

1999 Oregon Laws, Chapter 736 2003 Oregon Laws, Chapter 547 Athletic Trainers

(Temporary provisions relating to athletic trainers are compiled as notes following ORS 688.665)

(As amended 1/1/06 by HB 2103 2005 Chapter 648 and signed by Governor on 7/27/05)

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Sec. 1. Definitions.

As used in sections 1 to 11 of this 1999 Act:

(1) "Athlete" means any individual participating in fitness training and conditioning, sports or other competitions, practices or activities requiring physical strength, agility, flexibility, range of motion, speed or stamina, generally conducted in association with an educational institution, or professional or amateur sports activity.

(2) "Athletic injury" means an injury occurring as the result of participating as an athlete.

(3) "Board" means the Board of Athletic Trainers.

(4) "Practice athletic training" means the application by a registered athletic trainer of principles and methods of:

(a) Prevention of athletic injuries;

(b) Recognition, evaluation and immediate care of athletic injuries;

- (c) Rehabilitation and reconditioning of athletic injuries;
 - (d) Health care administration; and
 - (e) Education and counseling.
- (5) "Registered athletic trainer" means a person who is registered in accordance with section 8 of this 1999 Act.
[1999 c.736 §1]

Note: Sections 12 and 13, chapter 736, Oregon Laws 1999, were repealed by section 118, chapter 547, Oregon Laws 2003. The text of sections 1, 4 to 8, 10, 11, 15 and 17, chapter 736, Oregon Laws 1999, and sections 11 and 12, chapter 547, Oregon Laws 2003, was not amended by enactment of the Legislative Assembly to reflect the repeal. Editorial adjustment of those sections has been made. References to sections 1 to 13, chapter 736, Oregon Laws 1999, have been changed to sections 1 to 11, chapter 736, Oregon Laws 1999.

Sec. 2. Board of Athletic Trainers; establishment; appointment; membership; terms.

- (1) There is created in the Health Licensing Office the Board of Athletic Trainers, consisting of five members appointed by the Director of the Health Licensing Office. In making appointments to the board, the director must take into consideration any nominations received from professional organizations of athletic trainers that are based in Oregon.
- (2) Of the membership of the Board of Athletic Trainers:
- (a) All members must be citizens of this state.
 - (b) Three members must be athletic trainers who have practiced continuously in this state for the three years prior to the date of appointment.
 - (c) One member must be a member of the general public who is not an athletic trainer.
 - (d) One member must be a physician licensed under ORS chapter 677.
- (3) The term of office for each member of the board is four years. A member is eligible for reappointment, but no member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term.
- (4) A member of the board may be removed by the director for neglect of duty, incompetence or unethical conduct.
- (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1999 c.736 §2]

Sec. 3. Officers; quorum; meetings.

- (1) The Board of Athletic Trainers shall elect one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those offices as the board determines.
- (2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The Board of Athletic Trainers shall meet at least once each year at a time and place determined by the Health Licensing Office.

[1999 c.736 §3]

Sec. 4. Board duties; rules.

The Board of Athletic Trainers shall:

- (1) Advise the Health Licensing Office about the adoption of rules necessary for the administration of sections 1 to 11 of this 1999 Act.
- (2) Determine training and education requirements for registration as described in section 8 of this 1999 Act.
- (3) Determine qualifications and documentation required for registrations, permits, temporary registrations and waivers.
- (4) Determine requirements for reciprocity and equivalency for the practice of athletic training.
- (5) Establish a code of professional responsibility and standards of practice for registered athletic trainers.
- (6) Develop, approve or recognize a written examination to test an applicant's knowledge of the basic and clinical sciences relating to athletic training techniques and methods and any other subjects the board may determine to be necessary to assess an applicant's fitness to practice athletic training.
- (7) Establish standards for acceptable performance, including but not limited to a passing score on the approved or recognized competency examination.
- (8) Establish continuing education requirements for renewal of registration.
- (9) Establish policies and criteria for the assessment of the quality of the practice of athletic trainers.
- (10) Adopt rules that include provisions describing procedures, when appropriate, for collaboration between athletic trainers and physicians licensed pursuant to ORS chapter 677.

