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Compliance and Regulatory Education:
Best Practices for Athletic Trainer Regulation



An Interstate Compact for Athletic Trainers

Tuesday, July 9, 2024



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The Council of State Governments

CSG is a nonpartisan community of the states, committed to connecting, informing, inspiring and empowering public servants in all three branches of state government to put the best ideas and solutions into practice.

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National Center for Interstate Compacts (NCIC)

- Technical assistance center at CSG
- NCIC helps states work cooperatively to solve mutual issues and meet shared goals through interstate compacts
- Our work:
 1. Information clearinghouse
 2. Provider of training and technical assistance
 3. Primary facilitator for assisting states in the review, revision and creation of new interstate compacts



Multistate Problem Solving
with Interstate Compacts

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CSG – DoD Partnership

- Funds and supports the development of new interstate compacts for occupational licensure in support of military families
- Seven licensure compacts have been developed with two more underway in 2024
- BOC's application for technical assistance under the partnership was approved by DoD in April

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Compacts Developed Under CSG-DoD Partnership

Cosmetology

Social Work

Teaching

Massage Therapy

Dentistry

Dietetics

School Psychology

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Licensure Compacts Under Development

Respiratory Therapy

Athletic Trainers

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Interstate Compacts 101

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What is an interstate compact?

- **A legislatively enacted contract between two or more states**

#1 Cooperatively address shared problems

#2 Maintain sovereignty over issues belonging to states

#3 Respond to national priorities with one voice

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Compact Legislation

- Compacts are created through model legislation
- The model legislation is developed through a stakeholder driven, consensus-based process
- For a state to join the compact, it must enact the same model legislation
- Compacts include requirements a state must adhere to as a participating member

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Interstate Compact Enactments

270+ compacts

Each state has enacted between 20-80 compacts

42 compact enactments per state on average

2,200 total compact enactments



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Occupational Licensure Compacts 101

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Why Occupational Licensure Compacts?

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Facilitate
Multistate
Practice

Maintain or
Improve
Public
Health and
Safety

Preserve
State
Authority
Over
Professional
Licensing

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What occupational licensure compacts do:

- Establish uniform standards between compact member states
 - The uniform standards reduce the time, cost and complexity needed to navigate other state requirements and licensure pathways
- Benefit both practitioners licensed in a compact member state and those newly seeking to practice in a compact member state
- Realize other efficiencies (renewal cycles, CEs, cost)

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What occupational licensure compacts don't do:

- Licensure compacts are not “one size fits all”, they are custom built to the regulatory and portability needs of a profession
- Licensure compacts are voluntary, no practitioner will be required to join
- Compacts do not alter state scope of practice or other licensure pathways




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Benefits to Licensees

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-  Reduces barriers to licensure portability
-  Leverages telehealth/telepractice
-  Supports relocating military members and their families



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Benefits to Licensing Boards

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-  Agreement On Uniform Licensure Requirements
-  Shared Data System
-  Retain control of scope of practice and initial licensure process



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Benefits to Patients



Increases access to services



Improves continuity of care



Promotes practitioner diversity



Enhances patient protection

Licensure Compacts by the Numbers



- 47 states, 3 territories & DC have adopted at least 1 compact.
- 42 states and territories have adopted at least 3 compacts.



