

H. B. 2746

(By Delegates Ashley, Arvon, Campbell, Espinosa, Westfall, McCuskey,
Upson and P. Smith)

[Introduced February 13, 2015; referred to the
Committee on Government Organization.]

A BILL to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5,
§30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended, all relating to
requiring that athletic trainers be licensed, instead of registered, by West Virginia Board of
Physical Therapy.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 20A. ATHLETIC TRAINERS.

§30-20A-1. Definitions.

As used in this article:

(1) "Applicant" means any person making application for an original or renewal ~~registration~~
license to act as an athletic trainer under the provisions of this article.

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

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

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

5 "Practice of athletic training" means the prevention, recognition, evaluation, and treatment
6 of injuries or conditions related to athletic or recreational activity that requires physical skill and
7 utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially
8 similar injury or condition resulting from occupational activity immediately upon the onset of such
9 injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under
10 the direction of a licensed physical therapist and the patient's physician or under the direction of any
11 doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound,
12 cold, electricity, exercise or mechanical or other devices.

13 **§30-20A-2. Title protection.**

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

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

20 (c) ~~Nothing in this article may be construed to prohibit or otherwise limit the use of the term~~
21 ~~"athletic trainer" in secondary school settings by persons who were practicing athletic training under~~
22 ~~a West Virginia Board of Education Athletic Certification, provided the practice is in accordance~~

1 ~~with Board of Education policy in effect prior to July 1, 2011.~~

2 **§30-20A-3. Powers and duties of the board.**

3 The board has the following powers and duties:

4 (1) Establish procedures for submitting, approving and denying applications for ~~registration~~

5 licensure;

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

7 (3) Establish a fee schedule;

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

9 (5) Determine disciplinary action and issue orders;

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

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

12 **§30-20A-4. Rule-making authority.**

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

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

17 (2) A fee schedule;

18 (3) Procedures for denying, suspending, revoking, reinstating or limiting the ~~registration of~~
19 ~~a registrant~~ licensing of a licensee; and

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

21 **§30-20A-5. Requirements for registration license.**

22 (a) To be eligible for ~~registration~~ licensure by the board as an athletic trainer, an applicant

1 shall:

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

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

5 (3) Pay the required fee.

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

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

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

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

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

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

19 (6) Is incapacitated by a physical or mental disability which is determined by a physician to
20 render further practice by the 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 any of the reasons set forth

1 in subsection (b), the board may consider:

2 (1) How recently the conduct occurred;

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

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

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

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

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

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

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

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

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

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

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

- 1 (3) Has violated any of the provisions of subsection (b), section five of this article.
- 2 (b) For purposes of subsection (a) of this section, disciplinary action may include:
- 3 (1) Reprimand;
- 4 (2) Probation;
- 5 (3) Administrative fines;
- 6 (4) Practicing under supervision or other restriction;
- 7 (5) Requiring the ~~registrant~~ licensee to report to the board for periodic interviews for a
- 8 specified period of time; or
- 9 (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.