

Wasserman-7

99 LSO - 1329

# HOUSE BILL 0166

HOUSE BILL 0166

Title:

HB0166

AN ACT relating to professions and occupations; providing for the licensure of athletic trainers; creating a board of athletic training; granting the board powers and duties; and providing for an effective date.

Introduced by:

*Jay Wasserman*

### HOUSE ACTION ON HOUSE BILL

- 119  Introduced  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Read First Time and Ref. to Committee No. 01
- Failed Introduction  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Returned from Committee No. \_\_\_  
with Recommendation:  
 Do Pass;  Amend & Do Pass;  Do Not Pass;  
 W/O Recomm;  Re-Refer to Committee No. \_\_\_
- Re-referred to Committee No. \_\_\_
- Returned from Committee No. \_\_\_  
with Recommendation:  
 Do Pass;  Amend & Do Pass;  Do Not Pass;  
 W/O Recomm;  Re-Refer to Committee No. \_\_\_
- Considered in Comm. of Whole  
 Amended  
 Recommended Do Pass  
 Failed Comm. of Whole  
 Indefinitely Postponed  
 Other: \_\_\_\_\_
- Read Second Time  
 Amended  
 Do Pass  
 Do Not Pass  
 Accelerated to 3rd Rdg.
- Read Third Time  
 Amended  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_  
 Held for Reconsideration  
 Motion to Reconsider  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Third Reading Vote  
(On Reconsideration)  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Sent to Senate (No Amendments)
- Sent to LSO for Engrossing  
 ENGROSSED  
 Sent to Senate

### SENATE ACTION ON HOUSE BILL

- Received. Read First Time.
- Referred to Committee No. \_\_\_\_\_
- Returned from Committee No. \_\_\_\_\_  
with Recommendation:  
 Do Pass;  Amend & Do Pass;  Do Not Pass;  
 W/O Recomm;  Re-Refer to Committee No. \_\_\_\_\_
- Re-referred to Committee No. \_\_\_\_\_
- Returned from Committee No. \_\_\_\_\_  
with Recommendation:  
 Do Pass;  Amend & Do Pass;  Do Not Pass;  
 W/O Recomm;  Re-Refer to Committee No. \_\_\_\_\_
- Considered in Comm. of Whole  
 Amended  
 Recommended Do Pass  
 Failed Comm. of Whole  
 Indefinitely Postponed  
 Other: \_\_\_\_\_
- Read Second Time  
 Amended  
 Do Pass  
 Do Not Pass  
 Accelerated to 3rd Rdg.
- Read Third Time  
 Amended  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_  
 Held for Reconsideration  
 Motion to Reconsider  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Third Reading Vote  
(On Reconsideration)  
 Passed  Failed  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_
- Sent to House
- Sent for Enrolling  
HEA No. \_\_\_\_\_
- Signed by Speaker
- Signed by President
- Approved by Governor
- Chapter No. \_\_\_\_\_

HOUSE BILL NO. HB0166

Athletic trainers-licensure.

Sponsored by: Representative(s) Wasserburger

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; and  
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 33-42-101 through 33-42-112 are  
9 created to read:

10

CHAPTER 42

11

ATHLETIC TRAINERS

12

ARTICLE 1

13

GENERAL

14

15

16  
17 **33-42-101. Short title; purpose.**

18

1           (a) This act shall be known and may be cited as the  
2 "Wyoming Athletic Trainers Licensing Act".

3  
4           (b) The practice of athletic training affects the  
5 public health, safety and welfare of athletes on  
6 professional, amateur and school teams and participants in  
7 sports or recreational activities, including training and  
8 practice activities, that require strength, agility,  
9 flexibility, range of motion, speed or stamina. Licensure of  
10 those who practice athletic training is necessary to ensure  
11 minimum standards of competency in the practice of athletic  
12 training and to provide the public with safe athletic  
13 training. It is the purpose of this act to provide for the  
14 regulation of persons offering athletic training services.

15  
16           **33-42-102. Definitions.**

17  
18           (a) As used in this act:

19  
20           (i) "Athlete" means individuals who engage in  
21 physical activity or members of sports teams, including  
22 professional, amateur and school teams, and participants in  
23 sports or recreational activities, including training and  
24 practice activities, that require strength, agility,  
25 flexibility, range of motion, speed or stamina;

1

2           (ii) "Athletic trainer" means a person who, under  
3 the direction of a physician or medical practitioner  
4 licensed by the state of Wyoming and the Wyoming board of  
5 medical examiners, carries out the practice of care,  
6 prevention and rehabilitation of injuries incurred by  
7 athletes, and who, in carrying out these functions, may use  
8 physical modalities, including, but not limited to, heat,  
9 light, sound, cold and electrical and mechanical devices  
10 related to rehabilitation and treatment;

11

12           (iii) "Athletic training" means the practice of  
13 care, prevention and rehabilitation, including the use of  
14 physical modalities such as heat, light, sound, cold and  
15 electrical or mechanical devices, of injuries incurred by  
16 athletes;

17

18           (iv) "Board" means the state board of athletic  
19 training;

20

21           (v) "License" means a current document  
22 recognizing the athletic trainer has met the qualifications  
23 required to perform the functions and duties of an athletic  
24 trainer in this state;

25

1           (vi) "This act" means W.S. 33-42-101 through  
2 33-42-112.

