

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6505-b, 6507, 8351, 8352, 8353, 8354, 8355, 8356, 8356-a, 8357, 8358, and 8359 of the Education Law and Chapter 733 of the Laws of 2023.

1. Section 52.27 of the Regulations of the Commissioner of Education is REPEALED, and a new section 52.27 is added to read as follows:

Section 52.27 Athletic Training

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in athletic training, the program shall be a bachelor's, its equivalent, or higher degree program offered by a college or university accredited by an acceptable accrediting agency as determined by the department. For purposes of this section, the term *acceptable accrediting agency* shall mean an organization accepted by the department as a reliable authority for the purpose of accreditation of athletic training programs at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the United States Department of Education.

2. Section 79-7.1 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.1 Definitions

As used in this Subpart:

(a) ...

(b) [Certification shall mean authorization to use the title certified athletic trainer.

(c)] Acceptable United States certifying body shall mean an organization which certifies athletic trainers on a nationwide basis in the United States and has standards for membership or to become certified satisfactory to the department, including but not limited to, completion of significant postsecondary course work in athletic training or a related field and successful performance on an appropriate examination.

3. Section 79-7.2 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.2 Education requirements

To meet the professional education requirements for [certification] licensure as an athletic trainer in this State, the applicant shall present satisfactory evidence of completing:

(a) a program in athletic training leading to the [baccalaureate] bachelor's degree, its equivalent or a higher degree that is either registered by the department pursuant to section 52.27 of this Title, or accredited by an acceptable accrediting agency, or the equivalent of such a registered or accredited program; or

(b) a program, completed before July 1, 2022, other than a program described in subdivision (a) of this section, that leads to the [baccalaureate] bachelor's degree, its equivalent or a higher degree, and includes or is supplemented by didactic course work and clinical experience that meet the requirements to become certified by an acceptable United States certifying body at the time such course work and clinical experience are completed, provided that the following requirements are met:

(1) the applicant has completed at least 1,500 hours of clinical or work experience in the practice of athletic training, as defined in section 8352 of the

Education Law[, that provided the applicant with an equivalent type of experience to the clinical experience obtained in a practicum offered within a program of athletic training registered pursuant to section 52.27 of this Title]; and

(2) the applicant has completed at least 12 semester hours or its equivalent of postsecondary course work [at a level that is equivalent to that offered in a program registered pursuant to section 52.27 of this Title in the] in professional athletic training content [area, as defined in section 52.27(a)(3) of this Title], which shall mean didactic courses and supervised clinical experiences, which include, but are not limited to, the following curricular areas:

(i) kinesiology/biomechanics;

(ii) exercise physiology;

(iii) infection control;

(iv) professionalism and ethics; and

(v) prevention and care of athletic injuries, including but not limited to:

preconditioning, conditioning, reconditioning, recognition, assessment,

therapeutic modalities, therapeutic exercise, first aid and cardiopulmonary

resuscitation; and

(3) the applicant has completed at least nine semester hours or its equivalent of postsecondary course work [at a level that is equivalent to that offered in a program registered pursuant to section 52.27 of this Title in the] in human biological and physical sciences and social and behavioral sciences [content area, as defined in section 52.27(a)(2) of this Title.], which shall include, but are not limited to, the following curricular areas:

(i) principles of human anatomy and physiology;

(ii) neuroscience;

(iii) nutrition;

(iv) pharmacology;

(v) psychology;

(vi) sports psychology; and

(vii) counseling, education and communication skills.

4. Section 79-7.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.3 Experience requirements

An applicant shall meet the experience requirement for [certification] licensure by completing the practicum, or clinical or work experience which the applicant must complete as part of the professional education requirements for [certification] licensure, as prescribed in section 79-7.2 of this Subpart.

5. Section 79-7.4 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.4. Professional licensing examinations

(a) [Except as provided in section 79-7.5 of this Subpart, each applicant for certification shall pass an examination that is determined by the department to measure the applicant's knowledge of and judgment concerning the content areas that constitute a registered program leading to certification in athletic training, as defined in section 52.27 of this Title] The department may accept a passing score on an examination

determined by the department to be acceptable for licensure as a licensed athletic trainer.

(b) Education requirements for admission. Notwithstanding the provisions of section 59.9 of this Title, an applicant for [certification] licensure shall not be required to satisfy all education requirements before being admitted to a professional licensing examination in athletic training. Such education shall be completed prior to [certification] licensure.

