



Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

Rhode Island Department Of Health – Public Notice

29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

Rhode Island Department Of Health – Public Notice

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
 68. Rules and Regulations Pertaining to the Medical Examiner System
 69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
 70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
 71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
 72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
 73. Rules and Regulations Related to the Medical Marijuana Program
 74. Rules and Regulations Related to the Practice of Electrolysis
 75. Rules and Regulations Relating to Emergency Medical Services
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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened.* Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received.* All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the **10 September 2012** deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS

FOR LICENSING

ATHLETIC TRAINERS

(R5-60-AT)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

Board of Athletic Trainers

June 1984

As Amended:

August 1985

February 1994

February 2000

February 2001

November 2001

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

May 2003

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations for Licensing Athletic Trainers* are promulgated pursuant to the authority conferred under section 5-60-5(1) of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting administrative procedures and minimum standards for the licensing of athletic trainers.

Furthermore, pursuant to the provisions of section 42-35-3 (c) of the General Laws of Rhode Island, the following issues have been given consideration: (1) alternative approaches to the amended regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact which would be placed on small business as defined in Chapter 42-35 of the General Laws, through the amended regulations. No known alternative approach, duplication or overlap or significant economic impact were identified based on available information. Therefore, the regulations are adopted in the best interest of the public health, safety and welfare.

These regulations shall supercede all previous *Rules and Regulations for Licensing Athletic Trainers* promulgated by the Department of Health and filed with the Secretary of State.

TABLE OF CONTENTS

	<i>Page</i>
1.0 Definitions	1
2.0 Licensure Requirement	2
3.0 Qualifications for Licensure	2
4.0 Application for Licensure and Fee	3
5.0 Examination for Licensure	3
6.0 Issuance and Renewal of License/Fee	4
7.0 Practice Guidelines for Athletic Trainers	4
8.0 Continuing Education Requirements	5
9.0 Grounds for Refusal or Revocation of License	5
10.0 Violations and Penalties	5
11.0 Rules Governing Practices and Procedures	6
12.0 Severability	6

Section 1.0 *Definitions*

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-60 of the General Laws of Rhode Island, as amended, entitled, "Licensing of Athletic Trainers."
- 1.2 **"Accredited college or university"** means the official guarantee that a college or university is in conformity with the standards of education prescribed by a regional accrediting body recognized by the U.S. Commission on Education.
- 1.3 **"Athletic trainer"** means a person with specific qualifications as set forth in section 5-60-10 of the Act, who, upon the direction of his/her team physician and/or consulting physician, carries out the practice of athletic training to athletic injuries incurred by athletes in preparation of or participation in an athletic program being conducted by an educational institution under the jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic organization, or a Board-sanctioned amateur athletic organization. No athlete shall receive athletic training services if non-athletic or age-related conditions exist or develop that render the individual debilitated or non-athletic. To carry out these functions the athletic trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning. The athletic trainer, as defined in the Act, shall not represent himself/herself or allow an employer to represent him/her to be any other classification of health care professional governed by a separate and distinct practice act. This includes billing for services outside of the athletic trainer's scope of practice, including, but not limited to, services labeled as physical therapy.
- 1.4 **"Board"** means the Rhode Island Board of Athletic Trainers established pursuant to the provisions of section 5-60-4 of the Act.
- 1.5 **"Board sanctioned amateur athletic organization"** means those athletic organizations which sponsor within the state of Rhode Island athletic teams or programs and are recognized and affiliated with national and/or state and/or regional athletic associations.
- 1.6 **"Department"** means the Rhode Island Department of Health.
- 1.7 **"Director"** means the director or state official in charge of the Department of Health.
- 1.8 **"NATA"** refers to the National Athletic Trainers Association, Inc.
- 1.9 **"Person"** means any individual, trust or estate, partnership, corporation (including associations, joint stock companies), limited liability companies, state or political subdivisions or instrumentality of the state.
- 1.10 **"Physician"** means an individual licensed to practice medicine in this state pursuant to the provisions of Chapter 5-37 of the General Laws of Rhode Island, as amended.

Section 2.0 *License Requirement*

2.1 No person shall use the title of "Athletic Trainer" or use any abbreviation sign, card, or device to indicate that such a person is an athletic trainer, or perform the duties thereof unless such a person has been duly licensed in this state to perform such duties pursuant to the provisions of the Act and rules and regulations herein, except those exempt pursuant to section 2.1.1 below.

2.1.1 The provisions of the Act need not apply to athletic trainers from another state who are employed by an athletic team or organization which is competing in this state only on a visiting basis, provided the practice of the athletic trainers is limited only to the members of their respective athletic team or organization.

Section 3.0 *Qualifications for Licensure*

3.1 An applicant seeking licensure in this state as an athletic trainer must:

a) be a graduate from an accredited college or university and have completed the following minimum curriculum requirements:

- Human Anatomy;
- Human Physiology;
- Physiology of Exercise;
- Applied Anatomy and Kinesiology;
- Psychology (2 courses);
- First Aid and CPR;
- Nutrition;
- Remedial Exercise;
- Personal, Community and School Health;
- Techniques of Athletic Training;
- Advanced Techniques of Athletic Training; and
- Clinical Experience in accordance with national standards as recognized by the NATA certifying body and as approved by the Director; OR

have successfully completed a NATA-approved athletic training program from a college or university sponsoring a NATA-approved graduate or undergraduate program; and

b) have passed to the satisfaction of the Board the required examination in accordance with section 5.0 herein and been certified by the NATA; and

c) not have committed an act which constitutes grounds for denial of a license pursuant to section 8.0 herein.

3.1.1 The clinical experience (internship) referred to under section 3.1(a) above must be provided under the direct supervision of an NATA-certified athletic trainer.