[1999 c.736 §4]

Sec. 5. Authority of Health Licensing Office; rules; fees; investigations.

The Health Licensing Office is granted authority to carry out the following duties:

- (1) Adopt rules that are necessary to conduct business, carry out duties and administer the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999.
- (2) Issue registrations, including temporary registrations, permits, waivers and other authorizations to practice athletic training as determined by the Board of Athletic Trainers.
- (3) Establish and collect fees and charges to carry out its legal responsibilities.
- (4) Authorize all necessary disbursements to carry out the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999, including but not limited to payment for necessary supplies, office equipment, books and expenses for the conduct of examinations, payment for legal and investigative services rendered to the Health Licensing Office and such other expenditures as are provided for in sections 1 to 11, chapter 736, Oregon Laws 1999.
- (5) Employ inspectors, examiners, special agents, investigators, clerical assistants and accountants as are necessary for the investigation and

prosecution of alleged violations and the enforcement of sections 1 to 11, chapter 736, Oregon Laws 1999, and for such other purposes as the Health Licensing Office may require. Nothing in sections 1 to 11, chapter 736, Oregon Laws 1999, shall be construed to prevent assistance being rendered by an employee of the Health Licensing Office in any hearing called by it. However, all obligations for salaries and expenses incurred under sections 1 to 11, chapter 736, Oregon Laws 1999, shall be paid only from the fees accruing to the Health Licensing Office under sections 1 to 11, chapter 736, Oregon Laws 1999.

(6) The Health Licensing Office shall provide the board with such administrative services and employees as the board requires to carry out its duties.

(7) Maintain an accurate record of all proceedings of the board and of all its meetings, receipts and disbursements, fines and orders for violation of sections 1 to 11, chapter 736, Oregon Laws 1999, records for registration to practice athletic training together with the addresses of those registered, and the names of all persons whose registration has been subject to disciplinary action.

(8) Investigate complaints, take disciplinary action, including assessment of civil fines, and provide opportunity for hearing according to ORS 183.090 [renumbered 183.745].

(9) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out duties of the board granted under sections 1 to 11, chapter 736, Oregon Laws 1999.

[1999 c.736 §5; 2001 c.104 §263]

Sec. 6. Registration required; exceptions.

(1) A person may not practice athletic training or claim to be a registered athletic trainer unless the person is registered under section 8 of this 1999 Act.

(2) Nothing in sections 1 to 11 of this 1999 Act is intended to:

(a) Limit, preclude or otherwise interfere with the practices of health care providers or other persons licensed or registered in this state under any other statutes, or prevent health care providers or other persons from engaging in the profession or occupation for which the health care provider or person is licensed or registered;

(b) Prevent any person from practicing athletic training if the person is employed as an athletic trainer by the federal government or any of its agencies;

(c) Preclude any person from pursuing a supervised course of study leading to a degree or registration as an athletic trainer in an accredited or approved educational program if the person is identified by a title that clearly indicates student or trainee status;

(d) Prevent any person from completing any supervised practical experience requirements established by the Board of Athletic Trainers by rule; or

(e) Prohibit any person from performing athletic training services in this state for purposes of continuing education, consulting or training if the services are performed for no more than 60 days in any calendar year and

are performed in association with a registered athletic trainer if the person is:

- (A) Registered or licensed and in good standing as an athletic trainer in another state; or
- (B) Certified by and in good standing as an athletic trainer with the National Athletic Trainers Association Board of Certification.

(3) Nothing in sections 1 to 11 of this 1999 Act shall be construed to require registration of elementary or secondary school teachers, coaches or volunteers who do not hold themselves out to the public to be athletic trainers.

[1999 c.736 §6]

Sec. 7. Use of authorized title.

(1) A person who is a registered athletic trainer under sections 1 to 11 of this 1999 Act may use the title "Athletic Trainer, Registered" and the abbreviation "ATR."

