

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 824

Short Title: License Athletic Trainers.

(Public)

Sponsors: Representatives McMahan; Aldridge, Arnold, Barbee, Berry, Bowie, Cansler, Creech, Culp, Daughtry, Dockham, Eddins, Grady, Gulley, McComas, Miner, Morris, Neely, Rayfield, Redwine, Russell, Sherrill, Shubert, Tallent, Thompson, C. Wilson, and G. Wilson.

Referred to: Rules, Calendar and Operations of the House.

April 7, 1997

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 33.

7 "Athletic Trainers.

8 "**§ 90-512. Title; purpose.**

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

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

15 "**§ 90-513. Definitions.**

16 The following definitions apply in this Article:

1 (1) Athletic trainer. – A person who, under a written protocol with a
2 physician licensed under Article 1 of Chapter 90 of the General Statutes
3 and filed with the North Carolina Medical Board, carries out the
4 practice of care, prevention, and rehabilitation of injuries incurred by
5 athletes, and who, in carrying out these functions, may use physical
6 modalities, including heat, light, sound, cold, electricity, or mechanical
7 devices related to rehabilitation and treatment.

8 (2) Board. – The North Carolina Board of Athletic Trainer Examiners as
9 created by G.S. 90-514.

10 (3) License. – A certificate which evidences approval by the Board that a
11 person has successfully completed the requirements set forth in G.S. 90-
12 517 that entitles the person to perform the functions and duties of an
13 athletic trainer.

14 **§ 90-514. Board of Examiners created.**

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

16 (b) Composition and Terms. – The Board shall consist of seven members who
17 shall serve staggered terms. Four members shall be athletic trainers certified by the
18 National Athletic Trainers' Association Board of Certification, Inc. One member shall
19 be a licensed orthopedic surgeon, one member shall be a licensed family practice
20 physician, and one member shall represent the public at large.

21 The initial Board members shall be selected on or before August 1, 1997, as follows:

22 (1) The General Assembly, upon the recommendation of the President Pro
23 Tempore of the Senate, shall appoint two certified athletic trainers and
24 an orthopedic surgeon. The certified athletic trainers shall serve for
25 terms of three years, and the orthopedic surgeon shall serve for a term of
26 one year.

27 (2) The General Assembly, upon the recommendation of the Speaker of the
28 House of Representatives, shall appoint two certified athletic trainers
29 and a family practice physician. The certified athletic trainers and the
30 family practice physician shall serve for terms of two years.

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

33 Upon the expiration of the terms of the initial Board members, each member shall be
34 appointed for a term of three years and shall serve until a successor is appointed. No
35 member may serve more than two consecutive full terms.

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

1 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
2 appointment, except that all unexpired terms on the Board shall be filled in accordance
3 with G.S. 120-122 and shall be filled within 45 days after the vacancy occurs.
4 Appointees to fill vacancies shall serve the remainder of the unexpired term and until
5 their successors have been duly appointed and qualified.

6 (e) Removal. – The Board may remove any of its members for neglect of duty,
7 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
8 as a licensee shall be disqualified from participating in the official business of the Board
9 until the charges have been resolved.

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

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

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

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

22 **"§ 90-515. Powers of the Board.**

23 The Board shall have the power and duty to:

24 (1) Administer this Article.

25 (2) Issue interpretations of this Article.

26 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
27 provisions of this Article.

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

31 (5) Examine and determine the qualifications and fitness of applicants for
32 licensure, renewal of licensure, and reciprocal licensure.

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

35 (7) In accordance with G.S. 90-524, set fees for licensure, license renewal,
36 and other services deemed necessary to carry out the purposes of this
37 Article.

38 (8) Conduct investigations for the purpose of determining whether
39 violations of this Article or grounds for disciplining licensees exists.

40 (9) Maintain a record of all proceedings and make available to licensees and
41 other concerned parties an annual report of all Board action.

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

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

3 **"§ 90-516. Custody and use of funds; contributions.**

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

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

9 **"§ 90-517. Requirements of license; exemption from license.**

10 (a) On or after January 1, 1998, no person shall practice or offer to practice as an
11 athletic trainer, perform activities of an athletic trainer, or use any card, title, or
12 abbreviation to indicate that the person is an athletic trainer unless that person is currently
13 licensed as provided by this Article.

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

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

18 (2) A physician licensed under Article 1 of Chapter 90 of the General
19 Statutes.

