

PLEASE READ

Rules and regulations of the New Jersey Division of Consumer Affairs (Division), the boards and committees in, and other units of, the Division are codified in Title 13 of the New Jersey Administrative Code, published by LexisNexis. Notices of proposal and notices of adoption are printed in the New Jersey Register, also published by LexisNexis. The official text of the rules and regulations and their regulatory history and notices of rule proposals and adoptions can be found through LexisNexis.

- **LexisNexis:** <https://www.lexisnexis.com/en-us/gateway.page>

The text of rules and regulations and notices of proposal and adoptions in PDF format provided on this website by the Division are unofficial courtesy copies, which may differ from the official text. Though every effort is made to ensure that the text of courtesy copies is identical to the official version, if any discrepancies exist between the text on this website and the official version, the official version will govern.

NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 35
SUBCHAPTER 10
ATHLETIC TRAINERS

SUBCHAPTER TABLE OF CONTENTS

SUBCHAPTER 10. ATHLETIC TRAINERS	3
13:35-10.1 Scope and purpose	3
13:35-10.2 Definitions.....	3
13:35-10.3 Application for licensure.....	4
13:35-10.3A Licensure by reciprocity	5
13:35-10.4 Biennial license renewal	6
13:35-10.4A License reactivation.....	7
13:35-10.4B License reinstatement.....	9
13:35-10.5 Plan of care guidelines.....	10
13:35-10.6 Practice outside of schools and professional teams	11
13:35-10.7 Scope of practice	11
13:35-10.8 Records	13
13:35-10.9 Use of personal or other computer to prepare records.....	14
13:35-10.10 Release of records	15
13:35-10.11 Advertising and solicitation practices.....	15
13:35-10.12 Advertising free or discounted services; required disclosures.....	18
13:35-10.13 Testimonial advertising	18
13:35-10.14 Minimum content.....	19
13:35-10.15 Advertising by a business entity offering athletic training.....	19
13:35-10.16 Advertising record retention	19
13:35-10.17 Use of professional credentials and certifications	19
13:35-10.18 Violations	20
13:35-10.19 Fees.....	20
13:35-10.20 Sexual misconduct.....	21
13:35-10.21 Continuing education	23
13:35-10.22 Continuing education programs.....	24
13:35-10.23 Continuing education audits; records of continuing education	24
13:35-10.24 Waiver of continuing education requirements	25
13:35-10.25 Additional continuing education requirements	25
13:35-10.26 Telemedicine or telehealth: purpose and scope	26
13:35-10.27 Telemedicine or telehealth: definitions	26
13:35-10.28 Telemedicine or telehealth: standard of care	27
13:35-10.29 Telemedicine or telehealth: licensed athletic trainer-athlete relationship	28
13:35-10.30 Telemedicine or telehealth: provision of services through telemedicine or telehealth	29
13:35-10.31 Telemedicine or telehealth: records	30

13:35-10.32 Telemedicine or telehealth: prevention of fraud and abuse.....	30
13:35-10.33 Telemedicine or telehealth: privacy and notice to athletes.....	31

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.

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 strenuous physical exercise, physical conditioning or a sport.

"Athletic training" means the practice of physical conditioning and reconditioning of athletes and the prevention of injuries incurred by athletes. "Athletic training" also includes the application of physical treatment modalities to athletes under a plan of care designed and overseen by a supervising physician licensed in New Jersey, as recommended by the Advisory Committee and defined in N.J.A.C. 13:35-10.7(b).

"Board" means the State Board of Medical Examiners.

"Bracing" means the provision of fabric and elastic supports, corsets, arch supports, trusses, elastic hose, canes, crutches, cervical collars, dental appliances or other similar devices carried in stock and sold by drug stores, department stores, corset shops or surgical supply facilities.

"Licensed athletic trainer" means an individual who is licensed by the Board to practice athletic training.

"Physician" means a physician and surgeon licensed pursuant to N.J.S.A. 45:9-1 et seq.

"Plan of care" means a documented arrangement between a licensed athletic trainer and a physician, which sets forth:

1. The physical treatment modalities a licensed athletic trainer will utilize while providing services to athletes in an interscholastic, intercollegiate, intramural or professional athletic setting; and

2. Any athletic training services, including physical treatment modalities, the athletic trainer will provide when he or she is working with an athlete outside of an interscholastic, intercollegiate, intramural or professional athletic setting.

"Supervising physician" means a physician with whom an athletic trainer has a plan of care.

"Supervision" means that a physician licensed in this State is accessible to a licensed athletic trainer, either on-site or through voice communication, during 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 Commission on Accreditation of Athletic Training Education, 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. 13:35-10.19.

