrative or fiscal resources to implement, but would not include maintenance, minor updates and patches, or modifications that entail a limited addition of functionality due to changes in business or legal requirements.

Effective 1/3/11

Five Year Review (FYR) Date 3/29/17

4755-40-04 Procedures for accessing confidential personal information.

For personal information systems, whether manual or computer systems, that contain confidential personal information, the board shall do the following:

(A) Criteria for accessing confidential personal information.

Personal information systems of the board are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the board to fulfill the employee's job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The board shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.

(B) Individual's request for a list of confidential personal information.

Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the board, the board shall do all of the following:

(1) Verify the identity of the individual by a method that provides safeguards commensurate with the risk associated with the confidential personal information;

(2) Provide to the individual the list of confidential personal information that does not related to an investigation about the individual or is otherwise not excluded from the scope of Chapter 1347. of the Revised Code; and

(3) If all information relates to an investigation about that individual, inform the individual that the board has no confidential personal information about the individual that is responsive to the individual's request.

(C) Notice of invalid access.

(1) Upon discover or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the board shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the board shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. Additionally, the board may delay the notification consistent with any measures necessary to determine the scope of the invalid access, including which individuals' confidential personal information was invalidly accessed, and to restore the reasonable integrity of the system.

(a) "Investigation" as used in this paragraph means the investigation of the circumstances and involvement of an employee surrounding the invalid access of the confidential personal information.

(b) Once the board determines that notification would not delay or impede an investigation, the board shall disclose the access to confidential personal information made for an invalid reason to the person.

(2) Notification provided by the board shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.

(3) Notification may be made by any method reasonably designed to accurately inform the person of the invalid access, including written, electronic, or telephone notice.

(D) Appointment of a data privacy point of contact.

The executive director of the board shall designate a [sic] employee of the board to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the board with both implementation of privacy protection for the confidential personal information that the board maintains and compliance with section n1347.15 of the Revised Code an [sic] the rules adopted pursuant to the authority provided by that chapter.

(E) Completion of a privacy impact assessment.

The employee appointed as the board's data privacy point of contact, in accordance with paragraph (D) of this rule, shall timely complete the privacy impact assessment form developed by the office of information technology.

Effective 1/3/11 Five Year Review (FYR) Date 3/29/17

4755-40-05 Valid reasons for accessing confidential personal information.

Pursuant to the requirements of division (B)(2) of section 1347.15 of the Revised Code, this rule contains a list of valid reasons, directly related to the board's exercise of its powers and duties, for which only employees of the agency may access confidential personal information, regardless of whether the personal information system is a manual system or a computer system:

(A) Performing the following functions constitute valid reasons for authorized employees of the board to access confidential personal information:

- (1) Responding to a public records request;
- (2) Responding to a request from an individual for the list of CPI the board maintains on that individual;
- (3) Administering a constitutional provision or duty;
- (4) Administering a statutory provision or duty;
- (5) Administering an administrative rule provision or duty;
- (6) Complying with any state or federal program requirements;
- (7) Processing or payment of claims or otherwise administering a program with individual participants or beneficiaries;
- (8) Auditing purposes;
- (9) Licensure processes;
- (10) Investigation or law enforcement purposes;
- (11) Administrative hearings;
- (12) Litigation, complying with an order of the court, or subpoena;

- (13) Human resource matters, including, but not limited to, hiring, promotion, demotion, discharge, salary/compensation issues, leave requests/issues, time card approvals/issues;
- (14) Complying with an executive order or policy;
- (15) Complying with an agency policy or a state administrative policy issued by the department of administrative services, the office of budget and management, or other similar state agency; or
- (16) Complying with a collective bargaining agreement provision.

(B) To the extent that the general processes described in paragraph (A) of this rule do not cover the following circumstances, for the purpose of carrying out specific duties of the Ohio occupational therapy, physical therapy, and athletic trainers board, authorized employees and board members would also have valid reasons for accessing CPI in these following circumstances:

- (1) Authorized employees and board members may review CPI of individuals who are subject to investigation for alleged violations of Chapter 4755. of the Revised Code or Chapters 4755-1 to 4755-48 of the Administrative Code that may result in licensure discipline or application denial. Authorized employees may review CPI of individuals who are not the subject of the investigation, but who otherwise may be witnesses with information related to the investigation. CPI may be reviewed by employees and members of the board in disciplinary matters that become the subject of administrative hearings or board action, including reporting disciplinary actions as required by state and federal law.
- (2) Employees assigned to the continuing education audit may review CPI of licensees who are being audited for the purpose of carrying out that program.
- (3) Authorized employees and board members may review CPI of persons who hold, are applying for, or are renewing a license issued by the board for purposes of verifying licensure, processing licensure and renewal applications, determining eligibility for licensure, performing financial transactions and reporting related to application processing, or any other activities undertaken for the purpose of carrying out that program.
- (4) Employees assigned to fiscal and human resource positions may review CPI of vendors billing the board for services rendered and employees of the board for payroll and other human resource activities for the purpose of carrying out the board's daily activities.

Effective 1/3/11 Five Year Review (FYR) Date 3/29/17

4755-40-06 Confidentiality statutes.

The following federal statutes or regulations or state statutes and administrative rules make personal information maintained by the agency confidential and identify the confidential personal information within the scope of rules promulgated by the board in accordance with section n1347.15 of the Revised Code:

- (A) Social security numbers: 5 U.S.C. 552a, unless the individual was told that the number would be disclosed.
- (B) Information and records received or generated by the board pursuant to an investigation: division (E) of section 4755.02 of the Revised Code.
- (C) The results of any criminal records checks conducted pursuant to Chapter 4776. of the Revised Code: section 4776.04 of the Revised Code.
- (D) Medical records submitted with requests for testing accommodations and/or continuing education waiver requests: 42 U.S.C. 201.
- (E) College and university transcripts: 20 U.S.C. 1232g.

