

National Athletic Trainers' Association, Inc.

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MEMORANDUM

From: Otho Davis, Executive Director

Date: March 30, 1987

Following extensive discussion and consultation with legal counsel, the attached "NATA Ethical Principles", "NATA Membership Standards, Eligibility Requirements, and Membership Sanctions and Procedures" and "Certification, Review of Certification and Disciplinary Procedures" were approved by the Board of Directors in February 1987. They are sent to you for your review. If you wish to comment, your written comments must be received by the Executive Director no later than May 1, 1987.

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Enclosure

NATA ETHICAL PRINCIPLES

I. PREAMBLE

Our profession is a calling which requires application of specialized knowledge and skill for the benefit of others. The profession of athletic training also endeavors to promote the highest standards of conduct and integrity in professional service and in our activities. After considerable study and discussion, the NATA Board has identified several professional principles for emphasis and has revised its previous Code of Ethics which had been in effect since June 1957. This document, adopted in February 1987, is the result of that study.

In considering these principles, it should be remembered that these or any other statements of professional athletic training are not all-inclusive, are subject to interpretation, and are subject to change.

In approving the Ethical Principles and Membership Standards, the Board of Directors believes that maintaining the standards and principles set forth in this document can make a substantial contribution to the service of the profession and its members to athletics and sports medicine.

II. ETHICAL PRINCIPLES

By setting out several basic ethical principles for athletic trainers, the NATA seeks to encourage competent and honest professional practice. These principles in

Section II are not in themselves grounds for sanctions of members. However, athletic trainers should strive to reflect these characteristics as an expression of dedicated athletic training service.

Athletic trainers should have pride in their professional endeavors. Their obligation to act competently calls for higher motivation than that arising from concerns of civil liability or disciplinary penalty. Athletic training carries a significant responsibility to others and all athletic training services should reflect this recognition. Athletic trainers should make every effort to ensure that their services are used properly.

- * Athletic trainers should neither practice nor permit discrimination on the basis of race, color, sex, age or national origin.

- * Athletic trainers should not condone, engage in or defend unsportsman-like conduct or practices.

- * Athletic trainers should provide care on the basis of the needs of the individual athletic. They should not discriminate in providing care on the basis of athletic ability.

- * Athletic trainers should strive to achieve the highest level of competence. They should use only those techniques and preparations for which they are qualified and authorized to administer.

* Athletic trainers should recognize the need for continuing education to remain proficient in their practice. They are willing to consider new procedures within guidelines that assure safety.

* Athletic trainers should recognize that personal problems and conflicts may occur which may interfere with professional effectiveness. Accordingly, they should refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to an athlete or colleague.

* Athletic trainers should use care to be truthful and not misleading when stating their education, training and experience.

NATA MEMBERSHIP STANDARDS,
ELIGIBILITY REQUIREMENTS, AND MEMBERSHIP
SANCTIONS AND PROCEDURES

I. Membership Standards

In applying for membership, an applicant agrees that:

- A. The individual complies with and will comply with all rules and standards of NATA and bears the burden for showing and maintaining compliance at all times.
- B. The cards and logos of NATA, the name "National Athletic Trainers Association, Inc.", the term "NATA", and abbreviations relating thereto are all exclusive property of the NATA and may not be used in any way without the express written consent of NATA.
- C. The individual shall immediately relinquish, refrain from using and correct at the individual's expense any outdated or other inaccurate use of any NATA card, logo, emblem and the NATA name and related abbreviations in case of suspension, limitation or expulsion from NATA or as otherwise requested by NATA.
- D. If the individual refuses to relinquish immediately, refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that NATA

shall be entitled to obtain injunctive relief, damages, costs and attorney's fees incurred in obtaining any such or other relief.

