

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 93

Short Title: License Athletic Trainers/AB.

(Public)

Sponsors: Senators Shaw; Davis and Carpenter.

Referred to: Finance (Assessment Report Required–G.S. 120-149).

January 31, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO LICENSE ATHLETIC TRAINERS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 90 of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 31.**
7 **"ATHLETIC TRAINERS.**

8 **"§ 90-470. Title; purpose.**

9 (a) This Article may be cited as the 'Athletic Trainers Licensing Act'.

10 (b) The practice of athletic trainer affects the public health, safety, and welfare.
11 Licensure of the practice of athletic trainer is necessary to ensure minimum standards of
12 competency and to provide the public with safe care. It is the purpose of this Article to
13 provide for the regulation of persons offering athletic trainer services to the public.

14 **"§ 90-471. Definitions.**

15 As used in this Article, unless the context otherwise requires, the following definitions
16 apply:

17 (1) 'Athletic trainer' means a person who, upon the advice and consent of a
18 licensed physician, carries out the practice of care, prevention, and
19 physical rehabilitation of injuries incurred by athletes and who, in
20 carrying out these functions, may use physical modalities, including

1 heat, light, sound, cold, electricity, or mechanical devices related to
2 rehabilitation and treatment.

3 (2) 'Board' means the North Carolina Board of Athletic Trainer Examiners
4 as created by G.S. 90-472.

5 (3) 'License' means official acknowledgment by the Board that an
6 individual has successfully completed the requirements set forth in G.S.
7 90-475 which entitles the individual to perform the functions and duties
8 of an athletic trainer.

9 **"§ 90-472. Board of Examiners created.**

10 (a) The North Carolina Board of Athletic Trainer Examiners is hereby created.

11 (b) Composition. – The Board shall consist of seven members; two of whom shall
12 be athletic trainers certified by the National Athletic Trainers' Association, two of whom
13 shall be licensed orthopedic surgeons, two of whom shall be members of the State Board
14 of Medical Examiners and one member of the public.

15 The initial Board members shall be selected on or before August 1, 1995, as follows:

16 (1) The General Assembly, upon the recommendation of the President Pro
17 Tempore of the Senate, shall appoint a certified athletic trainer, an
18 orthopedic surgeon and a person from the State Board of Medical
19 Examiners to the Board. The certified athletic trainer shall serve for a
20 term of three years and the orthopedic surgeon shall serve for a term of
21 one year. The member of the State Board of Medical Examiners shall
22 serve for a term of two years.

23 (2) The General Assembly, upon the recommendation of the Speaker of the
24 House of Representatives, shall appoint a certified athletic trainer, an
25 orthopedic surgeon and a member of the State Board of Medical
26 Examiners to the Board. The certified athletic trainer and the
27 orthopedic surgeon shall serve for terms of two years. The member of
28 the State Board of Medical Examiners shall serve for a term of one year.

29 (3) The Governor shall appoint for a three-year term a public member to the
30 Board.

31 (c) Qualifications. – The athletic trainer members shall hold current licenses and
32 shall reside or be employed in North Carolina. They shall have at least five years'
33 experience as athletic trainers, including the three years immediately preceding
34 appointment to the Board, and must remain in active practice and in good standing with
35 the Board as a licensee during their terms. The first athletic trainers appointed to the
36 Board pursuant to this section shall, upon their appointment and qualification,
37 immediately become licensed as athletic trainers by complying with the provisions of this
38 Article.

39 (d) Term of Office. – Each member shall be appointed for a term of three years
40 and shall serve until a successor is appointed. No member may serve more than two
41 consecutive full terms.

42 (e) Vacancies. – A vacancy shall be filled in the same manner as the original
43 appointment except that all unexpired terms on the Board shall be filled in accordance

1 with G.S. 120-122 and shall be filled within 45 days after the vacancy occurs.
2 Appointees to fill vacancies shall serve the remainder of the unexpired term and until
3 their successors have been duly appointed and qualified.

4 (f) Removal. – The Board may remove any of its members for neglect of duty,
5 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
6 as a licensee shall be disqualified from Board business until the charges are resolved.

7 (g) Compensation. – Each member of the Board shall receive per diem
8 compensation and reimbursement for travel and subsistence as provided in G.S. 93B-5.

9 (h) Officers. – The officers of the Board shall be a chair, who shall be a licensed
10 athletic trainer, a vice-chair, and other officers deemed necessary by the Board to carry
11 out the purposes of this Article. All officers shall be elected annually by the Board for
12 one-year terms and shall serve until their successors are elected and qualified.

13 (i) Immunity From Suit. – Individual Board members shall be immune from civil
14 liability arising from activities performed within the scope of their official duties.

15 (j) Meetings. – The Board shall hold at least two meetings each year to conduct
16 business and to review the standards and regulations for improving athletic training
17 services. The Board shall adopt rules governing the calling, holding, and conducting of
18 regular and special meetings. A majority of the Board members shall constitute a
19 quorum.

20 **"§ 90-473. Powers of the Board.**

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

22 (1) Administer this Article.