(2) A person who is a registered athletic trainer under sections 1 to 11 of this 1999 Act and who is certified by the National Athletic Trainers Association Board of Certification may use the title "Athletic Trainer, Certified/Registered" and the abbreviation "ATC/R."

[1999 c.736 §7]

Sec. 8. Requirements for registration.

An applicant for registration as an athletic trainer under sections 1 to 11, chapter 736, Oregon Laws 1999, shall be issued a registration if the applicant has:

- (1) Provided to the Board of Athletic Trainers adequate proof of receipt of a bachelor's degree from an accredited four-year college or university and has met the minimum athletic training curriculum requirements established by the Board of Athletic Trainers and adopted by rule;
- (2) Successfully completed the certification examination administered by the National Athletic Trainers Association Board of Certification or equivalent examination approved or recognized by the Board of Athletic Trainers;
- (3) Completed any other requirements for registration as determined by the Board of Athletic Trainers and adopted by rule;
- (4) Submitted to the Board of Athletic Trainers adequate documentation that the applicant is at least 18 years of age; and
- (5) Paid all fees required for registration.

[1999 c.736 §8; 2003 c.547 §9]

Sec. 9. Registration renewal; late renewal; reinstatement.

(1) An athletic trainer registration is issued for a one-year period. All registrations shall expire on the last day of the month, one year from the date of issuance.

(2) The filing of a registration renewal form is the responsibility of the registrant. The registrant must submit to the Board of Athletic Trainers a completed renewal application, required renewal fee and presentation of evidence, satisfactory to the board, of having completed any required continuing education credits prior to the renewal or expiration date of the registration as specified by rule.

- (3) Requirements for late renewal and reinstatement of an expired or lapsed registration shall be determined by the board as specified by rule.
- (4) The Health Licensing Office may refuse to grant or renew the registration of an athletic trainer whose registration has been denied, suspended, revoked or lapsed for up to one year from the date of the denial of registration or renewal, or the date of the order of suspension or revocation.
- (5) The Health Licensing Office may vary the date of registration renewal by giving the applicant written notice of the renewal date being assigned and by making prorated adjustments to the renewal fee.
- [1999 c.736 §9]

Sec. 10. Fees; rules; disposition of receipts.

- (1) ~~The Health Licensing Office, in order to carry out its duties, functions and powers~~ The Oregon Health Licensing Agency ~~related to the Board of Athletic Trainers~~, shall establish by rule and collect fees related to athletic trainers for:
- (a) Application for athletic trainer registrations, permits and waivers;
 - (b) Athletic trainer registration;
 - (c) Renewal of athletic trainer registration;
 - (d) Temporary practice registration;
 - (e) Examinations and reexaminations;
 - (f) Reinstatement;
 - (g) Delinquency in renewal of a registration;
 - (h) Duplication;
 - (i) Reciprocity; and
 - (j) Providing copies of official documents or records ~~in specific formats~~ and for recovering administrative costs associated with compiling, photocopying or preparing and delivering the records.
- (2) All moneys received by the Health Licensing ~~Office~~ Agency under subsection (1) of this section shall be paid into the General Fund of the State Treasury and credited to the Oregon Health Licensing Office Agency Account, and are appropriated continuously to and shall be used by the ~~Health Licensing Office agency~~ only for the administration and enforcement of sections 1 to 11, chapter 736, Oregon Laws 1999.
- (3) The fees established by the ~~Health Licensing Office~~ agency under this section are subject to the prior approval of the Oregon Department of Administrative Services. The fees shall not exceed the cost of administering sections 1 to 11, chapter 736, Oregon Laws 1999, pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly within the ~~Health Licensing Office's~~ budget of the agency, as that budget may be modified by the Emergency Board.
- [1999 c.736 §10; 1999 c.885 §50b; 2003 c.547 §10]

Sec. 11. Grounds for discipline.

