

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3152**

5 (By Delegates Caputo, Ashley, White,  
6 Kominar and Campbell)

7  
8 [Passed March 13, 2010; in effect ninety days from passage.]

9  
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §30-20A-1, §30-20A-2,  
12 §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7, all  
13 relating to athletic trainers; providing definitions;  
14 restricting the use of certain titles; setting forth powers  
15 and duties of the board; setting forth rulemaking authority;  
16 providing for registration of athletic trainers; establishing  
17 registration criteria; establishing renewal requirements; and  
18 allowing for disciplinary actions.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended  
21 by adding thereto a new article, designated §30-20A-1, §30-20A-2,  
22 §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7, all to  
23 read as follows:

24 **ARTICLE 20A. ATHLETIC TRAINERS.**

25 **§30-20A-1. Definitions.**

1 As used in this article:

2 (1) "Applicant" means any person making application for an  
3 original or renewal registration to act as an athletic trainer  
4 under the provisions of this article.

5 (2) "Board" means the West Virginia Board of Physical Therapy  
6 established under article twenty of this chapter.

7 (3) "Registrant" means a person registered as an athletic  
8 trainer under the provisions of this article.

9 (4) "Registration" means a registration issued by the board to  
10 practice athletic training.

11 **§30-20A-2. Title protection.**

12 (a) A person may not advertise or represent himself or herself  
13 as an athletic trainer in this state and may not use the initials  
14 "AT", the words "registered athletic trainer" or "athletic  
15 trainer", or any other words, abbreviations, titles or insignia  
16 that indicates, implies or represents that he or she is an athletic  
17 trainer, unless he or she is registered by the board.

18 (b) Nothing contained in this article shall be construed as  
19 preventing any person, firm, partnership or corporation from  
20 practicing athletic training, in any manner desired.

21 (c) Nothing in this article may be construed to prohibit or  
22 otherwise limit the use of the term "athletic trainer" in secondary  
23 school settings by persons who were practicing athletic training  
24 under a West Virginia Board of Education Athletic Certification,

1 provided the practice is in accordance with Board of Education  
2 policy in effect prior to July 1, 2011.

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

4 The board has the following powers and duties:

5 (1) Establish procedures for submitting, approving and denying  
6 applications for registration;

7 (2) Investigate alleged violations of the provisions of this  
8 article;

9 (3) Establish a fee schedule;

10 (4) Issue, renew, deny, suspend, revoke or reinstate a  
11 registration;

12 (5) Determine disciplinary action and issue orders;

13 (6) Institute appropriate legal action for the enforcement of  
14 the provisions of this article; and

15 (7) Maintain an accurate registry of the names and addresses  
16 of registrants.

17 **§30-20A-4. Rulemaking authority.**

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

22 (1) Procedures for the issuance and renewal of a registration;

23 (2) A fee schedule;

24 (3) Procedures for denying, suspending, revoking, reinstating

1 or limiting the registration of a registrant; and

2 (4) Any other rules necessary to effectuate the provisions of  
3 this article.

4 **§30-20A-5. Requirements for registration.**

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

7 (1) Submit an application in the form prescribed by the board;

8 (2) Submit a current certification from the National Athletic  
9 Trainers' Association Board of Certification or successor  
10 organization; and

11 (3) Pay the required fee.

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

16 (1) Has been convicted of a felony or other crime involving  
17 moral turpitude;

18 (2) Is an alcohol or drug abuser as these terms are defined in  
19 section eleven, article one-a, chapter twenty-seven of this code:  
20 *Provided*, That the board may take into consideration that an  
21 applicant in an active recovery process, which may, in the  
22 discretion of the board, be evidenced by participation in a twelve-  
23 step program or other similar group or process;

24 (3) Has been convicted of fraudulent, false, misleading or

1 deceptive advertising;

2 (4) Has been convicted for wrongfully prescribing medicines or  
3 drugs, or practicing any licensed profession without legal  
4 authority;

5 (5) Has had a registration or other authorization revoked,  
6 suspended, restricted or other disciplinary action taken by the  
7 proper authorities of another jurisdiction;

8 (6) Is incapacitated by a physical or mental disability which  
9 is determined by a physician to render further practice by the  
10 applicant inconsistent with competency and ethic requirements; or

11 (7) Has been convicted of sexual abuse or sexual misconduct.

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

15 (1) How recently the conduct occurred;

16 (2) The nature of the conduct and the context in which it  
17 occurred; and

18 (3) Any other relevant conduct of the applicant.

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

21 **§30-20A-6. Renewal requirements.**

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

1 signed by the applicant.

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

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

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

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

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

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

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

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

21 (1) Reprimand;

22 (2) Probation;

23 (3) Administrative fines;

24 (4) Practicing under supervision or other restriction;

- 1           (5) Requiring the registrant to report to the board for
- 2 periodic interviews for a specified period of time; or
- 3           (6) Other corrective action as determined by the board.