

IDAHO AT Code 12/04

TITLE 54

PROFESSIONS, VOCATIONS, AND BUSINESSES CHAPTER 39 ATHLETIC TRAINERS

54-3901. LEGISLATIVE INTENT. In order to promote the public health, safety, and welfare, to promote the highest degree of professional conduct on the part of athletic trainers, and to assure the availability of athletic trainer services of high quality to persons in need of such services, it is the purpose of this chapter to provide for the registration of persons offering athletic trainers services to the public.

54-3902. DEFINITIONS. As used in this chapter:

- (1) "Athlete" means a person who participates in exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed or stamina and which exercises, sports or games are of the type generally conducted in association with an educational institution or professional, amateur or recreational sports club or organization.
- (2) "Athletic injury" means a physical injury, harm, hurt or common condition (such as heat disorders), incurred by an athlete, preventing or limiting participation in athletic activity, sports or recreation, which athletic trainers are educated to evaluate and treat or refer to the directing physician.
- (3) "Athletic trainer" means a person who has met the qualifications for licensure as set forth in this chapter, is licensed under this chapter, and carries out the practice of athletic training under the direction of a designated Idaho licensed physician, registered with the board or a designated Idaho licensed chiropractic physician.
- (4) "Athletic training" means the application by a licensed athletic trainer of principles and methods of:
 - (a) Prevention of athletic injuries;
 - (b) Recognition, evaluation and assessment of athletic injuries and conditions;
 - (c) Immediate care of athletic injuries including common emergency medical situations;
 - (d) Rehabilitation and reconditioning of athletic injuries;
 - (e) Athletic training services administration and organization; and
 - (f) Education of athletes.
- (5) "Board" means the Idaho state board of medicine.
- (6) "Board of athletic trainers" means the Idaho board of athletic trainers established in this chapter.
- (7) "Directing physician" means a designated person duly licensed to practice medicine in Idaho, registered with the board or a designated Idaho licensed chiropractic physician, who is responsible for the athletic training services provided by the athletic trainer and oversees the practice of athletic training of the athletic trainer, as established by board rule. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the board.
 - (a) This direction will be provided by verbal order when the directing physician is present and by written order or by athletic training service plans or protocols, as established by board rule, when the directing physician is not present.
 - (b) Upon referral from a physician licensed in another state and in good standing, the practice of athletic training or physical rehabilitation and/or reconditioning shall be carried out under the written orders of the referring physician and in collaboration with the directing physician.

54-3903. **SCOPE OF PRACTICE.** The scope of practice of athletic trainers under the direction of the designated Idaho licensed physician, registered with the board, or a designated Idaho licensed chiropractic physician, includes:

(1) Prevention of athletic injuries by designing and implementing physical conditioning programs, performing preparticipation screenings, fitting protective equipment, designing and constructing protective products and continuously monitoring changes in the environment.

(2) Recognition and evaluation of athletic injuries by obtaining a history of the injury, individual inspection of the injured body part and associated structures and palpation of bony landmarks and soft tissue structures. Immediate care of athletic injuries may require initiation of cardiopulmonary resuscitation, administration of basic or advanced first aid, removal of athletic equipment, immobilization and transportation of the injured athlete. Concurrent with athletic training service plans or protocols, the athletic trainer will determine if the athlete may return to participation or, if the injury requires further definitive care, the athletic trainer will refer the injured athlete to the appropriate directing physician.

(3) Rehabilitation and reconditioning of athletic injuries by administering therapeutic exercise and physical modalities including cryotherapy, thermotherapy, and intermittent compression or mechanical devices as directed by established, written athletic training service plans or protocols or upon the order of the directing physician.

(4) Athletic training services administration includes implementing athletic training service plans or protocols, writing organizational policies and procedures, complying with governmental and institutional standards and maintaining records to document services rendered.

(5) Education of athletes to facilitate physical conditioning and reconditioning by designing and implementing appropriate programs to minimize the risk of injury.

