

**2015 BOC Athletic Trainer  
Regulatory Conference**



# Writing Rules and Regulations The Process

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- Process to adopt rules and regulations differs in each State
- Underlying principles remain the same



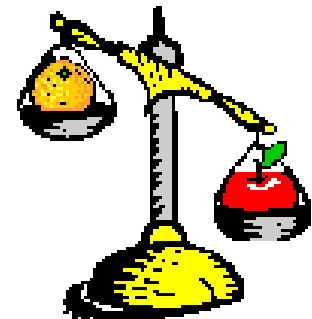
- Statutes are adopted by the legislature
- Rules are adopted by the Board
- Rules clarify what's in the statute
- Board must have statutory authority to adopt a rule



- Mission of the Board is public protection
- Don't regulate in a vacuum
  - Board must be mindful of impact on the profession
  - Overregulation is just as bad as underregulation



- Role of Board is to effectively & efficiently regulate practice
- Identify and eliminate unneeded regulatory barriers
- Is this regulatory change worth the negative impact on the profession?
  - Board can't regulate in a vacuum





- Use an open process during rule review and development
  - Board needs stakeholder input to make sure bad rules don't get adopted
  - 5 member board can't represent entire depth and breadth of practice in the state
  - Unintended consequences might be missed without input from those impacted by rules



- Be forward thinking when drafting language
  - Eliminate need to modify current rules for every small change in practice
- Example from Ohio dealing with student exemption for international students
  - Student enrolled in AT program in a country that entered into MRA with BOC, **NOT**
  - Student enrolled in AT program in Canada or Ireland



- Rules carry the force of law
- Drafting errors can have serious consequences
  - Missing comma that changes grammatical meaning could impact how rule is applied
  - Major legal difference between “shall” and “may”





- Work with your stakeholders
  - Not just your state AT association
  - Professional & post-professional AT programs in your state
  - CAATE
  - BOC
  - Other professions
  - Other state agencies
  - Legislature

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## Thank You

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