

**ALABAMA BOARD OF ATHLETIC TRAINERS
ADMINISTRATIVE CODE**

**CHAPTER 140-X-1
ORGANIZATION AND ADMINISTRATION**

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140-X-1-.01 **Purpose.** The Alabama Board of Athletic Trainers serves to protect the public safety, health and welfare by setting standards for licensure in the practice of athletic training. Those standards are in the license requirements, license renewal requirements, and the disciplinary procedures set by law for athletic trainers. To further ensure the public trust in the practice of athletic training certain titles and initials shall be used only by licensed athletic trainers.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §§34-40-2, 34-40-4, 34-40-8, 34-40-10.

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

140-X-1-.02 **Board Composition And Selection.** The Board shall be composed of nine persons who shall serve no more than three consecutive four year terms. The President of the Alabama Athletic Trainers Association shall serve as an ex officio member of the Board, the term of office shall be yearly to coincide with the term of President.

(1) Six members of the Board shall be appointed by the Alabama Athletic Trainers Association during an annual meeting which licensed athletic trainers attend and vote. Two of the six appointments shall be black members and one an athletic trainer who is a licensed physical therapist.

(2) The Medical Association of the State of Alabama shall appoint three physicians, licensed by the Medical Licensure Commission of Alabama, one of whom shall be black. The

physicians shall be actively engaged in the treatment of athletes and athletic injuries.

(3) In the event of a vacancy the board would fill the unexpired term of all members with the exceptions of a physician member who would be appointed by the Medical Association of the State of Alabama and the President of the Athletic Trainers Association who would be appointed by the Association.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(a) through (d).

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

140-X-1-.03 Officers And Meetings. The Board shall elect a chairman, vice chairman, and secretary from its members for a term of one year. The Board shall meet at least twice a year. Additional meetings may be held at the call of the chairman or at the written request of two board members.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

140-X-1-.04 Executive Secretary. The Board shall employ an Executive Secretary who shall be responsible for the administration of Board policy. All correspondence and request for information shall be made to the Executive Secretary at the Board Office, which will be designated by the Board. The Executive Secretary at the Board Office will make available for public inspection and copying, at cost, all rules and written statements of policy used by the Board in the discharge of its duties. The Board Office address and telephone number:

Executive Secretary
Alabama Board of Athletic Trainers
Post Office Box 243011
Montgomery, Alabama 36124
334/264-1929

Authors: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §§34-40-3(e), 41-22-4(1).

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History: **New Rule:** Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed December 10, 2008; effective January 14, 2009.

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**CHAPTER 140-X-2
LICENSE APPLICATION**

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140-X-2-.01 **License**. As provided in the Code of Ala. 1975, Section 34-40-9, any individual wanting to practice as an Athletic Trainer in the State of Alabama shall, before practicing, apply for a license, pay the requisite fees, and meet all requirements approved by the Board. Any person practicing as an Athletic Trainer without a valid current license, and who does not qualify for an exemption under Code of Ala. 1975, Section 34-40-9, shall be subject to the penalties prescribed in Section 34-40-12 of the Code of Ala. 1975.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §§34-40-9, 34-40-12.

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

140-X-2-.02 **Completion Of Application Forms**. All applicants for licensure will be furnished an electronic or paper application packet as approved by the Board. The application must be signed by the applicant to be complete. The Physician/Athletic Trainer Protocol Consent Form must be agreed to by the physician and athletic trainer. Forms and instructions used by the Board are found in Appendix A and are part of this rule.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §§34-40-2(9)(b), 34-40-3(e)(g), 34-40-5(b).

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-2-.03 **Application Fees.** The applicant must complete and submit to the Board Office the official application with payment of a one hundred (\$100) dollar application fee and seventy-five (\$75) dollar license fee.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e)(g).

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed June 14, 2019; effective July 29, 2019.

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CHAPTER 140-X-3
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140-X-3-.01 Requirements For Issuance. The application for licensure must be completed utilizing the Board-prescribed method and platform and include a signed Physician/Athletic Trainers Protocol Consent Form, payment of requisite fees, and proof of certification by the Board of Certification, Inc.

(1) Executive Secretary will receive applications for licensure and inform registrant of information needed to complete the application, if any.

(2) Upon receipt of an application for licensure meeting the requirements for issuance and not requiring further consideration by the Board as determined by the Executive Secretary, the Executive Secretary will issue a license on behalf of the Board and subject to final approval by the Board.

