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By: Delegate Love

Introduced and read first time: February 25, 2000 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2

Maryland Athletic Trainers Act

3 FOR the purpose of requiring certain individuals to be licensed as athletic trainers

4 before providing athletic trainer services in the State; establishing the State

5 Board of Athletic Trainer Examiners; providing for the composition of the Board

6 and the terms, compensation, and removal of Board members; providing for the

7 election of officers and the quorum of the Board; establishing certain powers and

8 duties of the Board; establishing certain licensing requirements; providing that

9 the Board may make a reciprocal licensing agreement with another state under

10 certain circumstances; providing for the renewal of an athletic trainer license;

11 establishing certain license renewal requirements; requiring the Board to

12 reinstate the license of an athletic trainer under certain circumstances;

13 requiring a holder of an athletic trainer license to provide the Board with

14 written notice of any change of address; authorizing the Board to deny a license

15 to an applicant, reprimand a licensee, impose restrictions on a license, or

16 suspend or revoke a license under certain circumstances; establishing certain

hearing and appeal procedures; prohibiting a person from providing, attemptingto provide, or offering to provide athletic trainer services or representing to the

19 general public that the person is an athletic trainer unless licensed by the

20 Board; establishing a certain penalty; defining certain terms; providing for the

termination of this Act; providing that this Act shall supersede certain laws of a

county or municipal corporation; providing for the delayed effective date of this

Act; and generally relating to the licensing of athletic trainers.

24 BY adding to

25 Article - Health Occupations

Section 1B-101 through 1B-502, inclusive, to be under the new title "Title 1B.
 Athletic Trainers"

28 Annotated Code of Maryland

29 (1994 Replacement Volume and 1999 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

2			HOUSE BILL 1385			
	1		Article - Health Occupations			
	2		TITLE 1B. ATHLETIC TRAINERS.			
	3		SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.			
	4	1B-101.				
	5	(A)	IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.			
	6 7 '	(B) TRAINER S	"ATHLETIC TRAINER" MEANS AN INDIVIDUAL WHO PROVIDES ATHLETIC SERVICES.			
	8	(C)	"BOARD" MEANS THE STATE BOARD OF ATHLETIC TRAINER EXAMINERS.			

9 (D) (1) "PROVIDE ATHLETIC TRAINER SERVICES" MEANS TO PREVENT, 10 REHABILITATE, OR TREAT INJURIES INCURRED BY AN INDIVIDUAL DURING 11 PARTICIPATION IN A SPORTS OR RECREATIONAL ACTIVITY, INCLUDING A TRAINING 12 OR PRACTICE ACTIVITY, THAT REQUIRES STRENGTH, AGILITY, FLEXIBILITY, RANGE 13 OF MOTION, SPEED, OR ENDURANCE.

14 (2) "PROVIDE ATHLETIC TRAINER SERVICES" INCLUDES THE USE OF 15 THE FOLLOWING METHODS OF PREVENTION, REHABILITATION, AND TREATMENT:

- 16 (I) HEAT;
- 17 (II) LIGHT;
- 18 (III) SOUND;
- 19 (IV) COLD;
- 20 (V) ELECTRICITY; AND
- 21 (VI) MECHANICAL DEVICES.

22 (E) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PROVIDE 23 ATHLETIC TRAINER SERVICES.

24 (F) "LICENSED ATHLETIC TRAINER" MEANS AN ATHLETIC TRAINER WHO IS 25 LICENSED BY THE BOARD TO PROVIDE ATHLETIC TRAINER SERVICES.

26 1B-102.