13:35-10.3A LICENSURE BY RECIPROCITY

- a) Upon receipt of a completed application, application fee, consent to a criminal history record background check, and requisite fee for such a check, the Board shall issue a license to any person who documents that he or she holds a valid, current corresponding license in good standing issued by another state, if:
 - 1) The Board determines that the state that issued the license has or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the current Board standards;
 - 2) The applicant has been practicing in the profession of athletic training for a period of at least two years immediately prior to the date of application; and
 - 3) The requirements of (b) below are satisfied.
- b) Prior to the issuance of the license, the Board shall have received:
 - 1) Documentation from any state in which the applicant is, or ever was, licensed that the applicant's license(s) is in good standing;
 - 2) The results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police which do not disclose a conviction for a disqualifying crime; and
 - 3) Designation of an agent in New Jersey for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.
- c) For purposes of this section, "good standing" means that:
 - 1) No action has been taken against the applicant's license by any licensing board;
 - 2) No action adversely affecting the applicant's privileges to practice athletic training has been taken by any out-of-State institution, organization, or employer;

- 3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice athletic training;
 - 4) All fines levied by any out-of-State board have been paid; and
 - 5) There is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, New Jersey, or any other state, including: criminal homicide; aggravated assault; sexual assault, criminal sexual contact or lewdness; or any offense involving any controlled dangerous substance or controlled dangerous substance analog.
- d) For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.
- e) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.
- f) The Board may grant a license without examination to an applicant seeking reciprocity who holds a corresponding license from another state who does not meet the good standing requirement of subsection (a) due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime provided the alleged conduct of the applicant that is the subject of the action, proceeding, charge or arrest does not demonstrate a serious inability to practice athletic training, adversely affect the public health, safety or welfare or result in economic or physical harm to a person, or create a significant threat of such harm.

13:35-10.4 BIENNIAL LICENSE RENEWAL

- a) The Board shall send a notice of renewal to each licensed athletic trainer at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensed athletic trainer of the option to renew as inactive. 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 provided that the license is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.
- b) A licensed athletic trainer shall renew his or her license for a period of two years by submitting a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:35-10.19, prior to the date of license expiration.

- c) A licensed athletic trainer may renew his or her license by choosing inactive status. A licensed athletic trainer electing to renew as inactive shall not engage in the practice of athletic training, or hold him- or herself out as eligible to engage in the practice of athletic training, in New Jersey until such time as the license is returned to active status.
- d) If a licensed athletic trainer does not renew the license prior to its expiration date, the licensed athletic trainer 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. 13:35-10.19. During this 30-day period, the license shall be valid and the licensed athletic trainer shall not be deemed practicing without a license.
- e) A licensed athletic trainer who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.
- f) A licensed athletic trainer who continues to engage in the practice of athletic training with a suspended license shall be deemed to be engaging in the unlicensed practice of athletic training and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:35-10.4A LICENSE REACTIVATION

- a) A licensed athletic trainer who holds an inactive license pursuant to N.J.A.C. 13:35-10.4(c) may apply to the Board for reactivation of an inactive license. A licensed athletic trainer seeking reactivation of an inactive license shall submit:
 - 1) A renewal application;
 - 2) A certification of employment listing each job held during the period of inactive license which includes the names, addresses, and telephone numbers of each employer;
 - 3) If the renewal application is sent during the first year of the biennial renewal period, the renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:35-10.19. If the renewal application is sent during the second year of the biennial period, half of the renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:35-10.19; and
 - 4) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:35-10.21.
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of athletic training and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of

(a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above apply.

- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reactivation of licensure to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:
- 1) Length of time license was inactive;
 - 2) Employment history;
 - 3) Professional history;
 - 4) Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
 - 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
 - 6) Pending proceedings against a professional or occupational license issued to the licensed athletic trainer by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
 - 7) Civil litigation related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-10.4B LICENSE REINSTATEMENT

- a) A licensed athletic trainer who has had his or her license suspended pursuant to N.J.A.C. 13:35-10.4(e) may apply to the Board for reinstatement. A licensed athletic trainer applying for reinstatement shall submit:
- 1) A reinstatement application;
 - 2) A certification of employment listing each job held during the period of suspended license which includes the names, addresses, and telephone numbers of each employer;
 - 3) The renewal fee set forth in N.J.A.C. 13:35-10.19 for the biennial period for which reinstatement is sought;
 - 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
 - 5) The reinstatement fee set forth in N.J.A.C. 13:35-10.19; and
 - 6) Evidence of having completed all continuing education credits for the current biennial registration period, consistent with the requirements set forth in N.J.A.C. 13:35-10.21.
- b) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of athletic training and submits proof of having satisfied that state's continuing education requirements, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above apply.
- c) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the board may require the applicant as a condition of reinstatement of licensure to take and successfully complete education or training, or to submit to supervision, monitoring, or limitations, as the Board determines necessary to assure that the applicant practices with reasonable skill and safety. The Board may restore the license subject to the applicant's completion of training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

- 1) Length of time license was suspended;
- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any professional or occupational board;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensed athletic trainer by a professional or occupational board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of athletic training or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:35-10.5 PLAN OF CARE GUIDELINES

- a) Every licensed athletic trainer shall enter into a written plan of care with a supervising physician, which sets forth the practices in which a licensed athletic trainer shall engage in while providing physical treatment modalities to athletes in an interscholastic, intercollegiate, intramural or professional athletic setting and all athletic training services, including physical treatment modalities, provided outside of these settings. The plan of care shall be signed and dated by both the licensed athletic trainer and the supervising physician.
- b) A licensed athletic trainer and his or her supervising physician shall meet at least once a year to review the plan of care and revise it as necessary.
- c) A supervising physician shall be available, either in person or through voice communication, whenever a licensed athletic trainer is practicing athletic training.
- d) A licensed athletic trainer shall make a plan of care available to the Board upon request.

