

# Regulation 61-96

## Athletic Trainers

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## SECTION 100 – DEFINITIONS AND CERTIFICATION

### 101. Definitions.

A. Athletic Trainer. An allied healthcare professional with specific qualifications as set forth in South Carolina Code Section 44-75-50 who, upon the advice and consent of a licensed Physician, carries out the practice of care, prevention, and physical rehabilitation of athletic injuries and who, in carrying out these functions, may use physical modalities including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.

B. Board. The South Carolina Board of Health and Environmental Control.

C. Certificate. Official acknowledgement by the Department that an individual has successfully completed the education and other requirements in accordance with South Carolina Code Sections 44-75-10 et seq. and this regulation, which entitles that individual to perform the functions and duties of an Athletic Trainer.

D. Committee. The South Carolina Athletic Trainers' Advisory Committee.

E. Consultation. A meeting with Department representatives who will provide information to the Certificate holder with the goal of facilitating compliance with this regulation.

F. Continuing Education. Education beyond the basic preparation required for entry into the profession that is directly related to the performance and practice of the Athletic Trainer.

G. Department. The South Carolina Department of Health and Environmental Control.

H. Inspection. A visit, in-person meeting, or review of materials by Department representatives for the purpose of determining compliance with this regulation.

I. Investigation. A visit, in-person meeting, or review of materials by Department representatives for the purpose of determining the validity of allegations received by the Department relating to statutory and regulatory compliance.

J. Patient. A person who receives care, treatment, or services from an Athletic Trainer certified by the Department.

K. Physically Active Population. Any individual, entity, group, or organization who participates in an athletic activity, a job function, or a job-related activity that requires physical strength, range of motion, flexibility, control, speed, stamina, or agility.

L. Physician. An individual currently licensed to practice medicine by the South Carolina Board of Medical Examiners.

M. Variance. An alternative method that ensures the equivalent level of compliance with the standards in this regulation.

## **102. Certification.**

### **A. Certification.**

1. No person may hold himself or herself out as an Athletic Trainer or perform for compensation any activities of an Athletic Trainer as defined in South Carolina Code Section 44-75-20 without first obtaining a Certificate from the Department. When it has been determined by the Department that an individual is engaged as an Athletic Trainer and the individual has not been issued a Certificate from the Department, the individual shall cease engaging as an Athletic Trainer immediately. Current and/or previous violation(s) of the South Carolina Code of Laws or Department regulations may jeopardize the issuance of an Athletic Trainer Certificate. (I)

2. A person is engaged as an Athletic Trainer if the person is employed on a salary or contractual basis by an educational institution, a hospital, a rehabilitation clinic, a Physician's office, an industry, a performing arts group, a professional athletic organization, the military, a governmental agency, or other bona fide organization which employs or serves a Physically Active Population and performs the duties of an Athletic Trainer as a major responsibility of this employment.

3. A person certified by the Department to practice and perform as an Athletic Trainer may use the title "State Certified Athletic Trainer" and/or the abbreviations "S.C.A.T." and "SCAT."

### **B. Issuance and Terms of Certification.**

1. The Athletic Trainer Certificate is issued pursuant to South Carolina Code Sections 44-75-10 et seq. and this regulation. The issuance of a Certificate does not guarantee adequacy of individual care, treatment, personal safety, or well-being of any Patient.

2. The Athletic Trainer Certificate is not assignable or transferable and shall be subject to denial, suspension, or revocation by the Department for failure to comply with the South Carolina Code of Laws and this regulation.

3. The Athletic Trainer Certificate shall be effective for a twenty-four (24) month period following the date of issue by the Department.

4. The Athletic Trainer shall carry the identification Certificate card issued by the Department while performing his or her duties and present the identification Certificate card when requested.

C. Initial Application. Applicants for an initial Athletic Trainer Certificate shall submit to the Department a completed application on a form prescribed, prepared, and furnished by the Department prior to issuance of an initial Certificate. The applicant shall submit, along with the application, documentation that he or she has successfully passed the Athletic Trainer certification exam as administered by the Board of Certification, Inc. or its successors or assigns.

