



Board of Certification, Inc.

# PROFESSIONAL PRACTICE AND DISCIPLINE GUIDELINES

Version 2.4 - Effective September 1, 2016  
Updated May 2016



# TABLE OF CONTENTS

Introduction . . . . .	3
Section 1: Professional Practice and Discipline Committee . . . . .	3
Section 2: Investigation . . . . .	4
Section 3: Charge . . . . .	5
Section 4: Consent Agreements . . . . .	5
Section 5: Conviction of a Crime or Professional Discipline . . . . .	6
Section 6: Hearings . . . . .	8
Section 7: Appeals . . . . .	9
Section 8: Forms of Discipline . . . . .	10
Section 9: Impaired Practitioner . . . . .	11
Section 10: Required Action After Suspension . . . . .	13
Section 11: Status Definitions . . . . .	14
Section 12: Reinstatement . . . . .	14
Section 13: Confidentiality of Proceedings . . . . .	15
Section 14: General Provisions . . . . .	16

BOCC

Cover photo courtesy of Mark Baylor under a Creative Commons license, [www.flickr.com/photos/baylors](http://www.flickr.com/photos/baylors)

# PPD GUIDELINES

---

## INTRODUCTION

The *BOC Professional Practice and Discipline Guidelines and Procedures* are intended to inform BOC Certified Athletic Trainers, BOC exam applicants, consumers of athletic training services and members of the public of the disciplinary guidelines and procedures.

## SECTION 1: PROFESSIONAL PRACTICE AND DISCIPLINE COMMITTEE

### 1.1 Function and Jurisdiction of the Professional Practice and Discipline Committee

The Professional Practice and Discipline Committee (referred to herein as “PPD Committee”) is responsible for the oversight and adjudication of the *BOC Professional Practice and Discipline Guidelines and Procedures* (referred to herein as *Procedures*) and the *BOC Standards of Professional Practice*, which consists of the Practice Standards and the Code of Professional Responsibility. The PPD Committee has jurisdiction over all BOC Certified Athletic Trainers (referred to herein as AT or ATs) and both current and prospective BOC exam applicants.

### 1.2 Powers and Duties of the PPD Committee

The PPD Committee shall be authorized and empowered to:

- 1.2.1 Review and decide cases involving alleged violations of the *BOC Standards of Professional Practice* and impose sanctions as appropriate;
- 1.2.2 Review sanctions imposed for failure to comply with recertification requirements pursuant to Section 10;
- 1.2.3 Regularly report to the BOC Executive Director on the operation of the PPD Committee;
- 1.2.4 Propose amendments to the *Procedures*, subject to review and approval of the BOC Executive Director and BOC Legal Counsel, and adoption by the BOC Board of Directors; and
- 1.2.5 Adopt such other rules or procedures as may be necessary or appropriate to govern the internal operations of the PPD Committee.

### 1.3 Selection and Term Limits

The BOC Board of Directors, by a majority vote, shall appoint five persons who are ATs in good standing and two members of the public for a three year term to the PPD Committee with the ability to serve no more than a maximum of three consecutive terms. The terms shall be staggered. The BOC Board of Directors shall designate one AT member to serve as the Chair of the PPD Committee. The term for the Chair will be three years with the ability to serve no more than a maximum of two consecutive terms as Chair. The Chair must have previously served on the PPD Committee. The Chair will only vote when there is a tie vote among the other PPD Committee members.

When a vacancy on the PPD Committee occurs as a result of resignation, unavailability or disqualification, the BOC Executive Director shall designate a new member in coordination and compliance with the BOC Nominating Committee.

# PPD GUIDELINES

---

## SECTION 2: INVESTIGATION

### 2.1 Filing a Complaint

Individuals shall report possible violations of the *BOC Standards of Professional Practice* in a written and signed statement addressed to the BOC. This statement shall identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail as possible and should include any available documentation. You may file a complaint on the BOC website, [www.bocatc.org](http://www.bocatc.org), or you may contact the BOC office to obtain a complaint form.

The BOC may undertake an investigation or initiate a disciplinary proceeding without a complaint in the event it receives or discovers information indicating that a violation of the *BOC Standards of Professional Practice* may have occurred.

### 2.2 Procedures for Investigation

#### 2.2.1 Preliminary Review

The BOC shall review all complaints and information concerning a possible violation of the *BOC Standards of Professional Practice*. In making a determination of whether to proceed, the BOC shall make such inquiry regarding the underlying facts as it deems appropriate. If the BOC chooses not to investigate a complaint, no file shall be opened and the Complainant shall be notified of the BOC's decision.

