

# SENATE BILL 247

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CF HB 173

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By: **Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Maryland Athletic Trainers Act**

3 FOR the purpose of establishing the Athletic Trainer Advisory Committee as a subunit  
4 of the State Board of Physicians; establishing certain fees for services provided  
5 by the Board to athletic trainers; providing for the composition, appointment,  
6 and terms of the Committee members; establishing certain powers and duties of  
7 the Committee; requiring certain persons to be licensed by the Board as athletic  
8 trainers before performing certain work in the State; establishing certain  
9 education and experience requirements to qualify for a license; establishing  
10 certain application fees and requirements for obtaining a license; establishing  
11 certain terms and procedures for the renewal and reinstatement of a license;  
12 prohibiting a licensee from surrendering a license under certain circumstances;  
13 authorizing the Board to deny a license to an applicant, reprimand a licensee,  
14 place a licensee on probation, or suspend or revoke a license under certain  
15 circumstances; establishing certain requirements for reinstatement of a revoked  
16 license; providing for certain criminal and civil penalties; establishing certain  
17 hearing and appeal procedures for athletic trainers; providing that the  
18 Committee is subject to the provisions of the Maryland Program Evaluation Act;  
19 requiring that an evaluation of the Committee and statutes and regulations  
20 that relate to the Committee be performed on or before a certain date; defining  
21 certain terms; providing for the termination of this Act; specifying the terms of  
22 the initial members of the Board; and generally relating to the establishment of  
23 an athletic trainer license and the Athletic Trainer Advisory Committee.

24 BY renumbering

25 Article – State Government

26 Section 8–403(b)(6) through (68), respectively

27 to be Section 8–403(b)(7) through (69), respectively

28 Annotated Code of Maryland

29 (2004 Replacement Volume and 2008 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Health Occupations  
3 Section 14–5D–01 through 14–5D–20 to be under the new subtitle “Subtitle 5D.  
4 Athletic Trainers”  
5 Annotated Code of Maryland  
6 (2005 Replacement Volume and 2008 Supplement)

7 BY repealing and reenacting, without amendments,  
8 Article – State Government  
9 Section 8–403(a)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2008 Supplement)

12 BY adding to  
13 Article – State Government  
14 Section 8–403(b)(6)  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2008 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That Section(s) 8–403(b)(6) through (68), respectively, of Article – State  
19 Government of the Annotated Code of Maryland be renumbered to be Sections  
20 8–403(b)(7) through (69), respectively.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article – Health Occupations**

24 **SUBTITLE 5D. ATHLETIC TRAINERS.**

25 **14–5D–01.**

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) “ATHLETIC INJURY” MEANS AN INJURY OR CONDITION SUSTAINED  
29 BY AN INDIVIDUAL THAT AFFECTS THE INDIVIDUAL’S PARTICIPATION OR  
30 PERFORMANCE IN SPORTS, GAMES, RECREATION, EXERCISE, OR OTHER  
31 ACTIVITIES.

32 (C) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.

33 (D) “COMMITTEE” MEANS THE ATHLETIC TRAINER ADVISORY  
34 COMMITTEE ESTABLISHED UNDER § 14–5D–04 OF THIS SUBTITLE.



- 1                   **3.    MEDICINE;**
- 2                   **4.    OCCUPATIONAL THERAPY; OR**
- 3                   **5.    PHYSICAL THERAPY; OR**

4                   **(II)   THE RECONDITIONING OF SYSTEMIC NEUROLOGIC**  
5 **INJURIES, CONDITIONS, OR DISEASE.**

6           **(J)   “SETTING” MEANS A:**

7                   **(1)   LOCATION WHERE AN ACADEMIC, PROFESSIONAL, OR**  
8 **ORGANIZED AMATEUR ATHLETIC ACTIVITY, INCLUDING A RECREATIONAL OR**  
9 **COMMUNITY ACTIVITY, IS BEING HELD;**

10                   **(2)   HEALTH OR FITNESS CLUB;**

11                   **(3)   CLINIC OR HOSPITAL;**

12                   **(4)   CORPORATION;**

13                   **(5)   GOVERNMENT AGENCY;**

14                   **(6)   LAW ENFORCEMENT UNIT; OR**

15                   **(7)   MILITARY UNIT.**

16                   **(K)   “SUPERVISION” MEANS THE RESPONSIBILITY OF A PHYSICIAN TO**  
17 **PROVIDE ONGOING AND IMMEDIATELY AVAILABLE INSTRUCTION THAT IS**  
18 **ADEQUATE TO ENSURE THE SAFETY AND WELFARE OF A PATIENT AND IS**  
19 **APPROPRIATE TO THE SETTING.**

