Missouri Athletic Trainers Act

334.700. Short title. — Sections 334.700 to 334.725 shall be known and may be cited as the "Missouri Athletic Trainers Act".

334.702. Definitions. — 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;

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

3. "Board", the Missouri board for the healing arts;

4. "Committee", the athletic trainers advisory committee;

5. "Division", the division of professional registration;

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.

334.704. Athletic trainers required to be licensed. — No person shall hold himself or herself out as an athletic trainer in this state unless such person has been licensed as such under the provisions of sections 334.700 to 334.725.

334.706. Board of healing arts, powers and duties — rules and regulations, procedure. —

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.

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 a roster of the names and 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;
(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;

   (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. Qualifications of athletic trainers seeking licensure. —

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 have passed the National Athletic Trainers Association Board of Certification, 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. Licensure forms and fee — deposit of fees. —

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.

334.712. License issued, when — content. —

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.
34.715. Refusal to issue or renew license, grounds, alternatives — complaint procedure — reinstatement, procedure. —

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, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; or

   (3) 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. Missouri athletic trainer advisory committee, appointment — members, qualifications, terms, vacancies. —

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

2. The athletic trainer advisory committee shall:

   (1) Assist the board in conducting examinations for applicants of athletic trainer 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 334.700 to 334.725 or regulations promulgated pursuant thereto and make recommendations to the board for action;

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

3. Each athletic trainer advisory committee member shall:

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

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

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

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

334.720. Compensation of board members. — Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for board business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment.

334.721. Athletic trainers not to be construed as practicing medicine — persons exempt from registration provision. —

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;

   (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;

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

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

   (10) Athletic trainers 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 in this state.
334.725. Violations, penalty. — 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 misdemeanor.