

Significant Legislative Rule Analysis
WAC 246-916-060
A Rule Concerning
Continuing Education Requirements for Athletic Trainers.
September 8, 2015

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The Department of Health is proposing adding a new section to chapter 246-916 WAC to establish enforceable requirements for continuing education. Substitute House Bill (SHB) 2430 (Chapter 194, Laws of 2014) gave the secretary the authority to establish continuing education requirements through rulemaking. At this time there are no continuing education requirements for athletic trainers. Continuing education will help athletic trainers stay current on best practices for treatment, rehabilitation, and reconditioning of athletes and injured workers.

The rule requires 50 hours of continuing education every two years, with at least 10 of those hours of evidence-based practice education. The hours may be obtained in a variety of categories including workshops, seminars, conferences, online courses, and other professional activities. All acceptable categories of continuing education are listed in the rule.

Is a Significant Analysis required for this rule?

Yes, as defined in RCW 34.05.328 the agency must prepare a significant analysis on the proposed rule.

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

The general goal of chapter 18.250 RCW is to provide licensure for people offering athletic training services to the public. The statutory goal is to ensure athletic trainers meet standards of competence and professional conduct to safeguard public health, safety, and welfare.

The rule implements the statutory intent by:

- Ensuring athletic trainers continue to add to their competence, development of current knowledge and skills, and enhancement of professional skills and judgement.
- Establishing minimum requirements for continuing education.

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

SHB 2430 (Chapter 194, Laws of 2014) amended RCW 18.250.020 to allow the secretary the authority to establish continuing education requirements by rule. Continuing education will help

athletic trainers stay current on best practices for treatment, rehabilitation, and reconditioning of athletes and injured workers.

The department has assessed and determined that there are no feasible alternatives to rule making. Standards need to be established in rule to be enforced. The rule specifies continuing education requirements in order to maintain licensure in Washington to safeguard public health, safety, and welfare.

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

WAC 246-916-060 Continuing education

Description of the proposed rule:

The proposed rule establishes continuing education requirements for athletic trainers. Licensed athletic trainers must complete a minimum of fifty hours of continuing education every two years. Licensees may alternatively meet the continuing education requirement by holding a current certification from the Board of Certification for the Athletic Trainer (BOC). Certification with the BOC requires a minimum of 50 hours of CE every two years in categories similar to the proposed rule.

Cost/Benefit Analysis:

The proposed changes will benefit licensees and the public. Requiring that licensees stay current on best practices for treatment, rehabilitation, and reconditioning of athletes and injured workers will provide safe care to the public. The costs will be incurred by licensees to meet continuing education requirements. The requirement of 50 hours of continuing education every two years was agreed upon collaboratively by workshop participants. Rules discussions and workshops were held March 31, September 18, and December 22, 2014. Participants agreed that the different categories provide enough opportunities to easily obtain those hours. The alternative requirement to maintain BOC certification streamlines the continuing education verification/attestation for licensees. The BOC requires at least 50 hours of continuing education every three years in the same categories identified in the proposed rule. If at any time the BOC changes their requirements for certification, DOH staff will have enough notice to propose changes to the rule.

An athletic trainer will incur continuing education costs ranging from free to over \$1000.00 by meeting the requirements of subsection (1) of the proposed rule (50 hours), or subsection (2) of the proposed rule (maintaining certification with the BOC). Certification with the BOC requires a minimum of 50 hours of CE in categories similar to the proposed rule. Continuing education costs vary depending on the content, venue, or medium. In addition to continuing education costs, the cost associated with maintaining certification with the BOC range from \$34.00 to \$50.00. The cost to maintain certification with the BOC is a voluntary cost and is not required to maintain certification.

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

During the process of developing the rule language and setting the number of hours, stakeholders and members of the Athletic Training Advisory Committee considered the continuing education requirements in other states. Licensed athletic trainers in other states were required to complete from 10 hours of continuing education per year to 80 hours of continuing education every three years. Some states required licensees maintain BOC certification as a continuing education requirement. The most common requirement was 50 hours of continuing education every two years, the equivalent of BOC certification. After careful consideration, workshop participants determined that 50 hours every two years, or current BOC certification was the most acceptable standard. Staff worked closely with stakeholders to minimize the burden of this rule.

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The proposed rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The proposed rule does not impose more stringent performance requirements on private entities than on public entities.

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The proposed rule does not differ from any applicable federal regulation or statute.

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.