13:35-10.6 PRACTICE OUTSIDE OF SCHOOLS AND PROFESSIONAL TEAMS

- a) Except as provided in (b) below, if a licensed athletic trainer is working outside of an interscholastic, intercollegiate, intramural or professional athletic setting, the licensed athletic trainer shall provide athletic training services only when a physician (who may, in this instance, be licensed in another state) has referred the athlete for athletic training after physically examining the athlete.
- b) A licensed athletic trainer who is providing athletic training services during an athletic event outside of an interscholastic, intercollegiate, intramural, or professional athletic setting may evaluate an injury suffered by an athlete during that event and provide immediate athletic training services for that injury. After the initial response to the injury, the licensed athletic trainer shall refer the athlete to a physician for a physical examination. The licensed athletic trainer shall not provide any further athletic training services to such an athlete until a physician has referred the athlete for further athletic training services
- c) When a licensed athletic trainer is working outside of an interscholastic, intercollegiate, intramural or professional athletic setting with an athlete, the licensed athletic trainer's plan of care shall include provisions for supervision from a supervising physician during all aspects of athletic training, not just during the provision of physical modalities.

13:35-10.7 SCOPE OF PRACTICE

- a) A licensed athletic trainer in an interscholastic, intercollegiate, intramural, or professional athletic setting, in a setting where he or she is providing evaluation and immediate athletic training services for an injury suffered outside of the interscholastic, intercollegiate, intramural, or professional athletic setting pursuant to N.J.A.C. 13:35-10.6(b) or in any other setting pursuant to a referral from a physician (who, in this instance, be licensed in another state), may provide to an athlete:
 - 1) Evaluation of injuries;
 - 2) Conditioning programs for the prevention and management of injuries including:
 - i) Maintenance programs;
 - ii) Reconditioning programs;
 - iii) Exercise programs; and
 - iv) Bandaging, wrapping, taping, padding, bracing and splinting procedures;

- 3) Testing of neuromotor and musculoskeletal functional capability for the purposes of conditioning, reconditioning or otherwise evaluating the athlete's performance capability; and
 - 4) First-aid.
- b) Notwithstanding (a) above, a licensed athletic trainer may provide bandaging, wrapping, taping, padding, bracing, and splinting procedures to uninjured parts of an athlete's body in any setting without a referral from a physician
- c) If they are included in the licensed athletic trainer's plan of care with a supervising physician, a licensed athletic trainer may administer physical treatment modalities, such as:
- 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 shall not conduct electromyographic testing or nerve conduction velocity studies.
- e) A licensed athletic trainer shall not diagnose an injury or illness. Prior to implementing or continuing athletic training services, 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 athletic training.

- f) A licensed athletic trainer shall immediately refer an athlete to a health care professional licensed in this State if the licensed athletic trainer has cause to believe that athletic training is contraindicated or symptoms or conditions are present that require services outside the scope of a licensed athletic trainer's practice.

13:35-10.8 RECORDS

- a) A licensed athletic trainer shall prepare and maintain for each athlete a contemporaneous, permanent record that accurately reflects the evaluation and treatment of the athlete's injury by the licensed athletic trainer.
- b) A licensed athletic trainer shall not falsify a record.
- c) A record shall include, in addition to personal identifying information, consents and disclosures, at least the following information:
- 1) The full name, as it appears on the license, and license number of the licensed athletic trainer who rendered care. This information shall be legible and shall appear at least once on each page of the record;
 - 2) Dates of all athletic training services;
 - 3) The findings of the evaluation including test results;
 - 4) Documentation of health care practitioner referrals, if any;
 - 5) Established measurable goals of the athletic training with stated time frames, the type of athletic training and the frequency and expected duration of athletic training;
 - 6) A contemporaneous note that accurately represents the services rendered during the athletic training sessions including the components of athletic training, the athlete's response to activities and current status;
 - 7) Progress notes in accordance with stated goals at a frequency consistent with the evaluated findings and changes in the athlete's conditions;
 - 8) Communication with other health care professionals relative to the athlete's care;

- 9) A discharge or return to activity summary, which includes the reason for discharge from and outcome of athletic training relative to established goals at the time of discharge; and
 - 10) Pertinent legal document(s).
- d) Records shall be maintained for at least seven years from the date of the last entry.
- e) A student in a Commission on Accreditation of Athletic Training Education approved athletic training education program may enter information in an athlete's record, as long as the licensed athletic trainer supervising the student co-signs his or her full name and license number next to the student's entry.
- f) A licensed athletic trainer shall maintain his or her plan of care as part of his or her records.

