§16-5-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements on licensure for Athletic Trainers.


1.3. Filing Date. -- April 1, 2020.

1.4. Effective Date. -- April 1, 2020.

1.5. Sunset Provision – This rule shall terminate and have no further force or effect on April 1, 2030.

§16-5-2. Definitions.

The following words and phrases as used in these rules shall have the following meanings, unless the context otherwise requires:

2.1. “Applicant” means any person making application for an original or renewal license or a temporary permit to act as an athletic trainer under the provisions of the W. Va. Code §30-20A-1, et. seq.

2.2. “Athletic injury or condition” means any injury or condition sustained by an individual that occurs during, or as a result of, the individual’s participation in organized athletic or recreational athletic activity that requires physical strength, agility, flexibility, speed, stamina, or range of motion or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition.

2.3. “Athletic Trainer” is an individual engaged in the practice of athletic training who holds a license under the provisions of the W. Va. Code §30-20A-1, et. seq.

2.4. “Athletic training” and “the practice of athletic training” means the care and services provided by a licensed athletic trainer as described under the provisions of the W. Va. Code §30-20A-1, et. seq.

2.5. “Board” means the West Virginia Board of Physical Therapy established under W. Va. Code §30-20-1 et. seq.

2.6. “Consulting” means that an athletic trainer renders an opinion or advice to another athletic trainer or health care provider through telecommunication or other means or electronic communication.

2.7. “Direct supervision” means the licensed athletic trainer must be physically present and be able to intervene on behalf of the athletic training student, permittee, and patient when the athletic training student is providing athletic training services.

2.8. “General supervision” means referral by prescription to treat conditions for an athletic injury or
condition from a licensed doctor of medicine, doctor of osteopathy, doctor of chiropractic, podiatrist or physical therapist except that the physical presence of the licensed doctor of medicine, doctor of osteopathy, doctor of chiropractic, podiatrist or physical therapist is not required if the supervising licensed doctor of medicine, doctor of osteopathy, doctor of chiropractic, podiatrist or physical therapist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or other electronic means.

2.9. “License” means an athletic trainer license or license to act as an athletic trainer issued by the Board under the provisions of the W. Va. Code §30-20A-1, et. seq.


2.13. “Student” means an individual that’s enrolled in an accredited athletic training program.


2.15. “Unreversed” as that term refers to a criminal conviction, means that a conviction has not been set aside, vacated, pardoned, or expunged.

§16-5-3. Applications.

3.1. The applicant must complete the application form provided by the Board and supply the following:

3.1.1. Personal information;

3.1.2. Proof of current certification by a National Certifying Board approved by the West Virginia Board of Physical Therapy;

3.1.3. Verification of Licensure, Certification, or Registration from other jurisdictions that regulate the practice of athletic training in their jurisdictions;

3.1.4. Written responses to questions regarding criminal offenses;

3.1.5. Written responses to questions regarding child support obligations;

3.1.6. Name and address of prospective employer in West Virginia if known;

3.1.7. Photo Identification;

3.1.8. Applicable fee(s);

3.1.9. Educational information;

3.1.10. History of previous work experience, if applicable; and
3.1.11. Complete a criminal background check as required by W. Va. Code §30-1D-1.

§16-5-4. Scores.

4.1. The applicant must take a board approved national certifying examination and obtain a passing score as determined by the Board.

§16-5-5. Issuance, Renewal or Reinstatement of License.

5.1. The Board reserves the right to evaluate the applicant according to the testing, licensure, and procedural requirements as initiated by the agency responsible for the ownership and development of the national exam.

5.2. Licenses expiring on June 30th of each particular year must be renewed by payment of applicable fee along with completed renewal application.

5.3. A license not renewed without specific request to place it in “inactive” status will automatically be placed on delinquent status.

5.4. Delinquent licensee is responsible for penalty fees including but not limited to; application fee, delinquent license fee, and the current year renewal fee. A licensee must also complete and show proof of board approved continuing education requirements.

5.5. To reinstate an “inactive” license, the licensee must submit an application for renewal along with a non-refundable application fee and license renewal fee.

5.6. Any change in personal contact and employer/supervisor information must be submitted in writing to the Board as changes occur.

§16-5-6. Criminal History Record Check.

6.1. Beginning July 1, 2020, and in addition to all of the requirements for licensure, all applicants for an initial license to practice as an athletic trainer in West Virginia shall submit to a state and a national history record check and authorize this information to be released to the Board.

