

HOUSE BILL NO. HB0260

Athletic trainers-licensing.

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; conforming existing
3 statutes; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 33-40-201 through 33-40-205 are
8 created to read:

9

10 ARTICLE 2

11 ATHLETIC TRAINERS

12

13 **33-40-201. Athletic trainer license required; persons**
14 **and practices not affected.**

15

1 (a) No person shall, except under a license issued in
2 compliance with this article and the rules adopted pursuant
3 to this article:

4

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

7

8 (ii) Use any card, title, letters, insignia or
9 abbreviation indicating that the person is an athletic
10 trainer; or

11

12 (iii) Hold himself out to be an athletic
13 trainer.

14

15 (b) Nothing in this article shall be construed as
16 preventing or restricting the practice, services or
17 activities of:

18

19 (i) Any person licensed in this state under any
20 other statute from engaging in the profession or occupation
21 for which such person is licensed;

22

1 (ii) Any person serving as a student athletic
2 trainer or in a similar position under the direction of a
3 licensed physician or licensed athletic trainer;

4
5 (iii) Any person performing athletic training
6 services in this state for no more than thirty (30) days in
7 a calendar year if:

8
9 (A) The person is employed as a certified
10 athletic trainer by an organization, corporation or
11 educational institution located in another state; and

12
13 (B) The person is representing the
14 organization, corporation or educational institution in a
15 short-term event held in Wyoming.

16
17 (c) Any person moving into this state shall have one
18 hundred twenty (120) days from the date residency is
19 established to complete application for licensure.

20
21 **33-40-202. Applications; qualifications; issuance of**
22 **license of athletic trainer.**

1 (a) An application for licensure under this article
2 shall be on forms prescribed by the board. The application
3 shall show that the applicant is a graduate of an
4 accredited four (4) year college or university in a course
5 of study approved by the board and has passed the
6 examination administered by a national certifying body
7 approved by the board.

8
9 (b) The board shall issue a license to any applicant
10 who has satisfactorily completed all the requirements for
11 licensure as an athletic trainer. The term of the license
12 shall be determined by rules and regulations of the board.

13
14 **33-40-203. Renewal of license of athletic trainer.**

15
16 (a) The board shall prescribe the form and expiration
17 date of licenses. Licenses may be renewed by submitting
18 the required application for renewal and fee to the board
19 before the license expiration date. If a license is
20 allowed to expire, the license may be renewed within a
21 period of ninety (90) days after the expiration date
22 without a reinstatement fee assessed.

1 (b) If a license is not renewed within ninety (90)
2 days after the expiration date of the license a
3 reinstatement fee for late renewal shall be assessed in
4 addition to license fees for the lapsed period. No
5 reinstatement of a license may be granted more than five
6 (5) years after the license has expired.

7

8 **33-40-204. Reciprocity of athletic trainer license.**

9

10 Persons licensed to engage in the practice of athletic
11 training under the laws of any other jurisdiction having
12 requirements substantially similar to those provided for in
13 this article may, in the discretion of the board, be issued
14 a license to practice in this state upon payment of the
15 prescribed license fees.

16

17 **33-40-205. Disciplinary action; suspension and**
18 **revocation of license.**

19

20 Athletic trainers licensed under this article shall be
21 subject to all provisions of W.S. 33-40-113.

22

23 **Section 2.** W.S. 33-40-101, 33-40-102(a)(intro), (i),
24 (ii), (iv), by creating paragraphs (v) through (vii) and by

1 amending and renumbering (v) as (viii), 33-40-103(a) and
2 (c), 33-40-104(a)(intro), 33-40-108(a) and (b), 33-40-109,
3 33-40-110(a), 33-40-112, 33-40-114(a) and (b),
4 33-40-115(a), (b) and (d)(ii), 33-40-116 and 33-40-117 are
5 amended to read:

6

7

CHAPTER 40

8

OCCUPATIONAL THERAPY PRACTICE AND ATHLETIC TRAINERS

9

10

ARTICLE 1

11

OCCUPATIONAL THERAPIST PRACTICE

12

13

33-40-101. Short title.

