

## CHAPTER 48. ATHLETIC TRAINERS

### §3301. Short title

A. This Chapter shall be known and may be cited as the Louisiana Athletic Trainers Law.

Acts 1985, No. 288, §1.

B. The purpose of this Chapter is to provide for the protection of public health, safety and welfare by providing for the licensing and regulation of the practice of athletic trainers in this state.

(Acts 2014 No. 418)

### 3302. Definitions

As used in this Chapter, the following words and phrases have the meanings hereinafter ascribed to them:

(1) "Athlete" means an individual designated as such by the board, an educational institution, a professional athletic organization, or other board-approved organization who participates in an athletic activity sponsored by such institution or organization.

(2) "Athletic trainer" means an individual licensed by the board as an athletic trainer with the specific qualifications set forth in R.S. 37:3306.1 who, under the general supervision of a physician carries out the practice of prevention, emergency management, and physical rehabilitation of injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both.

(3) "Board" means the Louisiana State Board of Medical Examiners.

(4) "Board approved organization" means one of the following:

(a) Approved organization, including but not limited to the Amateur Athletic Union, the International Olympic Committee and its affiliates, the Pan American Sports Organization, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, college and university intramural sports, and sports events of the National Federation of State High School Associations

(b) An organization, whose athletic activity meets one or more of the following:

(i) Has an officially-designated coach or individual who has the responsibility for athletic activities of the organization.

(ii) Has a regular schedule of practices or workouts that are supervised by an officially-designated coach or individual.

(iii) Is an activity generally recognized as having an established schedule of competitive events or exhibitions.

(iv) Has a policy that requires documentation of having a signed medical clearance by a licensed physician or other board authorized health care provider as a condition for participation for the athletic activities of the organization.

(5) "BOC" means the Board of Certification, Inc. or its successor.

(6) "CAATE" means the Commission on Accreditation of Athletic Training Education or its successor.

(7) "Educational institution" means a university, college, junior college, high school, junior high school, or grammar school, whether public or private.

(8) "Emergency management" means the care given to an injured athlete under the general supervision of the team or consulting physician.. To accomplish this care, an athletic trainer may use such methods as accepted first aid procedures approved by the American Red Cross, the American Heart Association or protocol previously established by the athletic trainer and the team or consulting physicians.

(9) "General supervision" means the service is furnished under a physician's overall direction and control, but the physician's presence shall not be required during the provision of service.

(10) "Physician" means a person licensed to practice medicine by the board in the state who is qualified by training and experience to supervise an athletic trainer.

(11) "Physical rehabilitation" means the care given to athletes following injury and recovery. These treatments and rehabilitation programs may consist of preestablished methods of physical modality use and exercise as prescribed by a team physician, consulting physician, or both. Physical rehabilitation also includes working cooperatively with and under the general supervision of a medical physician in respect to the following:

(a) Reconditioning procedures.

(b) Operation of therapeutic devices and equipment.

(c) Fitting of braces, guards, and other protective devices.

(d) Referrals to other physicians, auxiliary health services, and institutions. Referrals will be made with the agreement of the athlete or, in the case of a minor, with the agreement of a parent or guardian except when circumstances require emergency transfer and the parent or guardian is unavailable.

(12) "Practice of prevention" shall include but is not limited to the following:

(a) Working cooperatively with supervisors and coaches in establishing and implementing a program of physical conditioning for athletes.

(b) Applying protective or injury-preventive devices such as taping, padding, bandaging, strapping, wrapping, or bracing.

(c) Working cooperatively with supervisors, coaches, and a team physician or consulting physician in the selection and fitting of protective athletic equipment for each athlete and constantly monitoring that equipment for safety.

(d) Counseling and advising supervisors, coaches, and athletes on physical conditioning and training such as diet, flexibility, rest, and reconditioning.

### **§3303. Louisiana State Board of Medical Examiners; powers and duties**

A. In addition to the powers and authority established by R.S. 37:1270, the board shall:

(1) Keep a record of its proceedings regarding the regulation and certification of athletic trainers in a book maintained for that purpose.

(2) Keep a complete roster of all licensed athletic trainers and make a copy of the roster available to any person requesting it on payment of a fee established by the board as sufficient to cover the costs of the roster.

(3) License athletic trainers in a manner consistent with the provisions of this Chapter.

- (4) Adopt rules and regulations necessary for the performance of its duties.
  - (5) Prescribe application forms for certification.
  - (6) Establish guidelines for athletic trainers in the state.
  - (7) Approve, deny, revoke, suspend, probate, and renew licensure of a duly qualified applicant.
  - (8) Conduct administrative hearings on the denial, suspension, revocation, or refusal to issue or renew a license.
- B. The board shall require continuing education units to maintain licensure.
- C. The board shall, pursuant to the authority granted in R.S. 37:1281(A)(2), establish and collect fees in accordance with its rules for the purposes of carrying out the provisions of this Chapter.
- D. The fees collected pursuant to the provisions of this Chapter shall be deposited in the treasury of the Louisiana State Board of Medical Examiners.

#### **§3304. Exemptions from civil liability**

- A. There shall be no liability on the part of and no action for damages against any member of the board or its agents in any civil action for any act performed in good faith in the execution of his duties under this Chapter.
- B. No person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to any law of the state of Louisiana or any political subdivision thereof for providing information to the board without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

#### **§3305.1. Prohibited activities; false representation**

- A. A person who is not licensed pursuant to this Chapter as an athletic trainer or whose license has been suspended or revoked shall not perform any of the following:
  - (1) Activities of an athletic trainer as defined in this Chapter.
  - (2) Use in connection with his name or place of business the words "trainer", "licensed athletic trainer", "athletic trainer", "certified athletic trainer", "teacher/trainer", "first aid trainer", "sports trainer", "sports medic", the abbreviations "LAT", "ATC", "AT", or any other words, letters, abbreviations, or insignia indicating or implying that he is an athletic trainer, or in any way, orally, in writing, in print or by sign, directly or by implication, represent himself as an athletic trainer.
- B. However, nothing in this Chapter shall prevent an assigned athletic coach from administering and supervising his normal sports activities.