13:35-10.9 USE OF PERSONAL OR OTHER COMPUTER TO PREPARE RECORDS

- a) A licensed athletic trainer who prepares a record maintained solely on a personal or other computer shall use a write-protected program that:
- 1) Contains an internal permanently activated date and time recordation for all entries;
 - 2) Automatically prepares a back-up copy of the file; and
 - 3) Is designed in such manner that, after the licensed athletic trainer "signs" by means of a confidential personal code (CPC), the entry cannot be changed in any manner.
- b) The licensed athletic trainer shall include in the record at least two forms of identification; for example, name and record number of the athlete or any other specific identifying information.
- c) The licensed athletic trainer shall finalize or "sign" the entry by means of a CPC. Where more than one individual is authorized to make entries into the computer file of any record, the licensed athletic trainer responsible for the facility at which the licensed athletic trainers work shall assure that each such person obtains a CPC and uses the program in the same manner.
- d) The licensed athletic trainer shall generate a hard copy of the complete record upon request.

13:35-10.10 RELEASE OF RECORDS

- a) A licensed athletic trainer shall provide a copy of the athlete's record within 30 days of a written request by the athlete or any person whom the athlete has designated to receive that record, or, if the athlete is a minor, the athlete's legal guardian.
- b) Licensed athletic trainers may require a record request to be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. (If the record requested is less than 10 pages, the licensed athletic trainer may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.) If the athlete requests a summary in lieu of the actual record, the charge for the summary shall not exceed the cost that would be charged for the actual record.
- c) If the athlete or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the licensed athletic trainer shall provide a transcription at no cost to the athlete or the person requesting the record.
- d) Where the athlete has requested the release of all or part of a professional treatment record to a specified individual or entity, in order to protect the confidentiality of the records, the licensed athletic trainer shall:
 - 1) Secure and maintain a current written authorization, bearing the signature of the athlete or an authorized representative;
 - 2) Assure that the scope of the release is consistent with the request; and
 - 3) Forward the records to the attention of the specific individual or entity identified and mark the material "Confidential."
- e) A licensed athletic trainer shall not withhold or delay providing a record because the athlete or any other payor failed to pay for services rendered.

13:35-10.11 ADVERTISING AND SOLICITATION PRACTICES

- a) The following words and terms, when used in this section shall have the following meanings unless the context clearly indicates otherwise.
 - 1) "Advertisement" shall mean any attempt directly or indirectly by publication, dissemination or circulation in print or electronic media to induce directly or indirectly any

person or entity to purchase or enter into an agreement to purchase services, treatment or goods related thereto from a licensed athletic trainer.

- 2) "Electronic media" shall include radio, television, telephone, facsimile machine or computer.
 - 3) "Fee schedule" refers to the fees charged for services or goods offered by a licensed athletic trainer.
 - 4) "Graphic representation" shall mean the use of drawings, animations, clinical photographs, dramatizations, music or lyrics.
 - 5) "Print media" shall refer to newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.
 - 6) "Routine professional service" refers to a service that a licensed athletic trainer or professional association routinely performs.
- b) Subject to the limitation of (c) and (e) through (i) below, a licensed athletic trainer may provide information to the public by advertising in print or electronic media.
- c) A licensed athletic trainer who engages in the use of advertising that contains any of the following shall be deemed to have engaged in professional misconduct:
- 1) Any statement, claim or format including a graphic representation that is false, fraudulent, misleading or deceptive;
 - 2) Any misrepresentation of a material fact;
 - 3) The suppression, omission or concealment of any material fact under circumstances that the licensed athletic trainer knows or should have known is improper or prevents an athlete from making a full and informed judgment on the basis of the information set forth in the advertisement;
 - 4) Any claim that the service performed or the materials used are superior to those ordinarily performed or used in the profession;
 - 5) Any promotion of professional service that the licensed athletic trainer knows or should know is beyond the licensed athletic trainer's ability to perform;

- 6) A technique or communication that appears to intimidate, exert undue pressure or to unduly influence an athlete;
 - 7) Any personal testimonial attesting to the quality or competence of service or treatment by a licensed athletic trainer involving medical or technical assessments that are beyond the athlete's competency to assess, or any testimonial not in compliance with N.J.A.C. 13:35-10.13;
 - 8) The communication of any fact, data or information that may personally identify an athlete without the athlete's signed written permission obtained in advance;
 - 9) An offer to pay, give or accept a fee or other consideration to or from a third party for the referral of an athlete;
 - 10) Any print, language or format that directly or indirectly obscures a material fact; or
 - 11) Any guarantee of results from any procedure.
- d) The Board may require a licensed athletic trainer to substantiate the truthfulness of any assertion or representation set forth in an advertisement.
 - e) Any violations of (f) through (i) below shall be deemed professional misconduct.
 - f) A licensed athletic trainer shall not engage, either directly or through the use of any agent, employee or representative, in solicitation of an athlete. This subsection shall not prohibit a licensed athletic trainer from offering services through materials provided to a community service organization that makes known the availability of all professional services listed; nor shall it prohibit the offering of services by a licensed athletic trainer to any bona fide representative of an athlete including, employers, labor union representatives or insurance carriers.
 - g) Advertising making reference to or setting forth fees shall be limited to a stated fee for specifically described routine professional services or goods offered by licensed athletic trainers.
 - 1) A licensed athletic trainer who advertises a fee shall disclose all relevant and material variables and considerations that are ordinarily included in such a service, so that the fee will be clearly understood by athletes.