#### 2.2.2 Investigation

If, upon completion of its preliminary review, the BOC determines that the information and allegations, if true, describe facts that would constitute a violation of the *BOC Standards of Professional Practice*, the BOC shall initiate an investigation. Notice: Upon initiation of an investigation, the BOC shall notify the Respondent as well as the Complainant that it has decided to conduct an investigation. This notification shall be in writing and shall include a description of the allegations or information received by the BOC and may request additional information from the Respondent and/or Complainant. The identity of the Complainant will remain confidential to the extent consistent with a proper and thorough investigation. The Respondent and/or Complainant shall have 15 calendar days from the date notification is sent to respond in writing to the complaint. The BOC may extend this period up to an additional 15 calendar days upon request, provided sufficient justification for the extension is given prior to the expiration of the original deadline.

2.2.2.1 Response: Upon receipt of a response admitting the allegations in the complaint, the BOC shall refer the matter to the PPD Committee and the Respondent may request, or be requested to, enter into a Consent Agreement as outlined in Section 4. All other responses will be considered in the investigation.

#### 2.2.3 Probable Cause Determination Procedures

Upon the completion of its investigation, the BOC shall determine if there is probable cause to believe grounds for discipline exist and shall either:

- 2.2.3.1 Dismiss the case due to insufficient evidence, the matter being insufficiently serious, or other reasons as may be warranted;
- 2.2.3.2 Begin preparation and processing of a Charge against the Respondent in accordance with Section 3; or
- 2.2.3.3 Offer a Consent Agreement as outlined in Section 4.

# PPD GUIDELINES

---

## SECTION 3: CHARGE

### 3.1 Charge

A Charge letter shall be prepared by the BOC. The Charge letter shall contain a statement of the factual allegations constituting the alleged violation and the standard or code allegedly violated. The Charge letter shall also include a recitation of the Respondent's rights and shall enclose a copy of these *Procedures*.

### 3.2 Service of the Charge Letter

The Charge letter shall be transmitted to the Respondent by certified mail or tracked courier, return receipt requested, or by secure electronic delivery with receipt verification (e.g. DocuSign).

### 3.3 Response

The Respondent shall have 30 calendar days from the date of receipt or delivery of the Charge in which to respond to the allegations, provide comments regarding appropriate sanctions or request a hearing. The BOC may extend this period up to an additional 15 calendar days upon request, provided sufficient justification for the extension is given prior to the expiration of the original deadline. All responses shall be in writing. Hearings are available only if the Respondent disputes the truth of the factual allegations underlying the Charge.

### 3.4 Failure to Respond

If the Respondent fails to respond within the period provided by Section 3.3, the Respondent shall be deemed to be in default and the allegations set forth in the Charge shall be deemed admitted. In such circumstance, the BOC shall serve upon the Respondent a notice of default specifying the form of discipline (see Section 8), if any, to be imposed and informing the Respondent of his/her right of appeal.

### 3.5 Consent Agreement

If the Respondent does not dispute the factual allegations outlined in the Charge letter, the Respondent shall be requested to enter into a Consent Agreement as outlined in Section 4.

## SECTION 4: CONSENT AGREEMENTS

### 4.1 Consent Agreement

At any time during a disciplinary proceeding, the BOC may execute a Consent Agreement with the Respondent. A Consent Agreement is a voluntary and legally binding agreement between the BOC and the Respondent which formally resolves a Charge or investigation without further proceedings. Consent Agreements may be initiated by either the BOC or a Respondent. Consent Agreements may be entered into only with the consent of the Respondent, the PPD Committee and the Executive Director.

Any remedy, penalty or sanction that is otherwise available under these *Procedures* may be achieved by Consent Agreement, including long-term suspension. A Consent Agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original Consent Agreement. A Consent Agreement may be enforced by either party in an action at law or equity.

# PPD GUIDELINES

---

## 4.2 Offer of Consent Agreement

The BOC may propose entry into a Consent Agreement at any time during the disciplinary process, including but not limited to the conclusion of an investigation, at the time of service of a Charge letter, upon receipt of the Response to the Charge letter, or during the Hearing or Appeals process. Every Consent Agreement shall contain and describe in reasonable detail:

- 4.2.1 The act or practice which the Respondent is alleged to have engaged in or omitted;
- 4.2.2 The standard(s) or code(s) that such act, practice or omission to act is alleged to have been violated;
- 4.2.3 A statement that the Respondent does not contest the factual allegation(s) and violation(s) as outlined by 4.2.1 and/or the BOC's findings regarding the factual allegations;
- 4.2.4 The proposed action to be taken and a statement that the Respondent consents to the proposed action; and
- 4.2.5 The Respondent's waiver of all right of appeal within the BOC or the judicial system or to otherwise challenge or contest the validity of the Consent Agreement.

