

New Mexico Code amended effective 7/1/2005

AN ACT
RELATING TO LICENSURE; AMENDING ATHLETIC TRAINER STANDARDS;
EXPANDING BOARD DUTIES; CHANGING LICENSURE, EXAMINATION AND
PROVISIONAL PERMIT REQUIREMENTS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

61-14D-1. Short title. (Repealed effective July 1, 2015.).

[Chapter 61, Article 14D](#) NMSA 1978 may be cited as the "Athletic Trainer Practice Act".

61-14D-2. Purpose. (Repealed effective July 1, 2015.).

In the interest of public health, safety and welfare and to protect the public from the unprofessional, improper, incompetent and unlawful practice of athletic training, it is necessary to provide laws and regulations to govern the granting of the privilege to practice as an athletic trainer. The primary responsibility and obligation of the athletic trainer practice board is to protect the public.

61-14D-3. Definitions. (Repealed effective July 1, 2015.).

As used in the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978]:

- A. "athlete" means a person trained to participate in exercise requiring physical agility and stamina;
- B. "athletic trainer" means a person who, with the advice and consent of a licensed physician, practices the treatment, prevention, care and rehabilitation of injuries incurred by athletes;
- C. "board" means the athletic trainer practice board;
- D. "department" means the regulation and licensing department;
- E. "district" means an area having the same boundaries as a congressional district in the state; and
- F. "licensed physician" means a chiropractor, osteopath or physician licensed pursuant to Articles 4, 6 or 10 of [Chapter 61](#) NMSA 1978.

61-14D-4. License required. (Repealed effective July 1, 2015.).

A. Unless licensed pursuant to the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978], no person shall:

- (1) practice as an athletic trainer as defined in the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978];
- (2) use the title or represent himself as a licensed athletic trainer or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as an athletic trainer; or
- (3) advertise, hold out to the public or represent in any manner that he is authorized to practice athletic training in the jurisdiction.

61-14D-5. Exemptions. (Repealed effective July 1, 2015.).

A. Nothing in the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978] shall be construed:

- (1) as preventing qualified members of other recognized professions that are licensed, certified or regulated under New Mexico law or regulation from rendering services within the scope of their license, certification or regulation, provided they do not represent themselves as licensed athletic trainers;
- (2) as preventing the practice of athletic training by a student enrolled in a program of study at a nationally accredited institution approved by the board; provided that the student renders services pursuant to a course of instruction or assignment under the supervision of a licensed athletic trainer; or
- (3) as requiring any school district to employ an athletic trainer.

61-14D-6. Scope of practice. (Repealed effective July 1, 2015.).

The practice of athletic training includes the prevention, care and rehabilitation of athlete's injuries. Athletic trainers may evaluate and treat athletes pursuant to the written prescription, standing order or protocol of a licensed physician; provided that an athletic trainer may treat postsurgical conditions only pursuant to the written prescription of that athlete's surgeon. To carry out these functions, an athletic trainer may use exercise and physical modalities such as heat, light, sound, cold, electricity or mechanical devices related to rehabilitation and treatment. Nothing in the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978] shall be construed to allow an athletic trainer to provide the initial treatment or evaluation of an athlete injured in a non-athletic setting

61-14D-7. Board created. (Repealed effective July 1, 2015.).

A. There is created the "athletic trainer practice board".

B. The board shall be administratively attached to the department.

C. The board shall consist of five members who are United States citizens and have been New Mexico residents for at least three years prior to their appointment. Members of the board shall be appointed by the governor for staggered terms of three years each. Three of the members shall be athletic trainers licensed pursuant to provisions of the Athletic Trainer Practice Act. One member shall be employed by a high school. Two members shall represent the public and have no financial interest, direct or indirect, in the occupation regulated. One public member shall be from any area north of interstate 40 in the state and one public member shall be from any area south of interstate 40 in the state. Board members shall reside in separate districts. Board members shall serve until their successors have been appointed.

D. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

E. A simple majority of the board members currently serving shall constitute a quorum of the board.

F. The board shall meet at least once a year and at such other times as it deems necessary.

G. No board member shall serve more than two consecutive terms. Any member failing to attend three meetings, after proper notice, shall automatically be recommended to be removed as a board member, unless excused for reasons set forth in board regulations.

H. The board shall elect a chairman and other officers as deemed necessary to administer its duties."

61-14D-8. Department duties. (Repealed effective July 1, 2015.).

The department, in consultation with the board, shall:

A. process applications and conduct and review the required examinations;

B. issue licenses and provisional permits to applicants who meet the requirements of the Athletic Trainer Practice Act;

C. administer, coordinate and enforce the provisions of the Athletic Trainer Practice Act and investigate persons engaging in practices that may violate the provisions of that act;

D. conduct any required examinations of applicants;

E. hire staff as may be necessary to carry out the actions of the board;

F. maintain board records, including financial records; and

G. maintain a current register of licensees as a matter of public record."

61-14D-9. Board duties. (Repealed effective July 1, 2015.).

The board:

A. shall select and provide for the administration of examinations for licensure no less often than semiannually;

B. shall establish the passing scores for the New Mexico laws and regulation examinations;

C. shall determine eligibility of individuals for licensure;

D. shall set fees for administrative services and licenses as authorized by the Athletic Trainer Practice Act, and authorize

all disbursements necessary to carry out the provisions of that act;

E. shall review license applications and recommend approval or disapproval;

F. may adopt and file, in accordance with the State Rules Act, rules and regulations necessary to carry out the provisions of the Athletic Trainer Practice Act;

G. may take any disciplinary action allowed by and in accordance with the provisions of the Uniform Licensing Act;

H. may conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license;

I. may adopt a code of ethics; and

J. may require and establish criteria for continuing education."

61-14D-10. Requirements for licensure. (Repealed effective July 1, 2015).

The board shall issue a license to practice as an athletic trainer to any person who files a completed application, accompanied by the required fees and documentation and who submits satisfactory evidence that the applicant:

A. has completed a baccalaureate degree;

B. is currently competent in cardiopulmonary resuscitation and in the use of automated electrical defibrillator units; and

C. demonstrates professional competence by passing the national certification examination recognized by the board and an examination on New Mexico laws and regulations pertaining to athletic trainers prescribed by the board."

61-14D-11. Examinations. (Repealed effective July 1, 2015).

"61-14D-11. EXAMINATIONS.--Applicants shall demonstrate professional competency by passing the New Mexico laws and regulations examination. The board shall establish the board approved examinations application deadline and the requirements for re-examination if the applicant has failed the examination."

61-14D-12. Provisional permit. (Repealed effective July 1, 2015).

A. An applicant for licensure who has passed the New Mexico state law and regulations examination may obtain a provisional permit to engage in the practice of athletic training; provided that the applicant meets all licensure requirements except for passing the national certification exam for athletic trainers. The applicant must provide proof of registration to take the national certification examination.

B. The provisional permit is valid until the results of the national certification examination have been received in the board office.

C. If the applicant should fail or not take the national certification examination, upon proof of reregistration for the national certification examination, the applicant will be issued a second provisional permit. No more than two provisional permits shall be issued to an individual."

61-14D-13. License renewal. (Repealed effective July 1, 2015.).

A. Each licensee shall renew his license annually by submitting a renewal application on a form provided by the board.

B. The board may require proof of continuing education, current cardiopulmonary resuscitation certification and certification in the use of automated electrical defibrillator units as a requirement for renewal.

C. If a license is not renewed by the expiration date, the license will be considered expired and the licensee shall refrain from practicing. A licensee may renew a license within the allotted grace period by submitting to the board payment of the renewal fee and late fee and proof of compliance with all renewal requirements. Upon receipt of payment and proof of meeting any continuing education requirements by the board, the licensee may resume practice.

