

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Wagner, Bryan, Hogue, Fairchild, B. Wood, Mitchell, Riable, Wyrick and**
5 **D. Wood**

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH THE ARKANSAS STATE ATHLETIC TRAINERS'
10 BOARD; TO ISSUE LICENSES FOR ATHLETIC TRAINERS IN ARKANSAS
11 WHO MEET CERTAIN QUALIFICATIONS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO CREATE A NEW BOARD TO REGULATE, LICENSE AND
15 EXAMINE ATHLETIC TRAINERS."

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

19 SECTION 1. This Act shall be known and cited as the "Arkansas Athletic
20 Trainers' Act".

22 SECTION 2. Definitions. For purposes of this Act, unless the context
23 otherwise requires:

24 (a) "Athletic injury or illness" means an injury or illness sustained
25 by a person as a result of such person's participation in exercises, sports,
26 games, or recreation requiring physical strength, agility, flexibility, range
27 of motion, speed or stamina or any comparable injury.

28 (b) "Athletic Training" means the prevention, recognition, evaluation,
29 management, treatment, disposition, and rehabilitation of athletic injuries;
30 the organization and administration of athletic training programs; and the
31 education, counseling, and care of the physically active. Athletic training
32 includes the use of heat, light, sound, cold, electricity, exercise, or
33 mechanical devices.

34 (c) "Athletic Trainer" means a person duly licensed by the State as an
35 athletic trainer. An athletic trainer practices the art and science of

1 athletic training under the direction of a licensed physician.

2 (d) "Board" means the Arkansas State Athletic Trainer's Board.

3 (e) "License" means the document issued by the Arkansas State Athletic
4 Trainers' Board to an individual to practice athletic training. A license
5 issued under this act expires one (1) year from the date of issuance.
6 Licenses shall be renewed according to procedures established by the Board and
7 upon payment of the renewal fees.

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9 SECTION 3. Penalties. Any person who violates a provision of this Act
10 is guilty of a misdemeanor offense and upon conviction is punishable by a fine
11 not less than one hundred dollars (\$100.00) nor more than five hundred
12 (\$500.00), or by imprisonment for not less than thirty (30) days nor more than
13 one hundred eighty (180) days, or both.

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15 SECTION 4. Creation - Members.

16 (a) There is created the Arkansas State Athletic Trainers' Board which
17 shall consist of seven (7) members to be appointed by the Governor for terms
18 of four (4) years. The Board shall be composed of four (4) licensed athletic
19 trainers and two (2) licensed physicians and one (1) athletic director from an
20 accredited educational institution. In making appointments to the Committee,
21 the governor shall give consideration to recommendations made by professional
22 organizations of athletic trainers and physicians. Each appointee shall be
23 licensed and practicing in Arkansas except that the governor, in appointing
24 the athletic trainer members to the first board, may appoint any practicing
25 athletic trainer who possesses the qualifications required by Section 9 (b)
26 and has passed a reliable, valid, and legally defensible examination for
27 determining minimum competency in athletic training or has met the
28 requirements as defined in Section 9(b). To qualify as a member of the board,
29 a person must be a resident of the State of Arkansas for five years
30 immediately preceding appointment.

31 (b) The members of the Board shall be appointed for terms of four (4)
32 years except that in making the initial appointments, the governor shall
33 designate one (1) member to serve one (1) year, two (2) members to serve two
34 (2) years, two (2) members to serve three (3) years, and two (2) members to
35 serve four (4) years. In the event of death, resignation, or removal of any

1 member, the vacancy shall be filled for the unexpired portion of the term in
2 the same manner as the original appointment. The governor may remove any
3 member for cause prior to the expiration of the member's term.

4 (c) The Board shall elect from the members for a term of one (1) year,
5 a chairperson, vice-chairperson, and secretary-treasurer, and may appoint
6 committees as it considers necessary to carry out its duties. The Board shall
7 meet at least two (2) times a year. Additional meetings may be held on the
8 call of the chairperson or at the written request of any four (4) members of
9 the board. The quorum required for any meeting of the Board is four (4)
10 members.

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12 SECTION 5. Powers and duties of the Board.

13 (a) The Board shall have the following powers and duties:

14 (1) To adopt rules and regulations consistent with this Act which are
15 necessary for the performance of its duties, including, but not limited to,
16 the imposing of fees adequate to carry out the purposes of this Act;

17 (2) To designate or establish minimum curriculum and internship
18 requirements for qualification for an Arkansas athletic trainer's license;

19 (3) To designate or administer an examination that has been shown to be
20 a reliable and valid test of minimum competency in athletic training to be
21 taken by all persons applying for licensure;

22 (4) To prescribe application forms for license applicants;

23 (5) To keep a complete record of all licensed athletic trainers and to
24 prepare annually a roster showing the names and addresses of all licensed
25 athletic trainers, and to make available a copy of such roster to any person
26 requesting it on payment of a fee as established by the Board to cover the
27 cost of the roster;

28 (6) To keep records of all proceedings under this Act;

29 (7) To adopt an official seal and forms for a license certificate of
30 suitable design and to issue licenses to qualified applicants;

31 (8) To promulgate rules and regulations which provide for the issuance
32 of temporary permits; and

33 (9) To promulgate rules and regulations which provide for the
34 implementation of a continuing education program if determined necessary by
35 the Board.

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SECTION 6. Disposition of funds.

