

# DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

## DIRECTOR'S OFFICE

### ATHLETIC TRAINING - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, and 18709 of 1978 PA 368, MCL 333.16145, MCL 333.16148, and MCL 333.18709 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030.)

#### **R 338.1301 Definitions.**

Rule 1. As used in these rules:

- (a) "Board" means the board of athletic trainers.
- (b) "Clinical evaluation and assessment" means the process of determining the severity of an injury or illness, including any of the following:
  - (i) The pre-participation examination performed prior to physical activity to determine a possible medical condition or conditions that might limit or endanger the participating individual.
  - (ii) The on-site evaluation that emphasizes the immediate course of acute care and determination of emergency situations.
  - (iii) The off-site evaluation involving a more detailed evaluation of the injury and/or illness.
  - (iv) A progressive evaluation performed to determine either the status of the rehabilitative, restorative and/or healing process or the ability to return to the activity.
- (c) "Code" means 1978 PA 368, MCL 333.1101.
- (d) "Department" means the department of community health.
- (e) "Direct supervision" means that the licensee is physically present and immediately available for face-to-face direction and supervision at the time the procedure is performed and that the licensee has direct contact with the individual upon whom the procedure is being performed.
- (f) "Emergency cardiac care" means adult and pediatric cardiopulmonary resuscitation, airway obstruction, second rescuer cardiopulmonary resuscitation, the use of automated external defibrillators, and barrier devices, such as a pocket mask or bag valve mask.
- (g) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction are substantially equivalent to the criteria established and described in section 16186 of the code.
- (h) "Immediate care and treatment" means the ability to provide direct athletic training services rendered by members of health care professions for the benefit of the individual.
- (i) "Injury or illness" means any damage to the body, as deemed appropriate by the directing or supervising physician.
- (j) "Rehabilitation and reconditioning" means the use of therapeutic procedures by a licensed athletic trainer in a manner to effect change through the

application of clinical skills and/or services that attempt to improve function or the return of an individual to a desired level of function through the use of any physical agent applied to produce therapeutic changes to biologic tissue including, but not limited to, thermal, acoustic, light, mechanical, or electric energy.

(k) "Risk management and injury prevention" means the ability to discern, evaluate, and communicate risk associated with participation in physical activities.

History: 2010 AACCS.

### **R 338.1303 Training standards for identifying victims of human trafficking; requirements.**

Rule 3. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in Michigan or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training may include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses issued 5 or more years after the promulgation of this rule.

History: 2016 MR 8, Eff. April 22, 2016.

### **R 338.1305 Implementation of licensing program.**

Rule 5. Effective January 1, 2011, any individual who intends to practice as an athletic trainer in Michigan shall possess a Michigan license to practice in this state.

History: 2010 AACCS.

### **R 338.1309 Application for athletic trainer license; requirements.**

Rule 9. An applicant for an athletic trainer license, in addition to meeting the code and the administrative rules promulgated under the code, shall comply with all of the following provisions:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Have graduated from an athletic trainer educational program that is acceptable to the board under R 338.1337.

(c) Possess a current entry-level credential for athletic trainers that was conferred by the board of certification, inc. (boc) or by its predecessor organization. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(d) Submit documentation of current certification in emergency cardiac care from a board-approved organization, as described in R 338.1341.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

History: 2010 AACCS.

### **R 338.1313 Application for temporary athletic trainer license; requirements.**

Rule 13. (1) An individual who does not meet the requirements of R 338.1309 may apply for a temporary athletic trainer license. In addition to meeting the code and administrative rules promulgated under the code, an applicant shall comply with all of the following provisions:

(a) Before January 1, 2011, submit a completed application on a form provided by the department, together with the requisite fee.

