

SENATE BILL 584

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By: **Senators Britt, Harris, Hooper, and Klausmeier**
Introduced and read first time: February 2, 2007
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; establishing certain fees for services
5 provided by the Board to athletic trainers; providing for the composition,
6 appointment, terms, and compensation of the Committee members; establishing
7 certain powers and duties of the Committee; requiring certain persons to be
8 licensed by the Board as athletic trainers before performing certain work in the
9 State; establishing certain education and experience requirements to qualify for
10 a license; establishing certain application fees and requirements for obtaining a
11 license; establishing certain terms and procedures for the renewal and
12 reinstatement of a license; establishing certain terms and conditions for a
13 temporary license; prohibiting a licensee from surrendering a license under
14 certain circumstances; authorizing the Board to deny a license or temporary
15 license to an applicant, reprimand a licensee or holder of a temporary license,
16 place a licensee or temporary licensee on probation, or suspend or revoke a
17 license or temporary license under certain circumstances; establishing certain
18 requirements for reinstatement of a revoked license; providing for certain
19 criminal and civil penalties; establishing certain hearing and appeal procedures
20 for athletic trainers; providing that the Committee is subject to the provisions of
21 the Maryland Program Evaluation Act; requiring that an evaluation of the
22 Committee and statutes and regulations that relate to the Committee be
23 performed on or before a certain date; defining certain terms; providing for the
24 termination of this Act; and generally relating to an athletic training license
25 and the Athletic Trainer Advisory Committee.

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–19 to be under the new subtitle “Subtitle 5D.
4 Athletic Trainers”
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2006 Supplement)

7 BY renumbering
8 Article – State Government
9 Section 8–403(b)(7) through (69), respectively
10 to be Section 8–403(b)(8) through (70), respectively
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 8–403(a)
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

18 BY adding to
19 Article – State Government
20 Section 8–403(b)(7)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2006 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Sections(s) 8–403(b)(7) through (69), respectively, of Article – State
25 Government of the Annotated Code of Maryland be renumbered to be Section(s)
26 8–403(b)(8) through (70), respectively.

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

29 **Article – Health Occupations**

30 **SUBTITLE 5D. ATHLETIC TRAINERS.**

31 **14–5D–01.**

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

1 **(B) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.**

2 **(C) “COMMITTEE” MEANS THE ATHLETIC TRAINER ADVISORY**
3 **COMMITTEE ESTABLISHED UNDER § 14-5D-04 OF THIS SUBTITLE.**

4 **(D) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE**
5 **ATHLETIC TRAINING.**

6 **(E) “LICENSED ATHLETIC TRAINER” MEANS AN INDIVIDUAL WHO IS**
7 **ENGAGED IN THE PRACTICE OF ATHLETIC TRAINING AND IS LICENSED BY THE**
8 **BOARD TO PRACTICE ATHLETIC TRAINING.**

9 **(F) “NATIONAL CERTIFYING BOARD” MEANS THE NATIONAL ATHLETIC**
10 **TRAINERS’ ASSOCIATION BOARD OF CERTIFICATION, INC., OR ITS SUCCESSOR**
11 **ORGANIZATION.**

12 **(G) (1) “PRACTICE ATHLETIC TRAINING” MEANS THE TREATMENT OF**
13 **AN INDIVIDUAL FOR:**

14 **(I) RISK MANAGEMENT AND INJURY PREVENTION;**

15 **(II) THE CLINICAL EVALUATION AND DIAGNOSIS OF AN**
16 **INDIVIDUAL FOR AN INJURY OR ILLNESS;**

17 **(III) THE IMMEDIATE CARE AND TREATMENT OF AN**
18 **INDIVIDUAL FOR AN INJURY OR ILLNESS; AND**

19 **(IV) THE REHABILITATION AND RECONDITIONING OF AN**
20 **INDIVIDUAL’S INJURY OR ILLNESS UNDER THE DIRECTION OF A PHYSICIAN.**

