

HOUSE BILL NO. HB0260

Athletic trainers-licensure.

Sponsored by: Representative(s) Harshman and Senator(s)
Larson

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for the licensure of athletic trainers; creating a board of
3 athletic training; granting the board powers and duties
4 including rulemaking authority; providing for licensing
5 fees; imposing penalties; specifying legislative findings;
6 providing an appropriation; and providing for an effective
7 date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-45-101 through 33-45-112 are
12 created to read:

13

14

CHAPTER 45

15

ATHLETIC TRAINERS

16

1 **33-45-101. Short title.**

2

3 This chapter shall be known and may be cited as the
4 "Wyoming Athletic Trainers Licensing Act."

5

6 **33-45-102. Definitions.**

7

8 (a) As used in this chapter:

9

10 (i) "Athlete" means individuals associated with
11 an educational institution, or a professional, amateur or
12 recreational sports club or athletic organization
13 participating in exercises, sports or games that require
14 physical strength, agility, flexibility, range of motion,
15 speed or stamina;

16

17 (ii) "Athletic injury" means:

18

19 (A) An injury or athletic-related illness
20 or both that affects the athlete's participation or
21 performance in sports, games and exercise related to the
22 participation with an educational institute or
23 professional, amateur or recreational sports club or
24 organization; and

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(B) A condition that is within the scope of practice of an athletic trainer identified by a directing physician as benefiting from athletic training services.

(iii) "Board" means the state board of athletic training created under this chapter;

(iv) "License" means a current document certifying the athletic trainer has met the qualifications required to perform the functions and duties of an athletic trainer in this state.

(v) "Licensed athletic trainer" means a person licensed under this chapter who meets the qualifications set by the board and practices athletic training;

(vi) "Practice of athletic training" means the application of the principles and methods of prevention, recognition, evaluation and assessment of athletic injuries and illnesses, immediate care of athletic injuries including common injuries, medical emergencies, psychosocial intervention and referral, conditioning and rehabilitative exercise, nutritional aspects of injuries

1 and illnesses, the use of therapeutic modalities, proper
2 healthcare administration, professional development and the
3 understanding and education of applications, precautions,
4 interactions, indications and contraindications of
5 pharmacology for athletes. "Practice of athletic training"
6 does not include the practice of physical therapy as
7 defined in W.S. 33-25-101(a)(i).

8

9 **33-45-103. Board of athletic training established;**
10 **qualifications; term of office; vacancies; removal.**

11

12 (a) The state board of athletic training is created
13 to implement and administer this chapter.

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15 (b) The board shall consist of the following three
16 (3) members:

17

18 (i) Two (2) licensed athletic trainers certified
19 by a nationally accredited credentialing agency approved by
20 the board with at least five (5) years of training
21 experience prior to appointment; and

22

23 (c) Initial board members shall be subject to the
24 following:

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2 (i) Two (2) athletic trainers shall be certified
3 by a national board of certification of athletic trainers;

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5 (ii) Terms of initial board members shall be
6 staggered with one (1) member serving for one (1) year, one
7 (1) serving for two (2) years and one (1) serving for three
8 (3) years.

9

10 (d) The governor shall appoint the members of the
11 board. Except for initial board members as provided under
12 subsection (c) of this section, the term of each member
13 shall be three (3) years. Upon expiration of their terms,
14 members of the board shall continue to hold office until
15 the appointment of their successors. No person shall serve
16 as a member of the board for more than two (2) consecutive
17 terms.

18

19 (e) A vacancy that occurs for any reason in the
20 membership of the board shall be filled within thirty (30)
21 days by the governor. A person appointed to fill a vacancy
22 shall serve for the unexpired portion of the term.

23

1 (f) The governor may remove any member of the board
2 as provided in W.S. 9-1-202 or upon a recommendation of a
3 majority of the board for any reason.

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5 **33-45-104. Board of athletic training; reimbursement**
6 **of expenses.**

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8 Each member of the board shall receive the same per diem
9 and travel expenses provided by law for state employees
10 while engaged in official business or actual duties of the
11 board. The fees and expenses shall be paid from the funds
12 of the board.

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14 **33-45-105. Board of athletic training; meetings.**

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16 A majority of the board constitutes a quorum for meetings
17 and the transaction of official business. The board shall
18 meet as often as needed, but not less than two (2) times a
19 year.