20 **14-5D-02.**

21                   **THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO**  
22 **PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO**  
23 **PRACTICE UNDER THIS ARTICLE.**

24 **14-5D-03.**

25                   **(A)   (1)   THE BOARD SHALL SET REASONABLE FEES FOR THE**  
26 **ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES**  
27 **TO ATHLETIC TRAINERS.**

1           **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS**  
2 **TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND**  
3 **THE OTHER SERVICES PROVIDED TO ATHLETIC TRAINERS.**

4           **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**  
5 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

6           **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**  
7 **BOARD.**

8           **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**  
9 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**  
10 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**  
11 **THIS SUBTITLE.**

12 **14-5D-04.**

13           **THERE IS AN ATHLETIC TRAINER ADVISORY COMMITTEE WITHIN THE**  
14 **BOARD.**

15 **14-5D-05.**

16           **(A) THE COMMITTEE CONSISTS OF EIGHT MEMBERS APPOINTED BY THE**  
17 **BOARD AS FOLLOWS:**

18           **(1) (I) ON OR BEFORE SEPTEMBER 30, 2011, THREE ATHLETIC**  
19 **TRAINERS WHO:**

20                                 **1. ARE CERTIFIED BY A NATIONAL CERTIFYING**  
21 **BOARD; AND**

22                                 **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**  
23 **EXPERIENCE; AND**

24           **(II) ON OR AFTER OCTOBER 1, 2011, THREE LICENSED**  
25 **ATHLETIC TRAINERS WHO:**

26                                 **1. ARE CERTIFIED BY A NATIONAL CERTIFYING**  
27 **BOARD; AND**

28                                 **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**  
29 **EXPERIENCE;**

30           **(2) THREE LICENSED PHYSICIANS:**

1                   (I) AT LEAST ONE OF WHOM IS A SPECIALIST IN  
2 ORTHOPEDIC OR SPORTS MEDICINE; AND

3                   (II) TWO OF WHOM PREVIOUSLY OR CURRENTLY HAVE  
4 PARTNERED WITH OR DIRECTED AN ATHLETIC TRAINER;

5                   (3) ONE LICENSED CHIROPRACTOR WHO HAS SPORTS MEDICINE  
6 EXPERIENCE; AND

7                   (4) ONE CONSUMER MEMBER.

8           (B) (1) THE ATHLETIC TRAINER MEMBERS MAY BE APPOINTED BY  
9 THE BOARD FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE  
10 BOARD BY THE MARYLAND ATHLETIC TRAINERS ASSOCIATION, INC.

11                   (2) THE BOARD MAY REQUEST AN ADDITIONAL LIST OF  
12 NOMINEES FOR EACH VACANCY.

13           (C) THE CONSUMER MEMBER OF THE COMMITTEE:

14                   (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

15                   (2) MAY NOT BE OR EVER HAVE BEEN:

16                           (I) AN ATHLETIC TRAINER;

17                           (II) A HEALTH CARE PROFESSIONAL; OR

18                           (III) IN TRAINING TO BE AN ATHLETIC TRAINER OR OTHER  
19 HEALTH PROFESSIONAL; AND

20                   (3) MAY NOT:

21                           (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A  
22 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ATHLETIC TRAINING;

23                           (II) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
24 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR

25                           (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A  
26 FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO ATHLETIC  
27 TRAINERS OR TO THE FIELD OF ATHLETIC TRAINING.

1           (D)   (1)   **THE TERM OF A MEMBER IS 3 YEARS.**

2                   (2)   **THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
3 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1,**  
4 **2009.**

5                   (3)   **AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**  
6 **UNTIL A SUCCESSOR IS APPOINTED.**

7                   (4)   **A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**  
8 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
9 **APPOINTED.**

10           (E)   **FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A**  
11 **CHAIR EVERY 2 YEARS.**

12 **14-5D-06.**

13           **IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE,**  
14 **THE COMMITTEE SHALL:**

15                   (1)   **DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO**  
16 **CARRY OUT THIS SUBTITLE;**

17                   (2)   **DEVELOP AND RECOMMEND TO THE BOARD CONTINUING**  
18 **EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