Effective 1/3/11 Five Year Review (FYR) Date 3/29/17

4755-40-07 Restricting and logging access to CPI in computerized personal information systems.

For personal information systems that are computer systems and contain confidential personal information, the board shall do the following:

- (A) Access restrictions.
Access to confidential personal information that is kept electronically shall require a password or other authentication measure.
- (B) Acquisition of a new computer system.

When the board acquires a new computer system that stores, manages, or contains confidential personal information, the board shall include a mechanism for recording specific access by employees of the board to confidential personal information in the system.

- (C) Upgrading existing computer systems.

When the board modifies an existing computer system that stores, manages, or contains confidential personal information, the board shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.

(D) Logging requirements regarding confidential personal information in existing computer systems.

(1) The board shall require employees of the board who access confidential personal information within computer systems to maintain a log that records that access.

(2) Access to confidential personal information is not required to be entered into the log under the following circumstances:

(a) The employee of the board is accessing confidential personal information for official board purposes, including research, and the access is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(b) The employee of the board is accessing confidential personal information for routine office procedures and the access is not specifically directed toward a specifically named individual or group of specifically named individuals.

(c) The employee of the board comes into incidental contact with confidential personal information and the access of the information is not specifically directed toward a specifically named individual or a group of specifically named individuals.

(d) The employee of the board accesses confidential personal information about an individual based upon a request made under either of the following circumstances:

(i) The individual requests confidential personal information about himself/herself.

(ii) The individual makes a request that the board take some action on that individual's behalf and accessing the confidential personal information is required in order to consider or process that request.

(3) For the purposes of this paragraph of this rule, the board may choose the form or forms of logging, whether in electronic or paper formats.

(E) Log management.

The board shall issue a policy that specifies the following:

(1) Who shall maintain the log;

(2) What information shall be captured in the log;

(3) How the log is to be stored; and

(4) How long information kept in the log is the [sic] be retained.

(5) Nothing in this rule limits the board from requiring logging in any circumstance that it deems necessary.

Effective 1/3/11

Five Year Review (FYR) Date 3/29/17

CHAPTER 4755-41

Code of Ethics

4755-41-01 Code of ethical conduct.

The following basic principles make up the code of ethical conduct for the practice of athletic training in the state of Ohio. When a person becomes a licensed athletic trainer they assume certain ethical obligations and responsibilities. An athletic trainer whose conduct is not in accordance with the principles set forth in the following code of ethical conduct shall be considered in violation of the Revised Code.

(A) Athletic trainers shall respect the rights, welfare, and dignity of all individuals.

(1) Athletic trainers shall show no discrimination in their efforts while performing duties.

(2) Athletic trainers shall provide care on the basis of the needs of the individual.

(3) Athletic trainers shall be committed to providing competent care consistent with both the requirements and limitations of their profession.

(4) Athletic trainers shall obtain informed consent from the patient.

(a) An athletic trainer, unless otherwise allowed by law, shall not provide patient care without disclosing to the patient or the patient's representative, the benefits, substantial risks, if any, or alternatives to the recommended examination or intervention.

(b) Information relating to the athletic trainer-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or the patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.

(5) Athletic trainers shall respect the rights, knowledge, and skills of colleagues and other health care professionals.

(6) Athletic trainers shall not, by their conduct, publicly discredit or lower the dignity of the members of the profession.

(7) Athletic trainers shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, clients, students, and/or colleagues.

(B) Athletic trainers shall comply with the laws and regulations governing the practice of athletic training.

(1) Athletic trainers shall comply with the laws and rules of the state of Ohio and any applicable local and federal laws governing the practice of athletic training.

(2) Athletic trainers shall protect the public and the profession by reporting any conduct that they consider unethical, illegal, or incompetent to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(3) Athletic trainers shall not practice athletic training while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If an athletic trainer's or an applicant's ability to practice is in question, the individual shall submit to a physical or mental examination or drug/alcohol screen as requested by the athletic trainers section to determine the individual's qualifications to practice athletic training.

(C) Athletic trainers shall accept responsibility for the exercise of sound judgment.

(1) Athletic trainers shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, identity, or services.

(2) Athletic trainers shall provide only those services for which they are qualified via education and/or experience.

(3) Athletic trainers shall not guarantee the results of any training, consultation, or therapeutic procedure. A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors, hence, any warranty is deceptive and unethical.

(4) Athletic trainers shall not cheat or assist others in conspiring to cheat on the national certification examination or the state jurisprudence examination.

(D) Athletic trainers shall maintain and promote high standards in the provision of services.

(1) Athletic trainers should strive to achieve the highest level of competence.

(2) Athletic trainers shall recognize the need for continuing education and participate in various types of educational activities that enhance their skills and knowledge.

(3) Athletic trainers should keep accurate records for all areas of injury management. These shall include, but are not limited to, written referrals, personal injury reports/initial evaluation, and daily care rendered/rehabilitation logs. These records shall be in paper or electronic format.

(4) Athletic trainers shall not document or bill for services not actually provided.

(5) Athletic trainers shall only seek compensation that is reasonable for the athletic training services delivered. Athletic trainers, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices.

(6) Athletic trainers shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the course of the compensation.

(7) Athletic trainers shall not influence a patient or the patient's family to utilize, purchase, or rent any product or equipment based on the direct or indirect financial interests of the athletic trainer. Recommendations of product or equipment must be based solely on the therapeutic value of that product or equipment to the patient. An athletic trainer who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the patient if the athletic trainer sells or rents, or intends to sell or rent, to the patient.

(8) Athletic trainers shall ensure the patient's rights to participate fully in their care, including the patient's right to select the athletic training provider, regardless of the practice setting.

(9) Athletic trainers shall safeguard the public from underutilization or overutilization of athletic training services.

(10) Athletic trainers shall provide accurate and relevant information to patients about the patients' care.

(11) Athletic trainers shall provide accurate and relevant information to the public about athletic training services.

