

MN AT Act 12/04

148.7801 Citation.

Sections 148.7801 to 148.7815 may be cited as the "Minnesota Athletic Trainers Act."

148.7802 Definitions.

Subdivision 1. Applicability. The definitions in this section apply to this chapter.

Subd. 2. Approved continuing education program. "Approved continuing education program" means a continuing education program that meets the continuing education requirements in section 148.7812 and is approved by the board.

Subd. 3. Approved education program. "Approved education program" means a university, college, or other postsecondary education program of athletic training that, at the time the student completes the program, is approved or accredited by the National Athletic Trainers Association Professional Education Committee, the National Athletic Trainers Association Board of Certification, or the Joint Review Committee on Educational Programs in Athletic Training in collaboration with the American Academy of Family Physicians, the American Academy of Pediatrics, the American Medical Association, and the National Athletic Trainers Association.

Subd. 4. Athlete. "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. Athletic injury. "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 6. Athletic trainer. "Athletic trainer" means a person who engages in athletic training under section 148.7806 and is registered under section 148.7808.

Subd. 7. Board. "Board" means the Board of Medical Practice.

Subd. 8. Credential. "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to practice as an athletic trainer in this state or any other state.

Subd. 9. Credentialing examination. "Credentialing examination" means an examination administered by the National Athletic Trainers Association Board of Certification for credentialing as an athletic trainer, or an examination for credentialing offered by a national testing service that is approved by the board.

Subd. 10. Primary employment site. "Primary employment site" means the institution, organization, corporation, or sports team where the athletic trainer is employed for the practice of athletic training.

Subd. 11. Primary physician. "Primary physician" means a licensed medical physician who serves as a medical consultant to an athletic trainer.

HIST: 1993 c 232 s 3

148.7803 Designation of athletic trainer.

Subdivision 1. Designation. A person shall not use in connection with the person's name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota registered athletic trainer; athletic trainer; A.T.R.; or any words, letters, abbreviations, or insignia indicating or implying that the person is an athletic trainer, without a certificate of registration as an athletic trainer issued under sections 148.7808 to 148.7810. A student attending a college or university athletic training program must be identified as a "student athletic trainer."

Subd. 2. Penalty. A person who violates this section is guilty of a misdemeanor and subject to section 214.11.

HIST: 1993 c 232 s 4

148.7804 Powers of the board.

The board, acting under the advice of the Athletic Trainers' Advisory Council, shall issue all registrations and shall exercise the following powers and duties:

- (1) adopt rules necessary to implement sections 148.7801 to 148.7815;
- (2) prescribe registration application forms, certificate of registration forms, protocol forms, and other necessary forms;
- (3) approve a registration examination;
- (4) keep a complete record of registered athletic trainers, prepare a current official listing of the names and addresses of registered athletic trainers, and make a copy of the list available to any person requesting it upon payment of a copying fee established by the board;
- (5) keep a permanent record of all its proceedings; and
- (6) establish the duties of, and employ, clerical personnel.

HIST: 1993 c 232 s 5

148.7805 Athletic Trainers' Advisory Council.

Subdivision 1. Creation; membership. The Athletic Trainers' Advisory Council is created and is composed of eight members appointed by the board. The advisory council consists of:

- (1) two public members as defined in section 214.02;
- (2) three members who, except for initial appointees, are registered athletic trainers, one being both a licensed physical therapist and registered athletic trainer as submitted by the Minnesota American **Physical & Therapy** Association;
- (3) two members who are medical physicians licensed by the state and have experience with athletic training and sports medicine; and
- (4) one member who is a doctor of chiropractic licensed by the state and has experience with athletic training and sports injuries.

Subd. 2. Administration. The advisory council is established and administered under section 15.059. Notwithstanding section 15.059, subdivision 5, the council shall not expire.

Subd. 3. Duties. The advisory council shall:

- (1) advise the board regarding standards for athletic trainers;
- (2) distribute information regarding athletic trainer standards;
- (3) advise the board on enforcement of sections 148.7801 to 148.7815;
- (4) review registration and registration renewal applications and make recommendations to the board;
- (5) review complaints in accordance with sections 214.10 and 214.13, subdivision 6;
- (6) review investigation reports of complaints and recommend to the board whether disciplinary action should be taken;
- (7) advise the board regarding evaluation and treatment protocols;
- (8) advise the board regarding approval of continuing education programs; and
- (9) perform other duties authorized for advisory councils under chapter 214, as directed by the board.

148.7806 Athletic training.

Athletic training by a registered athletic trainer under section 148.7808 includes the activities described in paragraphs (a) to (e).

(a) An athletic trainer shall:

- (1) prevent, recognize, and evaluate athletic injuries;
- (2) give emergency care and first aid;
- (3) manage and treat athletic injuries; and
- (4) rehabilitate and physically recondition athletic injuries.

