



TO: The Honorable Members of the Board of Regents

FROM: David H. Hamilton *David H. Hamilton*

SUBJECT: Proposed Amendment of Sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, and 79-7.4 of the Regulations of the Commissioner of Education and Repeal of and Addition of New Sections 52.27 and 79-7.5 to the Regulations of the Commissioner of Education Relating to the Requirements for Licensure as an Athletic Trainer

DATE: March 27, 2025

AUTHORIZATION(S): *Dom N. G.* *Betty M.*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment of sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, and 79-7.4 of the Regulations of the Commissioner of Education and repeal of and addition of new sections 52.27 and 79-7.5 of the Regulations of the Commissioner of Education relating to the requirements for licensure as an athletic trainer?

Reasons for Consideration

Required by State statute (Chapter 733 of the Laws of 2023) and review of policy.

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the April 2025 meeting of the Board of Regents. A copy of the proposed rule (Attachment A) is attached.

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion at the December 2024 meeting of the Board of Regents. A Notice of Proposed Rulemaking was published in the State Register on December 24, 2024, for a 60-day public comment period required under the State Administrative Procedure Act (SAPA).

Following publication in the State Register, the Department received numerous comments from multiple commenters. An Assessment of Public Comment (Attachment B) is attached. No changes to the proposed amendment are recommended at this time. A Notice of Adoption will be published in the State Register on April 23, 2025. Supporting materials are available upon request to the Secretary of the Board of Regents.

Background Information

Currently, athletic training is a certified profession (licensure not required) with a limited scope of practice. However, the profession of athletic training and its education have evolved significantly during the past 30 years. Since 2004, athletic training education has been standardized and athletic trainers (ATs) must complete a university accredited program and pass a national examination to become nationally credentialed. These athletic training education programs include education on recognizing and providing immediate care for concussions.

Due to the limited scope of practice under the present law, there are few students who graduate from the 11 accredited athletic training programs in New York who choose to work within the State.

To address this situation, Chapter 733 of the Laws of 2023 (Chapter 733) was signed into law, which becomes effective December 22, 2025.¹ Chapter 733's provisions will make New York's athletic training profession stronger by ensuring that ATs can utilize their comprehensive training in this State, which will improve New Yorkers' access to qualified, licensed professionals. It is the Department's hope that this update to the Education Law to reflect the evolution of this profession will encourage more ATs to practice within the State.

Chapter 733 updates the practice of ATs from a credentialed to licensed profession and updates and expands the current scope of practice of ATs by amending the definition of "athletic trainer"² to:

- expand the list of authorized practice settings for the profession beyond schools and professional athletic organizations to include amateur athletic organizations, non-profit athletic organizations, dance organizations, military academies and facilities of the United States, fire training programs or academies, and police training schools and academies;
- provide that an "athletic trainer may also, under the supervision of a physician in a health care organization or a physician's private practice, carry out

¹ Chapter 733 also establishes mandatory continuing education requirements for licensed ATs by adding a new Section 8356-at to the Education Law, which is effective December 22, 2028.

² Education Law §8351 currently defines "athletic trainer" as "any person who is duly certified in accordance with this article to perform athletic training under the supervision of a physician and limits his or her practice to secondary schools, institutions of postsecondary education, professional athletic organizations, or a person who, under the supervision of a physician, carries out comparable functions on orthopedic athletic injuries, excluding spinal cord injuries, in a health care organization. Supervision of an athletic trainer by a physician shall be continuous but shall not be construed as requiring the physical presence of the supervising physician at the time and place where such services are performed. The scope of work described herein shall not be construed as authorizing the reconditioning of neurologic injuries, conditions or disease."

comparable functions on orthopedic athletic injuries.” This provision currently excludes spinal cord injuries; Chapter 733 removes this exclusion; and

- modify an exception to the current limitation that ATs’ scope of work does not include the reconditioning of neurologic injuries, conditions or disease. The definition now states that ATs’ scope of work does not include the management and treatment of neurological injuries, conditions, or diseases, *except for initial evaluation and triage of emergency neurological conditions*. This reflects ATs’ current practice of providing immediate care for concussions.

To ensure public safety, the supervision requirements for athletic trainers in Education Law §8351 now require that such supervision include a signed written agreement or protocol created collaboratively between the supervising physician and licensed athletic trainer.