(c) ...

(d) ...

6. Section 79-7.5 of the Regulations of the Commissioner of Education is REPEALED and a new section 79-7.5 of the Regulations of the Commissioner of Education is added to read as follows:

Section 79-7.5 Continuing Education for Athletic Trainers

(a) Definitions. As used in this section:

(1) Acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the Council for Higher Education Accreditation.

(2) Higher education institution means a degree-granting postsecondary institution registered by the department or accredited by an acceptable accrediting agency.

(3) Self-study means structured study, provided by a sponsor approved by the department pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and/or other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students.

(b) Applicability of requirements.

(1) Each licensed athletic trainer, required under article 162 of the Education Law to register with the department to practice in New York State, shall comply with the mandatory continuing education requirements as prescribed in subdivision (c) of this section, except those licensees who are exempt from the requirement or who obtain an adjustment to the requirement pursuant to paragraph (2) of this subdivision or who are subject to a different requirement pursuant to subdivisions (e) or (f) of this section.

(2) Exemptions and adjustments to the requirement.

(i) Exemptions. The following licensees shall be exempt from the continuing education requirements prescribed in subdivision (c) of this section:

(a) licensees for the triennial registration period during which they are first licensed to practice as an athletic trainer in New York State; or

(b) licensed athletic trainers who are not engaged in the practice of their respective professions in New York State, as evidenced by the filing of a statement declaring such inactive status, except as otherwise provided in subdivision (e) of this section for those seeking to resume practice in New York State.

(ii) Adjustments to the requirement. An adjustment to the continuing education requirement prescribed in subdivision (c) of this section, may be made by the

department, provided that the licensee documents good cause that prevents compliance or the department determines otherwise that there is good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the department, makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.

(c) Mandatory continuing education requirement.

(1) General requirement.

(i) Required hours. During each three-year registration period, meaning a registration period of three years' duration, an applicant for registration as an athletic trainer shall complete at least 45 hours of continuing education, acceptable to the department pursuant to paragraph (2) of this subdivision. A maximum of 15 hours of such continuing education may be self-study.

(ii) Proration. Unless otherwise prescribed in this section, during each registration period of less than three years' duration, an applicant for registration shall complete continuing education acceptable to the department pursuant to paragraph (2) of this subdivision and within the limits prescribed in such paragraph, on a prorated basis at a rate of one and one quarter hours.

(2) Acceptable continuing education. To be acceptable to the department, continuing education shall meet the requirements of this paragraph.

(i) Acceptable learning activities. Acceptable learning activities shall include, but not be limited to, formal courses of learning which contribute to professional practice in athletic training and/or self-study activities; independent study; formal mentoring activities; publication in professional journals; or lectures, which meet the requirements of this paragraph.

(ii) Formal courses of learning. Acceptable formal courses of learning shall include, but not limited to, collegiate level credit and non-credit courses, professional development, programs, and technical sessions offered by national, state, and local professional associations and any other organizations acceptable to the department, and any other organized educational and technical programs acceptable to the department. Formal courses shall be taken from a sponsor approved by the department pursuant to subdivision (i) of this section.

(iii) Other acceptable educational activities.

(a) To the extent such activities are offered by sponsors of athletic training continuing education approved by the department pursuant to subdivision (i) of this section, acceptable continuing education shall also include the following other educational activities:

(1) preparing and teaching a course of learning. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;

(2) preparing and teaching a course, acceptable to the department, at a higher education institution relating to the practice of athletic training. Continuing education

hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;

(3) making a technical presentation at a professional conference sponsored by an organization that is an approved sponsor of continuing education to athletic trainers and that is approved pursuant to subdivision (i) of this section. Continuing education hours that may be credited for this activity shall include actual presentation time, plus preparation time which may be up to two additional hours for each hour of presentation.

(4) achieving specialty certification or recertification from an entity approved as a sponsor, provided that the amount of continuing education credit awarded for such certification or recertification shall be an amount prescribed by the department; and

(5) completing self-study, as defined in paragraph (3) of subdivision (a) of this section.

(b) Continuing education credit may not be claimed under clauses (1), (2) and (3) of this subparagraph where the licensee previously received continuing education credit

for preparing or teaching the same course, or the same content if the course is given another name, unless the course has undergone substantial revision in content;

(iv) Subjects. Acceptable continuing education shall contribute to the professional practice of athletic training, and shall focus on one or more of the following subjects:

(a) subjects that enhance knowledge and skill in athletic training;

(b) patient communications and recordkeeping;

(c) general supervision;

(d) practice management, risk management, and other topics which contribute to the professional practice of athletic training; or

(e) matters relating to athletic training practices, law, and/or ethics which contribute to professional practice in athletic training and the health, safety, and/or welfare of the public.

