

SENATE BILL 411

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HB 1216/02 - ENV

2004 Regular Session
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CF HB 277

By: **Senators Britt, Astle, and Grosfeld**
Introduced and read first time: February 5, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing the Athletic Trainers Advisory Committee as a
4 subunit of the State Board of Physicians; providing for the purpose of this title;
5 allowing certain individuals to refer certain persons to an athletic trainer;
6 providing for the composition, appointment, terms, and compensation of the
7 Committee members; establishing certain powers and duties of the Committee;
8 authorizing the Governor to remove a member of the Committee if the secretary
9 of the Committee makes certain findings; providing for a quorum; requiring the
10 Committee to meet a certain number of times each year in certain places;
11 authorizing the Board to set certain fees; requiring the Board to pay certain fees
12 to the State Comptroller; requiring the Comptroller to distribute certain fees to
13 a certain fund; providing for the scope of this title; requiring certain persons to
14 be licensed by the Board as athletic trainers before performing certain work in
15 the State; establishing certain education and experience requirements for
16 athletic trainers; establishing certain licensing and license renewal
17 requirements for athletic trainers; establishing certain examination
18 requirements for athletic trainers; authorizing the Board to deny a license to an
19 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a
20 license, or impose certain penalties under certain circumstances; providing for
21 certain criminal penalties; establishing certain hearing and appeal procedures
22 for athletic trainers; requiring that an evaluation of the Athletic Trainer
23 Advisory Committee and the statutes and regulations that relate to the Athletic
24 Trainer Advisory Committee be performed on or before a certain date; defining
25 certain terms; providing for the termination of this Act; and generally relating to
26 the Athletic Trainer Advisory Committee.

27 BY adding to
28 Article - Health Occupations
29 Section 1B-101 through 1B-402, inclusive, to be under the new title "Title 1B.
30 Athletic Trainers"
31 Annotated Code of Maryland
32 (2000 Replacement Volume and 2003 Supplement)

33 BY adding to

1 Article - State Government
2 Section 8-403(b)(6a)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2003 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Health Occupations**

8 TITLE 1B. ATHLETIC TRAINERS.

9 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

10 1B-101.

11 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12 (B) "ATHLETIC TRAINER" MEANS AN INDIVIDUAL WHO PROVIDES ATHLETIC
13 TRAINER SERVICES UNDER THE DIRECTION OF A LICENSED PHYSICIAN.

14 (C) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS ESTABLISHED UNDER
15 § 14-201 OF THIS ARTICLE.

16 (D) "COMMITTEE" MEANS THE ATHLETIC TRAINER ADVISORY COMMITTEE.

17 (E) "DIRECTION" MEANS SUPERVISION OVER THE ACTIONS OF A LICENSED
18 ATHLETIC TRAINER THROUGH A REFERRAL FROM A LICENSED PHYSICIAN OR UNDER
19 A WRITTEN PROTOCOL APPROVED BY A SUPERVISING PHYSICIAN TO TREAT A
20 CONDITION FOR A PHYSICALLY ACTIVE INDIVIDUAL, WHERE THE PHYSICAL
21 PRESENCE OF THE SUPERVISING PHYSICIAN IS NOT REQUIRED IF THE SUPERVISING
22 PHYSICIAN IS READILY AVAILABLE FOR CONSULTATION BY DIRECT
23 COMMUNICATION BY RADIO, TELEPHONE, FACSIMILE, TELECOMMUNICATIONS, OR
24 OTHER ELECTRONIC MEANS.

25 (F) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PROVIDE
26 ATHLETIC TRAINER SERVICES.

27 (G) "LICENSED ATHLETIC TRAINER" MEANS AN ATHLETIC TRAINER WHO IS
28 LICENSED BY THE BOARD TO PROVIDE ATHLETIC TRAINER SERVICES.

29 (H) "PHYSICALLY ACTIVE PERSON" MEANS AN INDIVIDUAL WHO
30 PARTICIPATES IN ORGANIZED, INDIVIDUAL, OR TEAM SPORTS, ATHLETIC GAMES OR
31 RECREATIONAL SPORT ACTIVITY, OR IS IDENTIFIED AS BENEFITTING FROM
32 ATHLETIC TRAINING SERVICES BY A LICENSED PHYSICIAN.

