

STATE OF UTAH

CHAPTER 40a. ATHLETIC TRAINER LICENSING ACT

Part 1. General Provisions

58-40a-101. Title.

This chapter is known as the "Athletic Trainer Licensing Act."

58-40a-102. Definitions.

In addition to the definitions in Section 58-1-102 , as used in this chapter:

- (1) "Adequate records" means legible records that contain, at a minimum:
 - (a) the athletic training service plan or protocol;
 - (b) an evaluation of objective findings;
 - (c) the plan of care and the treatment records; or
 - (d) written orders.

- (2) "Athlete" means an individual, referee, coach, or athletic staff member who participates in exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed, or stamina, and the exercises, sports, or games are of a type generally conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

- (3) "Athletic injury" means:
 - (a) an injury sustained by an athlete that affects the individual's participation or performance in sports, games, recreation, or exercise; or
 - (b) a condition that is within the scope of practice of an athletic trainer identified by a directing physician or physical therapist as benefitting from athletic training services.

- (4) "Athletic trainer" means an individual who is licensed under this chapter and carries out the practice of athletic training.

- (5) "Board" means the Athletic Trainers Licensing Board created in Section 58-40a-201 .

- (6) "Directing physician" means a physician and surgeon licensed under Section 58-67-301 , an osteopathic physician and surgeon licensed under Section 58-68-301 , a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act, or dentist licensed under Section 58-69-301 who, within the licensee's scope of practice and individual competency, is responsible for the athletic training services provided by the athletic trainer and oversees the practice of athletic training by the athletic trainer, as established by board rule.

- (7) The "practice of athletic training" means the application by a licensed and certified athletic trainer of principles and methods of:
 - (a) prevention of athletic injuries;
 - (b) recognition, evaluation, and assessment of athletic injuries and conditions;

- (c) immediate care of athletic injuries, including common emergency medical situations;
- (d) rehabilitation and reconditioning of athletic injuries;
- (e) athletic training services administration and organization; and
- (f) education of athletes.

58-40a-103. Duties of directing physician.

A directing physician shall provide direction to an athletic trainer by a verbal order when in the presence of the athletic trainer and by written order or by athletic training service plans or protocols when a directing physician is not present.

Part 2. Board

58-40a-201. Board composition -- Duties and responsibilities.

(1) There is created the Athletic Trainers Licensing Board consisting of four licensed athletic trainers, one member representative of the directing physicians referred to in Subsection 58-40a-102(6), and one member of the general public who has never been authorized to practice a healing art and never had a substantial personal, business, professional, or pecuniary connection with a healing art or with a medical education or health care facility, except as a client or potential client.

(2) The board shall be appointed and serve in accordance with Section 58-1-201 .

(3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and 58-1-203 , and shall designate one of its members on a permanent or rotating basis to:

- (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee under this chapter; and
- (b) advise the division of its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Part 3. Licensing

58-40a-301. Licensure required.

(1) A license is required to engage in the practice of athletic training, except as specifically provided in Section 58-1-307 or 58-40a-305 .

(2) The division shall issue to an individual who qualifies under this chapter a license in the classification of athletic trainer.

(3) An individual may not use the title "licensed athletic trainer," or "athletic trainer," or abbreviations or insignias to imply that the individual is an athletic trainer unless the individual is licensed under this chapter.

58-40a-302. Qualifications for licensure.

The division shall issue a license to practice as an athletic trainer to an applicant who:

- (1) has obtained a bachelor's or advanced degree from an accredited four-year college or university and meets the minimum athletic training curriculum requirement established by the board by rule;
- (2) has successfully completed the certification examination administered by the Board of Certification Inc. or equivalent examination approved or recognized by the board;
- (3) is in good standing with and provides documentation of current certification by the Board of Certification Inc. or a nationally recognized credentialing agency approved by the board;
- (4) submits an application to the division on a form prescribed by the division; and
- (5) pays the required licensing fee as determined by the department under Section 63-38-3.2 .

58-40a-303. Scope of practice.

An athletic trainer may:

- (1) prevent injuries by:
 - (a) designing and implementing physical conditioning programs, which may include:
 - (i) strength and range of motion testing;
 - (ii) nutritional advisement; and
 - (iii) psychosocial intervention and referral;
 - (b) performing preparticipation screening;
 - (c) fitting protective equipment;
 - (d) designing and constructing protective products; and
 - (e) continuously monitoring changes in the environment;
- (2) recognize and evaluate injuries by:
 - (a) obtaining a history of the injury;
 - (b) inspecting an injured body part and associated structures;
 - (c) palpating bony landmarks and soft tissue structures; and
 - (d) performing clinical tests to determine the extent of an injury;
- (3) provide immediate care of injuries by:
 - (a) initiating cardiopulmonary resuscitation;
 - (b) administering basic or advanced first aid;
 - (c) removing athletic equipment; and
 - (d) immobilizing and transporting an injured athlete;
- (4) determine whether an athlete may return to participation or, if the injury requires further definitive care, refer the athlete to the appropriate directing physician;
- (5) rehabilitate and recondition an injury by administering therapeutic exercise and therapeutic and physical modalities, including cryotherapy, thermotherapy, and intermittent compression, electrical stimulation, ultra sound, traction devices, or mechanical devices as directed by

established, written athletic training service plans or protocols or upon the order of a directing physician;

- (6) provide athletic training services administration, including:
- (a) implementing athletic training service plans or protocols;
 - (b) writing organizational policies and procedures;
 - (c) complying with governmental and institutional standards; and
 - (d) maintaining records to document services rendered; and

(7) educate athletes to facilitate physical conditioning and reconditioning by designing and implementing appropriate programs to minimize the risk of injury.