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

22 (4) An athletic trainer who is employed by, or under contract with, an
23 organization, corporation, or educational institution located in another
24 state and who is representing that organization, corporation, or
25 educational institution at an event held in this State.

26 **"§ 90-518. Application for license; qualifications; issuance.**

27 (a) An applicant for a license under this Article shall make a written application to
28 the Board on a form approved by the Board and shall submit to the Board an application
29 fee along with evidence that demonstrates good moral character and graduation from an
30 accredited four-year college or university in a course of study approved by the Board.

31 (b) The applicant shall also pass the examination administered by the National
32 Athletic Trainers' Association Board of Certification, Inc.

33 (c) When the Board determines that an applicant has met all the qualifications for
34 licensure and has submitted the required fee, the Board shall issue a license to the
35 applicant. A license is valid for a period of one year from the date of issuance and may
36 be renewed subject to the requirements of this Article.

37 **"§ 90-519. Athletic trainers previously certified.**

38 The Board shall issue a license to practice as an athletic trainer to a person who
39 applies to the Board on or before August 1, 1998, and furnishes to the Board on a form
40 approved by the Board proof of good moral character, graduation from an accredited
41 four-year college or university in a course of study approved by the Board, and a current
42 certificate from the National Athletic Trainers' Association Board of Certification, Inc.

43 **"§ 90-520. Athletic trainers not certified.**

1 (a) A person who has been actively engaged as an athletic trainer since August 1,
2 1994, and who continues to practice up to the time of application, shall be eligible for
3 licensure without examination by paying the required fee and by demonstrating the
4 following:

5 (1) Proof of good moral character.

6 (2) Proof of practice in this State since August 1, 1994.

7 (3) Proof of graduation from an accredited four-year college or university in
8 a course of study approved by the Board.

9 (4) Fulfillment of any other requirements set by the Board.

10 An application made pursuant to this section shall be filed with the Board on or before
11 August 1, 1998.

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

16 **"§ 90-521. Reciprocity with other states.**

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

19 **"§ 90-522. License renewal.**

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

27 **"§ 90-523. Continuing education.**

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

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

36 (c) If a continuing education program offers to teach licensees to perform
37 advanced skills, the Board may grant approval for the program and the performance of
38 the advanced skills by those successfully completing the program when it finds that the
39 nature of the procedure taught in the program and the program facilities and faculty are
40 such that a licensee fully completing the program can reasonably be expected to carry out
41 those procedures safely and properly.

42 **"§ 90-524. Expenses and fees.**

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

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

7 (1) Issuance of a license. \$100.00

8 (2) License renewal. 50.00

9 (3) Reinstatement of lapsed license. 75.00

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

11 **"§ 90-525. Hiring of athletic trainers by school units.**

12 Local school administrative units may hire persons who are not licensed under this
13 Article, but those persons may not hold themselves out as athletic trainers as defined by
14 this Article unless they are exempt from the provisions of this Article under G.S. 90-
15 517(b).

16 **"§ 90-526. Disciplinary authority of the Board; administrative proceedings.**

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

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

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

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

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

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

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

33 (7) Having been convicted of or pled guilty or no contest to an offense
34 under State or federal narcotic or controlled substance laws.

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

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

5 **"§ 90-527. Enjoining illegal practices.**

6 If the Board finds that a person is violating any of the provisions of this Article, it
7 may apply in its own name to the Superior Court of Wake County for a temporary
8 restraining order or other injunctive relief to prevent the person from continuing illegal
9 practices. The court may grant injunctions regardless of whether criminal prosecution or
10 other action has been or may be instituted as a result of a violation.

11 **"§ 90-528. Penalties.**

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

14 **"§ 90-529. Reports; immunity from suit.**

15 A person who has reasonable cause to suspect misconduct or incapacity of a licensee,
16 or who has reasonable cause to suspect that a person is in violation of this Article, shall
17 report the relevant facts to the Board. Upon receipt of a charge, or upon its own
18 initiative, the Board may give notice of an administrative hearing or may, after diligent
19 investigation, dismiss unfounded charges. A person who, in good faith, makes a report
20 pursuant to this section shall be immune from any criminal prosecution or civil liability
21 resulting therefrom.

22 **"§ 90-530. No third-party reimbursement.**

23 Nothing in this Article shall be construed to require direct third-party reimbursement
24 to persons licensed under this Article."

25 Section 2. This act is effective when it becomes law.