(b) Possess a bachelor's degree that includes credits in board-approved course work in all of the following content areas:

- (i) Health.
  - (ii) Human anatomy.
  - (iii) Kinesiology/body mechanics.
  - (iv) Human physiology.
  - (v) Physiology of exercise.
  - (vi) Basic athletic training.
  - (vii) Advanced athletic training.
  - (viii) Cardiopulmonary resuscitation and first aid certification.
- (c) Have passed the Michigan temporary athletic trainer examination, as specified in R 338.1329.
- (d) Provide verification that athletic training activities will be supervised by a licensed physician or licensed athletic trainer. The verification shall include the name, address, telephone number, and license number of the supervisor.
- (e) Provide proof of an applicant's full-time employment as an athletic trainer for the 5 years immediately preceding the date of application. "Full-time employment" as used in this subdivision is defined as continuous employment for 5 years with a minimum of 6,250 hours of experience accumulated in the 5 years immediately preceding the date of application.
- (2) A temporary athletic trainer license shall not be renewed more than twice.

History: 2010 AACCS.

**R 338.1317 Licensure by endorsement; athletic trainer.**

Rule 17. (1) An applicant for an athletic trainer license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) An applicant who is registered or licensed as an athletic trainer in another state of the United States immediately preceding the date of filing an application for a Michigan license is presumed to have met the requirements of the code and administrative rules promulgated under the code, if the applicant meets both of the following requirements:

(a) Is verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(b) Is currently certified by the boc. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(3) If an applicant does not meet the requirements of subrule (2) of this rule, then the applicant shall meet the requirements specified in R 338.1309.

(4) If an applicant is registered as an athletic trainer in another country and is currently certified as an athletic trainer by the boc, then it is presumed that the applicant meets the requirements of the code and these administrative rules. An

applicant shall request the boc to send to the department an official verification of his or her current certification status.

History: 2010 AACCS.

**R 338.1321 Licensure of foreign-trained applicants.**

Rule 21. If an applicant was foreign-trained and does not meet the requirements of R 338.1309, then the applicant shall comply with all of the following provisions:

(a) Have his or her education evaluated to determine if it is equivalent to the standards in R 338.1337.

(b) Pass the United States boc examination. An applicant shall request the boc to send to the department an official verification of his or her current certification status.

(c) Be verified, on a form provided by the department, by the licensing or registration agency of any state of the United States in which the applicant holds a current license or registration or ever held a license or registration as an athletic trainer. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(d) Submit documentation of certification in emergency cardiac care by an organization approved by the board, as provided in R 338.1341.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

History: 2010 AACCS.

**R 338.1325 Licensed athletic trainer examination; adoption; passing scores.**

Rule 25. The board approves and adopts the boc athletic trainer credentialing examination that is scored by the castle TM worldwide inc., or its successor organization. Applicants for an athletic trainer license under R 338.1309 shall take the certification examination and achieve a passing score on the examination as determined by the boc or on any successor examination.

History: 2010 AACCS.

**R 338.1329 Temporary licensed athletic trainer examination; content; time; place; passing score.**

Rule 29. (1) The board shall conduct a comprehensive examination for individuals who are seeking licensure as an athletic trainer, as provided under R 338.1313 of these rules.

(2) Examination for licensure as an athletic trainer shall include, but not be limited to, all of the following:

(a) Prevention.

(b) Clinical evaluation and assessment.

(c) Immediate care and treatment.

(d) Treatment, rehabilitation, and reconditioning.

(e) Organization and administration.

(f) Professional responsibility.

(3) The examination shall be given at least once a year. A passing score on the examination shall be the score recommended by the boc or its successor organization.

History: 2010 AACCS.

**R 338.1333 Educational limited license; requirements.**

Rule 33. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, an applicant shall meet the following requirements:

(a) Be actively enrolled in the last semester of an athletic trainer educational program acceptable to the board.

(b) Submit endorsement of application by program director in an athletic trainer program that is acceptable to the board.

(c) Submit proof of current certification in emergency cardiac care from a program that is acceptable to the board.

(2) In lieu of meeting the requirements specified in subrule (1) (a),

(b) and (c), an applicant may submit documentation of eligibility for the certification examination from the boc.

History: 2010 AACCS.

**R 338.1337 Educational program standards; adoption by reference.**

Rule 37. (1) The board approves and adopts by the reference the standards for accrediting athletic trainer educational programs adopted by the commission on accreditation for athletic training education (caate) in the document entitled "Standards for the Accreditation of Entry-Level Athletic Training Education Programs", December 7, 2007, which is available at no cost from the caate website, at <http://www.caate.net>. A copy of the standards also is available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. An athletic trainer educational program that is accredited by the commission on accreditation for athletic training education is acceptable to the board.

