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DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-110, and 40-47-1720

- 81-500. Powers and Duties of Athletic Trainers' Advisory Committee. (New)
- 81-501. Renewal and Reinstatement of License. (New)
- 81-502. Change of Name or Address. (New)
- 81-503. Standards of Conduct. (New)
- 81-505. Patient Care. (New)
- 81-507. Code of Ethics and Professional Standards. (New)

Synopsis:

The South Carolina Board of Medical Examiners proposes adding regulations for athletic trainers as required by 2023 Act No. 77.

A Notice of Drafting was published in the *State Register* on July 28, 2023.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

81-500. Powers and Duties of Athletic Trainers' Advisory Committee.

(A) The committee:

- (1) may recommend regulations relating to professional conduct and continuing professional education of athletic trainers to the Board to carry out the provisions of this article;
- (2) shall conduct hearings and keep records and minutes necessary to carry out its functions;
- (3) shall provide notice of all hearings authorized under this article pursuant to the Administrative Procedures Act;
- (4) shall determine the qualifications of and make recommendations regarding the issuance of licenses to qualified athletic trainers when necessary;
- (5) shall recommend to the Board whether to issue or renew licenses under those conditions prescribed in this article;
- (6) shall report annually to the Board on duties performed, actions taken, and recommendations;
- (7) shall hear disciplinary cases and recommend findings of fact, conclusions of law, and sanctions to the Board. The Board shall conduct a final hearing at which it shall make a final decision; and
- (8) shall perform such duties and tasks as may be delegated to the committee by the Board.

81-501. Renewal and Reinstatement of License.

200 FINAL REGULATIONS

(A) Licenses shall be issued with a uniform expiration date and shall remain active for a period of two years. A licensee may renew the license beginning three months before the expiration date. If a licensee fails to renew the license before the expiration date, the license is deemed lapsed and practice must cease until the license is renewed. A late renewal period shall exist for a period of three months from the expiration date, during which time the licensee may late renew upon payment of the renewal fee and a late renewal fee.

(B) Upon expiration of the late renewal period, a licensee may apply for reinstatement of the license, including payment of the reinstatement fee, the current renewal fee, and demonstration of continued competency to the satisfaction of the committee. The committee may recommend denial of reinstatement to a licensee who has committed an act that would be grounds for discipline.

81-502. Change of Name and Address.

A licensee shall notify the Board in writing within 45 business days of any change of his or her name, residential address, office address, email address(es) and/or telephone number(s). A licensee requesting a name change must submit appropriate documentation such as a marriage certificate, a court order, or a divorce decree.

81-503. Standards of Conduct.

(A) In addition to the grounds provided in South Carolina Code Section 40-1-110, upon finding misconduct that constitutes one or more of the grounds for disciplinary action, the Board of Medical Examiners may cancel, fine, suspend, revoke, issue a private or public reprimand or restrict, including probation or other reasonable action, such as requiring additional education or training or limitation on practice, the authorization to practice of an athletic trainer who has engaged in misconduct.

(B) "Misconduct" that constitutes grounds for disciplinary action is a showing to the Board by the preponderance of evidence that a licensee has:

(1) used a false, fraudulent, or forged statement or document or committed a fraudulent, deceitful, or dishonest act in connection with any of the certification requirements or official documents required;

(2) been convicted of, pled guilty to, or pled nolo contendere to a felony or violated a federal, state, or local law involving alcohol or drugs;

(3) been addicted to alcohol or drugs to such a degree as to render the licensee unfit to perform as an athletic trainer;

(4) sustained a physical or mental disability that renders further practice dangerous to the public or attempted to practice when judgment or physical ability is impaired by mental illness, alcohol, drugs, or other substances;

(5) obtained fees or assisted in the obtaining of such fees under dishonorable, false, or fraudulent circumstances;

(6) engaged in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public;

(7) disregarded an order by a physician concerning care or treatment of a patient;

(8) 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;

(9) 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;

(10) by action or omission, and without mitigating circumstance, contributed to or furthered the injury or illness of a patient under the care of an athletic trainer;

(11) performed skills above the level for which an athletic trainer is certified or performed skills for which he or she has no training to perform;

(12) observed the administration of substandard care by another athletic trainer or other healthcare provider without documenting the event and notifying a supervisor or physician;

(13) by action or omission, created a substantial possibility that death or serious physical harm could result;

(14) falsified any documentation required by the Board;

(15) been convicted of or sanctioned for illegal or unauthorized practice;

(16) knowingly performed an act that in any way assists an unlicensed person to practice;

(17) intentionally violated or attempted to violate, directly or indirectly, or is assisting in or abetting the violation of or conspiring to violate the laws governing the practice of athletic trainers;

(18) violated the applicable code of ethics adopted by the Board or has been found by the Board to lack ethical or professional competence to practice;

(19) failed to cooperate with an investigation or other proceeding of the Board;

(20) failed to comply with an order, subpoena, or directive of the Board or Department;

(21) failed to prepare or maintain an adequate patient record of care provided, including, but not limited to, failure to maintain timely, legible, accurate, and complete medical records as required by regulation;

(22) engaged in behavior that exploits the athletic trainer-patient relationship in a sexual way. This behavior is nondiagnostic and nontherapeutic, may be written, verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual or that reasonably may be construed by a patient as sexual. This behavior includes sexual contact with patient surrogates or key third parties;

(23) failed to appear before the Board after receiving a formal notice to appear;

(24) failed to report to the Board any adverse disciplinary action by another United States licensing jurisdiction, by any professional association, law enforcement agency, including arrest, or a court, including indictment, for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action as provided for in this section.

81-505. Patient Care.

Athletic trainers are expected to adhere to and practice in accordance with the domains of practice set forth in the most updated Board of Certification for the Athletic Trainer's Practice Analysis, which identifies essential knowledge and skills for the athletic training profession.

81-507. Code of Ethics and Professional Standards.

The Board adopts the Board of Certification for the Athletic Trainer Standards of Professional Practice.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The South Carolina Board of Medical Examiners proposes to promulgate regulations for athletic trainers following transfer of regulatory authority from DHEC to LLR following passage of Act 77 of 2023.