Failure to receive renewal notice and application for renewal of license from the board does not excuse a licensed athletic trainer from the requirements for renewal.

D. A license granted by the board shall automatically expire if the licensee fails to apply for the renewal license provided for in this section within thirty days of the renewal deadline. Reinstatement of an expired license will require the licensee to reapply and meet all current standards for licensure."

61-14D-14. Fees. (Repealed effective July 1, 2015.).

The board shall establish a schedule of reasonable fees for applications, licenses, provisional permits, renewal of licenses, placement on inactive status and necessary administrative fees and initial prorated licensing fees.

61-14D-15. Criminal Offenders Employment Act. (Repealed effective July 1, 2015.).

The provisions of the Criminal Offender Employment Act [[28-2-1](#) to [28-2-6](#) NMSA 1978] shall govern any consideration of criminal records required or permitted by the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978].

61-14D-16. Disciplinary proceedings; judicial review; application of Uniform Licensing Act. (Repealed effective July 1, 2015).

A. In accordance with the provisions of the Uniform Licensing Act, the board may deny, revoke or suspend any license held or applied for under the Athletic Trainer Practice Act upon findings by the board that the licensee or applicant:

- (1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure a license provided for in the Athletic Trainer Practice Act;
- (2) has been convicted of a felony. A certified copy of the record of conviction shall be conclusive evidence of such conviction;
- (3) is guilty of incompetence;
- (4) is guilty of unprofessional conduct;
- (5) is guilty of dispensing, administering, distributing or using a controlled substance, as defined in the Controlled Substances Act, or is addicted to any vice to such a degree that it renders him unfit to practice as an athletic trainer;
- (6) has violated any provisions of the Athletic Trainer Practice Act;
- (7) is guilty of willfully or negligently practicing beyond the scope of athletic training as defined in the Athletic Trainer Practice Act;
- (8) is guilty of aiding or abetting the practice of athletic training by a person not licensed by the board;
- (9) is guilty of practicing without a provisional permit or license in violation of the Athletic Trainer Practice Act and its regulations; or
- (10) has had a license, certificate or registration to practice as an athletic trainer revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for actions of the licensee similar to acts described in this subsection. A certified copy of the record of the jurisdiction taking such disciplinary action shall be conclusive evidence of the revocation, suspension or denial.

B. Disciplinary proceedings may be instituted by the sworn complaint of any person and shall conform to the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of costs for the copy.

C. Any person filing a sworn complaint shall be immune from liability arising out of civil action, provided the complaint is filed in good faith and without actual malice."

61-14D-17. Penalties. (Repealed effective July 1, 2015).

Any person who violates any provision of the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978] is guilty of a misdemeanor and upon conviction shall be punished as provided in [Section 31-19-1](#) NMSA 1978.

61-14D-18. Fund established. (Repealed effective July 1, 2015).

A. There is created in the state treasury the "athletic trainer practice board fund".

B. All money received by the board under the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978] shall be deposited with the state treasurer for credit to the fund. The state treasurer shall invest the fund as other state funds are invested.

Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary. Balances credited to the fund shall remain in the fund and shall not revert to the general fund.

C. Money in the fund is appropriated to the board and shall be used only for the purpose of meeting the necessary expenses incurred in carrying out the provisions of the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978].

61-14D-19. Termination of agency life; delayed repeal. (Repealed effective July 1, 2015).

The athletic trainer practice board is terminated on July 1, 2015 pursuant to the provisions of the Sunset Act [[12-9-11](#) to [12-9-21](#) NMSA 1978]. The board shall continue to operate according to the provisions of the Athletic Trainer Practice Act [[Chapter 61, Article 14D](#) NMSA 1978] until July 1, 2015. Effective July 1, 2016, [Chapter 61, Article 14D](#) NMSA 1978 is repealed.