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21 **33-45-106. Board of athletic training; powers and**
22 **duties; fees; deposit in separate account to fund**
23 **administration; separate account for enhancing practice of**
24 **athletic training.**

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2 (a) The board shall:

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4 (i) Administer this chapter;

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6 (ii) Promulgate rules and regulations as
7 necessary to carry out this chapter including:

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9 (A) Continuing education requirements for
10 the renewal of licenses;

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12 (B) Professional conduct;

13

14 (C) Professional licensure;

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16 (D) Ethical standards of practice.

17

18 (iii) Approve or disapprove applications for
19 licensure and issue licenses;

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21 (iv) Censure, suspend or revoke licenses as
22 provided in this chapter and the Wyoming Administrative
23 Procedure Act;

24

1 (v) Initiate and conduct investigations,
2 hearings and proceedings concerning alleged violations of
3 this chapter and board rules;

4

5 (vi) Prescribe fees in accordance with W.S.
6 33-1-201 for implementing this chapter;

7

8 (vii) Keep a record of all proceedings and make
9 available to licensees and other concerned parties an
10 annual report of all board action.

11

12 (b) The board may employ or contract with individuals
13 it determines necessary to administer its affairs and to
14 provide necessary support and clerical services. Costs
15 related to these services shall be paid from the funds of
16 the board.

17

18 (c) All fees collected by the board shall be
19 deposited by the state treasurer to the credit of the state
20 board of athletic training account. Disbursements from the
21 account shall not exceed the monies credited to it. The
22 account shall be used by the board to defray costs incurred
23 in the administration of this chapter.

24

1 (d) The board may accept federal, state, county, city
2 or private funds, grants or appropriations to enhance the
3 practice of athletic trainers. The funds shall be deposited
4 by the state treasurer in a separate account. The funds
5 shall be paid out upon an authorized voucher duly verified
6 and signed by the chairman of the board, showing that the
7 expenditure is authorized under this chapter. Upon
8 presentation of the voucher, the auditor shall draw the
9 warrant upon the treasurer but no warrant shall be drawn
10 unless sufficient funds are in the account.

11

12 **33-45-107. Licenses required; persons and practices**
13 **not affected.**

14

15 (a) After July 1, 2008, no person shall, except under
16 a license issued in compliance with this chapter and the
17 rules adopted pursuant to this chapter:

18

19 (i) Engage in the practice or offer to engage in
20 the practice of an athletic trainer; or

21

22 (ii) Use any card, title, letters, insignia or
23 abbreviation indicating that the person is a licensed
24 athletic trainer.

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2 (b) No person licensed as an athletic trainer under
3 this chapter shall engage in the practice of athletic
4 training except under the direction of a physician licensed
5 by the Wyoming board of medicine.

6

7 (c) Nothing in this chapter shall prevent or restrict
8 the practices, services or activities of:

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10 (i) Any person licensed in this state by any
11 other law from engaging in the profession or occupation for
12 which the person is licensed or registered or otherwise
13 regulated;

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15 (ii) Any person serving as a high school or
16 undergraduate student intern or trainee, provided the
17 activities of the student intern or trainee are performed
18 under the supervision of a licensed athletic trainer and
19 the student intern or trainee is given the title of
20 "athletic training student";

21

22 (iii) Any person performing athletic training
23 services in this state for no more than thirty (30) days in
24 any calendar year if that person is:

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2 (A) Employed by an organization,
3 corporation or educational institution located in another
4 state; and

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6 (B) Representing the organization,
7 corporation or educational institution in a short-term
8 event held in Wyoming.

9

10 (c) Any person engaged in the practice of athletic
11 training who is relocating to this state shall have one
12 hundred twenty (120) days from the date of residency to
13 complete application for licensure.

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15 **33-45-108. Applications; qualifications; issuance of**
16 **license.**

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18 (a) An application for licensure under this chapter
19 shall be on forms prescribed by the board. The application
20 shall show that the applicant has reached the age of
21 majority, is a graduate of an accredited four (4) year
22 college or university in a program of study approved by the
23 board and has passed the examination administered by a
24 national certifying body approved by the board.

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2 (b) Fees shall accompany all applications for
3 original licenses, renewal licenses and other applications
4 authorized by this chapter.