27 THE PURPOSE OF THIS TITLE IS TO ENSURE MINIMUM STANDARDS OF

28 COMPETENCY FOR ATHLETIC TRAINERS SO THAT THE PUBLIC IS PROVIDED WITH

29 SAFE ATHLETIC TRAINER SERVICES.

3	HOUSE BILL 1385				
1			SUBTITLE 2. STATE BOARD OF ATHLETIC TRAINER EXAMINERS.		
2	1B-201.				
3 4	THERE DEPARTME		ATE BOARD OF ATHLETIC TRAINER EXAMINERS IN THE		
5	1B-202.				
6 7	(A) GOVERNOI		OARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE		
8	(B)	OF THE	E SEVEN MEMBERS OF THE BOARD:		
9		(1)	FOUR SHALL BE LICENSED ATHLETIC TRAINERS;		
10 11	OF THIS A	(2) RTICLE;	ONE SHALL BE A PHYSICAL THERAPIST LICENSED UNDER TITLE 13		
12 13	ARTICLE;	(3) AND	ONE SHALL BE A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS		
14		(4)	ONE SHALL BE A CONSUMER MEMBER.		
15	(C)	(1)	EACH ATHLETIC TRAINER MEMBER OF THE BOARD SHALL:		
16 17	ASSOCIAT	ION BO	(I) BE CERTIFIED BY THE NATIONAL ATHLETIC TRAINERS' ARD OF CERTIFICATION, INC.;		
	TRAINER, BOARD; Al		(II) HAVE HAD AT LEAST 5 YEARS OF EXPERIENCE AS AN ATHLETIC ING THE 3 YEARS IMMEDIATELY BEFORE APPOINTMENT TO THE		
21			(III) CURRENTLY RESIDE OR BE EMPLOYED IN THE STATE.		
22		(2)	THE CONSUMER MEMBER OF THE BOARD:		
23			(I) SHALL BE A MEMBER OF THE GENERAL PUBLIC;		
24			(II) MAY NOT BE OR EVER HAVE BEEN AN ATHLETIC TRAINER;		
25 26		TIC TRA	(III) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS OR HAS BEEN AINER; AND		
 27 (IV) MAY NOT HAVE HAD WITHIN 1 YEAR BEFORE APPOINTMENT A 28 FINANCIAL INTEREST IN OR RECEIVED COMPENSATION FROM A PERSON 29 REGULATED BY THE BOARD. 					
30	(D)	(1)	THE TERM OF A MEMBER IS 3 YEARS.		

1 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE 2 TERMS PROVIDED FOR THE MEMBERS OF THE BOARD ON OCTOBER 1, 2001.

3 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A 4 SUCCESSOR IS APPOINTED AND QUALIFIES.

5 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
7 QUALIFIES.

8 (E) THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR 9 INCOMPETENCE OR MISCONDUCT.

10 1B-203.

11 (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIRMAN, A
12 SECRETARY, A TREASURER, AND ANY OTHER OFFICER THAT THE BOARD CONSIDERS
13 NECESSARY.

14 (B) THE BOARD SHALL DETERMINE:

- 15 (1) THE MANNER OF ELECTION OF OFFICERS;
- 16 (2) THE TERM OF OFFICE OF EACH OFFICER; AND

17 (3) THE DUTIES OF EACH OFFICER.

18 1B-204.

19 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A 20 QUORUM.

21 (B) THE BOARD SHALL HOLD AT LEAST 2 MEETINGS A YEAR, AT THE TIMES 22 AND PLACES THAT THE BOARD DETERMINES.

23 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO:

24 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

25 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE 26 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

27 1B-205.

28 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE
29 BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

30 (B) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE 31 BOARD SHALL:

1 (1) KEEP A LIST OF ALL LICENSED ATHLETIC TRAINERS, INCLUDING 2 THE NAME, TELEPHONE NUMBER, AND ADDRESS OF EACH ATHLETIC TRAINER;

3 (2) ADOPT A SEAL; AND

4 (3) KEEP A RECORD OF THE PROCEEDINGS OF THE BOARD.

5 1B-206.

6 (A) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND 7 RENEWAL OF LICENSES.

8 (B) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO 9 THE GENERAL FUND OF THE STATE.

10

SUBTITLE 3. LICENSING.

11 1B-301.

12 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
13 BE LICENSED BY THE BOARD BEFORE AN INDIVIDUAL MAY PROVIDE ATHLETIC
14 TRAINER SERVICES IN THE STATE.

15 (B) THIS SECTION DOES NOT APPLY TO:

16 (1) AN ACUPUNCTURIST, CHIROPRACTOR, NURSE, OCCUPATIONAL
17 THERAPIST, OR PHYSICAL THERAPIST WHO IS REGISTERED OR LICENSED UNDER
18 THIS ARTICLE AND WHO DOES NOT REPRESENT TO THE PUBLIC THAT THE
19 INDIVIDUAL IS AN ATHLETIC TRAINER;

20 (2) A PHYSICIAN WHO IS LICENSED UNDER THIS ARTICLE;

(3) AN INDIVIDUAL WHO PROVIDES ATHLETIC TRAINER SERVICES
 UNDER THE DIRECT SUPERVISION OF A LICENSED ATHLETIC TRAINER OR A
 PHYSICIAN WHO IS LICENSED UNDER THIS ARTICLE; OR

(4) AN ATHLETIC TRAINER WHO IS EMPLOYED BY OR UNDER CONTRACT
25 WITH AN ENTITY LOCATED IN ANOTHER STATE AND WHO IS REPRESENTING THAT
26 ENTITY AT AN ATHLETIC EVENT HELD IN THIS STATE.

