

HOUSE BILL NO. HB0152

Athletic trainers-licensing.

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

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; restricting the practice of athletic training;
6 providing exceptions to licensure requirements; imposing
7 penalties; specifying legislative findings; providing an
8 appropriation; and providing for an effective date.

9

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

11

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

14

15

CHAPTER 45

16

ATHLETIC TRAINERS

1

2 **33-45-101. Short title.**

3

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

6

7 **33-45-102. Definitions.**

8

9 (a) As used in this chapter:

10

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

17

18 (ii) "Athletic injury" means:

19

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

1 professional, amateur or recreational sports club or
2 organization; and

3

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

7

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

10

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

15

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

19

20 (vi) "Practice of athletic training" means the
21 application of the principles and methods of prevention,
22 recognition, evaluation and assessment of athletic injuries
23 and illnesses, immediate care of athletic injuries
24 including common injuries, medical emergencies,

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

10
11 **33-45-103. Board of athletic training established;**
12 **qualifications; term of office; vacancies; removal.**

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

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

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

1 (ii) One (1) licensed physician with at least
2 five (5) years experience prior to appointment.

3

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

8

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

17

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

22

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.

4

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

7

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.

13

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

15

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.

20

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.**

1

2 (a) The board shall:

3

4 (i) Administer this chapter;

5

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

8

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

11

12 (B) Professional conduct;

13

14 (C) Professional licensure;

15

16 (D) Ethical standards of practice.

17

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

20

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, 2010, no person shall:
16

17 (i) Use any card, title, letters, insignia or
18 abbreviation indicating that the person is a licensed
19 athletic trainer, except under a license issued in
20 accordance with this chapter and rules adopted pursuant to
21 this chapter;
22

1 (ii) For pecuniary gain, engage in the practice
2 or offer to engage in the practice of an athletic trainer
3 unless:

4

5 (A) Exempted under this section; or

6

7 (B) Licensed in accordance with this
8 chapter and rules adopted pursuant to this chapter.

9

10 (b) No person licensed as an athletic trainer under
11 this chapter shall engage in the practice of athletic
12 training except under the direction of a physician licensed
13 by the Wyoming board of medicine.

14

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

17

18 (i) Any person licensed in this state by any
19 other law from engaging in the profession or occupation for
20 which the person is licensed or registered or otherwise
21 regulated;

22

1 (ii) Any person employed by a school district in
2 this state and holding a coaching endorsement issued by the
3 professional teaching standards board;

4
5 (iii) Any person serving as an athletic trainer
6 for a school district or as an undergraduate student intern
7 or trainee, provided the student intern or trainee is given
8 the title of "athletic training student," and the
9 activities of any person acting pursuant to this paragraph
10 are performed under the supervision of a licensed athletic
11 trainer or a person meeting the qualifications of paragraph
12 (ii) of this subsection;

13
14 (iv) Any person performing athletic training
15 services in this state for no more than thirty (30) days in
16 any calendar year if that person is:

17
18 (A) Employed by an organization,
19 corporation or educational institution located in another
20 state; and

21
22 (B) Representing the organization,
23 corporation or educational institution in a short-term
24 event held in Wyoming.

1

2 (d) Any person engaged in the practice of athletic
3 training who is relocating to this state shall have one
4 hundred twenty (120) days from the date of residency to
5 complete application for licensure.

6

7 **33-45-108. Applications; qualifications; issuance of**
8 **license.**

9

10 (a) An application for licensure under this chapter
11 shall be on forms prescribed by the board. The application
12 shall show that the applicant has reached the age of
13 majority, is a graduate of an accredited four (4) year
14 college or university in a program of study approved by the
15 board and has passed the examination administered by a
16 national certifying body approved by the board.

17

18 (b) Fees shall accompany all applications for
19 original licenses, renewal licenses and other applications
20 authorized by this chapter.

