

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H2/16/01 S3/12/01*

# A Bill

**Act 1124 of 2001**  
HOUSE BILL 1084

5 By: Representatives Biggs, *Bookout, Judy, Bledsoe, Allison, Dangeau, Fite*  
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## **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS STATE BOARD OF  
10 ATHLETIC TRAINING; AND FOR OTHER PURPOSES.

### **Subtitle**

13 TO ESTABLISH THE ARKANSAS STATE BOARD OF  
14 ATHLETIC TRAINING.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code 17-93-402 is amended to read as follows:  
20 17-93-402. Definitions.

21 For purposes of this subchapter, unless the context otherwise requires:

22 (1) "Athlete" means an individual who is participating in organized  
23 athletic or team activities at the interscholastic, intramural,  
24 intercollegiate, or professional level, or sanctioned recreational sports  
25 activities;

26 (2) "Athletic injury or illness" means an injury or illness sustained  
27 by the athlete as a result of participation in those organized athletic or  
28 team activities which require physical strength, agility, flexibility, range  
29 of motion, speed, or stamina, or any comparable injury or illness to an  
30 athlete which prevents such person from participating in activities described  
31 in subdivision (1) of this section;

32 (3) "Athletic trainer" means a person licensed by the state to engage  
33 in athletic training;

34 (4) "Athletic training" means the prevention, recognition, evaluation,  
35 treatment, and rehabilitation of an athletic injury or illness and the  
36 organization and administration of exercise, conditioning, and athletic

1 training programs;

2 (5) "Board" means the Arkansas State Board of ~~Physical Therapy~~ Athletic  
3 Training;

4 ~~(6) "Committee" means the Arkansas State Athletic Trainers Committee of~~  
5 ~~the Arkansas State Board of Physical Therapy; and~~

6 (6) 'Direct supervision' means supervision of the athletic trainer in  
7 a clinical setting in which the supervising physical therapist must be readily  
8 available for consultation for the care of the athlete but not necessarily on  
9 the premises;

10 (7) 'License' means the document issued by the board ~~upon the~~  
11 ~~recommendation of the committee~~ to a qualified person to practice athletic  
12 ~~training;~~ and

13 (8) 'Sanctioned recreational sports activities' means any athletic or  
14 team activity which requires physical strength, agility, flexibility, range of  
15 motion, speed, or stamina and meets one or more of the following:

16 (A) Has officially designated coaches who have the responsibility  
17 for athletic activities of the organization;

18 (B) Has a regular schedule of practices or workouts which are  
19 supervised by the officially designated coaches;

20 (C) Is an activity generally recognized as having as established  
21 schedule of competitive events or exhibitions; and

22 (D) Has a policy requiring documentation of having passed a  
23 preparticipation medical examination conducted by a licensed physician as a  
24 condition for participation for the athletic activities of the organization.

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27 SECTION 2. Arkansas Code 17-93-404 is amended to read as follows:

28 17-93-404. Creation - ~~Committee~~ Arkansas State Board of Athletic  
29 Training.

30 (a)(1) There is created the Arkansas State ~~Athletic Trainers Committee~~  
31 ~~of the Arkansas State Board of Physical Therapy~~ Athletic Training.

32 (2) The ~~committee~~ board shall be composed of ~~three~~ (3) ~~four~~ (4)  
33 licensed athletic trainers and one (1) consumer who is not actively engaged in  
34 or retired from the practice of athletic training, medicine, physical therapy,  
35 or employment by an athletic department of an accredited educational  
36 institution. Those persons who serve as members of the Arkansas State Athletic

1 Trainers Committee of the Arkansas State Board of Physical Therapy on June 30,  
 2 2001, shall serve as members of the Arkansas State Board of Athletic Training  
 3 for the remainder of the terms for which they were appointed to the committee.  
 4 The Governor shall appoint a fourth (4<sup>th</sup>) licensed athletic trainer as soon as  
 5 possible. The initial fourth (4<sup>th</sup>) licensed athletic trainer appointee shall  
 6 serve a two (2) year term, and his or her successors shall serve three (3)  
 7 year terms.

