

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 720

H.P. 536

House of Representatives, February 25, 1993

An Act to License Athletic Trainers.

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Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KNEELAND of Easton.

Cosponsored by Representatives: ADAMS of Portland, ANDERSON of Woodland, BRUNO of Raymond, JOY of Island Falls, LIBBY of Buxton, NORTON of Winthrop, ROBICHAUD of Caribou, SIMONEAU of Thomaston, TREAT of Gardiner, YOUNG of Limestone, Senator: LUDWIG of Aroostook.

Be it enacted by the People of the State of Maine as follows:

2  
3       **Sec. 1. 3 MRSA §927, sub-§8, ¶B**, as enacted by PL 1989, c.  
4 483, Pt. A, §§4 and 62, is amended to read:

6           B. Independent agencies:

- 8           (1) Real Estate Commission;
- 10          (2) Maine Athletic Commission;
- 12          (3) State Claims Commission;
- 14          (4) Board of Examiners on Speech Pathology and  
16          Audiology;
- 18          (5) Maine State Board for Licensure of Architects and  
18          Landscape Architects;
- 20          (6) State Board of Barbers;
- 22          (7) State Board of Cosmetology;
- 24          (8) Manufactured Housing Board;
- 26          (9) State Board of Substance Abuse Counselors;
- 28          (10) State Board of Licensure for Professional  
30          Foresters;
- 32          (11) State Board of Certification for Geologists and  
32          Soil Scientists;
- 34          (12) Board of Examiners--in Physical Therapy and  
36          Athletic Training;
- 38          (13) Oil and Solid Fuel Board; and
- 40          (14) Plumbers' Examining Board.

42       **Sec. 2. 5 MRSA §12004-A, sub-§31**, as enacted by PL 1987, c.  
42 786, §5, is amended to read:

44           31. Board of           \$25/Day           32 MRSA @3112  
46       Examiners--in Physical  
46       Therapy and Athletic  
48       Training

50       **Sec. 3. 10 MRSA §8001, sub-§21**, as repealed and replaced by PL  
1991, c. 548, Pt. B, §1, is amended to read:

21. Board of Physical Therapy and Athletic Training.  
Physical Therapy and Athletic Training, Board of Examiners-in;

Sec. 4. 32 MRSA §3111, sub-§1, as enacted by PL 1979, c. 555, §2, is amended to read:

1. Board. "Board" means the Board of Examiners-in Physical Therapy and Athletic Training as created in section 3112.

Sec. 5. 32 MRSA §3112, first ¶, as amended by PL 1989, c. 503, Pt. B, §138, is further amended to read:

The Board of Examiners--in Physical Therapy and Athletic Training, as established by Title 5, section 12004-A, subsection 31; and within the Department of Professional and Financial Regulation, shall--consist consists of 2 physical therapists, one physical therapist assistant, 2 athletic trainers, one physician and one public member. The board administers, coordinates and enforces this chapter and chapter 128.

Sec. 6. 32 MRSA §3112, sub-§4, as repealed and replaced by PL 1983, c. 413, §128, is amended to read:

4. Quorum. Three Four members of the board shall constitute a quorum for all purposes.

Sec. 7. 32 MRSA §3112, sub-§5, ¶¶A and B, as enacted by PL 1979, c. 555, §2, are amended to read:

A. To review the qualifications of applicants for licensure and to license physical therapists and, physical therapist assistants and athletic trainers who qualify under this chapter or chapter 128;

B. To conduct physical therapist and, physical therapist assistant and athletic trainer examinations and to establish passing standards;

Sec. 8. 32 MRSA c. 128 is enacted to read:

#### CHAPTER 128

#### ATHLETIC TRAINING

#### §14351. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Athletic trainer. "Athletic trainer" means a person who performs athletic training.

2        2. Athletic training. "Athletic training" means the  
3        application of principles, methods and procedures of evaluation  
4        and treatment of athletic injuries, preconditioning, conditioning  
5        and reconditioning of the athlete through the use of appropriate  
6        preventative and supportive devices, temporary splinting and  
7        bracing, physical modalities of heat, cold, massage, water,  
8        electric stimulation, sound, exercise and exercise equipment  
9        under the direction of a physician. Athletic training includes  
10       instruction to coaches, athletes, family members, medical  
11       personnel and communities in the area of care and prevention of  
12       athletic injuries.

