

**CHAPTER 35
BOARD OF MEDICAL EXAMINERS**

Authority

N.J.S.A. 26:6A-1 et seq., specifically 26:6A-4; 45:1-15.1 and 45:9-2.

Source and Effective Date

R.2005 d.120, effective March 17, 2005.
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Chapter Expiration Date

Chapter 35, Board of Medical Examiners, expires on March 17, 2010.

Chapter Historical Note

Chapter 35, Board of Medical Examiners, was adopted and became effective prior to September 1, 1969.

Chapter 35, Board of Medical Examiners, was repealed and Chapter 35, Board of Medical Examiners, was adopted as new rules by R.1983 d.314, effective August 1, 1983. See: 15 N.J.R. 503(a), 15 N.J.R. 1255(a).

Subchapter 7, Chiropractic Practice, was adopted as R.1984 d.533, effective November 19, 1984. See: 16 N.J.R. 686(a), 16 N.J.R. 3208(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1989 d.532, effective September 21, 1989. See: 21 N.J.R. 2226(b), 21 N.J.R. 3307(a).

Subchapter 6A, Declarations of Death upon the Basis of Neurological Criteria, was adopted as R.1992 d.309, effective August 3, 1992. See: 23 N.J.R. 3635(a), 24 N.J.R. 2731(c).

Subchapter 2A, Limited Licenses: Certified Nurse Midwifery, was adopted as R.1992 d.332, effective September 8, 1992. See: 23 N.J.R. 3632(a), 24 N.J.R. 3094(a).

Subchapter 9, Acupuncture, was adopted as R.1993 d.299, effective June 21, 1993. See: 24 N.J.R. 4013(a), 25 N.J.R. 2689(c).

Subchapter 10, Athletic Trainers, was adopted as R.1993 d.546, effective November 1, 1993. See: 25 N.J.R. 265(a), 25 N.J.R. 4935(a), 26 N.J.R. 483(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1994 d.522, effective September 19, 1994, and Subchapter 7, Chiropractic Practice, was repealed by R.1994 d.522, effective October 17, 1994. See: 26 N.J.R. 2526(a), 26 N.J.R. 4195(a).

Subchapter 2B, Limited Licenses: Physician Assistants, was adopted as R.1994 d.538, effective November 7, 1994. See: 25 N.J.R. 5099(b), 26 N.J.R. 4411(b).

Subchapter 11, Alternate Resolution Program, was adopted as R.1995 d.339, effective June 19, 1995. See: 27 N.J.R. 1363(a), 27 N.J.R. 2412(a).

Subchapter 7, Prescription, Administration and Dispensing of Drugs, was adopted as R.1997 d.475, effective November 3, 1997. See: 29 N.J.R. 842(a), 29 N.J.R. 4706(a).

Subchapter 4A, Surgery, Special Procedures, and Anesthesia Services Performed in an Office Setting, was adopted as R.1998 d.294, effective June 15, 1998. See: 29 N.J.R. 2238(a), 30 N.J.R. 2236(b).

Petition for Rulemaking. See: 30 N.J.R. 740(c), 1642(a).

Pursuant to Executive Order No. 66(1978), Chapter 35, Board of Medical Examiners, was readopted as R.1999 d.356, effective September 20, 1999. See: 31 N.J.R. 1742(a), 31 N.J.R. 3117(a).

Subchapter 12, Electrologists Advisory Committee; Licensure of Electrologists and Electrology Instructors; Electrology Standards of Practice, was adopted as R.2004 d.279, effective July 19, 2004. See: 35 N.J.R. 3263(a), 36 N.J.R. 3401(a).

Subchapter 13, Perfusionists, Advisory Committee, was adopted as R.2005 d.88, effective March 7, 2005. See: 36 N.J.R. 1721(a), 37 N.J.R. 782(a).

Chapter 35, Board of Medical Examiners, was readopted as R.2005 d.120, effective March 17, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 6A, Declarations of Death Upon the Basis of Neurological Criteria, was repealed and Subchapter 6A, Declarations of Death Upon the Basis of Neurological Criteria, was adopted as new rules by R.2007 d.120, effective May 7, 2007. See: 38 N.J.R. 2021(a), 39 N.J.R. 1751(a).

