

PROTECTING YOURSELF IN PER DIEM PRACTICE

K Ellis F Mair, EdM, LAT, ATC

DISCLOSURES

- » Co-Founder, Go4Ellis → Go4
- » Former Director, Participant Health and Safety - NXTsports

DISCLAIMER

I am not a lawyer and this is not legal advice

OBJECTIVES

By the end of the presentation, you will be able to...

- » Describe the necessary credentials needed to practice athletic training in the per diem setting
- » Identify components of their state practice acts
- » Evaluate criteria for determining appropriate per diem pay rates
- » Explain of the importance of documentation in per diem practice

PER DIEM ATHLETIC TRAINER PROCESS

BEFORE

Gather your credentials

—

Read your state practice act

—

Sort through per diem job opportunities

Apply, negotiate

DURING

Review emergency action plan

—

Locate AED

Supplies

—

Assess and monitor environmental risks

—

Injury documentation

Patient and parent education

AFTER

Injury follow-up

—

Injury Documentation

—

Event post mortem

—

Inventory supplies

BEFORE

CREDENTIALS

- » Proof of Certification
- » Proof of State Licensure, Registration or Certification
- » Child Abuse Clearances
- » Standing Physician Orders
- » Professional Liability Insurance
- » Resume

CERTIFICATIONS AND LICENSURE

PROOF OF CERTIFICATION

- » DO NOT practice without your certification

PROOF OF STATE LICENSURE

- » Process, cost and length of time to obtain vary by state
 - » In NJ: \$100, application, consent to criminal history record background check, BOC letter, proof of completion of education
- » Reciprocity
 - » CT offers license “reciprocity” (30 days)
 - » Temporary Licenses (NJ) or Multiple Licenses
 - » Sports Medicine Licensure Clarity Act
- » DO NOT practice without a license in other states
 - » DE: \$100 - \$1,000 per day
 - » MD: a civil penalty up to \$1,000 on a person who employs or supervises an individual without a license

CHILD ABUSE CLEARANCES

NATIONAL MANDATES

- » At this point, there is no national mandate for child abuse clearances or mandated reporter training and these greatly vary by state and organization.

SAFE SPORT

- » "The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017"
 - » US Olympic or US Paralympic NGB Sanctioned events
 - » US Olympic Training Centers

CHILD ABUSE CLEARANCES

» Process, requirement, cost and length of time to obtain vary by state

In NJ and MI:

Child Abuse Clearances and Criminal History record checks are inferred with Licensure

In PA:

PA Act 153 states that “an individual 14 years or older applying for a paid position as an employee responsible for the welfare of a child or having direct contact with children”

- » PA Criminal History Record Check
- » PA Child Abuse Clearance
- » FBI Fingerprinting

CHILD ABUSE CLEARANCES

Colleges that receive government funding:

- » Cleary Act Training

Mandated Reporter Training:

- » Children: Athletic Trainers are mandated reporters for any suspicion of child abuse or neglect
- » Adults: Institutionally dependent

STATE PRACTICE ACTS & STANDING PHYSICIAN ORDERS

READ YOUR STATE PRACTICE ACT AS THESE VARY BY STATE

» [BOC Interactive State Regulation Map](#)

EFFECTS YOUR PATIENT POPULATION

» In NJ: *"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)..."*

» In PA, *"An individual or team sport, an athletic competition, a performing art, a recreational activity, or a military exercise."*

STATE PRACTICE ACTS & STANDING PHYSICIAN ORDERS

EFFECTS WHO CAN OVERSEE YOU

- » NJ: Every licensed athletic trainer shall enter into a written plan of care with a supervising physician,
- » PA: requires a written protocol between athletic trainer and physician, dentist or podiatrist

STATE PRACTICE ACTS & STANDING PHYSICIAN ORDERS

EFFECTS YOUR TREATMENT PROTOCOLS

» May provide to an athlete:

- 1) Evaluation of injuries;
- 2) Conditioning programs for the prevention and management of injuries including: Maintenance programs, Reconditioning programs; Exercise programs; and 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
- 5) Modalities (if included in POC): “such as” Cold, Heat, Light, Sound, Electricity, Electromagnetic waves, Water, Traditional mobilization techniques, rehabilitative exercise programs, traction and massage.

