

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1279 OF 1995
HOUSE BILL 2074

4 **By: Representatives Wagner and Wren**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS STATE ATHLETIC TRAINERS
9 COMMITTEE; TO CREDENTIAL AND LICENSE ATHLETIC TRAINERS IN
10 ARKANSAS WHO MEET CERTAIN QUALIFICATIONS; TO CREATE A
11 STANDING COMMITTEE TO THE ARKANSAS STATE PHYSICAL THERAPY
12 BOARD TO LICENSE, EXAMINE AND REGULATE ACTIVITIES OF
13 ATHLETIC TRAINERS; AND FOR OTHER PURPOSES."

14

Subtitle

15

16 "TO ESTABLISH THE ARKANSAS STATE
17 ATHLETIC TRAINERS COMMITTEE"

18

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

20

21 SECTION 1. This act shall be known and may be cited as the "Arkansas
22 Athletic Trainers_ Act".

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24 SECTION 2. Definitions. For purposes of this act, unless the context
25 otherwise requires:

26 (a) "Athlete" means an individual who is participating in organized
27 athletic or team activities at the interscholastic, intramural,
28 intercollegiate, or professional level or *sanctioned recreational sports*
29 *activities*.

30 (b) "Athletic injury or illness" means an injury or illness sustained
31 by the athlete as a result of participation in those organized athletic or
32 team activities which require physical strength, agility, flexibility, range
33 of motion, speed or stamina, or any comparable injury or illness to an *athlete*
34 which prevents such person from participating in activities described in
35 subsection (a) of this section.

36 (c) "Athletic training" means the prevention, recognition, evaluation,

1 treatment, and rehabilitation of an athletic injury or illness; and the
2 organization and administration of exercise, conditioning, and athletic
3 training programs.

4 (d) "Athletic Trainer" means a person licensed by the state to engage
5 in athletic training.

6 (e) "Board" means the Arkansas State Board of Physical Therapy.

7 (f) "Committee" means the Arkansas State Athletic Trainers Committee of
8 the Arkansas State Board of Physical Therapy.

9 (g) "License" means the document issued by the board upon the
10 recommendation of the committee to a qualified person to practice athletic
11 training. A license issued under this act expires one (1) year after the date
12 of issuance. Licenses shall be renewed according to procedures established by
13 the committee and approved by the board.

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15 SECTION 3. Penalties. Any person who violates a provision of this act
16 is guilty of a misdemeanor punishable by a fine of not less than one hundred
17 dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by
18 imprisonment for not less than thirty (30) days nor more than one hundred
19 eighty (180) days, or both.

20

21 SECTION 4. Creation - Committee

22 (a) There is created the Arkansas State Athletic Trainers Committee of
23 the Arkansas State Board of Physical Therapy. The committee shall be composed
24 of three (3) licensed athletic trainers, and one (1) consumer who is not
25 actively engaged in or retired from the practice of athletic training,
26 medicine, physical therapy, or employment by an athletic department of an
27 accredited educational institution. In making appointments to the committee,
28 the Governor shall give consideration to recommendations made by professional
29 organizations of athletic trainers. Each athletic trainer initially appointed
30 must be practicing in Arkansas and must have passed a reliable, valid, and
31 legally defensible examination approved by the board for determining minimum
32 competency in athletic training. To qualify as a member of the committee, a
33 person must be a resident of the state of Arkansas for three (3) years
34 immediately preceding appointment.

35 (b) The members of the committee shall be appointed for terms of three

1 (3) years except that in making the initial appointments, the Governor shall
2 designate one (1) athletic trainer member to serve one (1) year, and one (1)
3 athletic trainer member to serve two (2) years, and one athletic trainer
4 member to serve three (3) years; other members shall be appointed to serve
5 three (3) years. In the event of death, resignation, or removal of any
6 member, the vacancy shall be filled for the unexpired portion of the term in
7 the same manner as the original appointment. The Governor may remove any
8 member for cause prior to the expiration of the member_s term.

9 (c) The committee shall elect officers as it considers necessary to
10 carry out its duties. The committee shall meet at least two (2) times each
11 year. Additional meetings may be held on the call of the chairperson or a
12 written request of any three (3) members of the committee. The quorum
13 required for any meeting of the committee is three (3) members.