The athletic trainer may use modalities such as cold, heat, light, sound, electricity, exercise, and mechanical devices for treatment and rehabilitation of athletic injuries to athletes in the primary employment site.

(b) The primary physician shall establish evaluation and treatment protocols to be used by the athletic trainer. The primary physician shall record the protocols on a form prescribed by the board. The protocol form must be updated yearly at the athletic trainer's registration renewal time and kept on file by the athletic trainer.

(c) At the primary employment site, except in a corporate setting, an athletic trainer may evaluate and treat an athlete for an athletic injury not previously diagnosed for not more than 30 days, or a

period of time as designated by the primary physician on the protocol form, from the date of the initial evaluation and treatment. Preventative care after resolution of the injury is not considered treatment. This paragraph does not apply to a person who is referred for treatment by a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing.

(d) An athletic trainer may:

(1) organize and administer an athletic training program including, but not limited to, educating and counseling athletes;

(2) monitor the signs, symptoms, general behavior, and general physical response of an athlete to treatment and rehabilitation including, but not limited to, whether the signs, symptoms, reactions, behavior, or general response show abnormal characteristics; and

(3) make suggestions to the primary physician or other treating provider for a modification in the treatment and rehabilitation of an injured athlete based on the indicators in clause (2)

(e) In a clinical, corporate, and **physical therapy** setting, when the service provided is, or is represented as being, **physical therapy**, an athletic trainer may work only under the direct supervision of a physical therapist as defined in section 148.65.

214.01 Definitions.

Subdivision 1. Application. The words defined in this section for purposes of this chapter have the meanings given them unless the context clearly requires otherwise.

Subd. 1a. Council of Health Boards. "Council of Health Boards" means a collaborative body established by the health-related licensing boards.

Subd. 2. Health-related licensing board.

"Health-related licensing board" means the Board of Examiners of Nursing Home Administrators ..., the Office of Unlicensed Complementary and Alternative Health Care Practice established ..., the Board of Medical Practice created pursuant ..., the Board of Nursing created ..., the Board of Chiropractic Examiners ..., the Board of Optometry ..., the Board of **Physical Therapy** established pursuant to section 148.67, the Board of Psychology ..., the Board of Social Work ..., the Board of Marriage and Family Therapy ..., the Office of Mental Health Practice ..., the Board of Behavioral Health and Therapy ..., the Alcohol and Drug Counselors Licensing Advisory Council ..., the Board of Dietetics and Nutrition Practice ..., the Board of Dentistry ..., the Board of Pharmacy ..., the Board of Podiatric Medicine ..., and the Board of Veterinary Medicine, ...

148.7807 Limitations on practice.

If an athletic trainer determines that a patient's medical condition is beyond the scope of practice of that athletic trainer, the athletic trainer must refer the patient to a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing and in accordance with established evaluation and treatment protocols. An athletic trainer shall modify or terminate treatment of a patient that is not beneficial to the patient, or that is not tolerated by the patient.

HIST: 1993 c 232 s 8

148.7808 Registration; requirements.

Subdivision 1. Registration. The board may issue a certificate of registration as an athletic trainer to applicants who meet the requirements under this section. An applicant for registration as an athletic trainer shall pay a fee under section 148.7815 and file a written application on a form, provided by the board, that includes:

(1) the applicant's name, Social Security number, home address and telephone number, business address and telephone number, and business setting;

(2) evidence satisfactory to the board of the successful completion of an education program approved by the board;

(3) educational background;

(4) proof of a baccalaureate degree from an accredited college or university;

(5) credentials held in other jurisdictions;

(6) a description of any other jurisdiction's refusal to credential the applicant;

(7) a description of all professional disciplinary actions initiated against the applicant in any other jurisdiction;

(8) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(9) evidence satisfactory to the board of a qualifying score on a credentialing examination within one year of the application for registration;

(10) additional information as requested by the board;

(11) the applicant's signature on a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(12) the applicant's signature on a waiver authorizing the board to obtain access to the applicant's records in this state or any other state in which the applicant has completed an education program approved by the board or engaged in the practice of athletic training.

Subd. 2. Registration by equivalency. The board may register by equivalency an applicant who:

(1) submits the application materials and fees required under subdivision 1, clauses (1) to (8), and (10) to (12); and

(2) provides evidence satisfactory to the board of current certification by the National Athletic Trainers Association Board of Certification.

Applicants who were certified by the National Athletic Trainers Association through the "grandfather" process prior to 1971 are exempt from completing subdivision 1, clauses (2) and (9).

