

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Second Extraordinary Session, 2015
4

A Bill

DRAFT JMB/JMB
SENATE BILL

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO AMEND AND UPDATE THE ARKANSAS ATHLETIC
9 TRAINERS ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND AND UPDATE THE ARKANSAS ATHLETIC
12 TRAINERS ACT.
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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 and 17-93-403 are amended to
20 read as follows:

21 17-93-402. Definitions.

22 As used in this subchapter:

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

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

33 ~~(3)(1)(A)~~ "Athletic trainer" means a person licensed by the
34 state to engage in athletic training healthcare professional who collaborates
35 with physicians to provide services comprised of prevention, emergency care,
36 clinical diagnosis, therapeutic intervention, and rehabilitation of injuries

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1 and medical conditions.

2 (B) An athletic trainer may work only under the direction
3 of a physician;

4 ~~(4)(2)(A) "Athletic training" means the prevention, recognition,~~
5 ~~evaluation, treatment, and rehabilitation of an athletic injury or illness~~
6 ~~and the organization and administration of exercise, conditioning, and~~
7 ~~athletic training programs practice by athletic trainers to optimize the~~
8 ~~activity and participation of (patients and clients) through prevention,~~
9 ~~diagnosis, and intervention of emergency medical conditions, acute medical~~
10 ~~conditions, and chronic medical conditions involving impairment, functional~~
11 ~~limitations, and disabilities.~~

12 (B) The scope of practice for athletic trainers shall be
13 established by rule of the Arkansas State Board of Athletic Training based
14 upon current educational standards and guidelines of the athletic trainers'
15 alliance of approved credentialing and accreditation agencies; and BOC

16 ~~(5) "Board" means the Arkansas State Board of Athletic Training;~~

17 ~~(6) "Direct supervision" means supervision of the athletic~~
18 ~~trainer in a clinical setting in which the supervising physical therapist~~
19 ~~must be readily available for consultation for the care of the athlete but~~
20 ~~not necessarily on the premises;~~

21 ~~(7)(3) "License" means the document issued by the board to a~~
22 ~~qualified person to practice athletic training; and~~

23 ~~(8) "Sanctioned recreational sports activities" means any~~
24 ~~athletic or team activity which requires physical strength, agility,~~
25 ~~flexibility, range of motion, speed, or stamina and meets one (1) or more of~~
26 ~~the following;~~

27 ~~(A) Has officially designated coaches who have the~~
28 ~~responsibility for athletic activities of the organization;~~

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

31 ~~(C) Is an activity generally recognized as having an~~
32 ~~established schedule of competitive events or exhibitions; and~~

33 ~~(D) Has a policy requiring documentation of having passed~~
34 ~~a preparticipation medical examination conducted by a licensed physician as a~~
35 ~~condition for participation for the athletic activities of the organization.~~

36

1 17-93-403. Penalties.

2 (a)(1) Any person who violates a provision of this subchapter is
3 guilty of a misdemeanor punishable by a fine of not less than one hundred
4 dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment
5 for not less than thirty (30) days nor more than one hundred eighty (180)
6 days, or both.

7 (2) Each day of a violation constitutes a separate offense.

8 (b)(1) After notice and hearing, the Arkansas State Board of Athletic
9 Training ~~is also authorized to~~ may levy a civil penalty against any:

10 (A) person ~~Person~~ licensed under the provisions of this
11 subchapter after a finding that the person has violated any of the provisions
12 of this subchapter or any ~~regulations~~ rule promulgated by the board; and

13 (B) Unlicensed person practicing or offering to practice
14 any actions requiring licensure pursuant to the provisions of this
15 subchapter.

16 (2) Each day of a violation constitutes a separate offense.

17 (c) ~~Civil penalties~~ A civil penalty assessed by the board shall be no
18 more than one thousand dollars (\$1,000) per incident.

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

23

24 SECTION 2. Arkansas Code § 17-93-406 is amended to read as follows:
25 17-93-406. Powers and duties of the board.

26 (a) The Arkansas State Board of Athletic Training shall have the
27 following powers and duties to:

28 (1) ~~To receive~~ Receive and maintain all records of board
29 proceedings;

30 (2) ~~To adopt~~ Adopt minimum curriculum ~~and internship~~
31 requirements for qualification for an Arkansas athletic trainer's license;

32 (3) ~~To issue~~ Issue licenses;

33 (4) ~~To keep~~ Keep a complete record of all licensed athletic
34 trainers, including:

35 (A) Preparing annually a roster showing the names and
36 addresses of all licensed athletic trainers; and

1 (B) Making available a copy of such a roster to any person
 2 requesting it on payment of a fee as established by the board to cover the
 3 cost of the roster;

4 (5) ~~To adopt~~ Adopt rules and ~~regulations~~ consistent with this
 5 subchapter which are necessary for the performance of its duties, including,
 6 but not limited to, the imposing of fees adequate to carry out the purposes
 7 of this subchapter;

8 (6) ~~To collect~~ Collect fees adequate to carry out the purposes
 9 of this subchapter;

10 (7) ~~To keep~~ Keep records of fees collected and costs incurred
 11 for operations of the board and licensing of athletic trainers; and

12 (8) ~~To file~~ File an annual report of its activities, including
 13 the activities of the board, with the Department of Finance and
 14 Administration.

15 (b) In addition to the powers and duties set forth in this subchapter,
 16 the board shall investigate reported violations of this subchapter and take
 17 necessary steps to enforce this subchapter. ✓
 18

19 SECTION 3. Arkansas Code §§ 17-93-409 - 17-93-413 are amended to read
 20 as follows:

21 17-93-409. Qualification - Athletic trainer.