(12) Athletic trainers shall report to the athletic trainers section any unprofessional, incompetent, or illegal behavior of an athletic trainer of which the individual has knowledge.

(13) Athletic trainers shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to, practice or use of tasks, knowledge, and skills that are not valid with the current professional practice of athletic training. These tasks, knowledge, and skills should reflect current practice trends and should be found in the athletic training literature.

(E) Athletic trainers shall not exploit persons served professionally.

(1) Athletic trainers shall not accept individuals for treatment if benefit cannot reasonably be expected.

(2) Athletic trainers shall not continue treatment without reasonable expectation of further benefit.

(3) Athletic trainers shall not place financial gain above the welfare of the patient and shall not participate in any arrangement that exploits the patient.

(4) Athletic trainers shall not date or engage in any sexual activity with any client, or reengage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner/client relationship exists. In the case of minors, the practitioner/client relationship extends to the minor's parent or guardian.

(a) An athletic trainer shall not intentionally expose or view a completely or partially disrobed client in the course of treatment if the exposure or viewing is not related to the client diagnosis or treatment under current practice standards.

(b) An athletic trainer shall not engage in a conversation with a client that is sexually explicit and unrelated to the athletic training plan of care.

(5) An athletic trainer shall not engage in sexual harassment of clients, the parent/guardian of a minor client, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal behavior or physical conduct of a sexual nature that results in:

(a) Withholding athletic training services to a client;

(b) Creating an intimidating, hostile, or offensive environment for the client; or

(c) Interfering with the client's ability to recover.

(F) Cooperation.

Athletic trainers shall cooperate with an investigation by the athletic trainers section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the athletic trainers section and providing copies of the medical records and other documents requested by the athletic trainers section. Failure to comply with paragraphs (F)(1) to (F)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.64 of the Revised code and in accordance with Chapter 119. of the Revised Code.

(1) A licensee shall respond fully and truthfully to a request for information from the athletic trainers section.

(2) A licensee shall comply with a subpoena issued by the athletic trainers section.

(3) A licensee shall provide information or documents within the time frame specified by the athletic trainers section.

(4) A licensee shall appear and provide information at an interview requested by the athletic trainers section.

(5) A licensee shall not deceive, or attempt to deceive, the athletic trainers section regarding any matter, including by altering or destroying any record or document.

(6) A licensee shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the athletic trainers section, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.

(7) A licensee shall not refuse to provide testimony in an administrative hearing.
Effective 5/1/13 Five Year Review (FYR) Date 3/15/17

4755-41-02 Disclosure of confidential information.

An athletic trainer shall not disclose to unauthorized persons any confidential information received from any person served professionally without the written consent of that person or his legal guardian or unless as otherwise required by law.

Effective 7/8/91 Five Year Review (FYR) Date 3/15/17

4755-41-03 Reporting Requirements.

A licensee shall self report to the athletic trainers section, within thirty days, any of the items outlined in paragraphs (A) to (E) of this rule. Failure to comply with this rule may be grounds for disciplinary action pursuant to section 4755.64 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(A) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or licensee's ability to practice with reasonable skill and safety.

(B) Conviction of a felony.

(C) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of athletic training.

(D) The termination, revocation, or suspension of membership by a state or national athletic training professional association.

(E) The termination, revocation, or suspension of certification status by a national credentialing organization, including, but not limited to, the board of certification.

(F) A positive drug and/or alcohol screening.

Effective 5/1/13 Five Year Review (FYR) Date 3/15/17

**CHAPTER 4755-42
Use of Title; Referrals**

4755-42-01 Unauthorized practice.

In accordance with division (A) of section 4755.62 of the Revised Code, no person shall do either of the following:

(A) Use the words athletic trainer, athletic training, licensed athletic trainer, licensed trainer, or the letters A.T., L.A.T., or any other letters, words, abbreviations, or insignia indicating or implying that the individual is an athletic trainer unless the person holds a valid license under sections 4755.60 to 4755.65 of the Revised Code.

(B) Imply by actions or otherwise engage in the practice of athletic training unless the individual holds a valid license under sections 4755.60 to 4755.65 of the Revised Code.

Effective 5/1/08 Five Year Review (FYR) Date 3/15/17

4755-42-02 Referring practitioner.

In accordance with division (A) of section 4755.60 of the Revised Code, an athletic trainer shall practice upon the referral from the following individuals:

(A) An individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery;

(B) An individual licensed under Chapter 4731. of the Revised Code to practice osteopathic medicine and surgery;

(C) An individual licensed under Chapter 4731. of the Revised Code to practice podiatric medicine and surgery;

(D) A dentist licensed under Chapter 4715. of the Revised Code.

(E) A physical therapist licensed under Chapter 4755. of the Revised Code; or

(F) A chiropractor licensed under Chapter 4734. of the Revised Code.

Effective 5/1/08 Five Year Review (FYR) Date 3/29/17

4755-42-03 Required credential to indicate licensure.

All Ohio-licensed athletic trainers shall use the initials "A.T." or "AT" following their name to indicate that the individual is currently licensed to practice athletic training in Ohio.

CHAPTER 4755-43
Licensing, Examination, and Education

4755-43-01 Applications for licensure.

(A) All applications for licensure shall be submitted to the athletic trainers section in the manner specified by the section. All applications, statements, and other documents so submitted shall be retained by the section.

(B) Applications shall be:

- (1) Typewritten or printed in ink or submitted electronically via the Ohio e-license system;
- (2) Signed by the applicant or electronically signed if applying electronically via the Ohio e-license system;
- (3) Accompanied by the fee prescribed by rule 4755-47-04 of the Administrative Code; and
- (4) Accompanied by such evidence, statements, or other documents as specified by the section.

(C) To assist the athletic trainers section in making its decision regarding an application, the section may require persons filing applications for licensure to appear in person before the section.