3

4           **33-42-103. Board of athletic training established;**  
5 **qualifications; term of office; vacancies; removal.**

6

7           (a) The state board of athletic training is created to  
8 administer the provisions of this act.

9

10           (b) The board shall consist of five (5) members, three  
11 (3) of whom shall be nationally-certified athletic trainers,  
12 one (1) of whom shall be a licensed physician and one (1) of  
13 whom shall be a public member. The athletic trainers and  
14 the licensed physician shall have at least five (5) years of  
15 documented experience in their respective professions, three  
16 (3) of which shall be immediately preceding his appointment  
17 to the board. Except for the members first appointed, an  
18 athletic trainer appointed to the board shall be a licensed  
19 athletic trainer.

20

21           (c) The governor shall appoint the members of the  
22 state board of athletic training. The term of each member  
23 shall be three (3) years, except that, of the members first  
24 appointed, one (1) of the certified athletic trainers shall  
25 serve for three (3) years, one (1) for two (2) years and one

1 (1) for one (1) year, the licensed physician shall serve for  
2 three (3) years and the public member shall serve for two  
3 (2) years. Upon expiration of their terms, members of the  
4 board shall continue to hold office until the appointment of  
5 their successors. No person shall serve as a member of the  
6 board for more than two (2) consecutive terms.

7

8 (d) A vacancy that occurs for any reason in the  
9 membership of the board shall be filled within thirty (30)  
10 days by the governor in the manner prescribed in subsection  
11 (c) of this section. A person appointed to fill a vacancy  
12 shall serve for the unexpired portion of the term.

13

14 (e) The governor may remove any member of the board:

15

16 (i) As provided in W.S. 9-1-202; or

17

18 (ii) Upon a recommendation of a majority of the  
19 board for any reason.

20

21 **33-42-104. Board of athletic training; compensation.**

22

23 Each member of the board not otherwise in full-time  
24 employment with the state shall receive the same per diem  
25 and travel expenses as other state employees while engaged

1 in official business or actual duties of the board. The  
2 fees and expenses shall be paid from the funds of the board.

3

4 **33-42-105. Board of athletic training; meetings.**

5

6 A majority of the board constitutes a quorum for meetings  
7 and the transaction of business. The act of the majority of  
8 members of the board shall be the act of the board. The  
9 board shall meet as often as needed, but not less than two  
10 (2) times a year.

11

12 **33-42-106. Board of athletic training; powers and**  
13 **duties.**

14

15 (a) The board shall:

16

17 (i) Administer the provisions of this act;

18

19 (ii) Promulgate reasonable rules and regulations  
20 according to the Wyoming Administrative Procedure Act to  
21 carry out the purpose of this act, including establishing  
22 rules for:

23

24 (A) Continuing education requirements for  
25 the renewal of licenses;

1

2

(B) Professional conduct;

3

4

(C) Professional licensure;

5

6

(D) Ethical standards of practice.

7

8

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

10

11

12

13

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

14

15

16

17

18

(v) Initiate and conduct investigations, hearings  
and proceedings concerning alleged violations of this act  
and board rules;

19

20

21

(vi) Prescribe fees, pursuant to W.S. 33-1-201,  
for implementing this act;

22

23

24

25

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

1           (b) The board may employ or contract with individuals  
2 it determines necessary to administer its affairs and shall  
3 furnish necessary support and clerical services. Costs  
4 related to these services shall be paid from the funds of  
5 the board.

6  
7           (c) All fees collected by the board shall be deposited  
8 in the state treasury. The state treasurer shall deposit  
9 the fees to the credit of the state board of athletic  
10 training account within the earmarked revenue fund.  
11 Disbursements from the account shall not exceed the monies  
12 credited to it. The account shall be used by the board to  
13 defray costs incurred in the administration of this act.

14  
15           (d) The board may accept federal, state, county, city  
16 or private funds, grants or appropriations to enhance the  
17 practice of athletic trainers. The funds shall be deposited  
18 in the state treasury and credited to an account within the  
19 trust and agency fund. The funds shall be paid out upon an  
20 authorized voucher duly verified and signed by the chairman  
21 of the board, showing that the expenditure will enhance the  
22 practice of athletic training. Upon presentation of the  
23 voucher, the auditor shall draw the warrant upon the  
24 treasurer but no warrant shall be drawn unless and until  
25 there are sufficient monies in the account to pay the same.