» May NOT provide:

- 1) Electromyographic testing or nerve conduction velocity studies; shall not diagnose an injury or illness.

PROFESSIONAL LIABILITY INSURANCE

- » “Affordable” and can be obtained almost instantly
- » Easily offset this cost in a day of per diem work
- » Read your policy and make sure it covers the work that you’re doing
 - » General liability, license protection, personal professional liability insurance, sexual misconduct/abuse
- » Rare that insurance for your full-time job covers your per diem work

RESUME

- » Add your per diem work to your resume
- » Per diem work is a great way to expose yourself to new settings, new patient populations and new people

OPPORTUNITIES

VARIOUS SETTINGS

» Weekend tournaments, supplementing at a high school, championship seasons, camps, clinics, practices, educational opportunities

NEW PATIENT PANELS

» Women's professional tackle football, Quidditch, Ultimate Frisbee, E-sports, Judo, Archery, Roller Derby, Golf, collegiate club sports

VETTING PER DIEM JOBS

» **Know your value – Negotiate!**

» Average Transacted Rate on Go4 in PA: \$48/hr

» **Know the sport-specific risks and rules**

Think about injury rates

Injury time? Blood time?

» **Ask questions**

Is there an emergency action plan?

Is there an [AED](#) on site?

Environmental concerns and treatment protocols?

When and how do I get paid?

How many fields are there?

Supplies? Taxes? Consent to treat?

DURING

- » Review emergency action plan
- » Locate AED
- » Supplies
- » Assess and monitor for environmental risks
- » Injury documentation/Patient and Parent Education!
- » A lot of risk management is about **communication!**

AFTER

- » Communication! / Injury Follow-Up
- » Injury documentation
- » Event Post-Mortem
- » Inventory supplies

RESOURCES

- » [BOC Standards of Professional Practice](#)
- » [Go4 Athletic Training Rate](#)
- » [Go4 Independent Contractor Expense Tracker](#)
- » Compensation Survey Data – Coming soon!

CITATIONS

Tara A. Armstrong, Elizabeth R. Neil, Alisha M. Pennington, K. Ellis F. Mair, Lindsey E. Eberman; Athletic Trainers' Perceptions of Accessibility to Necessary Resources for Those Working Per Diem Services. *J Athl Train* 1 January 2021; 56 (1): 112–122. doi: <https://doi.org/10.4085/1062-6050-0095.20>

Lindsey E. Eberman, Elizabeth R. Neil, Sara L. Nottingham, Tricia M. Kasamatsu, Cailee E. Welch Bacon; Athletic Trainers' Practice Patterns Regarding Medical Documentation. *J Athl Train* 1 July 2019; 54 (7): 822–830. doi: <https://doi.org/10.4085/1062-6050-230-18>

Scarneo-Miller SE, Eason CM, Winkelmann ZK, Emrich C, Register-Mihalik JK. Athletic Trainers' Proficiency in Evaluating Emergency Action Plans and a Subset of Catastrophic Policies and Procedures. *International Journal of Athletic Therapy and Training*. 2023;28(6):342-349. doi:10.1123/ijatt.2022-0019

Belgrave, K. J. (2020). Professional Liability Insurance for Athletic Trainers: A Cross Sectional Study of Athletic Trainers Who Do Per Diem Work.

Cavallario JM, Campbell BL, Jones BC, Welch Bacon C,E. Negotiation practices of athletic trainers employed in the clinical setting. *J Athl Train* 2022. doi:<https://doi.org/10.4085/1062-6050-0244.22>

CONTACT INFORMATION FOR ELLIS:

» ellis.mair@go4.io