

FIRST REGULAR SESSION

SENATE BILL NO. 505

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 25, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2297S.011

AN ACT

To repeal sections 334.700, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.720, 334.721, and 334.725, RSMo, and to enact in lieu thereof fourteen new sections relating to athletic trainers, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 334.700, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.720, 334.721, and 334.725, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 334.700, 334.702, 334.703, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.720, 334.721, and 334.725, to read as follows:

334.700. Sections 334.700 to 334.725 shall be known and may be cited as the "Missouri Athletic Trainers **Practice Act**".

334.702. As used in sections 334.700 to 334.725, unless the context clearly requires otherwise, the following terms mean:

(1) ["Athlete", a person who participates in a sanctioned amateur or professional sport or recreational sport activity;

(2) "Athletic trainer", a [person] **health care professional** who meets the qualifications of section 334.708 and who, **in collaboration with, or upon the direction of [the team physician and/or consulting], or prescription from a physician, [practices prevention, emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes in the manner, means, and methods deemed necessary to effect care or rehabilitation, or both] provides health care services for physically active individuals;**

[(3)] (2) "Athletic training", **includes but is not limited to the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 provision of preventative health services, emergency care, clinical
14 examination and clinical diagnosis, therapeutic intervention and
15 physical medicine, and rehabilitation of injuries and medical
16 conditions. Athletic trainers shall practice within the scope of their
17 education and training as provided in sections 334.700 to 334.725;

18 (3) "Athletic training student", a person enrolled in an athletic
19 training program accredited by the Commission on Accreditation of
20 Athletic Training Education, or its successor agency, and who, as part
21 of said program, assists in the duties usually performed by a licensed
22 athletic trainer and who works under the direct supervision of a
23 licensed health care professional;

24 (4) "Board", the [Missouri] state board of registration for the healing
25 arts;

26 [(4)] (5) "Committee", the Missouri athletic [trainers] trainer advisory
27 committee;

28 [(5)] (6) "Division", the division of professional registration of the
29 department of insurance, financial institutions and professional
30 registration[;

31 (6) "Student athletic trainer", a person who assists in the duties usually
32 performed by a licensed athletic trainer and who works under the direct
33 supervision of a licensed athletic trainer].

334.703. 1. As used in this section, "approved health care
2 provider" means a physician licensed under this chapter, a health care
3 provider entered into a collaborative practice agreement with a
4 physician licensed under this chapter, or any physician duly licensed
5 in another jurisdiction.

6 2. An athletic trainer may initiate treatment for a new injury or
7 illness with a prescription from an approved health care provider or a
8 treatment otherwise endorsed through a functional protocol by a
9 collaborating or directing physician licensed under this chapter.

10 3. An athletic trainer shall refer to a physician any individual
11 whose medical condition is beyond the scope of the athletic trainer's
12 education, training, and competence.

13 4. Nothing in this section shall be construed as to limit the
14 ability of athletic trainers to provide health care services in accordance
15 with the provisions of this chapter.

334.704. No person shall hold himself or herself out as an athletic trainer

2 [in this state], **by title or description, including the words "athletic**
3 **trainer" (AT), "licensed athletic trainer" (LAT), or "certified athletic**
4 **trainer" (ATC)**, unless such person has been licensed as such under the
5 provisions of sections 334.700 to 334.725.

334.706. 1. The board shall license applicants who meet the qualifications
2 for athletic trainers, who file for licensure, and who pay all fees required for this
3 licensure.

