

Notice Number 2024-209

Rule Number Ath 401 – Ath 405,  
Ath 406 various

1. Agency Name & Address:

**Governing Board of Athletic Trainers  
Office of Professional Licensure and  
Certification  
7 Eagle Square  
Concord, NH 03301**

2. RSA Authority: RSA 328-F:11, I(b), (d)-(g)

3. Federal Authority: N/A

4. Type of Action:

Adoption         

Repeal     X    

Readoption     X    

Readoption w/amendment     X    

5. Short Title: **Procedures for License Renewal and Reinstatement for Athletic Trainers**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**Ath 401 defines terms used in this chapter. The Governing Board of Athletic Trainers (Board) proposes to readopt without change Ath 401.01 defining “Board of Certification”, and repeal Ath 401.02 defining “renewal year”. Ath 402 describes licensure expiration, and the process for license renewal. The Executive Director of the Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt organizational and procedural rules necessary to administer the boards, pursuant to 2023, 235:8, effective July 15, 2023.**

**The Board proposes to readopt with amendment Ath 402.01 and Ath 402.02 on license renewal and expiration to incorporate Plc rules adopted by the OPLC including Plc 308.06 through Plc 308.08 rules on applications for license renewal, Plc 312 on obtaining a license after revocation, and Plc 1002.06 on fees. The Board proposes to repeal Ath 402.03 through Ath 402.05 rules on license renewal. The Executive Director of OPLC was granted rulemaking authority in RSA 310:6, II to adopt rules for application procedures, and in RSA 310:6, I to adopt rules relative to the establishment and collection of the fees set forth in RSA 310:5, I, pursuant to 2023, 235:8, effective July 15, 2023.**

**The Board proposes to change the heading in Ath 403.01 and readopt with amendment Ath 403.01 to describe the process for obtaining a license after expiration, suspension, or revocation to incorporate Plc 304 rules on initial licensure, Plc 308 rules on renewals and continuing education, Plc 312.02 on the process to request reinstatement of a license that has been lapsed for not more than one year, Plc 313.03 on the process to request a license when the former license has been expired for more than one year, Plc 313.04 on the process to request reinstatement of a suspended license, and Plc 312.05 on the process to request a license after revocation.**

**Ath 404 defines “misconduct” and “sexual misconduct” and describes the procedure for determining, selecting, and imposing sanctions. The Board proposes to readopt without change Ath 404.01 defining sexual misconduct. The Board proposes to readopt with amendment Ath 404.02 through Ath 404.07 on misconduct and sanctions to incorporate Plc 309 on ethical standards, Plc 311.07 through Plc 311.12 on disciplinary proceedings and sanctions, and Plc 206 on adjudicative proceedings. The Executive Director of OPLC was granted rulemaking authority to adopt rules governing the administration of complaints and investigations, hearings, and disciplinary and non-disciplinary proceedings, pursuant to 2023, 235:8, effective July 15, 2023.**

**Ath 405 describes the procedures for voluntary license surrender. The Board proposes to readopt with amendment Ath 405.01 to incorporate Plc 205 on settlement procedures and non-disciplinary actions. The Executive Director of OPLC was granted rulemaking authority in RSA 310:6, II to adopt rules governing the administration of complaints and investigations, hearings, and disciplinary and non-disciplinary proceedings, pursuant to 2023, 235:8, effective July 15, 2023.**

**The Board proposes to readopt with amendment Ath 406.07 and Ath 406.09 requiring licensees to report criminal convictions, disciplinary actions, and misconduct, to provide clarity.**

6. (b) Brief description of the groups affected:

**Athletic trainers will be impacted by this proposed rulemaking.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Ath 401.01	RSA 541-A:7
Ath 401.02 (repeal)	2023, 79:281, XIII
Ath 402.01(a)	RSA 310:8, II
Ath 402.01(b)	RSA 310:8, III
Ath 402.02	RSA 326-G:6; RSA 328-F:11, I(b),(d),(e),(f); RSA 310:8
Ath 402.03 through Ath 402.05 (repeal)	2023, 79:281, XIII
Ath 403.01	RSA 328-F:11, I(e) and (f)
Ath 403.02 (repeal)	2023, 79:281, XIV
Ath 403.03 (repeal)	2023, 79:281, XIII
Ath 403.04 (repeal)	2023, 79:281, XIV
Ath 404.01	RSA 328-F:11, II(d)
Ath 404.02	RSA 328-F:11, I(g); RSA 310:12
Ath 404.03 through Ath 404.05	RSA 310:12
Ath 404.06	RSA 541-A:16, I(b)
Ath 404.07	RSA 541-A:16, I(b)
Ath 405.01	RSA 326-G:4, III; RSA 326-G:6, I
Ath 406.01	RSA 326-G:4, III; RSA 326-G:6, I
Ath 406.02	RSA 326-G:1, III
Ath 406.04 (repeal)	2023, 79:281, XV
Ath 406.05	RSA 328-F:11, II(b)
Ath 406.06	RSA 328-F:11, II(b)
Ath 406.07	RSA 328-F:11, II(b)
Ath 406.08	RSA 328-F:11, I(b), (d), and (e)
Ath 406.09	RSA 328-F:11, II(b)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>Chantell B. Wheeler</b>	Title:	<b>Rules Administrator</b>
Mailing Address:	<b>OPLC, 7 Eagle Square, Concord, NH 03301</b>	Phone #:	<b>603-271-8831</b>
		Fax#:	<b>N/A</b>
		E-mail:	<b>rules-oplc@oplc.nh.gov</b>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, December 2, 2024, at 4:00 p.m.**

**Please e-mail comments to OPLC-Rules@opl.nh.gov**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, November 21, 2024, at 8:30 a.m.**

Physical Location: **OPLC  
7 Eagle Sq  
Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:213, dated 10/03/2024

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in costs when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**These rules do not apply to political subdivisions. These rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.**