(a) (1) All fees and other moneys received by the Board pursuant to the provisions of this Act shall be deposited in a financial institution in this state and expended solely for the purposes of this Act.

(2) No part of these funds shall revert to the general funds of this state.

(b) (1) The compensation provided by this Act and all expenses incurred under this Act shall be paid from these funds.

(2) No compensation or expenses incurred under this Act shall be a charge against the general funds of the state.

(c) The Board shall file an annual report of its activities with the Governor, and the report shall include a statement of all receipts and disbursements.

SECTION 7. Licensed Required - Exceptions.

(a) It shall be unlawful for any person to use the title of "Athletic Trainer", "Licensed Athletic Trainer", "Registered Athletic Trainer", "L.A.T.", "R.A.T.", or symbols denoting the license of athletic training or perform any of the activities of an athletic trainer as defined in the Act without first obtaining a license under this Act. Unless provided otherwise, herein.

(b) Nothing in this Act shall be construed to authorize the practice of medicine, or any of its branches, by any person not so licensed by the Arkansas State Medical Board.

(c) Nothing in this Act shall be construed to prohibit the lawful practice of a licensed health care professional.

(d) Nothing in this Act shall be construed to prohibit the lawful practice of a licensed athletic trainer from another state that accompanies his or her team, athlete, or representatives to the state of Arkansas for limited competition.

SECTION 8. Unlawful practice - Injunction.

The courts of record in this state having general equity jurisdiction are vested with jurisdiction and power to enjoin violations of this Act in the county in which the alleged unlawful practice occurred or in which the

1 defendant resides. The issuance of an injunction shall not relieve a person
2 from criminal prosecution for violation of this act, but the remedy of
3 injunction shall be in addition to liability for criminal prosecution.

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5 SECTION 9. Athletic Trainer.

6 (a) (1) The Board shall register as an athletic trainer any applicant
7 who is engaged as an athletic trainer on the effective date of this Act if the
8 applicant submits an application, pays the required license fee and is
9 approved by the Board.

10 (2) For the purpose of this Act, a person is actively engaged as an
11 athletic trainer if the person has been employed on a salary basis for duties
12 of an athletic trainer, under the supervision of a licensed physician, as a
13 major responsibility of the person's employment for three (3) of the five (5)
14 years preceding the application for license. Notarized proof of this
15 employment and supervision shall accompany the person's application, and
16 license fee. This notarized proof must be on the letterhead stationary of
17 both the employer and a supervising licensed physician.

18 (3) Application for license under this section must be made within
19 ninety (90) days from the effective date of this Act.

20 (b) An applicant is qualified for an Arkansas athletic trainer's
21 license provided that the applicant:

22 (1) possesses a Bachelor of Arts or Science degree from an accredited
23 college or university and meets other curriculum and internship requirements
24 specified by the Board;

25 (2) passes the examination for licensure as designated or administered
26 by the Board;

27 (3) submits the appropriate application forms to the Board; and

28 (4) pays the appropriate fees.

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30 SECTION 10. Revocation, suspension, or denial - Grounds.

31 (a) The Board may refuse to issue or renew a license or spend or revoke
32 a license if an applicant has:

33 (1) Been convicted of a felony or misdemeanor involving moral
34 turpitude, the record of conviction being conclusive evidence of conviction if
35 the Board determines after investigation, that such person has not been

1 sufficiently rehabilitated to warrant the public trust; or

2 (2) Secured a license under the Act by fraud or deceit; or

3 (3) Violated or conspired to violate this Act or rules or regulations
4 issued pursuant to this Act.

5 (b) On application, the Board may reissue a license to a person whose
6 license has been revoked, but the application may not be made prior to the
7 expiration of a period of one (1) year after the order of revocation has
8 become final. Such application shall be made in the manner and form required
9 by the Board.

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11 SECTION 11. Revocation, suspension, or denial - Proceedings.

12 (a) Any person whose application for a license or for renewal of a
13 license is denied is entitled to a hearing. Such hearing shall be conducted
14 pursuant to the Arkansas Administrative Procedures Act, Arkansas Code §§ 25-
15 15-201 et seq.

16 (b) Proceedings for revocation or suspension of a license shall be
17 commenced by filing charges with the Board in writing. The charge may be
18 brought by any person.

19 (c) The Board shall fix the time and place of the hearing and shall
20 provide a written copy of the charges or reason for the denial of the license
21 or for the refusal to renew the license, together with a notice of the time
22 and place fixed for the hearing, to be served on the applicant requesting the
23 hearing or license against whom the charges have been filed at least thirty
24 (30) days prior to the date set for the hearing.

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26 SECTION 12. Reciprocity.

27 (a) A legally licensed Athletic Trainer who has been issued a license
28 to practice as an Athletic Trainer in another state or territory whose
29 requirements for registration and licensure were equal, at the time of
30 registration or licensure, to the requirements contained in this Act may be
31 registered and issued a license by the Board, provided the state or territory
32 from which the applicant comes accords a similar privilege of registration and
33 licensure to persons registered and licensed in the State of Arkansas by the
34 Board.

35 (b) The issuance of a license by reciprocity by the Board shall be at

1 the sole discretion of the Board, and the Board may provide such rules and
2 regulations governing admission as it may deem necessary or desirable.

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4 SECTION 13. All provisions of this act of general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 14. If any provisions of this act or the application thereof to
9 any person or circumstance is held invalid, the invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provisions or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 15. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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