

ARKANSAS AT CODE 12/04

17-93-401. Short title.

This subchapter shall be known and may be cited as the "Arkansas Athletic Trainers Act".

17-93-402. Definitions.

For purposes of this subchapter, unless the context otherwise requires:

(1) "Athlete" means an individual who is participating in organized athletic or team activities at the interscholastic, intramural, intercollegiate, or professional level, or sanctioned recreational sports activities;

(2) "Athletic injury or illness" means an injury or illness sustained by the athlete as a result of participation in those organized athletic or team activities which require physical strength, agility, flexibility, range of motion, speed, or stamina, or any comparable injury or illness to an athlete which prevents the person from participating in activities described in subdivision (1) of this section;

(3) "Athletic trainer" means a person licensed by the state to engage in athletic training;

(4) "Athletic training" means the prevention, recognition, evaluation, treatment, and rehabilitation of an athletic injury or illness and the organization and administration of exercise, conditioning, and athletic training programs;

(5) "Board" means the Arkansas State Board of Athletic Training;

(6) "Direct supervision" means supervision of the athletic trainer in a clinical setting in which the supervising physical therapist must be readily available for consultation for the care of the athlete but not necessarily on the premises;

(7) "License" means the document issued by the board to a qualified person to practice athletic training; and

(8) "Sanctioned recreational sports activities" means any athletic or team activity which requires physical strength, agility, flexibility, range of motion, speed, or stamina and meets one (1) or more of the following:

(A) Has officially designated coaches who have the responsibility for athletic activities of the organization;

(B) Has a regular schedule of practices or workouts which are supervised by the officially designated coaches;

(C) Is an activity generally recognized as having an established schedule of competitive events or exhibitions; and

(D) Has a policy requiring documentation of having passed a preparticipation medical examination conducted by a licensed physician as a condition for participation for the athletic activities of the organization.

17-93-403. Penalties.

(a) Any person who violates a provision of this subchapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment for not less than thirty (30) days nor more than one hundred eighty (180) days, or both.

(b) After notice and hearing, the Arkansas State Board of Athletic Training is also authorized to levy a civil penalty against any person licensed under the provisions of this subchapter after a finding that the person has violated any of the provisions of this subchapter or any regulations promulgated by the board.

(c) Civil penalties assessed by the board shall be no more than one thousand dollars (\$1,000) per incident.

(d) In addition to any other sanctions authorized by this subchapter, the board may impose a civil penalty as provided in this section against any unlicensed person practicing or offering to practice any actions requiring licensure pursuant to the provisions of this subchapter.

17-93-404. Creation - Arkansas State Board of Athletic Training.

(a)(1) There is created the Arkansas State Board of Athletic Training.

(2) The board shall be composed of four (4) licensed athletic trainers and one (1) consumer who is not actively engaged in or retired from the practice of athletic training, medicine, **physical therapy**, or employment by an athletic department of an accredited educational institution.

(3) In making appointments to the board, the Governor shall give consideration to recommendations made by professional organizations of athletic trainers.

(4) To qualify as a member of the board, a person must be a resident of the State of Arkansas for three (3) years immediately preceding appointment.

(b)(1) The members of the board shall be appointed for terms of three (3) years.

(2) In the event of the death, resignation, or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(3) The Governor may remove any member for cause before the expiration of the member's term.

(c)(1) The board shall elect officers as it considers necessary to carry out its duties.

(2)(A) The board shall meet at least two (2) times each year.

(B) Additional meetings may be held on the call of the chair or a written request of any three (3) members of the board.

(3) The quorum required for any meeting of the board is three (3) members.

(d) Each member of the board may receive expense reimbursements according to § [25-16-902](#) and stipends according to § [25-16-903](#).

17-93-406. Powers and duties of the board.

The Arkansas State Board of Athletic Training shall have the following powers and duties:

(1) To receive and maintain all records of board proceedings;

(2) To adopt minimum curriculum and internship requirements for qualification for an Arkansas athletic trainer's license;

(3) To issue licenses;

(4) To keep a complete record of all licensed athletic trainers, including:

(A) Preparing annually a roster showing the names and addresses of all licensed athletic trainers; and

(B) Making available a copy of such a roster to any person requesting it on payment of a fee as established by the board to cover the cost of the roster;

(5) To adopt rules and regulations consistent with this subchapter which are necessary for the performance of its duties, including, but not limited to, the imposing of fees adequate to carry out the purposes of this subchapter;

(6) To collect fees adequate to carry out the purposes of this subchapter;

(7) To keep records of fees collected and costs incurred for operations of the board and licensing of athletic trainers; and

(8) To file an annual report of its activities, including the activities of the board, with the Department of Finance and Administration.