## 4.3 Publication

Although Consent Agreements typically remain confidential, the BOC may determine that circumstances exist in which publication is warranted. The terms of each Consent Agreement will specify the degree of confidentiality accorded each agreement.

## SECTION 5: CONVICTION OF A CRIME OR PROFESSIONAL DISCIPLINE

### 5.1 Duty to Report Criminal Charge, Conviction or Professional Discipline

#### 5.1.1 Duty to Report Criminal Charge

An AT or BOC applicant who is charged with a serious crime as defined in Section 5.3.1 below, shall notify the BOC of such charge within 10 calendar days after the date on which the Respondent is notified of the charge.

#### 5.1.2 Duty to Report Criminal Conviction or Professional Discipline

An AT or BOC applicant who is convicted of any crime (with the exception of misdemeanor traffic offenses or traffic ordinance violations that do not involve the use of alcohol or drugs), or who becomes subject to any professional discipline, shall notify the BOC in writing of such conviction or professional discipline within 10 calendar days after the date on which the Respondent is notified of the conviction or professional discipline.

### 5.2 Commencement of Disciplinary Proceedings Upon Notice of Charge, Conviction or Professional Discipline

Upon receiving notice that an AT or BOC applicant has been charged with a serious crime (as defined in Section 5.3.1) or convicted of a crime other than a serious crime or has been subject to professional discipline other than suspension (as defined in Section 5.3.2), the BOC shall commence an investigation. If the conviction is for a serious crime or if a Respondent has received a professional suspension, the BOC shall obtain the record of conviction or proof of suspension and initiate disciplinary proceedings against the Respondent as provided in Section 3. If the Respondent's criminal conviction or professional suspension is either admitted or proved as provided in Section 5.4, the Respondent shall have no right to a hearing before the Hearing Panel.

## **5.3 Conviction of Serious Crime or Professional Suspension – Immediate Suspension**

Upon receiving notification of a Respondent's conviction of a serious crime or professional suspension, the BOC may, at its discretion, issue a notice to the convicted or suspended AT or BOC applicant directing that the Respondent show cause why the Respondent's right to use the ATC® certification mark should not be immediately suspended or BOC exam eligibility be denied pursuant to Section 8.

### **5.3.1 Serious Crime Defined**

The term serious crime as used in these rules shall include: 1) any felony; 2) a misdemeanor related to public health, patient care, athletics or education. This includes, but is not limited to: rape; sexual or physical abuse of a child or patient; actual or threatened use of a weapon of violence; the prohibited sale or distribution of controlled substance, or its possession with the intent to distribute; or the use of the position of an AT to improperly influence the outcome or score of an athletic contest or event or in connection with any gambling activity; and/or an attempt, conspiracy, aiding and abetting, or solicitation of another to commit such an offense.

### **5.3.2 Definition of a Professional Suspension**

A professional suspension as used herein shall mean the Respondent's license to provide athletic training or other healthcare services has been suspended or barred by a governmental or industry self-regulatory authority.

## **5.4 Proof of Conviction or Professional Discipline**

Except as otherwise provided in these *Procedures*, an original or authenticated copy of a certificate or other writing from the clerk of any court of criminal jurisdiction indicating that an AT or applicant has been convicted of a crime in that court, or an original or authenticated copy of a letter or other writing from a governmental or industry self-regulatory authority to the effect that an AT or applicant has been subject to professional discipline or suspension by such authority, shall constitute conclusive proof of the existence of such conviction or such professional discipline for purposes of these disciplinary proceedings.

## **5.5 Applicants with Prior Criminal Conviction or Professional Discipline**

A BOC applicant who has a prior conviction of any crime (with the exception of misdemeanor traffic offenses or traffic ordinance violations that do not involve the use of alcohol or drugs), or who has been subject to any professional discipline, shall select "Yes" to Question 1 and/or Question 2 of the Affidavit section of the BOC Exam Application.

### **5.5.1 Commencement of Disciplinary Proceedings upon Notice of Prior Conviction or Professional Discipline to Determine Exam Eligibility**

The BOC Applicant shall submit an explanation of the events that led to the conviction and copy of court document(s), including, but not limited to, an arrest report, sentence recommendation, proof of compliance of all court requirements and proof of payment for all related fines. The Committee may request additional documentation at any time during the proceedings.

5.5.1.1 The Committee will review each case to determine exam eligibility.

5.5.1.2 The Committee may grant exam eligibility and if necessary, may impose discipline once the Applicant is certified. Possible forms of discipline are outlined in Section 8.

5.5.1.3 The Committee may deny exam eligibility. If exam eligibility is denied the Applicant has 30 calendar days to appeal. See Section 7 for appeal procedures.

