

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senators Todd, Bookout, Malone, Bearden, Hardin and Keet**

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For An Act To Be Entitled

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

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Subtitle

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

15

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

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

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

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

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

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

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

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

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

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14 SECTION 4. Creation - Members.

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

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

1 the same manner as the original appointment. The governor may remove any
2 member for cause prior to the expiration of the member's term.

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

10

11 SECTION 5. Powers and duties of the Board.

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

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

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

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

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

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

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

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

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

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

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1 SECTION 6. Disposition of funds.

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

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

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

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

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

14

15 SECTION 7. Licensed Required - Exceptions.

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

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

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

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

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31 SECTION 8. Unlawful practice - Injunction.

32 The courts of record in this state having general equity jurisdiction
33 are vested with jurisdiction and power to enjoin violations of this Act in the
34 county in which the alleged unlawful practice occurred or in which the
35 defendant resides. The issuance of an injunction shall not relieve a person

1 from criminal prosecution for violation of this act, but the remedy of
2 injunction shall be in addition to liability for criminal prosecution.

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4 SECTION 9. Athletic Trainer.

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

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

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

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

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

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

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

27 (4) pays the appropriate fees.

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

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

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

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

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

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

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

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

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

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

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25 SECTION 12. Reciprocity.

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

34 (b) The issuance of a license by reciprocity by the Board shall be at
35 the sole discretion of the Board, and the Board may provide such rules and

1 regulations governing admission as it may deem necessary or desirable.

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

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

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

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/s/Senator Todd

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