21 **(2) “PRACTICE ATHLETIC TRAINING” DOES NOT INCLUDE**
22 **PRACTICING:**

23 **(I) MEDICINE;**

24 **(II) PHYSICAL THERAPY; OR**

25 **(III) CHIROPRACTIC.**

1 (H) “TEMPORARY LICENSE” MEANS A LICENSE ISSUED BY THE BOARD
2 UNDER AND AS LIMITED BY § 14-5D-12 OF THIS SUBTITLE TO PRACTICE
3 ATHLETIC TRAINING.

4 **14-5D-02.**

5 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO
6 PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO
7 PRACTICE UNDER THIS ARTICLE.

8 **14-5D-03.**

9 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE
10 ISSUANCE OF AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT
11 PROVIDES TO ATHLETIC TRAINERS.

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

15 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
16 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

17 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE
18 BOARD.

19 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
20 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND
21 REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF
22 THIS SUBTITLE.

23 **14-5D-04.**

24 THERE IS AN ATHLETIC TRAINER ADVISORY COMMITTEE WITHIN THE
25 BOARD.

26 **14-5D-05.**

1 **(A) THE COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED BY**
2 **THE BOARD AS FOLLOWS:**

3 **(1) (I) ON OR BEFORE SEPTEMBER 30, 2010, THREE ATHLETIC**
4 **TRAINERS;**

5 **(II) ON OR AFTER OCTOBER 1, 2010, THREE LICENSED**
6 **ATHLETIC TRAINERS THAT:**

7 **1. ARE CERTIFIED BY THE NATIONAL CERTIFYING**
8 **BOARD; AND**

9 **2. HAVE A MINIMUM OF 5 YEARS OF CLINICAL**
10 **EXPERIENCE;**

11 **(2) THREE PHYSICIANS; AND**

12 **(3) ONE CONSUMER MEMBER.**

13 **(B) (1) THE ATHLETIC TRAINER MEMBERS SHALL BE APPOINTED BY**
14 **THE BOARD FROM A LIST OF QUALIFIED INDIVIDUALS SUBMITTED TO THE**
15 **BOARD BY THE MARYLAND ATHLETIC TRAINERS ASSOCIATION, INC.**

16 **(2) THE NUMBER OF NAMES ON THE LIST SHALL BE FIVE TIMES**
17 **THE NUMBER OF VACANCIES.**

18 **(3) THE BOARD MAY REQUEST AN ADDITIONAL LIST OF FIVE**
19 **NOMINEES FOR EACH VACANCY.**

20 **(C) THE CONSUMER MEMBER OF THE COMMITTEE:**

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

22 **(2) MAY NOT BE OR EVER HAVE BEEN:**

23 **(I) AN ATHLETIC TRAINER;**

24 **(II) ANY HEALTH CARE PROFESSIONAL; OR**

1 **(III) IN TRAINING TO BE AN ATHLETIC TRAINER OR OTHER**
2 **HEALTH PROFESSIONAL;**

3 **(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A HEALTH**
4 **PROFESSIONAL OR IS IN TRAINING TO BE A HEALTH PROFESSIONAL; AND**

5 **(4) MAY NOT:**

6 **(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
7 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ATHLETIC TRAINING;**

8 **(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A**
9 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ATHLETIC TRAINING;**

10 **(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
11 **FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD; OR**

12 **(IV) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
13 **FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO ATHLETIC**
14 **TRAINERS OR TO THE FIELD OF ATHLETIC TRAINING.**

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

16 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
17 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2007.**

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

20 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
21 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
22 **APPOINTED AND QUALIFIES.**

23 **14-5D-06.**

24 **IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE,**
25 **THE COMMITTEE SHALL:**

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

3 **(2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF**
4 **ETHICS FOR THE PRACTICE OF ATHLETIC TRAINING SERVICES FOR ADOPTION**
5 **BY THE BOARD;**