(D) For the purposes of filing an electronic application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the individual to whom it is issued and shall be limited to filing an electronic application for initial licensure. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(E) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

- (1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.
- (2) No application for licensure may be withdrawn without approval of the board.
- (3) Submitted fees shall be neither refundable nor transferable.

4755-43-02 Examination requirements.

(A) An applicant shall satisfy the examination requirements for an Ohio athletic training license by completing both of the following requirements:

- (1) Verification from the board of certification or its successor that the applicant passed their certification exam; and
- (2) Achievement of a score of at least ninety percent on the Ohio athletic trainers jurisprudence examination.

(B) The board of certification examination may be waived for any person who was certified as an athletic trainer by the national athletic trainers association prior to June 28, 1990. However, pursuant to paragraph (A)(2) of this rule, each applicant must achieve a minimum passing score on the Ohio jurisprudence examination.

4755-43-03 Rescinded 5/1/05

4755-43-04 Education.

(A) The educational requirements described in divisions (C)(4) and (C)(5) of section 4755.62 of the Revised Code shall be satisfied by completion of a professional (entry-level) education program accredited by the commission on accreditation of athletic training education (CAATE) or its successor.

(B) The section may waive the educational requirements specified in paragraph (A) of this rule on the basis of job experience if all of the following conditions are met:

- (1) The applicant passed the examination specified in paragraph (A)(1) of rule 4755-43-02 of the Administrative Code.

(2) The applicant for licensure engaged in the active practice of athletic training as a licensed athletic trainer in another state, or if the experience occurred in a state not requiring licensure, as an athletic trainer certified by the board of certification (BOC), for a period of no less than five years immediately preceding the date the application is submitted.

(3) The applicant's licensure and/or certification are active and without restriction.

Effective 5/1/14

Five Year Review (FYR) Date 3/15/18

4755-43-05 Temporary license for military spouse.

(A) In accordance with division (C) of section 4743.04 of the Revised Code, an individual whose spouse is on active military duty in this state is eligible for a temporary military spousal license to practice as an athletic trainer in Ohio.

(B) An application for a temporary military spousal license shall include, but not be limited to, the following:

(1) Proof that the applicant is married to an active duty member of the armed forces of the United States;

(2) Proof that the applicant holds a valid unrestricted license to practice as an athletic trainer in another jurisdiction of the United States;

(3) Proof that the applicant's spouse is assigned to a duty station in Ohio and that the applicant is also assigned to a duty station in Ohio pursuant to the spouse's official active duty military orders; and

(4) The application fee of one hundred dollars.

(C) A temporary military spousal license shall expire six months after the date of issuance and is not renewable.

(D) The fee to submit an application in accordance with rule 4755-43-01 of the Administrative Code shall be waived if the full license is issued prior to the expiration date of the temporary military spousal license.

Effective 5/1/14

Five Year Review (FYR) Date 4/1/19

4755-43-06 Reinstatement of licensure.

(A) Pursuant to rule 4755-43-08 of the Administrative Code, the athletic training license of an individual who fails to comply with the renewal requirements shall automatically expire on the thirtieth day of September of the appropriate year.

(B) All applicants for reinstatement shall submit a completed application on the forms specified by the section. All applications shall:

(1) Be typewritten or printed in ink or submitted electronically via the Ohio e-license system;

(2) Be signed by the applicant or electronically signed if applying via the Ohio e-license system;

(3) Contain the fee prescribed by rule 4755-47-05 of the Administrative Code;

(4) Contain proof that the applicant met the appropriate continuing education requirement:

(a) For reinstatement applications submitted on or after November first of the year in which the applicant's license expired, the applicant shall complete twenty-five contact hours of continuing education in accordance with rule 4755-45-01 of the Administrative Code within the two year period immediately preceding the application for reinstatement. Contact hours used to meet the requirements of this paragraph shall not be used to renew the reinstated license; or

(b) Notwithstanding paragraph (B)(4)(a) of this rule, for reinstatement applications submitted before November first of the year in which the applicant's license expired, the applicant shall complete the number of contact hours of continuing education that were required to renew the expired license. All contact hours used to reinstate the license shall be earned in accordance with rule 4755-45-01 of the Administrative Code. Contact hours used to meet the requirements of this paragraph shall not be used to renew the reinstated license.

(5) Contain proof that the applicant holds current certification by the board of certification if the reinstatement application is submitted on or after December firsts of the year in which the applicant's license expired.

(6) Be accompanied by such evidence, statements, or documents as specified on the forms.

(C) In addition to the information required in paragraph (B) of this rule, the athletic trainers section may also require:

(1) Appearance before the section for a reinstatement interview.

(2) Taking or retaking the laws and rules examination.

(3) Taking or retaking the examination specified in rule 4755-43-02 of the Administrative Code.

(D) The athletic trainers section may reinstate a license and may waive payment of late fees for reinstatement when the section determines that a licensee demonstrates good cause why the licensee was unable to submit the renewal fee by the prescribed renewal date. In no instance shall the normal renewal fee be waived.

(E) For the purposes of filing an electronic reinstatement application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the individual to whom it is issued and shall be limited to filing an electronic reinstatement application. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(F) Any application received in accordance with this rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees shall be neither refundable nor transferable.

Effective 5/1/14 ***Five Year Review (FYR) Date 4/1/19***

4755-43-07 **Criminal records checks.**

(A) In addition to the requirements established in rules 4755-43-01 to 4755-43-04 of the Administrative Code, all applicants for initial licensure as an athletic trainer shall submit to a criminal records check completed by the bureau of criminal identification and investigation in accordance with sections 4755.61 and 4755.70 of the Revised Code. The results of the criminal records check shall be received by the board prior to the issuance of a license to practice as an athletic trainer.

(B) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name, address, and any other information required by the bureau of criminal identification and investigation for the purpose of completing the criminal records checks. The applicant shall cause the results of the criminal records check to be forwarded to the Ohio occupational therapy, physical therapy, and athletic trainers board at "77 South High Street, 16th Floor, Columbus, Ohio 43215-6108."

