

David J. Weir, Chair  
Advisory Board of Athletic Trainers  
State of Texas  
1609 Blue Quail  
College Station, TX 77845

June 2, 2014

Sunset Advisory Commission  
P.O. Box 13066  
Austin, TX 78711

Dear Texas Sunset Commission Members:

The Advisory Board of Athletic Trainers is an independent board within the Department of State Health Services (DSHS). Recently in your Sunset Report, you made the recommendation to transfer our board and its operations to Texas Department of Licensing and Regulation (TDLR). I am respectfully asking you to reconsider that recommendation regarding our board.

Our practice act has been in place and housed within DSHS for over 40 years. We oversee over 3,000 licensed athletic trainers. I understand in the large number of regulated professions and license holders within our state, we may be considered small, but we care for hundreds of thousands of student and professional athletes. We work very much behind the scenes therefore much of the public does not understand what we do.

Athletic trainers are employed in middle and or junior high schools, senior high schools, colleges and universities, professional sports, sports medicine clinics and by government agencies. Our license holders have grown exponentially as the services that we provide have become more recognized and appreciated by those that we serve. Our practice act was the first in the United States. We have been the model that many states have looked to as they have crafted their own legislation. This deregulation decision hurts the profession of athletic training in Texas and in the United States. The National Athletic Trainers Association headquarters is located in our state and has over 30,000 athletic trainers as members.

As athletic trainers, we usually are the first person to see an injured athlete. We make immediate evaluations and in some cases make life or death decisions based on the assessment of the condition. We assess, treat, and rehab many injuries without the need to see a physician. But in cases in which we seek a physician's evaluation, we will direct and help facilitate this care.

One injury that is receiving much publicity is mild traumatic brain injury or commonly called a concussion. Athletic trainers are typically the person that recognizes the injury and gets the athlete removed from participation and evaluated by a physician. The Texas Legislature passed Natasha's Law (HB 2038) in 2011. This law recognizes athletic trainers as a significant health care provider in the role of concussion management. Through this law, continuing education was mandated for athletic trainers in concussion management and our board oversees and approves this education. One of our concerns is, how is TDLR qualified to make sure that the appropriate education is taking place? This educational requirement is not a national regulation that is required or overseen by another national regulatory body.

Our profession has a lot of uniqueness. We directly contact other health professions and interact with the public daily. Our board is composed of three professional members that are practicing athletic trainers and two public members. If we are transferred to TDLR and our board merely becomes advisory, our rule making authority and direct oversight of our license holders is likely lost. We will have state employees and the general public overseeing a profession that they likely do not understand and do not totally appreciate.

Our board also oversees a licensing exam in which we handle the writing and grading of these exams. This exam is administered twice yearly and DSHS staff are present at each of the four testing sites to assure full compliance and proctor administration. The exam includes a written and practical component. The practical component has some subjectivity and is graded by athletic trainers and DSHS staff. Ultimately, our board hears and rules on appeals for our examination.

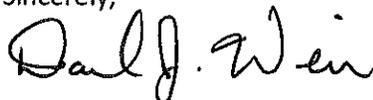
Our board does handle disciplinary actions for our licensees. We are proud to say that we had very few issues with complaints and law violations. I think this speaks to the overall moral character of our profession. We have a "servant's heart" mentality. With that said, I hope we would not be deregulated due to our overall "good behavior".

Financially, our board and operating revenue and operating cost is efficient. Our operating cost typically is about 25% of our revenue (FY2013 \$426, 368 of revenue to \$153, 057 in operating cost). We are a fiscally sound program.

The staff at DSHS has a comprehensive understanding of the operations and daily actions of athletic trainers. They provide excellent support for us in our daily operations. Continuing to reside within this department is appropriate and needs to be reconsidered.

We have tried to state some reasons for the Sunset Commission to reconsider this recommendation involving athletic trainers and the transfer to TDLR. We would be happy to visit with you further and request that we be given the opportunity to testify before your board on our behalf.

Sincerely,

A handwritten signature in black ink that reads "David J. Weir". The signature is written in a cursive style with a large, prominent "D" and "W".

David J. Weir, Chair

Advisory Board of Athletic Trainers

State of Texas