8 (3) In making appointments to the ~~committee~~ board, the Governor  
 9 shall give consideration to recommendations made by professional organizations  
 10 of athletic trainers.

11 (4) To qualify as a member of the ~~committee~~ board, a person must  
 12 be a resident of the State of Arkansas for three (3) years immediately  
 13 preceding appointment.

14 (b)(1) The members of the ~~committee~~ board shall be appointed for terms  
 15 of three (3) years.

16 (2) In the event of death, resignation, or removal of any member,  
 17 the vacancy shall be filled for the unexpired portion of the term in the same  
 18 manner as the original appointment.

19 (3) The Governor may remove any member for cause prior to the  
 20 expiration of the member's term.

21 (c)(1) The ~~committee~~ board shall elect officers as it considers  
 22 necessary to carry out its duties.

23 (2)(A) The ~~committee~~ board shall meet at least two (2) times each  
 24 year.

25 (B) Additional meetings may be held on the call of the  
 26 chairperson or a written request of any three (3) members of the ~~committee~~  
 27 board.

28 (3) The quorum required for any meeting of the ~~committee~~ board is  
 29 three (3) members.

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31 SECTION 3. Arkansas Code 17-93-405 is repealed.

32 ~~17-93-405. Duties of the committee.~~

33 ~~—The committee shall have the following duties:~~

34 ~~(1) To submit to the board for its adoption rules and regulations consistent~~  
 35 ~~with this subchapter which are necessary for the performance of its duties,~~  
 36 ~~including, but not limited to, the imposing of fees adequate to carry out the~~

1 ~~purposes of this subchapter;~~

2 ~~(2) To propose to the board for its adoption minimum curriculum and~~  
3 ~~internship requirements for qualification for an Arkansas athletic trainer's~~  
4 ~~license;~~

5 ~~(3) To designate or administer an examination that has been shown to be a~~  
6 ~~reliable and valid test of minimum competency in athletic training, to be~~  
7 ~~taken by all persons applying for licensure, and file examination results with~~  
8 ~~the board;~~

9 ~~(4) To prescribe application forms for license applicants;~~

10 ~~(5) To keep records of all proceedings of the committee under this subchapter~~  
11 ~~and to subsequently file the records with the board;~~

12 ~~(6) To promulgate rules and regulations necessary for the issuance of~~  
13 ~~temporary permits;~~

14 ~~(7) To promulgate rules and regulations necessary for the implementation of a~~  
15 ~~continuing education program; and~~

16 ~~(8) To propose to the board for its adoption rules and regulations governing~~  
17 ~~admission by reciprocity.~~

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19 SECTION 4. Arkansas Code 17-93-406 is amended to read as follows:  
20 17-93-406. Powers and duties of the board.

21 The board shall have the following powers and duties:

22 (1) To receive and maintain all records of ~~committee~~ board proceedings;

23 (2) ~~To ensure that actions of the committee are in compliance with this~~  
24 ~~subchapter;~~ To adopt minimum curriculum and internship requirements for  
25 qualification for an Arkansas athletic trainer's license;

26 (3) To issue licenses ~~upon recommendation of the committee;~~

27 (4)(A) To keep a complete record of all licensed athletic trainers;

28 (B) To prepare annually a roster showing the names and addresses  
29 of all licensed athletic trainers; and

30 (C) To make available a copy of such roster to any person  
31 requesting it on payment of a fee as established by the board to cover cost of  
32 the roster;

33 (5) ~~To promulgate rules and regulations for implementing this~~  
34 ~~subchapter upon recommendation of the committee;~~ To adopt rules and  
35 regulations consistent with this subchapter which are necessary for the  
36 performance of its duties, including, but not limited to, the imposing of fees

1 adequate to carry out the purposes of this subchapter;