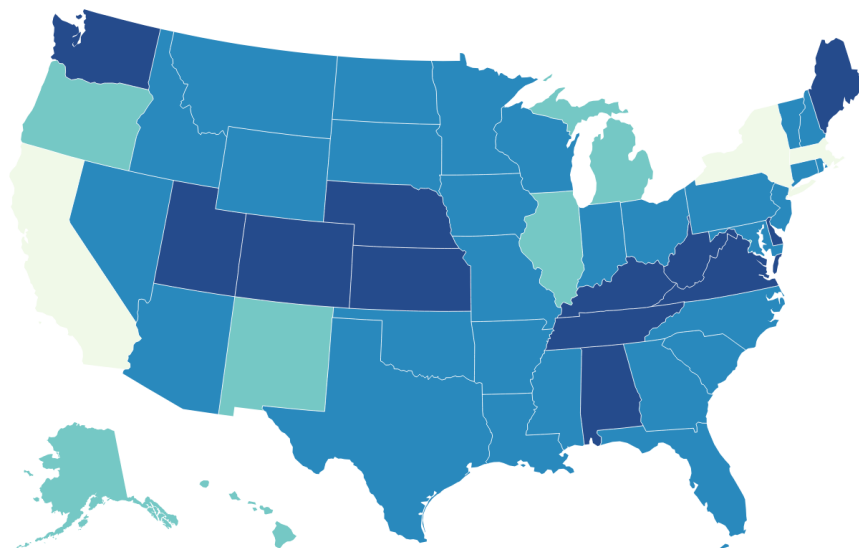
Over 350 pieces of occupational licensure compact legislation have been enacted since January 2016.



17 interstate compacts for occupational licensing.

Licensure Compact Participation by State

< 1 1-5 5-10 ≥ 10

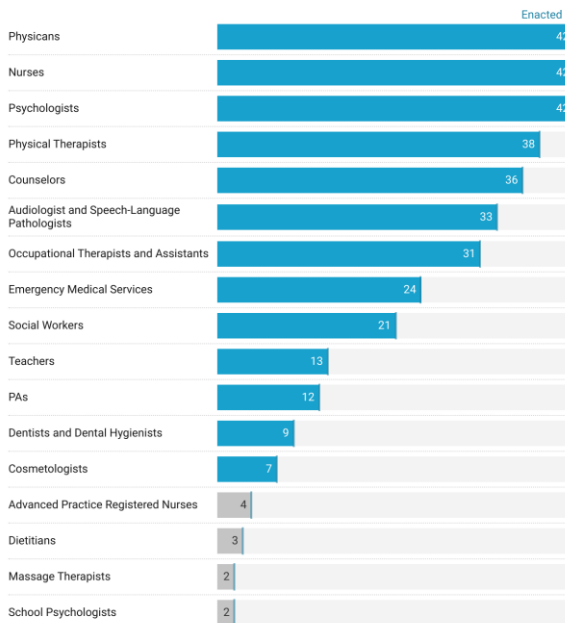


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Licensure Compact Enactments



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COMPACT DEVELOPMENT

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Compact Development Timeline



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Development of Compact Legislation



CSG and BOC will develop two working groups focused on the development of compact language.



The **Technical Assistance Group** will make recommendations on compact language based on essential aspects of the profession.



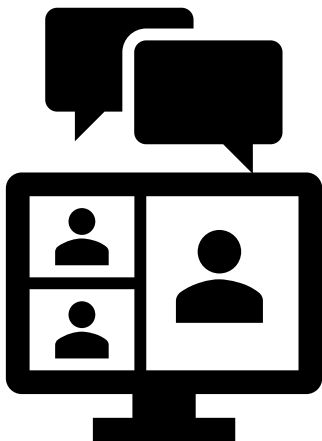
The **Document Team** will create an initial draft based on recommendations from the Technical Assistance Group.

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Stakeholder Review



Once an initial draft of the language is complete it will be made public and distributed to key stakeholders in the profession.

CSG will also host public stakeholder review sessions in which the initial draft language will be presented