Subchapter 1, Medical Schools, Colleges, Externships, Clerkships And Post-Graduate Work, was renamed Medical Schools, Colleges, Externships and Clerkships; and Subchapter 3, Licensing Examinations and Endorsements, Limited Exemptions from Licensure Requirements, was renamed Licensing Examinations and Endorsements, Limited Exemptions from Licensure Requirements; Post-Graduate Training by R.2008 d.100, effective April 21, 2008. See: 39 N.J.R. 3876(a), 40 N.J.R. 2115(a).

Law Review and Journal Commentaries

How New Jersey Regulates Doctors. Theodosia Tamborlane, 132 N.J.L.J. No. 15, S24 (1992).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 10. ATHLETIC TRAINERS

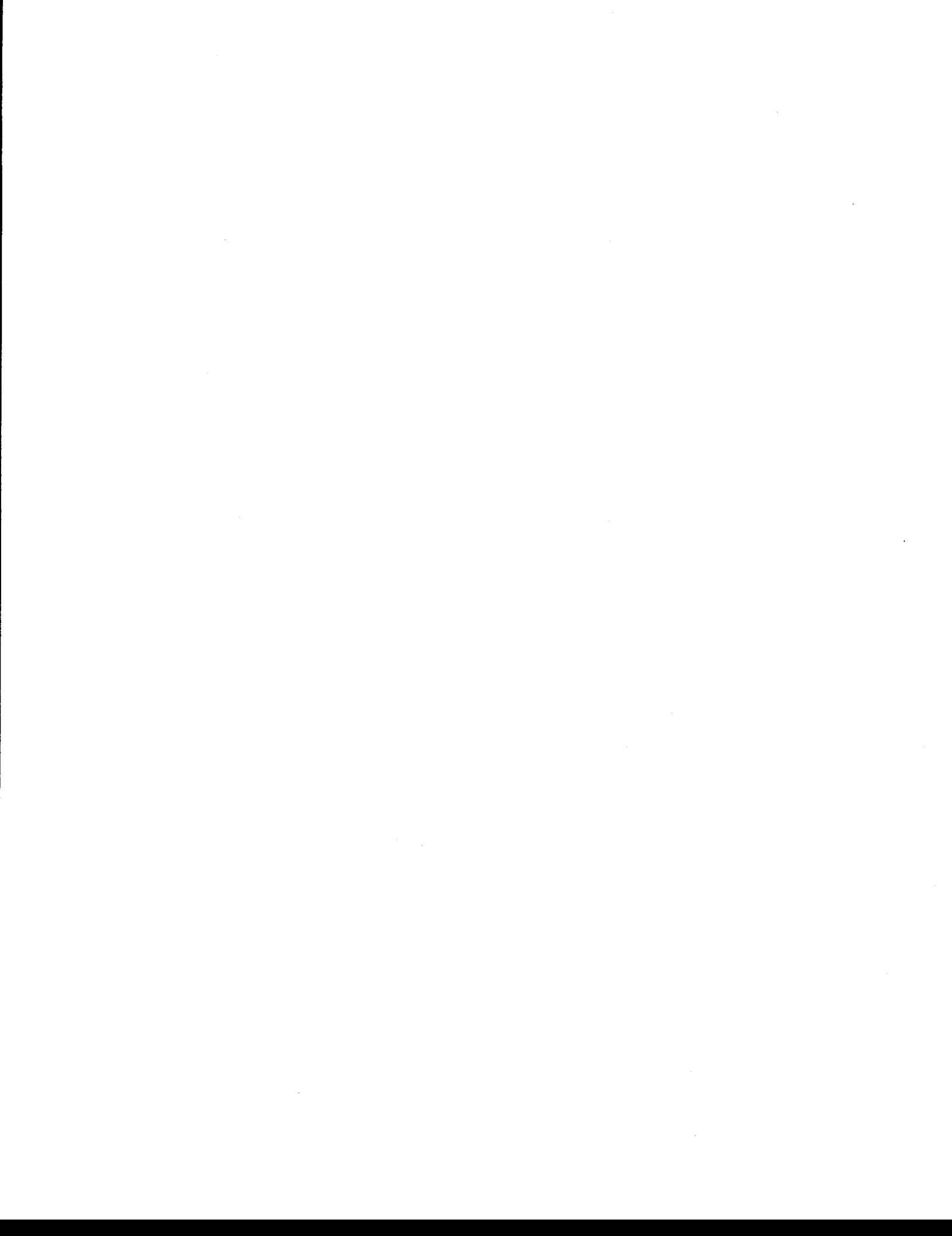
- 13:35-10.1 Scope and purpose
- 13:35-10.2 Definitions
- 13:35-10.3 Application for licensure
- 13:35-10.4 Licensure; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status
- 13:35-10.5 Approved activities
- 13:35-10.6 Violations
- 13:35-10.7 Fees
- 13:35-10.8 Sexual misconduct



