



REGULATORY UPDATE

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OF CERTIFICATION

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SCOTUS Denies Boards Antitrust Immunity

A Supreme Court decision in February said state licensing boards composed of market participants do not necessarily have immunity from antitrust laws. This decision has implications for the state regulatory boards governing athletic training and the Athletic Trainers and public members who serve.

In the case *North Carolina State Board of Dental Examiners v. Federal Trade Commission* (FTC), the FTC sued the state dental board for excluding non-dentists from the teeth-whitening market. The FTC argued that, because the board is composed mostly of dentists, its action was anticompetitive in nature. The dental board argued for its immunity from antitrust laws.

According to [SCOTUSblog](#),

Antitrust immunity generally covers non-state actors only if the state both (1) clearly articulates the anticompetitive policy, and (2) actively supervises the policy. This case deals with the second requirement. If a professional licensing board is a state agency, must another state

actor supervise the agency in order for the agency to be immune from the antitrust laws?

The Supreme Court ultimately ruled that the board's status as an agency of the state does not exempt it from supervisory requirements. According to the court's opinion, "When a State empowers a group of active market participants to decide who can participate in its market, and on what terms, the need for supervision is manifest."

In a [news release](#), the Federation of Associations of Regulatory Boards (FARB) said the Supreme Court decision "blurs the line between sovereign government agencies and private entities." The organization also said it is in the unique position to help state regulatory boards become compliant with the Supreme Court's ruling.

The [FARB Generic Model Practice Act](#), which has been updated as a result of the decision, "assists state agencies by suggesting sound uniform statutory language for protecting the public through professional regulation," FARB said.

Featured Stories

- [RSVP Today for BOC Regulatory Conference](#)
- [News in Brief](#)
- [Calendar of Events](#)
- [Continuing Education Providers to Be Held to a Higher Standard](#)
- [Electronic Verification a Quick Alternative to Written Verification](#)
- [Regulatory Network Offers Bill Tracking Feature](#)
- [Regulatory News: Federal and State Legislation](#)

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See You at this Summer's BOC Regulatory Conference, Where We Will Be 'Advancing Regulation in Your World'

Only a few days are left to register for the 2015 BOC Athletic Trainer Regulatory Conference! **The conference will be July 10-11, in Omaha, Nebraska.** The event is dedicated to growing a communication network among AT leadership and state regulatory agencies. This year's theme is "Advancing Regulation in Your World."

The event is open to all with an interest in athletic training regulation and will provide attendees the opportunity to learn more about how states regulate the profession. Fees are \$200 for general attendees and \$100 for students. Registration is due June 15th. To see the agenda or to register, visit www.bocatc.org/conference.

BOC News In Brief

2014-2015 Exam Report

The annual exam report for the BOC's 2014-2015 testing year has been released.

BOC Reporting Period Ends December 31st

As of January 1, 2014, Athletic Trainers (ATs) are required to submit 50 continuing education units (CEUs) every two years. Previously, the BOC used a 3-year reporting period. An Evidence Based Practice (EBP) continuing education category is effective for the current reporting period. Out of the 50 required CEUs, at least 10 CEUs must be BOC approved in the EBP category.

The next deadline for CEUs is December 31, 2015.

Is It Time to Update Your Contact Information?

Visit the [State Regulatory Agencies](#) page of the BOC website, and click on your state to view contact information and links to your agency. If you find an error, please contact our office immediately with the correct information

by emailing Stacy Arrington, StacyA@bocatc.org.

Need to Reach ATs?

The BOC can help you get important information to ATs. We can share your announcements using one or more of the following communication tools:

- [BOC website](#) - Updated frequently
- BOC social media – Includes [Facebook](#), [Twitter](#), [LinkedIn](#), [YouTube](#) and [Pinterest](#)
- [Cert Update](#) - Published twice a year and distributed to more than 40,000 ATs. Contact our office for deadlines
- District e-blasts - Sent following each district meeting. Contact our office for deadlines

Questions? Need help?

Please contact Stacy Arrington or Shannon Leftwich if you have questions or need assistance. Our toll-free number is (877) 262-3926 ext. 113 or ext. 114, respectively, and our email addresses are StacyA@bocatc.org and ShannonL@bocatc.org.



Calendar of Events

National Athletic Trainers' Association 66th Clinical Symposia & AT Expo

June 23-June 26, 2015
St. Louis, Missouri

www.nata.org/annual-meeting

BOC Athletic Trainer Regulatory Conference

July 10-11, 2015
Omaha, Nebraska

www.bocatc.org/conference

Council on Licensure, Enforcement and Regulation (CLEAR) 2015 Annual Educational Conference

September 17-19, 2015
Boston, Massachusetts

www.clearhq.org/event-799422

Continuing Education Providers to Be Held to Higher Standard

BOC Approved Providers will be held to a higher standard for their continuing education programs beginning in 2016.