(6) The scope of practice excludes any independent practice of athletic training by an athletic trainer. An athlete with an athletic injury not incurred in association with an educational institution, professional, amateur or recreational sports club or organization shall be referred by a directing physician, but only after such directing physician has first evaluated the athlete and referred such athlete to the athletic trainer.

54-3904. **LICENSURE REQUIRED.** It shall be unlawful for any person to practice or to offer to practice as an athletic trainer, or to represent such person to be an athletic trainer unless such person is licensed under the provisions of this chapter. Only an individual may be licensed under this chapter. An individual may not use the title "licensed athletic trainer," "athletic trainer," or "athletic training," the abbreviations "AT," "ATC," "AT,C," "ATC/L," "CAT," "LAT," or any other words, abbreviations or insignia to indicate or imply that the individual is an athletic trainer unless the individual is licensed pursuant to this chapter.

54-3905. **EXCEPTIONS TO LICENSURE REQUIREMENT.** Nothing in this chapter shall be construed as preventing or restricting the practice, services or activities or requiring licensure pursuant to this chapter of:

(1) Any person licensed in this state by any other law, from engaging in the profession or occupation for which such person is licensed or registered or otherwise regulated; or

(2) Any person employed as an athletic trainer by the government of the United States or any agency thereof, if such person provides athletic trainer services solely under the direction or control of the government agency by which such person is employed; or

(3) Any person pursuing a supervised course of study leading to a degree, licensure or registration as athletic trainer in an accredited or approved educational program, if the person is designated by a title which clearly indicates a student or trainee status; or

(4) Any person fulfilling supervised fieldwork experience requirements as prescribed by the board;
or

(5) For purposes of continuing education, consulting, and/or training, any person performing athletic trainer services in the state, if these services are performed for no more than sixty (60) days in a calendar year in association with an athletic trainer licensed under this chapter, if:

(a) The person is licensed, registered or certified and in good standing as an athletic trainer in another state; or

(b) The person is certified and in good standing as an athletic trainer by the national athletic trainers' association board of certification or
by a nationally recognized credentialing agency, accepted by the board.

(6) Nothing herein shall be construed to require registration of elementary or secondary school teachers, coaches or authorized volunteers who do not hold themselves out to the public as athletic trainers.

(7) This act shall not be construed as to require licensure by persons assisting in an emergency or in providing aid or service for which no fee for service is contemplated, charged or received, provided that the person providing the service or assisting in the emergency does not hold himself out as an athletic trainer.

54-3906. **QUALIFICATIONS FOR LICENSURE.** An applicant for an athletic trainer license must possess the following qualifications:

(1) Have received a bachelor's or advanced degree from an accredited four (4) year college or university and met the minimum athletic training curriculum requirement established by the board as recommended by the board of athletic trainers and adopted by board rule.

(2) Have successfully completed the certification examination administered by the national athletic trainers' association board of certification or equivalent examination approved or recognized by the board as recommended by the board of athletic trainers.

(3) Be in good standing with and provide documentation of current certification by the national athletic trainers' association or a nationally recognized credentialing agency, adopted by the board as recommended by the board of athletic trainers.

(4) Submit an application to the board of athletic trainers on forms prescribed by the board and pay the licensure fee required under this chapter.

54-3907. **FEEES.** The board, upon recommendation of the board of athletic trainers, shall adopt rules establishing fees for the following:

(1) Initial licensure fee;

(2) Renewal of licensure fee;

(3) Provisional licensure fee;

(4) Inactive licensure fee;

(5) Application and renewal fees. Necessary nonrefundable fees shall be made for the exact amount of the transaction and accompany all applications for initial licensure and renewal.

(6) Extraordinary expenses. In those situations where the processing of an application for initial licensure or renewal requires extraordinary expenses, the board may charge the applicant reasonable fees to cover all or part of the extraordinary expenses.

54-3908. **PROVISIONAL LICENSURE.** The board, based upon the recommendation of the board of athletic trainers, may issue provisional licensure to applicants who are actively engaged in preparing themselves to meet the qualifications prescribed in this chapter. A provisional license shall be valid for a term of one (1) year, but may be renewed only twice, at the discretion of the board upon recommendation of the board of athletic trainers.