58-40a-304. Term of license -- Expiration -- Renewal.

(1) (a) The division shall issue each license for an athletic trainer in accordance with a two-year renewal cycle established by rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(b) The division may, by rule, extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308 .

58-40a-305. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307 , this chapter does not require the licensure of a medical assistant as defined in Section 58-67-102 or 58-68-102 or an individual who assists in an emergency or in providing services for which no fee is contemplated, charged, or received, provided the individual does not hold himself out as an athletic trainer.

Part 4. License Denial and Discipline

58-40a-401. Grounds for denial of license.

The division may refuse to issue a license to an applicant, refuse to renew the license of a licensee, revoke, suspend, restrict, or place on probation the license of a licensee, issue a public or private reprimand to a licensee, and issue cease and desist orders in accordance with Section 58-1-401 .

Part 5. Unprofessional Conduct

58-40a-501. Unprofessional conduct.

In addition to the provisions of Subsection 58-1-501 (2), "unprofessional conduct" includes:

- (1) failing to report to the board an act or omission of a licensee, applicant, or any other individual which violates a provision of this chapter;

- (2) interfering with an investigation of a disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against a client or witness to prevent that individual from providing evidence in a disciplinary proceeding, investigation, or other legal action;
- (3) failing to maintain client confidentiality unless otherwise required by law;
- (4) promoting an unnecessary device, treatment, intervention, or service for financial gain by the athletic trainer or a third party; and
- (5) failing to maintain adequate records.

GENERAL PROVISIONS

58-1-307. Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of their occupation or profession, subject to the stated circumstances and limitations, without being licensed under this title:

- (a) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the individual holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;
- (b) a student engaged in activities constituting the practice of a regulated occupation or profession while in training in a recognized school approved by the division to the extent the activities are supervised by qualified faculty, staff, or designee and the activities are a defined part of the training program;
- (c) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified individuals;
- (d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual licensed in this state, and the services provided are limited to that consultation;
- (e) an individual who is invited by a recognized school, association, society, or other body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a regulated occupation or profession if the individual does not establish a place of business or regularly engage in the practice of the regulated occupation or profession in this state;
- (f) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
- (g) an individual licensed in a health care profession in another state who performs that profession while attending to the immediate needs of a patient for a reasonable period

during which the patient is being transported from outside of this state, into this state, or through this state;

(h) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the practitioner may only attend to the needs of the athletic team or group, including all individuals who travel with the team or group in any capacity except as a spectator;

(i) an individual licensed and in good standing in another state, who is in this state:

(i) temporarily, under the invitation and control of a sponsoring entity;

(ii) for a reason associated with a special purpose event, based upon needs that may exceed the ability of this state to address through its licensees, as determined by the division; and

(iii) for a limited period of time not to exceed the duration of that event, together with any necessary preparatory and conclusionary periods; and

(j) a law enforcement officer, as defined under Section 53-13-103 , who:

(i) is operating a voice stress analyzer in the course of the officer's full-time employment with a federal, state, or local law enforcement agency;

(ii) has completed the manufacturer's training course and is certified by the manufacturer to operate that voice stress analyzer; and

(iii) is operating the voice stress analyzer in accordance with Section 58-64-601 , regarding deception detection instruments.

(2) (a) A practitioner temporarily in this state who is exempted from licensure under Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the practitioner derives authority to practice.

(b) Violation of a limitation imposed by this section constitutes grounds for removal of exempt status, denial of license, or other disciplinary proceedings.

(3) An individual who is licensed under a specific chapter of this title to practice or engage in an occupation or profession may engage in the lawful, professional, and competent practice of that occupation or profession without additional licensure under other chapters of this title, except as otherwise provided by this title.

(4) Upon the declaration of a national, state, or local emergency, a public health emergency as defined in Section 26-23b-102 , or a declaration by the President of the United States or other federal official requesting public health-related activities, the division in collaboration with the board may:

(a) suspend the requirements for permanent or temporary licensure of individuals who are licensed in another state. Individuals exempt under this Subsection (4)(a) are exempt from licensure for the duration of the emergency while engaged in the scope of practice for which they are licensed in the other state;

(b) modify, under the circumstances described in this Subsection (4) and Subsection (5), the scope of practice restrictions under this title for individuals who are licensed under this title as:

(i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

- (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure Compact;
 - (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
 - (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b, Pharmacy Practice Act;
 - (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act; and
 - (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist Practice Act;
- (c) suspend the requirements for licensure under this title and modify the scope of practice in the circumstances described in this Subsection (4) and Subsection (5) for medical services personnel or paramedics required to be certified under Section 26-8a-302 ;
- (d) suspend requirements in Subsections 58-17b-620 (3) through (6) which require certain prescriptive procedures; and
- (e) exempt or modify the requirement for licensure of an individual who is activated as a member of a medical reserve corps during a time of emergency as provided in Section 26A-1-126 .
- (5) Individuals exempt under Subsection (4)(c) and individuals operating under modified scope of practice provisions under Subsection (4)(b):
- (a) are exempt from licensure or subject to modified scope of practice for the duration of the emergency;
 - (b) must be engaged in the distribution of medicines or medical devices in response to the emergency or declaration; and
 - (c) must be employed by or volunteering for a local or state department of health.