# PPD GUIDELINES

---

## 5.5.2 Predetermination of Applicant Eligibility

Individuals with a conviction and/or professional discipline may request a predetermination of eligibility at any time by submitting documentation, as outlined in 5.5.1, prior to submitting an application. Upon review, the Committee will provide the individual written notification of exam eligibility. In the event that additional information is discovered regarding the conviction and/or professional discipline the notification is null and void. The notification does not guarantee exam eligibility.

## SECTION 6: HEARINGS

Hearings are conducted only in cases where the Respondent disputes the truthfulness of the facts underlying the Charge. Respondents wishing to have a hearing must request a hearing in writing in Response to the Charge Letter. Hearings are conducted orally by telephone conference call. A hearing may be conducted in person at the BOC office in Omaha, Nebraska, if the BOC determines that exceptional circumstances exist which warrant such a hearing.

### 6.1 Notice

The BOC shall:

- 6.1.1 Forward any Response containing a valid request for a hearing and the Charge letter to the Hearing Panel;
- 6.1.2 Schedule a hearing before the Hearing Panel; and
- 6.1.3 Send by certified mail or tracked courier, return receipt requested or by secure electronic delivery with receipt verification (e.g. DocuSign), a Notice of Hearing to the Respondent.
  - 6.1.3.1 The Notice of Hearing shall include a statement of the date and time of the hearing. The BOC will endeavor to schedule the hearing on a mutually agreeable time and date.

### 6.2 Designation of a Hearing Panel

Upon receipt of a request for a hearing that complies with the requirements of Section 3.3, above, the BOC Executive Director shall appoint a Hearing Panel. The Panel shall comprise five members, including three ATs and two members of the public. The BOC Executive Director shall designate one of the AT members to serve as the Chair for the Hearing Panel. The Chair shall only vote in the event of a tie among the other Hearing Panel members.

- 6.2.1 The Hearing Panel may be established as a standing Panel.
- 6.2.2 The BOC Executive Director may also appoint up to eight non-voting substitute members.
- 6.2.3 When a vacancy of a full member occurs in the Hearing Panel as a result of resignation, unavailability or disqualification, the BOC Executive Director shall designate a substitute member to serve in the full member's place.

### 6.3 Procedure and Proof

- 6.3.1 The Hearing Panel shall maintain an audio-taped or written transcript of the proceedings.
- 6.3.2 The BOC and the Respondent or their agent(s) may make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements and present written briefs as scheduled by the Hearing Panel.
- 6.3.3 The Hearing Panel shall determine all matters relating to the hearing by majority vote. The hearing shall be conducted on the record. Formal rules of evidence shall not apply. Relevant evidence may be admitted.



# PPD GUIDELINES

---

## 6.4 Decision

- 6.4.1 Decisions by the Hearing Panel shall be in writing and shall include, as appropriate, factual findings, conclusions of law and any form(s) of discipline applied.
- 6.4.2 Decisions by the Hearing Panel shall be transmitted to the Respondent by certified mail or tracked courier, return receipt requested, or by secure electronic delivery with receipt verification (e.g. DocuSign).

## 6.5 Expenses

Each party shall bear its own travel, legal and other expenses related to the hearing.

## SECTION 7: APPEALS

The Respondent may appeal a decision by the Hearing Panel, a decision rendered by the PPD Committee regarding the imposition of discipline, or an entry of default by the BOC. Consent Agreements and any Orders accompanying them, are not subject to appeal. All appeals are based on the record before the Hearing Panel or PPD Committee. New or additional evidence is permitted only in exceptional circumstances and in the interests of justice.

### 7.1 Appeals Procedure

- 7.1.1 An appeal must be postmarked within 30 calendar days of the Respondent's receipt of a Hearing Panel or PPD Committee decision or a BOC entry of default through the submission of a written appeal statement to the BOC Executive Director. The appeal statement must set forth the grounds on which the appeal is based and the specific relief requested.
- 7.1.2 The BOC Executive Director may file a written response to the appeal statement of the Respondent.
- 7.1.3 The Appeals Panel shall render a decision on the record without oral hearing, although written briefing may be submitted.

### 7.2 Designation of Appeals Panel

Upon receipt of a valid appeal statement, the BOC Board of Directors shall select three of its members to serve on an Appeals Panel. The Appeals Panel shall include at least one Athletic Trainer Director and one Public Director.

