

**Code of West Virginia**  
**Article 20A Athletic Trainers**  
2010

**ARTICLE 20A. ATHLETIC TRAINERS.**

**§30-20A-1. Definitions.**

As used in this article:

- (1) "Applicant" means any person making application for an original or renewal registration to act as an athletic trainer under the provisions of this article.
- (2) "Board" means the West Virginia Board of Physical Therapy established under article twenty of this chapter.
- (3) "Registrant" means a person registered as an athletic trainer under the provisions of this article.
- (4) "Registration" means a registration issued by the board to practice athletic training.

**§30-20A-2. Title protection.**

- (a) A person may not advertise or represent himself or herself as an athletic trainer in this state and may not use the initials "AT", the words "registered athletic trainer" or "athletic trainer", or any other words, abbreviations, titles or insignia that indicates, implies or represents that he or she is an athletic trainer, unless he or she is registered by the board.
- (b) Nothing contained in this article shall be construed as preventing any person, firm, partnership or corporation from practicing athletic training, in any manner desired.
- (c) Nothing in this article may be construed to prohibit or otherwise limit the use of the term "athletic trainer" in secondary school settings by persons who were practicing athletic training under a West Virginia Board of Education Athletic Certification, provided the practice is in accordance with Board of Education policy in effect prior to July 1, 2011.

**§30-20A-3. Powers and duties of the board.**

The board has the following powers and duties:

- (1) Establish procedures for submitting, approving and denying applications for registration;
- (2) Investigate alleged violations of the provisions of this article;
- (3) Establish a fee schedule;

- (4) Issue, renew, deny, suspend, revoke or reinstate a registration;
- (5) Determine disciplinary action and issue orders;
- (6) Institute appropriate legal action for the enforcement of the provisions of this article; and
- (7) Maintain an accurate registry of the names and addresses of registrants.

**§30-20A-4. Rulemaking authority.**

The board shall propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty- nine-a of this code, to implement the provisions of this article, including:

- (1) Procedures for the issuance and renewal of a registration;
- (2) A fee schedule;
- (3) Procedures for denying, suspending, revoking, reinstating or limiting the registration of a registrant; and
- (4) Any other rules necessary to effectuate the provisions of this article.

**§30-20A-5. Requirements for registration.**

(a) To be eligible for registration by the board as an athletic trainer, an applicant shall:

- (1) Submit an application in the form prescribed by the board;
- (2) Submit a current certification from the National Athletic Trainers' Association Board of Certification or successor organization; and
- (3) Pay the required fee.

(b) The board shall issue a registration to an applicant satisfying all the requirements in subsection (a) of this section: *Provided*, That the board may deny an application for registration if the applicant:

- (1) Has been convicted of a felony or other crime involving moral turpitude;
- (2) Is an alcohol or drug abuser as these terms are defined in section eleven, article one-a, chapter twenty-seven of this code: *Provided*, That the board may take into consideration that an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in a twelve- step program or other similar group or process;

- (3) Has been convicted of fraudulent, false, misleading or deceptive advertising;
- (4) Has been convicted for wrongfully prescribing medicines or drugs, or practicing any licensed profession without legal authority;
- (5) Has had a registration or other authorization revoked, suspended, restricted or other disciplinary action taken by the proper authorities of another jurisdiction;
- (6) Is incapacitated by a physical or mental disability which is determined by a physician to render further practice by the applicant inconsistent with competency and ethic requirements; or
- (7) Has been convicted of sexual abuse or sexual misconduct.

(c) In determining whether an application should be denied for any of the reasons set forth in subsection (b), the board may consider:

- (1) How recently the conduct occurred;
- (2) The nature of the conduct and the context in which it occurred; and
- (3) Any other relevant conduct of the applicant.

(d) A registration issued by the board is valid for two years from the date it was issued.

#### **§30-20A-6. Renewal requirements.**

(a) A registrant may apply to renew his or her registration by submitting an application for renewal in the form prescribed by the board and paying the renewal fee. The renewal application must be signed by the applicant.

(b) A renewal of registration issued by the board is valid for two years from the date it was issued.

(c) The board may deny an application for renewal for any reason which would justify the denial of an original application for a registration.

#### **§30-20A-7. Due process procedures; grounds for disciplinary action.**

(a) The board may, after notice and opportunity for hearing, suspend, restrict or revoke a registration of, impose probationary conditions upon or take disciplinary action against, any registrant if the board determines the registrant:

- (1) Is grossly negligent in the practice of athletic training;

(2) Obtained a registration by fraud, misrepresentation or concealment of material facts; engaged in the practice of athletic training under a false or assumed name; or impersonated another registrant of a like or different name; or

(3) Has violated any of the provisions of subsection (b), section five of this article.

(b) For purposes of subsection (a) of this section, disciplinary action may include:

(1) Reprimand;

(2) Probation;

(3) Administrative fines;

(4) Practicing under supervision or other restriction;

(5) Requiring the registrant to report to the board for periodic interviews for a specified period of time; or

(6) Other corrective action as determined by the board.