(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 23, 2006, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000, as contained in title 34, part 602 of the code of federal regulations. Copies of the standards and criteria of chea and the U.S. department of education are available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea

recognition standards may also be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from the website for the U.S. Department of Education Office of Postsecondary Education at <http://www.ed.gov/about/offices/list/OPE/index.html>.

(3) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost. Copies of these standards are also available for inspection and distribution at cost from the Board of Athletic Trainers, Bureau of Health Professions, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909:

(a) The standards of the Middle States Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2006 edition, which is available free of charge on the association's website at <http://www.msche.org> or for purchase at a cost of \$7.40 as of the adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, in the document entitled "Standards for Accreditation," 2005 edition, which is available at no cost on the association's website at <http://www.neasc.org>. Printed copies may be ordered from the commission at no cost for a single copy and \$5.00 per copy for multiple copies.

(c) The standards of the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, in the document entitled "Handbook of Accreditation," third edition, which is available at no cost from the association's website at <http://www.ncahigherlearningcommission.org> or for purchase from the association's website at a cost of \$25.00 as of the adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165th Avenue NE, Suite 100, Redmond, WA 98052, in the document entitled "Accreditation Handbook," 2003 edition, updated June 23, 2008, which is available at no cost from the association's website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, in the document entitled "Principles of Accreditation: Foundation for Quality Enhancement", 2008 edition, which is available at no cost on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$6.00 for members and \$12.00 for nonmembers as of the adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, in the document entitled "2001 Handbook of Accreditation," updated February 2008, which is available at no cost on the commission's website at <http://www.wasweb.org>.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 10 Commercial Blvd.,

Suite 204, Novato, CA 94949, in the document entitled "Accreditation Reference Book," August 2007, which is available at no cost on the commission's website at <http://www.wascweb.org>.

History: 2010 AACCS.

Editor's Note: An obvious error in R 338.13371 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Annual Administrative Code Supplement*, 2010. The memorandum requesting the correction was published in *Michigan Register*, 2014 MR 8.

### **R 338.1341 Emergency cardiac care; approved programs.**

Rule 41. (1) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in "2005 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care ("Circulation", Volume 112, Issue 24 Supplement, December 13, 2005). A

copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 at a cost of \$19.00 as of the adoption of these rules or from the association's website at <http://www.ahajournals.org> at no cost. A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board adopts by reference the guidelines for courses in cardiopulmonary resuscitation and automated external defibrillator for the professional rescuer published in "The American Red Cross 2005 Guidelines for Emergency Care and Education". A copy of the guidelines may be obtained at no cost from the American Red Cross, 2025 E Street, NW, Washington, D.C.20006 or at the organization's website at [http://www.redcross.org/static/file\\_cont5294\\_lang0\\_1934.pdf](http://www.redcross.org/static/file_cont5294_lang0_1934.pdf). A copy of this document is available for inspection and distribution at cost from the Michigan Department of Community Health, Bureau of Health Professions, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(3) An organization that provides training that uses the standards specified in subrule (1) or (2) of this rule shall be considered an approved emergency cardiac care provider.

History: 2010 AACCS.

### **R 338.1345 Relicensure.**

Rule 45. An applicant for relicensure whose license has lapsed under section 16201 (3) of the code may be relicensed upon meeting all of the following requirements:

(a) Submit to the department documentation of current boc certification, as described in R 338.1309.



(b) Being verified, on a form provided by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a license as an athletic trainer, which includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(c) Completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204 (2) of the code.

(d) Submit documentation of current certification in emergency cardiac care from a board-approved organization.

(e) Submit documentation of a minimum of 1 hour of first aid training received within 3 years of the date of the application.

History: 2010 AACCS.