### 7.3 Decision

The decision of the Appeals Panel shall be rendered in writing. A decision by the Appeals Panel shall contain, as appropriate, factual findings, conclusions of law and any form(s) of discipline applied. It shall be transmitted to the Respondent by certified mail or tracked courier, return receipt requested, or by secure electronic delivery with receipt verification (e.g. DocuSign). The Appeals Panel decision shall be final. The Appeals Panel may make the following decisions:

- 7.3.1 Affirm PPD Committee/Hearing Panel decision; or
- 7.3.2 Reverse the PPD Committee/Hearing Panel decision; or
- 7.3.3 Refer the case back to the PPD Committee/Hearing Panel for further investigation and resolution with full right of appeal; or
- 7.3.4 Modify the decision but not in a manner that would be more adverse to the Respondent; or
- 7.3.5 Vacate an entry of default by the BOC.

# PPD GUIDELINES

---

## SECTION 8: FORMS OF DISCIPLINE

A violation of the *BOC Standards of Professional Practice* may result in one or more of the Forms of Discipline listed below. In imposing discipline, the BOC may consider any aggravating and/or mitigating circumstances, including the underlying facts, decision and discipline imposed in any previous disciplinary or criminal proceeding before the PPD Committee, Hearing Panel, Appeals Panel or any other regulatory body or court. All forms of discipline may be appealed as set forth in Section 7.

### 8.1 Suspension

The BOC may suspend certification in an Order of Suspension. The Order of Suspension shall state clearly and with reasonable particularity the grounds for suspension. The Order of Suspension also shall state the time at which the Respondent may petition for reinstatement under Section 12 of these *Procedures*. It shall be standard procedure to publish Suspensions. Should the PPD Committee and/or BOC Executive Director determine that there is cause to believe that a threat of immediate and irreparable injury to the health of the public exists, the PPD Committee and/or BOC Executive Director shall immediately place the Respondent's certification on Suspension prior to a final disciplinary decision.

8.1.1 Should an individual voluntarily surrender certification as outlined in a Consent Agreement (Section 4), the certification is **Suspended**.

8.1.2 Should an individual have a petition for reinstatement from suspension denied two times, the certification is permanently **Revoked**.

### 8.2 Denial of Eligibility

The BOC may deny a BOC applicant eligibility to sit for the BOC exam either permanently or for a specified period of time in an Order of Denial. The Order of Denial shall state clearly and with reasonable particularity the grounds for the denial of eligibility.

### 8.3 Private Censure

The BOC may issue a Private Censure. A Private Censure shall be an unpublished written reprimand from the BOC to the Respondent.

### 8.4 Public Censure

The BOC may issue a Public Censure. A Public Censure shall be a written reprimand from the BOC to the Respondent. It shall be standard procedure to publish Public Censures.

### 8.5 Probation

The BOC may place a Respondent on Probation. Probation may include the setting of conditions that must be met in a specific period of time not to exceed three years. A Respondent on probation is required to complete an Annual Probation Report. A report form is provided at the time the Probation is issued.

### 8.6 Sanctions

The BOC may issue sanctions that include but are not limited to one or more of the following:

8.6.1 Mandatory audit participation of a specified reporting period;

8.6.2 Educational course requirements to be completed and reported by a specified date;

# PPD GUIDELINES

---

- 8.6.3 Other training, treatment and/or corrective action;
- 8.6.4 Payment of unpaid certification fee(s);
- 8.6.5 Annual reporting of a specified number of continuing education units to be submitted by a specified date.

## **SECTION 9: IMPAIRED PRACTITIONER (SECTION EFFECTIVE JANUARY 1, 2008)**

With regard to its charge to protect the public, it is the policy of the BOC to discipline and/or restrict the practice of any BOC Certified Athletic Trainer with an impairment that prevents him or her from practicing athletic training with reasonable skill.

### **9.1 Definitions**

- 9.1.1 "Impaired practitioner" is defined as a person with a physical or mental condition, including deterioration through aging, loss of motor skill, or excessive use or abuse of drugs including alcohol, that prevents one from practicing athletic training with reasonable skill and safety to patients. (*Modified from definition of American Medical Association, 1972*)
- 9.1.2 Types of impairments may include, but are not limited to:
  - 9.1.2.1 Substance abuse;
  - 9.1.2.2 Personality disorders – disruptive behavior;
  - 9.1.2.3 Physical impairments;
  - 9.1.2.4 Psychological impairments.
- 9.1.3 "Governing authority" is defined as the entity responsible for overseeing the practice regulations of the Athletic Trainer in question. In many cases the governing authority will be identified in the regulatory legislation of the state, province or jurisdiction in which the Athletic Trainer practices.
- 9.1.4 "Reasonable skill" is defined as entry-level competence.