14

15 This chapter ~~is the~~ shall be cited as the "Occupational
16 Therapy Practice and Athletic Trainers Licensing Act".

17

18

33-40-102. Definitions.

19

20

(a) As used in this ~~act~~ chapter:

21

22

23

(i) "Board" means the board of occupational
therapy and athletic trainers within the department of

1 administration and information established by W.S.
2 33-40-114;

3

4 (ii) "Certified occupational therapy assistant"
5 means a person licensed to assist in the practice of
6 occupational therapy, under this ~~act~~article, and who works
7 under the supervision of a registered occupational
8 therapist;

9

10 (iv) "Registered occupational therapist" means a
11 person licensed to practice occupational therapy under this
12 ~~act~~article;

13

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

20

21 (vi) "Athletic trainer" means a person licensed
22 to practice athletic training as established under the
23 provisions of this chapter, who carries out the practice of
24 prevention, recognition, evaluation, management,

1 disposition and treatment of athletic injuries under the
2 direction of a physician and the treatment, rehabilitation
3 and reconditioning of an athlete whose injuries or
4 condition is within the professional preparation and
5 education of a licensed athletic trainer;

6
7 (vii) "License" means a current document
8 recognizing that the occupational therapist or athletic
9 trainer has met the qualifications required to perform the
10 functions and duties of an occupational therapist or
11 athletic trainer in the state of Wyoming;

12
13 (v)(viii) "This ~~act~~ chapter" means W.S.
14 33-40-101 through ~~33-40-117~~ 33-40-122.

15
16 **33-40-103. License required.**

17
18 (a) Effective on July 1, 1992, no person shall hold
19 himself out as an occupational therapist, registered
20 occupational therapist, occupational therapy assistant or
21 certified occupational therapy assistant or as being able
22 to practice occupational therapy in Wyoming unless he is
23 licensed under this ~~act~~ article.

1 (c) Only an individual may be licensed under this ~~act~~
2 article.

3

4 **33-40-104. Persons and practices not affected.**

5

6 (a) Nothing in this ~~act~~article shall be construed as
7 preventing or restricting the practice, services or
8 activities of:

9

10 **33-40-108. Waiver of requirements; license**
11 **endorsement.**

12

13 (a) The board shall grant a license to any person
14 certified prior to July 1, 1992 as an occupational
15 therapist registered (OTR) or as a certified occupational
16 therapy assistant (COTA) by the American occupational
17 therapy certification board (AOTCB). The board may waive
18 the examination, education, or experience requirements and
19 grant a license to any person certified by the AOTCB after
20 July 1, 1992, if the board determines the requirements for
21 the certification are equivalent to the requirements for
22 licensure in this ~~act~~article.

23

1 (b) The board may waive the examination, education,
2 or experience requirements and grant a license to any
3 applicant who presents proof of current licensure or
4 regulation as a registered occupational therapist or
5 certified occupational therapy assistant in another state,
6 the District of Columbia, or territory of the United States
7 whose standards for licensure or regulation are equivalent
8 to or at least as stringent as the requirements for
9 licensure of this ~~act~~article.

10
11 **33-40-109. Issuance of license.**

12
13 The board shall issue a license to any individual who meets
14 the requirements of this ~~act~~article, upon payment of the
15 prescribed license fee.

16
17 **33-40-110. Renewal of license.**

18
19 (a) Any license issued under this ~~act~~article shall
20 be subject to annual renewal as provided by the board,
21 however no late renewal of a license may be granted more
22 than five (5) years after its expiration.

