

# Board of Athletic Trainers



# Newsletter



Fall 2010

A Regulatory Agency of the State of Tennessee

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The mission of the Department of Health is to promote, protect, and improve the health of persons living in, working in, or visiting the state of Tennessee

227 French Landing, Suite 300, Heritage Place MetroCenter, Nashville, TN 37243 • <http://www.tennessee.gov/health> Fax: (615)253-8724  
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except State and Federal holidays) (615) 532-5096 or 1-800-778-4123

## Proposed Rule Amendments

- 0150-1-.06 to consider increasing the licensure fees paid by Athletic Trainers.

## Background Checks Required for Those Providing Patient Care

Before any person who will be providing direct patient care is hired, health care facilities and individual health professionals are required by law to conduct background checks using the state sex offenders registry, the state abuse registry and the abuse registries for states in which the prospective employee has lived in the previous 7 years, according to Public Chapter 1084, or Tenn. Code Ann. sec. 63-1-149.

Links to the following can be found on the Department of Health website at:  
[www.tn.gov/health](http://www.tn.gov/health)

Tennessee Sex Offender Registry at:  
[www.tbi.state.tn.us/sex\\_ofender\\_reg/sex\\_ofender\\_reg.shtml](http://www.tbi.state.tn.us/sex_ofender_reg/sex_ofender_reg.shtml)

National Sex Offender Registry at:  
[www.fbi.gov/scams-safety/registry](http://www.fbi.gov/scams-safety/registry)

Tennessee Abuse Registry at:  
[www.tn.gov/health/abuseregistry](http://www.tn.gov/health/abuseregistry)

Other Abuse Registries

## Filing a Complaint

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Office of Investigations of the Department of Health at 1-800-852-2187 to request a [complaint form](#).

The form must be completed in its entirety. All materials received in connection with the complaint will become property of the Department of Health and cannot be returned. Please return the complaint to:

**Office of Investigations**  
**227 French Landing, Suite 201**  
**Heritage Place Metro Center**  
**Nashville, TN 37243**

## When to File a Complaint/What to Expect

The state of Tennessee is graced with some of the finest health care professionals, educational institutions, postgraduate programs and treatment facilities in the United States. The majority of health practitioners in Tennessee are competent and caring individuals and most persons are satisfied with the level of care they receive.

However, when a problem is experienced with a practitioner, you have the right to report him/her. If you believe that a practitioner's performance or behavior is not acceptable, you may file a complaint through Health Related Boards, Office of Investigations.

- To download a complaint form go to [www.tn.gov/health](http://www.tn.gov/health)

## Issues Not Within Board Authority

- Fees and/or billing disputes (amounts charged for services, overcharges, etc)

**Contact Consumer Affairs at 1-800-342-8385**

**\*As of September 30, 2010, there were  
739 active Athletic Trainers**

## 2011 Board Meeting Schedule

**May 19, 2011  
November 17, 2011**

## Board Consultants Guidelines

Following a general protocol, board consultants may be called upon to participate in the following:

- Review and evaluation of complaints filed with the Office of Investigations for alleged violations of the Practice Act and/or rules.
- Review of applications and supporting documents to make initial determination as to the eligibility/ineligibility for licensure.
- Review of continuing education documentation for compliance.

All work is strictly confidential and shall not be disclosed to anyone except the board's authorized administrative staff, the Office of Investigations and the Office of General Counsel.

### Qualification for a Board Consultant:

1. Current license issued by the board.
2. No discipline in this state or any state, jurisdiction or territory.
3. General knowledge or applied practice as detailed in the Statutes, rules or the specified board/profession.
4. Resident and a legally practicing professional licensed for at least five years in the specified profession in this state.

5. Not regularly employed by nor a member of a governing body, training program, college or university for the profession.