D. Certification Fees. The applicant shall pay a certification fee of fifty dollars (\$50.00) prior to issuance of an initial Certificate. The applicant shall pay a biennial certification renewal fee of forty dollars (\$40.00) prior to renewal of the certification. The renewal late fee shall be fifteen dollars (\$15.00). The Athletic Trainer shall pay one hundred dollars (\$100.00) to restore his or her certification. The Athletic Trainer shall pay seven dollars (\$7.00) for duplicate Certificates and identification Certificate cards. All fees shall be non-refundable. Athletic Trainers and Athletic Trainer applicants shall submit payment of certification fees with each application to the Department by check, money order, or other means as determined by the Department. (II)

E. Certification Renewal. To renew his or her certification, the Athletic Trainer shall submit a complete and accurate biennial renewal application on a form prescribed and furnished by the Department, shall pay the biennial renewal fee, and shall not have pending enforcement actions by the Department.

1. The Athletic Trainer shall submit the following with the biennial renewal application:

- a. Proof of Continuing Education pursuant to Section 500; and
- b. Proof of current certification by the Board of Certification, Inc., or its successors or assigns.

2. The Athletic Trainer who fails to submit his or her renewal application and biennial renewal fee by his or her certification expiration date shall be deemed to have an expired Certification.

3. The Athletic Trainer who submits his or her renewal application, biennial renewal fee, and renewal late fee within three (3) months after his or her certification expired may be reinstated at the Department's discretion. The Athletic Trainer who submits his or her renewal application, biennial renewal fee, and certification restoration fee more than three (3) months after his or her certification expired may be restored at the Department's discretion.

### **103. Temporary Certification Hold.**

The Athletic Trainer who is active duty military service member or spouse may request a temporary hold on his or her certification while actively deployed outside of South Carolina. The Athletic Trainer requesting a temporary certification hold shall submit a written request in a format as determined by the Department including the effective dates of deployment. The Athletic Trainer granted a temporary certification hold shall notify the Department upon return from active duty in a manner determined by the Department.

### **104. Reciprocity. (II)**

Certification by Reciprocity. A Certificate may be issued by the Department to any qualified Athletic Trainer holding certification in any other state if such other state recognizes the Certificate of South Carolina in the same manner. Applicants for reciprocal certification shall submit to the Department a completed application, on a form prescribed, prepared, and furnished by the Department prior to certification by reciprocity. The applicant for reciprocity shall submit documentation with the reciprocity application that he or she is currently credentialed as an Athletic Trainer under the laws of another state or territory. (II)

### **105. Change of Name or Address.**

A. Change of Name. The Athletic Trainer shall request a change of name from that under which the original Certificate was issued by submitting to the Department a certified copy of a marriage certificate, court order, or documentation of legal name change and payment of the duplicate Certificate fee.

B. Change of Address. The Athletic Trainer shall ensure current information, including name, address, contact information, and other required information by the Department, is maintained in the Department's credentialing information system and submit any changes to the Department within forty-five (45) calendar days of the change.

## **106. Variance.**

The Athletic Trainer may request a Variance to this regulation in a format as determined by the Department. Variances shall be considered on a case-by-case basis by the Department. The Department may revoke issued Variances as it determines appropriate.

## **SECTION 200 – ENFORCING REGULATIONS**

### **201. General.**

The Department shall utilize Inspections, Investigations, Consultations, and other pertinent documentation regarding an Athletic Trainer to enforce this regulation.

### **202. Inspections and Investigations.**

A. The Department may conduct Inspections and Investigations as deemed appropriate by the Department.

B. Athletic Trainers shall be subject to Inspections and Investigations at any time without prior notice by individuals authorized by the Department.

C. The Athletic Trainer shall grant the Department access to all properties and areas, objects, equipment, records, and documentation. The Athletic Trainer shall provide the Department all requested records and documentation in the manner and within the timeframe specified by the Department. The Athletic Trainer shall provide photos and/or electronic copies of documents requested by the Department in the course of Inspections and Investigations. These copies shall be used for purposes of enforcement of regulations and confidentiality shall be maintained except to verify the identity of individuals in enforcement action proceedings. (I)

D. When there is noncompliance with this regulation, the Athletic Trainer shall submit an acceptable plan of correction in a format determined by the Department. The plan of correction shall be signed by the Athletic Trainer and returned by the date specified by the Department. The plan of correction shall describe: (II)

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar); and
3. The actual or expected completion dates of those actions.