33 (I) (1) "PROVIDE ATHLETIC TRAINER SERVICES" MEANS THE MANAGEMENT
34 AND PROVISION OF CARE OF CONDITIONS OF A PHYSICALLY ACTIVE PERSON, THE
35 RENDERING OF EMERGENCY CARE, DEVELOPMENT OF INJURY PREVENTION

1 PROGRAMS, AND PROVIDING APPROPRIATE PREVENTATIVE AND SUPPORTING
2 DEVICES FOR THE PHYSICALLY ACTIVE PERSON WITH THE DIRECTION OF A
3 LICENSED PHYSICIAN.

4 (2) "PROVIDE ATHLETIC TRAINER SERVICES" INCLUDES:

5 (I) THE ASSESSMENT, MANAGEMENT, TREATMENT, EDUCATION,
6 REHABILITATION, AND RECONDITIONING OF THE PHYSICALLY ACTIVE PERSON
7 WHOSE CONDITIONS ARE WITHIN THE PROFESSIONAL PREPARATION AND
8 EDUCATION OF A LICENSED ATHLETIC TRAINER; AND

9 (II) THE USE OF MODALITIES SUCH AS MECHANICAL
10 STIMULATION, HEAT, COLD, LIGHT, WATER, ELECTRICITY, SOUND, MASSAGE, AND
11 THE USE OF THERAPEUTIC EXERCISES, RECONDITIONING EXERCISES, AND FITNESS
12 PROGRAMS.

13 (3) "PROVIDE ATHLETIC TRAINER SERVICES" DOES NOT INCLUDE THE
14 PRACTICE OF PHYSICAL THERAPY AS DEFINED IN TITLE 13 OF THIS ARTICLE.

15 (J) "REFERRAL" MEANS A WRITTEN ORDER OR AN ORAL ORDER, THAT HAS
16 BEEN REDUCED TO A WRITING WITHIN 72 HOURS OF ISSUANCE, FROM A LICENSED
17 PHYSICIAN TO A LICENSED ATHLETIC TRAINER FOR ATHLETIC TRAINING SERVICES.

18 (K) "WRITTEN PROTOCOL" MEANS A WRITTEN AGREEMENT APPROVED BY THE
19 BOARD AND DEVELOPED IN CONJUNCTION WITH ONE OR MORE SUPERVISING
20 PHYSICIANS WHICH IDENTIFIES AND IS SIGNED BY THE SUPERVISING PHYSICIAN
21 AND THE LICENSED ATHLETIC TRAINER THAT:

22 (1) DESCRIBES THE MANNER AND FREQUENCY IN WHICH THE
23 CERTIFIED ATHLETIC TRAINER REGULARLY COMMUNICATES WITH THE
24 SUPERVISING PHYSICIAN; AND

25 (2) INCLUDES STANDARD OPERATING PROCEDURES THAT THE
26 LICENSED ATHLETIC TRAINER FOLLOWS WHEN NOT BEING DIRECTLY SUPERVISED
27 ON-SITE BY THE SUPERVISING PHYSICIAN.

28 1B-102.

29 THE PURPOSE OF THIS TITLE IS TO ENSURE MINIMUM STANDARDS OF
30 COMPETENCY FOR ATHLETIC TRAINERS SO THAT THE PUBLIC IS PROVIDED WITH
31 SAFE ATHLETIC TRAINER SERVICES.

32 1B-103.

33 AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THIS ARTICLE MAY REFER A
34 PHYSICALLY ACTIVE PERSON TO AN ATHLETIC TRAINER.

SUBTITLE 2. ATHLETIC TRAINER ADVISORY COMMITTEE.

2 1B-201.

3 (A) THERE IS AN ATHLETIC TRAINER ADVISORY COMMITTEE WITHIN THE
4 BOARD.

5 (B) THE COMMITTEE SHALL FUNCTION AS A SUBUNIT OF THE BOARD.

6 1B-202.

7 (A) THE COMMITTEE SHALL CONSIST OF SEVEN MEMBERS APPOINTED BY
8 THE BOARD.

