311.900 Definitions for KRS 311.900 to 311.928.

As used in KRS 311.900 to 311.928:

(1) "Athlete" means an individual, referee, coach, or athletic staff member who participates in sports, games, or recreational activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina, and who is associated with a sport, game, or recreational activity that is conducted in association with an educational institution or professional, amateur, or recreational sports club or organization;

(2) "Athletic injury" means:

   (a) An injury or condition, excluding medical conditions such as internal infections, internal injuries, fractures, and spinal cord injuries except in an acute situation sustained by an athlete that affects the individual's participation or performance in sports, games, or recreation; or

   (b) An injury or condition that is within the scope of practice of an athletic trainer identified by a physician licensed under KRS Chapter 311, a physical therapist licensed under KRS Chapter 327, an occupational therapist licensed under KRS Chapter 319A, or a chiropractor licensed under KRS Chapter 312 that is likely to benefit from athletic training services that have been approved by a physician supervising the athletic trainer;

(3) "Athletic trainer" means a person with specific qualifications, as set forth in KRS 311.900 to 311.928 who is licensed to practice athletic training and who, upon the supervision of a physician licensed under KRS Chapter 311, carries out the practice of preventing, recognizing, evaluating, managing, disposing, treating, reconditioning, or rehabilitating athletic injuries. In carrying out these functions, the licensed athletic trainer may use physical modalities, such as heat, light, sound, cold, or electricity, or mechanical devices. A licensed athletic trainer shall practice only in those areas in which he or she is competent by reason of his or her training or experience;

(4) "Council" means the Kentucky Athletic Trainers Advisory Council;

(5) "Board" means the Kentucky Board of Medical Licensure;

(6) "Supervising physician" means a physician licensed by the board; and

(7) "Supervision" means advising, consenting to, and directing the activities of an athletic trainer through written or oral orders by a physician licensed to practice under KRS Chapter 311. Each team of physicians and athletic trainers shall ensure that the referral of athletic injuries is appropriate to the athletic trainer's level of training and experience.

311.901 Administrative regulations for licensed athletic trainers – Educational requirements -- Kentucky Athletic Trainers Advisory Council.

(1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensure and regulation of athletic trainers. The regulations shall include but shall not be limited to the establishment of fees and continuing education requirements. The board shall require, as a part of any continuing educational requirement, that persons licensed as athletic trainers complete an educational course on the transmission, control, treatment, and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome. The course on the human immunodeficiency virus shall be approved by the Cabinet for Health and Family Services.
(2) There is hereby created the Kentucky Athletic Trainers Advisory Council, composed of nine (9) members appointed by the Governor. The council shall review and make recommendations to the board regarding all matters relating to athletic trainers that come before the board, including but not limited to:

(a) Applications for athletic training licensure;

(b) Licensure renewal requirements;

(c) Approval of supervising physicians;

(d) Disciplinary investigations or action, when specifically requested by one (1) of the board's panels established under KRS 311.591; and

(e) Promulgation of administrative regulations.

(3) Except for initial appointments, members of the council shall be appointed by the board for four (4) year terms and shall consist of:

(a) Five (5) practicing licensed athletic trainers who shall each be selected by the board from a list of three (3) licensed athletic trainers submitted by the Kentucky Athletic Trainers Society, Inc. for each vacancy;

(b) Two (2) supervising physicians;

(c) One (1) member of the board; and

(d) One (1) citizen at large.

(4) The chair of the council shall be elected by a majority vote of the council members and shall preside over meetings. The meetings shall be held quarterly. Additional meetings may be held on the call of the chair or upon the written request of four (4) council members.

(5) Initial appointments shall be for staggered terms. Three (3) members shall serve a four (4) year term, two (2) members shall serve a three (3) year term, two (2) members shall serve a two (2) year term, and two (2) members shall serve a one (1) year term.

(6) Members of the council shall not be compensated for their service but shall receive reimbursement for expenditures relating to attendance at committee meetings, consistent with state policies for the reimbursement of travel expenses for state employees.

(7) A council member may be removed by the board for good cause or if he or she misses two (2) consecutive council meetings without good cause.

(8) Upon the death, resignation, or removal of any member, the vacancy for the unexpired term shall be filled by the board in the same manner as the original appointment.

(9) The quorum required for any meeting of the council shall be five (5) members. No action by the council or its members shall have any effect unless a quorum of the council is present at the meeting where the action is taken.

(10) The board shall not be required to implement or adopt the recommendations of the council.