Chapter 733 also updates the definition of the practice of athletic training in Education Law §8352 to align with current practice. The practice of AT is now defined as:

- (1) The prevention, recognition, examination, evaluation, assessment, management, treatment and rehabilitation of athletic injuries;
- (2) The recognition of illness and referral to the appropriate medical professional with implementation of treatment pursuant to physician’s orders;
- (3) Instruction to coaches, athletes, parents, medical personnel, and communities in the area of care and prevention of athletic injuries; and
- (4) The use of clinically appropriate therapeutic modalities and techniques, including the use of:
 - (a) Physical, chemical, and mechanical means including the use of heat, cold, light, air, water, sound, electricity, massage, mobilization as it relates to athletic training, including non-thrust mobilization, and exercise; and
 - (b) Appropriate preventative and supportive devices and temporary splinting or bracing.

Additionally, Chapter 733 amends the Education Law by:

- creating the new legally protected title of “licensed athletic trainer” and eliminating the prior protected title of “certified athletic trainer”;
- adding the requirement that applicants must be of good moral character, as determined by the department, in order to be licensed as an athletic trainer;
- setting forth person(s) who are exempt from licensure;
- setting forth mandatory continuing education requirements;
- permitting the department to issue limited permits for athletic training; and

- providing that any person who is certified as an AT on its December 22, 2025 effective date will be licensed as an AT without meeting any additional requirements.

Chapter 733 also amends Education Law §6507(3) to add athletic trainers to the list of professions that are required to take training regarding child abuse and maltreatment reporting, and Education Law §6505-b to add athletic trainers to the list of professions required to take training regarding infection control practices.

Proposed Amendment

The proposed amendment of the Commissioner's regulations implements the provisions of Chapter 733 by:

- Repealing and adding a new section 52.27 to update the registration of curricula requirements for registered programs that lead to licensure as an AT;
- Amending section 79-7.1 to remove the definition of certification;
- Amending sections 79-7.2 regarding education requirements, section 79-7.3 regarding experience requirements, and section 79-7.4 regarding examination requirements to update such requirements for licensure and eliminate references to "certification" and replacing them with "licensure".
- Repealing the current section 79-7.5 because it contains obsolete provisions that permitted applicants for certification as ATs to become certified without meeting the examination requirements if they meet specified requirements by February 7, 2000.³
- Adding a new section 79-7.5 to implement Chapter 733's mandatory continuing education requirements for licensed ATs, which include, but are not limited to, requiring 45 hours of continuing education during each three-year registration period, defining subjects which are acceptable continuing education, and establishing the requirements for becoming a Department approved sponsor of continuing education. This provision will take effect on December 22, 2028, which is the effective date of Education Law §8356-a.
- Amending subdivision (a) of section 59.12 to add athletic training to the list of professions that are required to take training regarding child abuse and maltreatment reporting; and
- Amending subdivision (a) of Section 59.13 to add athletic training to the list of professions required to take training regarding infection control practices.

³ Chapter 733 repeals these special provisions from Education Law section 8356, effective December 22, 2025.

Related Regents Items

[December 2024: Proposed Amendment of Sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, and 79-7.4 of the Regulations of the Commissioner of Education and Repeal of and Addition of New Sections 52.27 and 79-7.5 to the Regulations of the Commissioner of Education Relating to the Requirements for Licensure as an Athletic Trainer](https://www.regents.nysed.gov/sites/regents/files/1224ppcd1REVISED.pdf)
(<https://www.regents.nysed.gov/sites/regents/files/1224ppcd1REVISED.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, and 79-7.4 of the Regulations of the Commissioner of Education, be amended, as submitted, effective December 22, 2025, sections 52.27 and 79-7.5 of the Regulations of the Commissioner of Education be repealed, as submitted, effective December 22, 2025, section 52.27 of the Regulations of the Commissioner of Education be added, as submitted, effective December 22, 2025 and section 79-7.5 of the Regulations of the Commissioner of Education be added, as submitted, effective December 22, 2028.

Timetable for Implementation

If adopted at the April 2025 meeting, the proposed amendment of sections 59.12, 59.13, 79-7.1, 79-7.2, 79-7.3, and 79-7.4 and repeal of sections 52.27 and 79-7.5 and addition of a new section 52.27 to the Regulations of the Commissioner of Education will become effective on December 22, 2025, and the proposed addition of a new section 79-7.5 to the Regulations of the Commissioner of Education will become effective on December 22, 2028.