### **R 338.1349 License renewal requirements.**

Rule 49. (1) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall meet the following requirements:

(a) Submit to the department documentation that the applicant has completed at least 80 hours of board-approved continuing education or maintained boc certification and completed not less than 1 hour of continuing education in pain and symptom management, as required under section 16204 (2) of the code.

(b) Submit documentation of current certification in emergency cardiac care from a board-approved organization.

(c) Submit documentation of a minimum of 1 hour of first aid training.

(2) The requirements in subrule (1) (a), (b) and (c) of this rule shall be completed during the 3 years preceding an application for renewal.

(3) Submission of an application for renewal of a license or renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221 (h) of the code. Acceptable documentation includes verification of continued certification by the boc or documentation of acceptable continuing education by the boc, as specified in R 338.1357.

History: 2010 AACCS.

### **R 338.1353 Temporary license renewal; requirements.**

Rule 53. (1) A temporary athletic trainer license shall be renewed yearly and in consecutive years, but shall not be renewed more than twice.

(2) An applicant for renewal of a temporary license shall meet either of the following requirements:

(a) Submit documentation of attendance and completion of either boc-approved courses or 25 hours of board-approved continuing education courses or programs.

(b) Submit verification of enrollment in a caate-accredited program and completion of program courses during the year preceding application for renewal.

(3) An applicant for renewal of a temporary license shall provide verification of current employment as an athletic trainer.

(4) Submission of an application for renewal of a temporary license shall constitute the applicant's certification of compliance with this rule. An applicant for renewal shall retain documentation of meeting the requirements of this rule for a period of 3 years from the date of applying for license renewal. Failure to comply with this rule shall be a violation of section 16221 (h) of the code.

History: 2010 AACCS.

### **R 338.1357 Acceptable continuing education.**

Rule 57. (1) The board approves and adopts by reference the requirements of the board of certification, inc. for the recertification of athletic trainers as described in the "Recertification Requirements (2006-2011)", which is available at no cost from the Board of Certification, Inc., 1415 Harney St., Suite 200, Omaha, NE 68102 or from the board's website at <http://www.bocac.org>. A copy of the requirements is also available for inspection and distribution at cost from the Board of Athletic Trainers, Michigan Department of Community Health, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(2) The board shall consider as acceptable any continuing education approved by the board of certification, inc., for recertification, as described in subrule (1) of this rule. Acceptable documentation includes verification of continued education by the boc or continued certification by the boc.

History: 2010 AACCS.

### **R 338.1361 Rescinded.**

History: 2010 AACCS; 2014 AACCS.

### **R 338.1365 Athletic training services; plan of care.**

Rule 65. (1) A licensee shall establish a plan of care for the provision of the following athletic training services, as described under section 17901 (b) of the code and defined in R 338.1301 of these rules: Clinical evaluation and assessment. Immediate care and treatment. Injury or illness. Rehabilitation and reconditioning. Risk management and injury prevention.

(2) The athletic training services specified in subrule (1) of this rule shall be performed under the direction and supervision of either an allopathic physician or an osteopathic physician and surgeon who shall be licensed under Part 170 or Part 175 of the code.

(3) As used in subrule (2) of this rule and section 17901 (1) (b) of the code, "direction" means either a written, electronic, or verbal order issued by a physician or

authorized representative of a physician. The order shall comply with the requirements of the federal health insurance portability and accountability act of 1996.

History: 2010 AACCS.

**R 338.1369 Delegation and supervision; requirements.**

Rule 69. (1) A licensee may delegate the performance of an act, task, or function related to the practice of athletic training, as specified in R 338.1365, to an individual who meets 1 of the following requirements:

(a) Possesses a license to practice athletic training, as required under section 17902 of the code.

(b) Possesses a license to practice another health-related field.

(c) Is enrolled in a graduate-level educational program that falls within the domain of athletic training and is acceptable to the board under R 338.1341, and possesses an educational limited license.

(d) Is unlicensed and has either no training or only informal training in activities associated with the practice of athletic training, and is not a secondary school student, as prohibited in R 338.1373.

(e) Possesses boc certification or is licensed or credentialed in another jurisdiction as an athletic trainer and is accompanying an out-of-state team that is participating in an athletic event held in this state.