19                   (3)   **PROVIDE THE BOARD WITH RECOMMENDATIONS**  
20 **CONCERNING THE PRACTICE OF ATHLETIC TRAINING;**

21                   (4)   **DEVELOP AND RECOMMEND TO THE BOARD AN EVALUATION**  
22 **AND TREATMENT PROTOCOL FOR USE BY AN ATHLETIC TRAINER AND THE**  
23 **PHYSICIAN WITH WHOM THE ATHLETIC TRAINER PRACTICES;**

24                   (5)   **PROVIDE ADVICE AND RECOMMENDATIONS TO THE BOARD**  
25 **ON INDIVIDUAL EVALUATION AND TREATMENT PROTOCOLS WHEN REQUESTED;**  
26 **AND**

27                   (6)   **KEEP A RECORD OF ITS PROCEEDINGS.**

28 **14-5D-07.**

1           (A)    **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**  
2 **OCTOBER 1, 2011, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE**  
3 **THE INDIVIDUAL MAY PRACTICE ATHLETIC TRAINING IN THE STATE.**

4           (B)    **THIS SECTION DOES NOT APPLY TO:**

5                   (1)    **AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT**  
6 **AS AN ATHLETIC TRAINER WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE**  
7 **SCOPE OF THAT EMPLOYMENT;**

8                   (2)    **AN INDIVIDUAL EMPLOYED BY OR UNDER CONTRACT WITH AN**  
9 **ENTITY LOCATED IN ANOTHER STATE WHO IS REPRESENTING THAT ENTITY AT**  
10 **AN ATHLETIC EVENT OR ANY OTHER EVENT FOR LESS THAN 45 DAYS IN THE**  
11 **STATE BY PROVIDING ATHLETIC TRAINING SERVICES TO INDIVIDUALS**  
12 **REPRESENTING THE ENTITY AT THE EVENT; OR**

13                  (3)    **A STUDENT ENROLLED IN AN EDUCATION PROGRAM THAT**  
14 **MEETS THE CRITERIA OF § 14-5D-08(C)(2) OF THIS SUBTITLE WHILE ENGAGED**  
15 **IN AN UNPAID, CLINICAL EDUCATIONAL EXPERIENCE OF ATHLETIC TRAINING.**

16 **14-5D-08.**

17           (A)    **TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN**  
18 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

19           (B)    **THE APPLICANT SHALL:**

20                   (1)    **BE OF GOOD MORAL CHARACTER; AND**

21                   (2)    **BE AT LEAST 18 YEARS OLD.**

22           (C)    **THE APPLICANT SHALL:**

23                   (1)    **HAVE A CURRENT CERTIFICATION BY A NATIONAL**  
24 **CERTIFYING BOARD APPROVED BY THE BOARD;**

25                   (2)    **HAVE RECEIVED A BACHELOR'S OR MASTER'S DEGREE FROM**  
26 **AN ATHLETIC TRAINING EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE**  
27 **COMMISSION ON ACCREDITATION OF ATHLETIC TRAINING EDUCATION OR ITS**  
28 **SUCCESSOR;**

29                   (3)    **DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN**  
30 **ENGLISH AS REQUIRED BY THE BOARD; AND**



1           (4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE  
2 BOARD.

3           (D) THE BOARD SHALL WAIVE THE EDUCATION REQUIREMENTS UNDER  
4 THIS SECTION IF AN INDIVIDUAL WAS CERTIFIED BY THE NATIONAL ATHLETIC  
5 TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC., BEFORE JANUARY 1,  
6 2004, AND IS CURRENTLY IN GOOD STANDING.

7 **14-5D-09.**

8           (A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

9                 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT  
10 THE BOARD REQUIRES; AND

11                 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE  
12 BOARD.

13           (B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN  
14 APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE FOR THAT  
15 LICENSE.

16 **14-5D-10.**

17           (A) AN ATHLETIC TRAINER LICENSE AUTHORIZES THE LICENSEE TO  
18 PRACTICE ATHLETIC TRAINING SERVICES IN AN APPROVED SETTING WHILE THE  
19 LICENSE IS EFFECTIVE.

20           (B) A LICENSED ATHLETIC TRAINER SHALL PRACTICE ATHLETIC  
21 TRAINING IN ACCORDANCE WITH THE EVALUATION AND TREATMENT PROTOCOL  
22 BETWEEN THE ATHLETIC TRAINER AND A LICENSED PHYSICIAN.