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6505-b, 6507, 8351, 8352, 8353, 8354, 8355, 8356, 8356-a, 8357, 8358, and 8359 of the Education Law and Chapter 733 of the Laws of 2023.

1. Section 52.27 of the Regulations of the Commissioner of Education is REPEALED, and a new section 52.27 is added to read as follows:

Section 52.27 Athletic Training

In addition to meeting all applicable provisions of this Part, to be registered as a program recognized as leading to licensure in athletic training, the program shall be a bachelor's, its equivalent, or higher degree program offered by a college or university accredited by an acceptable accrediting agency as determined by the department. For purposes of this section, the term *acceptable accrediting agency* shall mean an organization accepted by the department as a reliable authority for the purpose of accreditation of athletic training programs at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the United States Department of Education.

2. Section 79-7.1 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.1 Definitions

As used in this Subpart:

(a) ...

(b) [Certification shall mean authorization to use the title certified athletic trainer.

(c)] Acceptable United States certifying body shall mean an organization which certifies athletic trainers on a nationwide basis in the United States and has standards for membership or to become certified satisfactory to the department, including but not limited to, completion of significant postsecondary course work in athletic training or a related field and successful performance on an appropriate examination.

3. Section 79-7.2 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.2 Education requirements

To meet the professional education requirements for [certification] licensure as an athletic trainer in this State, the applicant shall present satisfactory evidence of completing:

(a) a program in athletic training leading to the [baccalaureate] bachelor's degree, its equivalent or a higher degree that is either registered by the department pursuant to section 52.27 of this Title, or accredited by an acceptable accrediting agency, or the equivalent of such a registered or accredited program; or

(b) a program, completed before July 1, 2022, other than a program described in subdivision (a) of this section, that leads to the [baccalaureate] bachelor's degree, its equivalent or a higher degree, and includes or is supplemented by didactic course work and clinical experience that meet the requirements to become certified by an acceptable United States certifying body at the time such course work and clinical experience are completed, provided that the following requirements are met:

(1) the applicant has completed at least 1,500 hours of clinical or work experience in the practice of athletic training, as defined in section 8352 of the Education Law[, that provided the applicant with an equivalent type of experience to the

clinical experience obtained in a practicum offered within a program of athletic training registered pursuant to section 52.27 of this Title]; and

(2) the applicant has completed at least 12 semester hours or its equivalent of postsecondary course work [at a level that is equivalent to that offered in a program registered pursuant to section 52.27 of this Title in the] in professional athletic training content [area, as defined in section 52.27(a)(3) of this Title], which shall mean didactic courses and supervised clinical experiences, which include, but are not limited to, the following curricular areas:

(i) kinesiology/biomechanics;

(ii) exercise physiology;

(iii) infection control;

(iv) professionalism and ethics; and

(v) prevention and care of athletic injuries, including but not limited to:

preconditioning, conditioning, reconditioning, recognition, assessment,

therapeutic modalities, therapeutic exercise, first aid and cardiopulmonary

resuscitation; and

(3) the applicant has completed at least nine semester hours or its equivalent of postsecondary course work [at a level that is equivalent to that offered in a program registered pursuant to section 52.27 of this Title in the] in human biological and physical sciences and social and behavioral sciences [content area, as defined in section 52.27(a)(2) of this Title.], which shall include, but are not limited to, the following curricular areas:

(i) principles of human anatomy and physiology;

(ii) neuroscience;

(iii) nutrition;

(iv) pharmacology;

(v) psychology;

(vi) sports psychology; and

(vii) counseling, education and communication skills.

4. Section 79-7.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.3 Experience requirements

An applicant shall meet the experience requirement for [certification] licensure by completing the practicum, or clinical or work experience which the applicant must complete as part of the professional education requirements for [certification] licensure, as prescribed in section 79-7.2 of this Subpart.

5. Section 79-7.4 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 79-7.4. Professional licensing examinations

(a) [Except as provided in section 79-7.5 of this Subpart, each applicant for certification shall pass an examination that is determined by the department to measure the applicant's knowledge of and judgment concerning the content areas that constitute a registered program leading to certification in athletic training, as defined in section 52.27 of this Title] The department may accept a passing score on an examination determined by the department to be acceptable for licensure as a licensed athletic trainer.

