

Title 32, Chapter 127-A, ATHLETIC TRAINERS (HEADING: PL 1995, c. 275, @1 (new))

Chapter 127-A: ATHLETIC TRAINERS

§14351. Purpose

The Legislature finds that the practice of athletic training affects the public health, safety and welfare and is subject to regulation and control in the public interest. The purpose of this chapter is to protect the public from the unqualified use of the term "athletic trainer" and from unprofessional conduct by persons licensed to use the term "athletic trainer." [1995, c. 275, §1 (new).]

§14352. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 275, §1 (new).]

1. Athlete. "Athlete" means a physically active individual training for or participating in an amateur, educational or professional athletic organization or any other association that sponsors athletic programs or events in the State. [1995, c. 275, §1 (new).]

2. Athletic injury. "Athletic injury" means a disruption of tissue continuity that is sustained by an athlete or recreational athlete when that injury: [1995, c. 275, §1 (new).]

A. Results from that individual's participation in or training for sports, fitness training or other athletic competition; or

[1995, c. 275, §1 (new).]

B. Restricts or prevents that individual from participation in those activities.

[1995, c. 275, §1 (new).]

3. Athletic trainer. "Athletic trainer" means a person licensed by the department to use that title after meeting the requirements of this chapter. [1995, c. 275, §1 (new).]

4. Athletic training. "Athletic training" means: [1995, c. 275, §1 (new).]

A. Prevention of athletic injuries; [1995, c. 275, §1 (new).]

B. Recognition and evaluation of athletic injuries; [1995, c. 275, §1 (new).]

C. Management, treatment and disposition of athletic injuries; [1995, c. 275, §1 (new).]

D. Rehabilitation of athletic injuries; [1995, c. 275, §1 (new).]

E. Organization and administration of an athletic training program; and [1995, c. 275, §1 (new).]

F. Education and counseling of athletes, recreational athletes, coaches, family members, medical personnel and communities in the area of care and prevention of athletic injuries.

[1995, c. 275, §1 (new).]

5. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation. [1995, c. 275, §1 (new).]

6. Department. "Department" means the Department of Professional and Financial Regulation. [1995, c. 275, §1 (new).]

7. Recreational athlete. "Recreational athlete" means an individual participating in fitness training and conditioning, sports or other athletic competition, practices or events requiring physical strength, agility, flexibility, range of motion, speed or stamina and who is not affiliated with an amateur, educational or professional athletic organization or any association that sponsors athletic programs or events in the State. [1995, c. 275, §1 (new).]

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§14353. Commissioner; powers and duties

The commissioner or the commissioner's designee has the following powers and duties in addition to all other powers and duties set forth in this chapter. [1995, c. 275, §1 (new).]

1. Standards. The commissioner shall administer and enforce the standards under this chapter. [1995, c. 275, §1 (new).]

2. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter. [1995, c. 275, §1 (new).]

3. Complaints. The commissioner shall investigate all complaints and cases of noncompliance concerning violations of this chapter or rules adopted by the department, made on the commissioner's own motion or on written complaint filed with the department. [1995, c. 275, §1 (new).]

4. Contracts. The commissioner may enter into contracts to carry out the commissioner's responsibilities under this chapter. [1995, c. 275, §1 (new).]

5. Hearings. The commissioner may conduct hearings to assist with investigations and to determine whether grounds exist for denial of reregistration, suspension of registration or other action necessary to the fulfillment of the commissioner's responsibilities under this chapter. [1995, c. 275, §1 (new).]

6. Advisory council. The commissioner shall select members of the athletic training community to serve on an advisory council and to consult with the commissioner concerning the regulation of athletic trainers. The council membership must represent each of the following categories: high schools, clinical or industrial organizations, colleges or universities and professional sports. The department shall solicit recommendations from the council relative to rules involving athletic trainers and may solicit the council's advice on any other matter. The council may submit recommendations to the department concerning any matter and the department shall consider the recommendations in making its decisions. Membership on the council is not a conflict of interest regardless of the occupations or associations of the members. [1995, c. 275, §1 (new).]

7. Employees. The commissioner may appoint, subject to the Civil Service Law, employees necessary to carry out this chapter and those employees are considered to be under the department. [1995, c. 275, §1 (new).]

8. Budget. The commissioner shall prepare a budget in accordance with Title 5, section 1665 to carry out the purposes of this chapter. [1995, c. 275, §1 (new).]