II. Eligibility for membership

- A. No individual is eligible to apply for membership unless in compliance with all NATA rules and standards. NATA may deny, expel or otherwise act upon membership where an individual is not in compliance with NATA rules and standards.
- B. The individual must truthfully complete and sign an application in the form provided by NATA and shall provide additional information as requested. The individual must notify NATA of any change in address, telephone number, and any other facts bearing on eligibility or membership within thirty (30) days of such occurrence.
- C. An individual convicted of a felony directly related to public health or athletic care or education shall be ineligible to apply for membership for a period of one year from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions of this nature include but are not limited to felonies involving rape, sexual abuse of an athlete or child, and actual or threatened use of a weapon or violence.

III. Membership Sanctions and Procedures

A. Grounds for Sanctions

When a person becomes a member of the NATA he or she assumes certain obligations and responsibilities. A member is responsible for dues as provided by the Membership Committee. A member whose conduct is not in accordance with the following principles below may be subject to one or more of the sanctions set out in subpart E, below. These principles are:

1. Knowingly assisting another to obtain or attempt to obtain membership by fraud or deception;
2. Misrepresentation of NATA membership status, NATA affiliation or NATA approval;
3. Misstatement of material fact or failure to make statement of material fact in application for membership; or
4. The conviction of, plea of guilty or plea of nolo contendere to a felony which is directly related to public health or athletic care or education. This includes but is not limited to a felony involving: rape; sexual abuse of an athlete or child; actual or threatened use of a weapon or violence; the prohibited sale or distribution of a controlled substance, or its possession with the intent to distribute; or use of position of

athletic trainer improperly (i) to influence or attempt to influence the outcome or score of an athletic event or (ii) in connection with any gambling activity.

B. Panels and Review Procedures

Panels

1. The NATA Committee on Membership Standards by a majority vote shall elect (i) a Review Panel, (ii) a Hearing Panel and (iii) an Appeals Panel to consider alleged violations of any membership standard set forth in Section III A(1)-(4). These Panels may be established as standing panels.
2. Each of these Panels shall be composed of three full-voting members and up to four non-voting members, whose terms shall run for three years and may be renewed. A full or substitute member may not serve more than two terms consecutively and may not serve on more than one membership or certification review, hearing or appeals panel at a time. If a full or substitute member serves as a member of one of these panels, he or she may not consider the same matter while serving on a different

panel. A full or substitute member may not serve in any situation where his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.

3. A majority of full-voting members of a panel shall select their Chair at the beginning of each year.
4. A quorum consists of three full-voting members and panel action shall be determined by majority vote.
5. Where a vacancy of a full-voting member occurs in any of the panels as a result of resignation, unavailability or disqualification, the Chair of the Committee on Membership Standards shall designate a full-voting member from the substitute members.

Review Procedures

Where the Executive Director receives allegations which raise issues under Section III A(1)-(4) of the Membership Standards, the Executive Director shall transmit such allegations to the Chair of the Committee on Membership Standards, who shall then forward the allegations to

the Chair of the Review Panel. If the Review Panel determines that no good cause exists to deny eligibility or question compliance with the Membership Standards, no adverse action shall be taken. However, if the Review Panel determines by majority vote that good cause does exist, it shall direct the transmittal of the statement of allegations by the Executive Director to the member by certified mail, return receipt requested, setting forth the applicable standard and a statement:

1. Of facts constituting the alleged violation of the standard;
2. That the member may request an oral hearing for the disposition of the allegations, with the member bearing his or her own expenses for such matter;
3. That the member shall have fifteen days after receipt of the statement to notify the Executive Director if he or she disputes the allegations, has comments on available sanctions, and/or requests an oral hearing on the record;
4. That the member may appear in person with the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;

5. That the truth of allegations or failure to respond may result in sanctions including expulsion; and
6. That if the member does not dispute the allegations or request a hearing, the member consents that the Review panel may render a decision and apply available sanctions.

C. Hearing

If a member disputes the allegations or available sanctions or requests a hearing:

1. The Executive Director shall:
 - (a) forward the allegations and response of the member to the Hearing Panel;
 - (b) schedule a hearing of the Hearing Panel after the request is received;
 - (c) send by certified mail, return receipt requested, a Notice of Hearing to the member. The Notice of Hearing shall include a statement of the time and place of the hearing as selected by the Executive Director after consultation with the Chair of the Hearing Panel.
2. The Hearing Panel shall maintain a verbatim oral or written transcript.