### **203. Consultations.**

The Department may provide Consultations as requested by the Athletic Trainer or as deemed appropriate by the Department.

## SECTION 300 – ENFORCEMENT ACTIONS

### 301. General.

A. The Department may suspend or revoke a Certificate at any time it is determined that the Certificate holder no longer meets the prescribed qualifications set forth by the Department or has failed to provide athletic training services of a quality acceptable by the Department.

B. When the Department determines that an Athletic Trainer is in violation of any statutory provision or regulation relating to the duties therein, the Department may, upon proper notice to the individual, impose a monetary penalty, deny, suspend, and/or revoke his or her certification, or authorization or take other actions deemed appropriate by the Department.

### 302. Violation Classifications.

A. Violations of standards in this regulation are classified as follows:

1. Class I violations are those that the Department determines to present an imminent danger to the health, safety, or well-being of the persons being served, other employees, or the general public; or a substantial probability that death or serious physical harm could result therefrom. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be a subsequent violation.

2. Class II violations are those that are not classified as Class I or Class III violations the Department determines to have a negative impact on the health, safety, or well-being of those being served, other employees, or the general public. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be a subsequent violation.

3. Class III violations are those that are not classified as Class I or II in this regulation or those that are against the best practices as interpreted by the Department. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be a subsequent violation.

B. The notations “(I)” or “(II)” placed within sections of this regulation indicate those standards are considered Class I or II violations if they are not met respectively. Failure to meet standards not so annotated are Class III violations.

C. Monetary Penalties. When the Department imposes a monetary penalty, the following schedule shall be used as a guide to determine the dollar amount:

FREQUENCY OF VIOLATION	CLASS I	CLASS II	CLASS III
1 <sup>st</sup>	\$300-500	\$100-300	\$50-100
2 <sup>nd</sup>	500-1,500	300-500	100-300
3 <sup>rd</sup>	1,500-5,000	500-1,500	300-800
4 <sup>th</sup> or more	10,000	1,500-5,000	800-1,500



### **303. Standards of Conduct. (I)**

The Department may deny, suspend, or revoke an Athletic Trainer's Certificate and impose a monetary penalty against an Athletic Trainer for the following:

A. Used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with any of the certification requirements or official documents required by the Department;

B. Convicted of a felony or another crime involving moral turpitude, drugs, or gross immorality;

C. Addicted to alcohol or drugs to such a degree as to render the Certificate holder unfit to perform as an Athletic Trainer;

D. Sustained a physical or mental disability that renders further practice dangerous to the public;

E. Obtained fees or assisted in the obtaining of such fees under dishonorable, false, or fraudulent circumstances;

F. Disregarded an order by a Physician concerning care or treatment;

G. Refused to administer care or treatment on the grounds of the age, gender, race, religion, creed or national origin of the Patient;

H. After initiating care of a Patient, discontinued such care or abandoned the Patient without the Patient's consent or without providing for the further administration of care by an equal or higher medical authority;

I. Revealed confidences entrusted to him or her in the course of medical attendance, unless such revelation is required by law or is necessary in order to protect the welfare of the Patient or the community;

J. By action or omission, and without mitigating circumstance, contributed to or furthered the injury or illness of a Patient under the care of the Athletic Trainer;

K. Performed skills above the level for which the Athletic Trainer is certified or performed skills for which he or she has no training to perform;

L. Observed the administration of substandard care by another Athletic Trainer or other healthcare provider without documenting the event and notifying a supervisor or Physician;

M. By his or her actions, or inactions, created a substantial possibility that death or serious physical harm could result; or

N. Falsified any documentation as required by the Department.

### **SECTION 400 – ATHLETIC TRAINERS' ADVISORY COMMITTEE**

A. Organization. The South Carolina Athletic Trainers' Advisory Committee shall consist of nine (9) members appointed by the Board. The terms of the Committee members are for four (4) years or until successors are appointed. The Committee members appointed by the Board shall consist of the following:

1. Two (2) members shall be representatives from the Department;

2. One (1) member shall be from the State Board of Medical Examiners;
3. Four (4) members shall be Athletic Trainers certified by the Department; and
4. Two (2) members shall be from the general public, not certified or licensed in any healthcare field, and not in any way associated with Athletic Trainers.