23 **14-5D-11.**

24           (A) NOTHING IN THIS TITLE MAY BE CONSTRUED TO AUTHORIZE AN  
25 ATHLETIC TRAINER TO PRACTICE EXCEPT UNDER THE SUPERVISION OF A  
26 LICENSED PHYSICIAN AND IN AN APPROVED SETTING.

27           (B) BEFORE AN ATHLETIC TRAINER MAY PRACTICE ATHLETIC  
28 TRAINING, THE ATHLETIC TRAINER SHALL:

29                 (1) OBTAIN A LICENSE UNDER THIS SUBTITLE;

1           (2) ENTER INTO A WRITTEN EVALUATION AND TREATMENT  
2 PROTOCOL WITH A LICENSED PHYSICIAN; AND

3           (3) OBTAIN BOARD APPROVAL OF THE EVALUATION AND  
4 TREATMENT PROTOCOL.

5           (C) AN EVALUATION AND TREATMENT PROTOCOL SHALL:

6           (1) DESCRIBE THE QUALIFICATIONS OF THE LICENSED  
7 PHYSICIAN AND LICENSED ATHLETIC TRAINER;

8           (2) DESCRIBE THE SETTINGS WHERE THE ATHLETIC TRAINER  
9 MAY PRACTICE;

10           (3) DESCRIBE THE PHYSICIAN SUPERVISION MECHANISMS THAT  
11 THE PHYSICIAN WILL USE TO GIVE DIRECTION TO THE ATHLETIC TRAINER; AND

12           (4) SPECIFY THE TREATMENT PROCEDURES THE ATHLETIC  
13 TRAINER MAY PERFORM.

14 **14-5D-12.**

15           (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE  
16 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS  
17 SECTION.

18           (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL  
19 SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:

20           (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

21           (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
22 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED  
23 BEFORE THE LICENSE EXPIRES; AND

24           (3) THE AMOUNT OF THE RENEWAL FEE.

25           (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A  
26 LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN  
27 ADDITIONAL TERM, IF THE LICENSEE:

28           (1) OTHERWISE IS ENTITLED TO BE LICENSED;

1           (2)   **PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**  
2 **AND**

3           (3)   **SUBMITS TO THE BOARD:**

4                   (I)   **A RENEWAL APPLICATION ON THE FORM THAT THE**  
5 **BOARD REQUIRES;**

6                   (II)   **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**  
7 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

8                   (III)   **ANY OTHER REQUIREMENTS SET UNDER THIS SECTION**  
9 **FOR LICENSE RENEWAL.**

10           (D)   **IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS**  
11 **ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING**  
12 **EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE**  
13 **RENEWAL OF LICENSES UNDER THIS SECTION.**

14           (E)   **THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**  
15 **MEETS THE REQUIREMENTS OF THIS SECTION.**

16           (F)   **THE BOARD SHALL REINSTATE THE LICENSE OF AN ATHLETIC**  
17 **TRAINER WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE**  
18 **ATHLETIC TRAINER:**

19                   (1)   **APPLIES FOR REINSTATEMENT;**

20                   (2)   **MEETS RENEWAL AND REINSTATEMENT REQUIREMENTS; AND**

21                   (3)   **PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**  
22 **BOARD.**

23           (G)   **THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$100 PER**  
24 **CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER § 14-5D-14**  
25 **OF THIS SUBTITLE, FOR A FIRST OFFENSE FOR FAILURE OF A LICENSEE TO**  
26 **OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE BOARD.**

27 **14-5D-13.**

28           **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,**  
29 **A LICENSED ATHLETIC TRAINER MAY NOT SURRENDER THE LICENSE NOR MAY**  
30 **THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER**  
31 **INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.**

1 **14-5D-14.**

2 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE,  
3 THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY  
4 LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A  
5 LICENSE IF THE APPLICANT OR LICENSEE:

6 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
7 OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR FOR ANOTHER;

8 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

9 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN  
10 THE PRACTICE OF ATHLETIC TRAINING;

11 (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY  
12 INCOMPETENT;

13 (5) ABANDONS A PATIENT;

14 (6) HABITUALLY IS INTOXICATED;

15 (7) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR  
16 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE  
17 CRIMINAL LAW ARTICLE;

18 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

19 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

20 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
21 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY  
22 OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT  
23 VALID MEDICAL INDICATION;

24 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,  
25 APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR  
26 FINANCIAL GAIN;

27 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN  
28 THE PRACTICE OF ATHLETIC TRAINING;