The Health Licensing Office, in consultation with the Board of Athletic Trainers, may discipline any person registered to practice athletic training in the state for any of the following causes:

- (1) Unprofessional conduct, negligence or incompetence in the practice of athletic training.
 - (2) Fraud, misrepresentation or concealment of material facts in applying for or obtaining a registration to practice in this state, or in connection with applying for or obtaining registration.
 - (3) Use of any advertising statements that deceive or mislead the public or that are untruthful.
 - (4) Making statements that the registrant knows, or should have known, are false or misleading, regarding skill or the efficacy or value of treatment or remedy administered by the registrant in the treatment of any condition pertaining to athletic training.
 - (5) Impersonating another registrant or permitting another person to use a valid registration.
 - (6) Subject to ORS 670.280, conviction of any criminal offense. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence of the conviction.
 - (7) Having been disciplined by another state in regard to the practice of athletic training. A certified copy of the record of the disciplinary action of the state is conclusive evidence thereof.
 - (8) Performance of services while under the influence of alcohol, controlled substances or other skill-impairing substances so as to create a risk or harm to clients.
 - (9) Any violation of the provisions of sections 1 to 11 of this 1999 Act or of the rules adopted in accordance with sections 1 to 11 of this 1999 Act.
- [1999 c.736 §11]

Sec. 14. Term of office of initial board members.

Notwithstanding the term of office specified by section 2 of this 1999 Act, of the members first appointed to the Board of Athletic Trainers:

- (1)
 - (a) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the year next following appointment.
 - (b) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the second year next following appointment.
 - (c) One athletic trainer member shall serve for a term ending on the first day of the month of appointment in the third year next following appointment.
- (2) The physician member shall serve for a term ending on the first day of the month of appointment in the second year next following appointment.
- (3) The public member shall serve for a term ending on the first day of the month of appointment in the third year next following appointment.

[1999 c.736 §14]

Sec. 15. When registration without examination may be issued; conditions.

(1) Any person actively engaged as an athletic trainer on ~~the effective date of this 1999 Act~~ October 23, 1999 will be considered registered under sections 1 to 11 chapter 736, Oregon Laws 1999 of this ~~1999 Act~~ if the person submits an application and payment of the application and registration fees required by section 10 chapter 736, Oregon Laws 1999 of this ~~1999 Act~~, and upon evaluation of the person's qualifications by the Board of Athletic Trainers, is found to have a level of competence equal to that of one possessing the educational qualifications set forth in section 8 chapter 736, Oregon Laws 1999 of this ~~1999 Act~~. In the evaluation, the board shall accept the applicant's documentation of certification by the National Athletic Trainers Association Board of Certification as proof that the applicant has met the required level of competence. For applicants not having such certification, the ~~Health Licensing Office~~ Oregon Health Licensing Agency shall, with the advice of the Board of Athletic Trainers, establish rules for examination and evaluation that shall take into account the applicant's education, training and experience qualifications.

(2) Applications for a license under this section must be made within 180 days from ~~the effective date of this 1999 Act~~ October 23, 1999.

[1999 c.736 §15]

~~Sec. 17.~~

~~Sections 1 to 11 of this 1999 Act are repealed on December 31, 2005. [1999 c.736 §17]~~

~~Note: Sections 8, 11 and 12, chapter 547, Oregon Laws 2003, provide:~~

~~Sec. 18. Penalty.~~

~~Violation of section 6 (1), chapter 736, Oregon Laws 1999, is a Class B misdemeanor.~~

~~[2003 c.547 §8]~~

~~Sec. 19. Disciplinary authority of Health Licensing Office.~~

~~In the manner prescribed in ORS chapter 183 for contested cases and in consultation with the Board of Athletic Trainers, the Health Licensing Office may impose a form of discipline listed in section 3 of this 2003 Act [676.612] against any person practicing athletic training for any of the grounds listed in section 3 of this 2003 Act and for any violation of the provisions of sections 1 to 11, chapter 736, Oregon Laws 1999, or the rules adopted thereunder.~~

~~[2003 c.547 §11]~~

~~Sec. 20.~~

~~Section 11 of this 2003 Act is added to and made a part of sections 1 to 11, chapter 736, Oregon Laws 1999.~~

~~[2003 c.547 §12]~~