1

2           **33-42-107. Licenses required; persons and practices**  
3 **not affected.**

4

5           (a) From and after the effective date of this act, no  
6 person shall, except under a license issued in compliance  
7 with this act and the rules adopted pursuant to this act:

8

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

11

12                   (ii) Perform activities of an athletic trainer;

13 or

14

15                   (iii) Use any card, title, letters, insignia or  
16 abbreviation indicating that the person is an athletic  
17 trainer.

18

19           (b) Nothing in this act shall be construed as  
20 preventing or restricting the practice, services or  
21 activities of:

22

23                   (i) Any licensed, registered or certified  
24 professional, including nurses, physical therapists and

1 chiropractors, if the person does not hold himself out to  
2 the public as an athletic trainer;

3

4 (ii) Any licensed physician;

5

6 (iii) Any person serving as a student-trainer or  
7 in a similar position under the direction of a licensed  
8 physician or licensed athletic trainer;

9

10 (iv) Any person performing athletic training  
11 services in this state for no more than thirty (30) days in  
12 a calendar year if:

13

14 (A) The person is employed by an  
15 organization, corporation or educational institution located  
16 in another state; and

17

18 (B) The person is representing the  
19 organization, corporation or educational institution in a  
20 short-term event held in Wyoming.

21

22 (v) Any boxing trainer if he does not hold  
23 himself out to the public as an athletic trainer.

24

1           (c) Any person moving into this state shall have sixty  
2 (60) days from the time he establishes residence to complete  
3 application for licensure.

4  
5           **33-42-108. Applications; qualifications; issuance of**  
6 **license.**

7  
8           (a) An application for licensure shall be on forms  
9 prescribed by the board. The application shall show that  
10 the applicant is an adult, is a graduate of an accredited  
11 four-year college or university in a course of study  
12 approved by the board and has passed the examination  
13 administered by a national certifying body approved by the  
14 board.

15  
16           (b) Fees shall accompany all applications for original  
17 licenses, renewal licenses and other applications authorized  
18 by this act.

19  
20           (c) The board shall issue a license to any applicant  
21 who has satisfactorily met all the requirements for  
22 licensure as an athletic trainer. The term of the license  
23 shall be three (3) years from the date of issuance and may  
24 be renewed subject to the requirements of this act.

25

1           **33-42-109. Renewal of license.**

2

3           (a) The board shall prescribe the form and expiration  
4 date of licenses. Licenses may be renewed by submitting the  
5 required application for renewal and fee to the board before  
6 the license expiration date. If a license is allowed to  
7 expire, the license may be renewed within a period of ninety  
8 (90) days after the expiration date, but after the  
9 expiration of ninety (90) days from the date the license  
10 expired the license shall lapse.

11

12           (b) If a license is allowed to expire a reinstatement  
13 fee for late renewal shall be imposed. A license which has  
14 lapsed may be reinstated subject to payment of a  
15 reinstatement fee in addition to license fees for the lapsed  
16 period. No reinstatement of a license may be granted more  
17 than five (5) years after its expiration.

18

19           **33-42-110. Reciprocity.**

20

21 Persons licensed to engage in the practice of athletic  
22 training under the laws of any other state having  
23 requirements substantially equal to those provided for in  
24 this act may, in the discretion of the board, be issued a

1 license to practice in this state solely upon payment of the  
2 license fees as herein provided.

3

4       **33-42-111. Disciplinary action; suspension and**  
5 **revocation of license.**

6

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

15

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

18

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

22

23           (iii) Being convicted of a felony;

24

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

3  
4           (v) Being negligent or incompetent in the  
5 practice of athletic training regardless of whether actual  
6 injury to a consumer is established;

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 act.

12  
13           (b) A denial, refusal to renew, suspension, revocation  
14 or imposition of probationary conditions upon a license may  
15 be ordered by the board after a hearing in the manner  
16 provided by the rules and regulations adopted by the board.  
17 An application for reinstatement may be made to the board  
18 one (1) year after the date of the revocation of a license.  
19 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 provisions of the 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 of  
6 the license in accordance with the terms of the court order.  
7 No appeal under the Wyoming Administrative Procedure Act  
8 shall be allowed for a license withheld, suspended or  
9 restricted under this subsection.

10

11           **33-42-112. Penalties.**

12

13           (a) Any person who violates any provision of W.S.  
14 33-42-107 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 act.

21

22           **Section 2.** This act is effective July 1, 1999.

23

24

(END)

Athletic trainers-licensure.

99LSO-0329.L2

FISCAL NOTE

No fiscal or personnel impact.

HB 166