(3) Limitation on credits. No more than 15 hours of continuing education credits may be completed through self-study as described in subclause (5) of item (b) of subparagraph (ii) of this paragraph.

(d) Renewal of registration. At each re-registration, licensed athletic trainers shall certify to the department that they have either complied with the continuing education requirements, as prescribed in this section, or are entitled to an exemption or adjustment to such continuing education requirements, as prescribed in subdivision (b) of this section.

(e) Requirement for lapse in practice.

(1) A licensee returning to the practice of athletic training after a lapse in practice, as evidenced by not being registered to practice in New York State, whose first registration date after such lapse in practice and following January 1, 2029 occurs less than three years from January 1, 2029, shall be required to complete at least one and one-quarter hours of acceptable continuing education coursework for each month beginning with January 1, 2029 until the beginning of the new registration period.

(i) A licensee who has not lawfully practiced athletic training continuously in another jurisdiction throughout such lapse period shall complete the required continuing

education activity in the 12-month period before the beginning of the new registration period.

(ii) A licensee who has lawfully practiced as an athletic trainer continuously in another jurisdiction throughout such lapse period shall complete the required continuing education activity either in the new registration period or, at the option of the licensee, in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of such new registration period; where the licensee elects to complete required continuing education coursework resulting from a lapse in practice in the new registration period, such makeup coursework will be in addition to the coursework that is required to satisfy the mandatory continuing education requirement for the new triennial period.

(2) Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to practice as an athletic trainer after a lapse in practice during which the licensee was not registered to practice in New York State and did not lawfully practice continuously in another jurisdiction throughout the lapse period, shall be required to complete:

(i) the continuing education requirement applicable to the period of time the licensee was registered to practice in New York State before the lapse in practice;

(ii) at least one and one-quarter hours of acceptable continuing education for each month of lapsed registration up to a maximum 45 hours which shall be completed in the 12 months before the beginning of the new registration period.

(3) Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to the practice of athletic training after a lapse

in practice during which the licensee was not registered to practice in New York State but did lawfully practice athletic training continuously in another jurisdiction throughout the lapse period, shall be required to complete:

(i) the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and

(ii) at least one and one-quarter hours of acceptable continuing education for each month of lapsed registration up to a maximum of 45 hours which shall be completed in such new registration period, or at the option of the licensee in the period beginning 36 months before the commencement of such new registration period and ending at the conclusion of such new registration period.

(f) Conditional registration.

(1) The department may issue a conditional registration to a licensee who attests to or admits to noncompliance with the continuing education requirements of this section, provided that such licensee:

(i) agrees to remedy such deficiency within the conditional registration period;

(ii) agrees to complete the regular continuing education requirement at the rate of one and one-quarter hours of acceptable continuing education per month during such conditional registration period; and

(iii) agrees to complete additional continuing education during such conditional registration period, which the department may require to ensure the licensee's proper delivery of athletic training services.

(2) The duration of such conditional registration shall not exceed one year and shall not be renewed or extended.

(g) Licensee records. Each licensee subject to the requirements of this section shall maintain, or ensure access by the department to, a record of completed continuing education, which shall include: the title of the course if a course, the type of educational activity if other than a course of learning, the subject of the continuing education course or activity, the number of hours of continuing education completed, the sponsor's name and any identifying number (if applicable), attendance verification if a course, verification of participation if another educational activity, and the date and location of the continuing education. Such records shall be retained for at least six years from the date of completion of the continuing education and shall be made available for review by the department upon request in the administration of the requirements of this section. A sponsor's failure to satisfy its obligations under subdivision (i) of this section shall not relieve a licensee of his or her obligation to provide evidence of participation in a continuing education activity for which credit is claimed.

(h) Measurement of continuing education study. Continuing education credit shall be granted only for acceptable continuing education, as prescribed in subdivision (c) of this section. For continuing education courses, a minimum of 50 minutes shall equal one continuing education hour of credit. Continuing education credit for other educational activities shall be awarded as prescribed by the department.

(i) Sponsor approval.

(1) The department shall conduct a review of sponsors who apply to the department for approval to offer continuing education to licensed athletic trainers.