- 2) In the absence of such disclosure referred to in (g)1 above, the stated fees shall be presumed to include everything ordinarily required for such a service. No additional charges shall be made for an advertised service unless the advertisement specifically delineates the additional services contemplated and the fee to be charged.
- h) The time period during which an advertised fee will remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure, the effective period shall be deemed to be 30 days from the date of the advertisement's final publication.
- i) Any licensed athletic trainer advertising a specialty certification shall have been certified by a certifying entity and shall maintain documentary proof of certification from the entity as part of his or her records. A licensed athletic trainer who advertises a specialty certification shall include the full name of the certification and the certifying entity in any advertisements and shall not use initials or acronyms for the certification or certifying entity. For example, a licensed athletic trainer may indicate in advertisements that he or she is a Certified Strength and Conditioning Specialist certified by the National Strength and Conditioning Association but shall not indicate that he or she is a CSCS certified by the NSCA.

13:35-10.12 ADVERTISING FREE OR DISCOUNTED SERVICES; REQUIRED DISCLOSURES

- a) An advertisement offering a fee reduction shall state the reduced fee and the licensed athletic trainer's usual fee for each service for which a reduction is advertised. The usual fee shall be the fee charged for the advertised service for a period of not less than 90 days prior to the publication of the advertised reduction.
- b) If the discount or free service does not apply to all services to be rendered, the advertisement shall specify any associated or reasonably anticipated services that are not included and a statement of the specific charges for all associated or reasonably anticipated services that are not included.
- c) Except for those services specifically excluded in the advertisement offering free services, the licensed athletic trainer shall not charge for any service whatsoever rendered during a period of 72 hours from the time the free service was rendered.

13:35-10.13 TESTIMONIAL ADVERTISING

- a) All testimonials involving a specific or identifiable procedure shall truthfully reflect the actual experience of the athlete.
- b) The licensed athletic trainer shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial. The failure to do so, if required by the Board, may be deemed professional misconduct.

- c) Where a licensed athletic trainer directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a clear, legible and readable manner in any advertisement as follows: "COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL."

13:35-10.14 MINIMUM CONTENT

- a) A licensed athletic trainer shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:
- 1) The name and license number of at least one licensed athletic trainer working at the advertised practice location; and
 - 2) The street address and telephone number of the practice.

13:35-10.15 ADVERTISING BY A BUSINESS ENTITY OFFERING ATHLETIC TRAINING

The responsibility for the form and content of any advertisement offering services or goods by a licensed athletic trainer shall be jointly and severally that of each licensed athletic trainer who is a principal, partner, officer or employee of the firm or entity identified in the advertisement.

13:35-10.16 ADVERTISING RECORD RETENTION

- a) A licensed athletic trainer shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement for his or her services appearing in print media, as well as a video or audio tape of every advertisement communicated by electronic media. A licensed athletic trainer shall indicate on all advertisements in his or her possession the date and place of publication.
- b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of last use of the testimonial. Documentation shall include the name, address and telephone number of the testimonial giver and the type and amount or value of compensation, if any.

13:35-10.17 USE OF PROFESSIONAL CREDENTIALS AND CERTIFICATIONS

- a) A licensed athletic trainer shall accurately and objectively represent his or her competence, education, training and experience.

- b) A licensed athletic trainer shall use the designation "athletic trainer" or "licensed athletic trainer" or the abbreviation "AT" or "LAT" in conjunction with the use of his or her name and license number. Academic degree designations may be placed after the name and the title.
- c) An advertisement that includes information on professional credentials shall contain the academic degrees attained related to the practice of athletic training and shall refer only to degrees obtained from accredited academic institutions.

13:35-10.18 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.

13:35-10.19 FEES

d) 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)

13:35-10.20 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-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, coworker, 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.