#### **§3306.1. Qualifications**

- A. A person who applies for an athletic trainer license shall possess all of the following qualifications:
  - (1) A certificate issued by the BOC evidencing the successful passage of the BOC Certification Examination or its successor.
  - (2) A degree in athletic training from a CAATE accredited program, or such comparable degree accepted by the BOC and approved by the board.

(3) Good moral character as determined by rules established by the board.

B.(1) Any person certified by the board as a certified athletic trainer on the effective date of this Subsection shall be issued a license by the board, without meeting the requirements of Subsection A of this Section, upon the submission of a renewal license application and payment of the applicable renewal fee to the board.

(2) After a period of one year from the effective date of this Subsection, no athletic trainer shall be licensed pursuant to the provisions of R.S. 37:3306.1(B)(1).

### **3307. Requirements for licensure**

A. A person who wishes to apply for an athletic trainer license shall apply to the board in a manner prescribed by the board.

B. The applicant shall be entitled to an athletic trainer's license if he possesses the qualifications enumerated in R.S. 37:3306.1, and the rules and regulations established by the board, pays the license fee established by the board, and has not committed an act which constitutes grounds for denial of a license under R.S. 37:3308.1.

C. Every license issued under this Chapter shall expire and become null and void unless renewed annually in accordance with the procedure established by the board and upon payment of the renewal fee.

### **§3308.1. Causes for denial, revocation, or suspension; imposition of restrictions; costs; fines**

A. The board may refuse to issue a license to an applicant or may suspend, or revoke or impose probationary terms, conditions, or restrictions on any license issued pursuant to this Chapter if any of the following is applicable to the licensee or applicant:

(1) Has been convicted of or entered a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana, of the United States, or of the state in which such conviction or plea was entered.

(2) Has been convicted of or entered a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of an athletic trainer.

(3) Commits perjury, fraud, deceit, misrepresentation, or concealment of material facts in obtaining a license to practice as an athletic trainer.

(4) Provides false testimony before the board or provides false sworn information to the board.

(5) Engages in habitual or recurring abuse of drugs, including alcohol, which affect the central nervous system and which are capable of inducing physiological or psychological dependence.

(6) Solicits patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading.

(7) Makes or submits false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company, indemnity association, company, individual, or governmental authority for the purpose of obtaining anything of economic value.

(8) Demonstrates cognitive or clinical incompetency.

(9) Engages in unprofessional conduct.

- (10) Engages in continuing or recurring practice which fails to satisfy the prevailing and usually accepted standards of practice as an athletic trainer in this state.
- (11) Knowingly performs any act which in any way assists an unlicensed person to practice as an athletic trainer, or having professional connection with or lending one's name to an illegal practitioner.
- (12) Pays or gives anything of economic value to another person, firm, or corporation to induce the referral of injured athletes to an athletic trainer.
- (13) Has been interdicted by due process of law.
- (14) Is unable to practice as an athletic trainer with reasonable competence, skill, or safety to patients because of mental or physical illness, condition, or deficiency, including but not limited to deterioration through the aging process or excessive use or abuse of drugs, including alcohol.
- (15) Refuses to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into the applicant's or licensee's physical or mental fitness and ability to practice as an athletic trainer with reasonable skill or safety.
- (16) Practices or otherwise engages in any conduct or functions beyond the scope of practice of an athletic trainer as defined by this Chapter or the board's rules.
- (17) Has been subjected to the refusal of the licensing authority or another state to issue or renew a license, permit, or certificate to practice as an athletic trainer in that state, or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents, restricts, or conditions practice, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.
- (18) Has been subjected to denial, revocation, suspension, probation, or other disciplinary sanction from the BOC or its successor for violation of the standards of professional practice.
- (19) Violated any rules and regulations of the board, or any provisions of this Chapter.

- B. The board may, as part of a decision, consent order, or other agreed order, require the applicant or license holder to pay all costs of the board's proceedings and a fine not to exceed one thousand dollars

#### **§3309.1. Hearing; consent order**

- A. Denial, refusal to renew, suspension or revocation of a license, or the imposition of probationary terms, conditions, or restrictions upon a licensee, may be ordered by the board in a decision made after a hearing in accordance with procedures established by the Administrative Procedure Act, R.S. 49:950 et seq. or by consent of the parties.

- B. Any license suspended, revoked, or otherwise restricted may be reinstated by the board.

### **§3311. Exemptions**

- A. No provision of this Chapter shall be construed to limit or prevent any person duly licensed or certified under the laws of this state from practicing the profession for which he is licensed or certified.
- B. The provisions of this Chapter shall not apply to any athletic trainer who is employed in another state by an educational institution or athletic organization when he accompanies the athletes or team of such institution or organization into this state for the purpose of an athletic contest.
- C. The provisions of this Chapter shall not apply to any athletic training student pursuing a course of study leading to a degree in athletic training at an institution whose program is accredited, recognized, or approved by the CAATE, if such activities and services constitute a part of a unsupervised course of study and the individual's status is designated by a title which clearly indicates his status as an "athletic training student".

### **§3312. Penalty**

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or be imprisoned in parish jail for not more than six months, or both.

### **3313. Display of License**

A license and renewal issues pursuant to the provisions of this Chapter shall be conspicuously displayed in the principal office of the licensee. Licensees shall, upon request, present proof of state licensure when engaged in professional activities as a licensed athletic trainer (LAT).