(b) Education requirements for admission. Notwithstanding the provisions of section 59.9 of this Title, an applicant for [certification] licensure shall not be required to satisfy all education requirements before being admitted to a professional licensing

examination in athletic training. Such education shall be completed prior to [certification] licensure.

(c) ...

(d) ...

6. Section 79-7.5 of the Regulations of the Commissioner of Education is REPEALED and a new section 79-7.5 of the Regulations of the Commissioner of Education is added to read as follows:

Section 79-7.5 Continuing Education for Athletic Trainers

(a) Definitions. As used in this section:

(1) Acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner, such as an agency recognized for this purpose by the Council for Higher Education Accreditation.

(2) Higher education institution means a degree-granting postsecondary institution registered by the department or accredited by an acceptable accrediting agency.

(3) Self-study means structured study, provided by a sponsor approved by the department pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and/or other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students.

(b) Applicability of requirements.

(1) Each licensed athletic trainer, required under article 162 of the Education Law to register with the department to practice in New York State, shall comply with the

mandatory continuing education requirements as prescribed in subdivision (c) of this section, except those licensees who are exempt from the requirement or who obtain an adjustment to the requirement pursuant to paragraph (2) of this subdivision or who are subject to a different requirement pursuant to subdivisions (e) or (f) of this section.

(2) Exemptions and adjustments to the requirement.

(i) Exemptions. The following licensees shall be exempt from the continuing education requirements prescribed in subdivision (c) of this section:

(a) licensees for the triennial registration period during which they are first licensed to practice as an athletic trainer in New York State; or

(b) licensed athletic trainers who are not engaged in the practice of their respective professions in New York State, as evidenced by the filing of a statement declaring such inactive status, except as otherwise provided in subdivision (e) of this section for those seeking to resume practice in New York State.

(ii) Adjustments to the requirement. An adjustment to the continuing education requirement prescribed in subdivision (c) of this section, may be made by the department, provided that the licensee documents good cause that prevents compliance or the department determines otherwise that there is good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the department, makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.

(c) Mandatory continuing education requirement.

(1) General requirement.

(i) Required hours. During each three-year registration period, meaning a registration period of three years' duration, an applicant for registration as an athletic trainer shall complete at least 45 hours of continuing education, acceptable to the department pursuant to paragraph (2) of this subdivision. A maximum of 15 hours of such continuing education may be self-study.

(ii) Proration. Unless otherwise prescribed in this section, during each registration period of less than three years' duration, an applicant for registration shall complete continuing education acceptable to the department pursuant to paragraph (2) of this subdivision and within the limits prescribed in such paragraph, on a prorated basis at a rate of one and one quarter hours.

(2) Acceptable continuing education. To be acceptable to the department, continuing education shall meet the requirements of this paragraph.

(i) Acceptable learning activities. Acceptable learning activities shall include, but not be limited to, formal courses of learning which contribute to professional practice in athletic training and/or self-study activities; independent study; formal mentoring activities; publication in professional journals; or lectures, which meet the requirements of this paragraph.

(ii) Formal courses of learning. Acceptable formal courses of learning shall include, but not limited to, collegiate level credit and non-credit courses, professional development, programs, and technical sessions offered by national, state, and local professional associations and any other organizations acceptable to the department, and any other organized educational and technical programs acceptable to the department. Formal courses shall be taken from a sponsor approved by the department pursuant to subdivision (i) of this section.

(iii) Other acceptable educational activities.

(a) To the extent such activities are offered by sponsors of athletic training continuing education approved by the department pursuant to subdivision (i) of this section, acceptable continuing education shall also include the following other educational activities:

(1) preparing and teaching a course of learning. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;

(2) preparing and teaching a course, acceptable to the department, at a higher education institution relating to the practice of athletic training. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;

(3) making a technical presentation at a professional conference sponsored by an organization that is an approved sponsor of continuing education to athletic trainers and that is approved pursuant to subdivision (i) of this section. Continuing education hours that may be credited for this activity shall include actual presentation time, plus preparation time which may be up to two additional hours for each hour of presentation.

