

Title 26: Professions and Occupations
Chapter 83: ATHLETIC TRAINERS

§ 4151. Definitions

As used in this chapter:

(1) "Athlete" means any individual participating in fitness training and conditioning, sports or other athletic competition, practices or events requiring physical strength, agility, flexibility, range of motion, speed or stamina.

(2) "Athletic injury" means a disruption of tissue continuity, physiological function, or neurological function that is sustained by an athlete when that injury:

(A) results from that individual's participation in or training for sports, fitness training, or other athletic competition; or

(B) restricts or prevents that individual from participation in those activities.

(3) "Athletic training" means the application of principles and methods of conditioning, the prevention, immediate care, recognition, evaluation, assessment, and treatment of athletic and orthopedic injuries within the scope of education and training, the organization and administration of an athletic training program and the education and counseling of athletes, coaches, family members, medical personnel, and communities in the area of care and prevention of athletic and orthopedic injuries. Athletic training may only be applied in the "traditional setting" and the "clinical setting":

(A) Without further referral, to athletes participating in organized sports or athletic teams at an interscholastic, intramural, instructional, intercollegiate, amateur, or professional level.

(B) With a referral from a physician, osteopathic physician, dentist, or chiropractor, to athletes or the physically active who have an athletic or orthopedic injury and have been determined, by a physician's examination, to be free of an underlying pathology that would affect treatment.

(4) "Licensed athletic trainer" means a person licensed in accordance with the provisions of this chapter.

(5) "Conditioning" means programs designed to enhance the following physiological areas: flexibility, muscle strength, muscle endurance, neuromuscular coordination and cardio-respiratory endurance that will assist in improved athletic performance specific to the sport in which the athlete participates. Conditioning includes programs used before the season, and programs to reestablish performance during the season.

(6) "Director" means the director of the office of professional regulation.

(7) "Disciplinary action" or "disciplinary cases" includes any action taken by the administrative law officer established in section 129 of Title 3 against a licensed athletic trainer or applicant premised upon a finding of wrongdoing or unprofessional conduct. It includes all sanctions of any kind, denying, suspending or revoking licenses, issuing warnings, and other sanctions.

(8) "Orthopaedic injury" means a disruption of musculoskeletal tissue continuity that is sustained by a physically active individual. An individual with this type of injury may be treated by an athletic trainer as long as the individual does not have any underlying pathologies that would affect treatment.

(9) "Physically active individual" means an individual who is well conditioned, healthy, and free from underlying pathology, who participates in athletic or recreational activities which require physical skills and utilize strength, power, endurance, speed, flexibility, range of motion, or agility.

(10) "Referral" means sending a patient for treatment.

(11) "Settings" means any areas in which an athletic trainer may practice athletic training. These areas include:

(A) "Traditional setting" means working with any organized sports or athletic teams at an interscholastic, intramural, instructional, intercollegiate, amateur, or professional level.

(B) "Clinical setting" means an outpatient orthopaedic or sports medicine clinic that employs one of the following: physician, osteopathic physician, chiropractor, or physical therapist.

(12) "Underlying pathology" means any disease process, including but not limited to neuromuscular disease, diabetes, spinal cord injuries, and systemic diseases. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 1999, No. 133 (Adj. Sess.), § 31; 2003, No. 60, § 23.)

§ 4152. Prohibition; offenses

(a) No person may use in connection with the person's name any letters, words, or insignia indicating or implying that the person is a licensed athletic trainer unless the person is licensed in accordance with this chapter.

(b) A person violating any of the provisions of subsection (a) of this section shall be fined not more than \$1,000.00 or imprisoned not more than 30 days, or both, for each occurrence. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 24.)

§ 4153. Exemptions

The provisions of this chapter shall not apply to:

- (1) a nonresident athletic trainer who does not otherwise practice in this state and who is employed by an out-of-state educational institution or a professional sports team, provided that the nonresident athletic trainer is certified by the National Athletic Trainers Association;
- (2) a person who assists or provides response care to an injured athlete and who does not attempt to assess the injury, provide follow-up treatment, or otherwise practice athletic training as defined in this chapter;
- (3) a person duly licensed under the laws of this state who is practicing within the scope of the profession for which the person is licensed; or
- (4) the practice of athletic training which is incidental to a program of study by a person enrolled in an athletic training education program approved by the director, or graduates of an approved athletic training education program pending the results of the first licensing examination scheduled by the director following graduation. Graduates shall practice under the supervision of a licensed athletic trainer and shall have an application for licensure by examination on file. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 25.)