(2) An organization seeking to offer continuing education shall submit, with the fee as set forth in subdivision (j) of this section, an application for approval as a sponsor at least 120 days prior to the date of the commencement of such continuing education.

Such application shall document that the organization:

(i) will offer acceptable continuing education as prescribed in subparagraph (c)(2) of this section;

(ii) is an organized educational entity, or an entity that has expertise in the professional areas that will be taught, including but not limited to, higher education institutions;

(iii) provides course instructors who are qualified to teach the courses which will be offered, including but not limited to, faculty of an athletic training program offered by a higher education institution; or instructors who are specially qualified authorities to conduct such courses in athletic training, as determined by the department with assistance from the State Committee for Athletic Training;

(iv) has a method of assessing the learning of participants and describes such method; and

(v) will maintain records for at least six years from the date of completion of coursework, which shall include, but shall not be limited to, the name and résumé of the

faculty, a record of licensed athletic trainers who attended the course, if a course, a record of athletic trainers who participated in self-study if self-study, an outline of the course, date and location of the course, and the number of hours for completion of the course. In the event an approved sponsor discontinues operation, the governing body of such sponsor shall notify the department and shall transfer all records to the department as directed.

(3) Sponsors that are approved by the department pursuant to the requirements of this subdivision shall be approved for a three-year term.

(4) The department may conduct site visits, attend any continuing education event of an approved sponsor, or request information from an approved sponsor to ensure compliance with the requirements of this paragraph, and a sponsor shall cooperate with the department in permitting such attendance and in providing such information.

(5) A determination by the department that an approved sponsor is not meeting the standards set forth in this paragraph may result in the termination of the approval of the sponsor or a request for correction of any identified deficiencies in the implementation of its continuing education program.

(i) Fees.

(1) Registration fees for licensees. At the beginning of each registration period, a mandatory continuing education fee of \$45 shall be collected from licensees engaged in the practice of athletic training in New York State, except for those exempt from the requirement pursuant to subparagraph (b)(2)(i) of this section. This fee shall be in

addition to any applicable registration fees required by sections 6704-a or 6711-b of the Education Law.

(2) Fees for licensees applying for conditional registrations. A licensee applying for a conditional registration, pursuant to the requirements of subdivision (f) of this section, shall pay a fee for the conditional registration that is the same as, and in addition to, any applicable fee for the triennial registration required by section 8355 of the Education Law. In addition, such licensees shall pay the \$45 mandatory continuing education fee.

(3) Fees for prospective continuing education sponsors and renewal of sponsor approval. Sponsors seeking approval to offer continuing education to licensed athletic trainers pursuant to subdivision (i) of this section shall submit an application fee of \$900 with the application prescribed by the department requesting the issuance of a certification of approval as a sponsor of a formal continuing education program from the department. Sponsors approved by the department shall be approved for a three-year term and shall be required to submit an application for renewal of their sponsor approval, with a fee of \$900, every three years.

7. Subdivision (a) of section 59.12 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) All persons applying on or after January 1, 1991 for the issuance or renewal of a license/registration or limited permit in medicine, chiropractic, dentistry, dental hygiene, registered professional nursing, podiatry, optometry, psychology, athletic training and any other professions listed in section 6507(3)(a) of the Education Law shall submit documentation acceptable to the department of the completion of two hours

of coursework or training regarding the identification and reporting of child abuse and maltreatment and obtained either from a provider approved by the department pursuant to Part 57 of this Title or as a matriculant in a registered program under section 52.2(c)(12) of this Title, unless the applicant receives an exemption from such requirement as provided in subdivision (b) of this section.

8. Subdivision (a) of section 59.13 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Commencing July 2, 1994, all persons applying for the issuance of a license or renewal of a registration in dentistry, registered professional nursing, licensed practical nursing, podiatry, optometry, dental hygiene, athletic training, or any other profession subject to the requirements of section 6505-b of the Education Law shall affirm to the department, and maintain and/or submit such documentation as the department may require, that they have completed, in the four years immediately preceding such application, course work or training in infection control and barrier precautions which is approved by the department, pursuant to Part 58 of this Title, or which is approved as part of a program registered pursuant to Part 52 of this Title. As provided in subdivision (b) of this section, an applicant may be exempted from the infection control and barrier precautions course work or training requirement; or as provided in subdivision (c) of this section, may be exempted from the requirement to document the completion of such course work or training.