

HB 3152

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WEST VIRGINIA  
LEGISLATURE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3152**

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



Passed March 13, 2010

In Effect Ninety Days From Passage

**E N R O L L E D**

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COMMITTEE SUBSTITUTE

OFFICE OF THE CLERK  
SECRETARY OF STATE

FOR

**H. B. 3152**

(BY DELEGATES CAPUTO, ASHLEY, WHITE,  
KOMINAR AND CAMPBELL)

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

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

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

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

**ARTICLE 20A. ATHLETIC TRAINERS.**

**§30-20A-1. Definitions.**

1 As used in this article:

2 (1) "Applicant" means any person making application for  
3 an 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  
6 Therapy 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  
10 board to practice athletic training.

**§30-20A-2. Title protection.**

1 (a) A person may not advertise or represent himself or  
2 herself as an athletic trainer in this state and may not use the  
3 initials "AT", the words "registered athletic trainer" or  
4 "athletic trainer", or any other words, abbreviations, titles or  
5 insignia that indicates, implies or represents that he or she is  
6 an athletic trainer, unless he or she is registered by the board.

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

10 (c) Nothing in this article may be construed to prohibit or  
11 otherwise limit the use of the term "athletic trainer" in  
12 secondary school settings by persons who were practicing  
13 athletic training under a West Virginia Board of Education  
14 Athletic Certification, provided the practice is in accordance  
15 with Board of Education policy in effect prior to July 1, 2011.

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

1 The board has the following powers and duties:

2 (1) Establish procedures for submitting, approving and  
3 denying applications for registration;

4 (2) Investigate alleged violations of the provisions of this  
5 article;

6 (3) Establish a fee schedule;

7 (4) Issue, renew, deny, suspend, revoke or reinstate a  
8 registration;

9 (5) Determine disciplinary action and issue orders;

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

12 (7) Maintain an accurate registry of the names and  
13 addresses of registrants.

**§30-20A-4. Rulemaking authority.**

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

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

7 (2) A fee schedule;

8 (3) Procedures for denying, suspending, revoking,  
9 reinstating or limiting the registration of a registrant; and

10 (4) Any other rules necessary to effectuate the provisions  
11 of this article.

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

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

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

5 (2) Submit a current certification from the National  
6 Athletic Trainers' Association Board of Certification or  
7 successor organization; and

8 (3) Pay the required fee.

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

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

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

21 (3) Has been convicted of fraudulent, false, misleading or  
22 deceptive advertising;

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

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

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

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

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

38 (1) How recently the conduct occurred;

39 (2) The nature of the conduct and the context in which it  
40 occurred; and

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

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

**§30-20A-6. Renewal requirements.**

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

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

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

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

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

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

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

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

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

15 (1) Reprimand;

16 (2) Probation;

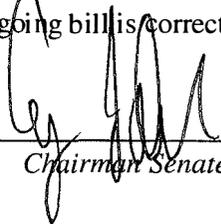
17 (3) Administrative fines;

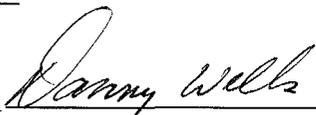
18 (4) Practicing under supervision or other restriction;

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

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

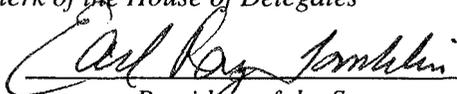
  
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Chairman House Committee

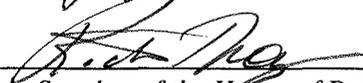
Originating in the House.

In effect ninety days from passage.

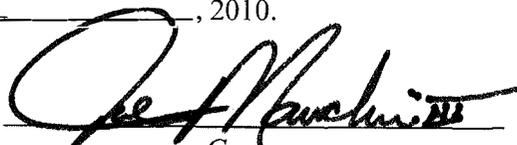
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 31<sup>st</sup>  
day of March, 2010.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 30 2010

Time 10:30am