4 2. **The board may issue a temporary license to any otherwise**
5 **qualified athletic trainer as defined by rule. A temporary license may**
6 **be granted upon the payment of a license fee and the applicant meeting**
7 **the necessary qualifications for permanent licensure. The board may**
8 **issue a temporary license to any athletic trainer who is licensed in**
9 **another jurisdiction and who has had no violations, suspensions, or**
10 **revocations of a license to practice as an athletic trainer in any**
11 **jurisdiction whose requirements are substantially equal to, or greater**
12 **than, the requirements for licensure of athletic trainers in Missouri.**

13 3. The board shall:

14 (1) Prescribe application forms to be furnished to all persons seeking
15 licensure pursuant to sections 334.700 to 334.725;

16 (2) Prescribe the form and design of the licensure to be issued pursuant
17 to sections 334.700 to 334.725;

18 (3) Set the fee for licensure and renewal thereof;

19 (4) Keep a record of all of its proceedings regarding the Missouri Athletic
20 Trainers **Practice** Act and of all athletic trainers licensed in this state;

21 (5) [Annually prepare] **Make available** a roster of the names and
22 **business** addresses of all athletic trainers licensed in this state[, copies of which
23 shall be made available upon request to any person paying the fee therefor;

24 (6) Set the fee for the roster at an amount sufficient to cover the actual
25 cost of publishing and distributing the roster;

26 (7) **(6)** Appoint members of the Missouri athletic trainer advisory
27 committee[;

28 (8) Adopt an official seal].

29 [3.] 4. The board may:

30 (1) Issue subpoenas to compel witnesses to testify or produce evidence in
31 proceedings to deny[, suspend, or revoke] a license or licensure **or discipline a**
32 **license;**

33 (2) Promulgate rules pursuant to chapter 536 in order to carry out the
34 provisions of sections 334.700 to 334.725;

35 (3) Establish guidelines for athletic trainers in sections 334.700 to
36 334.725.

37 [4.] 5. No rule or portion of a rule promulgated under the authority of
38 sections 334.700 to 334.725 shall become effective unless it has been promulgated
39 pursuant to the provisions of section 536.024.

334.708. [1.] Any person seeking licensure pursuant to sections 334.700
2 to 334.725 after August 28, 2006, must [be a resident or in the process of
3 establishing residency in this state and] have passed the National Athletic
4 Trainers Association Board of Certification, or its successor agency, examination[.

5 2. The board shall grant, without examination, licensure to any qualified
6 nonresident athletic trainer holding a license or licensure in another state if such
7 other state recognizes licenses or licensure of the state of Missouri in the same
8 manner] **and meet other requirements established by the board by rule.**

334.710. 1. All applications for initial licensure pursuant to sections
2 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall
3 be accompanied by an initial licensure fee. All applications for renewal of
4 licensure issued pursuant to sections 334.700 to 334.725 shall be submitted on
5 forms prescribed by the board and shall be accompanied by a renewal fee.

6 2. All fees of any kind and character authorized to be charged by the
7 board shall be [paid to the director of revenue and shall be deposited by the state
8 treasurer into the board for the healing arts fund, to be disbursed only in
9 payment for expenses of maintaining the athletic trainer licensure program and
10 for the enforcement of the provisions of sections 334.700 to 334.725] **collected**
11 **and deposited pursuant to section 334.050.**

334.712. 1. Any person who meets the qualifications listed in section
2 334.708, submits his or her application and fees in accordance with section
3 334.710, and has not committed any act listed in section 334.715 shall be issued
4 a license pursuant to sections 334.700 to 334.725.

5 2. Each license issued pursuant to sections 334.700 to 334.725 shall
6 contain the name of the person to whom it was issued, the date on which it was
7 issued and such other information as the board deems advisable. All licenses
8 issued pursuant to sections 334.700 to 334.725 shall expire on [January thirtieth
9 of each year] **a schedule established by rule.**

334.715. 1. The board may refuse to issue or renew any license required

2 under sections 334.700 to 334.725 for one or any combination of causes listed in
3 subsection 2 of this section or any cause listed in section 334.100. The board
4 shall notify the applicant in writing of the reasons for the refusal and shall advise
5 the applicant of the applicant's right to file a complaint with the administrative
6 hearing commission as provided in chapter 621. As an alternative to a refusal to
7 issue or renew any certificate, registration, or authority, the board may, in its
8 discretion, issue a license which is subject to reprimand, probation, restriction,
9 or limitation to an applicant for licensure for any one or any combination of
10 causes listed in subsection 2 of this section or section 334.100. The board's order
11 of reprimand, probation, limitation, or restriction shall contain a statement of the
12 discipline imposed, the basis therefor, the date such action shall become effective,
13 and a statement that the applicant has thirty days to request in writing a hearing
14 before the administrative hearing commission. If the board issues a probationary,
15 limited, or restricted license to an applicant for licensure, either party may file
16 a written petition with the administrative hearing commission within thirty days
17 of the effective date of the probationary, limited, or restricted license seeking
18 review of the board's determination. If no written request for a hearing is
19 received by the administrative hearing commission within the thirty-day period,
20 the right to seek review of the board's decision shall be considered waived.