311.903 Prohibited services by licensed athletic trainers -- Responsibilities and duties of licensed athletic trainers -- Prohibited billing.
A licensed athletic trainer:

1. Shall not use spinal or pelvic manipulations or spinal or pelvic chiropractic adjustments;

2. May dispense, but shall not prescribe, over-the-counter or prescription medications only to an adult athlete and with the supervision of a physician licensed under KRS Chapter 311, and shall maintain accurate records identifying the medication, dose, amount, directions, condition for which the medication is being used, identity of the supervising physician, lot number, and expiration date;

3. Shall not dispense over-the-counter or prescription medications to a minor athlete;

4. Shall not perform invasive procedures;

5. Shall conform to the standard of care required of an ordinary competent and careful licensed athletic trainer in exercising reasonable care for the health and safety of the athlete;

6. Shall not work in an industrial setting, except in the capacity of screening injuries and referring patients to an occupational therapist licensed under KRS Chapter 319A, a physical therapist licensed under KRS Chapter 327, a chiropractor licensed under KRS Chapter 312, or a physician licensed under KRS Chapter 311;

7. Shall not seek reimbursement from the federal government for physical therapy services performed by an athletic trainer;

8. Shall not seek reimbursement from the federal government for occupational therapy services performed by an athletic trainer;

9. Shall not seek reimbursement from the federal government for chiropractic services performed by an athletic trainer;

10. Shall not prescribe medications, including controlled substances; and

11. Shall not independently bill any patient or other payer for services rendered by the athletic trainer.

### 311.905 Requirements to be licensed as an athletic trainer -- Exception to requirements -- Inactive status -- Automatic licensure.

1. To be licensed by the board as an athletic trainer, an applicant shall:
   
   a. Submit a completed application form with the required fee on a form prescribed by the board;

   b. Be of good character and reputation; and

   c. 1. Be certified and in good standing as an athletic trainer by the National Athletic Trainers Association Board of Certification, Inc., or its successor; or

   2. Be authorized to practice as an athletic trainer in another state and be in good standing in that state, if that state has standards equivalent to those of this Commonwealth.

2. Any person who is issued initial licensure as an athletic trainer shall be registered for three (3) years, or for the completion of the current three (3) year cycle. The person shall then apply to the board for triennial renewal and shall submit all information requested by the board and pay a renewal fee as prescribed by the board.
(3) No person shall hold himself or herself out as an athletic trainer or perform any of the activities of an athletic trainer as prescribed in KRS 311.900 to 311.928, without first obtaining a license under KRS 311.900 to 311.928.

(4) Nothing in this section shall be construed to limit:

(a) The activities, services, and use of title on the part of a person in the employ of the federal government, to the extent the person is operating within the specific parameters of that employment; or

(b) The activities or services of a student athletic trainer or someone in a similar educational position, if the service is not for compensation and is carried out under the supervision of a physician and a licensed athletic trainer licensed under KRS 311.900 to 311.928.

(5) Upon petition to the board, licensed athletic trainers may be granted inactive status for a period of time not to exceed three (3) years. Licensed athletic trainers shall not practice athletic training while under inactive status. Inactive athletic trainers may apply for an active license after paying a fee as prescribed in administrative regulations promulgated by the board.

(6) Persons who are certified by the board and are in good standing as athletic trainers on July 12, 2006, shall be automatically licensed under KRS 311.900 to 311.928 without meeting the requirements of subsection (1) of this section.

311.907 Temporary licenses -- Cancellation of temporary licenses.

(1) If the executive director of the board, based upon verified information contained in the application, determines that an applicant is eligible for licensure as an athletic trainer under this section, the executive director may issue to the applicant, on behalf of the board, a temporary license. The temporary license shall be nonrenewable and shall entitle the holder to practice as an athletic trainer for a maximum of six (6) months from the date of issuance, unless the temporary license is canceled by the executive director. The executive director may cancel the temporary license:

(a) At any time, without a hearing, for reasons deemed sufficient after appropriate consultation with the president of the board;

(b) Immediately, upon direction by the board; or

(c) Upon the board's denial of the holder's application for a regular license.

(2) The executive director shall present to the board the application for licensure made by the holder of the temporary license. If the board issues a regular license to the holder of a temporary license, the fee paid in connection with the temporary license shall be applied to the regular license fee.

(3) If the executive director cancels a temporary license, he or she shall promptly notify, by United States certified mail, the holder of the temporary license at the last known address on file with the board. The temporary license shall be terminated and of no further force or effect three (3) days after the date the notice was sent by certified mail.

