

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 962
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, February 23, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3337S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, to read as follows:

334.702. As used in sections 334.700 to 334.725, unless the context clearly requires otherwise, the following terms mean:

(1) "Apprentice athletic trainer", a person who assists in the duties usually performed by an athletic trainer and who works under the direct supervision of a **[registered] licensed** athletic trainer;

(2) "Athlete", a person who participates in a sanctioned amateur or professional sport or recreational sport activity;

(3) "Athletic trainer", a person who meets the qualifications of section 334.708 and who, upon the direction of the team physician and/or consulting physician, practices prevention, emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes in the manner, means, and methods deemed necessary to effect care or rehabilitation, or both;

(4) "Board", the Missouri board for the healing arts;

(5) "Committee", the athletic trainers advisory committee;

(6) "Division", the division of professional registration of the department of economic

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

development.

334.704. No person shall hold himself out as an athletic trainer in this state unless he has been [registered] **licensed** as such under the provisions of sections 334.700 to 334.725.

334.706. 1. The board shall [register] **license** applicants who meet the qualifications for athletic trainers, who file for [registration] **licensure**, and who pay all fees required for this [registration] **licensure**.

2. The board shall:

(1) Prescribe application forms to be furnished to all persons seeking [registration under] **licensure pursuant to** sections 334.700 to 334.725;

(2) Prepare and conduct examinations for applicants for [registration under] **licensure pursuant to** sections 334.700 to 334.725;

(3) Prescribe the form and design of the [registration] **licensure** to be issued [under] **pursuant to** sections 334.700 to 334.725;

(4) Set the fee for examination, [registration] **licensure**, and renewal thereof;

(5) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and of all athletic trainers [registered] **licensed** in this state;

(6) Annually prepare a roster of the names and addresses of all athletic trainers [registered] **licensed** in this state, copies of which shall be made available upon request to any person paying the fee therefor;

(7) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;

(8) Appoint members of the Missouri athletic trainer advisory committee;

(9) Adopt an official seal.

3. The board may:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend, or revoke [registration] **licensure**;

(2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions of sections 334.700 to 334.725;

(3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

4. No rule or portion of a rule promulgated under the authority of sections 334.700 to 334.725 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

334.708. 1. Any person seeking [registration under] **licensure pursuant to** sections 334.700 to 334.725 must be a resident or in the process of establishing residency in this state and must meet at least one set of the following qualifications:

(1) Has met all of the National Athletic Trainers Association certification qualifications;

(2) Holds a degree in physical therapy with at least a minor in physical education or health which included a basic athletic training course and has spent at least two academic years, military duty included, working under the direct supervision of a certified athletic trainer;

(3) Can show proof acceptable to the board of experience and educational quality equal to that in subdivision (1), and can pass the examination for **[registration under] licensure pursuant to** sections 334.700 to 334.725.

2. The board shall grant, without examination, **[registration] licensure** to any qualified nonresident athletic trainer holding a license or registration in another state if such other state recognizes **[registrants] licensure** of the state of Missouri in the same manner.

334.710. 1. All applications for initial **[registration under] licensure pursuant to** sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by an initial **[registration] licensure** fee. All applications for renewal of **[registration] licensure** issued **[under] pursuant to** sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a renewal fee.

2. All fees of any kind and character authorized to be charged by the board shall be paid to the director of revenue and shall be deposited by the state treasurer into the board for the healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer **[registration] licensure** program and for the enforcement of the provisions of sections 334.700 to 334.725.

334.712. 1. Any person who meets the qualifications listed in section 334.708, submits his application and fees in accordance with section 334.710, and has not committed any act listed in section 334.715 shall be issued **[registration under] a license pursuant to** sections 334.700 to 334.725.

2. Each **[registration] license** issued **[under] pursuant to** sections 334.700 to 334.725 shall contain the name of the person to whom it was issued, the date on which it was issued and such other information as the board deems advisable. All **[registrations] licenses** issued **[under] pursuant to** sections 334.700 to 334.725 shall expire on January thirtieth of each year.

334.715. 1. The board may refuse to **[register] license** any applicant or may suspend, revoke, or refuse to renew the **[registration] license** of any **[registrant] licensee** for any one or any combination of the causes provided in section 334.100, or if the applicant or **[registrant] licensee**:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic Trainers Association or the National Athletic Trainers Association Board of Certification as adopted and published by the committee and the board and filed

with the secretary of state.

2. Upon receipt of a written application made in the form and manner prescribed by the board, the board may reinstate any [registration] **license** which has expired, been suspended or been revoked or may issue any [registration] **license** which has been denied; provided, that no application for reinstatement or issuance of [registration] **license** shall be considered until at least six months have elapsed from the date of denial, expiration, suspension, or revocation when the [registration] **license** to be reinstated or issued was denied issuance or renewal or was suspended or revoked for one of the causes listed in subsection 1 of this section.

334.717. 1. There is hereby created the "Missouri Athletic Trainer Advisory Committee", to be composed of five members to be appointed by the board.

2. The athletic trainer advisory committee shall:

(1) Assist the board in conducting examinations for applicants of athletic trainer [registration] **licensure**;

(2) Advise the board on all matters pertaining to the [registration] **licensure** of athletic trainers;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 334.700 to 334.725 or regulations promulgated pursuant thereto and make recommendations to the board for action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties.

3. Each athletic trainer advisory committee member shall:

(1) Be a citizen of the United States and a resident of the state of Missouri for five years next preceding appointment; and

(2) Be comprised of three [registered] **licensed** athletic trainers except for initial appointees; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The board shall designate one member for a term expiring in 1984, one member for a term expiring in 1985, one member for a term expiring in 1986, one member for a term expiring in 1987, and one member for a term expiring in 1988. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.