

Title 63, Chapter 24, Sections 101-111 as amended on June 5, 2006
Board appointments effective 7/1/06 and all other provisions effective 10/1/06

63-24-101. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Athletic injury" means any injury sustained by a person as a result of such person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina, or comparable athletic injury that prevents such person from participating in such activities;

(2) "Athletic trainer" means a person with specific qualifications as set forth in this chapter, who, upon the advice, consent and oral or written prescriptions or referrals of a physician licensed under this title, carries out the practice of prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of athletic injuries, and, in carrying out these functions the athletic trainer is authorized to use physical modalities, such as heat, light, sound, cold, electricity, or mechanical devices related to prevention, recognition, evaluation, management, disposition, rehabilitation, and treatment; an athletic trainer shall practice only in those areas in which such athletic trainer is competent by reason of training or experience that can be substantiated by records or other evidence found acceptable by the board in the exercise of the board's considered discretion; and

(3) "Board" means the board of ~~medical examiners.~~ athletic trainers.

63-24-102. Powers and duties of board.

~~(a) The board is hereby authorized to license athletic trainers consistent with the provisions of this chapter and to adopt rules and regulations necessary for the performance of its duties.~~

~~(b) The board shall prescribe application forms for licensure and shall conduct and/or select a licensure examination.~~

~~(c) The board shall establish guidelines for athletic trainers in the state.~~

~~(d) The board is hereby authorized to establish, by duly promulgated rules, mandatory continuing education requirements as a condition for licensure renewal.~~

(a) There is hereby established the board of athletic trainers to consist of five (5) members. Of the five (5) members:

(1) Three (3) members shall be athletic trainers licensed in the state;

(2) One (1) member shall be a physician licensed in the state; and

(3) One (1) member shall be a representative of the public who is not an athletic trainer and is not commercially or professionally associated with the health care industry.

(b) Members of the board shall be appointed by the governor. The Tennessee athletic trainers society and the Tennessee medical association may each supply a list to the governor of at least three (3) nominees for each appointment or vacancy on the board in their respective categories. The governor may make an appointment from such lists.

(1) (A) Each licensed athletic trainer appointed to serve on the board shall:

(i) Reside in the state for at least five (5) years immediately preceding appointment and at all times thereafter;

(ii) Be currently licensed in good standing as a licensed athletic trainer in this state;

(iii) Be currently engaged in the practice of athletic training as a licensed athletic trainer;
and

(iv) Have been licensed as an athletic trainer in the state for no fewer than five (5) years.

(B) Each physician appointed to serve on the board shall:

(i) Reside in the state for at least five (5) years immediately preceding appointment and at all times thereafter;

(ii) Be currently licensed in good standing in the state; and

(iii) Have been licensed as a physician in the state for no fewer than five (5) years.

(C) The representative of the public appointed to serve on the board shall:

(i) Reside in the state for at least five (5) years immediately preceding appointment and at all times thereafter;

(ii) Have no direct or indirect financial interest in health care services;

(iii) Have never been, or while serving on the board be, an athletic trainer or enrolled in any health care educational program; and

(iv) Not be a member or employee of any board of control of any public or private health care group or organization.

(2) Members of the board shall serve one (1) four-year term and may be reappointed. Any board member may be removed by the governor after notice and a hearing for incompetence, neglect of duty, malfeasance in office or moral turpitude. Vacancies on the board created by the expiration of a term of office or for any other reason shall be filled by the governor in the same manner as the original appointment. Appointed members shall serve until their replacement has been appointed and has agreed to serve. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is a member of a racial minority.

(c) The chair and vice chair of the board shall be chosen from one (1) of the three (3) athletic trainer members and elected by the board. The chair shall preside over all meetings and business of the board. The vice chair shall preside over the meetings and business of the board in the absence of the chair and shall be responsible for signing the approved minutes of the board. The length of the terms of the elected officers shall be determined by rules duly promulgated by the board.

(d) The board, for administrative purposes, shall meet at least annually and at such other times as necessary to conduct the business of the board at the call of the chair. For purposes of conducting board business a majority of the members of the board shall constitute a quorum.

(e) The members of the board shall be entitled to a per diem of one hundred dollars (\$ 100.00) for each day's service in attending meetings of the board, and other official business of the board, and necessary expenses for traveling and subsistence while attending such meetings. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(f) The board shall receive its administrative, legal and investigative support from the division of health related boards.

63-24-103. Licensure requirement.

(a) No person shall represent themselves or claim to be an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this chapter without first obtaining a license under this chapter.

(b) Nothing in this chapter shall be construed to prevent any person from serving as a student-trainer, or any similar position if such service is not primarily for compensation and is carried out under the supervision of an athletic trainer duly licensed as defined in this chapter and a physician licensed under this title. Such supervision will be provided under the guidelines of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., and/or approved by the board.