22 ~~(a) For the purpose of this subchapter, a person is actively engaged~~
 23 ~~as an athletic trainer if the person has performed such duties as a principal~~
 24 ~~part of his or her full-time employment under the direction of a licensed~~
 25 ~~physician for three (3) of the past five (5) years preceding the application.~~

26 ~~(b)~~(a) An applicant for an Arkansas athletic trainer's license ~~must~~ is
 27 required to:

28 (1) Possess a ~~bachelor's~~ degree from an accredited college or
 29 university;

30 (2) ~~Meet other~~ minimum athletic training curriculum and
 31 ~~internship~~ requirements as ~~specified~~ established by the Arkansas State Board
 32 of Athletic Training;

33 (3) Pass an examination for licensure as designated by the board
 34 which is a reliable, valid, legally defensible examination for determining
 35 minimum competency in athletic training;

36 (4) Submit appropriate application forms to the board; and

1 (5) Pay all appropriate fees.

2 ~~(c) Notarized proof of employment, performance of duties, and~~
3 ~~supervision shall accompany the person's application.~~

4 ~~(d)(b)~~ Anyone A person who meets the qualifications prescribed in
5 subsection ~~(b)~~ (a) of this section, except for the examination requirement
6 under subdivision ~~(b)(3)~~ (a)(3) of this section, shall be issued a temporary
7 nonrenewable athletic trainer's permit license which shall expire one (1)
8 year after the date of application ~~therefor~~.

9
10 17-93-410. Expiration and renewal.

11 (a) A license issued under this subchapter expires ~~one (1) year after~~
12 ~~the date of issuance~~ on June 30th of each calendar year.

13 ~~(b)(1) Licenses~~ A license shall be renewed according to procedures
14 established by the Arkansas State Board of Athletic Training.

15 (2) The board shall renew a license upon proof of
16 recertification as a certified athletic trainer provided by the athletic
17 trainers' national governing entity which shall include:

18 (A) Compliance with the standard of professional practice;

19 (B) Emergency cardiac care certification;

20 (C) Maintenance of fees; and

21 (D) Successful completion of continuing education

22 requirements as determined by the board.

23
24 17-93-411. ~~Direction and supervision~~ Physician direction. ✓

25 ~~(a) In a nonclinical setting, an An~~ athletic trainer may practice the
26 art and science of athletic training only under the direction of a physician
27 licensed in the State of Arkansas.

28 ~~(b) The athletic trainer may practice athletic training in a hospital~~
29 ~~or outpatient clinic under the direct supervision of a physical therapist and~~
30 ~~upon the referral of a physician licensed in the State of Arkansas.~~ ✓

31
32 17-93-412. Revocation, suspension, or denial - Grounds.

33 (a) The Arkansas State Board of Athletic Training may refuse to issue
34 or renew a license or may suspend or revoke a license if an applicant or
35 licensee has:

36 (1) Been convicted of a felony or misdemeanor involving moral

1 turpitude, the record of conviction being conclusive evidence of conviction
 2 if the board determines after investigation that the person has not been
 3 sufficiently rehabilitated to warrant the public trust;

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

6 (3) Violated or conspired to violate this subchapter or rules ~~or~~
 7 ~~regulations~~ issued ~~pursuant to~~ under this subchapter;

8 (4) Been found guilty of unethical or unprofessional conduct, as
 9 determined by the board;

10 (5) Been convicted of a violation of any state or federal
 11 narcotics laws;

12 (6) Been habitually intoxicated or has been addicted to the use
 13 of narcotic drugs;

14 (7) Been found guilty of gross negligence in his or her
 15 practice, as determined by the board;

16 (8) Been convicted of sexual abuse or sexual misconduct; or

17 (9) Been declared incompetent by a court and has not thereafter
 18 been lawfully declared competent.

19 (b)(1) On application, the board may reissue a license to a person
 20 whose license has been revoked, but the application may not be made ~~prior to~~
 21 before the expiration of a period of one (1) year after the order of
 22 revocation has become final.

23 (2) ~~Such~~ The application shall be made in the manner and form
 24 required by the board.

25

26 17-93-413. Revocation, suspension, or denial – Proceedings.

27 (a) Any person whose application for a license or for renewal of a
 28 license is denied is entitled to a hearing, which shall be conducted ~~pursuant~~
 29 ~~to~~ under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

30 (b)(1) Proceedings for revocation or suspension of a license shall be
 31 commenced by filing charges with the Arkansas State Board of Athletic
 32 Training in writing.

33 (2) The charge may be brought by any person against a person
 34 having a license to practice as an athletic trainer in this state charging
 35 that the person has committed a violation under § 17-93-412.

36 (3)(A) The board shall send an advisory notice to the person who

1 allegedly committed a violation once the complaint has been received by the
2 board.

3 (B) The advisory notice shall include a statement
4 notifying the person who allegedly committed a violation that the person
5 shall reply to the notice.

6 (c) The board shall fix the time and place of the hearing and shall
7 provide a written copy of the charges or reason for the denial of the license
8 or for the refusal to renew the license, together with a notice of the time
9 and place fixed for the hearing, to be served on the applicant requesting the
10 hearing or license against whom the charges have been filed at least thirty
11 (30) days ~~prior to~~ before the date set for the hearing.

12
13 SECTION 4. Arkansas Code Title 17, Chapter 93, Subchapter 4, is
14 amended to add an additional section to read as follows:

15 17-93-415. Notice of malpractice claim or suit.

16 (a) An athletic trainer shall notify the Arkansas State Board of
17 Athletic Training within ten (10) days after receipt of notification or a
18 claim or a lawsuit against the athletic trainer for malpractice.

19 (b) The board shall prepare and adopt rules as necessary and proper to
20 ensure compliance with this section.

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