

# AT Perspective

Athletic Trainers Section

Spring 2011

## ***Message from Section Chair***

Welcome to the final edition of the AT Perspective! Our research indicates that a small percentage of licensees actually read the newsletter online. At the same time, it is crucially important that we are able to update you on recent rule changes, answer frequently posed questions, and provide resources. Communication with licensees has evolved over the years. As a result we are re-evaluating the need for a newsletter and exploring popular social networking vehicles, such as Twitter and Facebook. But we need your input.

## **How would you like to receive information from the Athletic Trainers Section?**

Frequent eblasts? Twitter? Facebook? Blogs? Or a combination of these options? Email the board at: [board@otptat.ohio.gov](mailto:board@otptat.ohio.gov) and share your opinion.

***-Rebekah Bower, AT***

## ***2011 AT Section Meeting Dates***

All Section meetings are open to the public. Meetings are generally held on the 31st Floor of the Vern Riffe Center for Government and the Arts, at 77 South High Street, Columbus, Ohio 43215. Please contact the Board to verify the time and meeting room if you would like to attend. The schedule listed is tentative and subject to change.

May 5  
July 13

September 8  
November 9

## ***Standard Operating Procedures Do you have one?***

It is the professional responsibility of every athletic trainer to have written policies and procedures. Athletic trainers are encouraged to review current policies and procedures with their employers to determine if the existing policies are within the scope of athletic training practice.

The Athletic Trainers Section has no guidelines with regards to policy and procedure content. However, the Athletic Trainers Section does advocate that all athletic trainers have written policies and procedures to guide the day-to-day operations of athletic training care.

If no athletic training policies and procedures exist, please establish them and put them in writing. Standard operating policies and procedures should be reviewed and approved by a team physician or an organization's medical director.

## ***License Census As of March 25, 2011***

### **1944 Athletic Trainers**

7603 Physical Therapists

5747 Physical Therapist Assistants

4724 Occupational Therapists

3152 Occupational Therapy Assistants

## Guidelines for the Storage and Use of Emergency Inhalers and Epi-Pens

The Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainer Board received questions about the use and storage of inhalers and epi-pens that are not prescribed to a specific individual. Pursuant to the Pharmacy Board's laws and rules, athletic trainers, may legally hold specifically prescribed inhalers and epi-pens for an athlete to use when needed, in accordance with established protocols for use of such emergency medications.

Athletic training facilities are prohibited to store and use emergency inhalers and/or epi-pens that are not specifically prescribed to an individual unless the athletic training facility holds a Terminal Distributor of Dangerous Drugs license from the Pharmacy Board. If the facility does hold a Terminal Distributor license, the athletic trainer must still follow the established protocols for use of such emergency medications.

Ohio Revised Code section 4729.01 defines a "dangerous drug" as: Any substance labeled "Caution: Federal law prohibits dispensing without prescription", "Rx Only", or any other similar restrictive statement; The drug may be dispensed only upon a prescription; or Any drug intended for administration into the human body other than through a natural orifice of the human body (e.g.: injectables).

**"Dangerous drugs" include, but are not limited to:**

1. Epi-Pens
2. Short-Acting Beta-Agonist Inhalers

### **Storage of "dangerous drugs":**

For athletic training sites located within a hospital, "dangerous drugs" must be stored in accordance with policies and procedures established by the Director of the Hospital Pharmacy under the hospital's license as a Terminal Distributor of Dangerous Drugs. (A separate Terminal Distributor of Dangerous Drugs license is not required if there is common ownership and control.)

For athletic training sites located outside of a hospital setting (even if owned by a hospital), "dangerous

drugs" must be stored in an area secured by either a physical barrier with suitable locks and/or an electronic barrier to deter and detect unauthorized access.

For more information on managing prescriptions and non-prescription medication, see the NATA's Consensus Statement: Managing Prescriptions and Non-Prescription Medication in the Athletic Training Facility (January 2009).

*This full document can be read on the Board website*

*<http://otptat.ohio.gov> under the*

*Athletic Trainers Section*

*Publications link.*

## Disciplinary Actions

Disciplinary Actions are posted on the Board website (<http://otptat.ohio.gov>) after each Section meeting. To view the disciplinary action listing, use the Discipline/Enforcement link in the Information menu. The disciplinary action posting includes the Practitioner name, License Number, Sanction, Basis for Action, and Discipline Date. To view the public records related to the disciplinary action, use the License Lookup/Verification link in the Information menu. The public record is provided in PDF format.

## Elimination of Pocket Identification Cards

Effective May 1, 2010, the Board no longer issues pocket identification cards. As stated in rule 4755-44-02 (C) of the Ohio Administrative Code, verification of current licensure can be obtained from the Ohio e-license center verification page (<https://license.ohio.gov/lookup>).

# Athletic Trainer's Rules Update

**The athletic trainer's new Code of Ethics went into effect on May 1, 2010. The new rule is listed below.**

## **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.

## Athletic Trainer's Rules Update Continued

(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 treatment/rehabilitation logs.

(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 equipment based on the direct or indirect financial interests of the athletic trainer. Recommendations of equipment must be based solely on the therapeutic value of that 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 and to the public about athletic training services.

(11) 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.

(12) 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. This prohibition shall exist for six months immediately following termination of the practitioner/client relationship. 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.

## Athletic Trainer's Rules Update Continued

(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.

**The new athletic training reporting requirements goes into effect on May 1, 2011. The new rule is listed below.**

### **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 maybe 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 or credentialing organization.
- (E) A positive drug and/or alcohol screening.