21 2. The board may cause a complaint to be filed with the administrative
22 hearing commission as provided in chapter 621 against any holder of a certificate
23 of registration or authority, permit, or license required by sections 334.700 to
24 334.725 or any person who has failed to renew or has surrendered the person's
25 certification of registration or license for any one or any combination of the
26 following causes:

27 (1) Violated or conspired to violate any provision of sections 334.700 to
28 334.725 or any provision of any rule promulgated pursuant to sections 334.700
29 to 334.725; or

30 (2) Has been found guilty of unethical conduct as defined in the ethical
31 standards of the National Athletic Trainers Association or the National Athletic
32 [Trainers] **Trainers'** Association Board of Certification, or its successor agency,
33 as adopted and published by the committee and the board and filed with the
34 secretary of state; or

35 (3) **Is no longer certified as an athletic trainer by the National**
36 **Athletic Trainers' Association Board of Certification, Inc., or its**
37 **successor agency; or**

38 (4) Any cause listed in section 334.100.

39 3. After the filing of such complaint before the administrative hearing
40 commission, the proceedings shall be conducted in accordance with the provisions
41 of chapter 621. Upon a finding by the administrative hearing commission that
42 the grounds provided in subsection 2 of this section for disciplinary action are
43 met, the board may, singly or in combination[:

44 (1) Warn, censure, or place the person named in the complaint on
45 probation on such terms and conditions as the board deems appropriate for a
46 period not to exceed ten years; or

47 (2) Suspend the person's license, certificate, or permit for a period not to
48 exceed three years; or

49 (3) Administer a public or private reprimand; or

50 (4) Deny the person's application for a license; or

51 (5) Permanently withhold issuance of a license or require the person to
52 submit to the care, counseling, or treatment of physicians designated by the board
53 at the expense of the individual to be examined; or

54 (6) Require the person to attend such continuing education courses and
55 pass such examinations as the board may direct; or

56 (7) Restrict or limit the person's license for an indefinite period of time;
57 or

58 (8) Revoke the person's license.

59 4. In any order of revocation, the board may provide that the person shall
60 not apply for reinstatement of the person's license for a period of time ranging
61 from two to seven years following the date of the order of revocation. All stay
62 orders shall toll such time period.

63 5. Before restoring to good standing a license, certificate, or permit issued
64 under this chapter which has been in a revoked, suspended, or inactive state for
65 any cause for more than two years, the board may require the applicant to attend
66 such continuing education courses and pass such examinations as the board may
67 direct] **impose any of the disciplines authorized in section 334.100.**

334.717. 1. There is hereby created the "Missouri Athletic Trainer
2 Advisory Committee", to be composed of five members to be appointed by the
3 board.

4 2. The athletic trainer advisory committee shall:

5 (1) Assist the board in conducting [examinations] **evaluations** for
6 applicants of athletic trainer licensure;

7 (2) Advise the board on all matters pertaining to the licensure of athletic
8 trainers;

9 (3) Review all complaints and/or investigations wherein there is a possible
10 violation of **section 334.100**, sections 334.700 to 334.725, or regulations
11 promulgated pursuant thereto and make recommendations to the board for action;

12 (4) Follow the provisions of the board's administrative practice procedures
13 in conducting all official duties.