### How to Apply:

If you meet the qualifications listed here previously, and are interested in applying please submit a current resume which reflects your employment history. Please include your license number with expiration date. You must provide a telephone number where you can be reached during business hours. Please send your resume and cover letter to:

Tennessee Department of Health  
Division of Health Related Boards  
*Board of Athletic Trainers*  
227 French Landing, Suite 300  
Heritage Place, MetroCenter  
Nashville, TN 37243

## Policies

### Tennessee Board of Athletic Trainers Unlicensed Practice Enforcement

Every person who practices, or has practiced as an athletic trainer without possessing a license issued by the Board, unless that person is exempted pursuant to Tenn. Code Ann. § 63-24-103, is in violation of the law and subject to the assessment of civil penalties. In an effort to avoid these matters being forwarded to the Department of Health's Office of General Counsel for full prosecution and the possibility of more severe sanctions, any complaint involving a non-exempt individual practicing as an athletic trainer without a license may be settled, and if appropriate, an authorization to practice, or a license issued, upon payment of a civil penalty equal to \$500 for each month the non-exempt person practiced as an athletic trainer without a license.

Furthermore, pursuant to Tenn. Code Ann. § 63-24-110(c) the Board will assess a civil penalty in the amount of \$1,000 per day against persons, including corporations, who have knowingly employed, contracted for or otherwise utilized unlicensed persons in the practice of athletic training, with or without compensation. Any person or corporation assessed such a civil penalty shall have the choice to pay the civil penalty imposed or to enter the formal disciplinary process by exercising their right to a contested case hearing before the Board.

Adopted by the Tennessee Board of Athletic Trainers on this the 6th day of December 2007

### **Tennessee Board of Athletic Trainers Enforcement of Rules Regarding Licensees Working On An Expired License**

The Board of Athletic Trainers realizes that an individual may allow his/her license to expire. However, Tenn. Code Ann. § 63-24-103 prohibits a non-exempt individual from working as an athletic trainer unless he/she holds an active license. To the end of enforcing the statute and rules addressing the problem of an athletic trainer working on an expired license, the Board adopts the following procedures for reinstatement of an expired license.

1. Upon recognition by the licensee that his/her license has expired, the individual must immediately cease and desist from practicing as an athletic trainer, contact the Board administrator, and request a reinstatement application.
2. The individual must complete the reinstatement application in its entirety along with a detailed work history from the date the license expired. The application must be signed before a notary and returned to the Board administrator, along with documentation of all required continuing education requirements and payment of applicable fees.
3. Once the completed reinstatement application and all required documentation is received, the Board administrator may immediately reinstate the license **only** if the license has been expired for a period of no more than one month.
4. If the reinstatement application indicates that the applicant has worked for a time period between one and three months on an expired license, the licensee will be assessed a penalty in the amount of \$150 per month, for each month worked from the date of the expired license. After all fees are paid, the Board administrator may immediately reinstate the license.
5. If the reinstatement application indicates that the applicant has worked for a time period between three and six months on an expired license, the licensee will be assessed a penalty in the amount of \$200 per month, for each month worked from the date of the expired license. After all fees are paid, the Board administrator may immediately reinstate the license.
6. If the reinstatement application indicates that the applicant has worked for a time period greater

than six months on an expired license, the licensee's file will be forwarded to the Department of Health, Office of General Counsel for potential formal disciplinary action.

Adopted by the Tennessee Board of Athletic Trainers on this the 6th day of December 2007

### **Tennessee Board of Athletic Trainers Position Statement regarding "Persons" Against Whom the Board May Assess Civil Penalties**

It is the position of the Tennessee Board of Athletic Trainers that the word "persons" as used in T.C.A. § 63-24-101(c) refers to all "persons" who have legal rights and obligations under Tennessee and federal law, including but not limited to natural persons, licensed facilities, corporations and other legally recognized business entities. The Board has statutory authority to assess civil penalties commensurate with those assessable under § 63-1-134 against persons who have knowingly employed, contracted for or otherwise utilized unlicensed persons in the practice of athletic training, with or without compensation. T.C.A. § 63-24-110(c)

Adopted by the Tennessee Board of Athletic Trainers this the 21st day of May, 2009.