13:35-10.21 CONTINUING EDUCATION

- a) Upon the first biennial license renewal after May 1, 2018, and upon every biennial license renewal thereafter, licensed athletic trainers shall attest that they have completed courses of continuing education of the types and number of credits specified in (b) and (c) below and in N.J.A.C. 13:35-10.22, and that they have current certification in cardiopulmonary resuscitation (CPR) and use of an automated external defibrillator (AED) from a course offered by the Red Cross or American Heart Association, or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute, or Medic First Aid International Inc.
- b) Each applicant for biennial license renewal shall be required to complete, during the preceding biennial period, 24 credits of continuing education related to the practice of athletic training, except as provided in (c) below. These 24 credits shall include at least:
 - 1) Two credits in topics related to concussions and head injuries; and
 - 2) Commencing with the biennial renewal period beginning on February 1, 2019, one credit in topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.
- c) A licensed athletic trainer who is licensed in the second year of a biennial renewal period shall be required to complete 12 credits of continuing education, of which at least one credit shall be in topics related to concussions and head injuries and one credit in topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

13:35-10.22 CONTINUING EDUCATION PROGRAMS

- a) A licensed athletic trainer shall successfully complete at least 12 continuing education credits from the following:
- 1) Continuing education courses or programs presented by providers approved by the National Athletic Trainers Association Board of Certification, one credit for each hour of instruction; or
 - 2) A graduate course, related to the practice of athletic training, given by a school, college, or university accredited by a regional accrediting body recognized by the United States Department of Education or the Council on Postsecondary Accreditation, one credit for each hour of instruction.
- b) A licensed athletic trainer may obtain up to 12 continuing education credits from the following:
- 1) Authorship of a published textbook or a chapter of a textbook directly related to the practice of athletic training; four credits for each chapter;
 - 2) Authorship of a published article, which has been refereed through peer review, related to the practice of athletic training in a medical or health related journal; four credits per article; and
 - 3) Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long. "New" means that the licensed athletic trainer has never presented the seminar or lecture before; two credits for each hour of presentation.

13:35-10.23 CONTINUING EDUCATION AUDITS; RECORDS OF CONTINUING EDUCATION

- a) The Board shall perform audits on randomly selected licensed athletic trainers to determine compliance with continuing education requirements.
- b) A licensed athletic trainer shall maintain the following documentation for a period of four years after completion of the credits and shall submit such documentation to the Board upon request:
- 1) For attendance at programs or courses presented by a National Athletic Trainers Association Board of Certification approved provider: a certificate of completion from the provider;

- 2) For successful completion of a graduate course: a transcript from the school, college, or university;
- 3) For publication of textbook or article: the published item, including the date of publication; and
- 4) For presenting a lecture or seminar: documentation including the location, date, and duration of the lecture or seminar, a copy of the presentation and documentation from the sponsor of the lecture or seminar indicating that the licensed athletic trainer presented the lecture or seminar.

13:35-10.24 WAIVER OF CONTINUING EDUCATION REQUIREMENTS

- a) The Board may waive the continuing education requirements of N.J.A.C. 13:35-10.21 on an individual basis for reasons of hardship, such as severe illness, disability, or military service.
 - 1) A licensed athletic trainer seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver.
 - 2) A waiver of continuing education requirements granted pursuant to this section shall be effective only for the biennial period for which such waiver is granted. If the condition(s) that necessitated the waiver continue(s) into the next biennial period, a licensed athletic trainer shall apply to the Board for the renewal of such waiver for the new biennial period.

13:35-10.25 ADDITIONAL CONTINUING EDUCATION REQUIREMENTS

- a) The Board may direct or order a licensed athletic trainer to complete continuing education credits:
 - 1) As part of a disciplinary or remedial measure in addition to the required 24 hours of continuing education; or
 - 2) To correct a deficiency in the licensed athletic trainer's continuing education requirements.
- b) Any continuing education credits completed by the licensed athletic trainer in compliance with an order or directive from the Board as set forth in (a) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

13:35-10.26 TELEMEDICINE OR TELEHEALTH: PURPOSE AND SCOPE

- a) The purpose of N.J.A.C. 13:35-10.27 through 10.33 and this section is to implement the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.), which authorizes healthcare providers to engage in telemedicine and telehealth.
- b) N.J.A.C. 13:35-10.27 through 10.33 and this section shall apply to all persons who are licensed by the Board as athletic trainers.
- c) Pursuant to N.J.S.A. 45:1-62, an athletic trainer must hold a license issued by the Board if he or she:
 - 1) Is located in New Jersey and provides health care services to any athlete located in or out of New Jersey by means of telemedicine or telehealth; or
 - 2) Is located outside of New Jersey and provides health care services to any athlete located in New Jersey by means of telemedicine or telehealth.
- d) Notwithstanding N.J.S.A. 45:1-62, a healthcare provider located in another state who consults with a licensed athletic trainer in New Jersey through the use of information and communications technologies, but does not direct patient care, will not be considered as providing health care services to an athlete in New Jersey and will not be required to obtain licensure in New Jersey in order to provide such consultation.

13:35-10.27 TELEMEDICINE OR TELEHEALTH: DEFINITIONS

The following words and terms, when used in N.J.A.C. 13:35-10.26 and 10.28 through 10.33 and this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Asynchronous store-and-forward" means the acquisition and transmission of images, diagnostics, data, and medical information either to or from an originating site or to or from the licensed athletic trainer at a distant site, which allows for the athlete to be evaluated without being physically present.