54-3909. ISSUANCE OF LICENSURE. (1) The board, based upon recommendation of the board of athletic trainers, shall issue a license to any person who meets the requirements of this chapter upon receipt of an application and payment of the prescribed fees.

(2) The board, upon recommendation of the board of athletic trainers, may refuse to issue or renew the license of an applicant who has been convicted of an offense or disciplined by an athletic trainer licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice athletic training in accordance with the provisions of this chapter, or who has falsified an application for licensure, or refuse any applicant for any cause described under section 54-3911, Idaho Code.

54-3910. RENEWAL OF LICENSURE. (1) Any licensure issued under this chapter shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules of the board. The board, upon recommendation of the board of athletic trainers, may reinstate a licensure canceled for failure to renew upon compliance with requirements of the board for renewal of licenses.

(a) A license shall be issued for a period of not less than one (1) year nor more than five (5) years, in conformance with administrative rules adopted by the board. Each license shall set forth its expiration date on the face of the certificate. The failure of any licensee to renew his or her license, as required herein and by the rules of the board, shall not deprive such person of the right to renewal, except as provided for in this chapter.

(b) Fees for renewal of licensure of athletic trainers shall be fixed by the board in its rules.

(c) All licensed athletic trainers must be in good standing with and provide documentation of current certification by the national athletic trainers' association board of certification or a nationally recognized credentialing agency, accepted by the board. All athletic trainers holding current Idaho registration/licensure who are not certified by the national athletic trainers' association board of certification or a nationally recognized credentialing agency, accepted by the board, are required to provide documentation of successful completion of eighty (80) hours of board approved continuing educational units during each three (3) year reporting period on forms provided by the board.

(d) All licensed athletic trainers shall report to the board any name change or changes in business and home addresses thirty (30) days after the change becomes final.

(2) Reinstatement of licensure.

(a) Reinstatement of a license that has lapsed for a period of three (3) consecutive years shall require good standing with and documentation of current certification by the national athletic trainers' association board of certification or a nationally recognized credentialing agency, accepted by the board.

(b) Reinstatement of a license that has lapsed for a period of three (3) consecutive years shall require the payment of a renewal fee and reinstatement fee in accordance with the rules adopted by the board, provided however, that no reinstatement fee shall be greater than fifty dollars (\$50.00).

(c) Reinstatement of a license that has lapsed for a period of more than three (3) consecutive years shall require reapplying for a license and payment of fees in accordance with the rules adopted by the board. The applicant shall successfully demonstrate to the board, upon recommendation of the board of athletic trainers, competency in the practice of athletic training. The board, upon recommendation of the board of athletic trainers, may also require the applicant to take an examination, remedial courses, or both, as shall be recommended by the board of athletic trainers.

(3) Upon application and recommendation by the board of athletic trainers, the board shall grant inactive status to a licensed athletic trainer who:

(a) Does not practice as an athletic trainer; and

(b) Is in good standing with and provides documentation of current certification by the national athletic trainers' association board of certification or a nationally recognized credentialing agency, accepted by the board.

54-3911. DENIAL -- SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO

RENEW. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the board, upon recommendation of the board of athletic trainers, may deny license or refuse to renew a license, or may suspend or revoke a license or may impose probationary conditions if the applicant for licensure has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. All petitions for reconsideration of a denial of a license application or reinstatement application must be made to the board within one (1) year from the date of the denial. Such unprofessional conduct includes, but is not limited to:

