

4755:3-2-01

Code of ethical conduct.

The following basic principles make up the code of ethical conduct for the practice of athletic training in the state of Ohio. When a person becomes a licensed athletic trainer they assume certain ethical obligations and responsibilities. An athletic trainer whose conduct is not in accordance with the principles set forth in the following code of ethical conduct shall be considered in violation of the Revised Code.

(A) Athletic trainers shall respect the rights, welfare, and dignity of all persons.

- (1) Athletic trainers shall show no discrimination in their efforts while performing duties.
- (2) Athletic trainers shall provide care on the basis of the needs of the person.
- (3) Athletic trainers shall be committed to providing competent care consistent with both the requirements and limitations of their profession.
- (4) Athletic trainers shall obtain informed consent from the patient.
 - (a) An athletic trainer, unless otherwise allowed by law, shall not provide patient care without disclosing to the patient or the patient's representative, the benefits, substantial risks, if any, or alternatives to the recommended examination or intervention.
 - (b) Information relating to the athletic trainer-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient or the patient's representative, or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the patient or the public.
- (5) Athletic trainers shall respect the rights, knowledge, and skills of colleagues and other health care professionals.
- (6) Athletic trainers shall not, by their conduct, publicly discredit or lower the dignity of the members of the profession.
- (7) Athletic trainers shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, patients, students, and/or colleagues.
- (8) Athletic trainers shall not engage in harassment that creates a hostile work environment.

(B) Athletic trainers shall comply with the laws and regulations governing the practice of athletic training.

- (1) Athletic trainers shall comply with the laws and rules of the state of Ohio and any applicable local and federal laws governing the practice of athletic training.
- (2) Athletic trainers shall protect the public and the profession by reporting any conduct that they consider unethical, illegal, or incompetent to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board. Where the alleged violation involves impairment issues and no other provisions of Chapter 4755. of the Revised Code or rules adopted under it, the reporting license holder may make a referral to the safe haven program in lieu of making report to the athletic trainers section.
- (3) Athletic trainers shall not practice athletic training while the ability to practice is impaired. "Impaired practitioner" means, as defined in the "Professional Practice and Discipline Guidelines and Procedures "effective January 1, 2020 from the board of certification, inc., "a person with a physical or mental condition, including deterioration through aging, loss of motor skill, or excessive use or abuse of drugs including alcohol, that prevents one from practicing athletic training with reasonable skill and safety to patients. Types of impairments may include, but are not limited to: substance abuse, personality disorders/disruptive behavior, physical impairments, and psychological impairments." If a license holder's or applicant's ability to practice is in question, and the license holder or applicant is not a participant in the board's safe haven program, the license holder must submit to a physical or mental examination or drug/alcohol screens as requested by the athletic trainers section and at the athletic trainer's cost to determine the applicant's or license holder's qualifications to practice athletic training.

(C) Athletic trainers shall accept responsibility for the exercise of sound judgment in protecting the public and the profession of athletic training.

- (1) Athletic trainers shall not misrepresent in any manner, either directly or indirectly, their skills, training, professional credentials, title, identity, or services.
- (2) Athletic trainers shall provide only those services for which they are qualified via education and/or experience.
- (3) Athletic trainers shall not guarantee the results of any training, consultation, or therapeutic procedure. A reasonable statement of prognosis is not improper, but successful results are dependent upon many uncontrollable factors, hence, any warranty is deceptive and unethical.

(4) Athletic trainers shall not cheat or assist others in conspiring to cheat on the national certification examination or the state jurisprudence examination.

(D) Athletic trainers shall maintain and promote high standards in the provision of services.

(1) Athletic trainers shall strive to achieve the highest level of competence.

(2) Athletic trainers shall recognize the need for continuing education and participate in various types of educational activities that enhance their skills and knowledge in accordance with continuing education guidelines for the profession.

(3) Athletic trainers shall keep accurate records for all areas of injury management. These shall include, but are not limited to, collaboration agreements, standard operating procedures, written referrals, personal injury reports/initial evaluation, and daily care rendered/rehabilitation logs. These records shall be in paper or electronic format and secured according to legal statutes regarding confidentiality.

"Standard operating procedure" means a written referral relationship that consists of a plan of care communicated between the health care professional listed in division (A) of section 4755.623 of the Revised Code or rules 4755-42-02 or 4755:3-2-04 of the Administrative Code and the athletic trainer, and shall include procedures for assessment and treatment.

(4) Athletic trainers shall not document or bill for services not actually provided.

(5) Athletic trainers shall only seek compensation that is reasonable for the athletic training services delivered. Athletic trainers, regardless of the practice setting, shall safeguard the public from unethical and unlawful business practices.

(6) Athletic trainers shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting patients or patronage, regardless of the source of the compensation.

(7) Athletic trainers shall not influence a patient or the patient's family to utilize, purchase, or rent any product or equipment based on the direct or indirect financial interests of the athletic trainer. Recommendations of product or equipment must be based solely on the therapeutic value of that product or equipment to the patient. An athletic trainer who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the patient if the athletic trainer sells or rents, or intends to sell or rent, to the patient.

