Bill Text 28th Legislature

28th Legislature(2013-2014)

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HOUSE BILL NO. 160

"An Act relating to the licensing and regulation of athletic trainers."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

(39) regulation of athletic trainers under AS 08.07.

* **Sec. 2.** AS 08 is amended by adding a new chapter to read:

Chapter 07. Athletic Trainers.

Sec. 08.07.010. License required. (a) An individual may not practice or offer to practice athletic training, or allow another person to offer athletic training by the individual, in the state without being licensed under this chapter, unless the individual

(1) is a student in an accredited athletic trainer program who is practicing athletic training under the supervision of an athletic trainer or a person licensed to practice medicine or osteopathy under AS 08.64;

(2) is licensed, certified, or registered as an athletic trainer in another state and is present in the state for not more than 90 days in a calendar year for a specific athletic event or series of athletic events with an individual or group not based in the state;

(3) is in the military service of the United States or as an employee of the federal government performing athletic training services within the scope of the individual's official duties.

(b) This section does not prohibit a person licensed under another chapter of this title from performing functions defined as athletic training if those functions are within the scope of that person's license and the person does not use a title listed in (c) of this section.

(c) Unless licensed under this chapter, or exempted under (a)(2) or (3) of this section, an individual may not use the titles "athletic trainer," "licensed athletic trainer," "certified athletic trainer," "athletic trainer certified," "A.T.," "A.T.L.," "C.A.T.," "A.T.C.," or any combination of those terms to indicate that the individual is a licensed athletic trainer.

Sec. 08.07.020. Qualifications for license; fee; renewal. (a) The department shall issue an athletic trainer license to an individual who

(1) applies to the department on a form provided by the department;

(2) meets the requirements established in regulation by the department;

(3) pays the fees established by the department; and

(4) provides proof of certification by the Board of Certification, Inc., or another nationally recognized professional association approved by the department.

(b) An athletic trainer license may be renewed upon proof of certification by the Board of Certification, Inc., or another nationally recognized professional association approved by the department and as provided in AS 08.01.100.

Sec. 08.07.030. Scope of practice of athletic trainers. (a) An athletic trainer may practice athletic training only under the supervision of a person licensed to practice medicine or osteopathy under AS 08.64. In this subsection, "supervision" means the physician authorizes a procedure and the procedure is performed by the athletic trainer in accordance with the physician's diagnosis and treatment plan.

(b) An athletic trainer shall immediately refer an athlete to an appropriate licensed health care professional if the athletic trainer determines that athletic training is contraindicated or the symptoms or conditions present require treatment outside the scope of practice of an athletic trainer.

(c) The practice of an athletic trainer includes

(1) the treatment of an athlete for injury or illness prevention;

(2) the clinical evaluation and assessment of an athlete for an injury sustained or exacerbated while participating in a sport or sport-related exercise or activity;

(3) the immediate care and treatment of an athlete for an injury sustained or exacerbated while participating in a sport or sport-related exercise or activity; and

(4) the rehabilitation and reconditioning of an athlete from injury sustained or exacerbated while participating in a sport or sport-related exercise or activity.

(d) In this section, "health care professional" means a physician, nurse, and physician assistant, but does not include a practitioner of religious healing.

Sec. 08.07.040. Regulations. After consulting the professional standards issued by the Board of Certification, Inc., or another nationally recognized professional association approved by the department, the department shall adopt

18 regulations to protect the public, ensure quality patient care, and regulate the licensing
19 of athletic trainers that include
20 (1) minimum standards for licensure as an athletic trainer;
21 (2) minimum standards of care for practice as an athletic trainer; and
22 (3) continuing education requirements.
23 **Sec. 08.07.090. Definitions.** In this chapter,
24 (1) "athlete" means an individual who participates in an organized
25 sport or sport-related exercise or activity, including interscholastic, intercollegiate,
26 intramural, semiprofessional, and professional sports activities;
27 (2) "athletic trainer" means an individual who is licensed under AS
28 08.07.020 to practice athletic training in this state;
29 (3) "athletic training" means the treatment of an athlete under the
30 direction of a physician licensed under AS 08.64 to manage risk of injury and prevent
31 injury, evaluate clinically, assess, and treat an athlete's injury or illness, and
01 rehabilitate and recondition that athlete.
02 * **Sec. 3.** AS 09.65.300(c)(1) is amended to read:
03 (1) "health care provider" means a state licensed physician, physician
04 assistant, dentist, dental hygienist, osteopath, optometrist, chiropractor, registered
05 nurse, practical nurse, nurse midwife, advanced nurse practitioner, naturopath,
06 physical therapist, occupational therapist, marital and family therapist, psychologist,
07 psychological associate, licensed clinical social worker, **athletic trainer,** or certified
08 direct-entry midwife;
09 * **Sec. 4.** AS 47.17.290(13) is amended to read:
10 (13) "practitioner of the healing arts" includes **athletic trainers,**
11 chiropractors, mental health counselors, social workers, dental hygienists, dentists,
12 health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists,
13 occupational therapy assistants, optometrists, osteopaths, naturopaths, physical
14 therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists,
15 psychologists, psychological associates, audiologists and speech-language pathologists
16 licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and
17 family therapists licensed under AS 08.63, religious healing practitioners,
18 acupuncturists, and surgeons;
19 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:
21 APPLICABILITY. The license requirement in AS 08.07.010, enacted by sec. 2 of this
22 Act,
23 (1) applies immediately to a person who has
24 (A) never practiced athletic training, as defined in AS 08.07.090,
25 enacted by sec. 2 of this Act, before the effective date of this Act; or
26 (B) has practiced athletic training in the state, but does not meet the
27 requirements of (2) of this section; and
28 (2) does not apply until two years after the effective date of this Act to a
29 person who has been practicing athletic training in this state for at least three of the five years
30 immediately preceding the effective date of this Act and is certified by the Board of
31 Certification, Inc., and practicing athletic training within the scope of that certification.

New Text Underlined [DELETED TEXT BRACKETED]

AL AT Act 12/04

Section 34-40-1

Short title.

This chapter shall be known and may be cited as the "Alabama Athletic Trainers Licensure Act."

Section 34-40-2

Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) APPRENTICE ATHLETIC TRAINER. A person who assists in the duties usually performed by an athletic trainer and who works under the direct supervision of a licensed athletic trainer.

(2) ATHLETE. A person who participates in an athletic activity being conducted by an educational institution, professional athletic organization, or a board sanctioned amateur athletic organization.

(3) ATHLETIC INJURY. An injury received by an athlete as a result of the preparation or participation of the athlete in an athletic activity.

(4) ATHLETIC TRAINER. A person licensed by the Alabama Board of Athletic Trainers as an athletic trainer and who practices athletic training on an athlete under the direction or referral, or both, of a licensed physician after meeting the requirements of this chapter and rules and regulations promulgated pursuant to this chapter.

(5) ATHLETIC TRAINING PRACTICE. Practice by an athletic trainer of any of the following:

a. Under physician direction or referral, or both, the prevention of athletic injuries.

b. The organization and administration of athletic training programs.

c. Athletic counseling and guidance and the education of athletes regarding athletics and athletic training.

d. Under physician direction and referral, the rehabilitation and reconditioning of an athlete.

e. Under physician supervision, the evaluation, the recognition, and management of athletic injuries.

(6) BOARD. The Alabama Board of Athletic Trainers.

(7) PHYSICAL THERAPIST. A physical therapist licensed by the Alabama State Board of Physical Therapy.

(8) PHYSICIAN. A physician licensed by the Medical Licensure Commission of Alabama.

(9) PHYSICIAN SUPERVISION. A licensed athletic trainer acting under the supervision of a physician if:

a. The activities are undertaken pursuant to a verbal or written order of the physician who has evaluated the injured athlete; and

b. The activity is undertaken in accordance with a written protocol signed by the physician which describes the athletic injury encountered and directs appropriate medical interventions consistent with the qualification, training, and experience of the licensed athletic trainer. The State Board of Medical Examiners shall establish minimum medical criteria for any protocol used by athletic trainers and shall specify those conditions and circumstances which require referral to the physician for further evaluation.

Section 34-40-3

Alabama Board of Athletic Trainers - Appointment of members; annual meeting; terms; duties.

(a) The Alabama Board of Athletic Trainers shall be composed of nine members who shall serve four-year terms. Members may not serve more than three consecutive four-year terms. Three members shall be Black, one of whom shall be a physician member. The composition of the board shall be as follows:

(1) Six members appointed by the Alabama Athletic Trainers Association in accordance with subsection (b) below, one of whom shall be an athletic trainer who is a licensed physical therapist.

(2) Three physicians licensed to practice medicine actively engaged in the treatment of athletes and athletic injuries appointed by the Medical Association of the State of Alabama.

(3) The President of the Alabama Athletic Trainers Association who shall serve as an ex officio member of the board and whose term of office shall be yearly to coincide with his or her term as President of the Alabama Athletic Trainers Association.

(b) The six athletic trainers shall be appointed by the Alabama Athletic Trainers Association. The association shall conduct an annual meeting at which all athletic trainers holding a current license as identified under this chapter shall have the right to attend, nominate, and vote. The association shall regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting, the association shall mail notices to each current licensee at the address shown on the current registration notifying of the exact date, hour, and place of the meeting, the purpose of the meeting, and of the right to attend and vote. To qualify as a board member pursuant to this subsection, a person shall be a citizen of the United States and have acted as an athletic trainer for three years within this state immediately preceding appointment.

(c) In making the initial appointments, the Alabama Athletic Trainers Association shall appoint one athletic trainer whose term will expire in 1994, two athletic trainers whose terms will expire in 1995, and one athletic trainer whose term will expire in 1996, and two athletic trainers whose terms will expire in 1997. The Medical Association of the State of Alabama shall appoint one physician whose term will expire in 1994, one physician whose term will expire in 1995, and one physician whose term will expire in 1996. All appointments expire on December 31 of the year specified.

(d) Each appointee to the board shall qualify by taking an oath of office within 15 days from the date of the appointment. In the event of death, resignation, or removal of any member, except for physician members, the vacancy of the unexpired term shall be filled by the board.

(e) The board shall elect a chair, a vice-chair, and secretary from its members for a term of one year and may appoint any committees and formulate any rules it considers necessary to carry out its duties pursuant to this chapter. The board shall meet at least twice each year. Additional meetings may be held on the call of the chair or at the written request of any two members of the board. The secretary shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this chapter which are necessary for the performance of its duties. The board may employ an executive secretary and any officers and employees as may be necessary to carry out the duties of the board. The State Board of Medical Examiners and the Alabama Board of Athletic Trainers shall jointly approve any rule, regulation, or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an athletic trainer or apprentice athletic trainer as those acts, functions, and services are defined in Section 34-40-2. Any rule, regulation, or policy adopted in violation of this requirement is invalid. The board shall prescribe forms for license applications, license certificate, license renewal, verification of license, continuing education verification, and any forms for information required from licensees to carry out the duties of the board. The board shall adopt an official seal and a license certificate of suitable design.

(f) Members of the board shall receive fifty dollars ($50) for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for other expenses in the same amounts and under the same conditions as state employees are reimbursed.

(g) It shall be the duty of the board to pass upon the qualifications of applicants for licensure as an athletic trainer, and to issue licenses and annual renewals to athletic trainers. The board shall be responsible for fixing fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes on licensees, publication fees, or other administration fees deemed necessary to carry out the provisions of this chapter.

Section 34-40-3.1

Composition of Board.

Notwithstanding any other provision in the law regarding the composition of the Board of Athletic Trainers, the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

Section 34-40-4

Unauthorized use of title.

No person shall use the title "athletic trainer", "certified athletic trainer", or "licensed athletic trainer", or use the letters "LAT", "ATC", or "AT", or any other facsimile thereof, whether or not compensation is received or expected, unless the person is licensed as an athletic trainer in this state pursuant to this chapter.

Section 34-40-5

Requirements for license; application.

(a) Any person seeking licensure as an athletic trainer shall meet at least one of the following requirements:

(1) Satisfactory completion of all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and certification as an athletic trainer in good standing by the National Athletic Trainers' Association Board of Certification, Inc.

(2) Licensure by reciprocity. The board shall grant, without examination, licensure to any qualified trainer holding a license certificate or registration in another state if that state maintains licensure qualifications which are substantially equivalent to those required in this state, and gives similar reciprocity to licensees of this state.

(b) Any person desiring to be licensed or desiring a renewal of an existing license as an athletic trainer in this state shall make and file with the board, not less than 30 days prior to any regular meeting thereof, a written application on a form as prescribed by the board. The application shall be accompanied by the payment of a fee of one hundred seventy-five dollars ($175) for a new application, or a fee of seventy-five dollars ($75) in the case of a renewal. Any licensee who fails to renew his or her license within 90 days following expiration of the previous license shall be required to file a new application and pay an application fee with the board.