(4) achieving specialty certification or recertification from an entity approved as a sponsor, provided that the amount of continuing education credit awarded for such certification or recertification shall be an amount prescribed by the department; and

(5) completing self-study, as defined in paragraph (3) of subdivision (a) of this section.

(b) Continuing education credit may not be claimed under clauses (1), (2) and (3) of this subparagraph where the licensee previously received continuing education credit

for preparing or teaching the same course, or the same content if the course is given another name, unless the course has undergone substantial revision in content;

(iv) Subjects. Acceptable continuing education shall contribute to the professional practice of athletic training, and shall focus on one or more of the following subjects:

(a) subjects that enhance knowledge and skill in athletic training;

(b) patient communications and recordkeeping;

(c) general supervision;

(d) practice management, risk management, and other topics which contribute to the professional practice of athletic training; or

(e) matters relating to athletic training practices, law, and/or ethics which contribute to professional practice in athletic training and the health, safety, and/or welfare of the public.

(3) Limitation on credits. No more than 15 hours of continuing education credits may be completed through self-study as described in subclause (5) of item (b) of subparagraph (ii) of this paragraph.

(d) Renewal of registration. At each re-registration, licensed athletic trainers shall certify to the department that they have either complied with the continuing education requirements, as prescribed in this section, or are entitled to an exemption or adjustment to such continuing education requirements, as prescribed in subdivision (b) of this section.

(e) Requirement for lapse in practice.

(1) A licensee returning to the practice of athletic training after a lapse in practice, as evidenced by not being registered to practice in New York State, whose first registration date after such lapse in practice and following January 1, 2029 occurs less

than three years from January 1, 2029, shall be required to complete at least one and one-quarter hours of acceptable continuing education coursework for each month beginning with January 1, 2029 until the beginning of the new registration period.

(i) A licensee who has not lawfully practiced athletic training continuously in another jurisdiction throughout such lapse period shall complete the required continuing education activity in the 12-month period before the beginning of the new registration period.

(ii) A licensee who has lawfully practiced as an athletic trainer continuously in another jurisdiction throughout such lapse period shall complete the required continuing education activity either in the new registration period or, at the option of the licensee, in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of such new registration period; where the licensee elects to complete required continuing education coursework resulting from a lapse in practice in the new registration period, such makeup coursework will be in addition to the coursework that is required to satisfy the mandatory continuing education requirement for the new triennial period.

(2) Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to practice as an athletic trainer after a lapse in practice during which the licensee was not registered to practice in New York State and did not lawfully practice continuously in another jurisdiction throughout the lapse period, shall be required to complete:

(i) the continuing education requirement applicable to the period of time the licensee was registered to practice in New York State before the lapse in practice;

(ii) at least one and one-quarter hours of acceptable continuing education for each month of lapsed registration up to a maximum 45 hours which shall be completed in the 12 months before the beginning of the new registration period.

(3) Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to the practice of athletic training after a lapse in practice during which the licensee was not registered to practice in New York State but did lawfully practice athletic training continuously in another jurisdiction throughout the lapse period, shall be required to complete:

(i) the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and

(ii) at least one and one-quarter hours of acceptable continuing education for each month of lapsed registration up to a maximum of 45 hours which shall be completed in such new registration period, or at the option of the licensee in the period beginning 36 months before the commencement of such new registration period and ending at the conclusion of such new registration period.

(f) Conditional registration.

(1) The department may issue a conditional registration to a licensee who attests to or admits to noncompliance with the continuing education requirements of this section, provided that such licensee:

(i) agrees to remedy such deficiency within the conditional registration period;

(ii) agrees to complete the regular continuing education requirement at the rate of one and one-quarter hours of acceptable continuing education per month during such conditional registration period; and

(iii) agrees to complete additional continuing education during such conditional registration period, which the department may require to ensure the licensee's proper delivery of athletic training services.

(2) The duration of such conditional registration shall not exceed one year and shall not be renewed or extended.