14 3. **[Each] The athletic trainer advisory committee [member] shall be**
15 **comprised as such:**

16 (1) **Each member shall** be a citizen of the United States and a resident
17 of the state of Missouri for five years **[next] immediately** preceding appointment
18 **and remain a resident of the state of Missouri throughout the term;** and

19 (2) **[Be comprised of] Three members shall be** licensed athletic trainers
20 **[except for initial appointees];** and

21 (3) One member shall be a physician duly licensed by the Missouri state
22 board **of registration** for the healing arts; and

23 (4) One member shall be a general public member; **and**

24 **(5) One member shall be a member of the board.**

25 4. **[Except for the initial appointees,]** Members shall hold office for terms
26 of six years. **[The board shall designate one member for a term expiring in 1984,**
27 **one member for a term expiring in 1985, one member for a term expiring in 1986,**
28 **one member for a term expiring in 1987, and one member for a term expiring in**
29 **1988.]** In the event of death, resignation, or removal of any member, the vacancy
30 of the unexpired term shall be filled by the board in the same manner as the
31 other appointments.

334.719. Any person **[who is a resident of this state and]** who was actively
2 engaged as an athletic trainer on September 28, 1983, **and has continuously**
3 **maintained licensure as an athletic trainer in Missouri** shall be entitled
4 to continue to practice as such **[but, within six months of that date, comply with**
5 **the provisions of section 334.708 to 334.715].** For the purposes of this section a
6 person is actively engaged as an athletic trainer if he is employed on a salary
7 basis by **a health care provider**, an educational institution, a professional
8 athletic organization, or any other bona fide athletic organization for the duration
9 of the institutional year or the athletic organization's season, and one of his job
10 responsibilities requires him to perform the duties of an athletic trainer.

334.720. Notwithstanding any other provision of law to the contrary, any

2 appointed member of the board shall receive as compensation an amount
3 established by the director of the division of professional registration not to
4 exceed [seventy dollars per day] **the amount established by the board by**
5 **rule** for board business plus actual and necessary expenses. The director of the
6 division of professional registration shall establish by rule guidelines for
7 payment.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to
2 authorize the practice of medicine by any person not licensed by the state board
3 of registration for the healing arts.

4 2. **Athletic trainers are not authorized to prescribe, dispense, or**
5 **administer any controlled substance other than that administered or**
6 **dispensed upon the direction of a physician, or in accordance with**
7 **sections 167.630, 167.635, and 167.809.**

8 3. The provisions of sections 334.700 to 334.725 shall not apply to the
9 following persons:

10 (1) Physicians and surgeons licensed by the state board of registration for
11 the healing arts **as defined in chapter 334;**

12 (2) [Dentists licensed by the Missouri dental board who confine their
13 practice strictly to dentistry;

14 (3) Optometrists licensed by the state board of optometry who confine
15 their practice strictly to optometry, as defined in section 336.010;

16 (4) Nurses licensed by the state board of nursing who confine their
17 practice strictly to nursing **as defined in section 335.106;**

18 [(5)] (3) Chiropractors licensed by the state board of chiropractic
19 examiners who confine themselves strictly to the practice of chiropractic, as
20 defined in section 331.010;

21 [(6)] (4) Podiatrists licensed by the state board of chiropody or podiatry
22 who confine their practice strictly to that of a podiatrist, as defined in section
23 330.010;

24 [(7)] (5) Professional physical therapists licensed by the state board of
25 registration for the healing arts who confine their practice strictly to professional
26 physical therapy, as defined in section 334.500;

27 [(8)] Coaches and physical education instructors in the performance of
28 their duties;

29 [(9)] (6) Athletic training students who confine themselves strictly to their
30 duties as defined in sections 334.700 to 334.725;

31 [(10)] (7) Athletic trainers **holding a valid credential** from other
32 nations, states, or territories performing their duties for their respective teams
33 or organizations if they restrict their duties only to their teams or organizations
34 and only during the course of their teams' or organizations' [stay] **visit, not to**
35 **exceed thirty days in one calendar year**, in this state.

 334.725. Any person who violates any provision of sections 334.700 to
2 334.725 is guilty of a misdemeanor and, upon conviction thereof, shall be
3 punished as for a class [C] **B** misdemeanor.

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