Section 34-40-6

Treatment of injuries.

An athletic trainer, functioning under the supervision of a physician, may use therapeutic exercise and modalities for the treatment of athletic injuries for which he or she has received appropriate training or education.

Section 34-40-7

Time restrictions on certification.

(a) Any person actively engaged as an athletic trainer on May 13, 1993, shall be issued a license certificate if the athletic trainer submits proof of three years of experience as an athletic trainer within the preceding five-year period, receives approval by the board, and pays the license certificate fee as determined by the board. For the purpose of this section, a person is actively engaged as an athletic trainer if the person is employed on a salaried basis for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performs the duties of an athletic trainer as the major responsibility of employment. One year from May 13, 1993, application for a license certificate pursuant to this subsection shall not be permitted.

(b) The board shall grant licensure to any physical therapist who has satisfactorily completed all of the American Physical Therapy Association (APTA) qualifications as a board certified sports physical

therapist (SCS). Three years from May 13, 1993, application for a licensure certificate pursuant to this subsection shall not be permitted.

(c) The board may grant licensure to a licensed physical therapist who submits experience and educational training as an athletic trainer within the preceding five-year period if the person performed duties as an athletic trainer as a significant responsibility. One year from May 13, 1993, application for licensure pursuant to this subsection shall not be permitted.

Section 34-40-8

Expiration of licenses; continuing education requirements.

All licenses issued by the board to athletic trainers shall expire on the last day of December of the year next succeeding the issuance thereof. The license may be renewed on payment of a fee, fixed by the board, completion of continuing education, and current licensee information, as may be needed. The board shall adopt a program of continuing education for its licensees. The successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.

Section 34-40-9

Professions and occupations not affected; chapter not applicable to certain persons.

(a) Nothing in this chapter shall be construed as preventing or restricting any of the following persons from engaging in the profession or occupation for which they are licensed, certified, or registered in Alabama as follows:

(1) Physicians and surgeons licensed by the Medical Licensure Commission of Alabama.

(2) Dentists licensed by the State Board of Dental Examiners.

(3) Optometrists licensed by the State Board of Optometry.

(4) Nurses licensed by the Alabama Board of Nursing.

(5) Chiropractors licensed by the State Board of Chiropractic Examiners.

(6) Podiatrists licensed by the State Board of Podiatry.

(7) Physical therapists licensed by the State Board of Physical Therapy.

(8) Occupational therapists licensed by the State Board of Occupational Therapy.

(9) Emergency medical technicians licensed by the State Department of Public Health.

(b) This chapter shall not apply to the following persons:

(1) Coaches and physical education instructors in the performance of their duties.

(2) Apprentice athletic trainers who confine themselves to the duties prescribed in this chapter.

(3) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team's or organization's stay in this state.

(4) A person who performs any of the services set forth in this chapter as long as the person does not violate this chapter.

Section 34-40-10

Reasons for rejection, revocation or suspension of license.

The board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulations and rules, may suspend or revoke the license certificate of any person who has done any of the following:

(1) Practiced athletic training other than under the direction or referral, or both, of a physician licensed to practice medicine or surgery.

(2) Uses drugs or intoxicating liquors to an extent which affects professional competency.

(3) Obtained or attempted to obtain a license by fraud or deception.

(4) Been grossly negligent in the practice of athletic training.

(5) Been adjudged mentally incompetent by a court of competent jurisdiction.

(6) Been guilty of conduct detrimental to the best interest of the public.

(7) Has been imprisoned for violating any state or federal controlled substance law.

(8) Treated or undertaken to treat human ailments otherwise than by athletic training and according to standards established by the board.

(9) Advertised unethically according to standards as set by the board.

(10) Failed or refused to obey any lawful order or regulation of the board.

(11) Unlawful invasion of the field of practice of any other profession.

Section 34-40-11

Hearing upon application or filing of charges; procedure; appeal.

(a) Any person whose application for a license is denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. The secretary shall fix a time and place for a hearing and shall cause a

written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law, and the action taken. On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final; and the application shall be made in the manner and form as the board may require.

(b) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 30 days after the order is entered in the judicial circuit of his or her residence or in the Montgomery County Circuit Court, to any court of competent jurisdiction.

(c) Appeal from the judgment of the court lies as in other civil cases.

Section 34-40-12

Punishment for violation.

Any person who violates any provision of this chapter is guilty of a Class B misdemeanor, and, upon conviction, shall be punished and fined, or both, as provided by law.

Section 34-40-13

Use of title authorized.

Any person who holds a license pursuant to this chapter as an athletic trainer may use the words "athletic trainer" or "licensed athletic trainer," and may use the letters "LAT" in connection with his or her name to denote his or her licensure as an athletic trainer.

Section 34-40-14

Athletic Trainers Fund created; expenditure of funds.

There is hereby created in the State Treasury a fund to be known as the Athletic Trainers Fund. All receipts of the Alabama Athletic Trainers Board shall be deposited into this fund. The expenses incurred by the Alabama Athletic Trainers Board in carrying out the provisions of this chapter shall be paid out of the Athletic Trainers Fund by warrant of the Comptroller upon the Treasurer upon itemized vouchers, approved by the chair of the board or his or her designee. The Alabama Board of Athletic Trainers may make grants, and to otherwise arrange with qualified individuals, institutions, or agencies to develop and promote athletic training programs and continuing education programs for athletic

trainers. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriations acts.

Section 34-40-15

Unauthorized activities.

Nothing in this chapter shall authorize an athletic trainer or apprentice athletic trainer to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other condition which is not an athletic injury; to perform surgery of any type or description; or to prescribe any drug or medical device.

Section 34-40-16

Supervision required in physical therapy clinic.

An athletic trainer employed in a physical therapy clinic shall work under the supervision of a licensed physical therapist in the context of an employer/employee relationship in accordance with physician supervision of the athletic trainer.

Section 34-40-17

Sunset provision.

The Alabama Board of Athletic Trainers is subject to the provisions of the Alabama Sunset Law of 1981, shall be classified an enumerated agency under Section 41-20-3, and shall terminate on October 1, 1997, unless continued as therein provided. If continued, the board shall be reviewed every four years thereafter and terminated unless continued by the law.

AZ AT Act

32-1921. Exempted acts; exemption from registration fees; definition

A. This chapter does not prevent:

1. The prescription and dispensing of drugs or prescription medications by a registered nurse practitioner pursuant to rules adopted by the board of nursing in consultation with the Arizona medical board, the board of osteopathic examiners in medicine and surgery and the board of pharmacy.

2. The sale of nonprescription drugs that are sold at retail in original packages by a person holding a permit under this chapter.

3. The sale of drugs at wholesale by a wholesaler or manufacturer that holds the required permit issued by the board to a person who holds the required permit issued under this chapter.

4. The following health professionals from dispensing or personally administering drugs or devices to a patient for a condition being treated by the health professional:

(a) A doctor of medicine licensed pursuant to chapter 13 of this title.

(b) An osteopathic physician licensed pursuant to chapter 17 of this title.

(c) A homeopathic physician licensed pursuant to chapter 29 of this title.

(d) A podiatrist licensed pursuant to chapter 7 of this title.

(e) A dentist licensed pursuant to chapter 11 of this title.

(f) A doctor of naturopathic medicine who is authorized to prescribe natural substances, drugs or devices and who is licensed pursuant to chapter 14 of this title.

(g) An optometrist who is licensed pursuant to chapter 16 of this title and who is certified for topical or oral pharmaceutical agents.

5. A veterinarian licensed pursuant to chapter 21 of this title from dispensing or administering drugs to an animal or from dispensing or administering devices to an animal being treated by the veterinarian.

6. The use of any pesticide chemical, soil or plant nutrient or other agricultural chemical that is a color additive solely because of its effect in aiding, retarding or otherwise affecting directly or indirectly the growth or other natural physiological process of produce of the soil and thereby affecting its color whether before or after harvest.

7. A licensed practical or registered nurse employed by a person licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title from assisting in the delivery of drugs and devices to patients, in accordance with the provisions of chapter 7, 11, 13, 14, 17 or 29 of this title.

8. The use of any mechanical device or vending machine in connection with the sale of any nonprescription drug, including proprietary and patent medicine. The board may adopt rules to prescribe conditions under which nonprescription drugs may be dispensed pursuant to this paragraph.

B. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title and who employs a licensed practical or registered nurse who in the course of employment assists in the delivery of drugs and devices is responsible for the dispensing process.

C. Pursuant to a prescription order written by a physician for the physician's patients and dispensed by a licensed pharmacist, a physical therapist licensed pursuant to chapter 19 of this title, an occupational therapist licensed pursuant to chapter 34 of this title or an athletic trainer licensed pursuant to chapter 41 of this title may procure, store and administer nonscheduled legend and topical anti-inflammatories and topical anesthetics for use in phonophoresis and iontophoresis procedures and within the scope of practice of physical or occupational therapy or athletic training.

D. A public health facility operated by this state or a county and a qualifying community health center may dispense medication or devices to patients at no cost without providing a written prescription if the public health facility or the qualifying community health center meets all storage, labeling, safety and record keeping rules adopted by the board of pharmacy.

E. A person who is licensed pursuant to chapter 7, 11, 13, 14, 17 or 29 of this title, who is practicing at a public health facility or a qualifying community health center and who is involved in the dispensing of medication or devices only at a facility or center, whether for a charge or at no cost, shall register to dispense with the appropriate licensing board but is exempt from paying registration fees.

F. For the purposes of this section, "qualifying community health center" means a primary care clinic that is recognized as nonprofit under section 501(c)(3) of the United States internal revenue code and whose board of directors includes patients of the center and residents of the center's service area.

32-4101. Definitions

In this chapter, unless the context otherwise requires:

1. "Athletic injury" means an injury sustained by a person in a competitive team or individual sport as a result of that person's participation or preparation for the competitive team or individual sport.

2. "Athletic trainer" means a person who is licensed pursuant to this chapter.

3. "Athletic training":

(a) Includes the following activities performed under the direction of a licensed physician:

(i) Examining, evaluating and testing a person to determine the person's injury status and the person's progress in recovery from athletic injuries.

(ii) Using heat, cold, water, light, sound, electricity, passive or active exercise, massage or mechanical devices to treat, rehabilitate or recondition athletic injuries.

(iii) Administering athletic training programs and facilities at the athletic training facility or at the site of athletic practice or competition.

(iv) Education and counseling related to all aspects of the practice of athletic training.

(b) Does not include treating, assessing or evaluating a person who sustains an injury under any circumstance other than during participation in or preparation for competitive team or individual sports. This subdivision does not prevent the athletic trainer of a professional sports organization or an accredited educational institution from treating at the organization's or institution's athletic facility any injury of the type that occurs in sports regardless of the circumstances under which the injury was sustained.

4. "Board" means the board of athletic training.

5. "Direct supervision" means that the supervising athletic trainer is present in the facility or on the campus where student athletic trainers are performing services, is immediately available to assist the person being supervised in the services being performed and maintains continued involvement in appropriate aspects of the services being performed.

6. "Direction of a licensed physician" means direction as prescribed by the board by rule pursuant to section 32-4103.

7. "Licensed physician" means a person licensed pursuant to chapter 13 or 17 of this title.

8. "Restricted license" means a license on which the board places restrictions or conditions, or both, as to the scope of practice, place of practice, supervision of practice, duration of license status or type or condition of a person to whom the licensee may provide services.

32-4103. Board duties; direction of athletic trainers

A. The board shall:

1. Evaluate the qualifications of applicants for licensure.

2. Designate the national examination that it requires applicants to pass.

3. Issue licenses to persons who meet the requirements of this chapter.

4. Establish requirements pertaining to the ratio between supervising athletic trainers and student athletic trainers.

5. Regulate the practice of athletic training by interpreting and enforcing this chapter.

6. Establish requirements for assessing the continuing competence of licensees.

7. Adopt and revise rules to enforce this chapter.

8. Meet at least once each quarter in compliance with the open meeting requirements of title 38, chapter 3, article 3.1 and keep an official record of these meetings.

9. At its first regular meeting after the start of each calendar year, elect officers from among its members and as necessary to accomplish board business.

10. Provide for the timely orientation and training of new professional and public appointees to the board regarding board licensing and disciplinary procedures, this chapter, board rules and board procedures.

11. Maintain a current list of all licensees. This list shall include the licensee's name, current business and residential addresses, telephone numbers and license number.

12. Enter into contracts for services necessary to enforce this chapter.

13. Publish, at least annually, final disciplinary actions taken against a licensee.

14. Publish, at least annually, board rulings, opinions and interpretations of statutes or rules.

15. Not later than December 31 of each year, submit a written report of its actions and proceedings to the governor.

B. The board shall adopt rules to prescribe the direction of athletic trainers by licensed physicians including physician recommendations, guidelines and instructions as to standard protocols to be followed in the general, day-to-day activities in which athletic trainers engage. These rules shall require that postathletic injury treatment direction be provided by the person's treating physician or, if applicable, by the team physician for the institution or organization that employs the athletic trainer. If appropriate, athletic trainers may also seek direction as to the treatment of an athletic injury from any health care provider who is involved in that person's treatment and who is not licensed pursuant to this chapter but who is licensed pursuant to this title.