14 (d) The Arkansas State Athletic Trainers Committee will exist under the
15 Arkansas State Board of Physical Therapy until July 1, 2001. On this date, *if*
16 *the committee has not been established by law as an independent agency of this*
17 *state, it may at its option, continue to exist indefinitely under the Arkansas*
18 *State Board of Physical Therapy.*

19

20 SECTION 5. Powers and duties of the committee. The committee shall
21 have the following duties:

22 (a) To submit to the board for its adoption rules and regulations
23 consistent with this act which are necessary for the performance of its
24 duties, including, but not limited to, the imposing of fees adequate to carry
25 out the purposes of this act;

26 (b) To propose to the board for its adoption minimum curriculum and
27 internship requirements for qualification for an Arkansas athletic trainer_s
28 license;

29 (c) To designate or administer an examination that has been shown to be
30 a reliable and valid test of minimum competency in athletic training to be
31 taken by all persons applying for licensure and file examination results with
32 the board;

33 (d) To prescribe application forms for license applicants;

34 (e) To keep records of all proceedings of the committee under this act
35 and to subsequently file the records with the board;

1 (f) To promulgate rules and regulations necessary for the issuance of
2 temporary permits;

3 (g) To promulgate rules and regulations necessary for the
4 implementation of a continuing education program; and

5 (h) To propose to the board for its adoption rules and regulations
6 governing admission by reciprocity.

7

8 SECTION 6. Powers and duties of the board. The board shall have the
9 following powers and duties:

10 (a) To receive and maintain all records of committee proceedings;

11 (b) To ensure that actions of the committee are in compliance with this
12 act;

13 (c) To issue licenses upon recommendation of the committee;

14 (d) To keep a complete record of all licensed athletic trainers and to
15 prepare annually a roster showing the names and addresses of all licensed
16 athletic trainers, and to make available a copy of such roster to any person
17 requesting it on payment of a fee as established by the board to cover cost of
18 the roster;

19 (e) To promulgate rules and regulations for implementing this act upon
20 recommendation of the committee;

21 (f) To collect fees as determined by the committee and the board
22 adequate to carry out the purposes of this act;

23 (g) To keep records of fees collected and costs incurred for operations
24 of the committee and licensing of athletic trainers;

25 (h) To file an annual report of its activities, including the
26 activities of the committee, with the Arkansas Department of Finance and
27 Administration;

28 (i) *Specify by regulation what constitutes sanctioned recreational*
29 *sports activities.*

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31 SECTION 7. License Required - Exceptions.

32 (a) It shall be unlawful for any person to use the title of "Athletic
33 Trainer", "Licensed Athletic Trainer", "Registered Athletic Trainer",
34 "L.A.T.", "R.A.T.", or any symbols denoting the license of athletic training
35 or perform any of the activities of an athletic trainer as defined by this act

1 without first obtaining all licenses required under this act, unless provided
2 otherwise, herein.

3 (b) Nothing in this act shall be construed to authorize the practice of
4 medicine or physical therapy by any person not so licensed by the state.

5 (c) Nothing in this act shall be construed to prohibit the lawful
6 practice of a licensed health care professional under the scope of their
7 license.

8 (d) *Nothing in this act shall be construed to prohibit the lawful*
9 *practice of a licensed athletic trainer from another state who accompanies his*
10 *or her team, athlete, or representatives to the State of Arkansas for limited*
11 *competition.*

12

13 SECTION 8. In a non-clinical setting, an athletic trainer may practice
14 the art and science of athletic training under the direction of a physician
15 licensed in the state of Arkansas. The athletic trainer may practice athletic
16 training in a hospital or out-patient clinic under the direct supervision of a
17 physical therapist *and upon the referral of* a physician licensed in the state
18 of Arkansas. Direct supervision is to be defined by the committee through its
19 rules and regulations and approved by the board.

20

21 SECTION 9. A license issued under this act expires one (1) year after
22 the date of issuance. Licenses shall be renewed according to procedures
23 established by the committee and approved by the board.

24

25 SECTION 10. Unlawful practice - Injunction.

26 The chancery courts of this state are vested with jurisdiction and power
27 to enjoin violations of this act in the county in which the alleged unlawful
28 practice occurred or in which the defendant resides. The issuance of an
29 injunction shall not relieve a person from criminal prosecution for violation
30 of this act, but the remedy of injunction shall be in addition to liability
31 for criminal prosecution.