9 (B) OF THE SEVEN COMMITTEE MEMBERS:

10 (1) THREE SHALL BE LICENSED PHYSICIANS;

11 (2) THREE SHALL BE LICENSED ATHLETIC TRAINERS; AND

12 (3) ONE SHALL BE A CONSUMER MEMBER.

13 (C) (1) EACH ATHLETIC TRAINER MEMBER OF THE COMMITTEE SHALL:

14 (I) BE CERTIFIED BY THE NATIONAL ATHLETIC TRAINERS'
15 ASSOCIATION BOARD OF CERTIFICATION, INC., OR ITS SUCCESSOR ORGANIZATION;

16 (II) HAVE HAD AT LEAST 5 YEARS OF EXPERIENCE AS AN ATHLETIC
17 TRAINER, INCLUDING THE 3 YEARS IMMEDIATELY BEFORE APPOINTMENT TO THE
18 BOARD; AND

19 (III) CURRENTLY RESIDE OR BE EMPLOYED IN THE STATE.

20 (2) THE CONSUMER MEMBER OF THE COMMITTEE:

21 (I) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

22 (II) MAY NOT BE OR EVER HAVE BEEN AN ATHLETIC TRAINER;

23 (III) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS OR HAS BEEN
24 AN ATHLETIC TRAINER; AND

25 (IV) MAY NOT HAVE HAD WITHIN 1 YEAR BEFORE APPOINTMENT A
26 FINANCIAL INTEREST IN OR RECEIVED COMPENSATION FROM A PERSON
27 REGULATED BY THE BOARD.

28 (D) (1) A COMMITTEE CHAIRPERSON AND A SECRETARY SHALL BE
29 SELECTED EVERY 2 YEARS BY A MAJORITY VOTE OF THE MEMBERSHIP OF THE
30 COMMITTEE.

1 (2) THE CHAIRPERSON SHALL SERVE IN AN ADVISORY CAPACITY TO THE
2 BOARD AS A REPRESENTATIVE OF THE COMMITTEE.

3 1B-203.

4 (A) THE BOARD SHALL ADOPT REGULATIONS GOVERNING:

5 (1) THE TERM OF OFFICE OF COMMITTEE MEMBERS;

6 (2) THE PROCEDURE FOR FILLING VACANCIES ON THE COMMITTEE;

7 (3) THE REMOVAL OF COMMITTEE MEMBERS; AND

8 (4) THE DUTIES OF EACH OFFICER.

9 (B) IN ADDITION TO THE REGULATIONS ON REMOVAL OF MEMBERS ADOPTED
10 BY THE BOARD, ON THE RECOMMENDATION OF THE SECRETARY, THE GOVERNOR
11 MAY REMOVE A MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT
12 FROM TWO SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

13 1B-204.

14 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE
15 COMMITTEE IS A QUORUM.

16 (B) THE COMMITTEE SHALL HOLD AT LEAST TWO MEETINGS A YEAR, AT THE
17 TIMES AND PLACES THAT THE COMMITTEE DETERMINES.

18 (C) EACH MEMBER OF THE COMMITTEE IS ENTITLED TO:

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

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

22 1B-205.

23 IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE
24 COMMITTEE SHALL:

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

27 (2) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO
28 CARRY OUT THE PROVISIONS OF THIS TITLE;

29 (3) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR
30 THE PRACTICE OF ATHLETIC TRAINING FOR ADOPTION BY THE BOARD;

31 (4) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS
32 FOR LICENSURE OF AN ATHLETIC TRAINER;

1 (5) CONSIDER COMPLAINTS BROUGHT TO THE BOARD INVOLVING
2 LICENSED ATHLETIC TRAINERS AND RECOMMEND TO THE BOARD THE APPROPRIATE
3 DISCIPLINARY ACTION;

4 (6) EVALUATE EDUCATION PROGRAMS IN ATHLETIC TRAINING FOR
5 APPROVAL BY THE BOARD;

6 (7) KEEP A RECORD OF THE PROCEEDINGS OF THE BOARD; AND

7 (8) SUBMIT AN ANNUAL REPORT TO THE BOARD.