6.2. The purpose of the criminal history record check is to assist the Board in obtaining information that may relate to the applicant’s fitness for licensure.

6.3. In addition to the State Police, the Board may contract with and designate a company specializing in the services required by this section instead of requiring the applicant to apply directly to the West Virginia State Police or similar out-of-state agency for the criminal history records checks. Provided, that any such company must utilize protocols consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact.

6.4. The applicant shall furnish to the State Police, or other organization duly designated by the Board, a full set of fingerprints and any additional information required to complete the criminal history record check.
6.5. The applicant is responsible for any fees required by the State Police, or other organization duly designated by the Board, for the actual cost of the fingerprinting and the actual costs of conducting a complete criminal history record check.

6.6. The Board may require the applicant to obtain a criminal history records check from a similar board approved agency or organization in the state of the applicant’s residence, if outside of West Virginia.

6.7. The applicant shall authorize the release of all records, not sealed, obtained by the criminal history record check to the Board.

6.8. A criminal history record check submitted in support of an application for licensure must have been requested by the applicant no earlier than twelve (12) months immediately prior to the Board’s receipt of the applicant’s application for licensure.

6.9. An initial licensure application is not complete until the Board receives the results of a state and a national criminal history record check conducted by the State Police or another entity duly authorized by the Board. The Board shall not grant an application for licensure submitted by any applicant who fails or refuses to submit the criminal history record check required by this section.

6.10. Criminal history record checks shall be verified by a source acceptable to the Board, other than the applicant.

6.11. The results of the state and national criminal history record check may not be released to or by a private entity except:

   6.11.1. To the individual who is the subject of the criminal history record check;

   6.11.2. With the written authorization of the individual who is the subject of the criminal history record check; or

   6.11.3. Pursuant to a court order.


6.13. The Board may not disqualify an applicant from initial licensure pursuant to WV Code §30-1-24.

6.14. If an applicant is disqualified for licensure because of a criminal conviction that remains unreversed, the Board shall afford the applicant the opportunity to reapply for licensure after the expiration of five years from the date of the conviction or date of release from the penalty that was imposed, whichever is later, if the individual has not been convicted of any other crime during that period of time: Provided, The convictions for violent or sexual offences or offenses shall subject an individual to a longer period of disqualification, to be determined by the Board.

6.15. An individual with a criminal record who has not previously applied for licensure, certification, or registration may petition the Board at any time for a determination of whether the individual’s criminal record will disqualify the individual from obtaining a license or other authorization to practice. This petition shall include sufficient details about the individual’s criminal record to enable the Board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Board shall inform the individual of his or her standing within 60
days of receiving the petition from the applicant. The Board may charge a fee established by rule to recoup its costs for each petition.

§16-5-7. Temporary Permit for Athletic Trainers

7.1. An individual possessing a temporary permit issued by the Board to practice athletic training or act as an athletic trainer in the state of West Virginia shall practice under the direct supervision of a licensed athletic trainer. All progress notes written by the athletic trainer with a temporary permit shall be cosigned by an athletic trainer supervisor within 24 hours.

7.2. A temporary permit may be issued only to individuals who have met the eligibility criteria set forth in W. Va. Code §30-20A-4, and §30-20A-7, and who have submitted proper application and identification as determined by the Board:

7.2.1. Pending examinations, to any athletic training applicant who is a new graduate of a program approved by the Commission on Accreditation of Athletic Training Education (CAATE).

7.2.2. To a person who possesses an unencumbered credential in another jurisdiction and provides satisfactory evidence that the applicant’s education is substantially equivalent to the educational requirements for athletic trainers under the provisions of this article.

7.3. The temporary permit is valid only for a period of 90 consecutive days and the permit shall not be renewed.

§16-5-8. Scope of Practice for Athletic Trainers.

8.1. An athletic trainer may perform the following:

8.1.1. The practice of athletic training is defined as the application of principles, methods, and procedures for managing athletic injuries or conditions, which shall include the prevention, emergency care, clinical examination and assessment, therapeutic intervention, and treatment of athletic injuries or conditions through the use of appropriate preventative and support devices, and within the professional preparation and education of a licensed athletic trainer subject to the general supervision. Athletic training includes recognizing illness and referring to the appropriate health care professional and implementation of treatment pursuant to the orders of those professions listed under general supervision. Athletic training also includes instruction to coaches, athletes, parents, medical personnel, and communities in the area of care and prevention of athletic injuries or conditions.