(2) A licensee shall be responsible for the performance of a delegated act, task, or function by an individual under his or her direction. A licensee who delegates the performance of an act, task, or function related to the practice of athletic training shall comply with all of the following:

(a) Determine that the act, task, or function is within the scope of practice of a licensed athletic trainer and does not require a skill level that is higher than the skill level of the licensee.

(b) Determine that the individual to whom an act, task, or function has been delegated possesses the necessary knowledge and skills for the delegated assignment to be completed safely and competently.

(c) Provide for the supervision of an individual to whom an act, task, or function has been delegated, as provided in section 333.16109 (2) (a) of the code.

(d) Provide predetermined procedures and protocols for the act, task, or function that has been delegated.

(e) Conduct regular reviews of the performance of the individual to whom an act, task, or function has been delegated.

(f) Provide or recommend remediation of the performance by the individual to whom an act, task, or function has been delegated, when indicated.

(g) Maintain a permanent record of the name of the individual to whom an act, task, or function has been delegated.

(3) A licensee who delegates an act, task, or function to an individual who qualifies under subdivision (1) (a), (b), (c), or (e) of this rule shall provide general supervision of the individual. As used

in this subrule, "general supervision" means that a licensee is not required to be physically present on site, but shall be continuously available at the time a procedure,

including a basic first aid activity, is performed. Continuously available includes availability by telecommunication and/or other electronic communication.

(4) A licensee who delegates an act, task, or function to an individual who is unlicensed and who qualifies under subrule (1) (d) of this rule shall provide direct supervision of the individual.

(5) At any given time, the number of unlicensed individuals to whom a licensee may provide direct supervision shall not exceed 8 individuals.

History: 2010 AACCS.

### **R 338.1373 Secondary school student; prohibit practicing athletic training.**

Rule 73. (1) A secondary school student shall not engage in the practice of athletic training, as defined in section 17901 of the code, except as otherwise provided in this rule.

(2) A secondary school student may participate in athletic training activities only when the activities are performed under the direct supervision of a licensed athletic trainer, as defined in R 338.1301.

(3) A licensed athletic trainer shall ensure that a secondary school student who is under his or her supervision does not perform those functions that require professional judgment or discretion in the practice of athletic training.

(4) This rule shall take effect January 1, 2011.

History: 2010 AACCS.

### **R 338.1377 Prohibited conduct.**

Rule 77. (1) In addition to section 16221 of the code, prohibited conduct includes, but is not limited to, the following acts or omissions by any individual covered by these rules:

(a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.

(b) Failing to provide or arrange for the provision or continuity of necessary athletic training services.

(c) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.

(d) Being involved in either a dual or multiple relationship with a current or former patient or client or a member of his or her immediate family, when there is a risk of harm to, or exploitation of, the patient or client. As used in this subrule, "multiple relationship" means a relationship in which a licensee is in a professional role with an individual and 1 of the following occurs at the same time:

(i) The licensee takes on a professional role even though a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient or client secondary to those of the licensee.

(ii) The licensee takes advantage of any professional relationship or exploits others to further his or her personal, religious, political, business, or financial interests, including inducing a patient or client to solicit a business on behalf of the licensee.

(iii) The licensee solicits or engages in a sexual relationship with a current patient or client.

(iv) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of an act, task, or function related to the practice of athletic training, as permitted under R 338.1369.

(e) Violating the confidentiality of a patient's or client's privileged information by releasing such information to a third party not involved in the patient's or client's care without a release from the patient or client, unless required by law.

(f) Violating applicable local, state, and federal laws as well as institutional or educational guidelines.

(g) Using information obtained in the course of the practice of athletic training to try to influence directly or indirectly the score or outcome of an athletic event, or attempt to induce financial gain through gambling.

(2) As used in subrule (1) of this rule, "patient or client" means an individual who receives any of the following, pursuant to MCL 333.17901 of the public health code: treatment for risk management and injury prevention, clinical evaluation and assessment for an injury or illness, or both; immediate care and treatment of an individual for an injury or illness, or both; or rehabilitation and reconditioning of an injury or illness.

History: 2010 AACCS.