(c) (1) Persons who are certified by the board as athletic trainers on May 9, 2000 may practice as licensed athletic trainers, provided such persons meet all of the other requirements of this chapter.

(2) Upon the expiration of an athletic trainer's certificate, the board shall issue a license to replace such certificate, provided the athletic trainer has met all of the other requirements of this chapter.

63-24-104. Qualifications of applicants - Reciprocity.

(a) An applicant for an athletic trainer license must possess the following qualifications:

(1) Have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; and

(2) Satisfactorily completed all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and be certified as an athletic trainer in good standing by the NATA Board of Certification, Inc., and/or approved by the board.

(b) An out-of-state applicant must possess the stated qualifications of subsection (a). Upon receipt of the initial athletic trainer licensure fee, the board may grant, without examination, a license to any qualified nonresident athletic trainer who holds a valid license or certificate issued by another state and whose qualifications are deemed by the board to be at least equivalent to those required for licensure in this state; provided, that such other state extends the same privilege to qualified athletic trainers who are residents of this state. An out-of-state applicant from a state not having a licensure or certification act will be eligible to take the jurisprudence examination if certified by the NATA Board of Certification, Inc., and approved by the board.

63-24-105. Licensure - Renewal - Retirement.

(a) (1) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this chapter.

(2) The applicant is entitled to an athletic trainer's license if the applicant possesses the qualifications enumerated in § [63-24-104](#); completes and passes the certification requirements and examination of the National Athletic Trainers' Association Board of Certification, Inc. or its equivalent as determined by the board; completes the jurisprudence examination administered and/or selected by the board, to its satisfaction; pays the licensure fee as set in § [63-24-106](#); and has not committed an act that constitutes grounds for denial of a license under § [63-24-107](#).

(b) Any person who is issued initial licensure as an athletic trainer is deemed to be registered as such for two (2) years, or to the next even-numbered year immediately following conclusion of the initial two (2) calendar years. Thereafter, such person shall biennially apply to the board for certificate renewal and shall submit such information as may be requested by the board. Upon making an application for renewal, such person shall pay a renewal fee as prescribed pursuant to § [63-24-106](#).

(c) Any person licensed to practice by the provisions of this chapter, who has retired or may hereafter retire from such practice in this state, shall not be made to register as required by this chapter if such person files with the board, an affidavit on a form to be furnished by the board, which affidavit states the date on which such person retired from such practice and such other facts as tend to verify such retirement as the board deems necessary. If such person thereafter reengages in such practice in this state, such person shall apply for registration, with the board as provided by this chapter, and shall meet other requirements as may be set by the board.

(d) Notwithstanding any provision of this chapter to the contrary, the division of health related boards, with the approval of the commissioner of health, shall establish a system of license renewals at alternative intervals that will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under the alternative method are valid for twenty-four (24) months, and expire on the last day of the last month of the license period. However, during a transition period, or at any time thereafter when the board determines that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (25¢). No renewal application will be accepted after the last day of the month following the license expiration date under the alternative method authorized in this subsection (d).

(e) Any person who possesses a certificate or temporary certificate issued by the board shall be deemed to possess a license or temporary license, respectively. At the time of renewal, a certificate holder who is approved for renewal shall receive a license from the board rather than a renewal of the certificate.

63-24-106. Fees.

(a) The board shall, by duly promulgated rules, establish the following fees:

- (1) Athletic trainer application-examination fee;
- (2) Initial athletic trainer licensure fee;
- (3) Biennial licensure renewal fee;
- (4) Late renewal fee;
- (5) Licensure restoration fee; and
- (6) Fee for obtaining a duplicate of licensure.

(b) The board is hereby authorized, by duly promulgated rules, to specify the conditions and circumstances, if any, under which one (1) or more of the above fees may be refunded in whole or in part.

63-24-107. Denial, suspension or revocation of licensure.

~~The board may refuse to issue a license to an applicant or may suspend or revoke the license of any person who has:~~

- ~~(1) Violated standards of practice as determined by the board;~~
- ~~(2) Secured the license by fraud or deceit; or~~
- ~~(3) Violated or conspired to violate the provisions of this chapter or rules and regulations issued pursuant to this chapter.~~

(a) The board has the power and duty to:

- (1) Deny, restrict or condition a license to any applicant who applies for the same through reciprocity or otherwise;
- (2) Permanently or temporarily withhold issuance of a license;
- (3) Suspend, limit or restrict a previously issued license for such time and in such manner as the board may determine;
- (4) Reprimand, suspend, revoke or take such other disciplinary action in relation to an applicant or license holder as the board in its discretion may deem proper; or
- (5) Permanently revoke a license.