§14354. Necessity for licensure

Beginning January 1, 1996 a person may not profess to be an athletic trainer or use the title "athletic trainer" alone or in connection with other words or the initials "AT" alone or in connection with other initials, whether or not compensation is received, unless licensed in accordance with this chapter. [1995, c. 275, §1 (new).]

1. Athletic training. When providing athletic training to an athlete without referral from a doctor of medicine, osteopathy, podiatry or dentistry, the athletic trainer is subject to the following requirements. [1995, c. 275, §1 (new).]

A. An athletic trainer may not make a medical diagnosis. The athletic trainer shall refer to a licensed doctor of medicine, osteopathy, podiatry or dentistry an athlete whose physical condition, either at the initial evaluation or during subsequent treatment, the athletic trainer determines to be beyond the scope of the practice of the athletic trainer.

[1995, c. 275, §1 (new).]

B. If there is no improvement in an athlete who has sustained an athletic injury within 15 days of initiation of treatment, the athletic trainer shall refer the athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist.

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[1995, c. 275, §1 (new).]

C. If an athletic injury requires treatment for more than 45 days, the athletic trainer shall consult with, or refer the athlete to, a licensed doctor of medicine, surgery, osteopathy, podiatry or dentistry or a licensed physical therapist. The athletic trainer shall document the action taken.

[1995, c. 275, §1 (new).]

2. Training of recreational athlete. When providing athletic training to the recreational athlete, for other than emergency care or the care of minor sprains, strains and contusions, the athletic trainer shall refer the athlete to a doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist. [1995, c. 275, §1 (new).]

For the treatment of the recreational athlete, for other than emergency care or the care of minor sprains, strains and contusions, the athletic trainer must receive referral from a doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist. [1995, c. 275, §1 (new).]

When providing care and treatment to the recreational athlete sustaining minor sprains, strains and contusions, the athletic trainer is subject to the following requirements. [1995, c. 275, §1 (new).]

A. An athletic trainer may not make a medical diagnosis. The athletic trainer shall refer to a licensed doctor of medicine, osteopathy, podiatry or dentistry an athlete whose physical condition, either at the initial evaluation or during subsequent treatment, the athletic trainer determines to be beyond the scope of practice of the athletic trainer.

[1995, c. 275, §1 (new).]

B. If there is no improvement in a recreational athlete who has sustained an athletic injury within 15 days of initiation of treatment, the athletic trainer shall refer the recreational athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist.

[1995, c. 275, §1 (new).]

C. If an athletic injury requires treatment for more than 45 days, the athletic trainer shall consult with or refer the recreational athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist.

[1995, c. 275, §1 (new).]

§14355. License violations

Beginning January 1, 1996 a person who violates section 14354 or employs an unlicensed person in violation of that section is guilty of a Class E crime. [1995, c. 275, §1 (new).]

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether procedures have been instituted in the District Court or whether criminal proceedings have been introduced. [1995, c. 275, §1 (new); 1999, c. 547, Pt. B, §78 (amd); §80 (aff).]

§14356. Exemptions

Nothing in this chapter prevents or restricts the practice, services or activities of: [1995, c. 275, §1 (new).]

1. Federal employee. A person employed as an athletic trainer by the Federal Government or any federal agency if that person provides athletic training under the direction or control of that person's employing organization; [1995, c. 275, §1 (new).]

2. Student athletic trainer. A person fulfilling the requirements for licensure or pursuing a supervised course of study leading to a degree or certificate in athletic training at an accredited or approved educational program if the person is designated by a title that indicates that person's status as a student or trainee; [1995, c. 275, §1 (new).]

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3. Experience requirement. A person fulfilling the supervised practical training requirements of this chapter if that training is necessary to meet the requirements of this chapter; or [1995, c. 275, §1 (new).]

4. Visiting team. A person performing athletic training services in the State for an out-of-state team that is in the State for competition at which an athletic trainer licensed under this chapter or a physician is available if these services are performed for no more than 4 days at a time or for no more than 30 days a year. [1995, c. 275, §1 (new).]

§14357. Qualifications for licensure

1. Qualifications. To qualify for a license as an athletic trainer an applicant must: [1995, c. 275, §1 (new).]

A. Demonstrate that the applicant is trustworthy and competent to engage in practice as an athletic trainer in a manner that safeguards the interests of the public;

[1995, c. 275, §1 (new).]