Author: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §§34-40-5(1), 34-40-3(e) (g).

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed October 21, 2011; effective November 25, 2011. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-3-.02 Physician/Athletic Trainers Protocol Consent Form. The State Boards of Medical Examiners and the Board of Athletic Trainers jointly approve any rule, regulation or policy that affects the services rendered by an Athletic Trainer or apprentice Athletic Trainer. The Licensed Athletic Trainer Protocol and Physician/Athletic Trainer Protocol Consent Form,

are included in the license application packet. The protocol and form are in Appendix A and are a part of this rule.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

140-X-3-.03 Effect Of Issuance. Issuance of a license will allow the applicant to use the title "athletic trainer," "certified athletic trainer," or "licensed athletic trainer," and the letters "AT," "ATC," and "LAT," with or without receiving compensation.

Authors: Robert Ferguson, ATC; Chris Gillespie, ATC; Wayne Kendrick, ATC

Statutory Authority: Code of Ala. 1975, §34-40-4.

History: New Rule: Filed October 14, 1997; effective November 18, 1997.

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CHAPTER 140-X-4
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140-X-4-.01 General Provisions. All licenses issued by the Board of Athletic Trainers shall expire on the last day of December of each year. Licensees must renew their licenses annually to continue the practice of Athletic Training.

(1) The annual licensure period shall be construed as January 1 through December 31.

(2) The annual renewal period shall be construed as December 1 through November 30.

(3) Continuing education requirements as stipulated and approved by the Board and specific to the type of licensee shall be met during the renewal period for the next licensure period. Licensees issued a license between July 1 and December 31 shall not be required to report continuing education for the first renewal period.

(4) Continuing education requirements obtained after the renewal period for the next licensure period but obtained during the 90-day grace period shall be allowed and shall be considered late.

(a) A fee of \$25 for each month the continuing education requirements are late being obtained shall be assessed the licensee and shall be paid before the end of the 90-day grace period.

(b) Continuing education obtained after the then-current renewal period but during the 90-day grace period may not be used to satisfy continuing education requirements for the next renewal period.

Authors: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §34-40-5(b).

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended Rule:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed October 21, 2011; effective November 25, 2011. **Amended:** Filed August 16, 2013; effective September 20, 2013. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-4-.02 **Requisites For Renewal.** To qualify for a renewal of license previously issued by the Board, the licensee, except where specifically noted, shall comply with all of the following requirements:

(1) Complete application for renewal utilizing methods prescribed by the Board including the Physician/Athletic Trainer Protocol Consent Form.

(2) Submit a seventy-five (\$75) dollar renewal fee on or before November 30 of the year in which the existing license expires and an additional fifty (\$50) dollar late fee when submitting application for renewal after the November 30 renewal deadline of existing license but within the 90-day grace period. Licensees issued a license between July 1 and December 31 shall submit a \$25 renewal fee and not be subject to the \$50 late fee for the first renewal period only.

(3) Submit late fee(s) as appropriate for delinquent CEUs earned after the renewal deadline of November 30. Licensees issued a license between July 1 and December 31 shall not be subject to continuing education requirements or payment of late fees for the first renewal period only.

(4) Proof of completion of continuing education requirements utilizing methods prescribed by the Board. Licensees issued a license between July 1 and December 31 shall not be subject to continuing education requirements for the first renewal period.

(5) Proof of good standing with the Board of Certification, Inc., except for those specifically exempted from this requirement through Code of Ala. 1975, Section 34-40-7.

Authors: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §§34-40-3(g), 34-40-5(b), 34-40-8.

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed December 12, 2007; effective January 16, 2008. **Amended:** Filed December 10, 2008; effective

January 14, 2009. **Amended Rule:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed October 21, 2011; effective November 25, 2011. **Amended:** Filed August 16, 2013; effective September 20, 2013. **Amended:** Filed June 13, 2017; effective July 28, 2017. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-4-.03 **Continuing Education.** Athletic Trainers are required to complete and document continuing education each renewal year to renew their license. Continuing education guidelines and reporting methods and forms as appropriate for class of licensee will be provided to licensees annually. Forms and instructions used by the Board are found in Appendix A and are part of this rule. Licensees issued a license between July 1 and December 31 shall not be subject to continuing education requirements or late fees for the first renewal period only.

(1) Athletic Trainers who hold an active BOC Certification must meet the highest professional standards and stringent continuing education requirements imposed by the BOC. BOC continuing education requirements meet or exceed those required by the Alabama Board of Athletic Training except for annual certification in an approved emergency cardiac care course.