3. The NATA and the member may make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements and present written briefs as scheduled by the Hearing Panel.
4. The Hearing Panel shall determine all matters relating to the hearing. The hearing and related matters shall be determined on the record by majority vote.

D. Evidence

Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Panel.

E. Sanctions

Sanctions for violation of any NATA membership Standard may include one or more of:

1. Denial or suspension of eligibility;
2. Expulsion;
3. Non-renewal;
4. Censure;
5. Reprimand;
6. Suspension;
7. Training or other corrective action;
8. Reports; and
9. Conditions relating to the above.

F. Appeal

1. If the decision rendered by the Hearing Panel finds that the allegations are not established, no further action on the appeal shall occur.
2. If the decision rendered by the Hearing Panel is not favorable to the member, the member may appeal the decision to the Appeals Panel by submitting a written appeals statement within thirty (30) days following receipt of the decision of the Hearing Panel. NATA may file a written response to the statement of the member.
3. The Appeals Panel shall render a decision on the record below without oral hearing, although written briefing may be submitted.

G. Decision

The decision of the Hearing Panel or the Appeals Panel shall be rendered in writing following the hearing and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. It shall be transmitted to the applicant or member by certified mail, return receipt requested.

H. Release of Information

The individual applicant or member authorizes NATA and its agents to communicate all information relating to NATA membership and review thereof including pendency or outcome of disciplinary proceedings to state and federal authorities, employers, other members, training programs, and others by means of newsletter or otherwise.

I. Waiver of Recourse

The individual applicant or member waives any right to recourse against NATA, its officers, directors, agents employees, committees, counsel and others for disciplinary or other action taken pursuant to the rules and standards of NATA.

J. Reinstatement of Eligibility or Membership

If eligibility or membership is denied for grounds set forth at II.(A)-(D) or III.(A)(1)-(4), they may be reconsidered on the following basis:

1. in the event of a felony conviction directly related to public health or athletic care or education, no earlier than one (1) year from the exhaustion of appeals or release from confinement, whichever is later;
2. in any other event, no earlier than one (1) year from the final decision of ineligibility or expulsion.

In addition to other facts required by NATA, such an individual must fully set forth the circumstances of the decision denying eligibility or expelling the member as well as all relevant facts and circumstances since the decision. In such cases, and especially where a member has been expelled due to felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others.

K. Submission of information to NATA concerning possible violation of NATA standards

Persons concerned with possible violation of NATA standards should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Executive Director. The statement should identify by name, address and telephone number the person making the information known to the NATA and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.

CERTIFICATION, REVIEW OF CERTIFICATION,
AND DISCIPLINARY PROCEDURES

I. NATA standards and review of certificates

The NATA conducts a certification program for individual applicants and registrants, although it does not express an opinion on competence or warrant job performance of applicants and registrants.

In applying for certification, an applicant or registrant agrees that:

- A. The individual complies and will comply with all rules and standards of NATA and bears the burden for showing and maintaining compliance at all times.
- B. The examinations, certificates, cards, logos, of NATA, the name "National Athletic Trainers Association, Inc.", the term "NATA", and abbreviations relating thereto are all the exclusive property of the NATA and may not be used in any way without the express written consent of NATA.
- C. The individual shall immediately relinquish, refrain from using and correct at the individual's expense any outdated or other inaccurate use of any NATA certificate, card, logo, emblem, and the NATA name and related abbreviations in case of suspension, limitation, revocation or resignation from NATA or as otherwise requested by NATA.
- D. If the individual refuses to relinquish immediately,

refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that NATA shall be entitled to obtain injunctive relief, damages costs and attorney's fees incurred in obtaining any such or other relief.