23 (2) Issue interpretations of this Article.

24 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
25 provisions of this Article in accordance with Chapter 150B of the
26 General Statutes.

27 (4) Employ and fix the compensation of personnel that the Board
28 determines is necessary to carry into effect the provisions of this Article
29 and incur other expenses necessary to effectuate this Article.

30 (5) Examine, determine qualifications and fitness, and renew the license of
31 duly qualified applicants for licensure or relicensure.

32 (6) Issue, renew, deny, suspend, or revoke licenses and carry out any of the
33 disciplinary actions authorized by this Article.

34 (7) Conduct investigations for the purpose of determining whether
35 violations of this Article or grounds for disciplining licensees exist.

36 (8) Maintain a record of all proceedings and make available to licensees and
37 other concerned parties an annual report of all Board action.

38 (9) In accordance with G.S. 90-482, set fees for licensure, license renewal,
39 and other services deemed necessary to carry out the purposes of this
40 Article.

41 (10) Adopt a seal containing the name of the Board for use on all certificates,
42 licenses, and official reports issued by it.

(11) Develop standards and adopt rules for the improvement of athletic training services in the State.

(b) The powers and duties enumerated above are granted for the purpose of enabling the Board to protect the public health, welfare, and safety against unqualified or incompetent athletic trainers and shall be liberally construed to accomplish this objective.

"§ 90-474. Custody and use of funds; contributions, etc.

(a) All fees payable to the Board shall be deposited in the name of the Board in financial institutions designated by the Board as official depositories and shall be used to pay all expenses incurred in carrying out the purposes of this Article.

(b) The Board may accept grants, contributions, devices, bequests, and gifts that shall be kept in a separate fund and shall be used by it to enhance the practice of athletic trainers.

"§ 90-475. Requirement of license; exemption from license.

(a) On or after January 1, 1996, no person may, for compensation, practice as an athletic trainer or perform activities of an athletic trainer as defined in G.S. 90-471 without obtaining a license.

(b) The provisions of this Article do not apply to:

(1) Licensed, registered, or certified professionals such as physicians, nurses, physical therapists, and chiropractors if they do not hold themselves out to the public as athletic trainers.

(2) A person employed by the State Department of Public Instruction or a local board of education if the person's practice as an athletic trainer is limited to the performance of that person's duties of employment.

(3) A person serving as a student-trainer or in a similar position under the supervision of a physician or licensed athletic trainer.

"§ 90-476. Application for license; qualifications.

(a) An applicant for an athletic trainer license shall submit an application on a form approved by the Board and demonstrate proof of good moral character and one of the following:

(1) A certified transcript that the applicant has met the athletic training curriculum requirements of an accredited college or university;

(2) A Bachelor of Science degree in physical or corrective therapy with a minor in physical education or health which includes a basic athletic training course and at least two academic years of experience under the supervision of a certified athletic trainer; or

(3) The completion of four years' experience under the supervision of a certified athletic trainer.

(b) The applicant shall pass the written examination administered by the National Athletic Trainers' Association.

(c) When the Board determines that an applicant has met all the qualifications for licensure and has submitted the required fee, the Board shall issue a license to the applicant. A license so issued is valid for a period not to exceed two years from the date of issuance and may be renewed subject to the requirements of this Article.

1 **"§ 90-477. Athletic trainers previously certified.**

2 The Board shall issue a license to practice as an athletic trainer to any individual who
3 applies to the Board on or before August 1, 1996, and furnishes to the Board on a form
4 approved by the Board proof of employment as an athletic trainer and a current certificate
5 from the National Athletic Trainers' Association.

6 **"§ 90-478. Athletic trainers not certified.**

7 (a) A person who has been actively engaged as an athletic trainer since August 1,
8 1993, and who continues to practice up to the time of application, shall be eligible for
9 licensure without examination by paying the required fee and by meeting the following
10 criteria:

11 (1) Proof of good moral character.

12 (2) Proof of practice in North Carolina since August 1, 1993.

13 An application made pursuant to this section shall be filed with the Board on or before
14 August 1, 1996.

15 (b) A person is actively engaged as an athletic trainer if the person is a salaried
16 employee of, or has contracted with, an educational institution, a hospital, rehabilitation
17 clinic, professional athletic organization, or other bona fide athletic organization and
18 performs the duties of athletic trainer.

19 **"§ 90-479. Reciprocity with other states.**

20 A license may be issued to a qualified applicant holding an athletic trainer license in
21 another state if that state recognizes the license of this State in the same manner.

22 **"§ 90-480. License renewal.**

23 Every license issued under this Article shall be renewed during the month of January.
24 On or before the date the current license expires, every individual who wishes to continue
25 practice shall apply for a license renewal and submit the required fee. Licenses that are
26 not renewed shall automatically lapse. A license that has lapsed may be reissued within
27 five years from the date of lapse in accordance with rules adopted by the Board. A license
28 that has been expired for more than five years may be reissued only in a manner
29 prescribed by the Board.