8 1B-206.

9 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND
10 RENEWAL OF LICENSES.

11 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
12 APPROXIMATE THE COST OF MAINTAINING THE ADVISORY COMMITTEE, LICENSURE,
13 AND OTHER SERVICES PROVIDED TO ATHLETIC TRAINERS.

14 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO
15 THE COMPTROLLER OF THE STATE.

16 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD OF
17 PHYSICIANS FUND.

18 1B-207.

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

22 (B) THIS SECTION DOES NOT APPLY TO:

23 (1) AN ACUPUNCTURIST, CHIROPRACTOR, NURSE, OCCUPATIONAL
24 THERAPIST, MASSAGE THERAPIST, OR PHYSICAL THERAPIST WHO IS REGISTERED OR
25 LICENSED UNDER THIS ARTICLE AND WHO DOES NOT REPRESENT TO THE PUBLIC
26 THAT THE INDIVIDUAL IS AN ATHLETIC TRAINER;

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

28 (3) AN INDIVIDUAL WHO PROVIDES STUDENT ATHLETIC TRAINER
29 SERVICES, UNDER THE DIRECT SUPERVISION OF A LICENSED ATHLETIC TRAINER, IN
30 A BOARD APPROVED ATHLETIC TRAINING EDUCATIONAL CLINICAL PROGRAM; OR

31 (4) AN ATHLETIC TRAINER WHO IS EMPLOYED BY OR UNDER CONTRACT
32 WITH AN ENTITY LOCATED IN ANOTHER STATE AND WHO IS REPRESENTING THAT
33 ENTITY AT AN ATHLETIC EVENT OR ANY OTHER EVENT FOR LESS THAN 90 DAYS IN
34 THIS STATE.

SUBTITLE 3. QUALIFICATION AND LICENSURE REQUIREMENTS.

1B-301.

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

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

(C) THE APPLICANT SHALL HAVE GRADUATED FROM AN ACCREDITED 4-YEAR COLLEGE OR UNIVERSITY.

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

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

(I) HAS A CURRENT CERTIFICATE FROM THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC., OR ITS SUCCESSOR ORGANIZATION, AND APPLIES TO THE BOARD BEFORE OCTOBER 1, 2005; OR

(II) HAS ACTIVELY PROVIDED FULL-TIME ATHLETIC TRAINER SERVICES IN THE STATE FOR COMPENSATION FROM JANUARY 1, 1997, TO THE TIME OF APPLICATION.

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

1B-302.

AN APPLICANT FOR A LICENSE SHALL:

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

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

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

1B-303.

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

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

3 (2) THE OTHER STATE AGREES TO WAIVE TO A SIMILAR EXTENT THE
4 LICENSING REQUIREMENTS IN THAT STATE FOR LICENSED ATHLETIC TRAINERS OF
5 THIS STATE.

6 1B-304.

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

9 1B-305.

10 (A) WHILE A LICENSE IS IN EFFECT, THE LICENSE AUTHORIZES THE
11 LICENSEE TO PROVIDE ATHLETIC TRAINER SERVICES.

12 (B) UNLESS A LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED
13 IN THIS SECTION, THE LICENSE EXPIRES 2 YEARS AFTER ITS EFFECTIVE DATE.

14 (C) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL
15 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

16 (1) A RENEWAL APPLICATION FORM; OR

17 (2) A NOTICE OF RENEWAL THAT STATES:

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

19 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
20 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
21 LICENSE EXPIRES; AND

22 (III) THE AMOUNT OF THE RENEWAL FEE.

23 (D) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW
24 IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

25 (1) IS OTHERWISE ENTITLED TO BE LICENSED;

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

27 (3) SUBMITS TO THE BOARD:

28 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
29 PROVIDES; AND

30 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE
31 CONTINUING EDUCATION REQUIREMENTS AS ESTABLISHED BY THE NATIONAL
32 ATHLETIC TRAINERS' ASSOCIATION BOARD OF CERTIFICATION, INC., OR ITS
33 SUCCESSOR ORGANIZATION.

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

3 1B-306.