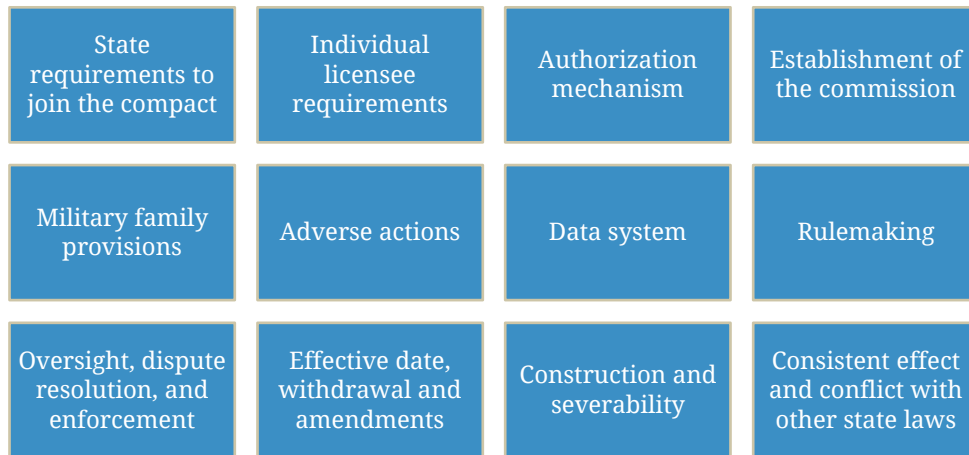
There will be a public stakeholder survey which will be shared with the working groups to consider when finalizing the compact language.

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Common Components of Compact Legislation



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State Requirements

- Requirements for a state to participate in a compact
- Establish the uniform regulatory standards among compact member states
- Common Examples
 - Licensure of the profession
 - Certification and/or educational requirements
 - Participation in the compact commission

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Licensee Requirements

- Requirements for a licensed professional from a compact member state to use the compact
- Provides a consistent, uniform set of eligibility requirements for a licensee across compact member states
- Common examples
 - Certification and/or educational requirements
 - Disciplinary history

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Compact Models: Mutual Recognition

- Establishes how a licensee can practice in another compact member state
- The authorization granted by the compact is equivalent to a license in the benefits it provides
- Common examples
 - Privilege to practice
 - Multi-state

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Adverse Actions

- Establishes the rights, responsibilities, and processes for compact member states to report adverse actions to one another
- Example:
 - Unless a license is revoked, each compact member state will be able to use their own laws and regulations to determine if they should revoke compact authorization

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Compact Commissions

- Compact commissions are the responsible fiduciary and rulemaking authority for the compact's operations.
- Commissions are authorized to generate revenue
- Each compact member state typically provides one commissioner to serve on the full commission. The makeup and authority of the commission is developed in compact language.

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Compact Finances

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Compact Commission Finances

| <u>Revenues</u> | <u>Expenses</u> |
|----------------------------|------------------------|
| Compact Fees for Licensees | Commission Operations |
| Donations | Compact Data System |
| Grants | |
| In-kind Services | |
| State Assessments | |

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Fiscal Impact to States



States may charge licensees for a compact authorization



State operational costs are variable



Compact commissions hire staff to serve most administrative functions of the compact

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Costs to Licensees

- Compact usage is voluntary for licensees
- Compact member states and commissions generally set the cost of a compact authorization to practice to be equal to or less than the cost of single state licensure
- If there are additional requirements for a licensee to participate in the compact (i.e. background check), these costs are generally passed along to the associated licensee directly

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Compact Fee Structures

| Profession | Member state fee | Applicant fee to member state | Applicant fee to Commission |
|------------------|------------------|-------------------------------|-----------------------------|
| Nursing | ✓ | ✓ | ✗ |
| Medicine | ✗ | ✓ | ✓ |
| Physical Therapy | ✗ | ✓ | ✓ |
| PSYPACT | ✓ | ✓ | ✓ |

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Compact Enactments and Activation



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Legislative Enactments

- The ultimate goal of this process is to create model language which will be enacted by state legislatures.
- The compact stakeholders in the profession advocate for the compact
- The compact will not be active until it is passed in enough states to hit its activation threshold. The typical activation threshold is 7-10 states.



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What to expect?

- Opportunity for review and comment on draft compact legislation
- Updates to be shared via the project website (linked to compacts.csg.org/compact-updates/athletic-trainer-licensure-compact/)
- Supporting compact resources (FAQs, policy guides, webinar recordings)

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For more information, FAQs and updates,
visit CSG's Compact Updates website here:

<https://compacts.csg.org/compact-updates/athletic-trainer-licensure-compact/>

or the BOC website at BOCATC.org.



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