### **RENEWING YOUR LICENSE ONLINE**

Did you know you can renew your professional license online? The Department of Health has implemented an online process that allows all professions to renew their licenses online. The process is quick, simple, secure, and convenient – and even allows you to pay for your renewal with a credit card.

#### **Here's how to renew on line, step by step:**

**Step One – Log In.** As a professional, you'll need to select your Board, profession and enter your profession license number, your date of birth and social security number or your transaction number from your renewal notice.

**Step Two – Update Your Information.** Here you'll have the opportunity to update your home address, your work address and even your billing address. Once you've completed entering that information, you're halfway done!

**Step Three – Enter your Renewal Information.** At this step you'll answer all necessary questions and provide information on licenses from other states. You'll have the ability to update your education information and list your principal place of employment.

**Step Four – Payment.** Here’s where it all comes together. By entering your credit card through the secure site and choosing “submit,” you will have completed the online renewal application. **Only choose submit one time!**

#### [What Happens Next?](#)

Your renewal information will be posted to the Department of Health’s licensing system, and once you have met all of the criteria for your profession, you will be mailed your renewal certificate.

That’s it – you’re done! So, come check it out and renew online – or even just update your information. We’ll see you at [www.tn.gov](http://www.tn.gov)!

#### [Making the Renewal Process Work](#)

##### **Common Pitfalls to Avoid:**

If you choose not to renew online, you can ensure that the renewal process will work...and work the first time, every time, for you. There are common pitfalls that are shared by persons in each profession. Recognizing these common errors may assist you in avoiding them and ensure trouble-free renewals.

##### **Here’s how:**

- **Sign your renewal** – All applications must bear the licensee’s signature.
- **Return the renewal form intact** – Don’t separate the one-page renewal form. While it looks like you could, and perhaps should separate your renewal application, return the original form in ONE PIECE.
- **Keep your address current** – Mail (including your renewal form) is generated using a computer program, which downloads the address the Committee’s Office has on file for you. If the Committee’s Office has an incorrect address, the incorrect address will be used for your renewal.
- **If answering “YES” to any one of the three questions on the back of your renewal, provide an explanation** - The Committee’s Office cannot process your renewal until we have written documentation [letter from your physician, court/disciplinary Board order(s), etc.] and your written explanation of the events which made you answer “Yes” on your renewal.

- **Mail the appropriate fee with your renewal application** – Some renewals are received without the fees, or fees are sent separately from renewals, or fees are sent in the wrong amounts.

If any of these errors are made, the renewal application will not be smoothly processed, if at all. Remember, failure to renew by the end of the 30 day grace period means the licensee can no longer practice legally and will subject the license/registration to administrative revocation for which reinstatement will be required.

#### **Retirement of a Professional License**

A licensee who holds a current license and does not intend to practice as an athletic trainer may apply to convert an active license to retired status. A licensee who holds a retired license will not be required to pay a renewal fee to maintain the license in retired status.

To retire your license, you must apply for retired status in the following manner by obtaining, completing and submitting to the Board’s administrative office an Affidavit of Retirement form. The effective date of retirement will be the date the Affidavit of Retirement is received in the Board’s administrative office.

Tennessee Board of Athletic Trainers  
227 French Landing, Suite 300  
Heritage Place MetroCenter  
Nashville, TN 37243



## Tennessee Board of Athletic Trainers Board Members

Joseph T. Erdeljac  
Cookeville  
Athletic Trainer  
Chair

Monroe J. Abram  
Antioch  
Athletic Trainer  
Vice Chair

Kurt P. Spindler, MD  
Franklin  
Physician  
Board Member

Janet Mary Rasmussen-Wilbert  
Humboldt  
Athletic Trainer  
Board Member

Walter S. Fitzpatrick, III  
Cookeville, TN  
Consumer  
Board Member

## Board Staff

Tomica Walker  
Board Administrator

Marva Swann  
Board Director