(a) BOC-certified Athletic Trainers may use the continuing education earned to satisfy their BOC credentialing requirement as a portion of the Board's continuing education requirement each renewal year. Proof of current BOC certification shall be considered acceptable documentation.

(b) BOC-certified Athletic Trainers shall also report and document annual certification in a BOC-approved EMRC course each renewal year unless otherwise noted. The original or copy of said certification card, official letter, or certificate of completion shall be considered acceptable documentation.

(2) Athletic Trainers who were issued a license pursuant to Code of Ala. 1975, Section 34-40-7, without being required to be BOC Certified for licensure are required to complete and document twenty-six (26) contact hours of continuing education as prescribed by the Board each renewal year. Continuing education requirements are similar in content and contact hours to those required of BOC-certified athletic trainers.

(3) Athletic Trainers who are issued a license between July 1 and December 31 shall be required to submit only proof of current BOC Certification which serves as documentation that BOC professional standards and continuing education requirements have been met, thus satisfying the annual continuing education requirement of the Alabama Board of Athletic Trainers for the initial renewal period.

(4) The annual renewal period shall be construed as December 1 through November 30.

(5) Continuing education requirements obtained after the renewal period for the next licensure period but obtained during the 90-day grace period shall be allowed and shall be considered late.

(a) A fee of \$25 for each month the continuing education requirements are late being obtained shall be assessed the licensee and shall be paid before the end of the 90-day grace period.

(b) Continuing education hours obtained after the then-current renewal period but during the 90-day grace period may not be used to satisfy continuing education requirements for the next renewal period.

Authors: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §34-40-8.

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended:** Filed December 10, 2008; effective January 14, 2009. **Amended Rule:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed October 21, 2011; effective November 25, 2011. **Amended:** Filed August 16, 2013; effective September 20, 2013. **Amended:** Filed June 13, 2017; effective July 28, 2017. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-4-.04 **Issuance Of Renewal License.** Upon completion of all requisites for license renewal as determined by a member of the Board-approved review committee and payment of any late fees, licensees will be provided a wallet license card and continue to be listed in the Board Office as a licensed athletic trainer in the State of Alabama.

Authors: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §34-40-5(b), 34-40-8.

History: New Rule: Filed October 14, 1997; effective November 18, 1997. **Amended Rule:** Filed December 8, 2010; effective January 12, 2011. **Amended:** Filed October 21, 2011;

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effective November 25, 2011. **Amended:** Filed June 14, 2019;
effective July 29, 2019.

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**CHAPTER 140-X-5
ADMINISTRATIVE FEES**

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140-X-5-.01 General Provisions. As provided in the Code of Ala. 1975, §34-40-3(g), the Board has the responsibility for fixing fees for applications, licenses, renewals, verifications of licensure, replacement of licenses, name changes on licensee, publication fees, or other administration fees deemed necessary to carry out the responsibilities of the Board.

Authors: Wayne Kendrick, ATC; William McDonald, ATC; James Jones, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(g).

History: New Rule: Filed December 12, 2007; effective January 16, 2008.

140-X-5-.02 Administrative Fee Schedule. The Board shall impose certain administrative fees.

(1)	Application & License Fee	\$175.00
(2)	Renewal Fee	\$ 75.00
(3)	Renewal Fee for first renewal Period only for licenses issued Between July 1 and December 31.	\$ 25.00
(4)	Renewal Late Fee For renewal applications submitted after November 30 deadline date for submission but within 90-day grace period unless otherwise noted.	\$ 50.00
(5)	Late CEU Fee - per month late for CEUs earned following November 30 deadline for then-	\$ 25.00

current renewal period.

(6)	Replacement Identification Card	\$ 35.00
(7)	Replacement Wall Certificate	\$ 50.00
(8)	Verification of AL Licensure to another State or Agency	\$ 25.00
(9)	Copied Materials	\$.25/page
(10)	Roster of Licensees	\$ 25.00
(11)	Returned Check Fee	\$ 30.00

Author: Leah Taylor, Executive Secretary

Statutory Authority: Code of Ala. 1975, §34-40-3(g).

History: New Rule: Filed December 12, 2007; effective January 16, 2007. **Amended:** Filed December 10, 2008; effective January 14, 2009. **Amended:** Filed August 16, 2013; effective September 20, 2013. **Amended:** Filed June 13, 2017; effective July 28, 2017. **Amended:** Filed December 21, 2017; effective February 4, 2018.