27 1B-302.

28 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL29 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

30 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

31 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

32 (D) THE APPLICANT SHALL HAVE GRADUATED FROM AN ACCREDITED 4-YEAR
 33 COLLEGE OR UNIVERSITY IN A COURSE OF STUDY APPROVED BY THE BOARD.

1 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE 2 APPLICANT SHALL TAKE AND PASS THE EXAMINATION ADMINISTERED BY THE 3 NATIONAL ATHLETIC TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC.

4 (2) AN APPLICANT DOES NOT HAVE TO MEET THE EXAMINATION 5 REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE APPLICANT:

6 (I) HAS A CURRENT CERTIFICATE FROM THE NATIONAL ATHLETIC 7 TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC. AND APPLIES TO THE 8 BOARD BEFORE OCTOBER 1, 2002; OR

9 (II) HAS ACTIVELY PROVIDED ATHLETIC TRAINER SERVICES IN 10 THE STATE FOR COMPENSATION FROM JANUARY 1, 1999 TO THE TIME OF 11 APPLICATION.

12 (F) THE APPLICANT SHALL MEET ANY OTHER QUALIFICATIONS OR 13 REQUIREMENTS THAT THE BOARD ESTABLISHES FOR LICENSE APPLICANTS.

14 1B-303.

15 AN APPLICANT FOR A LICENSE SHALL:

16 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE 17 BOARD REQUIRES;

18 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD; AND

19(3)PROVIDE TO THE BOARD ANY PROOF THAT THE BOARD REQUIRES20SHOWING THAT THE APPLICANT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

21 1B-304.

THE BOARD MAY MAKE A RECIPROCAL AGREEMENT WITH ANOTHER STATE TO
WAIVE ALL OR PART OF THE LICENSING REQUIREMENTS OF THIS SUBTITLE, EXCEPT
FOR THE PAYMENT OF THE APPLICATION FEE, FOR INDIVIDUALS WHO ARE
LICENSED, REGISTERED, OR CERTIFIED TO PROVIDE ATHLETIC TRAINER SERVICES
IN THE OTHER STATE IF:

27 (1) THE INDIVIDUAL WOULD OTHERWISE MEET THE LICENSING
 28 REQUIREMENTS OF THIS SUBTITLE; AND

29 (2) THE OTHER STATE AGREES TO WAIVE TO A SIMILAR EXTENT THE
 30 LICENSING REQUIREMENTS IN THAT STATE FOR LICENSED ATHLETIC TRAINERS OF
 31 THIS STATE.

32 1B-305.

THE BOARD SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS THE
 REQUIREMENTS OF THIS SUBTITLE.

1 1B-306.

2 WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE LICENSEE TO 3 PROVIDE ATHLETIC TRAINER SERVICES.

4 1B-307.

5 (A) UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN
6 THIS SECTION, THE LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS
7 EFFECTIVE DATE.

8 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL 9 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

10 (1) A RENEWAL APPLICATION FORM; AND

11 (2) A NOTICE THAT STATES:

12 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

13 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
14 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
15 LICENSE EXPIRES; AND

16 (III) THE AMOUNT OF THE RENEWAL FEE.

17 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW18 IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

19 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

20 (2) PAYS TO THE BOARD THE RENEWAL FEE SET BY THE BOARD; AND

21 (3) SUBMITS TO THE BOARD:

22 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD 23 PROVIDES; AND

24 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE
 25 CONTINUING EDUCATION REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE
 26 RENEWAL.

27 (D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
28 SET BY THE BOARD, THE BOARD SHALL SET CONTINUING EDUCATION
29 REQUIREMENTS AS A CONDITION TO THE RENEWAL OF LICENSES UNDER THIS
30 SECTION.