- 3.2 On and after January 1, 2004, an applicant for initial licensure shall be required to demonstrate:
- a) Proof of graduation from an accredited college or university and have met minimum athletic training requirements as established by the Department;
 - b) Proof of having passed the required examination, approved by the Department, and been certified by the national certifying body recognized by the National Athletic Trainers Association (NATA).

Section 4.0 *Application for License and Fee*

- 4.1 Application for licensure shall be made on forms provided by the Department which shall be completed, notarized and submitted to the Department. Such application shall be accompanied by the following documents:
- a) one (1) unmounted recent photograph of the applicant, head and shoulders front view, approximately 2 x 3 inches in size;
 - b) supporting official transcripts of education credentials and clinical experience as required in section 3.1 above;
 - c) National board results in accordance with section 5.1 (submitted either with application or submitted to the Department by the certifying body of the National Athletic Trainer's Association);
 - d) the application fee of ~~sixty two dollars and fifty cents (\$62.50) made payable to the General Treasurer, state of Rhode Island (non refundable)~~ as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health; and
 - e) a copy of the applicant's resume.
- 4.2 Out-of-state applicants must submit, in addition to the above documents, documentation of licensure or certification in another state or jurisdiction.

Section 5.0 *Examination for Licensure*

5.1 *By Examination:*

Applicants for licensure shall be required to successfully pass such examination as the Board deems most practical and expeditious to test the applicant's knowledge and skills pursuant to section 5-60-12 of the Act.

- 5.1.1 Applicants certified by the National Athletic Trainers Association prior to 31 July 1970, must successfully complete a written examination approved by the Board. All other applicants must successfully pass the examination administered by the National Athletic Trainers Association certifying body.

- 5.1.2 Sites and schedules of examinations may be obtained directly from the examination services referred to above.

Section 6.0 ***Issuance and Renewal of License/Fee***

- 6.1 Upon completion of the aforementioned requirements, a license shall be issued by the Board to an applicant found to have satisfactorily met all the requirements herein and upon payment of a licensing fee ~~of sixty two dollars and fifty cents (\$62.50) for the initial license, made payable to the General Treasurer, state of Rhode Island~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.* Said license unless sooner suspended or revoked shall expire on the thirtieth (30th) day of June of the next odd numbered year following the date of issuance of the license.
- 6.2 On or before the 30th day of April of each odd numbered year, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current licensure period. Every person so licensed who desires to renew his or her license shall file with the Department such renewal fee ~~of sixty two dollars and fifty cents (\$62.50) payable to the General Treasurer, state of Rhode Island,~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* on or before the thirtieth day of May of each odd year.
- 6.3 Upon receipt of such renewal application and payments of said fee, the accuracy of the application shall be verified, and the Board shall grant a renewal license effective the first day of July and expiring on the 30th day of June of the next odd year unless sooner suspended or revoked.
- 6.4 Any person who allows his or her license to lapse by failing to renew it on or before the 30th day of May of the next odd year, as provided above, may be reinstated on payment of the current renewal fee ~~of sixty two dollars and fifty cents (\$62.50) plus an additional late fee of twenty five dollars (\$25.00).~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*
- 6.5 Beginning with the renewal application due July 1, 2003 and every renewal year thereafter, each licensed athletic trainer who wishes to continue licensure as an athletic trainer shall present satisfactory evidence to the Board that he or she has completed the continuing education requirements established by the Board and contained in section 8.1 herein.

Section 7.0 ***Practice Guidelines for Athletic Trainers***

- 7.1 Athletic trainers licensed in this state or any other state may discharge such responsibilities and functions as specified in section 7.3 below provided these functions are carried out upon the direction of the physician designated as the team or consulting physician to the team by an

educational institution, professional and/or Board sanctioned amateur athletic association.

- 7.2 Furthermore, athletic trainers shall limit the scope of practice of prevention and/or physical reconditioning to injuries or conditions incurred by only those athletes participating in or preparing for an athletic event conducted under the aegis of an institution, agency or organization.
- 7.3 The functions which an athletic trainer may perform may consist of any of the following:
- a) Prevention of athletic injury which may include such procedures as strength training, pre-event warm-ups, prophylactic taping, fitting of protective equipment;
 - b) Provide physical reconditioning for the restoration of motion and re-establishment of strength, endurance and cardiovascular fitness of an injured athlete;
 - c) Perform tests and measurements as an aid in the evaluation of an athletic injury; and
 - d) Apply physical modalities such as heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning.

Section 8.0 *Continuing Education*

- 8.1 Athletic trainer seeking biennial licensure renewal shall meet continuing education requirements as prescribed by the National Athletic Trainers Association Board of Certification (NATABOC).

Section 9.0 *Grounds for Refusal or Revocation of License*

- 9.1 Pursuant to the provisions of section 5-60-14 of the Act, the Board may refuse to issue a license to an applicant or may suspend, revoke or refuse to renew a license if he or she has:
- a) been convicted of a felony or misdemeanor involving moral turpitude the record of conviction being conclusive evidence of conviction if the Department determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust; or
 - b) secured a license under the Act and the rules and regulations herein by fraud or deceit; or
 - c) unfit or incompetent by reason of negligence or habits; or
 - d) guilty of unprofessional conduct; or
 - e) mentally incompetent; or
 - f) violated or conspired to violate any of the provisions of the Act and/or the rules and regulations herein.

Section 10.0 ***Violations and Penalties***

10.1 Any violation of the provisions of the Act and the rules and regulations herein, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with the provisions of section 5-60-17 of the Act.

Section 11.0 ***Rules Governing Practices and Procedures***

11.1 All hearings and reviews required under the provisions of Chapter 5-60 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 12.0 ***Severability***

12.1 If any provision of these rules and regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

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Monday, 30 July 2012