21

22 (c) The board shall issue a license to any applicant
23 who has satisfactorily met all the requirements for
24 licensure imposed under this chapter and board rule and

1 regulation as an athletic trainer. The term of the license
2 shall be three (3) years from the date of issuance and may
3 be renewed subject to the requirements of this chapter.

4
5 **33-45-109. Renewal of license.**

6
7 The board shall prescribe the form and expiration date of
8 licenses. Licenses may be renewed by submitting the
9 required application for renewal and fee to the board
10 before the license expiration date. If a license is allowed
11 to expire, the license may be renewed within a period of
12 ninety (90) days after the expiration date upon payment of
13 the renewal fee. A license which is not renewed within the
14 ninety (90) day period may be reinstated upon payment of
15 all fees due, including a reinstatement fee as established
16 by the board. A license which has not been renewed is not
17 valid. No reinstatement of a license may be granted more
18 than five (5) years after its expiration.

19
20 **33-45-110. Reciprocity.**

21
22 Persons licensed to engage in the practice of athletic
23 training under the laws of any other state having
24 requirements substantially equal to those provided for in

1 this chapter may be issued a license to practice in this
2 state solely upon payment of the license fees as provided
3 in this chapter.

4

5 **33-45-111. Disciplinary action; suspension and**
6 **revocation of license.**

7

8 (a) After the hearing authorized by subsection (b) of
9 this section, the board may deny a license or refuse to
10 renew a license, may suspend or revoke a license or may
11 impose probationary conditions if the licensee or the
12 applicant has engaged in unprofessional conduct which has
13 endangered or is likely to endanger the health, welfare or
14 safety of the public. For purposes of this section,
15 unprofessional conduct includes:

16

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

19

20 (ii) Being guilty of unprofessional conduct as
21 defined by the rules of the board or violating the code of
22 ethics adopted and published by the board;

23

24 (iii) Being convicted of a felony;

1

2 (iv) Being convicted of an offense involving a
3 controlled substance;

4

5 (v) Being negligent in the practice of athletic
6 training;

7

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

10

11 (vii) Violating any provision of this chapter.

12

13 (b) A denial, refusal to renew, suspension,
14 revocation or imposition of probationary conditions upon a
15 license may be ordered by the board after a hearing in the
16 manner provided by rules and regulations adopted by the
17 board. An application for reinstatement may be made to the
18 board one (1) year after the date of the revocation of a
19 license. The board may accept or reject an application for
20 reinstatement and may hold a hearing to consider
21 reinstatement. Any person aggrieved by any final action of
22 the board may appeal to the district court under the
23 Wyoming Administrative Procedure Act.

24

1 (c) Upon receipt from the department of family
2 services of a certified copy of an order from a court to
3 withhold, suspend or otherwise restrict a license issued by
4 the board, the board shall notify the party named in the
5 court order of the withholding, suspension or restriction
6 of the license in accordance with the terms of the court
7 order. No appeal under the Wyoming Administrative Procedure
8 Act shall be allowed for a license withheld, suspended or
9 restricted under this subsection.

10
11 **33-45-112. Penalties.**

12
13 (a) Any person who violates any provision of W.S.
14 33-45-107 is guilty of a misdemeanor punishable by
15 imprisonment of not more than six (6) months, a fine of not
16 more than seven hundred fifty dollars (\$750.00), or both.
17 Each violation shall constitute a separate offense.

18
19 (b) The board may seek an injunction in the district
20 court to enjoin any person from violating this chapter.

21
22 **Section 2.** The legislature finds that the practice of
23 athletic training affects the public health, safety and
24 welfare of athletes on professional, amateur and school

1 teams and participants in sports that include training and
2 practice activities that require strength, agility,
3 flexibility, range of motion, speed or stamina. Licensure
4 of those who practice athletic training is necessary to
5 establish minimum standards of competency in the practice
6 of athletic training and to ensure the public safety in the
7 delivery of athletic training services. It is the purpose
8 of this act to provide for the regulation of persons
9 offering athletic training services.

10

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

16

17 **Section 4.** This act is effective July 1, 2009.

18

19 (END)