(g) Licensee records. Each licensee subject to the requirements of this section shall maintain, or ensure access by the department to, a record of completed continuing education, which shall include: the title of the course if a course, the type of educational activity if other than a course of learning, the subject of the continuing education course or activity, the number of hours of continuing education completed, the sponsor's name and any identifying number (if applicable), attendance verification if a course, verification of participation if another educational activity, and the date and location of the continuing education. Such records shall be retained for at least six years from the date of completion of the continuing education and shall be made available for review by the department upon request in the administration of the requirements of this section. A sponsor's failure to satisfy its obligations under subdivision (i) of this section shall not relieve a licensee of his or her obligation to provide evidence of participation in a continuing education activity for which credit is claimed.

(h) Measurement of continuing education study. Continuing education credit shall be granted only for acceptable continuing education, as prescribed in subdivision (c) of this section. For continuing education courses, a minimum of 50 minutes shall equal one continuing education hour of credit. Continuing education credit for other educational activities shall be awarded as prescribed by the department.

(i) Sponsor approval.

(1) The department shall conduct a review of sponsors who apply to the department for approval to offer continuing education to licensed athletic trainers.

(2) An organization seeking to offer continuing education shall submit, with the fee as set forth in subdivision (j) of this section, an application for approval as a sponsor at least 120 days prior to the date of the commencement of such continuing education.

Such application shall document that the organization:

(i) will offer acceptable continuing education as prescribed in subparagraph (c)(2) of this section;

(ii) is an organized educational entity, or an entity that has expertise in the professional areas that will be taught, including but not limited to, higher education institutions;

(iii) provides course instructors who are qualified to teach the courses which will be offered, including but not limited to, faculty of an athletic training program offered by a higher education institution; or instructors who are specially qualified authorities to conduct such courses in athletic training, as determined by the department with assistance from the State Committee for Athletic Training;

(iv) has a method of assessing the learning of participants and describes such method; and

(v) will maintain records for at least six years from the date of completion of coursework, which shall include, but shall not be limited to, the name and résumé of the faculty, a record of licensed athletic trainers who attended the course, if a course, a record of athletic trainers who participated in self-study if self-study, an outline of the course, date and location of the course, and the number of hours for completion of the

course. In the event an approved sponsor discontinues operation, the governing body of such sponsor shall notify the department and shall transfer all records to the department as directed.

(3) Sponsors that are approved by the department pursuant to the requirements of this subdivision shall be approved for a three-year term.

(4) The department may conduct site visits, attend any continuing education event of an approved sponsor, or request information from an approved sponsor to ensure compliance with the requirements of this paragraph, and a sponsor shall cooperate with the department in permitting such attendance and in providing such information.

(5) A determination by the department that an approved sponsor is not meeting the standards set forth in this paragraph may result in the termination of the approval of the sponsor or a request for correction of any identified deficiencies in the implementation of its continuing education program.

(i) Fees.

(1) Registration fees for licensees. At the beginning of each registration period, a mandatory continuing education fee of \$45 shall be collected from licensees engaged in the practice of athletic training in New York State, except for those exempt from the requirement pursuant to subparagraph (b)(2)(i) of this section. This fee shall be in addition to any applicable registration fees required by sections 6704-a or 6711-b of the Education Law.

(2) Fees for licensees applying for conditional registrations. A licensee applying for a conditional registration, pursuant to the requirements of subdivision (f) of this section, shall pay a fee for the conditional registration that is the same as, and in

addition to, any applicable fee for the triennial registration required by section 8355 of the Education Law. In addition, such licensees shall pay the \$45 mandatory continuing education fee.

(3) Fees for prospective continuing education sponsors and renewal of sponsor approval. Sponsors seeking approval to offer continuing education to licensed athletic trainers pursuant to subdivision (i) of this section shall submit an application fee of \$900 with the application prescribed by the department requesting the issuance of a certification of approval as a sponsor of a formal continuing education program from the department. Sponsors approved by the department shall be approved for a three-year term and shall be required to submit an application for renewal of their sponsor approval, with a fee of \$900, every three years.

7. Subdivision (a) of section 59.12 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) All persons applying on or after January 1, 1991 for the issuance or renewal of a license/registration or limited permit in medicine, chiropractic, dentistry, dental hygiene, registered professional nursing, podiatry, optometry, psychology, athletic training and any other professions listed in section 6507(3)(a) of the Education Law shall submit documentation acceptable to the department of the completion of two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment and obtained either from a provider approved by the department pursuant to Part 57 of this Title or as a matriculant in a registered program under section 52.2(c)(12) of this Title, unless the applicant receives an exemption from such requirement as provided in subdivision (b) of this section.