32-4121. Persons and activities not required to be licensed

This chapter does not apply to:

1. A health care professional who is licensed pursuant to this title and who practices within the scope of that person's license if that person does not claim to be an athletic trainer or a provider of athletic training services.

2. A person who is pursuing a course of study leading to a degree as an athletic trainer in a professional education program approved by the board if that person is satisfying supervised clinical education requirements related to the person's athletic training education while under the direct supervision of a licensed athletic trainer.

3. An athletic trainer who is practicing in the United States armed services, United States public health service or United States veterans administration pursuant to federal regulations for state licensure of health care providers.

4. An athletic trainer who resides and is employed in another jurisdiction and who possesses the required licensure, certification or registration necessary to practice athletic training under the laws of the jurisdiction in which the athletic trainer is employed if that person is performing athletic training in this state in connection with teaching or participating in an educational seminar or is providing athletic training services in this state to athletes of a bona fide professional, intercollegiate, interscholastic or amateur sports organization by which the athletic trainer is employed, for not more than one hundred twenty days in any twelve month period.

32-4122. Qualifications for licensure; exemption from examination and clinical experience requirements

A. An applicant for a license as an athletic trainer shall:

1. Be of good moral character.

2. Have completed the application process.

3. Possess a minimum of a baccalaureate degree from an accredited institution with course work and supervised clinical experience as required and approved by the board.

4. Have passed a national examination approved by the board.

B. Notwithstanding the requirements of subsection A, if a person who applies for a license under this article is certified as an athletic trainer by an organization recognized by the national commission on competency assurance, before January 1, 2004, and is otherwise qualified for licensure under this chapter, the person may be exempt from any examination or supervised clinical experience requirements.

32-4151. Lawful practice

A. An athletic trainer shall refer a person with an athletic injury to one or more appropriate health care practitioners if the athletic trainer has reasonable cause to believe symptoms or conditions are

present that require services beyond the scope of practice of athletic training or if athletic training is contraindicated.

B. An athletic trainer shall adhere to the recognized standards and ethics of the athletic training profession and as further established by rule.

C. This chapter does not authorize an athletic trainer to practice any other profession regulated under this title and does not expand the scope of practice of any health care provider who is not licensed pursuant to this chapter but who is licensed pursuant to this title.

32-4152. Use of titles; restrictions; violation; classification

A. An athletic trainer shall use the letters "AT/L" or "L/AT" in connection with the athletic trainer's name or place of business to denote licensure under this chapter.

B. A person or business entity or its employees, agents or representatives shall not use in connection with that person's name or the name or activity of the business the words "athletic training" or "athletic trainer", the letters "AT/L", "L/AT", "ATC/L", "L/ATC", "A.T.", "L.A.T." or "A.T.L." or any other words, abbreviations or insignia indicating or implying directly or indirectly that athletic training is provided or supplied unless the services are provided by or under the direct supervision of an athletic trainer licensed pursuant to this chapter. A person or entity that violates this subsection is guilty of a class 1 misdemeanor.

32-4153. Grounds for disciplinary action

The following are grounds for disciplinary action:

1. Practicing athletic training in violation of this chapter or rules adopted pursuant to this chapter.

2. Practicing or offering to practice beyond the scope of the practice of athletic training.

3. Obtaining or attempting to obtain a license by fraud or misrepresentation.

4. Engaging in the performance of substandard care by an athletic trainer due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the person cared for is established.

5. Failing to provide direct supervision in accordance with this chapter and rules adopted pursuant to this chapter.

6. Committing any felony or a misdemeanor involving moral turpitude. A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.

7. Practicing as an athletic trainer if the licensee's physical or mental abilities are impaired by the use of alcohol or any other substance that interferes with the ability to safely practice athletic training.

8. Having had a license or certificate revoked or suspended or any other disciplinary action taken or an application for licensure or certification refused, revoked or suspended by the proper authorities of another state, territory or country.

9. Engaging in sexual misconduct. For the purpose of this paragraph, "sexual misconduct" includes:

(a) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a provider relationship exists.

(b) Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with a person treated by the athletic trainer.

(c) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to treatment under current practice standards.

10. Failing to adhere to the recognized standards and ethics of the athletic training profession.

11. Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter.

12. Charging unreasonable or fraudulent fees for services performed or not performed.

13. Having been adjudged mentally incompetent by a court of competent jurisdiction.

14. Aiding or abetting a person who is not licensed in this state and who directly or indirectly performs activities requiring a license.

15. Failing to report to the board any act or omission of a licensee or applicant or any other person who violates this chapter.

16. Interfering with an investigation or disciplinary proceeding by wilful misrepresentation of facts or by the use of threats or harassment against any person to prevent that person from providing evidence in a disciplinary proceeding or any legal action.

17. Failing to maintain confidentiality without prior written consent of the individual treated or unless otherwise required by law.

18. Failing to maintain adequate records regarding treatment. For the purposes of this paragraph, "adequate records" means legible records that contain at a minimum a determination of the nature of the injury and the referral and treatment required, the treatment plan, the treatment record, a final summary on conclusion of treatment and sufficient information to identify the person treated.

19. Promoting an unnecessary device, treatment or service for the financial gain of the athletic trainer or of a third party.

20. Providing unwarranted treatment or treatment beyond the point of reasonable benefit.

21. Providing athletic training services that are in any way linked to the financial gain of a referral source.

22. Violating this chapter, board rules or a written order of the board.

32-4160. Rights of consumers; confidential information; display of license

A. The public has the right of access to the following information:

1. A list of licensees that includes the licensee's place of practice, license number, date of license expiration and status of license.

2. A list of official actions taken by the board.

B. The home addresses and home telephone numbers of athletic trainers are not public records and shall be kept confidential by the board.

C. Information pertaining to the relationship between the athletic trainer and a person treated by the athletic trainer is confidential and shall not be communicated to a third party who is not involved in that person's care without that person's prior written consent. If the person is a minor, the person's parent or guardian must also give written consent to these communications.

D. The athletic trainer shall divulge to the board information it requires in connection with any investigation, public hearing or proceeding.

E. This privilege does not extend to cases in which the athletic trainer has a duty to report information as required by law.

F. Each licensee shall display a copy of the licensee's license or current renewal verification in a location accessible to public view at the licensee's place of practice.

CHAPTER 49. BOARD OF ATHLETIC TRAINING

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ARTICLE 1. GENERAL PROVISIONS

R4-49-101. Definitions

In addition to the definitions at A.R.S. § 32-4101, in this Chapter:

1. "Accredited educational institution" means an educational institution accredited by the CAATE or its predecessors.
2. "Active pursuit of athletic training certification" means:
   a. Current enrollment in an educational program to fulfill academic requirements for athletic training certification; or
   b. Current participation in fieldwork experience to fulfill the fieldwork experience requirements for athletic training certification.
3. "Applicant" means an individual requesting an original license, a temporary license, a renewal license, or a reinstated license from the Board.
4. "Application packet" means the forms and documents the Board requires an applicant to submit or to be submitted on an applicant's behalf.
5. "Approved national athletic training certifying agency" means the BOC.
6. "Approved provider" means an educational provider approved by the BOC.
7. "Athlete" means:
   a. A person participating in, or preparing for, a competitive team or individual sport; or
   b. A member of a professional athletic team.
8. "Athletic training certification" means current athletic trainer certification provided by the BOC.
9. "BOC" means the Board of Certification, Inc.
10. "CAATE" means the Commission on Accreditaion of Athletic Training Education.
11. "Completed application" means an application packet that is correctly completed and includes the verified signature of the applicant, applicable fees, and all required documentation.
12. "Confidential record" means:
    a. Minutes of executive sessions except as provided in A.R.S. § 38-431.03(B);
    b. A record classified as confidential by another law, rule, or regulation applicable to the Board;
    c. College or university grades, medical or mental health information, and professional references of an applicant except that the applicant who is the subject of the information may view or copy the record;
    d. An applicant's driver license number, Social Security number, home address, home phone number, personal e-mail address, place of birth, and birth date;
    e. A record for which the Board determines that public disclosure will have a significant adverse effect on the Board's ability to perform its duties or will otherwise be detrimental to

the best interests of the state. When the Board determines that the reason justifying the confidentiality of the record no longer exists, the Board shall make the record available for public inspection and copying; and

f. Information regarding a complaint under investigation except as provided in A.R.S. § 41-1010.

13. "Contact hour" means an actual clock hour spent in direct participation in a structured education format as a learner. One CEU is equivalent to one contact hour.
14. "Continuing education" means a structured learning process required of a licensee to maintain licensure that includes study in the areas of athletic training practice through an institute, seminar, lecture, conference, workshop, mediated instruction, programmed learning course, or postgraduate study in athletic training.
15." Continuing education unit" or "CEU" means one contact hour of participation in a continuing education course.
16. "Day" means a calendar day.
17. In addition to A.R.S. §32-4101(7),"Direct supervision" means:
    a. The athletic trainer can intervene on behalf of the patient, and
    b. The athletic trainer reviews the performance of the athletic training student every grading period.
18. "Facility of practice" means the principal location of an agency or organization where an athletic trainer provides athletic training services but excludes areas used predominantly for athletic sport or competition.
19. "Good moral character" means the applicant; has not taken any action that is grounds for disciplinary action against a licensee under A.R.S.§ 32-4153.
20. "Good standing" means that an athletic trainer in this state or any other jurisdiction:
    a. Has a current license;
    b. Is not presently subject to any disciplinary action, consent order, or settlement agreement; and
    c. Has no disciplinary action, consent order, or settlement agreement pending before any licensure Board or court.
21. "Licensee" means a person licensed in Arizona as an athletic trainer.
22."National examination" means the national athletic training certification examination provided by the BOC.

R4-49-102. Fees

A. An applicant shall pay the following :

1. Application for original license: $300
2. Renewal of license: $175
3. Reinstatement of a license: $200. This is in addition to the renewal license fee
4. Duplicate license: $25.

B. The Board shall charge 25¢ per page for copies of records, documents, letters, minutes, applications, and files or appropriate charges prescribed in A.R.S. § 39-121.03(A).

C. All fees are nonrefundable except as provided in A.R.S. § 41-1077.

D. An applicant shall pay original license fees and returned or insufficient fund replacement checks in cash or by cashier's check, money order, or credit card.

E. An applicant shall pay renewal, reinstatement, and duplicate license fees in cash or by cashier's check, money order, personal check or credit card.

R4-49-103. Board Operations

A. The Board shall meet annually in January The Board shall hold additional meetings as required by A.R.S. § 32-4103(A)(8) and as necessary to conduct the Board's business. Meetings may be convened by the Chair, a majority vote of the Board members, or upon written request to the Chair from at least two Board members.

B. All Board records shall be open to public inspection and copying, except confidential records. Records may be inspected at the Board Office Monday through Friday, 8:00 a.m. to 5:00 p.m., except state holidays or other days in which the office is required to be closed.

ARTICLE 2. LICENSURE

R4-49-201. Qualifications for Licensure

To qualify for an athletic trainer license a person shall meet the requirements in A.R.S. § 32-4122 completing an athletic training education program, accredited by CAATE or its predessesesors.

R4-49-202. Original License Application

A. An applicant for an athletic trainer license shall submit an original application that includes the following information:

1. Applicant's full name;
2. Applicant's name as it will appear on the license;
3. Other names used;
4. Social Security number;
5. Residence address and telephone number;
6. Date of birth;

7. Applicant's national athletic training certificate number and date of certification;
8. Post-secondary educational institutions attended;
9. Professional experience, field work, or both within the last five years;
10. Employer's name, address, and telephone number;
11. Current or previous athletic training or other professional license or certification numbers from other states and foreign countries and the status of each license or certification;
12. Current and previous arrest, criminal conviction, and disciplinary actions from any licensing agency or court;
13. E-mail address, if available;
14. Statement of citizenship or alien status and submittal of documents showing the individual's presence in the United States is authorized under federal law;
15. Signature and date with an attestation regarding the truthfulness of the information provided.

B. An applicant shall submit or cause to be submitted on the applicant's behalf the following:

1. Application fee,
2. Written verification from the BOC of athletic training certification or a passing score on the national examination as required by R4-49-201,
3. Official academic transcripts from institutions listed on the application,
4. Two letters attesting to the applicant's good moral character from health care providers licensed pursuant to A.R.S § 32-4101 et seq. and
5. A readable fingerprint card and associated fee for submission to the Department of Public Safety or current fingerprint clearance card issued by the Department of Public Safety.