4 THE BOARD SHALL REINSTATE THE LICENSE OF AN ATHLETIC TRAINER WHO
5 HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE ATHLETIC TRAINER:

6 (1) MEETS THE RENEWAL REQUIREMENTS OF § 1B-305 OF THIS
7 SUBTITLE;

8 (2) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;
9 AND

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

13 1B-307.

14 EACH LICENSEE SHALL GIVE THE BOARD WRITTEN NOTICE OF ANY CHANGE OF
15 ADDRESS.

16 1B-308.

17 (A) SUBJECT TO THE HEARING PROVISIONS OF § 1B-309 OF THIS SUBTITLE,
18 THE BOARD MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,
19 IMPOSE RESTRICTIONS ON A LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE
20 APPLICANT OR LICENSEE:

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

23 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

24 (3) IS GROSSLY NEGLIGENT OR INCOMPETENT IN PROVIDING ATHLETIC
25 TRAINER SERVICES IN ACCORDANCE WITH THE STANDARDS, ROLE DELINEATION,
26 AND CODE OF ETHICS OF THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION BOARD
27 OF CERTIFICATION, INC., OR ITS SUCCESSOR ORGANIZATION;

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

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

35 (6) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN
36 PROVIDING ATHLETIC TRAINER SERVICES;

- 1 (7) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;
- 2 (8) ABANDONS A PATIENT;
- 3 (9) IS HABITUALLY INTOXICATED;
- 4 (10) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR
5 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
6 LAW ARTICLE;
- 7 (11) PROVIDES PROFESSIONAL SERVICES WHILE:
- 8 (I) UNDER THE INFLUENCE OF ALCOHOL; OR
- 9 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
10 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER
11 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
12 INDICATION;
- 13 (12) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES, APPLIANCES,
14 OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;
- 15 (13) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN
16 PROVIDING ATHLETIC TRAINER SERVICES;
- 17 (14) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
18 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
19 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;
- 20 (15) BREACHES PATIENT CONFIDENTIALITY;
- 21 (16) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
22 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR
23 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
24 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
25 REFERRING A PATIENT;
- 26 (17) KNOWINGLY MAKES A MISREPRESENTATION WHILE PROVIDING
27 ATHLETIC TRAINER SERVICES;
- 28 (18) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
29 WHICH SERVICES ARE NOT PROVIDED;
- 30 (19) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
31 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
32 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
33 ACTION UNDER THE BOARD'S DISCIPLINARY STATUES; AND
- 34 (II) THE LICENSED INDIVIDUAL:

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

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

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

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

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

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

15 (24) PRACTICES OR ATTEMPTS TO PROVIDE ATHLETIC TRAINER
16 SERVICES IF THE APPLICANT OR LICENSED INDIVIDUAL HAS NOT RECEIVED
17 EDUCATION, INTERNSHIP, TRAINING, OR EXPERIENCE IN THE PERFORMANCE OF
18 THE SERVICES; OR

19 (25) KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.

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

25 1B-309.

26 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
27 ACT OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES
28 ANY ACTION UNDER § 1B-308 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL
29 AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
30 BEFORE THE BOARD.

31 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
32 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT OF TITLE 10 OF THE
33 STATE GOVERNMENT ARTICLE.

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

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

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

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

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

12 1B-310.

13 (A) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
14 CONTESTED CASE, AS DEFINED IN § 10-202(D) OF THE STATE GOVERNMENT ARTICLE,
15 MAY TAKE A DIRECT JUDICIAL APPEAL.

16 (B) THE APPEAL SHALL BE AS PROVIDED FOR JUDICIAL REVIEW OF THE
17 FINAL DECISION IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

18 1B-311.

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

23 1B-312.

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

27 SUBTITLE 4. SHORT TITLE; TERMINATION OF TITLE.

28 1B-401.

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

30 1B-402.

31 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
32 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
33 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO FURTHER FORCE
34 AND EFFECT AFTER JULY 1, 2009.

1

Article - State Government

2 8-403.

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

7 (6A) ATHLETIC TRAINING ADVISORY COMMITTEE (§ 1B-201 OF THE
8 HEALTH OCCUPATIONS ARTICLE: JULY 1, 2008);

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2004.