311.909 Disciplinary measures by the board -- Grounds -- Procedures.

(1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the license of an athletic trainer or may impose fines of not less than one hundred dollars ($100) and not more than five thousand
dollars ($5,000) per violation, including the costs of any proceedings; reprimand; or place an athletic trainer on probation for no more than five (5) years upon proof that the athletic trainer:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other document relating to an application for licensure or renewal thereof;

(b) Practiced or aided or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy relating to an examination for licensure;

(c) Has been convicted of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B;

(d) Has become addicted to or is an abuser of alcohol, drugs, or any illegal substances;

(e) Developed a physical or mental disability or other condition that presents a danger in continuing to provide athletic training services to patients, the public, or other health-care personnel;

(f) Knowingly made, caused to be made, or aided or abetted in the making of a false statement in any document executed in connection with the practice of athletic training;

(g) Performed any act or service as an athletic trainer without proper supervision by a licensed physician;

(h) Exceeded the scope of medical services or procedures described by the supervising physician in the application required under KRS 311.903;

(i) Aided, assisted, or abetted another in the unlawful practice of medicine, osteopathy, chiropractics, or any healing art, including the unlawful practice of athletic training;

(j) Willfully violated a confidential communication;

(k) Performed the services of an athletic trainer in an unprofessional, incompetent, or grossly or chronically negligent manner;

(l) Has been removed, suspended, expelled, or placed on probation by any health-care facility for unprofessional conduct, incompetence, negligence, or violation of any provision of KRS 311.900 to 311.928;

(m) Violated any applicable provision of an administrative regulation relating to athletic training practice;

(n) Violated any term of probation or other disciplinary order issued by the board or an agreed order defined in KRS 311.550;

(o) Failed to complete the required number of hours of approved continuing education; or

(p) Willfully violated any provision of KRS 311.900 to 311.928 or acted outside of the licensed athletic trainer's scope of practice.

(2) All disciplinary proceedings against an athletic trainer shall be conducted in accordance with the provisions of KRS 311.591, 311.592, 311.593, and 311.599; KRS Chapter 13B; and any related
administrative regulations promulgated under KRS Chapter 311, except that the provisions which apply to physicians shall apply to athletic trainers.

(3) Notwithstanding any of the requirements for licensure established by KRS 311.900 to 311.928, the board, after providing the applicant with reasonable notice of its intended action and a reasonable opportunity to be heard, may deny licensure to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provisions of KRS 311.900 to 311.928 or is otherwise unfit to practice. Orders denying licensure may be appealed pursuant to KRS 311.593.

(4) The board may impose restrictions on the scope of practice of an athletic trainer after providing the applicant with reasonable notice of its intended action and a reasonable opportunity to be heard. The Athletic Trainers Advisory Council may make recommendations on such restrictions.

(5) The provisions of this chapter shall not be construed as preventing or restricting the practices, services, or activities of a person licensed in accordance with the provisions of another law of the Commonwealth from engaging in the profession or occupation for which he or she is licensed.

311.911 Inquiry panel powers.

(1) At any time when an inquiry panel established under KRS 311.591 has probable cause to believe that an athletic trainer has violated the terms of an agreed order as defined in KRS 311.550 or a disciplinary order, or that an athletic trainer's practice constitutes a danger to the health, welfare, or safety of his or her patients or the general public, the inquiry panel may issue an emergency order in accordance with KRS 13B.125 suspending, limiting, or restricting the athletic trainer's license.

(2) For the purposes of a hearing conducted under KRS 13B.125 on an emergency order issued under this section, the findings of fact in the emergency order shall constitute a rebuttable presumption of a violation of law that constitutes immediate danger to the health, welfare, or safety of patients or the general public. For the purposes of this hearing only, hearsay shall be admissible and may serve as a basis of the board's findings.

(3) An emergency order as described in subsection (1) of this section shall not be issued unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a complaint prior to the date of the emergency hearing or the emergency order shall become void.

(4) An order of temporary suspension, restriction, or limitation shall not be maintained after a final order as defined in KRS 311.550 is served on the charged athletic trainer pursuant to the proceeding on the complaint. An appeal of an emergency order shall not prejudice the board from proceeding with the complaint.

311.928 Limitation on construction of KRS 311.900 to 311.928.

No provision of KRS 311.900 to 311.928 shall be construed so as to limit or prevent any person duly licensed or certified under the laws of this state from practicing the profession for which he was licensed or certified.