

**Senate Bill No. 587**

(By Senators D. Hall and Tucker)

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[Introduced February 14, 2014; referred to the  
Committee on Government Organization.]  
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10 A BILL to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3,  
11 §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of  
12 West Virginia, 1931, as amended, all relating to requiring  
13 that athletic trainers be licensed, instead of registered, by  
14 West 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 services performed for  
9 physically active patients under the direction of a physician and  
10 as prescribed by the board, for which the athletic trainer has  
11 received appropriate education and training. The practice of  
12 athletic training does not include the practice of physical  
13 therapy, the practice of medicine, the practice of osteopathic  
14 medicine and surgery, the practice of chiropractic or medical  
15 diagnosis or treatment.

16 **§30-20A-2. Title protection.**

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

23       (b) ~~Nothing contained in This article shall be construed as~~  
24 ~~preventing~~ does not prevent any person, firm, partnership or

1 corporation from practicing athletic training, in any manner  
2 desired.

3 ~~(c) Nothing in this article may be construed to prohibit or~~  
4 ~~otherwise limit the use of the term "athletic trainer" in secondary~~  
5 ~~school settings by persons who were practicing athletic training~~  
6 ~~under a West Virginia Board of Education Athletic Certification,~~  
7 ~~provided the practice is in accordance with Board of Education~~  
8 ~~policy in effect prior to July 1, 2011.~~

9 **§30-20A-3. Powers and duties of the board.**

10 The board has the following powers and duties:

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

13 (2) Investigate alleged violations of the provisions of this  
14 article;

15 (3) Establish a fee schedule;

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

18 (5) Determine disciplinary action and issue orders;

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

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

23 **§30-20A-4. Rule-making authority.**

24 The board shall propose rules for legislative approval, in

1 accordance with the provisions of article three, chapter  
2 twenty-nine-a of this code, to implement the provisions of this  
3 article, including:

4 (1) Procedures for the issuance and renewal of a ~~registration~~  
5 license;

6 (2) A fee schedule;

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

10 (4) Any other rules necessary to effectuate the provisions of  
11 this article.

12 **§30-20A-5. Requirements for registration license.**

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

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

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

19 (3) Pay the required fee.

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

24 (1) Has been convicted of a felony or other crime involving

1 moral turpitude;

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

8 (3) Has been convicted of fraudulent, false, misleading or  
9 deceptive advertising;

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

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

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

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

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

23 (1) How recently the conduct occurred;

24 (2) The nature of the conduct and the context in which it

1 occurred; and

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

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

5 **§30-20A-6. Renewal requirements.**

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

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

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

15 **§30-20A-7. Due process procedures; grounds for disciplinary  
16 action.**

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

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

23 (2) Obtained a ~~registration~~ license by fraud,  
24 misrepresentation or concealment of material facts; engaged in the

1 practice of athletic training under a false or assumed name; or  
2 impersonated another ~~registrant~~ licensee of a like or different  
3 name; or

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

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

8 (1) Reprimand;

9 (2) Probation;

10 (3) Administrative fines;

11 (4) Practicing under supervision or other restriction;

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

14 (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.