8.1.2. Engage in administration, consultation, and research.

8.2. A licensee shall adhere to the standards of ethical practice as defined by the Board and practice in a manner that is moral and honorable.

8.3. A licensee shall not cheat or assist others in conspiring to cheat on the Board approved national certifying examination.

8.4. A licensee shall not falsify, alter, or destroy patient/client records, medical records, or billing records without authorization. The licensee shall maintain accurate patient and/or billing records.

8.5. A licensee shall not practice athletic training while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability.
8.6. A licensee shall adhere to the minimal standard of acceptable prevailing practice. Failure to adhere to the minimal standards of practice, whether or not actual injury to a patient occurred, includes, but is not limited to:

8.6.1. Failing to assess and evaluate a patient’s status;

8.6.2. Performing or attempting to perform techniques, procedures, or both in which the licensee is untrained by education or experience;

8.6.3. Delegating athletic training functions or responsibilities to an individual lacking the ability or knowledge to perform the functions or responsibility in question;

8.6.4. Causing, or permitting another person to cause, physical or emotional injury to the patient, or depriving the patient of the individual’s dignity;

8.6.5. Providing treatment interventions that are not warranted by the patient’s condition or continuing treatment beyond the point of reasonable benefit to the patient with the intent to defraud;

8.6.6. Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession;

8.6.7. Abandoning the patient by inappropriately terminating the patient practitioner relationship by the licensee;

8.6.8. Documenting or billing for services not actually provided; or documenting or billing services with the intent to defraud;

8.6.9. A licensee shall not maliciously cause harm to another licensee;

8.7. The scope of practice in this section does not include the practice of physical therapy, the practice of occupational therapy, the practice of medicine, the practice of osteopathic medicine, surgery, the practice of chiropractic, or the management of systemic medical or neurological conditions or diseases of body systems that are not within the professional preparation and education of a licensed athletic trainer.

8.8. A licensee must report to the Board any discipline received in another jurisdiction within 30 days of that discipline. The Board reserves the right to discipline up to and including revocation of a license until disciplinary process in the other jurisdiction is completed. If the licensee fails to report discipline in another jurisdiction, they are subject to disciplinary procedures in our jurisdiction determined by the Board.

§16-5-9. Athletic Training student and/or permittee.

9.1. In all practice settings, the following are required:

9.1.1. No more than four athletic training students and or athletic trainers holding a temporary permit, or any combination thereof, can be supervised by a licensed athletic trainer at any one time.

9.2. Supervision requirements of athletic training student(s) and/or permittee(s) are as follows:

9.2.1. Athletic training students must practice under direct supervision of a licensed athletic trainer. Healthcare skills or techniques not specific to athletic training may be supervised by a licensed
athletic trainer, or board approved licensed doctor of medicine, doctor of osteopathy, doctor of chiropractic, podiatrist, or physical therapist.

9.2.2. Athletic training permitte(s) must practice under the direct supervision of a licensed athletic trainer.

9.3. A student athletic trainer may not use the title “student athletic trainer” or the abbreviation “SAT” unless the student is enrolled in an approved athletic trainer program.

§16-5-10. Licensing Individuals outside the United States.

10.1. An applicant for an athletic training license who was educated outside the United States shall meet the following criteria in order to be eligible for licensure by the Board:

10.1.1. Credentials:

10.1.1.a. The foreign-educated applicant shall present a certificate issued by a board approved prescreening certification agency.

10.1.2. Education:

10.1.2.a. The applicant shall be an athletic training graduate of a foreign institution of higher learning with at least the equivalent of a bachelor’s degree in athletic training as determined by the Board.

10.1.2.b. Equivalent education shall be reported to the Board through a board approved credentialing agency.

10.1.2.c. Applicant shall complete additional requirements of the Board.

10.1.3. English Proficiency:

10.1.3.a. Unless the native language is English, the applicant shall demonstrate proficiency in English by passing a board approved test with passing scores as determined by the Board.

§16-5-11. Continuing Education.

11.1. A “unit” is one clock hour spent in a continuing education activity unless otherwise defined in this section.

11.2. All licensees desiring to remain “active” and in good standing must complete 50 units of board approved continuing education within the two-year licensing period. If the licensee does not complete the 50 units of board approved continuing education within the licensing period, that license will be placed on delinquent/lapsed status and will be subject to all fees associated with delinquent/lapsed status.