II. Eligibility for certification or recertification

- A. No individual is eligible to apply for certification or recertification unless in compliance with all NATA rules and standards. NATA may deny, revoke, or otherwise act upon certification or recertification where an individual is not in compliance with NATA rules and standards.
- B. The individual must truthfully complete and sign an application in the form provided by NATA and shall provide additional information as requested. The individual must notify NATA of any change in address, telephone number, and any other facts bearing on eligibility or certification within fifteen (15) days of such occurrence.
- C. An individual convicted of a felony directly related to public health or athletic care or education shall be ineligible to apply for certification or recertification for a period of one year from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions of this

nature include but are not limited to felonies involving rape, sexual abuse of an athlete or child, and actual or threatened use of a weapon or violence.

III. Score reports

The NATA is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual's control may render a score invalid. If doubts are raised about a score because of these or other circumstances, NATA expects all individuals to cooperate in any NATA investigation. NATA reserves the right to cancel any exam score if, in the sole opinion of NATA, there is adequate reason to question its validity. NATA in its discretion will (i) offer the individual an opportunity to take the exam again at no additional fee, or (ii) proceed as described in Section IV, Review of Applications and Certificates, below.

IV. Review of Applications and Certificates

A. Application and Certification Standards

NATA may revoke or otherwise take action with regard to application or certificate of an applicant or certificant in the case of:

1. Ineligibility for NATA certification;
2. Irregularity in connection with any NATA examination;
3. Unauthorized possession of, use of or access to NATA examinations, documents or materials;

4. Material misrepresentation or fraud in any statement to NATA, including but not limited to statements made to assist the applicant, certificant or another to apply for, obtain or retain certification;
5. Habitual use of alcohol or any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
6. Gross or repeated negligence or malpractice in professional work;
7. Revocation, suspension, or other disciplinary action by a licensing board; or
8. The conviction of, plea of guilty or plea of nolo contendere to a felony which is directly related to public health or athletic care or education. This includes but is not limited to a felony involving: rape; sexual abuse of an athlete or child; actual or threatened use of a weapon or violence; the prohibited sale or distribution of a controlled substance, or its possession with the intent to distribute; or use of position of athletic trainer improperly (i) to influence or attempt to influence the outcome or score of an athletic event or (ii) in connection with any gambling

activity.

B. Panels and Review Procedures

Panels

1. The NATA Board of Certification by a majority vote shall elect (i) a Review Panel, (ii) a Hearing Panel, and (iii) an Appeals Panel to consider alleged violations of any Application or Certification Standard set forth in Section IV A(1)-(8). These Panels may be established as standing panels.
2. Each of these Panels shall be composed of three full-voting members and up to four non-voting members, whose terms shall run for three years and may be renewed. A full or substitute member may not serve more than two terms consecutively and may not serve on more than one membership or certification review, hearing or appeals panel at a time. If a full or substitute member serves as a member of one of these panels, he or she may not consider the same matter while serving on a different panel. A full or substitute member may not serve in any situation where his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.

3. A majority of full-voting members of a panel shall select their Chair at the beginning of each year.
4. A quorum consists of three full-voting members and panel action shall be determined by majority vote.
5. Where a vacancy of a full-voting member occurs in any of the panels as a result of resignation, unavailability or disqualification, the Chair of the Board of Certification Standards shall designate a full-voting member from the substitute members.

Review Procedures

Whenever the Executive Director receives allegations which raise issues under Section IV A(1)-(8) of the Application and Certification Standards, the Executive Director shall transmit such allegations to the Chair of the Board of Certification, who shall then forward the allegations to the Chair of the Review Panel. If the Review Panel determines that no good cause exists to deny eligibility or question compliance with the Application and Certification Standards, no adverse action shall be taken. However, if the Review Panel determines by majority vote that good cause does exist, it shall direct the transmittal of the

statement of allegations by the Executive Director to the applicant or certificant by certified mail, return receipt requested, setting forth the applicable standard and a statement:

1. Of facts constituting the alleged violation of the standard;
2. That the applicant or certificant may request an oral hearing for the disposition of the allegations, with the applicant or certificant bearing his or her own expenses for such matter;
3. That the applicant or certificant shall have fifteen days after receipt of the statement to notify the Executive Director if he or she disputes the allegations, has comments on available sanctions, and/or requests an oral hearing on the record;
4. That the applicant or certificant may appear in person with the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
5. That the truth of allegations or failure to respond may result in sanctions including revocation; and

6. That if the applicant or certificant does not dispute the allegations or request a hearing, the applicant or certificant consents that the Review panel may render a decision and apply available sanctions.

