



Athletic Trainer Licensure FAQ

April 2015

1. Why is the state regulating athletic trainers?

The Alaska State Legislature adopted HB160, which enabled the Division of Corporations, Business and Professional Licensing to begin regulating the practice of athletic training in the state. Effective September 16, 2014, licensure is required for practitioners who:

- have never practiced athletic training, as defined in AS 08.07.090, or
- who have practiced athletic training in the state but do not meet the following requirements:
 - practicing athletic training in this state for at least three of the five years immediately preceding the effective date of this Act,
 - certified by the Board of Certification, Inc., and
 - practicing athletic training within the scope of that certification.

Effective July 1, 2015, licensure is required for all practicing athletic training in this state.

2. Why are the proposed fees different than the cost represented in the fiscal note for HB160?

The cost estimates provided during legislative testimony include only the new costs to the division budget as a result of creating the athletic trainer licensing program. The fiscal note is not designed to predict licensing costs. Please see the attached worksheet for a breakdown of fiscal note expenses vs. direct licensing expenses.

3. How are the estimated costs determined?

The cost estimate was based on the known costs of a similarly sized and structured licensing program. While Board of Certification, Inc. (BOC) credentialing is required for licensure, the law requires athletic trainers to adhere to many additional provisions. For example:

- The agency must create, publish, and manage licensing application forms and fees, which entail adherence to the state's recordkeeping, security, payment, and refund policies and procedures.
- Requirement of licensees to meet professional fitness standards, which are evaluated by the license examiner and referred to the agency's investigative unit, if necessary for further review.
- Enforcement of disciplinary sanctions available to the agency if a licensee violates the state licensing statutes or regulations or individual practices athletic training without a license. Because state law requires all costs of a licensing program to be borne by the licensees of that program (AS 08.01.065), any investigative, attorney, or appeal expenses of the state will be recovered in the licensing fee.
- AS 08.07.040 defers to the agency to adopt necessary regulations for management of the licensing program. The Alaska Administrative Code prescribes the requirements for public notice and adoption of agency regulations—the cost of which is borne by the licensing program.

4. Would the services of the regulations specialist, examiner, and investigator roles already be provided by the Board of Certification, Inc. (BOC) at a national level for all board-certified athletic trainers? If not,

what is the difference? If so, can the state use the BOC to regulate athletic trainers instead of an additional state regulation?

The athletic trainer licensing program must comply with Alaska state law. All proposal and adoption of regulations, license processing, records retention, and license investigations must be performed in accordance with state law. While many of the credentialing functions point to national certification by the Board of Certification, Inc. (BOC), a private organization cannot be delegated the statutory authority of state agencies. Licensure by a state is reserved for the state. It is not the role of the agency to evaluate whether private certification meets the needs of the public; rather, the agency is engaged in implementing the laws passed by the legislature.

5. Are there any other ways to reduce the start-up costs?

The agency is committed to delivery of efficient and effective licensure and constantly seeks opportunities to reduce the cost of regulation. As mentioned above, it is likely the early start-up estimates could be much lower than provided here or in the fiscal note. Since the program has not yet been implemented, the fee analysis is carefully based on actual costs of similar licensing programs.

In this case, the comparative program—while not similar in day-to-day activity by licensees—is very close in terms of level of effort by agency staff. Naturopath licensing was selected for this comparison because it does not require fingerprinting, does not have a governing board, and in FY13 had 57 licensees. The agency has been provided an estimate of 60 total licensees for the athletic trainer program. Should the actual number of licensees be much greater, the cost of licensure will be lower. For example, the cost of a license could possibly be cut in half if 120 athletic trainers were to become licensed.

6. Are there waivers or deferments to spread the initial cost across the first 2 years?

The license is issued biennially, so the cost is already proposed to be spread across two years. After consideration of public comment, the agency could elect to lower the initial cost and keep it steady over the next several licensing cycles; however, this could place the licensing program into an unadvisable deficit position.

7. Do professionals licensed as doctors, nurses, or physical therapists need to also hold an athletic trainer license?

No. Per AS 08.07.010, if a person holds another license issued by our division that allows them to perform within the scope of practice of an athletic trainer, they do not need to also hold an athletic trainer license. They cannot call themselves athletic trainers, however.