SUBCHAPTER 10. ATHLETIC TRAINERS

13:35-10.1 Scope and purpose

(a) This subchapter is promulgated by the New Jersey State Board of Medical Examiners, pursuant to N.J.S.A.



45:9-37.35 et seq., providing for the licensure and regulation of athletic trainers within the State of New Jersey.

(b) The rules contained in this subchapter shall apply to all individuals currently practicing as athletic trainers, as well as those individuals studying to become athletic trainers within this State and applicants for licensure. The rules are designed to better define the allowable activities, professional standards, and the educational requirements of athletic trainers.

Amended by R.2004 d.273, effective July 19, 2004.
See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).

In (a), substituted "licensure" for "registration" preceding "and regulation"; in (b), inserted "and applicants for licensure" following "athletic trainers within this State".

13:35-10.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Advisory Committee" means the Athletic Training Advisory Committee established under N.J.S.A. 45:9-37.39.

"Athlete" means an individual who participates in an inter-scholastic, intercollegiate or intramural athletic activity being conducted by an educational institution licensed in the State of New Jersey or a professional athletic activity.

"Athletic trainer" means a person who practices athletic training as an employee of a school, college, university or professional athletic team.

"Athletic training" means the practice of physical conditioning and reconditioning of athletes, the prevention of injuries incurred by athletes and at the direction of a physician licensed in the State of New Jersey, the application of physical treatment modalities to athletes as recommended by the Advisory Committee and defined in N.J.A.C. 13:35-10.4(c).

"Board" means the State Board of Medical Examiners.

"Direction of a licensed physician" means the designing and overseeing of a plan of care for the athlete by a physician licensed in the State of New Jersey (M.D., D.O., D.C., D.P.M.) within his or her permitted scope of practice as specified by N.J.S.A. 45:9-5.1, N.J.S.A. 45:9-14.5, N.J.S.A. 45:9-41.27, N.J.S.A. 45:5-7.

"Non-injured athlete" means an athlete who has not sustained an injury or who has received medical clearance from a physician licensed in the State of New Jersey for full participation after injury/illness.

"Professional athletic team" means any team, group or individual athlete paid to perform at athletic events and activities.

Amended by R.2004 d.273, effective July 19, 2004.
See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).
Rewrote "Athletic training".

13:35-10.3 Application for licensure

(a) An applicant for athletic trainer licensure shall submit to the Board:

1. A completed application form;
2. Proof that the applicant has completed a program of education, training and experience which is approved by the National Athletic Trainers' Association Board of Certification, Inc., or its successor;
3. Proof that the applicant has passed the examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor, or an equivalent examination as adopted by the Board; and
4. The application fee pursuant to N.J.A.C. 13:35-10.6.

Amended by R.2004 d.273, effective July 19, 2004.
See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).
Rewrote the section.

13:35-10.4 Licensure; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a completed renewal application and the renewal fee as set forth in N.J.A.C. 13:35-10.7 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-10.7. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice and shall be subject to penalties for practicing without a license.



(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-10.7; and

2. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-10.7 and shall not engage in practice.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee; and

2. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee who has been on inactive status for more than five years who wishes to return to the practice of medicine shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

New Rule, R.2005 d.120, effective April 18, 2005.

See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).

Former N.J.A.C. 13:35-10.4, Approved activities, recodified to N.J.A.C. 13:35-10.5.

13:35-10.5 Approved activities

(a) A licensed athletic trainer may provide the full spectrum of pre-season, in-season and post-season conditioning programs. These programs include maintenance and reconditioning programs, as well as bandaging, wrapping, taping,

padding, and splinting procedures for the prevention and management of injuries.

(b) Nothing in this subchapter shall be interpreted to prohibit licensed athletic trainers from providing first-aid.

