



BOARD OF CERTIFICATION
FOR THE ATHLETIC TRAINER

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BOARD OF CERTIFICATION
1415 Harney Street, Suite 200
Omaha, Nebraska 68102

October 5, 2015

Kyle M O'Day



Atlanta, GA

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. O'Day:

Please be advised that the Board of Certification, Inc. (BOC) Professional Practice and Discipline Committee (Committee) has rendered the following decision with respect to the charge that you violated Codes 2.3 and 3.9 of the Code of Professional Responsibility (COPR) section of the BOC Standards of Professional Practice.

In a Charge Letter dated June 3, 2015, the BOC informed you that the Committee had determined that good cause existed to believe that you have violated Codes 2.3 and 3.9 of the COPR section of the *BOC Standards of Professional Practice* based on the fact that your 2011-2013 audit was to be completed by May 27, 2014. To date, you still have not yet complied with the audit.

Factual Findings

1. December 31, 2013, you submitted your 2011-2013 CEUs and attested to the following relevant statements:
 - The information contained in this report is a true and accurate statement of my continuing education activities.
 - I am submitting no less than the minimum number of CEUs required for the current reporting period on this form.
 - I am in possession of and prepared to present all original documentation confirming participation in reported activities. I am aware I must keep these records for at least 2 years after the reporting period has ended.
 - I have maintained continuous certification in ECC for this reporting period. I am in possession of and prepared to present all current and expired ECC cards. I am aware I must keep these records for at least 2 years after the reporting period has ended.
 - I am aware that the BOC reserves the right to audit me at any time and that failure to comply with BOC audit policies may result in the suspension of my BOC certification.
 - I am aware that falsification of this report may result in the revocation of my BOC certification.
2. January 13, 2015, the BOC emailed you an audit notice for the 2011-2013 CEU reporting period. The BOC did not receive a response from you.
3. February 6, 2015, the BOC mailed you a 2nd audit notice letter with a deadline of March 6, 2015 to complete your 2011-2013 audit. The BOC did not receive a response from you.
4. February 27, 2015, the BOC emailed an Audit Notice Reminder with a deadline of March 6, 2015 to complete your 2011-2013 audit. The BOC did not receive a response from you.
5. March 24, 2015, the BOC mailed you an Investigation Notice with a deadline of April 16, 2015 to complete your 2011-2013 audit. The BOC did not receive a response from you.

6. April 22, 2015, the BOC mailed you a Consent Agreement for suspension of your certification via certified mail giving you thirty business days for a response. This was sent via Certified mail and was signed for by Kathryn Honderd on April 27, 2015. The BOC did not receive a response from you.
7. June 3, 2015, the BOC mailed you a Charge letter giving you thirty business days for a response. The Charge letter was mailed via Certified mail and was returned to the BOC by the Post Office as Unclaimed on June 9, 2015. The BOC did not receive a response from you.
8. July 10, the BOC mailed you a Charge letter giving you thirty business days for a response. The Charge letter was mailed via Certified mail and was returned to the BOC by the Post Office as Unclaimed on August 17, 2015.
9. August 17, 2015, the BOC mailed you a Charge letter giving you thirty business days for a response. The Charge letter was mailed via 1st class mail. The BOC did not receive a response from you.

Conclusions

Based on the lack of response to BOC notifications, the Committee determined that the facts above are valid and that such actions violate Codes 2.3 and 3.9 of the COPR section of the BOC Standards of Professional Practice:

Code 2.3: The BOC certified athletic trainer Complies with the most current BOC recertification policies and requirements.

Code 3.9: The BOC certified athletic trainer is candid, responsible and truthful in making any statement to the BOC and in making any statement in connection with athletic training to the public.

As a result, the Committee has issued the following sanctions regarding your certification:

Your certification status is considered Suspended. Suspension of a BOC certification is considered public information and may be published or otherwise disclosed by the BOC. Pursuant to Section 10 of the BOC Guidelines, upon execution of this Decision Letter, you are required to return by traceable mail your BOC certification card to the BOC office within 10 calendar days. Further, while your certification is Suspended, you are not authorized to do the following:

1. Represent yourself to the public as a practicing Certified Athletic Trainer or use the certification marks "ATC" or C.A.T." following your name; or
2. Serve as an item writer for the BOC certification exam; or
3. Serve as a supervisor of students who are satisfying the athletic training requirements for certification eligibility.

Your certification status will remain Suspended until you comply with the 2011-2013 Continuing Education Audit. If you have not complied with the 2011-2013 Continuing Education Audit by December 31, 2015, any request for reinstatement of certification must be reviewed by a Reinstatement Panel.

Mr. O'Day, this matter will remain a part of your BOC certification file and may be used for the purpose of determining sanctions in any future matters that come before the BOC Professional Practice and Discipline Committee or other Disciplinary Panels. You have the right to appeal a decision made by the Committee. An appeal must be received by the BOC within thirty (30) days of receipt of this decision. The appeal must be written and addressed to the BOC Executive Director. For details regarding the appeal process, please see the enclosed procedures.

Sincerely,



Shannon Leftwich, MA, ATC
Director of Credentialing and Regulatory Affairs

cc: BOC Professional Practice and Discipline Committee
BOC Counsel
Georgia Board of Athletic Trainers

Enclosures: *BOC Standards of Professional Practice*
Professional Practice and Discipline Guidelines and Procedures