- (a) Obtaining licensure by means of fraud, misrepresentation, or concealment of material facts;
- (b) Being guilty of unprofessional conduct, negligence or incompetence in the practice of athletic training as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
- (c) Being convicted of a felony by a court of competent jurisdiction;
- (d) The unauthorized practice of medicine;
- (e) Use of any advertising statements that deceive or mislead the public or that are untruthful;
- (f) Making statements that the licensee knows, or should have known, are false or misleading regarding skill or efficacy or value of treatment or remedy administered by the licensee in the treatment of any condition pertaining to athletic training;
- (g) Practicing or offering to practice beyond the scope of athletic training as defined in this chapter or which fails to meet the standard of athletic training provided by other qualified athletic trainers in the same or similar community;
- (h) Performance of services while under the influence of alcohol, controlled substances or other skill impairing substances so as to create a risk of harm to a client;
- (i) Commission of any act of sexual contact, misconduct, exploitation or intercourse with a client or former client or related to the licensee's practice of athletic training;
 - 1. Consent of the client shall not be a defense;
 - 2. This paragraph shall not apply to sexual contact between an athletic trainer and the athletic trainer's spouse or a person in a domestic relationship who is also a client;
 - 3. A former client includes a client for whom the athletic trainer has provided athletic training services within the last twelve (12) months;
 - 4. Sexual or romantic relationship with a former client beyond the period of time set forth herein may also be a violation if the athletic trainer uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the client;
- (j) Having been judged mentally incompetent by a court of competent jurisdiction;
- (k) Aiding or abetting a person not licensed in this state who directly or indirectly performs activities requiring a license;
- (l) Failing to report to the board any act or omission of a licensee, applicant, or any other person, which violates any provision of this chapter;
- (m) Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any client or witness to prevent them from providing evidence in a disciplinary proceeding, investigation or other legal action;
- (n) Failing to maintain client confidentiality unless otherwise required by law;
- (o) Failing to maintain adequate records. For purposes of this paragraph, "adequate records" means legible records that contain, at a minimum, the athletic training service plan or protocol, written orders, an evaluation of objective findings, the plan of care and the treatment records;

(p) Promoting unnecessary devices, treatment, intervention or service for the financial gain of the practitioner or of a third party;

(q) Violating any provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter.

(2) A denial of an application for licensure or application for reinstatement shall be considered a contested case as provided for in chapter 52, title 67, Idaho Code, and be subject to the provisions of that chapter, as well as the rules adopted by the board governing contested cases.

(3) Any person who shall be aggrieved by any action of the board in denying, refusing to renew, suspending or revoking a licensure, issuing a censure, imposing any restriction upon a licensee, or imposing any fine, may seek judicial review thereof in accordance with the provisions of chapter 52, title 67, Idaho Code.

54-3912. BOARD OF ATHLETIC TRAINERS -- CREATED -- APPOINTMENT -- TERMS.

(1) A board of athletic trainers is hereby created and made a part of the Idaho state board of medicine.

(2) The board of athletic trainers shall consist of four (4) members, three (3) of whom shall be Idaho licensed athletic trainers actively engaged in the practice of athletic training in this state and one (1) of whom shall be a lay person.

(3) The board shall appoint the members of the board of athletic trainers. In making appointments to the board of athletic trainers, the board shall give consideration to recommendations made by professional organizations of athletic trainers and physicians.

(4) All members of the board of athletic trainers shall have been residents of the state of Idaho for one (1) year immediately preceding appointment. In appointing the athletic trainer members of the first board of athletic trainers, the board may appoint any practicing athletic trainer who possesses the qualifications required by section 54-3906, Idaho Code. All members must be persons of integrity and good reputation. The lay member must be a person who has never been authorized to practice a healing art, and who has never had a substantial personal, business, professional or pecuniary connection with a healing art or with a medical education or health care facility, except as a client or potential client.

(5) The board of athletic trainers shall be appointed within thirty (30) days after the effective date of this chapter for terms ending December 31. Of the first members of the board of athletic trainers appointed, one (1) member's term shall expire December 31, 1990; one (1) member's term shall expire December 31, 1991; one (1) member's term shall expire December 31, 1992; and one (1) member's term shall expire December 31, 1993. After the initial appointments, all terms shall be four (4) years, and a member may be reappointed. In the event of death, resignation or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. The board may remove any member for cause at any time prior to the expiration of his term.