The BOC Board of Directors recently approved the new *Standards for BOC Approved Providers*, following modifications that resulted from a public comment period in the fall of 2013. The new standards require BOC Approved Providers to enhance aspects of administration, business practices, content, development and instruction, assessment, and review and evaluation – all to advance the BOC mission of assuring protection of the public.

“The purpose of the new standards is to ensure consistency and promote the highest quality programming for ATs,” said BOC Executive Director Denise Fandel. “By holding Approved Providers more accountable, we are raising the bar for the athletic training profession.”

The new standards will not affect ATs’ certification maintenance requirements. Rather, ATs may notice some changes in the CE programs themselves. For example, ATs will notice greater transparency in the programs they take. Providers will be required to publish objectives and to provide assessments that focus on how programming affects athletic training practice in a way that benefits patients/athletes.

BOC Approved Providers will be required to demonstrate that their educational materials are appropriate for their objectives and that program outcomes are accomplished. In addition, providers will assess participants and give feedback based on the assessment.

The new standards take effect January 1, 2016. For complete information, visit the [BOC website](#).

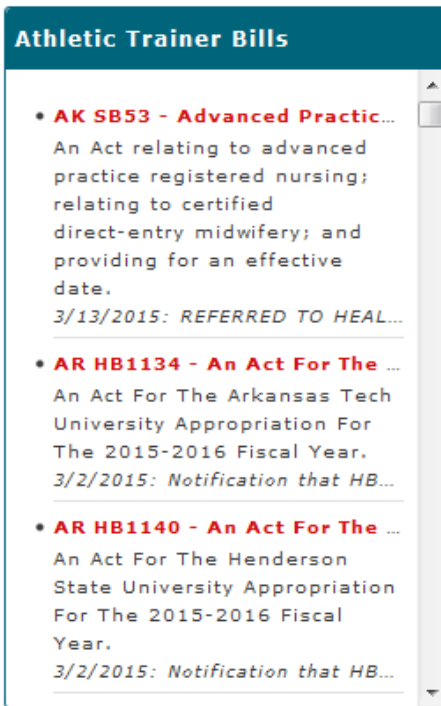
Electronic Verification a Quick Alternative to Written Verification

Does your state regulatory agency accept electronic verifications? This method of **certification verification** is quicker than written verification because requests are processed immediately upon receipt. Electronic verification is also less expensive for the Athletic Trainer.

If electronic verification is allowed, Athletic Trainers may request official verification of their current certification status for state licensure or employment purposes by submitting a formal request to the BOC.

To learn more about how your state can offer electronic verifications, please contact the BOC.

The following state regulatory agencies ACCEPT electronic verifications:		The following state regulatory agencies DO NOT ACCEPT electronic verifications:	
Arkansas	Maryland	Alabama	New Mexico
Colorado	Minnesota	Alaska	New York
Connecticut	Missouri	Arizona	North Carolina
Delaware	Montana	California	North Dakota
Florida	Nebraska	Hawaii	Oregon
Georgia	Ohio	Illinois	Rhode Island
Idaho	Oklahoma	Louisiana	South Carolina
Indiana	Pennsylvania	Maine	South Dakota
Iowa	Texas	Massachusetts	Tennessee
Kansas	Vermont	Michigan	Utah
Kentucky	Virginia	Mississippi	Washington
	Wyoming	Nevada	West Virginia
		New Hampshire	Wisconsin
		New Jersey	



Regulatory Network Offers Bill Tracking Feature

As you may have noticed, the BOC has placed a list of 2015 Athletic Trainer related bills on the State Regulatory Network home page (see picture above). These bills contain "Athletic Trainer" in some form or fashion. We hope that you find this new feature helpful.

The BOC is curious to know what other terms might be used to search for a legislative bill or new regulation relevant to Athletic Trainers. If you have knowledge of different terms used in your state, please share these terms with the State Regulatory Network. Examples of other terms include healthcare provider, profession, etc.

As always, we would appreciate any feedback you have regarding this new feature or anything regarding the State Regulatory Network. Email your comments to Shannon at ShannonL@bocatc.org.

Regulatory News

Federal Legislation

SAFE PLAY (Supporting Athletes, Families and Educators to Protect the Lives of Athletic Youth) Act

The SAFE PLAY Act recommends a multidisciplinary approach to research and federal support to ensure student athletes' safety in schools. Introduced in the U.S. Senate and U.S. House on February 10, 2015, the SAFE PLAY Act has been referred to committee by both bodies.