"Cross-coverage service" means a licensed athletic trainer who engages in a remote medical evaluation of an athlete, without in-person contact, at the request of another licensed athletic trainer who has established a proper licensed athletic trainer-athlete relationship with the athlete.

"Distant site" means a site at which a licensed athletic trainer is located while providing health care services by means of telemedicine or telehealth.

"On-call" means a licensed athletic trainer is available, where necessary, to physically attend to the urgent and follow-up needs of an athlete for whom the licensed athletic trainer has temporarily assumed responsibility, as designated by the athlete's primary licensed athletic trainer or other health care provider of record.

"Originating site" means a site at which an athlete is located at the time that health care services are provided to the athlete by means of telemedicine or telehealth.

"Telehealth" means the use of information and communications technologies, including telephones, remote athlete monitoring devices, or other electronic means, to support clinical health care, provider consultation, athlete and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.).

"Telemedicine" means the delivery of a health care service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a licensed athletic trainer who is located at a distant site and an athlete who is located at an originating site, either with or without the assistance of an intervening licensed athletic trainer, and in accordance with the provisions of P.L. 2017, c. 117 (N.J.S.A. 45:1-61 et seq.). "Telemedicine" does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

13:35-10.28 TELEMEDICINE OR TELEHEALTH: STANDARD OF CARE

- a) Prior to providing services through telemedicine or telehealth, a licensed athletic trainer shall determine whether providing those services through telemedicine or telehealth would be consistent with the standard of care applicable for those services when provided in-person.
- b) If a licensed athletic trainer determines, either before or during the provision of services, that services cannot be provided through telemedicine or telehealth in a manner that is consistent with in-person standards of care, the licensed athletic trainer shall not provide services through telemedicine or telehealth.
- c) A licensed athletic trainer who determines that services cannot be provided through telemedicine or telehealth pursuant to (b) above shall advise the athlete to obtain services in-person.
- d) A licensed athletic trainer who provides a diagnosis, treatment, or consultation recommendation, including discussions regarding the risk and benefits of an athlete's treatment options, through telemedicine or telehealth shall be held to the same standard of care or practice standards as are applicable to in-person settings.

13:35-10.29 TELEMEDICINE OR TELEHEALTH: LICENSED ATHLETIC TRAINER-ATHLETE RELATIONSHIP

- a) Prior to providing services through telemedicine or telehealth, a licensed athletic trainer shall establish a licensed athletic trainer-athlete relationship by:
 - 1) Identifying the athlete with, at a minimum, the athlete's name, date of birth, phone number, and address. A licensed athletic trainer may also use an athlete's assigned identification number, Social Security number, photo, health insurance policy number, or other identifier associated directly with the athlete; and
 - 2) Disclosing and validating the licensed athletic trainer's identity, license, title, and, if applicable, specialty and board certifications.

- b) Prior to initiating contact with a patient for the purpose of providing services to the patient using telemedicine or telehealth, a licensee shall:
 - 1) Review the athlete's history and any available records;
 - 2) Determine as to each unique athlete encounter whether he or she will be able to provide the same standard of care using telemedicine or telehealth as would be provided if the services were provided in person; and
 - 3) Provide the athlete, or the athlete's legal guardian, the opportunity to sign a consent form that authorizes the licensed athletic trainer to release records of the encounter to the athlete's primary licensed athletic trainer or other licensed health care provider identified by the athlete.

- c) Notwithstanding (a) and (b) above, service may be provided through telemedicine or telehealth without a proper provider-athlete relationship if:
 - 1) The provision of services is for informal consultations with another healthcare provider performed by a licensed athletic trainer outside the context of a contractual relationship, or on an irregular or infrequent basis, without the expectation or exchange of direct or indirect compensation;
 - 2) The provision of services is during episodic consultations by a medical specialist located in another jurisdiction who provides consultation services, upon request, to a licensed athletic trainer in this State;
 - 3) A licensed athletic trainer furnishes medical assistance in response to an emergency or disaster, provided that there is no charge for the medical assistance; or

- 4) A substitute licensed athletic trainer, who is acting on behalf of an absent licensed athletic trainer in the same specialty, provides health care services on an on-call or cross-coverage basis, provided that the absent licensed athletic trainer has designated the substitute licensed athletic trainer as an on-call licensed athletic trainer or cross-coverage service provider.