B. Be a graduate of a college or university approved by the department and have successfully completed that college's or university's curriculum in athletic training or other curricula acceptable to the department and have completed an athletic training education program approved by the National Athletic Trainers' Association or a program of practical training in athletic training acceptable to the department; and

[1995, c. 275, §1 (new).]

C. Have passed the National Athletic Trainers' Association Board of Certification examination or be currently certified by the National Athletic Trainers' Association and approved by the department.

[1995, c. 275, §1 (new).]

§14358. Applications for licensure; fees

An applicant for initial licensure must submit a written application with supporting documents to the department on forms provided by the department. The applicant must pay a nonrefundable application fee established by the department by rule in an amount not to exceed \$300 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [1999, c. 685, §23 (amd).]

The department may license an applicant who meets the requirements of this chapter and pays the licensure fee as specified in section 14359. The original license and the renewal license for the current year must be conspicuously displayed at the place of employment of the licensee. [1995, c. 275, §1 (new).]

§14359. Renewal

All licenses must be renewed annually on or before March 31st of each year or such other times as the commissioner may designate. The annual licensure renewal fee must be established by the department by rulemaking and may not exceed \$300. The commissioner shall notify each licensee, at the licensee's last known address, 30 days in advance of the expiration of the license. Renewal notices must be on forms provided by the department. A license not renewed by March 31st automatically expires. The department may renew an expired license if the renewal application is returned within 90 days after the license expiration date and upon payment of a late fee of \$50 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the department may in its discretion, giving consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of that expiration. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [1999, c. 685, §24 (amd).]

For the purposes of satisfying the continuing education requirements each application for license renewal must include current National Athletic Trainers' Association certification. [1995, c. 275, §1 (new).]

§14360. Temporary permits

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A temporary permit may be granted to a person who has completed the education and experience requirements of this chapter. This permit allows the person to use the title "student athletic trainer" when practicing under the direction of a licensed athletic trainer. This permit becomes invalid after 6 months or upon failure by the permittee of the National Athletic Trainers' Association Board of Certification examination, whichever event occurs first. The permit may not be renewed. [1995, c. 275, §1 (new).]

§14361. Revocation and reissuance

The department may suspend or revoke a license pursuant to Title 5, section 10004. In addition, the department may refuse to issue or renew a license pursuant to Title 10, subsection 8003 or the District Court may revoke, suspend or refuse to renew a license of an athletic trainer for: [1995, c. 275, §1 (new); 1999, c. 547, Pt. B, §78 (amd); §80 (aff).]

1. Fraud. The practice of fraud in obtaining a license under this chapter or in connection with services rendered as a licensed athletic trainer; [1995, c. 275, §1 (new).]

2. Addiction. Addiction to alcohol or other drugs resulting in the licensed athletic trainer's inability to perform that trainer's duties safely and competently; [1995, c. 275, §1 (new).]

3. Incompetency. A court finding of mental incompetency; [1995, c. 275, §1 (new).]

4. Accomplice. Aiding a person not duly licensed as an athletic trainer in misrepresentation as an athletic trainer; [1995, c. 275, §1 (new).]

5. Misconduct. Gross negligence, incompetency or misconduct in the practice of athletic training; [1995, c. 275, §1 (new).]

6. Criminal conviction. Conviction of a crime subject to the limitations of Title 5, chapter 341 that if committed in the State is punishable by one year or more of imprisonment; [1995, c. 275, §1 (new).]

7. Violation. Violation of this chapter or any rule adopted by the department; or [1995, c. 275, §1 (new).]

8. Unethical conduct. A finding of a violation of the National Athletic Trainers' Association Code of Professional Ethics by the National Athletic Trainers' Association Ethics Committee or a violation of the Professional Practice and Disciplinary Procedures of the National Athletic Trainers' Association Board of Certification by that board. [1995, c. 275, §1 (new).]

§14362. Disposition of fees

All money received pursuant to this chapter must be paid to the Treasurer of State and credited to the athletic trainers account within the budget of the Office of Licensing and Registration. [1995, c. 275, §1 (new); 1995, c. 502, Pt. H, §48 (amd).]

Money credited to the athletic trainers account must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses. [1995, c. 275, §1 (new).]