11.2.1. Accumulated CEU’s may not be carried over from one renewal period to another.

11.2.2. A new graduate does not need continuing education hours for the current year of graduation.

11.3. Completion of examinations, residencies, fellowships, tools, and courses for continuing education credit.
11.3.1. Providing clinical instruction to an athletic training student(s) enrolled in a board approved athletic training program can qualify for up to a maximum of 10 units per licensing period.

11.3.2. Continuing education courses are subject to board approval.

11.3.2.a. One unit per hour of class instruction time will be awarded for board approved continuing education courses in the year the course is taken.

11.3.3. One unit per hour of class instruction time shall be awarded and automatically approved for Board of Certification (BOC), National Athletic Trainers Association (NATA) or West Virginia Athletic Trainers Association sponsored continuing education courses in the year the course is taken.

11.4. The Board may grant a waiver of the continuing education requirements in the case of illness, disability or undue hardship.

11.4.1. A request for a waiver form must be completed in full. In the case of illness or disability, a physician’s statement is required.

11.4.2. All completed forms must be received by the Board for consideration no later than the first day of April of the year preceding the renewal date.

11.4.3. A waiver may be granted for any period of time not to exceed one renewal cycle.

11.4.4. In the event that the illness, disability or hardship continues to the next renewal cycle, then a new waiver request is required.

11.4.5. Should a waiver be granted due to disability or illness, the Board may require the individual to provide appropriate documentation from a physician or another qualified and appropriate practitioner to verify the individual’s competency and ability to practice athletic training in the state of West Virginia prior to the return to active practice of athletic training in West Virginia.

11.5. The Board reserves the right to conduct randomized continuing education audits.
§16-6-1. General.

1.1. Scope. -- This legislative rule describes and defines requirements for licensure as well as nature of practice for Athletic Trainers and support personnel.


1.3. Filing Date. -- April 1, 2020.

1.4. Effective Date. -- April 1, 2020.

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect on April 1, 2030.

§16-6-2. Fees.

2.1. The West Virginia Board of Physical Therapy is an autonomous State Licensing Board Agency and receives no monies from the State’s general revenue fund; nor does it receive any Federal money. All money necessary to efficiently staff and equip a public office must be generated by services performed by the Board in behalf of its licensees or other interested parties.


- 2.2.1. Athletic Trainer Application $25
- 2.2.2. Athletic Trainers License $180
- 2.2.3. Biennial Renewal $80
- 2.2.4. License Verification
  - 2.2.4.a. Office generated $25
  - 2.2.4.b. Online No Charge
- 2.2.5. Duplicate Wall Certificate $15
- 2.2.6. Name Change Requiring New Card/License (Outside of Renewal Season) $5
- 2.2.7. Athletic Trainer Temporary Permit $30
- 2.2.8. Duplicate wallet card/license $5
- 2.2.9. Continuing Education Course Review
2.2.9.a. Provider $50

2.2.9.b. Individual licensee review $15

2.2.10. All fees not paid by the due date shall be assessed a penalty to be determined by the Board not to exceed 25% of the original fee required.
§16.7-1. General.

1.1. Scope. -- This procedural rule describes and defines requirements on registration for Athletic Trainers.


1.3. Filing Date. -- August 12, 2010

1.4. Effective Date. -- September 11, 2010

§16-7-2. Definitions.

The following words and phrases as used in these rules shall have the following meanings, unless the context otherwise requires:

2.1 “Applicant” means any person making application for an original or renewal registration to act as an athletic trainer under the provisions of this article.

2.2 “Board” means the West Virginia Board of Physical Therapy established under article twenty of this chapter.

2.3 “Registrant” means a person registered as an athletic trainer under the provisions of this article.

2.4 “Registration” means a registration issued by the board to practice athletic training.

§16-7-3. Conferences; Informal Disposition of Cases.

3.1. At any time prior to the hearing or thereafter, the Board, or its designee may hold conferences for the following purposes:

3.1.1. To dispose of procedural requests, prehearing motions or similar matters;

3.1.2. To simplify or settle issues by consent of the parties; or,

3.1.3. To provide for the informal disposition of cases by stipulation or agreement.

3.2. The Board may require such conferences to be held on its own motion or by the request of a party.

3.3. The Board may also initiate or consider stipulation or agreement proposals with regard to the informal disposition of cases and may enter into stipulations and/or agreements without conference.
§16-7-4. Depositions.

4.1. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this State.