### **9.2 Scope of BOC Responsibilities**

- 9.2.1 Restrictions or discipline primarily shall be the responsibility of the governing authority; in general, the BOC will respond to the governing authority's actions.
- 9.2.2 The BOC shall act in the public's interest by forwarding all complaints or allegations of impairment to the appropriate governing authority.
  - 9.2.2.1 The BOC will accept the determination of the governing authority of the validity of a complaint or allegation of impairment.
- 9.2.3 In the event the governing authority disciplines or restricts the practitioner's ability to provide AT services, the BOC generally shall likewise discipline or restrict the practitioner's certification.
  - 9.2.3.1 Certification restrictions or discipline shall be established by the BOC in a manner consistent with the restrictions or sanctions rendered by the state governing authority. These restrictions may include:
    - 9.2.3.1.1 Imposition of discipline as outlined in Section 8.
- 9.2.4 Where the governing authority has sanctioning authority, the BOC may restrict or discipline a practitioner's certification in the absence or presence of restriction or discipline by the governing authority.
- 9.2.5 In the absence of a governing authority, the BOC shall follow the *BOC Professional Practice and Discipline Guidelines and Procedures* with regard to complaints or allegations of impairment.

## 9.3 Reporting Guidelines

- 9.3.1 Early intervention for the impaired practitioner may enhance recovery and will protect the safety of the public. Thus, reporting should occur when there is a reasonable suspicion of impairment.
- 9.3.2 Decreased clinical judgment, inappropriate behavior or diminished psychomotor skills are the hallmarks of impairment and generally should lead to reporting.
- 9.3.3 Strict adherence to the definition of impaired practitioner should be followed; however, illnesses, disabilities or other conditions that do not hamper the practitioner's ability to competently practice as an AT should not be reported.
- 9.3.4 Reporting of an impaired practitioner may occur through:
  - 9.3.4.1 Self-reporting;
  - 9.3.4.2 Reporting from another practitioner;
  - 9.3.4.3 Reporting from a patient;
  - 9.3.4.4 Reporting from other sources with personal knowledge or reasonable suspicion of impairment.
- 9.3.5 Upon the development of a reasonable suspicion of impairment, complaints or allegations of impairment should be directed or sent promptly to the governing authority, with a copy to the BOC. Where there is no governing authority, complaints or allegations of impairment should be directed or sent promptly to the BOC.

## 9.4 Purpose and Application of Discipline and Restrictions

- 9.4.1 Protect the public.
- 9.4.2 In response to action by an appropriate governing authority or on its own initiative, the BOC shall impose discipline or restrictions necessary to protect the public.
- 9.4.3 BOC discipline and/or restrictions shall be clearly associated with the practitioner's behavior demonstrating incompetence or the potential for endangerment to the public.
- 9.4.4 Protect the individual.
- 9.4.5 Discipline and/or restrictions shall not unduly restrict/penalize an individual in areas of practice where he/she is safely and competently performing duties or providing a service.
- 9.4.6 Discipline and/or restrictions shall afford the practitioner the opportunity for rehabilitation or retraining if possible or practicable. The practitioner may be required to participate in a recovery program related to the impairment. This program may be established by the employer, state or private sector but must be approved by the governing authority or the BOC.
  - 9.4.6.1 Where a discipline includes mandatory participation in a recovery program, it is the responsibility of the impaired practitioner to enroll in the recovery program.
    - 9.4.6.1.1 Recovery or treatment programs must include:
      - 9.4.6.1.1.1 A monitoring system to track progress of the impaired practitioner.
      - 9.4.6.1.1.2 The submission of reports of compliance and progress to the governing authority.
    - 9.4.6.1.2 The BOC may require evidence or verification that the practitioner has completed a treatment program related to the impairment.
- 9.4.7 Following completion of any program or treatment requirements and demonstration of competence to practice, the BOC will adjust the certification status appropriately.

# PPD GUIDELINES

---

## 9.5 Professional Review and Monitoring

- 9.5.1 Upon receipt of a report or decision of impairment by the governing authority, the BOC will follow the *BOC Professional Practice and Discipline Guidelines and Procedures* to determine the appropriate discipline or restrictions that may be imposed upon the practitioner.
- 9.5.2 The BOC shall maintain confidentiality regarding impaired practitioners consistent with the law, its ability to investigate the reported alleged impairment and public safety.
- 9.5.3 Restrictions or discipline must be based on facts related to the impairment. Evidence of the impairment must be based on the absence of a level of competence to practice athletic training in a manner that protects the safety of the public.
  - 9.5.3.1 If the AT is unable to practice competently and safely, practice restrictions must be established that will enable the AT to do so or the AT's BOC certification will be suspended. Appropriate restrictions may limit the practice setting, clientele or other job duties that may be performed by the AT.
- 9.5.4 Where the governing authority has ordered specific testing of the practitioner such as physical examination, psychological examination and/or drug testing, the BOC may require the submission of copies of any reports generated from the examinations/testing or confirmation from the governing authority as to the results.
- 9.5.5 Once it is identified that testing of the practitioner is needed, it is the responsibility of the practitioner to obtain the tests required by the governing authority.
- 9.5.6 The BOC shall establish a system for monitoring the impaired practitioner to ensure the practitioner is in compliance with sanctions or restrictions.
  - 9.5.6.1 The monitoring system may be overseen by the employer or the governing authority; however, the practitioner is required to report any changes in status to the BOC.
  - 9.5.6.2 Compliance with the monitoring system shall be a condition of BOC certification.