6 **(3) DEVELOP AND RECOMMEND TO THE BOARD STANDARDS OF**
7 **CARE FOR THE PRACTICE OF ATHLETIC TRAINING;**

8 **(4) DEVELOP AND RECOMMEND TO THE BOARD THE**
9 **REQUIREMENTS FOR LICENSURE TO PROVIDE ATHLETIC TRAINING, INCLUDING:**

10 **(I) EDUCATIONAL AND CLINICAL TRAINING PROGRAMS**
11 **FOR ATHLETIC TRAINERS; AND**

12 **(II) CRITERIA FOR A PROFESSIONAL COMPETENCY**
13 **EXAMINATION AND TESTING OF APPLICANTS FOR A LICENSE TO PRACTICE**
14 **ATHLETIC TRAINING;**

15 **(5) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR**
16 **ATHLETIC TRAINERS WHO ARE LICENSED IN OTHER STATES TO PRACTICE IN**
17 **THIS STATE;**

18 **(6) VERIFY THE ACCREDITATION STATUS OF ATHLETIC TRAINING**
19 **EDUCATIONAL PROGRAMS TO BE APPROVED BY THE BOARD;**

20 **(7) EVALUATE THE CREDENTIALS OF APPLICANTS AND**
21 **RECOMMEND LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS**
22 **FOR A LICENSE TO PRACTICE ATHLETIC TRAINING;**

23 **(8) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING**
24 **EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

25 **(9) PROVIDE THE BOARD WITH RECOMMENDATIONS**
26 **CONCERNING THE PRACTICE OF ATHLETIC TRAINING;**

27 **(10) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR**
28 **CLINICAL EDUCATION PROGRAMS TAUGHT BY A LICENSED ATHLETIC TRAINER;**

1 **(11) KEEP A RECORD OF ITS PROCEEDINGS; AND**

2 **(12) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

3 **14-5D-07.**

4 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**
5 **OCTOBER 1, 2010, AND INDIVIDUAL SHALL BE LICENSED BY THE BOARD**
6 **BEFORE THE INDIVIDUAL MAY PRACTICE ATHLETIC TRAINING IN THIS STATE.**

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

8 **(1) AN INDIVIDUAL EMPLOYED BY THE FEDERAL GOVERNMENT**
9 **AS AN ATHLETIC TRAINER WHILE THE INDIVIDUAL IS PRACTICING WITHIN THE**
10 **SCOPE OF THAT EMPLOYMENT;**

11 **(2) AN INDIVIDUAL EMPLOYED BY OR UNDER CONTRACT WITH AN**
12 **ENTITY LOCATED IN ANOTHER STATE AND WHO IS REPRESENTING THAT ENTITY**
13 **AT AN ATHLETIC EVENT OR ANY OTHER EVENT FOR LESS THAN 90 DAYS IN THIS**
14 **STATE; OR**

15 **(3) A STUDENT ENROLLED IN AN EDUCATION PROGRAM UNDER §**
16 **14-5D-06 OF THIS SUBTITLE WHILE ENGAGED IN CLINICAL EDUCATIONAL**
17 **EXPERIENCES OF ATHLETIC TRAINING.**

18 **14-5D-08.**

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

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

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

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

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

1 **(1) BE CERTIFIED BY A NATIONAL CERTIFYING BOARD;**

2 **(2) HAVE GRADUATED FROM AN ATHLETIC TRAINER**
3 **EDUCATIONAL PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON**
4 **ACCREDITATION OF ATHLETIC TRAINING EDUCATION OR ITS SUCCESSOR,**
5 **UNLESS THE INDIVIDUAL IS RECOGNIZED AS AN ATHLETIC TRAINER IN GOOD**
6 **STANDING BY A NATIONAL CERTIFYING BOARD ON OCTOBER 1, 2007; AND**