§16-7-5. Hearing Procedure.

5.1. Any applicant denied a registration or any Registrant who has had their registration suspended by the Board who believes that such action was in violation of W. Va. Code §30-20A-1, et. seq. will be entitled to a hearing on the action denying or suspending lacking such registration.

5.2. Any person who desires a hearing for the reason described in subsection 5.1. of this section must present a written demand for a hearing to the Board.

5.3. The Board may require the person demanding the hearing to give security for the costs of the hearing and if the demanding party does not substantially prevail, such costs may be assessed against them and may be collected in a civil action or by other proper remedy.

5.4. When the Chair of the Board or his/her authorized designee is presented with a demand for a hearing, he or she will schedule a hearing within sixty (60) days of receipt of the written demand. The hearing may be postponed to a later date by mutual agreement.

5.5. Charges may be instituted against any Registrant by the Board when probable cause exists for believing that the Registrant may have engaged in conduct, practices, or acts for which his or her registration should be suspended, revoked or otherwise disciplined for one or more of the grounds as set forth in W.Va. Code §30-20A-5. et seq. or §30-20A-7. Charges may be based upon information received by way of a written complaint filed with the Board; and/or any information gathered by the Board in the process of investigating a complaint. Charges may also be based upon information received solely through investigative activities undertaken by the Board.

5.6. Allegations instituted against a Registrant must be set forth in a Complaint and Notice of Hearing by the Board as the Agency of the State regulating the practice of Physical Therapy. The Complaint and Notice of Hearing must designate the Board as the “Complainant” and will designate the Registrant involved in the proceeding as the “Respondent”; The Complaint and Hearing Notice must state the substance of each offense with sufficient details in order to reasonably apprise the Respondent of the nature, date and place of the conduct or condition complained of therein. It must also state the date, time and place for the hearing.

5.7. Upon receipt of a demand for a hearing described in subsections 5.1. and 5.2. of this section, the Chair or his or her designee will provide the demanding party, with a Complaint and Notice of Hearing issued in the name of the Board as the Agency of the State regulating the practice of Physical Therapy. Such Complaint and Notice of Hearing shall designate the demanding party as the “Complainant” and will designate the Board as the “Respondent”; will set out the substance of each and every reason that the Board has denied the demanding party a registration with sufficient particularity to reasonably apprise the demanding party of the nature, date and place of the conduct or condition at issue therein. It must also state the date, time and place for the hearing.

5.8. A Complaint and Notice of Hearing must be served upon the demanding or charged party at least thirty (30) days prior to the date of the hearing.
5.9. Hearings shall be conducted as follows:

5.9.1. Any party to a hearing has the right to be represented by an attorney-at-law, duly qualified to practice law in the State of West Virginia.

5.9.2. The Board will be represented by the West Virginia Attorney General’s Office.

5.9.3. Irrelevant, immaterial, or unduly repetitious evidence will be excluded from the hearing. Furthermore, the rules of evidence as applied in civil cases in the circuit courts of this State shall be followed. However, when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

5.9.4. The rules of privilege recognized by the law of this State shall be followed.

5.9.5. Objections to evidentiary offers will be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.

5.9.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Board and, when appropriate, may cross-examine witnesses called by the Board in support of the charges or in defense of its decision to deny registration.

5.9.7. The hearing will be held at such time and place designated by the Board, but no hearing will be conducted unless at least thirty (30) days written notice of the hearing has been served upon the charged or demanding party and/or his or her attorney in person; or if he or she cannot be found, by delivering such notice to his or her usual place of abode and giving information of its purport, to his wife or her husband, or to any other person found there who is a member of his or her family and above the age of sixteen (16) years; or if neither his wife or her husband nor any such person can be found there, and he or she cannot be found, by leaving such notice posted at the front door of such place of abode; or if he or she does not reside in this State, such notice may be served by publication thereof once a week for three successive weeks in a newspaper published in this State; or such notice may be served by registered or certified mail.

5.9.8. Members of the Board and its officers, agents and employees are competent to testify at the hearing as to material and relevant matters: provided, that no member of the Board who testifies at such hearing shall thereafter participate in the deliberations or decisions of the Board with respect to the case in which he testified.

5.9.9. The hearing will be conducted by a quorum of the Board.

5.9.10. A record of the hearing, including the complaint(s), and if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, will be made and a transcript thereof maintained in the Board’s files. Upon request, a copy of the transcript will be furnished to any party at his or her expense.