23
24 **33-40-112. Fees.**

1

2 The board, pursuant to W.S. 33-1-201, shall prescribe fees
3 for implementing this ~~act~~ chapter.

4

5 **33-40-114. Board of occupational therapy practice and**
6 **athletic trainers; established; compensation.**

7

8 (a) There is established a board of occupational
9 therapy and athletic trainers within the department of
10 administration and information. The board shall consist of
11 ~~five (5)~~ six (6) members appointed by the governor, who are
12 residents of Wyoming. Three (3) board members shall be
13 registered occupational therapists who have been engaged in
14 providing occupational therapy services to the public,
15 teaching or research in occupational therapy for at least
16 five (5) years immediately preceding their appointments.
17 One (1) board member shall be a certified occupational
18 therapy assistant who shall have been engaged in providing
19 occupational therapy services to the public, teaching or
20 research in occupational therapy for at least three (3)
21 years immediately preceding his appointment. A registered
22 occupational therapist may be appointed to this position if
23 no certified occupational therapy assistant is available
24 and willing to serve. One (1) board member shall be a

1 licensed athletic trainer who shall have engaged in
2 providing athletic training services for at least three (3)
3 years immediately preceding his appointment. These ~~four (4)~~
4 five (5) members shall at all times be holders of valid
5 licenses under this ~~act~~ chapter. The remaining member shall
6 be a member of the public with an interest in the rights of
7 the consumers of health services and athletic training.

8
9 (b) By July 1, 1991 the governor shall appoint two
10 (2) board members for a term of one (1) year, two (2) board
11 members for a term of two (2) years and one (1) for a term
12 of three (3) years. The appointment of the initial athletic
13 trainer on the board shall be for two (2) years and the
14 licensure requirement contained in subsection (a) of this
15 section shall not apply to the initial athletic trainer
16 appointee. Appointments made thereafter shall be for three
17 (3) year terms. No person shall serve more than two (2)
18 consecutive terms. Terms shall begin on the first day of
19 the fiscal year and end on the last day of the fiscal year
20 or until successors are appointed, except for the first
21 appointed members who shall serve through the last fiscal
22 day of the year in which they are appointed. Vacancies in
23 the membership of the board shall be filled for the

1 unexpired term by the governor. The governor may remove any
2 board member as provided by W.S. 9-1-202.

3

4 **33-40-115. Board of occupational therapy practice and**
5 **athletic trainers; powers and duties.**

6

7 (a) The board shall administer the provisions of this
8 ~~act~~chapter and may investigate allegations of practices
9 violating the provisions of this act.

10

11 (b) The board shall establish rules and regulations
12 according to the Wyoming Administrative Procedure Act to
13 carry out the purpose of this ~~act~~chapter, including
14 establishing rules for professional conduct, for
15 professional licensure and to establish ethical standards
16 of practice for persons licensed to practice occupational
17 therapy and athletic training in Wyoming.

18

19 (d) The board may, with the approval and assistance
20 of the attorney general, petition the district court in the
21 name of the state of Wyoming to enjoin:

22

23 (ii) Any person or other entity from advertising
24 or claiming to provide occupational therapy services in

1 this state when the services are not or will not be
2 provided by a person licensed under this ~~act~~chapter.

3

4 **33-40-116. Board of occupational therapy practices**
5 **and athletic trainers employees; funds.**

6

7 The board shall appoint or contract an executive secretary
8 and other individuals deemed necessary to administer the
9 affairs of the board and shall furnish necessary support
10 and clerical services. Costs related to these services
11 shall be paid from the funds of the Wyoming board of
12 occupational therapy and athletic trainers.

13

14 **33-40-117. Penalties.**

15

16 Any person who violates any provision of W.S. 33-40-103 or
17 33-40-205 is guilty of a misdemeanor punishable by
18 imprisonment of not more than six (6) months, a fine of not
19 more than seven hundred fifty dollars (\$750.00), or both.

20

21 **Section 3.** W.S. 33-25-102(a)(iv) is repealed.

22

