

1 **H. B. 3054**

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3 (By Delegate Ashley, Iaquinta and Young)
4 [Introduced March 22, 2013; referred to the
5 Committee on Government Organization then the Judiciary.]
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10 A BILL to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-
11 20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West
12 Virginia, 1931, as amended, all relating to requiring that
13 athletic trainers be licensed, instead of registered, by West
14 Virginia Board of Physical Therapy.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5,
17 §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as
18 amended, be amended and reenacted, all to read as follows:

19 **ARTICLE 20A. ATHLETIC TRAINERS.**

20 **§30-20A-1. Definitions.**

21 As used in this article:

22 ~~(1)~~ "Applicant" means any person making application for an
23 original or renewal ~~registration~~ license to act as an athletic

1 trainer under the provisions of this article.

2 ~~(2)~~ "Board" means the West Virginia Board of Physical Therapy
3 established under article twenty of this chapter.

4 ~~(4)~~ ~~"Registration"~~ "License" means a ~~registration~~ license
5 issued by the board to practice athletic training.

6 ~~(3)~~ ~~"Registrant"~~ "Licensee" means a person ~~registered~~ licensed
7 as an athletic trainer under the provisions of this article.

8 "Practice of athletic training" means the treatment of an
9 individual for risk management and injury prevention, the clinical
10 evaluation and assessment of an individual for an injury or
11 illness, or both, the immediate care and treatment of an individual
12 for an injury or illness, or both, and the rehabilitation and
13 reconditioning of an individual's injury or illness, or both. The
14 practice of athletic training does not include the practice of
15 physical therapy, the practice of medicine, the practice of
16 osteopathic medicine and surgery, the practice of chiropractic, or
17 medical diagnosis or treatment.

18 **§30-20A-2. Title protection.**

19 (a) A person may not advertise or represent himself or herself
20 as an athletic trainer in this state and may not use the initials
21 "AT", the words "registered athletic trainer" or "athletic
22 trainer", or any other words, abbreviations, titles or insignia
23 that indicates, implies or represents that he or she is an athletic
24 trainer, unless he or she is ~~registered~~ licensed by the board.

1 (b) ~~Nothing contained in This article shall be construed as~~
2 ~~preventing~~ does not prevent any person, firm, partnership or
3 corporation from practicing athletic training, in any manner
4 desired.

5 (c) ~~Nothing in This article may be construed to~~ does not
6 prohibit or otherwise limit the use of the term "athletic trainer"
7 in secondary school settings by persons who were practicing
8 athletic training under a West Virginia Board of Education Athletic
9 Certification, provided the practice is in accordance with Board of
10 Education policy in effect prior to July 1, 2011.

11 **§30-20A-3. Powers and duties of the board.**

12 The board has the following powers and duties:

13 (1) Establish procedures for submitting, approving and denying
14 applications for ~~registration~~ licensure;

15 (2) Investigate alleged violations of the provisions of this
16 article;

17 (3) Establish a fee schedule;

18 (4) Issue, renew, deny, suspend, revoke or reinstate a
19 ~~registration~~ license;

20 (5) Determine disciplinary action and issue orders;

21 (6) Institute appropriate legal action for the enforcement of
22 the provisions of this article; and

23 (7) Maintain an accurate registry of the names and addresses
24 of ~~registrants~~ licensees.

1 **§30-20A-4. Rule-making authority.**

2 The board shall propose rules for legislative approval, in
3 accordance with the provisions of article three, chapter twenty-
4 nine-a of this code, to implement the provisions of this article,
5 including:

6 (1) Procedures for the issuance and renewal of a ~~registration~~
7 license;

8 (2) A fee schedule;

9 (3) Procedures for denying, suspending, revoking, reinstating
10 or limiting the ~~registration of a registrant~~ licensing of a
11 license; and

12 (4) Any other rules necessary to effectuate the provisions of
13 this article.

14 **§30-20A-5. Requirements for ~~registration~~ license.**

15 (a) To be eligible for ~~registration~~ licensure by the board as
16 an athletic trainer, an applicant shall:

17 (1) Submit an application in the form prescribed by the board;

18 (2) Submit a current certification from the National Athletic
19 Trainers' Association Board of Certification or successor
20 organization; and

21 (3) Pay the required fee.

22 (b) The board shall issue a ~~registration~~ license to an
23 applicant satisfying all the requirements in subsection (a) of this
24 section: *Provided*, That the board may deny an application for

1 ~~registration~~ license if the applicant:

2 (1) Has been convicted of a felony or other crime involving
3 moral turpitude;

4 (2) Is an alcohol or drug abuser as these terms are defined in
5 section eleven, article one-a, chapter twenty-seven of this code:
6 *Provided*, That the board may take into consideration that an
7 applicant in an active recovery process, which may, in the
8 discretion of the board, be evidenced by participation in a twelve-
9 step program or other similar group or process;

10 (3) Has been convicted of fraudulent, false, misleading or
11 deceptive advertising;

12 (4) Has been convicted for wrongfully prescribing medicines or
13 drugs, or practicing any licensed profession without legal
14 authority;

15 (5) Has had a ~~registration~~ license or other authorization
16 revoked, suspended, restricted or other disciplinary action taken
17 by the proper authorities of another jurisdiction;

18 (6) Is incapacitated by a physical or mental disability which
19 is determined by a physician to render further practice by the
20 applicant inconsistent with competency and ethic requirements; or

21 (7) Has been convicted of sexual abuse or sexual misconduct.

22 (c) In determining whether an application should be denied for
23 any of the reasons set forth in subsection (b), the board may
24 consider:

1 (1) How recently the conduct occurred;

2 (2) The nature of the conduct and the context in which it
3 occurred; and

4 (3) Any other relevant conduct of the applicant.

5 (d) A ~~registration~~ license issued by the board is valid for
6 two years from the date it ~~was~~ is issued.

7 **§30-20A-6. Renewal requirements.**

8 (a) A ~~registrant~~ licensee may apply to renew his or her
9 ~~registration~~ license by submitting an application for renewal in
10 the form prescribed by the board and paying the renewal fee. The
11 renewal application must be signed by the applicant.

12 (b) A renewal of ~~registration~~ license issued by the board is
13 valid for two years from the date it ~~was~~ is issued.

14 (c) The board may deny an application for renewal for any
15 reason which would justify the denial of an original application
16 for a ~~registration~~ license.

17 **§30-20A-7. Due process procedures; grounds for disciplinary
18 action.**

19 (a) The board may, after notice and opportunity for hearing,
20 suspend, restrict or revoke a ~~registration~~ license of, impose
21 probationary conditions upon or take disciplinary action against,
22 ~~any registrant~~ licensee if the board determines the ~~registrant~~
23 licensee:

24 (1) Is grossly negligent in the practice of athletic training;

1 (2) Obtained a ~~registration~~ license by fraud,
2 misrepresentation or concealment of material facts; engaged in the
3 practice of athletic training under a false or assumed name; or
4 impersonated another ~~registrant~~ licensee of a like or different
5 name; or

6 (3) Has violated any of the provisions of subsection (b),
7 section five of this article.

8 (b) For purposes of subsection (a) of this section,
9 disciplinary action may include:

10 (1) Reprimand;

11 (2) Probation;

12 (3) Administrative fines;

13 (4) Practicing under supervision or other restriction;

14 (5) Requiring the ~~registrant~~ licensee to report to the board
15 for periodic interviews for a specified period of time; or

16 (6) Other corrective action as determined by the board.

NOTE: The purpose of this bill is to require that athletic trainers be licensed by the West Virginia Board of Physical Therapy instead of registered.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.