5.9.11. Any documentary evidence resulting from an investigation or sworn statements may be received in the form of copies or excerpts of by incorporation by reference.
5.9.12. The Board after charges have been brought against a Registrant has the burden of proof in substantiating the charges and must present its evidence and/or testimony in support of the charges first.

5.9.13. Where a hearing is held upon demand under the provisions of subsections 5.1., 5.2., 5.3., and 5.7. of this action, the demanding party has the burden of proof and will, therefore, be required to present his or her evidence first.

5.9.14. Following the conclusion of the Board’s presentation of evidence, the Respondent or charged party has the right to submit his or her evidence in defense.

5.9.15. Following the conclusion of the demanding party’s presentation of evidence in accordance with subsection 5.9.13. of this section, the Board has the right to offer its evidence in rebuttal.

5.9.16. The Board may call witnesses to testify in support of its decision to deny registration or in support of the charges instituted against a Registrant; may present such other evidence to support its position; and, may cross-examine witnesses called by the demanding party or charged party in support of his or her position.

5.9.17. All parties have the right to offer opening and closing arguments, not to exceed ten (10) minutes for each presentation, unless otherwise lengthened by the Board.

5.9.18. Hearings held by the Board as a result of charges instituted against a Registrant may be continued or adjourned to a later date or different place by the Board or its designee by appropriate notice to all parties.

5.9.19. Motions for a continuance of a hearing may be granted upon a showing of good cause. Motions for continuance must be in writing and received in the office of the Board no later than seven (7) days before the hearing date. In determining whether good cause exists, consideration will be given to the ability of the party requesting the continuance to proceed effectively without a continuance. A motion or a continuance filed less than seven (7) days from the hearing date may be denied unless the reason for the motion could not have been ascertained earlier. Motions for continuance filed prior the date of the hearing will be ruled on by the Chair or Executive Secretary/Administrator of the Board. All other motions for continuance will be ruled on by the Board member(s) or the member presiding over the hearing.

5.9.20. All motions related to a case set for hearing before the Board, except motions for continuance and those made during the hearing, must be in writing and received in the office of the Board at least ten (10) days before the hearing. Prehearing motions will be heard at a prehearing conference or at the hearing prior to the commencement of testimony. The Board member(s) presiding at the hearing will hear the motions and responses from the non-moving party and rule on the motions.

§16-7-6. Transcription of Testimony and Evidence.

6.1. All testimony, evidence, arguments and rulings on the admissibility of testimony and evidence will be reported by stenographic notes and characters or by mechanical means.

6.2. All reported materials will be transcribed. The Board has the responsibility to make arrangements for the transcription of the reported testimony and evidence.
6.3. Upon the motion of the Board or any party assigning error or omission in any part of any transcript, the Board Chair or presiding member will settle all differences arising as to whether the transcript truly discloses what occurred at the hearing and will require that the transcript be corrected and/or revised as appropriate so as to make it conform to the truth.

§16-7-7. Submission of Proposed Findings of fact and Conclusions of Law.

7.1. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Board.

§16-7-8. Orders.

8.1. Any final order entered by the Board following a hearing conducted pursuant to this rule will be made pursuant to the provisions of W. Va. Code §29A-5-3. All final orders must be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and must contain findings of fact and conclusions of law.

8.2. The findings of fact and conclusions of law must be approved by a majority of the Board by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Board must be served upon the demanding or charged party and/or his or her attorney of record, if any, within ten (10) days after entry by the Board by personal service or by registered or certified mail.

§16-7-9. Appeal.

9.1. An appeal from any final order entered in accordance with this rule will comply with the 29A-6-1. et seq.
§16-8-1. General.

1.1. Scope. -- This rule specifies a procedure for the investigation and resolution of complaints against Registered Athletic Trainers.


1.3. Filing Date. -- August 12, 2010

1.4. Effective Date. -- September 11, 2010

§16-8-2. Application.

2.1 This rule applies to all registered Athletic Trainers.

§16-8-3. Definitions.

The following words and phrases as used in these rules shall have the following meanings, unless the context otherwise requires:

3.1 “Applicant” means any person making application for an original or renewal registration to act as an athletic trainer under the provisions of this article.

3.2 “Board” means the West Virginia Board of Physical Therapy established under article twenty of this chapter.

3.3 “Registrant” means a person registered as an athletic trainer under the provisions of this article.

3.4 “Registration” means a registration issued by the board to practice athletic training.

