

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	-	40a
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Athletic Trainer Licensing Act Rule
3.	Type of notice:
	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The Division and the Athletic Trainers Licensing Board reviewed the rule and are now proposing amendments to define unprofessional conduct as violating any provision of the Board of Certification Standards of Professional Practice and incorporate those standards by reference.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ___
6.	Summary of the rule or change:
	Section 102: The proposed amendment adds a definition section in order to define unprofessional conduct in the rule. Section 104: The term "division" is capitalized. Section 502: The proposed amendment defines unprofessional conduct as violating any provision of the Board of Certification Standards of Professional Practice, dated January 1, 2006, and incorporates that document by reference.
7.	Aggregate anticipated cost or savings to:
	A) State budget:
	Affected: No ___; Yes XX

The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. Adding a definition of unprofessional conduct to the rule that incorporates the Board of Certification Standards of Professional Practice will clarify standards of conduct in cases of unprofessional conduct relating to licensed athletic trainers. This may translate into a cost savings for the Division but is impossible to estimate the extent of the cost savings.

B) Local government:

Affected: No XX; Yes ___

The proposed amendments only apply to licensed athletic trainers. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No XX; Yes ___

The proposed amendments only apply to licensed athletic trainers. Licensees may work in a small business; however, the proposed amendments would not directly affect the business.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No XX; Yes ___

The proposed amendments only apply to licensed athletic trainers. Adding a definition of unprofessional conduct to the rule that incorporates the Board of Certification Standards of Professional Practice is not expected to have any cost or saving impact on individual licensees.

8. Compliance costs for affected persons:

The proposed amendments only apply to licensed athletic trainers. Adding a definition of unprofessional conduct to the rule that incorporates the Board of Certification Standards of Professional Practice is not expected to have any cost or saving impact on individual licensees. It should be noted that the standards being incorporated can be found on the Internet.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule filing clarifies the unprofessional conduct definition to include violation of any standards of practice in the profession. No fiscal impact to businesses is anticipated from such clarification.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 58-40a-101	Subsection 58-1-106(1)(a)
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Subsection 58-1-202(1)(a)	
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11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)	Board of Certification Standards of Professional Practice	
Publisher	Board of Certification, Inc.	
Date Issued	January 1, 2006	
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference	none	
Action: Adds, updates, or removes	Adds	

(If this rule incorporates more than two items by reference, please attach additional pages)			
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 06/20/2012		
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	06/20/2012	9:00 am	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy): 06/27/2012		
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency):		
	licensing	occupational licensing	
	athletic trainer		
15.	Attach an RTF document containing the text of this rule change (filename): R156-40a.pro		
	To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.		
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy): 04/23/2012	

R156. Commerce, Occupational and Professional Licensing.

R156-40a. Athletic Trainer Licensing Act Rule.

R156-40a-102. Definitions.

In accordance with Subsection 58-1-203(1)(e), the definition of unprofessional conduct in Title 58, Chapters 1 and 40 is further defined in Section R156-40a-502.

R156-40a-104. Authority - Purpose.

This rule is adopted by the [e]Division under the authority of Subsection 58-1-106(1)(a) to enable the [e]Division to administer Title 58, Chapter 40a.

R156-40a-502. Unprofessional Conduct.

"Unprofessional conduct" includes violating any provision of the Board of Certification Standards of Professional Practice, implemented January 1, 2006, which is hereby adopted and incorporated by reference.

KEY: licensing, occupational licensing, athletic trainer

Date of Enactment or Last Substantive Amendment: [~~February 22, 2007~~]2012

Notice of Continuation: November 21, 2011

Authorizing, and Implemented or Interpreted Law: 58-40a-101, 58-1-106(1)(a), 58-1-202(1)(a)