- (8) Athletic trainers shall ensure the patient's rights to participate fully in their care, including the patient's right to select the athletic training provider, regardless of the practice setting.
 - (9) Athletic trainers shall safeguard the public from underutilization or overutilization of athletic training services by providing only those services appropriate and prudent in the provision of care.
 - (10) Athletic trainers shall provide accurate and relevant information to patients about the patients' care within the scope of confidentiality statutes.
 - (11) Athletic trainers shall provide accurate and relevant information to the public about athletic training services.
 - (12) Athletic trainers shall report to the athletic trainers section any unprofessional, incompetent, unethical, or illegal behavior of an athletic trainer of which the person has knowledge. An obligation to report is inherent in the profession.
 - (13) Athletic trainers shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to, practice or use of tasks, knowledge, and skills that are not valid with the current professional practice of athletic training. These tasks, knowledge, and skills should reflect current practice trends and supported in the literature as evidence-based practices.
 - (14) An athletic trainer shall not disclose to unauthorized persons any confidential information received from any person served professionally without the documented consent of that person or the legal guardian or unless as otherwise required by law.
- (E) Athletic trainers shall not exploit persons served professionally.
- (1) Athletic trainers shall not accept persons for treatment if benefit to the person cannot reasonably be expected.
 - (2) Athletic trainers shall not continue treatment without reasonable expectation of further benefit to the patient.
 - (3) Athletic trainers shall not place financial gain above the welfare of the patient and shall not participate in any arrangement that exploits the patient.
 - (4) Athletic trainers shall not have a romantic or dating relationship or engage in any sexual activity, including sexual conduct or sexual contact, with any patient.

or engage in any conduct that may reasonably be interpreted by the patient to be sexual, whether consensual or nonconsensual, while a practitioner/ patient relationship exists. In the case of minors, the practitioner/ patient relationship extends to the minor's parent or guardian.

(a) An athletic trainer shall not intentionally expose or view a completely or partially disrobed patient in the course of treatment if the exposure or viewing is not related to the patient diagnosis or treatment under current practice standards.

(b) An athletic trainer shall not engage in a conversation with a patient that is sexually explicit or tacitly imply sexually implicit intentions during the athletic training plan of care. This includes verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(5) An athletic trainer shall not engage explicitly or tacitly in harassment of patients, the parent/guardian of a minor patient, students, or colleagues. Harassment includes, but is not limited to, racial, political, ethnic, religious, gender and gender identification, sexual orientation, age, disability, marital status, or veteran status. Harassment includes making unwelcome sexual advances, requesting sexual favors, engaging in other verbal or physical conduct of a sexual nature, intimidating words or actions, or words or actions that demean, threaten or offend a victim where such actions result in:

(a) Withholding athletic training services to a patient;

(b) Creating an intimidating, hostile, or offensive environment for the patient;
or

(c) Interfering with the patient's ability to recover.

(6) Chaperone use.

(a) Athletic trainers shall make a reasonable attempt to either:

(i) Offer a patient the opportunity to have a third person or chaperone in the examining room or treatment setting during an intimate examination or treatment; or

(ii) Follow their employer's chaperone policy.

(b) A chaperone policy shall address the following:

- (i) Who can qualify as a chaperone;
- (ii) The type of examination, treatment situation, or care provided when a chaperone shall be offered;
- (iii) Chaperones shall be offered without regard to the age or gender of the patient; and
- (iv) In emergency situations, the chaperone policy may not apply.
- (c) Documentation shall reflect whether a chaperone was offered or declined, and, if accepted, who the name of the adult who acted as a chaperone.
- (d) An athletic trainer has a right to insist on the presence of a chaperone before providing care to protect the integrity of the patient and care-giver relationship.

(F) Cooperation.

Athletic trainers shall cooperate with an investigation by the athletic trainers section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes responding fully and promptly to any questions raised by the athletic trainers section and providing copies of the medical records and other documents requested by the athletic trainers section. Failure to comply with paragraphs (F)(1) to (F)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.64 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

- (1) A license holder shall respond fully and truthfully to a request for information from the athletic trainers section.
- (2) A license holder shall comply with a subpoena issued by the athletic trainers section.
- (3) A license holder shall provide information or documents within the time frame specified by the athletic trainers section.
- (4) A license holder shall appear and provide information at an interview requested by the athletic trainers section.
- (5) A license holder shall not deceive, or attempt to deceive, the athletic trainers section regarding any matter, including by altering or destroying any record or document.

- (6) A license holder shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the athletic trainers section, or by use of threats or harassment against any patient or witness to prevent the patient or witness from providing evidence in a disciplinary proceeding or any other legal action.
- (7) A license holder shall not refuse to provide testimony in an administrative hearing.
- (G) A license holder shall self report to the athletic trainers section, within thirty days, any of the items outlined in paragraphs (A) to (G) of this rule. Failure to comply with this rule may be grounds for disciplinary action pursuant to section 4755.64 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

 - (1) Impairment due to abuse of or dependency on alcohol, drugs, or other medical condition or illness that affects the applicant's or license holder's ability to practice with reasonable skill and safety. This reporting requirement shall not be applicable where the applicant or license holder is a participant in the board's safe haven program and complies with the same.
 - (2) Conviction of a felony.
 - (3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of athletic training.
 - (4) The termination, revocation, or suspension of membership by a state or national athletic training professional association.
 - (5) The termination, revocation, or suspension of certification status by a national credentialing organization, including, but not limited to, the board of certification, inc.
 - (6) A positive drug and/or alcohol screening.
 - (7) A finding of malpractice by a court of competent jurisdiction.

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