Subd. 3. Registration by reciprocity. (a) The board may register by reciprocity an applicant who:

(1) submits the application materials and fees required under subdivision 1, clauses (1) to (8) and (10) to (12);

(2) provides a verified copy of a current and unrestricted credential for the practice of athletic training in another jurisdiction that has credentialing requirements equivalent to or more stringent than the requirements under subdivision 1; and

(3) provides letters of verification from the credentialing body in each jurisdiction in which the applicant holds a credential. Each letter must include the applicant's name, date of birth, credential number, date of issuance of the credential, a statement regarding disciplinary actions taken against the applicant, and the terms under which the credential was issued.

(b) An applicant for registration by reciprocity who has applied for registration under subdivision 1 and meets the requirements of paragraph (a), clause (1), may apply to the board for temporary registration under subdivision 4.

Subd. 4. Temporary registration. (a) The board may issue a temporary registration as an athletic trainer to qualified applicants. A temporary registration is issued for one year. An athletic trainer with a temporary registration may qualify for full registration after submission of verified documentation that the athletic trainer has achieved a qualifying score on a credentialing examination within one year after the date of the temporary registration. Temporary registration may not be renewed.

(b) Except as provided in subdivision 3, paragraph (a), clause (1), an applicant for temporary registration must submit the application materials and fees for registration required under subdivision 1, clauses (1) to (8) and (10) to (12).

(c) An athletic trainer with a temporary registration shall work only under the direct supervision of an athletic trainer registered under this section. No more than four athletic trainers with temporary registrations shall work under the direction of a registered athletic trainer.

Subd. 5. Temporary permit. The board may issue a temporary permit to practice as an athletic trainer to an applicant eligible for registration under this section if the application for registration is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the athletic trainer's application for registration.

HIST: 1993 c 232 s 9; 1999 c 33 s 7,8

148.7809 Registration renewal.

Subdivision 1. Requirements for registration renewal.

A registered athletic trainer shall apply to the board for a one-year extension of registration by paying a fee under section 148.7815 and filing an application on a form provided by the board that includes:

(1) the athletic trainer's name, Minnesota athletic trainer registration number, home address and telephone number, business address and telephone number, and business setting;

(2) work history for the past year, including the average number of hours worked per week;

(3) a report of any change in status since initial registration or previous registration renewal;

(4) evidence satisfactory to the board of having met the continuing education requirements of section 148.7812;

(5) the athletic trainer's signature on a statement that a current copy of the protocol form is on file at the athletic trainer's primary employment site; and

(6) additional information as requested by the board.

Subd. 2. **Registration renewal notice.** Before June 1 of each year, the board shall send out a renewal notice to an athletic trainer's last known address on file with the board. The notice shall include an application for registration renewal and notice of the fees required for renewal. An athletic trainer who does not receive a renewal notice must still meet the requirements for registration renewal under this section.

Subd. 3. **Renewal deadline.** (a) An application for renewal of registration must be postmarked on or before July 1 of each year. If the postmark is illegible, the application is considered timely if received in the board office by the third working day after July 1.

(b) An application for renewal of registration submitted after the deadline date must include a late fee under section 148.7815.

Subd. 4. **Lapse of registration status.** (a) Except as provided in paragraph (b), an athletic trainer whose registration has lapsed must:

(1) apply for registration renewal under this section; and

(2) submit evidence satisfactory to the board from a licensed medical physician verifying employment in athletic training for eight weeks every three years during the time of the lapse in registration.

(b) The board shall not renew, reissue, reinstate, or restore a registration that has lapsed after June 30, 1999, and has not been renewed within two annual renewal cycles starting July 1, 2001. An athletic trainer whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements then in existence for an initial registration.

HIST: 1993 c 232 s 10; 2001 c 31 s 2

148.7810 Board action on applications.

Subdivision 1. Verification of application information.

The board or advisory council, with the approval of the board, may verify information provided by an applicant for registration under section [148.7808](#) and registration renewal under section [148.7809](#) to determine whether the information is accurate and complete.

Subd. 2. **Notification of board action.** Within 120 days of receipt of the application, the board shall notify each applicant in writing of the action taken on the application.

Subd. 3. Request for hearing by applicant denied

registration. An applicant denied registration shall be notified of the determination, and the grounds for it, and may request a hearing on the determination under Minnesota Rules, part [5615.0300](#), by filing a written statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

HIST: 1993 c 232 s 11

148.7811 Change of address.

A registered athletic trainer must notify the board, in writing, within 30 days of a change of address.

148.7812 Continuing education requirements.

Subdivision 1. **Number of contact hours required.** An athletic trainer shall complete during every three-year period at least the equivalent of 60 contact hours of continuing professional postdegree education in programs approved by the board.

Subd. 2. **Approved programs.** The board shall approve a continuing education program that has been approved for continuing education credit by the National Athletic Trainers Association Board of Certification.