(6) The board of athletic trainers shall hold at least one (1) meeting each year. At the meeting, the board of athletic trainers shall elect from among its members for a term of one (1) year commencing on July 1 next, a chairperson. The board of athletic trainers may hold additional meetings on the call of the chairperson or at the written request of any two (2) members of the board of athletic trainers. The board of athletic trainers may appoint committees as it considers necessary to carry out its duties. The quorum required for any meeting of the board of athletic trainers is three (3) members. No action by the board of athletic trainers or its members has any effect unless a quorum of the board of athletic trainers is present.

54-3913. BOARD OF MEDICINE AND BOARD OF ATHLETIC TRAINERS -- POWERS AND DUTIES.

(1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications and fitness of applicants, and approve the applications for licensure under this chapter, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate

practices which are alleged to violate the provisions of this chapter. The board of athletic trainers shall evaluate all applicants for qualification and fitness for licensure and make recommendations to and consult with the board concerning issuance of licenses, revocation of licenses and rules to be promulgated under this chapter.

(2) The board shall, upon recommendation of the board of athletic trainers, adopt rules pursuant to chapter 52, title 67, Idaho Code, relating to professional conduct to carry out the policy of this chapter including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice, disciplinary proceedings, refusal to renew license proceedings, license suspension proceedings, or license revocation proceedings for persons licensed to practice as an athletic trainer in this state.

(3) The board of athletic trainers shall hold meetings, conduct hearings and keep records and minutes as are necessary to carry out its functions.

(4) Every person licensed as an athletic trainer in Idaho shall be subject to discipline pursuant to the powers set forth in this chapter and the rules of the board of medicine promulgated pursuant thereto. The board of athletic trainers shall have no authority to impose sanctions or limitations or conditions on licenses issued under this chapter and shall be authorized only to make recommendations to the board with respect thereto. Members of the board of athletic trainers shall disqualify themselves and, on motion of any interested party, may on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(5) In addition to its other powers, the board of athletic trainers shall be empowered and authorized:

(a) To recommend that the board reprimand by informal admonition any licensed athletic trainer respecting any matter it finds is minor misconduct. Such reprimand shall be subject to disclosure according to chapter 3, title 9, Idaho Code.

(b) To recommend that the board order, for good cause, nondisciplinary suspension or transfer to inactive status of any licensed athletic trainer incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemical or like substances, and to provide terms and conditions therefor, including provisions and conditions controlling reinstatement and any request therefor; provided, this paragraph shall not be construed to amend or repeal specific legislation expressly dealing with disabled athletic trainers whether heretofore or hereafter enacted by the legislature of the state of Idaho, but rather shall be construed as complementary thereto.

(c) To recommend that the board accept the resignation and surrender of the license of any athletic trainer under investigation or prosecution who tenders the same, and to impose terms and conditions in connection therewith as it may deem appropriate in the best interests of the public and of justice.

(d) To recommend that the board provide by order for reciprocal discipline in cases involving a licensed athletic trainer or applicant disciplined in any other jurisdiction, provided that such licensee or applicant shall be entitled to appear and show cause why such order should not apply in his or her case.

(e) To recommend that the board provide for reasonable fees through rules for administrative costs and assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee or applicant has been found to be in violation of this chapter.

54-3914. COMPENSATION. The members of the board of athletic trainers shall be compensated as provided in section 59-509(e), Idaho Code.

54-3915. BOARD OF MEDICINE -- ADMINISTRATIVE PROVISIONS. (1) The executive director of the Idaho state board of medicine shall serve as the executive director to the board of athletic trainers.

(2) All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the state board of medicine account created by section 54-1809, Idaho Code, and all costs and expenses incurred by the board and the board of athletic trainers under the provisions of this chapter shall be a charge against and paid from said account for such purposes, and the moneys collected hereunder shall be immediately available for the administration of this chapter. In no instance shall the state board of medicine account be obligated to pay any claims which in aggregate with claims already allowed exceed the income to the state board of medicine account which has been derived from the application of this chapter.

Money paid into the state board of medicine account pursuant to this chapter is hereby continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and the board of athletic trainers in carrying out and enforcing the provisions of this chapter.

54-3916. PENALTIES. Any person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

54-3917. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.