8. Subdivision (a) of section 59.13 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Commencing July 2, 1994, all persons applying for the issuance of a license or renewal of a registration in dentistry, registered professional nursing, licensed practical nursing, podiatry, optometry, dental hygiene, athletic training, or any other profession subject to the requirements of section 6505-b of the Education Law shall affirm to the department, and maintain and/or submit such documentation as the department may require, that they have completed, in the four years immediately preceding such application, course work or training in infection control and barrier precautions which is approved by the department, pursuant to Part 58 of this Title, or which is approved as part of a program registered pursuant to Part 52 of this Title. As provided in subdivision (b) of this section, an applicant may be exempted from the infection control and barrier precautions course work or training requirement; or as provided in subdivision (c) of this section, may be exempted from the requirement to document the completion of such course work or training.

ASSESSMENT OF PUBLIC COMMENT

Following the publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on December 24, 2025, the State Education Department received the following comments on the proposed regulation:

1. COMMENT: A group of New York State Athletic Trainers criticized the Department's use of the term "Licensed Professional" in the State Register materials for this proposed rulemaking and proposed correcting the record by replacing the term "Licensed Professional" with "Licensed Athletic Trainer", which is the term used in the statute.

DEPARTMENT RESPONSE: "Licensed Athletic Trainer" is the statutory title for this profession and is the title used in proposed amendment. Accordingly, no changes to this proposed amendment are required.

2. COMMENT: A group of New York State Athletic Trainers proposed adding the following sentence: "[a]n athletic trainer may also, under the supervision of a physician in a corporate setting or industrial-type setting, utilize their skills, education and training to maintain the health, minimize the risk of injury and maximize the safety of those workers."

DEPARTMENT RESPONSE: The proposed sentence cannot be considered as it is too far beyond the scope of the enacted legislation.

3. COMMENT: A group of New York State Athletic Trainers proposed that nurse practitioners, who have 3600 hours or more experience, be allowed to supervise athletic trainers.

DEPARTMENT RESPONSE: The proposed change cannot be considered as it is too far beyond the scope of the enacted legislation.

4. COMMENT: A group of New York State Athletic Trainers proposed the following changes to the statute: “[n]o physician (M.D or D.O) or Nurse Practitioner shall supervise more than four athletic trainers; except that such limitation shall not apply for athletic trainers practicing in secondary schools, institutions of postsecondary education and institutions who support high school athletics (NYSPHSAA and its related organizations). However, should an athletic trainer, for any reason, be unable to find supervision from a local medical provider, he or she may seek supervision from any eligible medical provider within 25-mile radius. That medical provider, if he or she would be willing to provide supervision, can apply for a waiver if the need dictates. A medical provider can supervise up to 10 ATs using this waiver.”

DEPARTMENT RESPONSE: The references to secondary schools and institutions of postsecondary education are already included in the legislation. The concerns expressed about the supervision of ATs in schools and the commenters’ proposed solution to it cannot be considered as they are too far beyond the scope of the enacted legislation. Accordingly, no changes to the proposed amendment are required.

5. COMMENT: A group of New York State Athletic Trainers proposed several amendments to Education Law §§8354 and 8356.

DEPARTMENT RESPONSE: The proposed statutory amendments would require legislative action, which is not within the purview of the Department.

6. COMMENT: A New York State Athletic Trainer Association (AT Association) requested that the Department clarify that “professional athletic organizations” includes organizations such as the National Football League, National Hockey League, National Basketball Association, Major League Baseball, etc., and their subsidiaries. They also

request clarification that “dance organizations” includes organizations such as Cirque du Soleil, Rockettes, and Broadway, etc.”).

DEPARTMENT RESPONSE: The proposed amendment’s language is consistent with the statute. The Department does not typically identify specific organizations in a regulation for illustrative purposes. However, Department is willing to collaborate with stakeholders on proposed guidance to the field in this respect.

7. COMMENT: The Athletic Trainers Association requested that a revision be made to the permitted maximum number of self-study hours for mandatory continuing education from 15 hours to 30 hours.

DEPARTMENT RESPONSE: The 15-hour maximum self-study requirement for mandatory continuing education is contained in statute. As such, it can only be modified by the legislature.