32

33 SECTION 11. Qualification - Athletic Trainer.

34 (a) (1) The board on recommendation of the committee shall register as
35 an athletic trainer any applicant who is actively engaged as an athletic

1 trainer on the effective date of this act if the applicant submits an
2 application, submits proof of certification by the National Athletic Trainers
3 Association, submits proof of having passed a reliable, valid and legally
4 defensible examination approved by the board for determining minimum
5 competency in athletic training, and pays all required fees. Any person who
6 meets the requirements of this paragraph other than having passed the test
7 shall be registered hereunder if he or she successfully passes the test within
8 one (1) year after the effective date of this act.

9 (2) For the purpose of this act, a person is actively engaged as
10 an athletic trainer if the person has performed such duties as a principal
11 part of his full time employment under the direction of a licensed physician
12 for three (3) of the past five (5) years preceding the application.

13 (3) Notarized proof of employment, performance of duties, and
14 supervision shall accompany the person_s application.

15 (4) Application for license under Section 10(a) must be made
16 within ninety (90) days after the effective date of this act.

17 (b) Except as provided in (a) an applicant for an Arkansas athletic
18 trainer_s license must:

19 (1) possess a Bachelor_s Degree from an accredited college or
20 university;

21 (2) meet other curriculum and internship requirements as
22 specified by the board upon recommendation of the committee;

23 (3) pass an examination for licensure as designated by the board
24 on recommendation of the committee which is a reliable, valid, legally
25 defensible examination for determining minimum competency in athletic
26 training;

27 (4) submit appropriate application forms to the board for
28 committee approval; and

29 (5) pay all appropriate fees.

30 (c) Anyone who meets the qualifications prescribed in subsection (b)
31 except for the examination requirement under (b)(3) shall be issued a
32 temporary non-renewal trainers permit which shall expire one (1) year after
33 the date of application therefor.

34

35 SECTION 12. Revocation, suspension, or denial - Grounds.

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

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

7 (2) secured a license under this act by fraud or deceit; or

8 (3) violated or conspired to violate this act or rules or
9 regulations issued pursuant to this act.

10 (b) On application, the board may reissue a license to a person whose
11 license has been revoked, but the application may not be made prior to the
12 expiration of a period of one (1) year after the order of revocation has
13 become final. Such application shall be made in the manner and form required
14 by the board.

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16 SECTION 13. Revocation, suspension, or denial - Proceedings.

17 (a) Any person whose application for a license or for renewal of a
18 license is denied is entitled to a hearing, which shall be conducted pursuant
19 to the Arkansas Administrative Procedure Act, Arkansas Code 25-15-201, et seq.

20 (b) Proceedings for revocation or suspension of a license shall be
21 commenced by filing charges with the board in writing. The charge may be
22 brought by any person.

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

29

30 SECTION 14. Reciprocity.

31 (a) A licensed Athletic Trainer who has been issued a license to
32 practice as an Athletic Trainer in another state or territory whose
33 requirements for registration and licensure were equal, at the time of
34 registration or licensure, to the requirements contained in this act may be
35 registered and issued a license by the board, provided the other state or

1 territory accords a similar privilege of registration and licensure to persons
2 registered and licensed in the state of Arkansas by the board.

3 (b) The issuance of a license by reciprocity shall be at the sole
4 discretion of the board,

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6 *SECTION 15. Nothing in this act shall be deemed to prohibit designated*
7 *interns from university academic programs preparing athletic trainers from*
8 *performing acts of athletic training incidental to their courses of study.*

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10 *SECTION 16. All provisions of this act of a general and permanent*
11 *nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas*
12 *Code Revision Commission shall incorporate the same in the Code.*

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14 *SECTION 17. If any provision of this act or the application thereof to*
15 *any person or circumstance is held invalid, such invalidity shall not affect*
16 *other provisions or applications of the act which can be given effect without*
17 *the invalid provision or application, and to this end the provisions of this*
18 *act are declared to be severable.*

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20 *SECTION 18. All laws and parts of laws in conflict with this act are*
21 *hereby repealed.*

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/s/Rep. Wagner, et al

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24 APPROVED: 4-13-95

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