(C) In the request, the applicant shall ask the superintendent of the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information it has pertaining to the applicant.

(D) The athletic trainers section will only accept the results of a criminal records check that is submitted to the board directly by the bureau of criminal identification and investigation in compliance with this rule.

(E) A criminal records check will not be required if the applicant has caused the results of a criminal records check to be filed with the board in accordance with the requirements of this rule within six months of the date that the board receives the results of the criminal records check. A new criminal records check will be required if the applicant's criminal records check on file with the board is greater than six months old based on the date the board received the report.

Effective 5/1/09 ***Five Year Review (FYR) Date 2/4/19***

4755-43-08 **Biennial renewal of license.**

(A) Renewal of an athletic trainer license shall be in accordance with section 4755.63 of the Revised Code.

(1) The renewal notice shall be sent to the address on file with the board.

(2) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule 4755-45-01 of the Administrative Code, and payment of the renewal fee prescribed by rule 4755-47-06 of the Administrative Code, shall be completed to satisfy the requirements of the renewal procedure.

(B) All individuals licensed as an athletic trainer shall renew their license by the thirtieth day of September in each even-numbered year. When a license to practice as an athletic trainer is issued by the board on or after June first of an even-numbered year, that license shall be valid through the thirtieth day of September of the next even-numbered year.

(C) Persons who fail to submit the renewal fee, completed application, any other required forms, and/or comply with the continuing education requirement specified in rule 4755-45-01 of the Administrative Code by the thirtieth day of September of the appropriate year shall have their license automatically expire.

(1) A license holder whose license expires for failure to renew shall submit a reinstatement application in accordance with rule 4755-43-06 of the Administrative Code before the individual may legally practice athletic training in Ohio.

(2) A licensee who continues to practice athletic training with an expired license shall be subject to disciplinary action pursuant to section 4755.64 of the Revised Code.

(D) For the purposes of filing an electronic renewal application via the Ohio e-License system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the licensee to whom it is issued and shall be limited to filing an electronic renewal application. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

Effective 7/1/15 **Five Year Review (FYR) Date 3/15/18**

4755-43-09 Verification of licensure.

(A) The athletic trainers section shall officially verify to another regulatory entity the status of an individual's license to practice athletic training in the state of Ohio upon:

- (1) Receipt of a written request from a licensee; and
- (2) Payment of the license verification fee specified in rule 4755-47-02 of the Administrative Code.

(B) Official verification issued by the board shall include, but not be limited to:

- (1) The license number and status of the license;
- (2) Any disciplinary action taken against the license; and
- (3) The initial issue date and expiration date of the license.

Effective 5/1/09 **Five Year Review (FYR) Date 2/4/19**

4755-43-10 Reinstatement or reconsideration of denied/revoked license.

(A) A person whose license is revoked or denied under the provisions of section 4755.64 of the Revised Code may, after one year from the date of revocation or denial, apply for reinstatement of the license or reconsideration of the denial of the license subject to examination prescribed by the rules of the section.

(B) In evaluating an application for reinstatement of a license or reconsideration of denial of a license, the athletic trainers section shall consider the following:

- (1) The nature and severity of the acts that resulted in revocation or denial of license;
- (2) The time elapsed since the commission of the acts;
- (3) Possible additional violations occurring after the revocation or denial;
- (4) Compliance with previous orders of the athletic trainers section; and
- (5) Any evidence of rehabilitation that the applicant may submit to the section.

Effective 5/1/10 **Five Year Review (FYR) Date 3/15/18**

4755-43-11 Approval of an event.

(A) Pursuant to division (A)(4) of section 4755.65 of the Revised Code, an organizer of an event at which athletic trainers not licensed in Ohio will be performing athletic training services, as defined in section 4755.60 of the Revised Code, shall apply to the athletic trainers section to have the event approved.

(B) The event organizer or medical director shall:

- (1) Submit a written request for approval no later than thirty days prior to the date of the event; and
- (2) Submit to the athletic trainers section a list of all athletic trainers not licensed in Ohio who will be providing athletic training services at the event. The list shall contain the license number of a current, valid non-Ohio athletic training license. If the individual is from a state where athletic trainers are not regulated, the list shall contain the current, valid certification number issued by the board of certification.

Effective 5/1/08 **Five Year Review (FYR) Date 3/15/18**

4755-43-12 Military provisions related to licensure.

(A) Definitions.

- (1) "Armed forces" means:

- (a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;
- (b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;
- (c) The national guard, including the Ohio national guard or the national guard of any other state;
- (d) The commissioned corps of the United States public health service;
- (e) The merchant marine service during wartime; or
- (f) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(2) "Member" means any person who is serving in the armed forces.

(3) "Veteran" means any person who has completed service in the armed forces, who has been discharged under honorable conditions or who has been transferred to the reserve with evidence of satisfactory service.

(B) Eligibility for licensure.

In accordance with section 5903.03 of the Revised Code, a veteran or member of the armed forces may submit documentation for the board's consideration to demonstrate that the applicant's military education, training, and/or service is substantially equivalent to the educational and experience requirements for licensure as an athletic trainer.

(C) License renewal.

(1) In accordance with section 5903.10 of the Revised Code, a licensee whose license expired due to the licensee's service in the armed forces shall be eligible for renewal of the expired license in accordance with section 4755.63 of the Revised Code and rules 4755-43-08 and 4755-47-06 of the Administrative Code, if the following conditions are met:

(a) The licensee presents the board with satisfactory evidence that, not more than six months prior to the date the evidence is submitted to the board, the licensee was honorably discharged or separated under honorable conditions;

(b) The license is not suffering a mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills, that affect the licensee's ability to practice according to acceptable and prevailing standards of care; and

(c) The licensee meets the requirements for license renewal required by section 4755.63 of the Revised Code and rules 4755-43-08 and 4755-47-06 of the Administrative Code.

(2) The provisions of paragraph (C) of this rule also apply if the licensee's spouse served in the armed forces and the spouse's service resulted in the licensee's absence from the state.