(2) THE BOARD SHALL GRANT APPROVAL TO A CONTINUING EDUCATION
 PROGRAM OR COURSE IF THE BOARD FINDS THAT THE PROGRAM OR COURSE OFFERS
 AN EDUCATIONAL EXPERIENCE DESIGNED TO ENHANCE THE PROVISION OF

ATHLETIC TRAINER SERVICES, INCLUDING THE CONTINUING EDUCATION PROGRAM
 OF THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION.

3 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS 4 THE REQUIREMENTS OF THIS SECTION.

5 1B-308.

6 THE BOARD SHALL REINSTATE THE LICENSE OF AN ATHLETIC TRAINER WHO7 HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE ATHLETIC TRAINER:

8 (1) MEETS THE RENEWAL REQUIREMENTS OF § 1B-307 OF THIS 9 SUBTITLE;

10(2)PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;11 AND

(3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE
 WITH ANY OTHER QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS
 TITLE FOR LICENSE REINSTATEMENTS.

15 1B-309.

16 EACH LICENSEE SHALL GIVE THE BOARD WRITTEN NOTICE OF ANY CHANGE OF17 ADDRESS.

18 1B-310.

19 (A) SUBJECT TO THE HEARING PROVISIONS OF § 1B-311 OF THIS SUBTITLE,
20 THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,
21 IMPOSE RESTRICTIONS ON A LICENSE, OR SUSPEND OR REVOKE A LICENSE IF THE
22 APPLICANT OR LICENSEE:

23 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO 24 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

25 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

26 (3) IS GROSSLY NEGLIGENT OR INCOMPETENT IN PROVIDING ATHLETIC 27 TRAINER SERVICES;

28 (4) PLEADS GUILTY OR NOLO CONTENDERE TO OR IS CONVICTED OF A
29 FELONY OR A CRIME OF MORAL TURPITUDE;

(5) HAS HAD A LICENSE, REGISTRATION, OR CERTIFICATION TO
 PROVIDE ATHLETIC SERVICES, REVOKED OR SUSPENDED BY ANOTHER STATE FOR A
 CAUSE THAT WOULD JUSTIFY REVOCATION OR SUSPENSION UNDER THIS TITLE,
 EXCEPT FOR THE FAILURE TO PAY A LICENSE APPLICATION OR RENEWAL FEE; OR

34 (6) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.

(B) THE BOARD MAY REINSTATE A SUSPENDED OR REVOKED LICENSE OR
 REMOVE RESTRICTIONS ON A LICENSE IF THE BOARD FINDS THAT THE REASONS
 FOR THE SUSPENSION OR REVOCATION OR LICENSE RESTRICTIONS NO LONGER
 EXIST AND THAT THE INDIVIDUAL CAN REASONABLY BE EXPECTED TO PRACTICE AS
 AN ATHLETIC TRAINER SAFELY AND PROPERLY.

6 1B-311.

7 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
8 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 1B-310 OF THIS SUBTITLE, IT
9 SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
10 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

13 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY 14 PROCEEDING UNDER THIS SECTION.

15 (D) THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE SENT
16 BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL AT LEAST 30
17 DAYS BEFORE THE HEARING.

18 (E) (1) THE BOARD MAY ISSUE SUBPOENAS IN CONNECTION WITH ANY 19 PROCEEDING UNDER THIS SECTION.

20 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
21 THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL
22 COMPLIANCE WITH THE SUBPOENA.

(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
24 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
25 HEAR AND DETERMINE THE MATTER.

26 1B-312.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY
TAKE AN APPEAL AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

30

SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

31 1B-401.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PROVIDE,
ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE ATHLETIC TRAINER SERVICES IN THE
STATE OR REPRESENT TO THE GENERAL PUBLIC THAT THE PERSON IS AN ATHLETIC
TRAINER UNLESS LICENSED BY THE BOARD.

1 1B-402.

A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

5 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

6 1B-501.

7 THIS TITLE MAY BE CITED AS THE "MARYLAND ATHLETIC TRAINERS ACT".

8 1B-502.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO FURTHER FORCE
AND EFFECT AFTER JULY 1, 2004.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial 14 members of the State Board of Athletic Trainer Examiners shall expire as follows:

15 (1) 3 members in 2002;

16 (2) 2 members in 2003; and

17 (3) 2 members in 2004.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall supersede 19 the existing laws of any county or municipal corporation in the State that relate to the 20 licensing of athletic trainers.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect 22 October 1, 2001.