

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 16-075)**

Overview and Legal and Fiscal Impact

The regulation requires an evaluation and treatment protocol under which an athletic trainer practices to include the addresses of the primary employer and supervising physician, as well as the settings where the athletic trainer may practice.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Physicians: Licensure of Athletic Trainers: COMAR 10.32.08.06

Legal Analysis

Summary of Regulation

The State Board of Physicians reports that during the Athletic Trainer Advisory Committee's review of evaluation and treatment protocols, it was determined that the listing of all of the locations where an athletic trainer will practice was problematic and sometimes impossible. Further, athletic trainers often do not have a primary location, often practice in multiple facilities throughout the State, and do not always know every location at which they might practice at the time of completion of the protocol. Therefore, the regulation instead requires a protocol to include the addresses of the primary employer and supervising physician, as well as the settings where the athletic trainer may practice.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites § 14-5D-11 of the Health Occupations Article as statutory authority for the regulation. This section specifies that before an athletic trainer may practice, the athletic trainer must enter into a protocol with a licensed physician and obtain

the approval of the board for the protocol. Further, this section requires a protocol to describe the settings where an athletic trainer may practice, among other criteria.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Correction

In response to suggestions from the Department of Legislative Services, the board agrees to make the following changes to the regulation:

- narrowing the statutory authority for the regulation to be only § 14-5D-11 of the Health Occupations Article, not all of Subtitle 5D of Title 14 of the Health Occupations Article; and
- adding language to correct a typographical error.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation requires the evaluation and treatment protocol for an athletic trainer to include (1) the addresses of the athletic trainer's primary employer and supervising physician and (2) the settings where the athletic trainer may practice. The department advises that the regulation has no fiscal impact. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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