§16-8-4. Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Registration of Athletic Trainers.

The Board may deny an application for registration, place a Registrant on probation, limit or restrict a Registrant, suspend a Registrant or revoke any registration issued by the Board, upon satisfactory proof that a Registrant has been convicted of a felony or is, in his or her professional capacity, engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of W. Va. Code §§30-20A-1 et seq.
§16-8-5. Disposition of Complaints.

5.1. Any person, firm, corporation, member of the Board, or public officer may make a complaint to the Board which charges a Registrant or Applicant with a violation of W. Va. Code §30-20A-1 et seq. The Board may provide a form for that purpose, but a complaint may be filed in any written form. In addition to describing the alleged violation which prompted the complaint, the complaint must contain the following:

5.1.1. The name and address of the Registrant or Applicant against whom the complaint is lodged;

5.1.2. The date of care;

5.1.3. The name of any person who may have treated the patient after the alleged incident; and,

5.1.4. The name of any health care institution in which the patient was an inpatient or outpatient after or during the alleged incident.

5.2. A complaint against a Registrant shall allege that such person has been convicted of a felony or is, in his or her professional capacity, engaging in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of W. Va. Code § 30-20A-1 et seq.

5.3. Complainants are immune from liability for the allegations contained in their complaints filed with the Board unless the complaint is filed in bad faith or for a malicious purpose.

5.4. The Board shall maintain a complaint log which records the receipt of each complaint, its nature and its disposition.

5.5. The Board shall maintain a separate file on each complaint received, and each file will have a number assigned to it.

5.6. Upon receipt of a complaint, the Board will issue one of the following acknowledgments to the complainant:

5.6.1. That the matter will be reviewed by the Board;

5.6.2. That the complaint is outside the jurisdiction of the Board;

5.6.3. That additional information is required in order to adequately review the individual complaint.

5.7. The Board will send a copy of the complaint, including any supporting documentation, by certified mail to the Registrant in question for his or her written comment. He or she must submit a written response to the Board within thirty (30) days of the receipt of such correspondence, or waive the right to do so.
5.8. Requests for comment on complaints sent to Registrant shall be considered properly served when sent to their last known address. It is the responsibility of the Registrant or Applicant to keep the Board informed of his or her current address.

5.9. Upon receipt of Registrant comments in response to a complaint, the Board will promptly send a copy of the response, including any supporting documentation, to the complainant.

5.10. After receipt and review of a complaint, unless the complaint is determined to fall within the provisions of sub-division 5.6.2 of this rule, the Board will conduct or authorize to be conducted any reasonable inquiry or investigation it considers necessary to determine the truth and the validity of the allegations in the complaint. The review of complaints and any investigation may, at the discretion of the Board, be assigned to a committee of the Board.

5.11. At any point in its investigation of a complaint the Board may, at its discretion, assign the matter to an Ethics Investigator for review and investigation.

5.12. Upon receipt of a complaint the Ethics Investigator will, within sixty (60) days, review and investigate the complaint and provide the Board with a report. The report must include a statement of the allegations, a statement of facts, and an analysis of the complaint including a description of the care provided, the records reviewed and a statement of the Ethics Investigator’s findings and recommendations. The Ethics Investigator will, upon request, be afforded an opportunity to have an investigation interview with the Registrant in question or other involved parties; a report of which will be placed in the investigation file.

5.13 To facilitate the disposition of a complaint, the Board or the committee may request any person to attend an informal conference, or to appear at a regular meeting of the Board, at any time prior to the Board entering any order with respect to the complaint. The Board or the committee will give notice of the conference. The notice will include a statement of issues to be informally discussed. Statements made at a conference may not be introduced at any subsequent hearing on the merits without the consent of all parties to the hearing. Failure to attend a conference will not prejudice any party to the case.

5.14. The Board, its Chairperson, the investigating committee or Executive Secretary/Administrator may issue subpoenas and subpoenas duces tecum to complete the Board’s investigation and to determine the truth or validity of complaints. The Ethics Investigator may request the Board, its Chairperson or Executive Secretary/Administrator to issue a subpoena or subpoena duces tecum. Any subpoena request must be accompanied by a brief statement explaining the need for the subpoena.

5.15. At any point in the course of an investigation or inquiry into a complaint, the Board may determine that there is not and will not be sufficient evidence to warrant further proceedings, or that the complaint fails to allege misconduct for which a Registrant may be sanctioned by the Board. In the event the review and investigation of a complaint is assigned to a committee or an Ethics Investigator, the committee or Ethics Investigator shall make their respective findings and recommendations to the Board prior to the Board dismissing the complaint.