## SECTION 10: REQUIRED ACTION AFTER SUSPENSION

After the entry of Suspended, the Respondent shall promptly terminate any and all use of the ATC<sup>®</sup> certification mark and, in particular, shall not use the ATC<sup>®</sup> certification mark in any advertising material, announcement, letterhead or business card. The Respondent is required to return his/her BOC certification card to the BOC office within 10 calendar days of receipt of the order via traceable mail. Once the use of the ATC<sup>®</sup> certification mark has been terminated the Respondent may not:

- 10.1 Represent him/herself to the public as a practicing Certified Athletic Trainer or use the certification marks ATC<sup>®</sup> or C.A.T. following his/her name; or
- 10.2 Serve as an item writer for the BOC exam; or
- 10.3 Serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility.

# PPD GUIDELINES

---

## SECTION 11: STATUS DEFINITIONS

The following status definitions are effective as of January 1, 2012.

### 11.1 Certified

Certification is in good standing. Individuals may practice as authorized by the BOC.

### 11.2 Expired

11.2.1 Certification is voluntarily resigned for reasons unrelated to disciplinary proceedings. ATs with an Expired status may not represent themselves as Certified Athletic Trainers or use the ATC® certification mark.

11.2.2 Certification is forfeited due to non-compliance with BOC certification fee and/or continuing education requirements. Respondents with an Expired status may not represent themselves as Certified Athletic Trainers or use the ATC® certification mark.

### 11.3 Suspended

Certification is not in good standing as a result of the imposition of a disciplinary action or the BOC Executive Director's decision that there is cause to believe that a threat of immediate and irreparable injury to the health of the public exists. Respondents with a Suspended status may not represent themselves as a Certified Athletic Trainer or use the ATC® certification mark.

#### 11.3.1 Revoked

Certification is Suspended and individual has had two petitions for reinstatement denied; the certification is permanently revoked. Respondents with a Revoked status may not represent themselves as a Certified Athletic Trainer or use the ATC® certification mark.

## SECTION 12: REINSTATEMENT

### 12.1 Reinstatement After Expired

Failure to comply with fee, continuing education and/or emergency cardiac care requirements are direct violations of the *BOC Standards of Professional Practice* and result in an Expired status. The following steps are necessary for reinstatement:

12.1.1 The AT must complete a reinstatement application and pay the required fee.

12.1.2 The BOC may require an AT in Expired status to sit for the BOC certification exam.

### 12.2 Reinstatement After Suspended

Respondents whose certification was suspended for disciplinary reasons under Section 8 of these Guidelines must petition for reinstatement before returning to practice. Such petition shall be submitted in writing and shall be accompanied by any supporting documentation the Respondent wishes to provide to the Reinstatement Panel. A petition fee may be assessed.

#### 12.2.1 Designation of Reinstatement Panel

Upon receipt of a valid petition for reinstatement from Suspended status, the BOC Executive Director

# PPD GUIDELINES

---

shall appoint a Reinstatement Panel. The Panel shall comprise five members, including three ATs and two members of the public. The BOC Executive Director shall designate one of the AT members to serve as the Chair for the Reinstatement Panel. The Chair shall only vote in the event of a tie among the other Reinstatement Panel members.

12.2.1.1 The Reinstatement Panel may be established as a standing Panel.

12.2.1.2 The BOC Executive Director may also appoint up to eight non-voting substitute members.

12.2.1.3 When a vacancy of a full member occurs in the Reinstatement Panel as a result of resignation, unavailability or disqualification, the BOC Executive Director shall designate a substitute member to serve in the full member's place.

## **12.2.2 Investigation**

Immediately upon receipt of a petition for reinstatement, the BOC will initiate an investigation. The petitioner shall cooperate in any such investigation. Once the investigation is concluded, a report of the investigation shall be submitted to the Reinstatement Panel. The report shall contain the results of the investigation, information regarding the petitioner's past disciplinary record and any recommendation regarding reinstatement.

## **12.2.3 Successive Petitions**

If the petition is denied, the Reinstatement Panel shall set a date upon which the Respondent may file a second petition for permission to reapply for reinstatement. The Reinstatement Panel will not consider petitions for permission to reapply for reinstatement from Respondents whose petitions have been denied twice. Once a Respondent has had two petitions denied, his/her certification status is Revoked. Denials of petitions for permission to reapply are not appealable under these Guidelines.