(D) Continuing education.

(1) In accordance with section 5903.12 of the Revised Code, the provisions of this paragraph apply to a licensee who has been a member of the armed forces who has served on active duty for a period in excess of thirty-one days.

(2) A licensee who meets the provisions contained in paragraph (D)(1) of this rule may submit an application to the board requesting an extension of the current continuing education reporting period.

(a) The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service.

(b) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.

(E) Determining fulfillment of continuing education.

(1) In accordance with section 5903.121 of the Revised Code, the board shall consider relevant education, training, or service completed by a licensee as a member of the armed forces in determining whether a licensee has met the continuing education requirements needed to renew the license.

(2) For the board to consider relevant education, training, or service completed by the licensee in accordance with paragraph (E) of this rule, the licensee shall submit a request for consideration and documentation of the education, training, or service to the board at least ninety days prior to the expiration of the license.

(F) Waiver of the license application fee.

(1) The application fee shall be waived for an applicant who is a current members of the armed forces.

- (2) Paragraph (F) of this rule applies to the following application fee types:
 - (a) Initial licensure by examination, outlined in rule 4755-47-04 of the Administrative Code.
 - (b) Initial licensure by endorsement, outlined in rule 4755-47-04 of the Administrative Code.
 - (c) Reinstatement of an expired license, outlined in rule 4755-7-05 [sic] of the Administrative Code.

(G) Application process.

(1) The board's applications shall include a question to identify if the applicant is a member of the armed forces, a veteran, or a spouse or surviving spouse of a member of the armed forces or veteran. This status shall be stored in the licensing system.

(2) When the board receives an application from an individual identified in paragraph (G)(1) of this rule, the processing of that application shall be prioritized, with a goal of ensuring that a license is issued the same day that the application is complete.

Effective 9/1/14 *Five Year Review (FYR) Date 3/15/18*

CHAPTER 4755-44
Notice of Changes; Certificate of Licensure

4755-44-01 **Notice of change of name, place of employment, and address.**

(A) A licensee shall notify the athletic trainers section of any change of name, place of employment, or mailing address within thirty days after the change.

(B) Notification may be made by:

- (1) Mail;
- (2) Fax;
- (3) E-mail; or
- (4) Electronically by logging into the Ohio e-license system.

Effective 5/1/08 *Five Year Review (FYR) Date 3/15/18*

4755-44-02 **Certificate of license; display; copies.**

(A) Each applicant who is approved for licensure shall receive a certificate of licensure for office display. Additional copies of the certificate shall be made available to approved applicants for a fee as prescribed by rule 4755-47-01 of the Administrative Code.

(B) Licensees shall display the original license certificate at their principal place of business and shall have available at all locations of service delivery a copy of or electronic access to their current license information printed from the Ohio e-license center verification page (<https://license.ohio.gov/lookup>).

(C) Verification of current licensure can be obtained from the Ohio e-license center verification page (<https://license.ohio.gov/lookup>).

Effective 5/1/13 *Five Year Review (FYR) Date 3/15/18*

CHAPTER 4755-45
Continuing Education

4755-45-01 **Continuing education.**

(A) Pursuant to section 4755.63 of the Revised Code, to renew an athletic trainers license, licensees shall complete:

- (1) Not less than twenty-five hours of continuing education that meet the requirements of this rule; and
- (2) At least one contact hour of ethics education per renewal cycle. The one hour ethics requirement shall be fulfilled by completing an acceptable activity outlined in paragraph (C) of this rule that contains at least one hour addressing professional ethics. In addition, any presentation by the athletic trainers section meets the ethics requirement.
- (3) At least two contact hour of education covering evidence based practice per renewal cycle.
- (4) Licensees are not required to obtain any continuing education units for the first renewal.

(B) The athletic trainers section shall determine if a continuing education activity meets the requirements of this rule. Continuing education is defined as participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. One contact hour equals sixty minutes.

(1) Applications for prior approval of workshop or conference content by the athletic trainers section may be obtained by the workshop or conference sponsor from the board office. For prior approval, completed applications must be received by the section no later than ninety days prior to the date of the workshop or conference.

(2) If no other form of verification is used, licensees shall obtain from the board office verification of participation form, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel of individuals, only one signature is required. Original continuing education certificates or other original documents indicating credits awarded may also be used as verification of participation.

(3) Continuing education hours shall exclude refreshment breaks, receptions and other social gatherings, and meals.

(C) Acceptable continuing education activities may include:

(1) Participation in professional workshops, seminars, and/or conferences.

(a) Credit is obtained for in person participation in presentations that have either been approved by the athletic trainers section, sponsored by the national athletic trainers association, the national athletic trainers association board of certification, the great lakes athletic trainers association, the Ohio athletic trainers association, or offered by a national athletic trainers association board of certification approved provider, or which otherwise meets all of the following criteria:

(i) Contributes directly to professional competency;

(ii) Relates directly to the clinical practice, management, or education of athletic training; and

(iii) Conducted by individuals who demonstrate expertise in the subject matter of the program.

(b) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, and/or other materials given to participants during the presentation and/or, if applicable, information documented on prior approval applications made with the board.

(c) A minimum of five hours shall be earned under this category per renewal cycle. There is no limit on the number of continuing education hours that may be earned in this category.

(2) Presentations. To be eligible to receive continuing education credit for making a presentation, including a poster presentation, the presentation shall be:

(a) To health or education professionals and/or students; and

(b) Directly related to the clinical practice, management, or education of athletic training professionals.

Five hours will be awarded per presentation, with a maximum of ten hours per renewal cycle. Proof of having conducted the presentation is the workshop, conference, or seminar contract, the brochure, agenda or other printed materials describing the content and audience.

Continuing education credit will not be awarded for subsequent presentations of the same material.

(3) Publication of original work. Ten hours will be awarded per original publication in a state or national scientific journal or publication of a related professional organization. A maximum of twenty hours may be earned in this category per renewal cycle.