13       3. Board. "Board" means the Board of Physical Therapy and  
14       Athletic Training.

15       **§14352. Board**

16       The Board of Physical Therapy and Athletic Training, as  
17       established by Title 5, section 12004-A, subsection 31 and  
18       empowered by section 3112, shall implement this chapter.

19       **§14353. Necessity for licensure**

20       No person may profess to be an athletic trainer, practice  
21       athletic training or render athletic training services in this  
22       State unless licensed in accordance with this chapter.

23       **§14354. License violations**

24       Any person who engages in athletic training without first  
25       obtaining a license as required by this chapter or employs an  
26       unlicensed person to engage in athletic training is guilty of a  
27       Class E crime.

28       The State may bring an action in Superior Court to enjoin  
29       any person from violating this chapter, regardless of whether  
30       procedures have been or may be instituted in the Administrative  
31       Court or whether criminal proceedings have been or may be  
32       introduced.

33       **§14355. Licensing of persons registered or licensed in other**  
34       **states; fees**

35       The board may license as an athletic trainer without  
36       examination any applicant who is duly licensed or registered  
37       under the laws of another state, when the applicant's  
38       qualifications for licensure in that state are at least  
39       equivalent to those required by the laws of this State. At the  
40       time of making application, the applicant shall pay a fee  
41       determined by the board.

42       **§14356. Construction**

2           Nothing in this chapter prevents or restricts the practice,  
3           services or activities of:

4  
5           1. Engaging in licensed practice. Any person licensed in  
6           this State by any other law from engaging in the profession or  
7           occupation for which that person is licensed;

8  
9           2. Federal officials. Any person employed as an athletic  
10           trainer by the Federal Government or any federal agency, if that  
11           person provides athletic training solely under the direction or  
12           control of that person's employing organization;

13           3. Students. Any person pursuing a supervised course of  
14           study leading to a degree or certificate in athletic training at  
15           an accredited or approved educational program, if the person is  
16           designated by a title that indicates clearly that person's status  
17           as a student or trainee;

18  
19           4. Experience requirement. Any person fulfilling the  
20           supervised practical training requirements of this chapter, if  
21           that training is necessary to meet the requirements of this  
22           chapter;

23  
24           5. Visiting teams. Any person performing athletic training  
25           services in this State for an out-of-state team that is in this  
26           State for competition, if these services are performed for no  
27           more than 4 days at a time or 30 days a year in conjunction with  
28           a competition at which an athletic trainer licensed under this  
29           chapter or a physician is available, if the person is licensed  
30           under the law of another state that has licensure requirements at  
31           least as stringent as the requirements of this chapter; or

32  
33           6. Compensation. Any person performing athletic training  
34           services for which no fee, salary or other compensation, monetary  
35           or otherwise, is paid directly or indirectly.

36  
37           §14357. Practice of medicine or other form of healing

38  
39           Nothing in this chapter authorizes an athletic trainer to  
40           practice medicine or any other form or method of healing not  
41           specified in this chapter. An athletic trainer may practice only  
42           under the direction of a physician or dentist licensed in this  
43           State.

44  
45           §14358. Practice restrictions

46  
47           A person may only perform athletic training services when  
48           employed by a school, team or organization.

49  
50           §14359. Qualifications

2           Except as provided in section 14355, an applicant for  
licensure as an athletic trainer must:

4           1. Education. Be a graduate of a college or university  
approved by the board and have completed that college's or  
6           university's curriculum in athletic training, or other curricula  
acceptable to the board, and have completed an athletic training  
8           education program approved by the National Athletic Training  
Association or a program of practical training in athletic  
10           training acceptable to the board; and

12           2. Examination. Have passed the National Athletic Training  
Association Certification Examination or an examination approved  
14           by the board. A board-approved examination must be written, and,  
in addition, at the discretion of the board, may be oral and  
16           demonstrative, and must test the applicant's knowledge of the  
basic and clinical sciences as they apply to athletic training  
18           theory and practice, including the applicant's professional  
skills and judgment in the utilization of athletic training  
20           techniques and methods, and other subjects the board may consider  
necessary to determine the applicant's fitness to act as an  
22           athletic trainer.

