

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 670

AN ACT

To repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, and 334.725, RSMo, and to enact in lieu thereof twelve new sections relating to professional registration for the healing arts, with penalty provisions.

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334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, and 334.725, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 334.702, 334.703, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.721, 334.725, and 334.726, 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) "Athlete", [a person who participates in a sanctioned amateur or professional sport or recreational sport activity] any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina;

(2) "Athletic trainer", a [person] health care professional who meets the qualifications of section 334.708 and who, upon the direction of [the team physician and/or] a consulting physician[, practices prevention] licensed under this chapter, promotes

health and wellness, provides injury and illness prevention, clinical evaluation and assessment, emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes, and oversees return to performance activity for athletes in the manner, means, and methods deemed necessary to effect care [or], rehabilitation, [or both] or function, and that are congruent with the athletic trainer's education, training, and competence. An athletic trainer shall only bill third party payers for services within the scope of practice of a licensed athletic trainer;

(3) "Athletic training student", a person enrolled in a professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education, or its successor agency;

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

[(4)] (5) "Committee", the Missouri athletic [trainers] trainer advisory committee;

[(5)] (6) "Division", the division of professional registration within the department of commerce and insurance;

[(6) "Student athletic trainer", a person who assists in the duties usually performed by a licensed athletic trainer and who works under the direct supervision of a licensed athletic trainer.]

(7) "Physically active individual", any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

334.703. 1. An athletic trainer shall refer any individual

whose medical condition is beyond the scope of the athletic trainer's education, training, and competence to a physician as defined in chapter 334.400.

2. If there is no improvement in an individual who has sustained an athletic injury within twenty-one days of initiation of treatment, or ten visits, the athletic trainer shall refer the individual to a physician as defined in section 334.400.

3. Nothing in this section shall be construed as to limit the ability of athletic trainers to provide health care services in accordance with the provisions of this chapter.

334.704. No person shall hold himself or herself out as an athletic trainer [in this state], or to be practicing athletic training, by title or description, including the words athletic trainer (AT), licensed athletic trainer (LAT), athletic therapist, or certified athletic trainer (ATC), unless such person has been licensed as such under the provisions of sections 334.700 to 334.725.

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

(1) The board may issue a temporary license to any person who is licensed as an athletic trainer in any other state or territory of the United States, who has attested that no professional license issued to him or her has ever been disciplined and who meets any other requirements established by the board.

(2) A temporary license shall be valid for six months from the date of issuance or until a permanent license is issued or

denied and shall not be renewed.

(3) A temporary license may be denied pursuant to the causes and procedures set forth in section 334.715.

2. The board shall:

(1) Prescribe application forms to be furnished to all persons seeking licensure pursuant to sections 334.700 to 334.725;

(2) Prescribe the form and design of the licensure to be issued pursuant to sections 334.700 to 334.725;

(3) Set the fee for licensure and renewal thereof;

(4) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and of all athletic trainers licensed in this state;

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

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

~~(7)]~~ Appoint members of the Missouri athletic trainer advisory committee[;

(8) 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] a license or licensure, or to discipline a license;

(2) Promulgate rules pursuant to chapter 536 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.

334.708. [1.] Any person seeking licensure pursuant to sections 334.700 to 334.725 after August 28, 2006, [must be a resident or in the process of establishing residency in this state and] shall have passed the [National Athletic Trainers Association] Board of Certification, Inc., or its successor agency, examination.

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

334.710. 1. All applications for initial 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 licensure fee. All applications for renewal of licensure issued 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 licensure program and for the enforcement of the provisions of sections 334.700 to 334.725] collected and deposited pursuant to section 334.050.

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

2. Each license issued 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 licenses issued pursuant to sections 334.700 to 334.725 shall expire on [January thirtieth of each year] a schedule established by rule.

334.715. 1. The board may refuse to issue or renew any license required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall

contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(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, Inc., or its successor agency, as adopted and published by the committee and the board

and filed with the secretary of state; or

(3) Has practiced in the state of Missouri while no longer certified as an athletic trainer by the Board of Certification, Inc., or its successor agency; or

(4) Any cause listed in section 334.100.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct; or

(7) Restrict or limit the person's license for an indefinite period of time; or

(8) Revoke the person's license.

4. In any order of revocation, the board may provide that

the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.

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

2. The athletic trainer advisory committee shall:

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

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

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 334.100, 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]~~ The athletic trainer advisory committee ~~[member]~~ shall be comprised as such:

(1) Each member shall be a citizen of the United States and a resident of the state of Missouri for five years ~~[next]~~

immediately preceding appointment and remain a resident of the state of Missouri throughout the term; and

(2) [Be comprised of] Three members shall be 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; and

(5) One member shall be a member of the board.

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.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

(1) Physicians and surgeons licensed by the state board of registration for the healing arts pursuant to this chapter;

(2) [Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;

(3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in

section 336.010;

(4)] Nurses licensed by the state board of nursing who confine their practice strictly to nursing as defined in section 335.016;

[(5)] (3) Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in section 331.010;

[(6)] (4) Podiatrists licensed by the [state board of chiropody or podiatry] state board of podiatric medicine who confine their practice strictly to that of a podiatrist, as defined in section 330.010;

[(7)] (5) Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in section 334.500;

[(8)] Coaches and physical education instructors in the performance of their duties;

(9)] (6) Athletic training students who confine themselves strictly to their duties as defined in sections 334.700 to 334.725;

[(10)] (7) Athletic trainers, holding a valid credential from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' [stay] visit, not to exceed thirty days in one calendar year, in this state.

334.725. Any person who violates any provision of sections

334.700 to 334.725 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a class [C] B misdemeanor.

334.726. Any new amendments to sections 334.701 to 334.726, shall become effective thirty days after the effective date of such act.

[334.719. Any person who is a resident of this state and who was actively engaged as an athletic trainer on September 28, 1983, shall be entitled to continue to practice as such but, within six months of that date, comply with the provisions of section 334.708 to 334.715. For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, a professional athletic organization, or any other bona fide athletic organization for the duration of the institutional year or the athletic organization's season, and one of his job responsibilities requires him to perform the duties of an athletic trainer.]