(4) Postgraduate courses. Any course completed after receiving a bachelors degree may be submitted for consideration by the athletic trainers section provided the course is directly related to management, practice, or education of athletic training. Proof of completion is an unofficial transcript and a copy of the course description. An official transcript may be requested at the discretion of the Athletic Trainers Section. Five contact hours will be awarded for each semester hour or equivalent accepted. There is no limit of contact hours in this category.

(5) Self-study. Formal self-study packages, such as printed text, multi-media, or internet based activities, related to the practice of athletic training are acceptable. Proof of completion is the certificate of completion and/or a copy of the post-test results. A maximum of twenty hours may be earned in this category per renewal cycle.

(6) Post-professional athletic training education program. Graduation from a post-professional athletic training education program accredited by the commission on accreditation of athletic training education may be submitted for the continuing education requirement and will qualify for twenty-five hours of continuing education in the year the licensee graduates. Proof of completion is an unofficial transcript. An official transcript may be requested at the discretion of the athletic trainers section.

(7) Laws and rules examination. One contact hour may be earned for completing and passing the Ohio athletic training laws and rules examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion will be supplied by the section. This contact hour may be used to fulfill the ethics requirement established in paragraph (A)(2) of this rule.

(D) An athletic training license shall not be renewed unless the licensee indicates on the renewal application that the individual completed the required number of continuing education hours specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the athletic trainers section for violating division (A)(3) of section 4755.64 of the Revised Code.

(E) Records and documentation of continuing education activities, such as verification of participation forms, conference brochures, certificates, college or university transcripts or grade reports, articles, books, and/or apprenticeship evaluations shall be maintained by the licensee.

(F) The athletic trainers section shall conduct an audit of the continuing education records of not less than five per cent of the licensees each renewal year.

(1) Licensees chosen for the audit shall submit documentation to support the continuing education activities within the timeframe specified by the athletic training section. After review of the records and documentation, if requested, the materials shall be returned to the licensee.

(2) Failure to provide proof of the required number of continuing education hours in the appropriate categories, for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

Effective 7/1/15 *Five Year Review (FYR) Date 7/1/20*

4755-45-02 Waivers for continuing education.

(A) In individual cases involving disability, illness, or undue hardship, the athletic trainers section may grant waivers of continuing education requirements, or extension of time within which to fulfill these requirements, not to exceed two calendar years.

(1) To apply for a waiver or extension due to undue hardship, the licensee must submit a written application on forms established by the section and signed by the licensee no later than July first of the renewal year.

(2) To apply for a waiver due to disability or illness, the licensee must obtain, complete, and submit the waiver or extension form to the athletic trainers section no later than July first of the renewal year. This form must also be signed by a licensed physician in good standing verifying that the licensee suffers from a disability or illness.

(B) The athletic trainers section may, as a condition of any waiver granted, require the applicant to make up a certain portion of the minimum continuing education requirements being waived for the renewal cycle.

(C) The deadlines in paragraphs (A)(1) and (A)(2) of this rule may be waived at the discretion of the athletic trainers section.

Effective 5/1/08 *Five Year Review (FYR) Date 4/1/20*

CHAPTER 4755-46

Delegation of Tasks

4755-46-01 Delegation of tasks to unlicensed persons.

(A) "Unlicensed personnel" means any person who is on the job trained and not holding a valid license to practice athletic training in Ohio under sections 4755.60 to 4755.65 of the Revised Code who supports the delivery of athletic training services by personally assisting the Ohio-licensed athletic trainer while the athletic trainer is concurrently providing services to the same individual.

(B) The Ohio-licensed athletic trainer performs the following, none of which may be assigned to unlicensed personnel.

- (1) Interpreting available information concerning the referral.
- (2) Performing the initial evaluation.
- (3) Initiating or adjusting treatment procedures or activities.

- (4) Planning patient care.
- (C) Unlicensed personnel may only be assigned routine duties and tasks that assist in the delivery of athletic training and operations, such as:
 - (1) Maintenance and care of equipment and supplies.
 - (2) Preparation, maintenance, and cleaning of treatment areas.
 - (3) Personally assisting the athletic trainer while the athletic trainer is concurrently providing services to the same individual.
- (D) Supervision of unlicensed personnel.
 - (1) Direct supervision from the Ohio-licensed athletic trainer is required whenever unlicensed personnel are performing activities related to the delivery of athletic training services identified in paragraph (C) of this rule.
 - (2) "Direct supervision" means at the same location and available to immediately respond to the needs of the individual.

Effective 5/1/14 Five Year Review (FYR) Date 4/1/19

4755-46-02 Athletic training students.

(A) A student is an unlicensed person. However, for purposes of the exemption from licensure contained in division (A)(3) of section 4755.65 of the Revised Code, a student need not be licensed if all the following requirements are met.

- (1) The student is enrolled in:
 - (a) A professional (entry-level) education program accredited by the commission on accreditation of athletic training education (CAATE); or
 - (b) An international professional (entry-level) education program located in a country that has entered into a mutual recognition agreement with the board of certification (BOC) and enrolled as a student at a program identified in paragraph (A)(1)(a) of this rule.
- (2) The student has not met the requirements to sit for the examination;
- (3) The activities and services performed by the student constitute a part of an approved course of study in accordance with paragraphs (B) and (C) of this rule;
- (4) Students are designated by titles which clearly indicate their status as a student.

(B) A student shall be supervised by an Ohio licensed athletic trainer. The supervising athletic trainer is responsible for planning, directing, and evaluating the student's athletic training experience. Supervision involves daily visual and audible contact at all sites at which the student provides services.

(C) Any documentation written by a student, must be countersigned by the supervising athletic trainer. Documentation shall include the student's signature and must be followed by a title which indicates student status.

(D) High school student are not "Students" for the purpose of the exemption from licensure provided by section 4755.65 of the Revised Code and this rule. High school students should be referred to as "student aides." High school student aides are unlicensed persons as defined in rules 4755-46-01.