# Frequently Asked Questions

***Can an athletic trainer allow an athlete to return to play based on a parent's written authorization which states the athletic trainer will not be liable for further injury or anything else that happens to the athlete or is a physician statement required to clear the athlete to return to play?***

Under section 4755.64 (A)(7) of the Revised Code and rule 4755-41-01 (C)(2) of the Administrative Code, it is the responsibility of the athletic trainer to determine whether a referral is within the athletic trainer's scope of practice, level of competence, and experience. Since you are working under the direction of the physician, you are required to follow the physician's order. Prior to clearing the athlete to return to play, you should obtain a note from the physician clearing the athlete to participate. If the athlete's mother wants to override the decision of the physician, she should work through the school administration since the athletic trainer is not able to waive liability.

***Can an athletic trainer make a return to play decision for a visiting team athlete with a suspected concussion?***

Athletic trainers may provide visiting teams, traveling without an athletic trainer or team physician, first aid/emergency care and routine care. They should not provide restorative treatments or return an injured athlete or an athlete with a suspected injury to participation. The information contained in this response would also apply to the visiting team athletic trainer if the home team did not have an athletic trainer.

***What initials should an Athletic Trainer use in professional signature?***

Licensed athletic trainers in Ohio should use the credential "AT" following their name to indicate licensure. The credential "ATC" is a credential trademarked by Board of Certification to be used by individuals holding current BOC certification. Licensed athletic trainers should sign their name as Jane Smith, AT. The BOC prohibits individuals from adding "/L" after the "ATC" to indicate licensure.

***How can I update my contact information online with the OTPTAT Board?***

You can use your userID and password to change your contact information with the Board. Log on today to update your address, contact phone number, and/or employer information. If you have misplaced your userID and password, please contact the Board via email at [board@otptat.ohio.gov](mailto:board@otptat.ohio.gov) to obtain your login information.

## **AT Jurisprudence Examination Deadline to Earn CE Ethics Requirement**

Historically, licensees tend to wait until the end of the renewal period to submit the jurisprudence examination to the Board office for scoring.

At the July 2009 Section meeting, the Athletic Trainers Section voted to establish a deadline to submit the Jurisprudence Examination for continuing education ethics credit. If licensees choose to take the Ohio Athletic Trainers Jurisprudence Examination for ethics credit, the examination must be received in the Board office no later than August 15th of the renewal year. This deadline will enable Board Staff time to process the jurisprudence examinations and notify licensees of the examination results prior to the licensure expiration date.

## **Athletic Trainers Section CE Reference Guide**

The continuing education reference guide is available 24/7 on the Board website (<http://otptat.ohio.gov>) located under the Continuing Education link. Athletic Trainers can view the guide to verify the appropriate start and end date, and minimum contact hours required for each continuing education reporting period. The Section encourages all licensed athletic trainers to utilize this resource.

## **Searching For Expert Witnesses**

The Athletic Trainers Section is seeking to establish a pool of expert witnesses/and or peer reviewers. We invite all interested licensees to apply by sending their resume/curriculum vitae, specifying their specialization, years of practice, educational background, any previous experience testifying, and their willingness to function as an expert. Report writing and testifying (public speaking) are all necessary skills. The availability to take on these tasks when the need arises is also a consideration.

The Section's goal is to have enough qualified licensees to enable us to create a "grid" with expert witness options, organized by specialization. Any licensee accepted as an expert witness/peer reviewer will be notified by the Section. You would be required to enter into a personal service contract with the Board outlining the duties and responsibilities for the expert witness/peer reviewer position.

When an expert is needed in that area of athletic training practice, that individual would be contacted by the Board staff member and the materials to be reviewed will be sent to the expert with specific written instructions to be addressed. Experts are retained to conduct independent review, summary, and analysis of various records and documents pertaining to an open case and, if necessary, provide a written report that will be reviewed by the Athletic Trainers Enforcement Review Panel. Other services covered by the contract will include meeting with the counsel for the Board and testifying in an administrative hearing.

All interested parties may fax their qualifying information etc. to the Board at (614) 995-0816.

## ***Athletic Trainers Section Board Members***

### ***Rebekah Bower, AT, Chair***

Centerville, Ohio Term Expires 2011, 1st Term

### ***Brian Hartz, AT, Secretary***

Pataskala, Ohio, Term Expires 2011, 1st Term

### ***Jason Dapore, DO***

Columbus, Ohio, Term Expires 2013, 1st Term

### ***Aaron Galpert, AT***

Wadsworth, Ohio, Term Expires 2013, 2nd Term

### ***Vincent O'Brien, AT***

Columbus, Ohio, Term Expires 2012, 3rd Term

All terms expire on August 27 of the designated year.

Pursuant to ORC 4755.01, Board members shall not serve for more than three (3) consecutive terms.

## **Board Survey**

***The Board values your feedback.***

***Visit the Board website to complete  
the On-Line SURVEY.***

## **Board Member Appointments**

Have you ever wondered what goes on during a Athletic Trainers Section meeting?

Do you ever think that you might be able to contribute to the profession of athletic training by serving as a member of the regulatory board?

The Governor is responsible for appointing all members of the Board. Members are appointed for three year terms and may serve for up to three consecutive terms. There are approximately seven meetings each year and members are reimbursed for their time and travel expenses.

To be eligible to serve on the Board, each applicant must hold a current Ohio athletic trainers license and have been actively engaged in or associated with the practice of athletic training in Ohio for at least five years immediately preceding the appointment.

If you are interested in submitting your name for consideration by the Governor, please complete the application from the Boards and Commissions section of the Governor's website (<http://governor.ohio.gov>).