30 **"§ 90-481. Continuing education.**

31 (a) The Board shall require evidence of successful completion of a continuing
32 educational program as a condition of license renewal. The Board shall determine the
33 number of hours and subject matter of continuing education required as a condition of
34 license renewal.

35 (b) The Board shall grant approval to a continuing education program or course
36 upon finding that the program or course offers an educational experience designed to
37 enhance the practice of athletic trainer, including the continuing education program of the
38 National Athletic Trainers' Association.

39 (c) If the program offers to teach licensees to perform advanced skills, the Board
40 may grant approval for the program and the performance of the advanced skills by those
41 successfully completing the program when it finds that the nature of the procedures
42 taught in the program and the program facilities and faculty are such that a licensee fully

1 completing the program can reasonably be expected to carry out those procedures safely
2 and properly.

3 **"§ 90-482. Expenses and fees.**

4 (a) All salaries, compensation, and expenses incurred or allowed for the purpose
5 of carrying out the purposes of this Article shall be paid by the Board exclusively out of
6 the fees received by the Board as authorized by this Article, or funds received from other
7 sources. In no case shall any salary, expense, or other obligation of the Board be charged
8 against the State treasury.

9 (b) The schedule of fees shall not exceed the following:

10 (1) Issuance of a license \$75.00

11 (2) Licensure renewal 25.00

12 (3) Reinstatement of lapsed license to practice 50.00

13 (4) Reasonable charges for duplication services and material.

14 **"§ 90-483. Hiring of certified athletic trainers by school units.**

15 Local school administrative units may hire persons who perform the functions of
16 athletic trainers and who are not licensed under this Article but those persons may not
17 hold themselves out as athletic trainers.

18 **"§ 90-484. Disciplinary authority of the Board; administrative proceedings.**

19 (a) Grounds for disciplinary action shall include the following:

20 (1) Giving false information or withholding material information from the
21 Board in procuring or attempting to procure a license to practice as an
22 athletic trainer.

23 (2) Having been convicted of or pled guilty or no contest to a crime that
24 indicates that the person is unfit or incompetent to practice as an athletic
25 trainer or that indicates that the person has deceived or defrauded the
26 public.

27 (3) Having a mental or physical disability or using a drug to a degree that
28 interferes with the person's fitness to practice as an athletic trainer.

29 (4) Engaging in professional conduct that endangers the public health.

30 (5) Being unfit or incompetent to practice as an athletic trainer by reason of
31 deliberate or negligent acts or omissions regardless of whether actual
32 injury to a patient is established.

33 (6) Willfully violating any provision of this Article or rules adopted by the
34 Board.

35 (7) Having pled guilty or no contest to or having been found guilty of an
36 offense under State or federal narcotic or controlled substance laws.

37 In accordance with the provisions of Chapter 150B of the General Statutes, the Board
38 may require remedial education, issue a letter of reprimand, restrict, revoke, or suspend
39 any license to practice as an athletic trainer in North Carolina or deny any application for
40 licensure if the Board determines that the applicant or licensee has committed any of the
41 above acts or is no longer qualified to practice as an athletic trainer. The Board may
42 reinstate a revoked license or remove licensure restrictions when it finds that the reasons

1 for revocation or restriction no longer exist and that the person can reasonably be
2 expected to practice as an athletic trainer safely and properly.

3 (b) A person whose application is denied, suspended, or revoked is entitled to a
4 hearing before the Board if the person submits a written request to the Board.
5 Proceedings for denial, revocation, or suspension of a license shall be conducted
6 consistent with Chapter 150B of the General Statutes.

7 **"§ 90-485. Enjoining illegal practices.**

8 If the Board finds that a person is violating any of the provisions in this Article, it may
9 apply in its own name to the Superior Court of Wake County for a temporary or
10 permanent restraining order or injunction to prevent the person from continuing illegal
11 practices. The court is empowered to grant injunctions regardless of whether criminal
12 prosecution or other action has been or may be instituted as a result of a violation. All
13 actions by the Board shall be governed by the Rules of Civil Procedure and Article 37 of
14 Chapter 1 of the General Statutes.

15 The venue for actions brought under this Article shall be the Superior Court of Wake
16 County.

17 **"§ 90-486. Penalties.**

18 A person who violates any provision of this Article is guilty of a Class 1
19 misdemeanor. Each act of unlawful practice constitutes a distinct and separate offense.

20 **"§ 90-487. Reports; immunity from suit.**

21 A person who has reasonable cause to suspect misconduct or incapacity of a licensee,
22 or who has reasonable cause to suspect that a person is in violation of this Article, shall
23 report the relevant facts to the Board. Upon receipt of a charge, or upon its own
24 initiative, the Board may give notice of an administrative hearing or may, after diligent
25 investigation, dismiss unfounded charges. A person making a report pursuant to this
26 section shall be immune from any criminal prosecution or civil liability resulting
27 therefrom."

28 Sec. 2. Severability. If any provision of this Article or the application thereof
29 to any person or circumstance is held invalid, the validity of the remainder of the act and
30 of the application of the provision to other persons and circumstances shall not be
31 affected thereby.

32 Sec. 3. This act is effective upon ratification.