Subd. 3. **Approval of continuing education programs.**

A continuing education program that has not been approved under subdivision 2 shall be approved by the board if:

(1) the program content directly relates to the practice of athletic training or sports medicine;

(2) each member of the program faculty shows expertise in the subject matter by holding a degree from an accredited education program, having verifiable experience in the field of athletic training or sports medicine, having special training in the subject area, or having experience teaching in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific written objectives describing the goals of the program for the participants; and

(5) the program sponsor maintains attendance records for four years.

Subd. 4. **Verification of continuing education credits.**

The board shall periodically select a random sample of athletic trainers and require the athletic trainers to show evidence to the board of having completed the continuing education requirements attested to by the athletic trainer. Either the athletic trainer or state or national organizations that maintain continuing education records may provide to the board documentation of attendance at a continuing education program.

Subd. 5. **Restriction on continuing education topics.**

To meet the continuing education requirement in subdivision 1, an athletic trainer may have no more than ten hours of continuing education in the areas of management, risk management, personal growth, and educational techniques in a three-year reporting period.

HIST: 1993 c 232 s 13

148.7813 Disciplinary process.

Subdivision 1. **Investigation of complaints.** Upon receipt of a complaint or other communication pursuant to section [214.13](#), subdivision 6, that alleges or implies a violation of sections [148.7801](#) to [148.7815](#) by an applicant or registered athletic trainer, the board shall follow the procedures in section [214.10](#).

Subd. 2. **Grounds for disciplinary action.** The board may impose disciplinary action as described in subdivision 3 against an athletic trainer whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) has knowingly made a false statement on a form required by the board for registration or registration renewal;

(2) has provided athletic training services in a manner that falls below the standard of care of the profession;

(3) has violated sections [148.7801](#) to [148.7815](#) or the rules adopted under these sections;

(4) is or has been afflicted with any physical, mental, emotional, or other disability, or addiction that, in the opinion of the board, adversely affects the person's ability to practice athletic training;

(5) has failed to cooperate with an investigation by the board;

(6) has been convicted or has pled guilty or nolo contendere to an offense that in the opinion of the board reasonably relates to the practice of athletic training or that bears on the athletic trainer's ability to practice athletic training;

(7) has aided and abetted in any manner a person in violating sections [148.7801](#) to [148.7815](#);

(8) has been disciplined by an agency or board of another state while in the practice of athletic training;

(9) has shown dishonest, unethical, or unprofessional conduct while in the practice of athletic training that is likely to deceive, defraud, or harm the public;

(10) has violated a state or federal law, rule, or regulation that in the opinion of the board reasonably relates to the practice of athletic training;

(11) has behaved in a sexual manner or what may reasonably be interpreted by a patient as sexual, or was verbally seductive or sexually demeaning to a patient;

(12) has misused alcohol, drugs, or controlled substances; or

(13) has violated an order issued by the board.

Subd. 3. **Disciplinary actions.** When grounds for disciplinary action exist under subdivision 2, the board may take one or more of the following actions:

(1) deny the right to practice;

(2) revoke the right to practice;

(3) suspend the right to practice;

(4) impose limitations on the practice of the athletic trainer;

(5) impose conditions on the practice of the athletic trainer;

(6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the athletic trainer of any economic advantage gained by reason of the violation charged, or to discourage repeated violations;

(7) censure or reprimand the athletic trainer; or

(8) take any other action justified by the facts of the case.

Subd. 4. **Reinstatement.** An athletic trainer who has had registration revoked cannot apply for reinstatement. A suspended athletic trainer shall be reinstated upon evidence satisfactory to the board of fulfillment of the terms of suspension. All requirements of section [148.7809](#) to renew registration, if applicable, must also be met before reinstatement.

HIST: 1993 c 232 s 14

148.7814 Applicability.

Sections [148.7801](#) to [148.7815](#) do not apply to persons who are certified as athletic trainers by the National Athletic Trainers Association Board of Certification and come into Minnesota for a specific athletic event or series of athletic events with an individual or group.

HIST: 1993 c 232 s 15

148.7815 Fees.

Subdivision 1. **Fees.** The board shall establish fees as follows:

(1) application fee, \$50;

(2) annual registration fee, \$100;

(3) temporary registration, \$100; and

(4) temporary permit, \$50.

Subd. 2. **Proration of fees.** The board may prorate the initial annual fee for registration under section [148.7808](#). Athletic trainers registered under section [148.7808](#) are required to pay the full fee upon registration renewal.

Subd. 3. **Penalty for a late application for registration renewal.** The penalty for late submission of a registration renewal application under section [148.7809](#) is \$15.

Subd. 4. **Nonrefundable fees.** The fees in this section are nonrefundable.

HIST: 1993 c 232 s 16; 1999 c 33 s 9,10