NATA supports the SAFE PLAY Act and summarizes it accordingly:

This legislation specifically helps school districts develop and implement concussion safety and management teams and plans and encourages increased surveillance efforts for life-threatening cardiac conditions in children. The bill also directs the Centers for Disease Control and Prevention (CDC) and the Department of Health and Human Services (HHS) to recommend guidelines for the development of emergency action plans; create and distribute information on health risks linked to excessive heat and humidity; and develop information and guidelines on energy drink consumption.

Follow this bill in the U.S. House and U.S. Senate: [H.R. 829](#) / [S. 436](#)

Sports Medicine Licensure Clarity Act

The Sports Medicine Licensure Clarity Act clarifies medical liability rules for Athletic Trainers and medical professionals to ensure they are properly covered by their malpractice insurance while traveling with athletic teams in another state.

Medical liability insurance does not cover ATs who travel with their teams to another state if they are not licensed in that state. NATA, in voicing support for the bill, **said** ATs "must choose between either treating injured athletes at great professional risk or abandoning the teams to whom they provide care. Congress must pass legislation that provides legal protection for Athletic Trainers and other sports medicine professionals who deliver care to athletic teams across state lines."

The bill was introduced in the U.S House in February and in the U.S. Senate in March. It has been referred to committee by both bodies.

Follow this bill: [H.R. 921](#) / [S. 689](#)

Secondary School Student Athletes' Bill of Rights

The Secondary School Student Athletes' Bill of Rights establishes 10 best practices for making secondary school athletics safer. It was introduced in the U.S. House and U.S. Senate in February. Both bodies have referred the resolution to committee.

These practices address coaching; pre-participation exams; safety of facilities, equipment, uniforms and playing environments; privacy of health information; the unacceptability of "playing through pain" without a medical assessment; access to immediate medical assessments by qualified professionals; and access to information about the benefits and risks of participation.

Follow this resolution: [H. Res. 112](#) / [S. Res. 83](#)

State Legislation

In addition to the above bills and resolution introduced at the federal level, many more have been introduced in a majority of states this year. Thirty states have had at least 1 bill containing "Athletic Trainer" in its language, for a total of 145 bills. Of these, 95 are relevant to the profession. Twelve states have had bills directly relating to their AT practice acts. These states are listed below, along with applicable bill numbers, web addresses for bill summaries and information about BOC action taken.

In other state regulatory action, Alaska is currently writing rules and regulations relating to its licensure law passed last year. Washington and Ohio also revised their rules and regulations.

State	Bill Number	Bill Summary	BOC Action
AK	Not applicable		Reviewed rules and regulations and provided comments; provided fee data for all states
CA	AB161	https://www.billtrack50.com/BillDetail/555636	Provided disciplinary data; sent support letter to Chair of Business and Professions Committee
CO	SB113	https://www.billtrack50.com/BillDetail/563156	Sent opposition letter to Governor's office and copied the Colorado Department of Regulatory Activities (DORA)
FL	H0541 (passed)	https://www.billtrack50.com/BillDetail/571499	Reviewed bill and provided comments
	S1526	https://www.billtrack50.com/BillDetail/603266	
IL	HB3802	https://www.billtrack50.com/BillDetail/603325	
MA	S1216	https://www.billtrack50.com/BillDetail/634858	
MD	HB422	https://www.billtrack50.com/BillDetail/579806	
	SB717	https://www.billtrack50.com/BillDetail/584057	
	HB1103	https://www.billtrack50.com/BillDetail/590694	
MI	HB4263	https://www.billtrack50.com/BillDetail/602649	
MO	SB505	https://www.billtrack50.com/BillDetail/600264	
ND	2295 (passed)	https://www.billtrack50.com/BillDetail/550199	
NY	A01266	https://www.billtrack50.com/BillDetail/535730	
	S03632	https://www.billtrack50.com/BillDetail/589968	
	S04499	https://www.billtrack50.com/BillDetail/627596	
RI	H5900	https://www.billtrack50.com/BillDetail/621219	Sent opposition letter to Governor's office and Finance Committee Chairs
WA	Not applicable		Reviewed rules and regulations and provided comments
WV	HB2746	https://www.billtrack50.com/BillDetail/589659	Sent letter to Delegate Bob Ashley regarding bill language; sent disciplinary data for a sunrise application
	SB506	https://www.billtrack50.com/BillDetail/591888	
	SB557	https://www.billtrack50.com/BillDetail/597876	