Effective 7/1/15 Five Year Review (FYR) Date 7/1/20

CHAPTER 4755-47

Fees

4755-47-01 Duplicate license fee.

The fee for each additional copy of a wall certificate shall not exceed thirty dollars. The fee shall be submitted to the athletic trainers section along with the request for the duplicate wall certificate.

Effective 5/1/10 Five Year Review (FYR) Date 3/15/18

4755-47-02 License verification fee.

The fee to verify a license shall not exceed thirty dollars. The fee shall be submitted in a manner determined by the athletic trainers section. License verification fees are not refundable.

Effective 5/1/09 Five Year Review (FYR) Date 3/15/18

4755-47-03 Fee for mailing lists.

(A) The board will maintain a list of currently licensed athletic trainers along with the licensees' address. The fee for the list of athletic trainers licensed in Ohio shall not exceed the actual cost of duplication and mailing.

(B) Any person may obtain a copy of the athletic trainers license list by writing the board at: "Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, 77 South High Street, Sixteenth Floor, Columbus, Ohio 43215-6108," and submitting a cashier's check, business check, or money order made payable to "Ohio Treasurer of State" in the appropriate amount.

Effective 5/1/13 Five Year Review (FYR) Date 3/15/18

4755-47-04 License fee.

The initial licensing fee for an athletic trainer shall not exceed one hundred dollars. The prescribed fee shall be submitted to the board with the application for initial license. The initial license fee is not refundable and does not include any fee for license renewal

Effective 5/1/05 Five Year Review (FYR) Date 3/15/18

4755-47-05 Reinstatement fee.

The reinstatement fee shall not exceed one hundred fifty dollars. The prescribed fee shall be submitted to the board with the reinstatement application.

Effective 5/1/09 Five Year Review (FYR) Date 3/15/18

4755-47-06 Biennial renewal fee.

The biennial license renewal fee shall not exceed one hundred dollars for an athletic trainer. The prescribed fee shall be submitted to the board with the renewal application. The license renewal fee is not refundable.

Effective 5/1/05 Five Year Review (FYR) Date 3/15/18

CHAPTER 4755-48

Complaints

4755-48-01 Investigations and inspections.

(A) Pursuant to sections 4755.02 and 4755.64 of the Revised Code, the athletic trainers section shall investigate compliance with sections 4755.60 to 4755.65 of the Revised Code or any rule or order adopted by the athletic trainers section. The section shall also investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses, or reprimand, fine, or place a licensee on probation.

(B) Board investigators may conduct routine inspections at the work site of licensees to determine compliance with the laws and rules governing the practice of athletic training. Investigators will carry proper identification to be shown upon request.

(C) Routine inspections include, but are not limited to, checking the display of wall certificates; verifying proper supervision of unlicensed personnel; reviewing written documentation of services; checking for authorized licensed practitioner referrals.

(D) Investigations of complaints shall include search for specific evidence regarding the case. In accordance with division (A) of section 4755.02 of the Revised Code, the section may issue subpoenas to obtain copies of patient records and personnel files of licensees.

(E) All investigations shall be conducted pursuant to the laws and rules of the state of Ohio.

Effective 5/1/11 Five Year Review (FYR) Date 4/1/16

4755-48-02 Disciplinary procedures.

(A) Denial of an application for licensure or any proposed action against a license shall be in accordance with Chapter 119. of the Revised Code.

(1) Pursuant to section 119.07 of the Revised Code, a request for an administrative hearing on the proposed action shall be received by the athletic trainers section within thirty days of the mailing of the notice of opportunity for a hearing.

(2) If a request for an administrative hearing is not received by the athletic trainers section within thirty days of the mailing of the notice of opportunity for a hearing, the section, upon consideration of the charges cited, may take appropriate action in the absence of the applicant or licensee.

(3) Pursuant to section 4755.031 of the Revised Code, a person sanctioned under section 4755.64 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel.

(B) The athletic trainers section may deny, suspend, or revoke the license of an individual or reprimand, fine, or place a licensee on probation for violation of any provision of Chapter 4755. of the Revised Code or any lawful order or rule of the section.

(C) If the physical or mental condition of a license holder is at issue in a disciplinary proceeding, the athletic trainers section may order the license holder to submit to reasonable examinations by a health care practitioner designated or approved by the section.

(D) In the event the license of an athletic trainer is suspended or revoked by the athletic trainers section pursuant to violation of any provision of Chapter 4755. of the Revised Code or violation of any lawful order or rule of the section, the athletic trainer shall, upon receipt of the final order or rule of the athletic trainers section, within fourteen days surrender to the board office all evidence of the individual's license, including the wall certificate.

(E) In accordance with division (D) of section 4755.64 of the Revised Code, if the athletic trainers section determines that a license holder poses an immediate threat to the public, the section shall immediately suspend the license of the athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code. If the licensee fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license.

(F) The hearings and investigations related to sections 4755.60 to 4755.66 of the Revised Code shall be considered civil actions for the purposes of section 3123.43 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the athletic trainers section relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of Chapter 4755. of the Revised Code allegedly occurred are confidential and are not subject to discovery in any civil action.

(G) If requested by the athletic trainers section, the prosecuting attorney of a county, the village solicitor, or the city director of law of a municipal corporation, whenever a violation of Chapter 4755. of the Revised Code allegedly occurs, shall take charge of and conduct the prosecution.

(H) In addition to any other remedy provided in Chapter 4755. of the Revised Code, the athletic trainers section may request the attorney general or an appropriate prosecuting attorney to apply to an appropriate court for an order enjoining the violation of Chapter 4755. of the Revised Code. On a showing that a person has violated or is about to violate Chapter 4755. of the Revised Code, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings are in addition to all penalties and other remedies provided in Chapter 4755. of the Revised Code.

Effective 5/1/11

Five Year Review (FYR) Date 4/1/16