C. An original license shall expire one year from the date of issuance.

R4-49-203. Renewal of License

A. To renew a license, a licensee shall submit a renewal application and a renewal fee.

B. A licensee shall sign the renewal application and include the following:

1. Applicant's full name;
2. Applicant's name as it will appear on the renewal license;
3. Residence address and telephone number;
4. Current Arizona Board of Athletic Training license number;
5. Arrest, criminal conviction, and disciplinary actions from any licensing agency or court since last license renewal;
6. Social Security number;
7. Employer's name, address, and telephone number;
8. Attestation of compliance with the continuing education requirements listed in R4-49-208;

9. A readable fingerprint card and associated fee for submission to the Department of Public Safety or a current fingerprint clearance card issued by the Department of Public Safety if the previous submission is at least five years old or the Department of Public Safety clearance card will expire within the term of the renewed license;
10. Statement of lawful presence in the United States or submittal of required documents showing lawful presence; and
11. Signature and date with an attestation regarding the truthfulness of the information provided.

C. A licensee shall submit the renewal application and fees to the Board office by the first day of the month at least 14 days prior to the expiration date of the current license.

R4-49-204. Expired License: Reinstatement

A. A license expires if it is not renewed on or before the renewal date.

B. An expired license may be reinstated within three years of expiration of the license if:

1. The former licensee has:
   a. Current certification from the BOC as an athletic trainer, or
   b. Proof of continuing education to meet the requirements for the time not licensed;
2. A renewal application is submitted under R4-49-203;
3. The license reinstatement fee and renewal fee are paid under R4-49-102; and
4. The former licensee attests, in writing, that the licensee has not practiced athletic training in Arizona during the time the license was expired.

R4-49-205. License Application Review

A. For an original license, renewal license, or reinstated license as an athletic trainer the time-frames required by A.R.S. § 41-1072 et seq. are:

1. Overall time-frame: 120 days
2. Administrative completeness review time-frame: 60 days
3. Substantive review time-frame: 60 days

B. An administratively complete application for licensure consists of all the information and documents listed in:

1. R4-49-202 for an original athletic training license,
2. R4-49-203 for renewal of an athletic training license, and
3. R4-49-204 for reinstatement of an athletic training license.

C. The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(2), begins on the date the Board receives an application.

1. If the application is not administratively complete when received, the Board shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
2. The applicant shall submit to the Board the missing documents and information within 120 days from the date of the deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Board receives the missing documents and information.
3. If the applicant fails to provide the missing documents and information within the 120 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.
4. When the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.

D. The substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(3), begins on the date of the notice of administrative completeness.

1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information but the Board may make supplemental requests for additional information by written agreement with the applicant.
2. The applicant shall submit to the Board the additional information identified in the request for additional information within 60 days from the date of the request for additional information. The time-frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until the Board receives the additional information.
3. Unless an applicant requests that the Board deny a license within the 60-day period in subsection (D)(2), the Board shall close the file of an applicant who fails to submit the additional information within the 60 days provided. An applicant whose file is closed and who wants to be licensed shall apply again under R4-49-202, R4-49-203, or R4-49-204.
4. When the substantive review is complete, the Board shall inform the applicant in writing of its decision to grant or deny a license to the applicant.
    a. The Board shall deny a license if it determines that the applicant does not meet all substantive criteria for licensure required by statute and rule.
    b The Board shall grant a license if it determines that the applicant meets all substantive criteria for licensure required by statute and rule.
    c. If the Board denies a license, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.

d. In a hearing conducted on a denial of a license, the applicant has the burden of proof.

R4-49-207. Temporary Licenses

A. Subject to subsection (B), the executive director may issue a temporary license to an applicant for a license if the applicant meets the requirements of A.R.S. § 32-4127.

B. The executive director shall not issue a temporary license without prior board approval if one or more of the following apply:

1. The applicant is the subject of a pending complaint before the Board or any other state health care regulatory entity.
2. The applicant has had a license or certificate to practice a health care profession suspended or revoked by another state health care regulatory entity.
3. The applicant has a criminal history or history of disciplinary action by a state health care regulatory entity.
4. The applicant has previously been denied an application for an athletic training license.

C. A temporary licensee is subject to disciplinary action by the Board pursuant to A.R.S. § 32-4153.

R4-49-208. Continuing Education

A. As a prerequisite to renewal, a licensee shall complete at least 15 CEUs in the area of athletic training since the issuance of the previous license.

B. A licensee shall:

1. Maintain continuing education records that:
   a. Verify the continuing education activities the licensee completed during the preceding two years, and
   b. Consists of each statement of credit or certificate issued by an approved provider at the conclusion of a continuing education activity;
2. At the time of licensure renewal, attest to the number of CEUs the licensee completed during the renewal on the renewal form; and
3. When requested by the Board office, submit proof of continuing education participation within 20 days of the request.

C. Licensees may provide proof of continued BOC certification to meet the CEU requirements of this Section.

D. All licensees shall complete a course approved by the Board on the athletic training statutes and this Chapter within one year of obtaining an original license or license renewal. This course need only be taken one time.

E. In addition to the CEU requirements above, all licensees shall maintain current certification in cardiopulmonary resuscitation from a provider that is approved by the Board.

F. Upon written request to the Board 30 days prior to the license renewal date, the Board may waive a licensee's continuing education requirement in the case of extreme hardship including, but not limited to, mental or physical illness, disability, absence from the United States, service in the United States Armed Forces or other extraordinary circumstances as determined by the Board.

G. The Board may audit a licensee's continuing education records and suspend or revoke, according to A.R.S. §§ 32-4155 and 32-4156, the license of a licensee who fails to comply with continuing education completion, recording, or reporting requirements of this Section.

H. A licensee who is aggrieved by a decision of the Board concerning continuing education units may request an administrative hearing before the Board.

ARTICLE 3. HEARINGS

R4-49-302. Rehearing or Review of Decision

A. Any party in a contested case or appeable agency action before the Board may file a motion for rehearing or review within 30 days after service of the final administrative decision. Service is complete upon personal service or five days after the date the decision is mailed by certified mail to the party's last known address of record. The party shall attach a supporting memorandum specifying the grounds for the motion.

B. A party is required to file a motion with the Board for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.

C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:

1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
5. Excessive penalty;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the proceedings;
7. Evidence that the Board's decision was a result of passion or prejudice; or

8. Findings of fact or decision that was not justified by the evidence or was contrary to law.

E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.

F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.

G. Not later than10 days after the date of a decision the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.

H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.

ARTICLE 4. ATHLETIC TRAINING PRACTICE

R4-49-401. Scope of Practice

A licensee shall work within the scope of practice for athletic trainers stated in the definition of "athletic training" at A.R.S. § 32-4101(4) and the competencies contained in the Athletic Training Educational Competencies (5th Edition), published in 2011 by the National Athletic Trainers' Association, Inc., 2952 Stemmons Freeway #200, Dallas, TX 75247, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office. The material incorporated contains no future amendments or editions.

R4-49-403. Standards of Practice

A licensee shall comply with the standards of professional practice contained in Board of Certification Standards of Professional Practice, dated January 1, 2006 and published by the Board of Certification, Inc., 1415 Harney Street, Suite 200, Omaha, Nebraska 68102, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office. The material incorporated contains no future amendments or editions.

R4-49-404. Code of Ethics

A licensee shall work within the code of ethics for athletic trainers as stated in A.R.S. § 32-4153(10) and the NATA Code of Ethics dated September 28, 2005 and published by the National Athletic Trainers' Association, 2952 Stemmons Freeway #200, Dallas, TX 75247, which is incorporated by reference and is on file with the Arizona Board of Athletic Training Office. The material incorporated contains no future amendments or editions.

FL AT Act
As amended 5/30/06 by Chapter 2006-39 (SB 366)
(Amendments not noted; see SB 366 file for changes)

PART XIII

ATHLETIC TRAINERS

468.70 Legislative intent.--It is the intent of the Legislature that athletes be assisted by persons adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities. Therefore, it is the further intent of the Legislature to protect the public by licensing and fully regulating athletic trainers.

468.701 Definitions.--As used in this part, the term:

(1) "Athlete" means a person who participates in an athletic activity.
(2) "Athletic activity" means the participation in an activity, conducted by an educational institution, a professional athletic organization, or an amateur athletic organization, involving exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina.
(3) "Athletic injury" means an injury sustained which affects the athlete's ability to participate or perform in athletic activity.
(4) "Athletic trainer" means a person licensed under this part.
(5) "Athletic training" means the recognition, prevention, and treatment of athletic injuries.
(6) "Board" means the Board of Athletic Training.
(7) "Department" means the Department of Health.
(8) "Direct supervision" means the physical presence of the supervisor on the premises so that the supervisor is immediately available to the trainee when needed.
(9) "Supervision" means the easy availability of the supervisor to the athletic trainer, which includes the ability to communicate by telecommunications.

468.703 Board of Athletic Training.--

(1) The Board of Athletic Training is created within the department and shall consist of nine members appointed by the Governor and confirmed by the Senate.

(2) Five members of the board must be licensed athletic trainers. One member of the board must be a physician licensed under chapter 458 or chapter 459. One member of the board must be a physician licensed under chapter 460. Two members of the board shall be consumer members, each of whom must be a resident of this state who has never worked as an athletic trainer, who has no financial interest in the practice of athletic training, and who has never been a licensed health care practitioner as defined in s. 456.001(4).

(3) For the purpose of staggering terms, the Governor shall appoint the initial members of the board as follows:

(a) Three members for terms of 2 years each.
(b) Three members for terms of 3 years each.
(c) Three members for terms of 4 years each.

(4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years and such members shall serve until their successors are appointed.

(5) All provisions of chapter 456 relating to activities of the board shall apply.

(6) The board shall maintain its official headquarters in Tallahassee.

468.705 Rulemaking authority.--The board is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this part conferring duties upon it. The provisions of s. 456.011(5) shall apply to the board's activity. Such rules shall include, but not be limited to, the allowable scope of practice regarding the use of equipment, procedures, and medication, requirements for a written protocol between the athletic trainer and a supervising physician, licensure requirements, licensure examination, continuing education requirements, fees, records, and reports to be filed by licensees, protocols, and any other requirements necessary to regulate the practice of athletic training.

468.707 Licensure by examination; requirements.--

(1) Any person desiring to be licensed as an athletic trainer shall apply to the department on a form approved by the department.

The department shall license each applicant who:

(a). Has completed the application form and remitted the required fees.
(b). Is at least 21 years of age.
(c). Has obtained a baccalaureate degree from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board.
(d) Has completed an approved athletic training curriculum from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board.
(e). Has current certification in cardiovascular pulmonary resuscitation from the American Red Cross, the American Heart Association, or an equivalent certification as determined by the board.
(f) Has passed an examination administered or approved by the board.

(2) Pursuant to the requirements of s. 456.034, each applicant shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of initial licensure.

468.709 Fees.--

(1) The board shall, by rule, establish fees for the following purposes:

(a) An application fee, not to exceed $100.
(b) An examination fee, not to exceed $200.
(c) An initial licensure fee, not to exceed $200.
(d) A biennial renewal fee, not to exceed $200.
(e) An inactive fee, not to exceed $100.
(f) A delinquent fee, not to exceed $100.
(g) A reactivation fee, not to exceed $100.
(h) A voluntary inactive fee, not to exceed $100.

(2) The board shall establish fees at a level, not to exceed the statutory fee cap, that is adequate to ensure the continued operation of the regulatory program under this part. The board shall neither set nor maintain the fees at a level that will substantially exceed this need.

468.711 Renewal of license; continuing education.--

(1) The department shall renew a license upon receipt of the renewal application and fee, provided the applicant is in compliance with the provisions of this section, chapter 456, and rules promulgated pursuant thereto.
(2) The board may, by rule, prescribe continuing education requirements, not to exceed 24 hours biennially. The criteria for continuing education shall be approved by the board and shall include a current certificate in cardiovascular pulmonary resuscitation from the American Red Cross or equivalent training as determined by the board.
(3) Pursuant to the requirements of s. 456.034, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

468.713 Responsibilities of athletic trainers.--An athletic trainer shall practice within a written protocol established between the athletic trainer and a supervising physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine or, at an athletic event, pursuant to direction from a physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine. A written protocol shall require that the athletic trainer notify the supervising physician of new injuries as soon as practicable.

468.715 Sexual misconduct.--The athletic trainer-athlete relationship is founded on mutual trust. Sexual misconduct in the practice of athletic training means violation of the athletic trainer-athlete relationship through which the athletic trainer uses such relationship to induce or attempt to induce the athlete to engage, or to engage or attempt to engage the athlete, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the athlete. Sexual misconduct in the practice of athletic training is prohibited.