## **12.2.4 Conditions or Restrictions on Reinstatement**

If the reinstatement petition is granted, the Reinstatement Panel may impose disciplinary sanctions as outlined in Section 8 following reinstatement. The Reinstatement Panel also may impose other conditions on reinstatement, including but not limited to a requirement that the Respondent sit for the BOC certification exam.

## **SECTION 13: CONFIDENTIALITY OF PROCEEDINGS**

### **13.1 Confidentiality**

Except as otherwise provided in these *Procedures*, all proceedings conducted pursuant to these *Procedures* shall be confidential and the records of the PPD Committee, Hearing Panel, Appeals Panel, Reinstatement Panel, BOC Legal Counsel and BOC staff shall remain confidential and shall not be made public.

### **13.2 Exceptions to Confidentiality**

The subject matter and status of proceedings conducted pursuant to these *Procedures* may be disclosed if:

13.2.1 The proceeding is predicated on criminal conviction or professional discipline as defined herein; or

13.2.2 The Respondent has waived confidentiality; or

# PPD GUIDELINES

---

- 13.2.3 Such disclosure is required by legal process of a court of law or other governmental body or agency having appropriate jurisdiction; or
- 13.2.4 The proceeding involves a consumer or consumers of athletic training services, wherein the BOC may contact the consumer(s) and/or the Respondent's current and/or former employer(s) to request documents relevant to the proceeding; or
  - 13.2.4.1 The Respondent receives a form of discipline that is published. In such cases, all AT state regulatory bodies shall be notified and an announcement included in one or more publications of interest to persons engaged in, or otherwise interested in, the profession of athletic training. The BOC may also disclose its final decision to state regulatory bodies and others as it deems appropriate, including, but not limited to, persons inquiring about the status of a Respondent's certification, employers and the general public.

## SECTION 14: GENERAL PROVISIONS

### 14.1 Definitions

#### 14.1.1 Respondent

For the purpose of these *Procedures*, "Respondent" shall mean a Certified Athletic Trainer, BOC applicant or BOC potential applicant who is the subject of a disciplinary complaint or proceeding.

#### 14.1.2 Complainant

For the purpose of these *Procedures*, "Complainant" shall be any individual or organization who provides the BOC with information or allegations indicating that a violation of the *BOC Standards of Professional Practice* may have occurred.

### 14.2 Disqualification

PPD Committee, Hearing Panel, Appeals Panel and Reinstatement Panel members may not serve in any situation where their impartiality might reasonably be questioned or in which they have an apparent or actual conflict of interest. PPD Committee, Hearing Panel, Appeals Panel and Reinstatement Panel members shall refrain from participating in any proceeding in which they, a member of their immediate family, their employer or an organization to which they belong, have any interest. PPD Committee, Hearing Panel, Appeals Panel and Reinstatement Panel members may not consider any matter that came before them during their tenure on another BOC committee or panel. PPD Committee, Hearing Panel, Appeals Panel and Reinstatement Panel members may serve in only one capacity at a time.

### 14.3 Quorum

A quorum of the PPD Committee, a Hearing Panel, an Appeals Panel or a Reinstatement Panel consists of three full-voting members, one of which must be the public member. PPD Committee, Hearing Panel, Appeals Panel and Reinstatement Panel action shall be determined by a majority vote.



## 14.4 Waiver and Release

As a condition of certification and application, ATs and applicants agree to release, discharge and exonerate the BOC, its officers, directors, employees, committee members and agents from any and all liability of any nature and kind, arising out of any investigation, evaluation and/or communication regarding the individual's eligibility, certification or recertification. The foregoing waiver and release shall apply with equal force and effect to any person furnishing documents, records or other information to the BOC relating to the AT or applicant's eligibility, certification or recertification.

## 14.5 Notice and Service

Except as may otherwise be provided in these Procedures, notice shall be in writing and the giving of notice and/or service shall be sufficient when made either personally or by US regular mail, US certified mail, overnight mail or secure electronic delivery (e.g. DocuSign), sent to the last known mailing or email address of the Respondent according to the records of the BOC.

## 14.6 Liberal Construction of *Procedures*

Time limitations are administrative and the BOC reserves the right to grant extensions for good cause, as determined by the BOC in its sole discretion. A Respondent's failure to observe time limits without proof of good cause may result in the forfeiture of rights or remedies under these Procedures. These Procedures shall be liberally construed for the protection of the public, the BOC, its ATs and applicants. No investigation or procedure shall be deemed invalid or insufficient by reason of any non-prejudicial irregularity or deviation.

BOC