7 **(3) MEET ANY OTHER EDUCATIONAL AND CLINICAL TRAINING**
8 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

9 **14-5D-09.**

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

11 **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**
12 **THE BOARD REQUIRES; AND**

13 **(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE**
14 **BOARD.**

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

18 **14-5D-10.**

19 **AN ATHLETIC TRAINER LICENSE AUTHORIZES THE LICENSEE TO**
20 **PRACTICE ATHLETIC TRAINING SERVICES WHILE THE LICENSE IS EFFECTIVE.**

21 **14-5D-11.**

22 **(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE**
23 **LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS**
24 **SECTION.**

25 **(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD**
26 **SHALL SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN**
27 **ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:**

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

2 (2) **THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
3 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
4 **BEFORE THE LICENSE EXPIRES; AND**

5 (3) **THE AMOUNT OF THE RENEWAL FEE.**

6 (C) **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
7 **LICENSE EXPIRES, THE LICENSE PERIODICALLY MAY RENEW IT FOR AN**
8 **ADDITIONAL TERM, IF THE LICENSEE:**

9 (1) **OTHERWISE IS ENTITLED TO BE LICENSED;**

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

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

13 (I) **A RENEWAL APPLICATION OF THE FORM THAT THE**
14 **BOARD REQUIRES; AND**

15 (II) **SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
16 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND ANY OTHER**
17 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**

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

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

24 (F) **THE BOARD SHALL REINSTATE THE LICENSE OF AN ATHLETIC**
25 **TRAINER WHO HAS NOT PLACED THE LICENSE ON AN INACTIVE STATUS AND**
26 **WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE ATHLETIC**
27 **TRAINER:**

1 (1) **APPLIES FOR REINSTATEMENT WITHIN 30 DAYS AFTER THE**
2 **DATE THE LICENSE EXPIRES;**

3 (2) **MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND**

4 (3) **PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
5 **BOARD.**

6 **14-5D-12.**

7 (A) **THE BOARD MAY ISSUE A TEMPORARY LICENSE TO AN APPLICANT**
8 **WHO:**

9 (1) **HAS MET THE APPROPRIATE REQUIREMENTS FOR LICENSURE**
10 **OF AN ATHLETIC TRAINER UNDER § 14-5D-09 OF THIS SUBTITLE; OR**

11 (2) **HAS GRADUATED FROM AN ATHLETIC TRAINER EDUCATIONAL**
12 **PROGRAM THAT IS ACCREDITED BY THE COMMISSION ON ACCREDITATION OF**
13 **ATHLETIC TRAINING EDUCATION OR ITS SUCCESSOR AND SHOWS PROOF OF**
14 **APPLICATION FOR THE FIRST AVAILABLE NATIONAL CERTIFYING EXAMINATION.**

15 (B) **A TEMPORARY LICENSE ISSUED TO AN ATHLETIC TRAINER**
16 **AUTHORIZES THE HOLDER TO PRACTICE ATHLETIC TRAINING ONLY IN**
17 **ASSOCIATION WITH A LICENSED ATHLETIC TRAINER.**

18 (C) **A TEMPORARY LICENSE EXPIRES 45 DAYS AFTER THE DATE WHEN**
19 **THE RESULTS OF THE FIRST EXAMINATION THAT THE HOLDER WAS ELIGIBLE TO**
20 **TAKE ARE MADE PUBLIC.**

21 (D) **THE BOARD MAY NOT ISSUE MORE THAN TWO TEMPORARY**
22 **LICENSES TO AN INDIVIDUAL.**

23 **14-5D-13.**

24 **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,**
25 **A LICENSED ATHLETIC TRAINER OR HOLDER OF A TEMPORARY LICENSE MAY**
26 **NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF**

1 **LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE**
2 **PENDING AGAINST THE LICENSEE.**