1           (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS  
2 REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR  
3 RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR  
4 RECORD THE REPORT;

5           (12) BREACHES PATIENT CONFIDENTIALITY;

6           (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF  
7 REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR  
8 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY  
9 FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR  
10 BRINGING OR REFERRING A PATIENT;

11           (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE  
12 PRACTICING ATHLETIC TRAINING;

13           (15) KNOWINGLY PRACTICES ATHLETIC TRAINING WITH AN  
14 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE  
15 PRACTICE OF ATHLETIC TRAINER SERVICES;

16           (16) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT  
17 DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

18           (17) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR  
19 DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF  
20 ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED  
21 STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION FOR AN  
22 ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS  
23 SECTION;

24           (18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE  
25 DELIVERY OF ATHLETIC TRAINING SERVICES;

26           (19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES  
27 FOR WHICH SERVICES HAVE NOT BEEN PROVIDED;

28           (20) (I) HAS BEEN SUBJECT TO INVESTIGATION OR  
29 DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A  
30 COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR  
31 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

32           (II) THE LICENSED INDIVIDUAL:

1                   **1. SURRENDERED THE LICENSE ISSUED BY THE**  
2 **STATE OR COUNTRY; OR**

3                   **2. ALLOWED THE LICENSE ISSUED BY THE STATE OR**  
4 **COUNTRY TO EXPIRE OR LAPSE;**

5                   **(21) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**  
6 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

7                   **(22) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**  
8 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

9                   **(23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**  
10 **AUTHORIZED SCOPE OF PRACTICE;**

11                   **(24) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**  
12 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**  
13 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**  
14 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

15                   **(25) PRACTICES OR ATTEMPTS TO PRACTICE AN ATHLETIC**  
16 **TRAINING PROCEDURE OR USES OR ATTEMPTS TO USE ATHLETIC TRAINING**  
17 **EQUIPMENT IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION**  
18 **AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE**  
19 **EQUIPMENT;**

20                   **(26) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**  
21 **CONDUCTED BY THE BOARD;**

22                   **(27) FAILS TO PRACTICE UNDER THE SUPERVISION OF A**  
23 **PHYSICIAN OR VIOLATES THE APPROVED EVALUATION AND TREATMENT**  
24 **PROTOCOL; OR**

25                   **(28) VIOLATES AN ORDER OF THE BOARD, INCLUDING ANY**  
26 **CONDITION OF PROBATION.**

27                   **(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE**  
28 **BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL**  
29 **ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR**  
30 **PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING**  
31 **MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS**  
32 **PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

1           (2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE  
2 CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE  
3 WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL  
4 ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE  
5 OF THE ATTORNEY GENERAL.

6 **14-5D-15.**

7           (A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
8 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY ACTION UNDER §  
9 14-5D-14 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM  
10 THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE A  
11 HEARING OFFICER.

12           (2) THE HEARING OFFICER SHALL GIVE NOTICE AND HOLD THE  
13 HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2, OF THE STATE  
14 GOVERNMENT ARTICLE.

15           (3) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH  
16 ANY PROCEEDINGS UNDER THIS SECTION.

17           (4) AT LEAST 14 DAYS BEFORE THE HEARING, A HEARING NOTICE  
18 SHALL BE SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE  
19 INDIVIDUAL.

20           (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE  
21 BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD  
22 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

23           (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL  
24 REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

25           (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

26           (D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR  
27 MODIFIES ITS ORDER.

28 **14-5D-16.**

29           ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN  
30 REVOKED, THE BOARD MAY REINSTATE A REVOKED LICENSE.

31 **14-5D-17.**





1 8-403.

2 (a) On or before December 15 of the 2nd year before the evaluation date of a  
3 governmental activity or unit, the Legislative Policy Committee, based on a  
4 preliminary evaluation, may waive as unnecessary the evaluation required under this  
5 section.

6 (b) Except as otherwise provided in subsection (a) of this section, on or before  
7 the evaluation date for the following governmental activities or units, an evaluation  
8 shall be made of the following governmental activities or units and the statutes and  
9 regulations that relate to the governmental activities or units:

10 (6) **ATHLETIC TRAINING ADVISORY COMMITTEE (§ 14-5D-04 OF**  
11 **THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);**

12 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
13 members of the Athletic Training Advisory Committee shall expire as follows:

14 (1) two members in 2010;

15 (2) three members in 2011; and

16 (3) three members in 2012.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2009.