**ALABAMA BOARD OF ATHLETIC TRAINERS
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**CHAPTER 140-X-6
COMPLIANCE AND DISCIPLINARY ACTION**

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140-X-6-.01	<u>License Suspension, Revocation Or Failure To Renew.</u>
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(1) Where the Board is made aware by a notarized, written allegation as submitted on the Board-approved complaint form of the possibility of impropriety by a licensee in obtaining or maintaining licensure, or failing to obtain or timely renew licensure, or in the practice of athletic training, or other allegedly improper circumstance regarding athletic training, the Board will give notice and opportunity to be heard to the licensee, registrant, or person alleged to have committed the impropriety or delinquency, pursuant to the Alabama Administrative Procedure Act. In some instances an incorrect practice or deficiency of athletic training, the licensee, registrant, or person may be given notice of the incorrect practice or deficiency and an opportunity to cure the incorrect practice or deficiency will be provided without further action being taken. The licensee, registrant, or person may request a formal or informal hearing before the Board on an impropriety, delinquency, incorrect practice, or deficiency. Without regard to whether the Board has been given notice previously of the impropriety, delinquency, incorrect practice, or deficiency the listed may decline a hearing afforded the licensee or person by the Board. The right to decline a hearing afforded by the Board is a personal right which is to be exercised by the licensee or person and not by his attorney or other representative acting alone, and must be exercised in writing. The party requesting a hearing is responsible for obtaining the services of and payment of the cost of the court reporter's fee, if any. Procedures to be

followed by the Board are contained in Appendix B - Procedures and are considered part of this rule.

(2) The improprieties and delinquencies set forth in the Alabama Athletic Trainers Licensure Act are examples of improprieties and delinquencies, for which the Board may suspend, fine, revoke or refuse to grant or renew a license, but are not at all an inclusive or exhaustive list of such improprieties and delinquencies.

(3) The Board will notify the licensee (or other person afforded a hearing after written allegation) of the decision of the Board, listing the reasons for any decision adverse to the licensee or person afforded a hearing.

(4) If, in the opinion of the Board, the misconduct is a continuing civic wrong which is not amendable to action of the Board after a hearing, or harm is imminently likely to occur to the public from continuation of the misconduct, the Board may institute a civil action for an injunction with penalties and costs, and/or may present the misconduct and information to the District Attorney for the county in which the misconduct occurred for prosecution as a criminal case.

Authors: Rodney Brown, ATC; Drew Ferguson, ATC; Brad Montgomery, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed December 10, 2008; effective January 14, 2009.

140-X-6-.02 Prohibited Acts.

(1) The following acts shall constitute misconduct in the practice of athletic training for which disciplinary penalties may be imposed after opportunity to be heard pursuant to the procedure in the Alabama Administrative Procedures Act:

(a) Conviction, adjudication, or a finding of guilt in any jurisdiction of a crime, which directly relates to the practice of athletic training or to the ability to practice athletic training. A plea of nolo contendere may be taken into consideration by the Board.

(b) False, deceptive or misleading advertising as pertaining to the use of the title of athletic trainer, athletic training, and/or credentials as listed in the Alabama Athletic Trainers Licensure Act.

(c) Aiding, assisting, or procuring any unlicensed person to practice athletic training contrary to the rules and regulations of the Board or the Alabama Athletic Trainers Licensure Act.

(d) Making deceptive, untrue, or fraudulent representations in the practice of athletic training.

(e) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform or acting outside of the NATA Code of Ethics or standards of practice.

(f) Delegating professional responsibilities to an apprentice athletic trainer, or unlicensed athletic trainer when the licensee delegating the responsibility knows or has reason to believe that the person is not qualified by training, experience, or licensure to perform those responsibilities. This shall not include acts of an athletic training student enrolled in a CAATE-accredited educational program and is under direct supervision of a licensed athletic trainer. Direct Supervision is supervision of the athletic training student during clinical experience. The ACI and/or CI must be physically present and have the ability to intervene on behalf of the athletic training student and the patient.

(g) Acting, or practicing as an athletic trainer while unlicensed or with a revoked or suspended license.

(h) Refusing to allow the designated Board member(s) or investigator to inspect the athletic training practices, settings, premises, or establishment during regular business hours.