17-93-407. License required - Exceptions.

(a) It shall be unlawful for any person to use the title of "athletic trainer", "licensed athletic trainer", "registered athletic trainer", "L.A.T.", or "R.A.T.", or any symbols denoting the license of athletic training or perform any of the activities of an athletic trainer as defined by this subchapter without first obtaining all licenses required under this subchapter, unless provided otherwise in this subchapter.

(b) Nothing in this subchapter shall be construed to:

(1) Authorize the practice of medicine or physical therapy by any person not so licensed by the state;

(2) Prohibit the lawful practice of a licensed health care professional under the scope of his or her license;

(3) Prohibit the lawful practice of a licensed athletic trainer from another state who accompanies his or her team, athlete, or representatives to the State of Arkansas for limited competition; or

(4) Prohibit designated interns from university academic programs preparing athletic trainers from performing acts of athletic training incidental to their courses of study.

17-93-408. Unlawful practice - Injunction.

(a) The circuit courts of this state are vested with jurisdiction and power to enjoin violations of this subchapter in the county in which the alleged unlawful practice occurred or in which the defendant resides.

(b) The issuance of an injunction shall not relieve a person from criminal prosecution for violation of this subchapter, but the remedy of injunction shall be in addition to liability for criminal prosecution.

17-93-409. Qualification - Athletic trainer.

(a) For the purpose of this subchapter, a person is actively engaged as an athletic trainer if the person has performed such duties as a principal part of his or her full-time employment under the direction of a licensed physician for three (3) of the past five (5) years preceding the application.

(b) An applicant for an Arkansas athletic trainer's license must:

(1) Possess a bachelor's degree from an accredited college or university;

(2) Meet other curriculum and internship requirements as specified by the Arkansas State Board of Athletic Training;

(3) Pass an examination for licensure as designated by the board which is a reliable, valid, legally defensible examination for determining minimum competency in athletic training;

(4) Submit appropriate application forms to the board; and

(5) Pay all appropriate fees.

(c) Notarized proof of employment, performance of duties, and supervision shall accompany the person's application.

(d) Anyone who meets the qualifications prescribed in subsection (b) of this section except for the examination requirement under subdivision (b)(3) of this section shall be issued a temporary nonrenewable trainer's permit which shall expire one (1) year after the date of application therefor.

17-93-410. Expiration and renewal.

(a) A license issued under this subchapter expires one (1) year after the date of issuance.

(b) Licenses shall be renewed according to procedures established by the Arkansas State Board of Athletic Training.

17-93-411. Direction and supervision.

(a) In a nonclinical setting, an athletic trainer may practice the art and science of athletic training under the direction of a physician licensed in the State of Arkansas.

(b) The athletic trainer may practice athletic training in a hospital or outpatient clinic under the direct supervision of a physical therapist and upon the referral of a physician licensed in the State of Arkansas.

17-93-412. Revocation, suspension, or denial - Grounds.

(a) The Arkansas State Board of Athletic Training may refuse to issue or renew a license or suspend or revoke a license if an applicant has:

(1) Been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust;

(2) Secured a license under this subchapter by fraud or deceit; or

(3) Violated or conspired to violate this subchapter or rules or regulations issued pursuant to this subchapter.

(b)(1) On application, the board may reissue a license to a person whose license has been revoked, but the application may not be made prior to the expiration of a period of one (1) year after the order of revocation has become final.

(2) Such application shall be made in the manner and form required by the board.

17-93-413. Revocation, suspension, or denial - Proceedings.

(a) Any person whose application for a license or for renewal of a license is denied is entitled to a hearing, which shall be conducted pursuant to the Arkansas Administrative Procedure Act, § [25-15-201](#) et seq.

(b)(1) Proceedings for revocation or suspension of a license shall be commenced by filing charges with the Arkansas State Board of Athletic Training in writing.

(2) The charge may be brought by any person.

(c) The board shall fix the time and place of the hearing and shall provide a written copy of the charges or reason for the denial of the license or for the refusal to renew the license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing or license against whom the charges have been filed at least thirty (30) days prior to the date set for the hearing.

17-93-414. Reciprocity.

(a) A licensed athletic trainer who has been issued a license to practice as an athletic trainer in another state or territory whose requirements for registration and licensure were equal, at the time of registration or licensure, to the requirements contained in this subchapter may be registered and issued a license by the Arkansas State Board of Athletic Training, provided the other state or territory accords a similar privilege of registration and licensure to persons registered and licensed in the State of Arkansas by the board.

(b) The issuance of a license by reciprocity shall be at the sole discretion of the board.