8. How may an individual or organization provide feedback on the proposed regulations?

All comments must be sent to the division's regulations specialist, Jun Maiquis, in writing before the public comment period closes at **4:30 p.m. on April 22, 2015**. He can be reached via email at jun.maiquis@alaska.gov. A copy of the proposed regulations is available at <http://professionallicense.alaska.gov/AthleticTrainers>.

Estimated Costs for Athletic Trainer Licensing Program Costs, various scenarios							
Fiscal Note Costs (Requires New Authority)							
				A	B		C
	First Year	Ongoing		1st Biennium Costs per Fiscal Note	1st Biennium Costs Adj. for IT via Indirect		Ongoing Biennial Costs
1 time Legal	11.9			11.9	11.9		0.0
1 time IT	35.2			35.2	0.0		0.0
Fingerprinting	0.0	0.7		0.7	0.7		1.4
Public Notice	0.8			0.8	0.8		0.0
Ongoing Legal		0.5		0.5	0.5		1.0
Hearing Mediation		4.3		4.3	4.3		8.6
73000	47.9	5.5		53.4	18.2		11.0
72000	0.0	0.0		0.0	0.0		0.0
74000	0.0	0.0		0.0	0.0		0.0
FN Costs	47.9	5.5		53.4	18.2		11.0
Estimated Pooled and Indirect Costs (Existing Authority)							
	Average of FY12/13	Estimated Average of FY14/15		D	E		
				Biennial Costs w/ 10% Indirect Adjustment	Biennial Costs w/o 10% Indirect Adjustment		
<i>Pooled Direct Costs of Naturopath Licensing</i>							
Examiner, Supervisor, Investigator, Paralegal, Regulations Specialist:	8.8	9.7		19.4	17.6		
Trending Percentage Increase		10.23%					
<i>Indirect Costs of Naturopath Licensing</i>							
Internal Admin	0.9	1.0		2.0	1.8		
Dept Costs	0.6	0.6		1.2	1.1		
Statewide Costs	0.3	0.3		0.6	0.6		
Trending Percentage Increase		10.00%		3.8	3.5		
				23.2	21.1		
Possible Licensing Fee Scenarios:		Estimated License Program Costs & Fees 1st Biennium @ 60 licensees				Estimated License Program Costs & Fees Ongoing Biennia @ 60 licensees	
		A + D	A + E	B + D	B + E	C + D	C + E
		Fiscal Note w/ Indirect Adj.	Fiscal Note w/o Indirect % Adj.	Fiscal Note adj. for IT via Indirect, w/Indirect Adj.	Fiscal Note adj. for IT via Indirect, w/o Indirect Adj.	Ongoing Costs w/Indirect Adj.	Ongoing Costs w/o Indirect % Adj.
		76.6	74.5	41.4	39.3	34.2	32.1
		\$ 76,600.00	\$ 74,500.00	\$ 41,400.00	\$ 39,300.00	\$ 34,200.00	\$ 32,100.00
		\$ 1,276.67	\$ 1,241.67	\$ 690.00	\$ 655.00	\$ 570.00	\$ 535.00
Guide to HB 160 Cost Explanation							
* Licenses are issued for two years, so costs are reflected biennially unless otherwise noted.							
* Fees are estimated by adding fiscal note costs that need additional budget authority to the anticipated expenses that exist within current division budget authority.							
* Comparative existing licensing programs are used to forecast future expenses and revenues of new programs. All comparisons are estimates; only actual licensing activity can determine the expenses and revenues of a new program.							
Scenario A:	First biennium costs as reflected in the fiscal note (needs authority)						
Scenario B:	First biennium costs as reflected in the fiscal note, with IT set-up adjusted for recovery via indirect (needs authority)						
Scenario C:	Out-year costs reflected in the fiscal note per biennium (needs authority)						
Scenario D:	First biennium fiscal note costs showing possible savings from existing bill language						
Scenario E:	Ongoing biennial costs showing possible savings from existing bill language						
Scenario F:	Biennial costs including trending 10% indirect cost adjustment						
Scenario G:	Biennial costs based on actuals, does not include trending 10% indirect cost						
Scenario H:	Ongoing biennial costs showing possible savings from existing bill language						
Peach shading	Most likely fee scenario						