468.717 Violations and penalties.--Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(1) Practicing athletic training for compensation without holding an active license under this part.
(2) Using or attempting to use an athletic trainer license that has been suspended or revoked.
(3) Knowingly employing unlicensed persons in the practice of athletic training.
(4) Obtaining or attempting to obtain an athletic trainer license by misleading statements or knowing misrepresentation.
(5) Using the title "athletic trainer" without being licensed under this part.

468.719 Disciplinary actions.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

> (a) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training. Advertising shall not include clothing or other novelty items.
> (b) Committing incompetency or misconduct in the practice of athletic training.
> (c) Committing fraud or deceit in the practice of athletic training.
> (d) Committing negligence, gross negligence, or repeated negligence in the practice of athletic training.
> (e) While practicing athletic training, being unable to practice athletic training with reasonable skill and safety to athletes by reason of illness or use of alcohol or drugs or as a result of any mental or physical condition.
> (f) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

468.723 Exemptions.--This part does not prevent or restrict:

(1) The professional practice of a licensee of the department who is acting within the scope of such practice.
(2) An athletic training student acting under the direct supervision of a licensed athletic trainer.
(3) A person from administering standard first aid treatment to an athlete.
(4) A person licensed under chapter 548, provided such person is acting within the scope of such license.
(5) A person providing personal training instruction for exercise, aerobics, or weightlifting, if the person does not represent himself or herself as able to provide "athletic trainer" services and if any recognition or treatment of injuries is limited to the provision of first aid.

Section 1012.46 Athletic Trainers --

(1) School districts may establish and implement an athletic injuries prevention and treatment program. Central to this program should be the employment and availability of persons trained in the prevention and treatment of physical injuries that may occur during athletic activities. The program should reflect opportunities for progressive advancement and compensation in employment as provided in subsection (2) and meet certain other minimum standards developed by the Department of Education. The goal of he Legislature is to have school districts employ and have available a full-time athletic trainer in each high school in the state.

(2) To qualify as an athletic trainer, a person must be licensed as required by part XIII of chapter 468 and may possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.35, s. 112.56 or s. 1012.57.

Act No. 54
Approved by the Governor
March 9, 2006
EFFECTIVE DATE: December 1, 2006
STATE OF MICHIGAN

ENROLLED HOUSE BILL No. 4893

The People of the State of Michigan enact:

Sec. 16263. (1) Except as provided in subsection (2), the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under this article to use the terms and in a way prescribed in this article:

(a) "Chiropractic", "doctor of chiropractic", "chiropractor", "d.c.", and "chiropractic physician".

(b) "Dentist", "doctor of dental surgery", "oral and maxillofacial surgeon", "orthodontist", "prosthodontist", "periodontist", "endodontist", "oral pathologist", "pediatric dentist", "dental hygienist", "registered dental hygienist", "dental assistant", "registered dental assistant", "r.d.a.", "d.d.s.", "d.m.d.", and "r.d.h.".

(c) "Doctor of medicine" and "m.d.". ....

....

(v) "Athletic trainer", "licensed athletic trainer", "certified athletic trainer", "athletic trainer certified", "a.t.", "a.t.l.", "c.a.t.", and "a.t.c.".

(2) Notwithstanding section 16261, a person who was specially trained at an institution of higher education in this state to assist a physician in the field of orthopedics and upon completion of training, received a 2-year associate of science degree as an orthopedic physician's assistant before January 1, 1977, may use the title "orthopedic physician's assistant" whether or not the person is licensed under this article.

Sec. 16336. Fees for a person licensed or seeking licensure as an athletic trainer under part 179 are as follows:

(a) Application processing fee $ 75.00.

(b) License fee, per year $ 200.00.

PART 179.
ATHLETIC TRAINING

Sec. 17901. (1) As used in this part:

(a) "Athletic trainer" means an individual engaged in the practice of athletic training.

(b) "Practice of athletic training" means the treatment of an individual for risk management and injury prevention, the clinical evaluation and assessment of an individual for an injury or illness, or both, the immediate care and treatment of an individual for an injury or illness, or both, and the rehabilitation and reconditioning of an individual's injury or illness, or both, as long as those activities are within the rules promulgated under section 17904 and performed under the direction and supervision of an individual licensed under part 170 or 175. The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine and surgery, the practice of chiropractic, or medical diagnosis or treatment.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

Sec. 17902. (1) Beginning on the effective date of the rules promulgated under section 17904, an individual shall not engage in the practice of athletic training unless licensed under this part or otherwise authorized to engage in the practice of athletic training under subsection (2). An individual licensed under this part shall not provide, offer to provide, or represent that he or she is qualified to provide any services that he or she is not qualified to perform by his or her education, training, or experience or that he or she is otherwise prohibited by law from performing.

(2) Subsection (1) does not prohibit an individual licensed under any other part or any other act from performing activities that are considered the practice of athletic training so long as those activities are within the individual's scope of practice and the individual does not use the titles protected under subsection (3).

(3) Beginning on the effective date of the rules promulgated under section 17904, an individual shall not use the titles "athletic trainer", "licensed athletic trainer", "certified athletic trainer", "athletic trainer certified", "a.t.", "a.t.l.", "c.a.t.", "a.t.c.", or similar words that indicate that the person is an athletic trainer unless the individual is licensed under this article as an athletic trainer.

Sec. 17903. The Michigan athletic trainer board is created in the department and shall consist of the following 7 members meeting the requirements of part 161:

(a) Four athletic trainers.
(b) One public member.
(c) Two physicians licensed under part 170 or 175.

Sec. 17904. (1) The department shall promulgate rules establishing the minimum standards for licensure as an athletic trainer under this part and the minimum standards of care for the practice of athletic training.

(2) In promulgating the rules required under this section, the department may consult the professional standards issued by the national athletic trainer's association, by the national athletic trainer's association board of certification, or by another nationally recognized professional association. The department may incorporate by reference, in whole or in part, existing standards in the rules.
(3) As needed, the department may amend or supplement any standards by promulgation of a rule.

Sec. 17905. (1) The department shall issue a license under this article as an athletic trainer to an individual who meets all of the following requirements:

(a) Applies to the department on a form provided by the department.
(b) Meets the requirements for licensure promulgated pursuant to section 17904.
(c) Pays the fees prescribed in section 16336.

(2) The department shall promulgate rules to provide for at least 80 clock hours of continuing education within each 3-year license cycle in subjects related to athletic training and approved by the department.

Sec. 17906. (1) A license issued by the department under section 17905 shall be for a 3-year license cycle. The license is renewable upon payment of the prescribed license renewal fee and, beginning with the third year after the effective date of the rules promulgated under section 17905(2), submission to the department of proof of satisfactory completion of at least 80 clock hours of continuing education within the 3-year license cycle in subjects related to athletic training and approved by the department.

(2) In addition to the continuing education requirements of subsection (1), an athletic trainer shall submit along with his or her application for license renewal proof satisfactory to the department of both of the following:

(a) That he or she has successfully completed a course of training in first aid, cardiopulmonary resuscitation, and foreign body obstruction of the airway approved by the department and offered or approved by the American Red Cross, the American heart association, or a comparable organization, as determined by the department.
(b) That he or she holds, at the time of application for renewal and at all times during the previous license period, a valid certification in first aid and cardiopulmonary resuscitation issued by the organization offering the training.

Sec. 17907. This part does not require new or additional third party reimbursement for services rendered by an individual licensed under this part.

Enacting section 1. This amendatory act takes effect December 1, 2006.

This act is ordered to take immediate effect.

CHAPTER 640B
ATHLETIC TRAINERS
BOARD OF ATHLETIC TRAINERS

Organization and Administration

NRS 640B.170 Creation; appointment and qualifications of members; terms, vacancies and removal from office; limitations on civil liability; representative of general public not to participate in examination.

NRS 640B.180 Professional associations to submit lists of persons qualified for membership on Board.

NRS 640B.190 Election of Chairman; meetings; quorum.

NRS 640B.200 Employment of Executive Secretary and other personnel; members of Board not entitled to salary; payment of per diem allowance and travel expenses.

NRS 640B.210... Fiscal year.

NRS 640B.220 Payment of expenses; deposit of money; delegation of authority to take disciplinary action; deposit of fines imposed by Board; presentment of claims for attorney's fees and costs of investigation.

General Powers and Duties

NRS 640B.250 Preparation, maintenance and disclosure of certain information regarding applicants and licensees; record of proceedings and transactions; seal; enforcement of chapter.

NRS 640B.260 Adoption of regulations.

NRS 640B.270 Inspection of offices and facilities of persons practicing athletic training.

LICENSES

General Provisions

NRS 640B.300 License required to practice athletic training; certain acts prohibited without license; exception for certain student athletic trainers; injunctions against unlicensed activities.

NRS 640B.310 Requirements for licensure: Qualifications; application; fingerprints; fees; examination; exceptions and limitations.

NRS 640B.320 Preparation of examinations.

NRS 640B.330 Licensure of persons who are licensed in other jurisdictions.

NRS 640B.340 Payment of child support: Statement by applicant for license; grounds for denial of license; duty of Board. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

NRS 640B.350 Display of license.

Scope of Practice

NRS 640B.370 Requirements to conduct evaluation of athletic injury or perform joint mobilization; authority to perform passive range of motion or passive joint range of motion.

Expiration and Renewal; Fees

NRS 640B.400 Expiration of licenses; procedure for renewal.
NRS 640B.410 Fees.

DISCIPLINARY ACTION

NRS 640B.700 Grounds for disciplinary action; authorized disciplinary action.
NRS 640B.710 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]
NRS 640B.720 Investigations and hearings; examination of witnesses; payment of fees and mileage; issuance and enforcement of subpoenas.
NRS 640B.730 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; cooperation with other agencies.

UNLAWFUL ACTS; PENALTIES

NRS 640B.900 Unlawful acts; penalties; prosecution by district attorney.

NRS 640B.003 Legislative declaration. The practice of athletic training is hereby declared to be a learned profession, affecting public health, safety and welfare, and subject to regulation to protect the public from the practice of athletic training by unqualified persons and from unprofessional conduct by persons who are licensed to engage in the practice of athletic training.

(Added to NRS by 2003, 896)

NRS 640B.005 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640B.011 to 640B.120, inclusive, have the meanings ascribed to them in those sections.

NRS 640B.011 "Assessment" defined. "Assessment" includes taking the medical history of a patient, visually inspecting the injured portion of the body and the associated structures, palpating the bony landmarks and soft tissue and applying special tests to systematically assess the pathology and extent of the injury or condition.

NRS 640B.015 "Athlete" defined. "Athlete" means a natural person who:

1. Participates in an athletic activity conducted by:
(a) An intercollegiate athletic association or interscholastic athletic association; or
(b) A professional athletic organization; or
(c) An amateur athletic organization; or
2. Participates in a recreational sport activity that:
(a) Has officially designated coaches;
(b) Conducts regularly scheduled practices or workouts that are supervised by coaches; and
(c) Has established schedules for competitive events or exhibitions.

(Added to NRS by 2003, 894)

NRS 640B.021 "Athletic injury" defined. "Athletic injury" means an injury or athletic-related illness, or both, that a person sustains as a result of:

1. His participation in an athletic activity conducted by:
(a) An intercollegiate athletic association or interscholastic athletic association; or
(b) A professional athletic organization; or
(c) An amateur athletic organization; or
2. His participation in a recreational sport activity that:
(a) Has officially designated coaches;
(b) Conducts regularly scheduled practices or workouts that are supervised by coaches; and
(c) Has established schedules for competitive events or exhibitions.
(Added to NRS by 2003, 894)

NRS 640B.025 "Board" defined. "Board" means the Board of Athletic Trainers.
(Added to NRS by 2003, 894)

NRS 640B.031 "Direction" defined. "Direction" means an order issued by a physician to follow as a protocol, recommendation or oral order that is documented by the licensed athletic trainer or physician, or both.
(Added to NRS by 2003, 894)

NRS 640B.035 "Disposition" defined. "Disposition" means the application of accepted management techniques to provide the appropriate care and resources concerning an athletic injury.
(Added to NRS by 2003, 894)

NRS 640B.041 "Evaluation" defined. "Evaluation" includes, without limitation, the use of joint range of motion, manual muscle tests, ligamentous stress tests, neurological tests and functional capacity assessments.
(Added to NRS by 2003, 894)

NRS 640B.045 "Grade 5 joint mobilization" defined. "Grade 5 joint mobilization" means the movement of a joint beyond its physiological and capsular end point.
(Added to NRS by 2003, 894)

NRS 640B.051 "Graduate student athletic trainer" defined. "Graduate student athletic trainer" means a graduate student who:
1. Is enrolled in a graduate program of study approved by the Board; and
2. Engages in the practice of athletic training under the supervision of a licensed athletic trainer.
(Added to NRS by 2003, 894)

NRS 640B.055 "Joint mobilization" defined. "Joint mobilization" means a learned, skilled, passive movement of articulating surfaces of a person to relieve pain and restore functional movement of the articulating surfaces without pain to the person. The term does not include:
1. The diagnosis of a physical disability;
2. The massaging of the superficial soft tissues of the body;
3. The use of X rays or radium;
4. The use of electricity for cauterization or surgery;
5. Chiropractic adjustment as defined in NRS 634.014; or
6. Grade 5 joint mobilization.
(Added to NRS by 2003, 894)

NRS 640B.060 "License" defined. "License" means a license issued pursuant to the provisions of this chapter.