§ 4154. Office of professional regulation

(a) The director shall:

- (1) Provide general information to applicants for licensure as athletic trainers.
- (2) Explain appeal procedures to licensed athletic trainers and applicants, and complaint procedures to the public.
- (3) Administer fees as established by law.
- (4) Receive applications for licensure, administer examinations, provide licenses to applicants qualified under this chapter, renew, revoke, and reinstate licenses as ordered by an administrative law officer.
- (5) Refer all disciplinary matters to an administrative law officer.

(b) The director may adopt rules necessary to perform his or her duties under this section. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 26.)

§ 4155. Advisor appointees

(a) The secretary of state shall appoint two athletic trainers for four-year terms to serve at the secretary's pleasure as advisors in matters relating to athletic training. One of the initial appointments may be for less than a four-year term. Appointees shall have not less than three years' experience as an athletic trainer immediately preceding appointment and shall be actively engaged in the practice of athletic training in this state during incumbency.

(b) The director shall seek the advice of the athletic trainer advisors in carrying out provisions of this chapter. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999.)

§ 4156. Eligibility

To be eligible for licensure as an athletic trainer, an applicant shall have:

(1) graduated from an athletic training program which is accredited by an agency recognized by the United States Department of Education or the Council on Post-Secondary Accreditation; and

(2) passed an examination approved by the director. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 27.)

§ 4157. Licensure without examination

The director may, upon payment of the required fee, grant licensure without examination if the applicant is licensed or certified in good standing to practice athletic training in another jurisdiction with regulatory requirements substantially equivalent to those in this state. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 28.)

§ 4157a. Temporary licensure

An applicant who is currently certified by and in good standing with the National Athletic Trainers Association Board of Certification, or who is currently licensed or certified and in good standing in another state, shall be eligible for a 60-day temporary license. Applicants under this section shall meet the requirements of section 4158 of this title. Temporary practice shall not exceed 60 days in any calendar year. (Added 1999, No. 133 (Adj. Sess.), § 32; amended 2003, No. 60, § 29.)

§ 4158. Application

A person who desires to be licensed as an athletic trainer shall apply to the director in writing, on a form furnished by the director, accompanied by payment of a fee required pursuant to section 125 of Title 3 and evidence that the applicant meets the requirements set forth in section 4156 or 4157 of this title. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 30.)

§ 4158a. Renewals

(a) Licenses shall be renewed every two years upon payment of the required fee.

(b) Biennially, the director shall forward a renewal form to each license holder. Upon receipt of the completed form and the renewal fee, the director shall issue a new license.

(c) Any application for renewal of a license which has expired shall be accompanied by the renewal fee and late fee. A person shall not be required to pay renewal fees for years during which the license was lapsed.

(d) The director may, after notice and opportunity for a hearing, revoke a person's right to renew licensure if the license has lapsed for five or more years. (Added 1999, No. 52, § 41; amended 2003, No. 60, § 31.)

§ 4159. Unprofessional conduct

(a) A licensed athletic trainer shall not engage in unprofessional conduct. When such conduct is committed by an applicant, it shall be grounds for denial of the application or other disciplinary action.

(b) Unprofessional conduct means the following conduct and conduct set forth in section 129a of Title 3:

- (1) Failing to make available to a person using athletic training services, upon that person's request, copies of documents in the possession or under the control of the practitioner, when those documents have been prepared for the user of services.
- (2) Conduct which evidences unfitness to practice athletic training.
- (3) Sexual harassment of a person using athletic training services.
- (4) Engaging in a sexual act as defined in 13 V.S.A. § 3251 with a person using athletic training services.
- (5) Any of the following except when reasonably undertaken in an emergency in order to protect life, health or property:
 - (A) Practicing or offering to practice beyond the scope permitted by law.
 - (B) Performing athletic training services which have not been authorized by the consumer or his or her legal representative.

(6) Conduct prohibited under any other laws relating to athletic training.

(c) After notice and an opportunity for hearing, and upon a finding of unprofessional conduct, an administrative law officer may take disciplinary action against a licensed athletic trainer or applicant. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 32.)

§ 4160. Coordination of practice acts

Notwithstanding any provision of law to the contrary, the practice of athletic training by a person licensed under this chapter shall not constitute unauthorized practice of any other profession regulated under this title, provided the person is acting within the scope of his or her profession as an athletic trainer and does not hold himself or herself out as a practitioner of a profession for which he or she is not licensed or certified. Nothing in this chapter shall be construed to prevent persons licensed as athletic trainers from performing patient care activities

under the supervision of licensed health care providers. (Added 1997, No. 108 (Adj. Sess.), § 1, eff. Jan. 1, 1999; amended 2003, No. 60, § 33.)