(b) The grounds upon which the board shall exercise such power include, but are not limited to, circumstances wherein the person has:

- (1) Violated standards of practice as determined by the board;
- (2) Practiced athletic training for compensation without holding an active license under this chapter;
- (3) Used or attempted to use an athletic trainer license that has been suspended or revoked;
- (4) Obtained or attempted to obtain an athletic trainer license by misleading statements, fraud or deceit or knowing misrepresentation;
- (5) Used the title "athletic trainer" without being licensed under this chapter; or
- (6) Violated or conspired to violate the provisions of this chapter or rules and regulations promulgated pursuant to this chapter.

63-24-108. Hearings - Procedure - Reissuance of licenses.

(a) Any person whose application is denied is entitled to a hearing before the board if the person submits a written request to the board. ~~Proceedings for denial, revocation or suspension of a license shall be conducted consistent with § 63-6-216.~~ Disciplinary proceedings shall be conducted in accordance with the contested case provisions of the Uniform Administrative procedures Act compiled in Title 4, Chapter 5.

(b) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six (6) months after the order of cancellation or revocation has become final, and application shall be made in the manner and form as the board may require.

(c) (1) Any person who practices in this state without having first complied with the provisions of this chapter commits a class B misdemeanor for each instance of such practice. Each day any person practices without first obtaining a valid license or renewing a license constitutes a separate offense.

(2) The board, in addition to the powers and duties expressed in this chapter with respect to the grant, denial and discipline of licensure is empowered to petition any circuit or chancery court having jurisdiction of any person within this state, who is practicing without a license or to whom a license has been denied, or whose license has been suspended or revoked by action of the board, to enjoin such person from continuing practice within this state. Jurisdiction is conferred upon the circuit and chancery courts of this state to hear and determine all such causes as equity causes and exercise full and complete jurisdiction in such injunctive proceedings, but nothing in this section shall be construed as conferring criminal jurisdiction upon any court not now possessing such criminal jurisdiction, nor shall any such court, as an incident to the injunctive proceedings herein authorized, have the power to assess the criminal

penalties.

63-24-110. Exemptions.

(a) No provision of this chapter shall be construed so as to limit or prevent any person duly licensed or certified under the laws of this state from practicing the profession for which the person was licensed or certified.

(b) The provisions of this chapter shall not be construed to apply to any person engaging in the practice of athletic training while employed for such purpose by a non-Tennessee post secondary educational institution or professional athletic organization that is temporarily present in this state for an athletic competition or exhibition.

(c) The board shall have the authority to assess civil penalties commensurate with those assessable under Section 63-1-134 against persons who have knowingly employed, contracted for or otherwise utilized unlicensed persons in the practice of athletic training with or without compensation.

(d) Nothing in this chapter shall be construed as applying to physicians duly licensed under this chapter who employ or contract for services provided by persons in the physician's office assisting in the care of patients and rendered under the supervision, control and responsibility of the licensed physician.

Section 63-24-111

(a) The board has the power and duty to:

(1) Promulgate in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, all rules that are reasonably necessary for the performance of its duties;

(2) License athletic trainers in compliance with the provisions of this chapter;

(3) Prescribe application forms for licensure and conduct or select a licensure examination and to establish the prerequisites, if any, for admission to the examination. The board is authorized to enter into a contract or agreement with an examination service and/or select an intermediary between the board and the examination service to process applicants for the examination;

(4) Establish such fees in addition to those enumerated in Section 63-24- 106 that are necessary for the operation of the board in accordance with Section 4-3-1011;

(5) Establish guidelines and standards for athletic trainers in the state that are not inconsistent with the other provisions of this chapter, and the grounds upon which, in addition to those causes enumerated in Section 63-24-107, disciplinary action may be taken; and

(6) Establish all requirements for mandatory continuing education as a condition of continued licensure including a mechanism for waiver of the requirements in cases of undue hardship.

(7) Issue advisory private letter rulings to any affected "licensed practitioner" or license holder who makes such a request regarding any matters within the board's primary jurisdiction. Such private letter ruling shall only affect the person making such inquiry, and shall have no precedential value for any other inquiry or future contested case that might come before the board. Any dispute regarding a private letter ruling may, if the board chooses to do so, be resolved pursuant to the declaratory order provisions of Section 4-5-223.

(b) The board shall pay all money received by it into the state treasury and the Commissioner of Finance and Administration shall make such allotments out of the general fund as the commissioner may deem proper for the necessary and proper expenses of the board, and no expenditure shall be made by the board unless and until such allotment has been made by the commissioner. Such allotment shall be disbursed under the general budgetary laws of the State of Tennessee.

SECTION 7. The rules currently governing the practice of athletic trainers to the extent they are consistent with this act shall remain in effect until such time as the board may promulgate their replacements. The duties of the board of medical examiners that are contained in the currently existing rules shall be assumed by the board of athletic trainers created by this act.

SECTION 8. This act shall take effect July 1, 2006 for the purposes of appointing board members and for all other purposes shall become effective on October 1, 2006, the public welfare requiring it.