13:35-10.30 TELEMEDICINE OR TELEHEALTH: PROVISION OF SERVICES THROUGH TELEMEDICINE OR TELEHEALTH

- a) As long as a licensed athletic trainer has satisfied the requirements of N.J.A.C. 13:35-10.29, a licensed athletic trainer may provide health care services to an athlete through the use of telemedicine and may engage in telehealth to support and facilitate the provision of health care services to athletes.
- b) Prior to providing services through telemedicine or telehealth, a licensed athletic trainer shall determine the athlete's originating site and record this information in the athlete's record.
- c) A licensed athletic trainer providing healthcare services through telemedicine shall use interactive, real-time, two-way communication technologies, which shall include, except as provided in (e) below, a video component that allows a licensed athletic trainer to see an athlete and the athlete to see the licensed athletic trainer during the provision of services.
- d) A licensed athletic trainer providing services through telemedicine or telehealth may use asynchronous store-and-forward technology to allow for the electronic transmission of:
 - 1) Images;
 - 2) Diagnostics;
 - 3) Data; and
 - 4) Medical information.
- e) If, after accessing and reviewing the athlete's records, a licensed athletic trainer determines that he or she is able to meet the standard of care for such services if they were being provided in-person without using the video component described in (c) above, the licensed athletic trainer may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, without a video component.
- f) During the provision of services through telemedicine or telehealth, and after the provision of services, a licensed athletic trainer, or another designated licensed athletic trainer, shall provide his or her name, professional credentials, and contact information to the athlete.

Such contact information shall enable the athlete to contact the licensed athletic trainer for at least 72 hours following the provision of services, or for a longer period if warranted by the athlete's circumstances and accepted standards of care.

- g) Prior to providing services through telemedicine or telehealth, a licensed athletic trainer shall review any history or records provided by an athlete as follows:
 - 1) For an initial encounter with an athlete, history and records shall be reviewed prior to the provision of services through telemedicine or telehealth; and
 - 2) For any subsequent interactions with an athlete, history and records shall be reviewed either prior to the provision of services through telemedicine or telehealth or contemporaneously with the encounter with the athlete.
- h) After the provision of services through telemedicine or telehealth, a licensed athletic trainer shall provide the athlete, upon request, with his or her records created due to the services provided.
- i) A licensed athletic trainer shall provide, upon an athlete's written request, the athlete's information to the athlete's primary care provider or to other health care providers.
- j) A licensed athletic trainer engaging in telemedicine or telehealth shall refer an athlete for follow-up care when necessary.

13:35-10.31 TELEMEDICINE OR TELEHEALTH: RECORDS

A licensed athletic trainer who provides services through telemedicine or telehealth shall maintain a record of the care provide to an athlete. Such records shall comply with the requirements of N.J.A.C. 13:35-10.8 and 10.33, and all other applicable State and Federal statutes, rules, and regulations for recordkeeping, confidentiality, and disclosure of an athlete's record.

13:35-10.32 TELEMEDICINE OR TELEHEALTH: PREVENTION OF FRAUD AND ABUSE

- a) In order to establish that a licensed athletic trainer has made a good faith effort to prevent fraud and abuse when providing services through telemedicine or telehealth, a licensed athletic trainer must establish written protocols that address:
 - 1) Authentication and authorization of users;

- 2) Authentication of the athlete during the initial intake pursuant to N.J.A.C. 13:35-10.29(a)1;
- 3) Authentication of the origin of information;
- 4) The prevention of unauthorized access to the system or information;
- 5) System security, including the integrity of information that is collected, program integrity, and system integrity;
- 6) Maintenance of documentation about system and information usage;
- 7) Information storage, maintenance, and transmission; and
- 8) Synchronization and verification of athlete profile data.

13:35-10.33 TELEMEDICINE OR TELEHEALTH: PRIVACY AND NOTICE TO ATHLETES

- a) Licensed athletic trainers who communicate with athletes by electronic communications other than telephone or facsimile shall establish written privacy practices that are consistent with Federal standards under 45 CFR Parts 160 and 164, as amended and supplemented, which are incorporated herein by reference, relating to privacy of individually identifiable health information.
- b) Written privacy practices required by (a) above shall include privacy and security measures that assure confidentiality and integrity of athlete-identifiable information. Transmissions, including athlete email, prescriptions, and laboratory results must be password protected, encrypted electronic prescriptions, or protected through substantially equivalent authentication techniques.
- c) A licensed athletic trainer who becomes aware of a breach in confidentiality of athlete information, as defined in 45 CFR 164.402, shall comply with the reporting requirements of 45 CFR Part 164.
- d) Licensed athletic trainers, or their authorized representatives, shall provide an athlete, prior to evaluation or treatment, with copies of written privacy practices and shall obtain the athlete's written acknowledgement of receipt of the notice.
- e) Licensed athletic trainers who provide athletic training services through telemedicine or telehealth, or their authorized representatives, shall, prior to providing services, give athletes notice regarding telemedicine and telehealth, including the risks and benefits of being

treated through telemedicine or telehealth and how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate as a result of a technological or equipment failure. A licensed athletic trainer shall obtain a signed and dated statement indicating that the athlete received this notice.

- f) When telemedicine or telehealth is unable to provide all pertinent clinical information that a licensed athletic trainer exercising ordinary skill and care would deem reasonably necessary to provide care to an athlete, the licensed athletic trainer shall inform the athlete of this prior to the conclusion of the provision of care through telemedicine or telehealth and shall advise the athlete regarding the need for the athlete to obtain an additional in-person evaluation reasonably able to meet the athlete's needs.
-
-