NRS 640B.065 "Licensee" defined. "Licensee" means a person who has been issued a license as an athletic trainer pursuant to the provisions of this chapter.

NRS 640B.070 "Management" defined. "Management" means the act of controlling or influencing an injury, illness or condition.

NRS 640B.075 "Passive joint range of motion" defined. "Passive joint range of motion" means any movement of an articulating surface of a person without the active assistance of that person, which is performed with equipment or by another person.

NRS 640B.081 "Passive range of motion" defined. "Passive range of motion" means any movement of a part of a person without the active assistance of that person, which is performed with equipment or by another person.

(Added to NRS by 2003, 895)

NRS 640B.085 "Physician" defined. "Physician" means:

1. A physician licensed pursuant to chapter 630 of NRS;
2. An osteopathic physician licensed pursuant to chapter 633 of NRS;
3. A homeopathic physician licensed pursuant to chapter 630A of NRS;
4. A chiropractic physician licensed pursuant to chapter 634 of NRS; or
5. A podiatric physician licensed pursuant to chapter 635 of NRS.

(Added to NRS by 2003, 895)

NRS 640B.090 "Practice of athletic training" defined.

1. "Practice of athletic training" means:

(a) The prevention, recognition, assessment, management, treatment, disposition or reconditioning of the athletic injury of an athlete:

(1) Whose condition is within the professional preparation and education of the licensed athletic trainer; and

(2) That is performed under the direction of a physician;

(b) The organization and administration of programs of athletic training;

(c) The administration of an athletic training room;

(d) The provision of information relating to athletic training to members of the public; or

(e) Any combination of the activities described in paragraphs (a) to (d), inclusive.

2. The term does not include the diagnosis of a physical disability, massaging of the superficial soft tissues of the body or the use of X rays, radium or electricity for cauterization or surgery.

(Added to NRS by 2003, 895)

NRS 640B.095 "Prevention" defined. "Prevention" means the application and implementation of physical conditioning programs, preparticipation screening and the monitoring of risk factors that may cause an athletic injury.

(Added to NRS by 2003, 895)

NRS 640B.101 "Recognition" defined. "Recognition" means the application of visual, verbal or tactile skills to acknowledge the presence of an injury, illness or other condition with an understanding

of the predisposing factors of injury and pathomechanics, which assists in the assessment of the injury, illness or other condition.

(Added to NRS by 2003, 895)

NRS 640B.105 "Reconditioning" defined. "Reconditioning" means the application of practical and didactic knowledge and functional criteria to evaluate readiness for return to partial or full activities.

(Added to NRS by 2003, 895)

NRS 640B.111 "Student athletic trainer" defined. "Student athletic trainer" means an undergraduate student who:

1. Is enrolled in an undergraduate program of study approved by the Board; and
2. Engages in the practice of athletic training under the supervision of a licensed athletic trainer.

(Added to NRS by 2003, 896)

NRS 640B.115 "Supervision" defined. "Supervision" means clinical on-site direction given by a licensed athletic trainer to a student athletic trainer or graduate student athletic trainer who is in the direct line of sight and within hearing distance of the licensed athletic trainer.

(Added to NRS by 2003, 896)

NRS 640B.120 "Treatment" defined. "Treatment" means the application of the necessary knowledge and skills to assess an injury, illness or other condition and provide appropriate care.

(Added to NRS by 2003, 896)

NRS 640B.145 Applicability of chapter. The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.
2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.
3. A person who is employed as an athletic trainer outside this state when engaging in the practice of athletic training within the scope of that employment in connection with an athletic event held in this state.

(Added to NRS by 2003, 896)

NRS 640B.155 License is revocable privilege; holder acquires no vested right. A license issued pursuant to the provisions of this chapter is a revocable privilege, and the holder of the license does not acquire thereby any vested right.

(Added to NRS by 2003, 896)

BOARD OF ATHLETIC TRAINERS

Organization and Administration

NRS 640B.170Creation; appointment and qualifications of members; terms, vacancies and removal from office; limitations on civil liability; representative of general public not to participate in examination.

1. The Board of Athletic Trainers is hereby created.
2. The Governor shall appoint to the Board:

(a) Three members who:

(1) Are licensed as athletic trainers pursuant to the provisions of this chapter; and

(2) Have engaged in the practice of athletic training or taught or conducted research concerning the practice of athletic training for the 5 years immediately preceding their appointment;

(b) One member who is licensed as a physical therapist pursuant to chapter 640 of NRS and who is also licensed as an athletic trainer pursuant to this chapter; and

(c) One member who is a representative of the public.

3. Each member of the Board:

(a) Must be a resident of this state; and

(b) May not serve more than two consecutive terms.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years.

5. A vacancy on the Board must be filled in the same manner as the original appointment.

6. The Governor may remove a member of the Board for incompetence, neglect of duty, moral turpitude or malfeasance in office.

7. No member of the Board may be held liable in a civil action for any act he performs in good faith in the execution of his duties pursuant to the provisions of this chapter.

8. The member of the Board who is a representative of the public shall not participate in preparing or grading any examination required by the Board.

NRS 640B.180 Professional associations to submit lists of persons qualified for membership on Board.

1. For the appointment of any member to the Board pursuant to paragraph (a) of subsection 2 of NRS 640B.170, the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of not less than three persons or more than five persons who are qualified for membership on the Board for each such position. The Governor shall appoint new members or fill a vacancy from the list, or request a new list.

2. For the appointment of a member to the Board pursuant to paragraph (b) of subsection 2 of NRS 640B.170, the Nevada Physical Therapists Association, or its successor organization, and the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, jointly prepare and submit to the Governor a list of the names of not less than three persons or more than five persons who are qualified for membership on the Board for that position. The Governor shall appoint a new member or fill a vacancy from the list, or request a new list.

3. If the Nevada Athletic Trainers Association or the Nevada Physical Therapists Association, or the successor of any such organization, fails to submit nominations for a position on the Board within the periods prescribed in this section, the Governor may appoint any qualified person.

(Added to NRS by 2003, 897)

NRS 640B.190 Election of Chairman; meetings; quorum.

1. The Board shall:

(a) Elect from its members a Chairman at the first meeting of each year; and

(b) Meet at least three times each year at the call of the Chairman of the Board, or upon the written request of at least three members of the Board.

2. A majority of the members of the Board constitutes a quorum for the transaction of the business of the Board.

(Added to NRS by 2003, 897)

NRS 640B.200 Employment of Executive Secretary and other personnel; members of Board not entitled to salary; payment of per diem allowance and travel expenses.

1. The Board may employ an Executive Secretary and any other persons necessary to carry out its duties.

2. The members of the Board are not entitled to receive a salary.

3. While engaged in the business of the Board, each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this state generally.

(Added to NRS by 2003, 898)

NRS 640B.210 Fiscal year. The Board shall operate on the basis of a fiscal year beginning on July 1 and ending on June 30.

(Added to NRS by 2003, 898)

NRS 640B.220 Payment of expenses; deposit of money; delegation of authority to take disciplinary action; deposit of fines imposed by Board; presentment of claims for attorney's fees and costs of investigation.

1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of the expenses of the Board may be paid from the State General Fund.

2. All money received by the Board must be deposited in a bank or other financial institution in this state and paid out on its order for its expenses.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties related to that disciplinary action and deposit the money from the fines and penalties in a bank or other financial institution in this state.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall deposit all money collected from the imposition of fines and penalties with the State Treasurer for credit to the State General Fund. If money has been deposited in the State General Fund pursuant to this subsection, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

(Added to NRS by 2003, 898)

General Powers and Duties

NRS 640B.250 Preparation, maintenance and disclosure of certain information regarding applicants and licensees; record of proceedings and transactions; seal; enforcement of chapter.

1. The Board shall prepare and maintain a separate list of:

(a) The licensees.

(b) The applicants for a license.

(c) The licensees whose licenses have been revoked or suspended within the preceding year.

2. The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of a list.

3. The Board shall:

(a) Prepare and maintain a record of its proceedings and transactions;

(b) Adopt a seal of which each court in this state shall take judicial notice; and

(c) Enforce the provisions of this chapter and any regulations adopted pursuant thereto.

(Added to NRS by 2003, 897)

NRS 640B.260 Adoption of regulations. The Board shall adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations that establish:

1. The passing grades for the examinations required by NRS 640B.310 and 640B.320;

2. Appropriate criteria for determining whether an entity is an intercollegiate athletic association, interscholastic athletic association, professional athletic organization or amateur athletic organization;

3. The standards of practice for athletic trainers; and

4. The requirements for continuing education for the renewal of a license of an athletic trainer. The requirements must be at least equivalent to the requirements for continuing education for the renewal of a certificate of an athletic trainer issued by the National Athletic Trainers Association Board of Certification or its successor organization.

NRS 640B.270 Inspection of offices and facilities of persons practicing athletic training. A member of the Board, an employee of the Board or a person designated by the Board may inspect any office or facility where a person is engaged in the practice of athletic training to determine whether each person who is engaged in the practice of athletic training in that office or facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

LICENSES

General Provisions

NRS 640B.300 License required to practice athletic training; certain acts prohibited without license; exception for certain student athletic trainers; injunctions against unlicensed activities.

1. Except as otherwise provided in subsection 2, unless he has been issued a license as an athletic trainer by the Board pursuant to the provisions of this chapter, a person shall not:

(a) Engage in the practice of athletic training;

(b) Hold himself out as licensed or qualified to engage in the practice of athletic training; or

(c) Use in connection with his name any title, words, letters or other designation intended to imply or designate him as a licensed athletic trainer.

2. A student athletic trainer or graduate student athletic trainer may engage in the practice of athletic training while under the supervision of a licensed athletic trainer.

3. If the Board determines that a person has engaged, or is about to engage, in any act or practice that constitutes, or will constitute, a violation of the provisions of this section, the Board may make an application to an appropriate court for an order enjoining that act or practice, and upon a showing by the Board that the person has engaged, or is about to engage, in that act or practice, the court shall issue an injunction against that act or practice. Such an injunction does not prevent a criminal prosecution for that act or practice.

NRS 640B.310 Requirements for licensure: Qualifications; application; fingerprints; fees; examination; exceptions and limitations.

1. An applicant for a license as an athletic trainer must:

(a) Be of good moral character;

(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States;

(c) Have at least a bachelor's degree in a program of study approved by the Board;

(d) Submit an application on a form provided by the Board;

(e) Submit a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) Pay the fees prescribed by the Board pursuant to NRS 640B.410; and

(g) Except as otherwise provided in subsection 2 and NRS 640B.320, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization.

2. An applicant who submits proof of his current certification as an athletic trainer by the National Athletic Trainers Association Board of Certification, or its successor organization, is not required to pass the examination required by paragraph (g) of subsection 1.

3. An applicant who fails the examination may not reapply for a license for at least 1 year after he submits his application to the Board.

NRS 640B.320 Preparation of examinations. If the National Athletic Trainers Association Board of Certification, or its successor organization, if any, ceases to exist or ceases to prepare the examination required by NRS 640B.310, the Board shall designate another appropriate national organization to prepare the test. If the Board determines that no such organization exists, the Board shall prepare or cause to be prepared a test which must be offered not less than two times each year.

NRS 640B.330 Licensure of persons who are licensed in other jurisdictions.

1. Except as otherwise provided in subsection 2, the Board shall issue a license as an athletic trainer, without examination, to an applicant who is licensed to engage in the practice of athletic training in another state, territory or possession of the United States, or the District of Columbia if the applicant submits to the Board:

(a) An application on a form prescribed by the Board; and

(b) The fees prescribed by the Board pursuant to NRS 640B.410.

2. The Board shall not issue a license pursuant to this section unless the jurisdiction in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license as an athletic trainer set forth in this chapter.

NRS 640B.340 Payment of child support: Statement by applicant for license; grounds for denial of license; duty of Board. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. In addition to any other requirements for the issuance or renewal of a license set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the practice of athletic training must submit to the Board:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the person's social security number and the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice athletic training may not be issued or renewed by the Board if the applicant:

(a) Fails to submit his social security number required pursuant to subsection 1;

(b) Fails to submit the statement required pursuant to subsection 1; or

(c) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by

the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

NRS 640B.350 Display of license. Each person licensed to practice as an athletic trainer shall display his license conspicuously at each place where he engages in the practice of athletic training.

Scope of Practice

NRS 640B.370 Requirements to conduct evaluation of athletic injury or perform joint mobilization; authority to perform passive range of motion or passive joint range of motion.