24           §14360. Examinations; applications for licensure; fees; renewal  
of license

26           Examinations must be given at least twice a year and must be  
28           at those times and places determined by the board. The board  
shall establish examination and testing procedures to enable the  
30           board to ascertain the competency of persons applying to be  
licensed. Applications for licenses, signed and sworn by the  
32           applicants, must be made on forms furnished by the board. Except  
as provided in section 14362, an applicant who has furnished  
34           satisfactory proof of good moral character and meets the  
educational and clinical practice requirements set forth in  
36           section 14359 must be examined by the board upon payment of a fee  
not to exceed \$60 determined by the board. If the applicant is  
38           successful in passing the examination, the applicant must be  
licensed to practice.

40           During January of every even-numbered year or those other  
42           times that the Commissioner of Professional and Financial  
Regulation may designate, a person licensed under this chapter  
44           shall apply to the board for renewal of a license and pay a fee  
not to exceed \$60 determined by the board and the board shall  
46           issue a license showing that the holder is entitled to practice  
for the period covered by the payment. The board may require  
48           specific continuing education as a condition for license  
renewal. The board may provide for the late renewal of a license  
50           that has lapsed and require the payment of a late fee, an  
examination, continuing education and supervised experience  
52           before issuing a late renewal license.

2        **§14361. Practice upon filing of license application**

4            A person who meets the qualifications to be admitted to the  
6        examination for licensure may, between the date of filing an  
8        application for licensure and the announcement of the results of  
10       the next succeeding examination for licensure, practice as an  
12       athletic trainer. If any person so practicing fails to qualify  
14       for or pass the examination after filing for licensure, all  
16       privileges under this section automatically cease upon due notice  
18       to the applicant of failure. An applicant who fails to pass the  
20       examination is entitled to a reexamination within 6 months upon  
          repayment of the examination fee only. If an applicant fails one  
          section of the examination, the applicant may be reexamined on  
          that particular section only. If the applicant fails more than  
          one section, the entire examination must be repeated. No  
          applicant may be allowed to take any part of the examination more  
          than 3 times, unless the applicant submits evidence of having  
          acquired additional formal education related to the previously  
          failed examination section or sections.

22       **§14362. Revocation, suspension of license**

24            The board may suspend or revoke a license or certificate of  
26        registration pursuant to Title 5, section 10004. In addition,  
28        the board may refuse to issue or renew, pursuant to Title 10,  
30        section 8003, or the Administrative Court may suspend, revoke or  
          refuse to renew a license or certificate of registration on  
          grounds that the licensee or applicant:

32            1. **Fraud.** Obtained or attempted to obtain a license by  
          fraud or deception;

34            2. **Criminal conviction.** Has been convicted of a Class D  
          crime or of a crime involving moral turpitude;

36            3. **Negligence.** Has been grossly negligent in the practice  
38        of athletic training;

40            4. **Incompetence.** Has been adjudged mentally ill or  
42        incompetent by a court of competent jurisdiction;

44            5. **Addiction.** Used drugs or intoxicating liquors to an  
46        extent that adversely affected the practice of athletic training;  
          or

48            6. **Unethical conduct.** Acted in a manner that is  
          professionally unethical.

50            **Sec. 9. Effective date.** The Maine Revised Statutes, Title 32,  
52        sections 14353 and 14354 take effect July 1, 1994.



2 STATEMENT OF FACT

4 This bill requires that athletic trainers be licensed.  
6 Qualifications are a college degree with a curriculum in athletic  
8 training, 800 hours of supervised experience and the passing of  
10 an examination. The bill provides for the combining of the  
12 regulation of athletic training and physical therapy under one  
board. The board is to consist of 2 physical therapists, one  
physical therapist assistant, 2 athletic trainers, one physician  
and one public member. Biennial license fees are not to exceed  
\$60.

14 A joint standing committee of the Legislature that  
16 recommends to the Legislature the establishment of a board to  
18 regulate an occupation must include a report pursuant to the  
Maine Revised Statutes, Title 5, section 12015, subsection 3.