B. Meetings. The Committee shall meet at least once a year to review the standards and regulations for improving athletic training services and make recommendations to the Department.

### **SECTION 500 – CONTINUING EDUCATION**

Athletic Trainers shall complete the following Continuing Education courses during the two (2) year certification period:

A. A course in cardiopulmonary resuscitation (CPR) offered by the American Red Cross or the American Heart Association or any other cardiopulmonary resuscitation (CPR) course approved by the Department; and

B. Two (2) Continuing Education courses approved by the Department in consultation with the Athletic Trainers' Advisory Committee.

### **SECTION 600 – [RESERVED]**

### **SECTION 700 – PATIENT CARE AND RECORDS. (II)**

A. The Athletic Trainer shall render services and treatment under the advice and consent of a licensed Physician including general written or oral standing orders and/or protocols signed by a licensed Physician.  
(I)

B. The Athletic Trainer shall be responsible for recording details of the Patient's health care status. The Athletic Trainer shall maintain an organized permanent record for each Patient that contains written documentation of all care, treatment, and services provided to the Patient including:

1. Injury and Illness Prevention and Wellness Promotion. The Athletic Trainer shall promote healthy lifestyle behaviors with effective education and communication to enhance wellness and minimize the risk of injury and illness for every Patient to assure the highest quality of care.

2. Immediate and Emergency Care. The Athletic Trainer shall provide immediate and emergency care integrating best practices for optimal outcomes.

3. Examination, Assessment, and Diagnosis. The Athletic Trainer shall assess the Patient's level of function prior to treatment. The Athletic Trainer shall consider the Patient's input as an integral part of the initial assessment. The Athletic Trainer shall implement systematic, evidence-based examinations and assessments to formulate valid clinical diagnoses and determine each Patients' plan of care.

4. Therapeutic Intervention. The Athletic Trainer shall develop the treatment program and determine the appropriate treatment, rehabilitation, and/or reconditioning strategies for each Patient's injuries, illnesses, and general medical conditions. The Athletic Trainer shall ensure the treatment program objectives include long-term and short-term goals and appraisal with the goal of the Patient achieving

optimal activity level based on athletic training core concepts using the applications of therapeutic exercise, modality devices, and manual techniques. The Athletic Trainer shall incorporate and utilize the assessment measure to determine the effectiveness of the treatment program. The Athletic Trainer shall integrate best practices in policy construction and implementation, documentation, and basic business practices to promote optimal Patient care.

C. Program Discontinuation. The Athletic Trainer, with advice and consent of a licensed Physician, shall recommend discontinuation of athletic training services when the Patient has received optimal benefit of the treatment program. The Athletic Trainer shall document and maintain documentation of the final assessment of the Patient's status and the date the Patient was discontinued from the treatment program.

**SECTION 800 – [RESERVED]**

**SECTION 900 – [RESERVED]**

**SECTION 1000 – [RESERVED]**

**SECTION 1100 – [RESERVED]**

**SECTION 1200 – [RESERVED]**

**SECTION 1300 – [RESERVED]**

**SECTION 1400 – [RESERVED]**

**SECTION 1500 – [RESERVED]**

**SECTION 1600 – [RESERVED]**

**SECTION 1700 – [RESERVED]**

**SECTION 1800 – [RESERVED]**

**SECTION 1900 – [RESERVED]**

**SECTION 2000 – [RESERVED]**

**SECTION 2100 – [RESERVED]**

**SECTION 2200 – [RESERVED]**

**SECTION 2300 – [RESERVED]**

**SECTION 2400 – [RESERVED]**

**SECTION 2500 – [RESERVED]**

**SECTION 2600 – [RESERVED]**

## **SECTION 2700 – SEVERABILITY**

In the event that any portion of this regulation is construed by a court of competent jurisdiction to be invalid or otherwise unenforceable, such determination shall in no manner affect the remaining portions of this regulation, and they shall remain in effect as if such invalid portions were not originally a part of this regulation.

## **SECTION 2800 – GENERAL**

Conditions that have not been addressed in this regulation shall be managed in accordance with the best practices as interpreted by the Department.