C. Hearing

If an applicant or certificant disputes the allegations or available sanctions or requests a hearing:

1. The Executive Director shall:
 - (a) forward the allegations and response of the applicant or certificant to the Hearing Panel;
 - (b) schedule a hearing of the Hearing Panel after the request is received;
 - (c) send by certified mail, return receipt requested, a Notice of Hearing to the applicant or certificant. The Notice of Hearing shall include a statement of the time and place of the hearing as selected by the Executive Director after consultation with the Chair of the Hearing Panel.
2. The Hearing Panel shall maintain a verbatim oral or written transcript.

3. The NATA and the applicant or certificant may make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements and present written briefs as scheduled by the Hearing Panel.
4. The Hearing Panel shall determine all matters relating to the hearing. The hearing and related matters shall be determined on the record by majority vote.

D. Evidence

Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Panel.

E. Sanctions

Sanctions for violation of any NATA Application or Certification Standard may include one or more of:

1. Denial or suspension of eligibility;
2. Revocation;
3. Non-renewal;
4. Censure;
5. Reprimand;
6. Suspension;
7. Training or other corrective action;
8. Reports; and
9. Conditions relating to the above.

F. Appeal

1. If the decision rendered by the Hearing Panel finds that the allegations are not established, no further action on the appeal shall occur.
2. If the decision rendered by the Hearing Panel is not favorable to the applicant or certificant, the applicant or certificant may appeal the decision to the Appeals Panel by submitting a written appeals statement within thirty (30) days following receipt of the decision of the Hearing Panel. NATA may file a written response to the statement of the applicant or certificant.
3. The Appeals Panel shall render a decision on the record below without oral hearing, although written briefing may be submitted.

G. Decision

The decision of the Hearing Panel or the Appeals Panel shall be rendered in writing following the hearing and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. It shall be transmitted to the applicant or certificant by certified mail, return receipt requested.

H. Summary Procedure

Whenever the Review Panel determines that there is cause to believe that a threat of immediate and irreparable injury to the health of the public exists, the Review Panel shall forward the allegations to the Hearing Panel. The Hearing Panel shall hear the matter by immediate telephonic or other expedited notice and hearing procedure. Following such notice and opportunity by the individual to be heard, if the Hearing Panel determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to 60 days pending a full hearing under the procedures in Section IV, above.

I. Release of Information

The individual applicant or certificant authorizes NATA and its agents to communicate all information relating to NATA application, certification and review thereof including pendency or outcome of disciplinary proceedings to state and federal authorities, employers, other members, training programs, and others by means of newsletter or otherwise.

J. Waiver of Recourse

The individual applicant or certificant waives any right to recourse against NATA, its officers,

directors, agents, employees, committees, counsel and others for disciplinary or other action taken pursuant to the rules and standards of NATA.

K. Reconsideration of Eligibility and Reinstatement of Certification

Eligibility will be reconsidered and certification granted on the following basis:

1. in the event of a felony conviction directly related to public health or athletic care or education no earlier than one year from the exhaustion of appeals or release from confinement, whichever is later;
2. in any other event, no earlier than one year from the final decision of ineligibility or revocation.

In addition to other facts required by NATA, such an individual must fully set forth the circumstances of the decision denying eligibility or revoking certification as well as all relevant facts and circumstances since the decision relevant to the application. Where eligibility is denied because of felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others.

L. Submission of information to NATA concerning possible violation of NATA standards

Persons concerned with possible violation of NATA standards should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Executive Director. The statement should identify by name, address and telephone number person making the information known to the NATA and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.