(c) A licensed athletic trainer may, at the direction of a licensed physician, administer the following physical treatment modalities:

1. Cold;
2. Heat;
3. Light;
4. Sound;
5. Electricity;
6. Electromagnetic waves;
7. Water; and
8. Traditional mobilization techniques, rehabilitative exercise programs, traction, and massage.

(d) A licensed athletic trainer may, at the direction of a licensed physician, provide testing or neuromotor and musculoskeletal functional capability for the purposes of conditioning, reconditioning or otherwise evaluating the athlete's performance capability. However, nothing in this subchapter shall be interpreted to permit a licensed athletic trainer to conduct electromyographic testing or nerve conduction velocity studies.

(e) The licensed athletic trainer shall not diagnose an injury or illness. However, prior to implementing or while maintaining the plan of care, the licensed athletic trainer shall exercise professional judgment to determine whether any intervening circumstances have adversely affected the athlete's ability to participate in or continue to participate in the plan of care.

(f) A written record regarding the treatment of an athletic injury shall be created by the licensed athletic trainer and maintained for a period of seven years from the date of the last entry.

(g) Nothing in this subchapter shall be interpreted to prohibit licensed athletic trainers from being employed or performing activities which do not require licensure or registration provided they do not hold themselves out as athletic trainers during that employment or performance.

(h) Nothing in this section shall be interpreted to prohibit unlicensed individuals from applying bandaging, wrapping, taping, padding or splinting techniques to non-injured athletes.

Recodified from N.J.A.C. 13:35-10.6 and amended by R.2004 d.273, effective July 19, 2004.

See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).

Rewrote the section. Former N.J.A.C. 13:35-10.4, Examinations, repealed.
Recodified from N.J.A.C. 13:35-10.4 by R.2005 d.120, effective April 18, 2005.
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).
Former N.J.A.C. 13:35-10.5, Violations, recodified to N.J.A.C. 13:35-10.6.

13:35-10.6 Violations

Without limiting the prosecution of any practices which may be unlawful under any other state or Federal law, a violation of this subchapter shall be deemed to be a violation of the Athletic Training Licensure Act, N.J.S.A. 45:9-37.35 et seq., and shall be subject to the sanctions and penalties of N.J.S.A. 45:1-1 et seq.

Recodified from N.J.A.C. 13:35-10.7 and amended by R.2004 d.273, effective July 19, 2004.
See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).
Substituted "Licensure" for "Practice" and " of N.J.S.A. 45:1-1 et seq." for "provided for thereunder".
Recodified from N.J.A.C. 13:35-10.5 and amended by R.2005 d.120, effective April 18, 2005.
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).
Former N.J.A.C. 13:35-10.6, Fees, recodified to N.J.A.C. 13:35-10.7.

13:35-10.7 Fees

(a) The following fees shall be charged by the Board for athletic trainer licensure:

- 1. Application Fee..... \$100.00
- 2. Temporary licensure or authorized licensure without examination..... \$60.00
- 3. Initial Licensure Fee
 - i. If paid during the first year of a biennial renewal period..... \$80.00
 - ii. If paid during the second year of a biennial renewal period..... \$40.00
- 4. Biennial renewal..... \$80.00
- 5. Endorsement..... \$60.00
- 6. Late renewal fee..... \$50.00
- 7. Reinstatement fee..... \$60.00
- 8. Inactive license fee..... (to be determined by the Director by regulation)

Recodified from N.J.A.C. 13:35-10.8 and amended by R.2004 d.273, effective July 19, 2004.
See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).
Rewrote the section. Former N.J.A.C. 13:35-10.6, Approved activities, recodified to N.J.A.C. 13:35-10.4.
Recodified from N.J.A.C. 13:35-10.6 and amended by R.2005 d.120, effective April 18, 2005.
See: 36 N.J.R. 4633(a), 37 N.J.R. 1203(a).
Former N.J.A.C. 13:35-10.7, Reserved, repealed.
Amended by R.2005 d.175, effective June 6, 2005.
See: 37 N.J.R. 206(a), 37 N.J.R. 1203(a), 37 N.J.R. 2041(b).
Rewrote the section.

13:35-10.8 Sexual misconduct

(a) The purpose of this section is to identify for licensed athletic trainers conduct which shall be deemed sexual misconduct.