§16-8-6. Contested Case Hearings.

6.1. The Board may refuse to renew a registration or suspend a registration if it determines there is probable cause to believe that a Registrant conduct, practices or acts constitute an immediate danger to the public.
§16-8-7. Appeals.

7.1. Any applicant who has had his or her application for a registration denied, a registration suspended, or a registration revoked by order of the Board may appeal the order within thirty (30) days of that action in accordance with the contested case hearing procedures set forth in W. Va. Code §29A-6-1 et seq. Provided, that the appeal shall not include cases in which the Board denies a license or certificate after an examination to test the knowledge or the ability of the applicant where the controversy concerns whether the examination was fair or whether the applicant passed the examination.
§16-9-1. General.

1.1. Scope. -- This rule establishes procedures for waiving the initial licensing fee for low income individuals and military personnel and their spouses.


1.3. Filing Date. -- April 1, 2020

1.4. Effective Date. -- June 1, 2020

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on June 1, 2025.

§16-9-2. Definitions.

2.1. “Board” means the West Virginia Board of Physical Therapy.

2.2. “BOPT-LIW” means the Board of Physical Therapy low income waiver form used to request a waiver of the initial licensing fee for low income individuals, as authorized in W.Va. Code §30-1-23;

2.3. “Initial license” means an individual applying for a physical therapy, physical therapy assistant, or athletic trainer license in West Virginia for the first time;

2.4. "Local labor market" means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within 50 miles of the border of West Virginia, pursuant to W.Va. Code §21-1C-2;

2.5. “Low-income individual” means an individual in the local labor market, whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program, Medicaid, or the Supplemental Nutrition Assistance Program;

2.6. “Military families” means any person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried; and

2.7. “BOPT-MFW” means the Board of Physical Therapy Military Family Waiver form used to request a waiver of the initial licensing fee for military service members and their spouses as described in W. Va. Code §30-1-23.

§16-9-3. Application for Waiver of Initial Licensure Fees.
3.1. An applicant seeking a low income or military family waiver of the initial licensing fee shall apply for licensure to the Board and provide the required documentation.

3.2. The Board shall provide the applicant with the application form and instructions for necessary documentation to submit with the license application requesting the low income or military family initial licensing fee waiver.

3.3. An applicant shall submit all required documentation to the Board, and upon the submission of a complete application, the Board shall review the application and issue a decision within 30 days of receipt of the completed application.

3.4. The Board may issue a license to an applicant who meets the requirements of W. Va. Code §30-20-1 et seq. and W. Va. Code §30-20A-1 et seq. and the rules promulgated by the Board, and the Board shall waive the initial licensing fee for an applicant that meets the requirement of “low-income individuals” or “military families” as defined in W.Va. Code §30-1-23.

§16-9-4. Required Documentation for Waiver of Initial Licensure Fees.

4.1. Individuals requesting a low income or military family waiver of initial licensure fees shall submit with the application the initial licensure waiver BOPT-LIW or BOPT-MFW form and the appropriate documentation as specified in this section.

4.2. To establish low income eligibility for the initial licensing fee waiver, an applicant shall submit to the Board evidence that the adjusted gross income of the household of the applicant is below 130% of the federal poverty level by submitting documentation of eligibility for:

4.2.1. Temporary Assistance for Needy Families Program;
4.2.2. Medicaid;
4.2.3. Supplemental Nutrition Assistance Program; or
4.2.4. A Federal Tax Return.

4.3. To establish military family eligibility for the initial licensing fee waiver, an applicant shall submit to the Board proof of qualifying military service and proof of eligibility as a qualifying spouse or surviving spouse, as follows:

4.3.1. A service member’s DD-214 form;
4.3.2. A service member’s NGB-22 form;
4.3.3. A service member’s DD-1300 form; or
4.3.4. A copy of their current military orders; and
4.3.5. A copy of the marriage certificate with the qualifying service member, where applicable, the death certificate of the service member if the surviving spouse is applying for the military family waiver, and where applicable a notarized affidavit from the surviving spouse verifying the surviving spouse has not remarried.
4.4. Honorably discharged applicants shall submit a completed application, and a DD-214 form or an NGB-22 form showing the applicant has been an honorably discharged from military service.