3 **14-5D-14.**

4 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE,**
5 **THE BOARD MAY DENY A LICENSE OR TEMPORARY LICENSE TO ANY APPLICANT,**
6 **REPRIMAND ANY LICENSEE OR HOLDER OF A TEMPORARY LICENSE, PLACE ANY**
7 **LICENSEE OR HOLDER OF A TEMPORARY LICENSE ON PROBATION, OR SUSPEND**
8 **OR REVOKE A LICENSE OR TEMPORARY LICENSE IF THE APPLICANT, LICENSEE,**
9 **OR HOLDER:**

10 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
11 **OBTAIN A LICENSE OR TEMPORARY LICENSE FOR THE APPLICANT, LICENSEE,**
12 **OR FOR ANOTHER;**

13 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE OR**
14 **TEMPORARY LICENSE;**

15 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN**
16 **THE PRACTICE OF ATHLETIC TRAINING;**

17 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**
18 **INCOMPETENT;**

19 **(5) ABANDONS A PATIENT;**

20 **(6) IS HABITUALLY INTOXICATED;**

21 **(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
22 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**
23 **CRIMINAL LAW ARTICLE;**

24 **(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

25 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

26 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
27 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY**

1 OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT
2 VALID MEDICAL INDICATION;

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

6 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN
7 THE PRACTICE OF ATHLETIC TRAINER SERVICES;

8 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS
9 REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR
10 RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD
11 A REPORT;

12 (12) BREACHES PATIENT CONFIDENTIALITY;

13 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
14 REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR
15 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY
16 FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR
17 BRINGING OR REFERRING A PATIENT;

18 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE
19 PRACTICING ATHLETIC TRAINING;

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

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

25 (17) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR
26 DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF
27 ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED
28 STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION FOR AN
29 ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE
30 BOARD'S DISCIPLINARY STATUTES;

1 **(18) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**
2 **DELIVERY OF ATHLETIC TRAINING SERVICES;**

3 **(19) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**
4 **FOR WHICH SERVICES ARE NOT PROVIDED;**

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

9 **(II) THE LICENSED INDIVIDUAL:**

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

12 **2. ALLOWED THE LICENSE ISSUED BY THE STATE OR**
13 **COUNTRY TO EXPIRE OR LAPSE;**

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

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

18 **(23) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
19 **AUTHORIZED SCOPE OF PRACTICE;**

20 **(24) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
21 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE WHETHER OR NOT**
22 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**
23 **PLEA SET ASIDE;**

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

1 **(26) PRACTICES OR ATTEMPTS TO PRACTICE AN ATHLETIC**
2 **TRAINING PROCEDURE OR USES OR ATTEMPTS TO USE ATHLETIC TRAINING**
3 **EQUIPMENT IF THE APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION**
4 **AND TRAINING IN THE PERFORMANCE OF THE PROCEDURE OR THE USE OF THE**
5 **EQUIPMENT.**

6 **(B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**
7 **PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER SUBSECTION**
8 **(A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE**
9 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
10 **BOARD IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF**
11 **THIS TITLE.**

12 **14-5D-15.**

13 **ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN**
14 **REVOKED, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL**
15 **AUTHORIZED MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.**

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

17 **(A) UNLESS AUTHORIZED TO PRACTICE ATHLETIC TRAINING UNDER**
18 **THIS SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY**
19 **DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT**
20 **THE PERSON IS AUTHORIZED TO PRACTICE ATHLETIC TRAINING IN THIS STATE.**

21 **(B) UNLESS AUTHORIZED TO PRACTICE ATHLETIC TRAINING UNDER**
22 **THIS SUBTITLE, A PERSON MAY NOT USE THE ABBREVIATION “A.T.”, “A.T.L.”,**
23 **“L.A.T.”, OR ANY OTHER WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO**
24 **REPRESENT THAT THE PERSON PRACTICES ATHLETIC TRAINING.**

25 **14-5D-17.**

26 **(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
27 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
28 **EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