1. A person who is licensed as an athletic trainer shall not conduct an evaluation of an athletic injury or perform joint mobilization unless the person has earned at least a master's degree in athletic training or a comparable area of study, as determined by the Board.

2. A person who is licensed as an athletic trainer and has not earned a master's degree in athletic training or a comparable area of study, as determined by the Board, may perform passive range of motion or passive joint range of motion.

Expiration and Renewal; Fees

NRS 640B.400 Expiration of licenses; procedure for renewal.

1. Each license to engage in the practice of athletic training expires on June 30 of each year and may be renewed if, before the license expires, the licensee submits to the Board:

(a) An application on a form prescribed by the Board;

(b) Proof of his completion of the requirements for continuing education prescribed by the Board pursuant to NRS 640B.260; and

(c) The fee for the renewal of his license prescribed by the Board pursuant to NRS 640B.410.

2. A license that expires pursuant to the provisions of this section may be restored if the applicant:

(a) Complies with the provisions of subsection 1;

(b) Submits to the Board proof of his ability to engage in the practice of athletic training; and

(c) Submits to the Board:

(1) The fee for the restoration of an expired license; and

(2) For each year that the license was expired, the fee for the renewal of a license prescribed by the Board pursuant to NRS 640B.410.

3. If the Board determines that an applicant has not submitted satisfactory proof of his ability to engage in the practice of athletic training, the Board may require the applicant to:

(a) Pass an examination prescribed by the Board; and

(b) Engage in the practice of athletic training under the supervision of a person designated by the Board for a period prescribed by the Board.

NRS 640B.410 Fees. The Board shall, by regulation, prescribe the following fees which must not exceed:

Application for a license	$250
Examination for a license	350
Application for a license without examination	350
Annual renewal of a license	350
Restoration of an expired license	350
Issuance of a duplicate license	50

DISCIPLINARY ACTION

NRS 640B.700 Grounds for disciplinary action; authorized disciplinary action.

1. The Board may refuse to issue a license to an applicant, or may take disciplinary action against a licensee, if, after notice and a hearing, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this state, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 or 432B.220;

(f) Is guilty of gross negligence in his practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after he received the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this state;

(k) Has solicited or received compensation for services that he did not provide;

(l) If the licensee is on probation, has violated the terms of his probation; or

(m) Has terminated his professional services to a client in a manner that detrimentally affected that client.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than $5,000;

(f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

NRS 640B.710 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Board shall deem the license to be suspended at the end of the 30th day after the date the court order was issued unless the Board receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to

NRS 425.550 to the licensee stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

NRS 640B.720 Investigations and hearings; examination of witnesses; payment of fees and mileage; issuance and enforcement of subpoenas.

1. The Board may conduct investigations and hold hearings to carry out its duties pursuant to the provisions of this chapter.
2. In such a hearing:
(a) Any member of the Board may administer oaths and examine witnesses; and
(b) The Board or any member thereof may issue subpoenas to compel the attendance of witnesses and the production of books and papers.
3. Each witness who is subpoenaed to appear before the Board is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case. The amount must be paid by the party who requested the subpoena. If any witness who has not been required to attend at the request of any party is subpoenaed by the Board, his fees and mileage must be paid from the money of the Board.
4. If any person fails to comply with the subpoena within 10 days after it is issued, the Chairman of the Board may petition a court of competent jurisdiction for an order of the court compelling compliance with the subpoena.
5. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.
6. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. The failure of the person to obey the order is a contempt of the court that issued the order.

NRS 640B.730 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; cooperation with other agencies.

1. Any records or information obtained during the course of an investigation by the Board are confidential until the investigation is completed. Upon completion of the investigation, the records and information are public records if:
(a) Disciplinary action was taken by the Board as a result of the investigation; or
(b) The person who was investigated submits a written request to the Board asking that the information and records be made public records.
2. The provisions of this section do not prohibit the Board from cooperating with another licensing board or any agency that is investigating a licensee, including, without limitation, a law enforcement agency.

UNLAWFUL ACTS; PENALTIES

NRS 640B.900 Unlawful acts; penalties; prosecution by district attorney.

1. A person who violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by a fine of not more than $2,000 for each offense.
2. If the Board has reason to believe that a person has violated a provision of this chapter or a regulation adopted pursuant thereto, the Board shall report the facts to the district attorney of the county where the violation occurred, who may cause appropriate criminal proceedings to be brought against that person.

1999 Oregon Laws, Chapter 736 2003 Oregon Laws, Chapter 547 Athletic Trainers

(Temporary provisions relating to athletic trainers are compiled as notes following ORS 688.665)

(As amended 1/1/06 by HB 2103 2005 Chapter 648 and signed by Governor on 7/27/05)

Section 1. Definitions
Section 2. Board of Athletic Trainers; establishment; appointment; membership; terms
Section 3. Officers; quorum; meetings
Section 4. Board duties; rules
Section 5. Authority of Health Licensing Office; rules; fees; investigations
Section 6. Registration required; exceptions
Section 7. Use of authorized title
Section 8. Requirements for registration
(Oregon Law 1999, chapter 736 and Oregon Law 2003, Chapter 547)
Section 9. Registration renewal; late renewal; reinstatement
Section 10. Fees; rules; disposition of receipts
Section 11. Grounds for discipline
(Oregon Law 1999, chapter 736)
Section 14. Term of office of initial board members
Section 15. When registration without examination may be issued; conditions
Section 17. Sections 1 to 11 of this 1999 Act are repealed on December 31, 2005
Section 8. Penalty
(Oregon Law 2003, Chapter 547)
Section 11. Disciplinary authority of Health Licensing Office
(Oregon Law 2003, Chapter 547)
Section 12. Section 11 of this 2003 Act is added to and made a part of sections 1 to 11, chapter 736, Oregon Laws 1999

Sec. 1. Definitions.

As used in sections 1 to 11 of this 1999 Act:

(1) "Athlete" means any individual participating in fitness training and conditioning, sports or other competitions, practices or activities requiring physical strength, agility, flexibility, range of motion, speed or stamina, generally conducted in association with an educational institution, or professional or amateur sports activity.

(2) "Athletic injury" means an injury occurring as the result of participating as an athlete.

(3) "Board" means the Board of Athletic Trainers.

(4) "Practice athletic training" means the application by a registered athletic trainer of principles and methods of:

(a) Prevention of athletic injuries;

(b) Recognition, evaluation and immediate care of athletic injuries;

(c) Rehabilitation and reconditioning of athletic injuries;
(d) Health care administration; and
(e) Education and counseling.
(5) "Registered athletic trainer" means a person who is registered in accordance with section 8 of this 1999 Act.
[1999 c.736 §1]

Note: Sections 12 and 13, chapter 736, Oregon Laws 1999, were repealed by section 118, chapter 547, Oregon Laws 2003. The text of sections 1, 4 to 8, 10, 11, 15 and 17, chapter 736, Oregon Laws 1999, and sections 11 and 12, chapter 547, Oregon Laws 2003, was not amended by enactment of the Legislative Assembly to reflect the repeal. Editorial adjustment of those sections has been made. References to sections 1 to 13, chapter 736, Oregon Laws 1999, have been changed to sections 1 to 11, chapter 736, Oregon Laws 1999.

Sec. 2. Board of Athletic Trainers; establishment; appointment; membership; terms.
(1) There is created in the Health Licensing Office the Board of Athletic Trainers, consisting of five members appointed by the Director of the Health Licensing Office. In making appointments to the board, the director must take into consideration any nominations received from professional organizations of athletic trainers that are based in Oregon.
(2) Of the membership of the Board of Athletic Trainers:
(a) All members must be citizens of this state.
(b) Three members must be athletic trainers who have practiced continuously in this state for the three years prior to the date of appointment.
(c) One member must be a member of the general public who is not an athletic trainer.
(d) One member must be a physician licensed under ORS chapter 677.
(3) The term of office for each member of the board is four years. A member is eligible for reappointment, but no member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.
(4) A member of the board may be removed by the director for neglect of duty, incompetence or unethical conduct.
(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1999 c.736 §2]

Sec. 3. Officers; quorum; meetings.
(1) The Board of Athletic Trainers shall elect one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those offices as the board determines.
(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The Board of Athletic Trainers shall meet at least once each year at a time and place determined by the Health Licensing Office.
[1999 c.736 §3]

Sec. 4. Board duties; rules.
The Board of Athletic Trainers shall:
(1) Advise the Health Licensing Office about the adoption of rules necessary for the administration of sections 1 to 11 of this 1999 Act.
(2) Determine training and education requirements for registration as described in section 8 of this 1999 Act.
(3) Determine qualifications and documentation required for registrations, permits, temporary registrations and waivers.
(4) Determine requirements for reciprocity and equivalency for the practice of athletic training.
(5) Establish a code of professional responsibility and standards of practice for registered athletic trainers.
(6) Develop, approve or recognize a written examination to test an applicant's knowledge of the basic and clinical sciences relating to athletic training techniques and methods and any other subjects the board may determine to be necessary to assess an applicant's fitness to practice athletic training.
(7) Establish standards for acceptable performance, including but not limited to a passing score on the approved or recognized competency examination.
(8) Establish continuing education requirements for renewal of registration.
(9) Establish policies and criteria for the assessment of the quality of the practice of athletic trainers.
(10) Adopt rules that include provisions describing procedures, when appropriate, for collaboration between athletic trainers and physicians licensed pursuant to ORS chapter 677.
[1999 c.736 §4]

Sec. 5. Authority of Health Licensing Office; rules; fees; investigations.
The Health Licensing Office is granted authority to carry out the following duties:
(1) Adopt rules that are necessary to conduct business, carry out duties and administer the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999.
(2) Issue registrations, including temporary registrations, permits, waivers and other authorizations to practice athletic training as determined by the Board of Athletic Trainers.
(3) Establish and collect fees and charges to carry out its legal responsibilities.
(4) Authorize all necessary disbursements to carry out the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999, including but not limited to payment for necessary supplies, office equipment, books and expenses for the conduct of examinations, payment for legal and investigative services rendered to the Health Licensing Office and such other expenditures as are provided for in sections 1 to 11, chapter 736, Oregon Laws 1999.
(5) Employ inspectors, examiners, special agents, investigators, clerical assistants and accountants as are necessary for the investigation and

prosecution of alleged violations and the enforcement of sections 1 to 11, chapter 736, Oregon Laws 1999, and for such other purposes as the Health Licensing Office may require. Nothing in sections 1 to 11, chapter 736, Oregon Laws 1999, shall be construed to prevent assistance being rendered by an employee of the Health Licensing Office in any hearing called by it. However, all obligations for salaries and expenses incurred under sections 1 to 11, chapter 736, Oregon Laws 1999, shall be paid only from the fees accruing to the Health Licensing Office under sections 1 to 11, chapter 736, Oregon Laws 1999.
(6) The Health Licensing Office shall provide the board with such administrative services and employees as the board requires to carry out its duties.
(7) Maintain an accurate record of all proceedings of the board and of all its meetings, receipts and disbursements, fines and orders for violation of sections 1 to 11, chapter 736, Oregon Laws 1999, records for registration to practice athletic training together with the addresses of those registered, and the names of all persons whose registration has been subject to disciplinary action.
(8) Investigate complaints, take disciplinary action, including assessment of civil fines, and provide opportunity for hearing according to ORS 183.090 [renumbered 183.745].
(9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out duties of the board granted under sections 1 to 11, chapter 736, Oregon Laws 1999.
[1999 c.736 §5; 2001 c.104 §263]

Sec. 6. Registration required; exceptions.
(1) A person may not practice athletic training or claim to be a registered athletic trainer unless the person is registered under section 8 of this 1999 Act.
(2) Nothing in sections 1 to 11 of this 1999 Act is intended to:

(a) Limit, preclude or otherwise interfere with the practices of health care providers or other persons licensed or registered in this state under any other statutes, or prevent health care providers or other persons from engaging in the profession or occupation for which the health care provider or person is licensed or registered;
(b) Prevent any person from practicing athletic training if the person is employed as an athletic trainer by the federal government or any of its agencies;
(c) Preclude any person from pursuing a supervised course of study leading to a degree or registration as an athletic trainer in an accredited or approved educational program if the person is identified by a title that clearly indicates student or trainee status;
(d) Prevent any person from completing any supervised practical experience requirements established by the Board of Athletic Trainers by rule; or
(e) Prohibit any person from performing athletic training services in this state for purposes of continuing education, consulting or training if the services are performed for no more than 60 days in any calendar year and

are performed in association with a registered athletic trainer if the person is:

(A) Registered or licensed and in good standing as an athletic trainer in another state; or

(B) Certified by and in good standing as an athletic trainer with the National Athletic Trainers Association Board of Certification.