(b) As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

"Athlete" means any person who is the recipient of athletic training services rendered by a licensed athletic trainer as set forth in N.J.A.C. 13:35-10.4.

"Athlete-athletic trainer relationship" means a relationship between a licensed athletic trainer and an athlete wherein the licensed athletic trainer is responsible to render athletic training services for the athlete.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensed athletic trainer's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes, but is not limited to, the imposition of a part of the licensed athletic trainer's body upon the part of the athlete's body, sexual penetration, or the insertion or any imposition of any object or any part of a licensed athletic trainer's or athlete's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of an athlete's body which is necessary during a generally accepted and recognized athletic training procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or nonverbal conduct that is sexual in nature, and which occurs in connection with a licensed athletic trainer's activities or role as a provider of athletic training services, and that either is unwelcome, offensive to a reasonable person, or creates a hostile workplace environment, and the licensed athletic trainer knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensed athletic trainer with an athlete, co-worker, employee, student or supervisee, whether or not such individual is in a subordinate position to the licensed athletic trainer.

"Spouse" means the husband, wife or fiancée of the licensed athletic trainer or an individual involved in a long-term committed relationship with the licensed athletic trainer. For the purposes of the definition of "spouse," a long-term committed relationship means a relationship which is at least six months in duration.

(c) A licensed athletic trainer shall not seek or solicit sexual contact with an athlete with whom he or she has an athlete-athletic trainer relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(d) A licensed athletic trainer shall not engage in any discussion of an intimate sexual nature with an athlete with whom the licensed athletic trainer has an athlete-athletic trainer relationship unless that discussion is directly related to a proper athletic training purpose. Such discussion shall not

include disclosure by the licensed athletic trainer of his or her own sexual relationships.

(e) A licensed athletic trainer shall provide draping or other measures which prevent the unnecessary exposure of the unclothed body of the athlete while examining the injured area.

(f) A licensed athletic trainer shall not engage in sexual contact with a student who is enrolled in a high school at which the licensed athletic trainer is employed.

(g) If a licensed athletic trainer has an athlete-athletic trainer relationship, the licensed athletic trainer shall not engage in sexual contact with the athlete if either:

1. Such sexual contact is prohibited by (f) above; or
2. The athlete-athletic trainer relationship is ongoing. The athlete-athletic trainer relationship is ongoing for the purposes of this section, unless:
 - i. Athletic training services are terminated by way of written notice to the athlete, the termination is documented in the licensed athletic trainer's records and alternative athletic training services are provided; or
 - ii. The athlete has left the school, college, university or team for which the licensed athletic trainer works.

(h) A licensed athletic trainer shall not engage in sexual harassment either within or outside of the professional setting.

(i) A licensed athletic trainer shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensed athletic trainer's personal prurient interests or which is for the sexual arousal, or sexual gratification of the licensed athletic trainer or athlete or which is an act of sexual abuse.

(j) Violation of any of the prohibitions or directives set forth in (c) through (i) above shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(k) Nothing in this section shall be construed to prevent a licensed athletic trainer from rendering athletic training services to a spouse, providing that the rendering of such athletic training services is consistent with accepted standards of athletic training and that the performance of athletic training is not utilized to exploit the athlete spouse for the sexual arousal or sexual gratification of the licensed athletic trainer.

(l) It shall not be a defense to any action under this section that:

1. The athlete solicited or consented to sexual contact with the licensed athletic trainer; or
2. The licensed athletic trainer is in love with or had affection for the athlete.

New Rule, R.1993 d.260, effective June 7, 1993.

See: 25 N.J.R. 1058(a), 25 N.J.R. 2487(a).

Administrative Correction.

See: 25 N.J.R. December 6, 1993.

Amended by R.1995 d.330, effective June 19, 1995.

See: 27 N.J.R. 640(a) (see also 27 N.J.R. 1746(a)), 27 N.J.R. 2410(a).

Increased some of the fees.

Repealed by R.2004 d.273, effective July 19, 2004.

See: 35 N.J.R. 2834(a), 36 N.J.R. 3400(a).

Former N.J.A.C. 13:35-10.8, Fees, recodified to N.J.A.C. 13:35-10.6.

New Rule, R.2007 d.165, effective May 21, 2007.

See: 38 N.J.R. 2989(a), 39 N.J.R. 2125(a).

Section was "Reserved".