2 (6) To collect fees ~~as determined by the committee and the board~~  
3 adequate to carry out the purposes of this subchapter;

4 (7) To keep records of fees collected and costs incurred for operations  
5 of the ~~committee~~ board and licensing of athletic *trainers*; and

6 (8) To file an annual report of its activities, including the  
7 activities of the ~~committee~~ board, with the Department of Finance and  
8 ~~Administration; and~~

9 ~~(9) To specify by regulation what constitutes sanctioned recreational~~  
10 ~~sports activities.~~

11  
12 SECTION 5. Arkansas Code 17-93-409(b) is amended to read as follows:

13 (b) An applicant for an Arkansas athletic trainer's license must:

14 (1) Possess a bachelor's degree from an accredited college or  
15 university;

16 (2) Meet other curriculum and internship requirements as  
17 specified by the board ~~upon recommendation of the committee;~~

18 (3) Pass an examination for licensure as designated by the board  
19 ~~on recommendation of the committee~~ which is a reliable, valid, legally  
20 defensible examination for determining minimum competency in athletic  
21 training;

22 (4) Submit appropriate application forms to the board ~~for~~  
23 ~~committee approval;~~ and

24 (5) Pay all appropriate fees.

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26 SECTION 6. Arkansas Code 17-93-410(b) is amended to read as follows:

27 (b) Licenses shall be renewed according to procedures established by  
28 the ~~committee and approved by the board.~~

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30 SECTION 7. Arkansas Code 17-93-411(b)(2) is repealed.

31 ~~(2) Direct supervision is to be defined by the committee through its~~  
32 ~~rules and regulations and approved by the board.~~

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34 SECTION 8. Arkansas Code 17-93-412(a) is amended to read as follows:

35 (a) The board, ~~on recommendation of the committee,~~ may refuse to issue  
36 or renew a license or suspend or revoke a license if an applicant has:

1 (1) Been convicted of a felony or misdemeanor involving moral  
2 turpitude, the record of conviction being conclusive evidence of conviction if  
3 the board determines after investigation that such person has not been  
4 sufficiently rehabilitated to warrant the public trust;

5 (2) Secured a license under this subchapter by fraud or deceit;  
6 or

7 (3) Violated or conspired to violate this subchapter or rules or  
8 regulations issued pursuant to this subchapter.

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10 SECTION 9. Arkansas Code 17-93-403 is amended to read as follows:

11 17-93-403. Penalties.

12 (a) Any person who violates a provision of this subchapter is guilty of  
13 a misdemeanor punishable by a fine of not less than one hundred dollars (\$100)  
14 nor more than five hundred dollars (\$500), or by imprisonment for not less  
15 than thirty (30) days nor more than one hundred eighty (180) days, or both.

16 (b) After notice and hearing, the board is also authorized to levy a  
17 civil penalty against any person licensed under the provisions of this  
18 subchapter after a finding that the person has violated any of the provisions  
19 of this subchapter or any regulations promulgated by the board.

20 (c) Civil penalties assessed by the board shall be no more than one  
21 thousand dollars (\$1,000) per incident.

22 (d) In addition to any other sanctions authorized by this subchapter,  
23 the board may impose a civil penalty as provided in this section against any  
24 unlicensed person practicing or offering to practice any actions requiring  
25 licensure pursuant to the provisions of this subchapter.

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27 SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the  
28 Eighty-third General Assembly that the Arkansas State Athletic Trainers  
29 Committee of the Arkansas State Board of Physical Therapy should be  
30 established as an independent agency; this act converts the committee into the  
31 Arkansas State Board of Athletic Training; the appropriation for the board  
32 goes into effect on July 1, 2001; and unless this emergency clause is adopted,  
33 this act will not go into effect until after July 1, 2001. Therefore, an  
34 emergency is declared to exist and this act being immediately necessary for  
35 the preservation of the public peace, health and safety shall be in full force  
36 and effect on July 1, 2001.

*/s/ Biggs*

APPROVED: 3/27/2001

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