(3) Nothing in sections 1 to 11 of this 1999 Act shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers.
[1999 c.736 §6]

Sec. 7. Use of authorized title.
(1) A person who is a registered athletic trainer under sections 1 to 11 of this 1999 Act may use the title "Athletic Trainer, Registered" and the abbreviation "ATR."
(2) A person who is a registered athletic trainer under sections 1 to 11 of this 1999 Act and who is certified by the National Athletic Trainers Association Board of Certification may use the title "Athletic Trainer, Certified/Registered" and the abbreviation "ATC/R."
[1999 c.736 §7]

Sec. 8. Requirements for registration.
An applicant for registration as an athletic trainer under sections 1 to 11, chapter 736, Oregon Laws 1999, shall be issued a registration if the applicant has:
(1) Provided to the Board of Athletic Trainers adequate proof of receipt of a bachelor's degree from an accredited four-year college or university and has met the minimum athletic training curriculum requirements established by the Board of Athletic Trainers and adopted by rule;
(2) Successfully completed the certification examination administered by the National Athletic Trainers Association Board of Certification or equivalent examination approved or recognized by the Board of Athletic Trainers;
(3) Completed any other requirements for registration as determined by the Board of Athletic Trainers and adopted by rule;
(4) Submitted to the Board of Athletic Trainers adequate documentation that the applicant is at least 18 years of age; and
(5) Paid all fees required for registration.
[1999 c.736 §8; 2003 c.547 §9]

Sec. 9. Registration renewal; late renewal; reinstatement.
(1) An athletic trainer registration is issued for a one-year period. All registrations shall expire on the last day of the month, one year from the date of issuance.
(2) The filing of a registration renewal form is the responsibility of the registrant. The registrant must submit to the Board of Athletic Trainers a completed renewal application, required renewal fee and presentation of evidence, satisfactory to the board, of having completed any required continuing education credits prior to the renewal or expiration date of the registration as specified by rule.

(3) Requirements for late renewal and reinstatement of an expired or lapsed registration shall be determined by the board as specified by rule.
(4) The Health Licensing Office may refuse to grant or renew the registration of an athletic trainer whose registration has been denied, suspended, revoked or lapsed for up to one year from the date of the denial of registration or renewal, or the date of the order of suspension or revocation.
(5) The Health Licensing Office may vary the date of registration renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.
[1999 c.736 §9]

Sec. 10. Fees; rules; disposition of receipts.
(1) ~~The Health Licensing Office, in order to carry out its duties, functions and powers~~ The Oregon Health Licensing Agency ~~related to the Board of~~ Athletic Trainers, shall establish by rule and collect fees related to athletic trainers for:

(a) Application for athletic trainer registrations, permits and waivers;
(b) Athletic trainer registration;
(c) Renewal of athletic trainer registration;
(d) Temporary practice registration;
(e) Examinations and reexaminations;
(f) Reinstatement;
(g) Delinquency in renewal of a registration;
(h) Duplication;
(i) Reciprocity; and
(j) Providing copies of official documents or records ~~in specific formats~~ and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.

(2) All moneys received by the Health Licensing ~~Office~~ Agency under subsection (1) of this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing ~~Office~~ Agency Account, and are appropriated continuously to and shall be used by the ~~Health Licensing Office~~ agency only for the administration and enforcement of sections 1 to 11, chapter 736, Oregon Laws 1999.
(3) The fees established by the ~~Health Licensing Office~~ agency under this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees shall not exceed the cost of administering sections 1 to 11, chapter 736, Oregon Laws 1999, pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the ~~Health Licensing Office's~~ budget of the agency, as that budget may be modified by the Emergency Board.
[1999 c.736 §10; 1999 c.885 §50b; 2003 c.547 §10]

Sec. 11. Grounds for discipline.
The Health Licensing Office, in consultation with the Board of Athletic Trainers, may discipline any person registered to practice athletic training in the state for any of the following causes:

(1) Unprofessional conduct, negligence or incompetence in the practice of athletic training.
(2) Fraud, misrepresentation or concealment of material facts in applying for or obtaining a registration to practice in this state, or in connection with applying for or obtaining registration.
(3) Use of any advertising statements that deceive or mislead the public or that are untruthful.
(4) Making statements that the registrant knows, or should have known, are false or misleading, regarding skill or the efficacy or value of treatment or remedy administered by the registrant in the treatment of any condition pertaining to athletic training.
(5) Impersonating another registrant or permitting another person to use a valid registration.
(6) Subject to ORS 670.280, conviction of any criminal offense. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence of the conviction.
(7) Having been disciplined by another state in regard to the practice of athletic training. A certified copy of the record of the disciplinary action of the state is conclusive evidence thereof.
(8) Performance of services while under the influence of alcohol, controlled substances or other skill-impairing substances so as to create a risk or harm to clients.
(9) Any violation of the provisions of sections 1 to 11 of this 1999 Act or of the rules adopted in accordance with sections 1 to 11 of this 1999 Act.
[1999 c.736 §11]

Sec. 14. Term of office of initial board members.
Notwithstanding the term of office specified by section 2 of this 1999 Act, of the members first appointed to the Board of Athletic Trainers:
(1)
(a) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the year next following appointment.
(b) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the second year next following appointment.
(c) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the third year next following appointment.
(2) The physician member shall serve for a term ending on the first day of the month of appointment in the second year next following appointment.
(3) The public member shall serve for a term ending on the first day of the month of appointment in the third year next following appointment.
[1999 c.736 §14]

Sec. 15. When registration without examination may be issued; conditions.

(1) Any person actively engaged as an athletic trainer on ~~the effective date of this 1999 Act~~ October 23, 1999 will be considered registered under sections 1 to 11 chapter 736, Oregon Laws 1999 ~~of this 1999 Act~~ if the person submits an application and payment of the application and registration fees required by section 10 chapter 736, Oregon Laws 1999 ~~of this 1999 Act~~, and upon evaluation of the person's qualifications by the Board of Athletic Trainers, is found to have a level of competence equal to that of one possessing the educational qualifications set forth in section 8 chapter 736, Oregon Laws 1999 ~~of this 1999 Act~~. In the evaluation, the board shall accept the applicant's documentation of certification by the National Athletic Trainers Association Board of Certification as proof that the applicant has met the required level of competence. For applicants not having such certification, the ~~Health Licensing Office~~ Oregon Health Licensing Agency shall, with the advice of the Board of Athletic Trainers, establish rules for examination and evaluation that shall take into account the applicant's education, training and experience qualifications.
(2) Applications for a license under this section must be made within 180 days from ~~the effective date of this 1999 Act~~ October 23, 1999.
[1999 c.736 §15]

~~Sec. 17.~~
~~Sections 1 to 11 of this 1999 Act are repealed on December 31, 2005. [1999 c.736 §17]~~
~~Note: Sections 8, 11 and 12, chapter 547, Oregon Laws 2003, provide:~~

Sec. 18. Penalty.
Violation of section 6 (1), chapter 736, Oregon Laws 1999, is a Class B misdemeanor.
[2003 c.547 §8]

Sec. 19. Disciplinary authority of Health Licensing Office.
In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Athletic Trainers, the Health Licensing Office may impose a form of discipline listed in section 3 of this 2003 Act [676.612] against any person practicing athletic training for any of the grounds listed in section 3 of this 2003 Act and for any violation of the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999, or the rules adopted thereunder.
[2003 c.547 §11]

Sec. 20.
Section 11 of this 2003 Act is added to and made a part of sections 1 to 11, chapter 736, Oregon Laws 1999.
[2003 c.547 §12]

WA 2007

Title 18 RCW
Chapter 18.250

RCW 18.130.020
Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means any of those boards specified in RCW 18.130.040.

(2) "Clinical expertise" means the proficiency or judgment that a license holder in a particular profession acquires through clinical experience or clinical practice and that is not possessed by a lay person.

(3) "Commission" means any of the commissions specified in RCW 18.130.040.

(4) "Department" means the department of health.

(5) "Disciplinary action" means sanctions identified in RCW 18.130.160.

(6) "Disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

(7) "Health agency" means city and county health departments and the department of health.

(8) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

(9) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, or an assessment of the conditions, circumstances, and methods of the professional's practice related to the complaint, to determine whether unprofessional conduct may have been committed.

(10) "Secretary" means the secretary of health or the secretary's designee.

(11) "Standards of practice" means the care, skill, and learning associated with the practice of a profession.

(12) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

RCW 18.130.040
Application to certain professions — Authority of secretary — Grant or denial of licenses — Procedural rules.

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(xxiv) Athletic trainers licensed under chapter 18.250 RCW;

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

18.250.005 Purpose. It is the purpose of this chapter to provide for the licensure of persons offering athletic training services to the public and to ensure standards of competence and professional conduct on the part of athletic trainers.

18.250.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.
(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in section 8 of this act; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with section 8 of this act.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

(6) "Department" means the department of health.

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

(8) "Secretary" means the secretary of health or the secretary's designee.

RCW 18.250.020

Secretary's authority — Application of uniform disciplinary act.

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) In consultation with the committee, approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under section 7 of this act;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of section 9 of this act;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

RCW 18.250.030

Athletic training advisory committee.

(1) The athletic training advisory committee is formed to further the purposes of this chapter.

(2) The committee consists of five members. Four members of the committee must be athletic trainers licensed under this chapter and residing in this state, must have not less than five years' experience in the practice of athletic training, and must be actively engaged in practice within two years of appointment. The fifth member must be appointed from the public at large, and have an interest in the rights of consumers of health services.

(3) The committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The committee may be requested by the secretary to approve an examination required for licensure under this chapter.

(5) The committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of athletic training care.

(6) The committee must meet during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice-chair. A majority of the members currently serving constitute a quorum.

(7) Each member of the committee must be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee must be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(8) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

RCW 18.250.040
License required.

It is unlawful for any person to practice or offer to practice as an athletic trainer, or to represent themselves or other persons to be legally able to provide services as an athletic trainer, unless the person is licensed under the provisions of this chapter.

RCW 18.250.050
Limitations of chapter.

Nothing in this chapter may prohibit, restrict, or require licensure of: (1) Any person licensed, certified, or registered in this state and performing services within the authorized scope of practice;
(2) The practice by an individual employed by the government of the United States as an athletic trainer while engaged in the performance of duties prescribed by the laws of the United States;

(3) Any person pursuing a supervised course of study in an accredited athletic training educational program, if the person is designated by a title that clearly indicates a student or trainee status;
(4) An athletic trainer from another state for purposes of continuing education, consulting, or performing athletic training services while accompanying his or her group, individual, or representatives into Washington state on a temporary basis for no more than ninety days in a calendar year;
(5) Any elementary, secondary, or postsecondary school teacher, educator, coach, or authorized volunteer who does not represent themselves to the public as an athletic trainer; or
(6) A personal trainer employed by an athletic club or fitness center.

RCW 18.250.060
Applicant requirements.

An applicant for an athletic trainer license must:
(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary, as advised by the committee;
(2) Have successfully completed an examination administered or approved by the secretary, in consultation with the committee; and
(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

RCW 18.250.070
Treatment, rehabilitation, and reconditioning — Referral to licensed health care provider.

(1) Except as necessary to provide emergency care of athletic injuries, an athletic trainer shall not provide treatment, rehabilitation, or reconditioning services to any person except as specified in guidelines established with a licensed health care provider who is licensed to perform the services provided in the guidelines.
(2) If there is no improvement in an athlete who has sustained an athletic injury within fifteen days of initiation of treatment, rehabilitation, or reconditioning, the athletic trainer must refer the athlete to a licensed health care provider that is appropriately licensed to assist the athlete.
(3) If an athletic injury requires treatment, rehabilitation, or reconditioning for more than forty-five days, the athletic trainer must consult with, or refer the athlete to a licensed health care provider. The athletic trainer shall document the action taken.

RCW 18.250.080
Application procedures, requirements, and fees.

Each applicant and license holder must comply with administrative procedures, administrative requirements, and fees under RCW 43.70.250 and 43.70.280. The

secretary shall furnish a license to any person who applies and who has qualified under the provisions of this chapter.

RCW 18.250.090
Practice setting not restricted.

Nothing in this chapter restricts the ability of athletic trainers to work in the practice setting of his or her choice.

NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as an athletic trainer under this chapter.

RCW 18.250.100
Health carrier contract with athletic trainer not required.

Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as an athletic trainer under this chapter.

RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:
(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:
(((1))) (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:
(((a))) (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and
(((b))) (ii) The providers agree to abide by standards related to:
(((i))) (A) Provision, utilization review, and cost containment of health services;
(((ii))) (B) Management and administrative procedures; and
(((iii))) (C) Provision of cost-effective and clinically efficacious health services.
(((2))) (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.
(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

RCW 18.250.900
Severability — 2007 c 253.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

RCW 18.250.901
Effective date — 2007 c 253.

This act takes effect July 1, 2008.

RCW 18.250.92 Implementation The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date.