5

6 (c) The board shall issue a license to any applicant
7 who has satisfactorily met all the requirements for
8 licensure imposed under this chapter and board rule and
9 regulation as an athletic trainer. The term of the license
10 shall be three (3) years from the date of issuance and may
11 be renewed subject to the requirements of this chapter.

12

13 **33-45-109. Renewal of license.**

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15 The board shall prescribe the form and expiration date of
16 licenses. Licenses may be renewed by submitting the
17 required application for renewal and fee to the board
18 before the license expiration date. If a license is allowed
19 to expire, the license may be renewed within a period of
20 ninety (90) days after the expiration date upon payment of
21 the renewal fee. A license which is not renewed within the
22 ninety (90) day period may be reinstated upon payment of
23 all fees due, including a reinstatement fee as established
24 by the board. A license which has not been renewed is not

1 valid. No reinstatement of a license may be granted more
2 than five (5) years after its expiration.

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4 **33-45-110. Reciprocity.**

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6 Persons licensed to engage in the practice of athletic
7 training under the laws of any other state having
8 requirements substantially equal to those provided for in
9 this chapter may be issued a license to practice in this
10 state solely upon payment of the license fees as provided
11 in this chapter.

12

13 **33-45-111. Disciplinary action; suspension and**
14 **revocation of license.**

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16 (a) After the hearing authorized by subsection (b) of
17 this section, the board may deny a license or refuse to
18 renew a license, may suspend or revoke a license or may
19 impose probationary conditions if the licensee or the
20 applicant has engaged in unprofessional conduct which has
21 endangered or is likely to endanger the health, welfare or
22 safety of the public. For purposes of this section,
23 unprofessional conduct includes:

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1 (i) Obtaining a license by means of fraud,
2 misrepresentation or concealment of material facts;

3

4 (ii) Being guilty of unprofessional conduct as
5 defined by the rules of the board or violating the code of
6 ethics adopted and published by the board;

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8 (iii) Being convicted of a felony;

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10 (iv) Being convicted of an offense involving a
11 controlled substance;

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13 (v) Being negligent in the practice of athletic
14 training;

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16 (vi) Violating any lawful order, rule or
17 regulation rendered or adopted by the board; and

18

19 (vii) Violating any provision of this chapter.

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21 (b) A denial, refusal to renew, suspension,
22 revocation or imposition of probationary conditions upon a
23 license may be ordered by the board after a hearing in the
24 manner provided by rules and regulations adopted by the

1 board. An application for reinstatement may be made to the
2 board one (1) year after the date of the revocation of a
3 license. The board may accept or reject an application for
4 reinstatement and may hold a hearing to consider
5 reinstatement. Any person aggrieved by any final action of
6 the board may appeal to the district court under the
7 Wyoming Administrative Procedure Act.

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9 (c) Upon receipt from the department of family
10 services of a certified copy of an order from a court to
11 withhold, suspend or otherwise restrict a license issued by
12 the board, the board shall notify the party named in the
13 court order of the withholding, suspension or restriction
14 of the license in accordance with the terms of the court
15 order. No appeal under the Wyoming Administrative Procedure
16 Act shall be allowed for a license withheld, suspended or
17 restricted under this subsection.

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19 **33-45-112. Penalties.**

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21 (a) Any person who violates any provision of W.S.
22 33-45-107 is guilty of a misdemeanor punishable by
23 imprisonment of not more than six (6) months, a fine of not

1 more than seven hundred fifty dollars (\$750.00), or both.
2 Each violation shall constitute a separate offense.

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4 (b) The board may seek an injunction in the district
5 court to enjoin any person from violating this chapter.

6

7 **Section 2.** The legislature finds that the practice of
8 athletic training affects the public health, safety and
9 welfare of athletes on professional, amateur and school
10 teams and participants in sports that include training and
11 practice activities that require strength, agility,
12 flexibility, range of motion, speed or stamina. Licensure
13 of those who practice athletic training is necessary to
14 establish minimum standards of competency in the practice
15 of athletic training and to ensure the public safety in the
16 delivery of athletic training services. It is the purpose
17 of this act to provide for the regulation of persons
18 offering athletic training services.

19

20 **Section 3.** Ten thousand dollars (\$10,000.00) is
21 appropriated from the general fund to the state board of
22 athletic training account created by W.S. 33-45-106(c),
23 under section 1 of this act, to initiate funding of
24 administration of this act.

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2 **Section 4.** This act is effective July 1, 2007.

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(END)