(i) Failing to attend and/or provide evidence of attendance and/or completion of prescribed continuing education course work in the twelve (12) months preceding the date renewal of licensure is due.

(j) Failing to work under the direction of a physician licensed by the Medical Licensure Commission of Alabama.

(k) Performing any of the acts listed under Alabama Athletic Trainers Licensure Act, Section 34-40-10, Reasons for rejection, revocation or suspension of licensure.

(l) Attempting to obtain or renew a license by fraud or deception.

(m) Using mind altering substances to an extent which affects professional competency. These substances include, but are not limited to, prescription medications, alcohol, controlled substances, and illegal drugs or mind altering chemicals.

(2) The following acts shall constitute incorrect practice of athletic training for which disciplinary penalties may be imposed after opportunity to be heard in an informal or a formal hearing pursuant to the procedure in the Alabama Administrative Procedures Act, or after notice of deficiency and opportunity to cure the deficiency:

(a) Failing to perform a statutory or legal or rule-based obligation based upon a licensee in the practice of athletic training.

(b) Failing to practice athletic training with reasonable skill and safety to athletes as a result of illness; use of alcohol, drugs, narcotics, chemicals, or other mind-altering substance; mental or physical condition.

(c) Failing to practice athletic training with that level of care, skill and treatment which is recognized by a reasonably prudent athletic trainer as being acceptable under similar circumstances and conditions.

(d) Failing to maintain premises, supplies, and equipment of the athletic training setting in a clean and sanitary condition.

(e) Being guilty of an offense or conduct that has been deemed detrimental to the best interest of the public by a court of law or higher judicial authority.

Authors: Rodney Brown, ATC; Drew Ferguson, ATC; Brad Montgomery, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed December 10, 2008; effective January 14, 2009. **Amended:** Filed June 14, 2019; effective July 29, 2019.

140-X-6-.03 Discipline And Injunctions.

(1) The Board may receive written complaints regarding licensees, registrants, applicants, entities, or other persons regarding athletic training or violations of the Alabama Athletic Trainers Licensure Act.

(2) The Professional Practice and Discipline Committee will investigate the complaint and present the information to the Board for its consideration.

(3) Notice and opportunity to be heard will be afforded the licensee, registrant, or person alleged to be delinquent or to have committed an impropriety, as stated above. If, after such a hearing, the Board determines adversely to the licensee, registrant, or person, the Board may:

(a) Order the licensee, registrant, or person to correct the delinquency within a stated amount of time;

(b) Order the licensee, registrant, or person to cease and desist the improper acts;

(c) Revoke the license or registration of the licensee, registrant, or person;

(d) Refuse to issue a license, registration, or renewal to the applying licensee, registrant, or person;

(e) Suspend the license or registration of the licensee, registrant, or person pending correction of a delinquency or impropriety;

(f) Institute a civil action for an injunction with penalties and costs;

(g) Present the information and allegation of misconduct to the District Attorney for the county in which the misconduct occurred, for criminal prosecution of the case;

(h) Suspend license for failure to maintain current certification through the Board of Certification of Athletic Training;

(i) Suspend license for failure to maintain current certification in standard first aid and CPR and AED for the Professional Rescuer through the American Red Cross, BLS Healthcare Provider through American Heart Association, or other Board-approved providers so long as the certification process is completed annually.

(4) The Board, after notice and/or hearing, may dispose of a case informally by stipulation, agreed settlement, or consent order in lieu of decision of the Board, with all parties or their authorized representative signing a written stipulation, agreed settlement, or consent order document.

(5) Any one or more of the above penalties may be imposed or sought in a particular case, as the situation warrants; and the Board may impose or seek any other penalty or remedy not stated above but available and authorized by law.

Authors: Rodney Brown, ATC; Drew Ferguson, ATC; Brad Montgomery, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed December 10, 2008; effective January 14, 2009.

140-X-6-.04 Advertising Limitations.

(1) A written advertisement by an athletic trainer or an athletic training establishment shall contain the Alabama license number of the athletic trainer.

(2) No person without valid Alabama athletic training licensure shall advertise as an athletic trainer.

Authors: Rodney Brown, ATC; Drew Ferguson, ATC; Brad Montgomery, ATC

Statutory Authority: Code of Ala. 1975, §34-40-3(e).

History: New Rule: Filed December 10, 2008; effective January 14, 2009.

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APPENDIX B

Complaint/Investigative/Disciplinary Procedures

Filing a Complaint

- ◇ Complaints are only accepted in writing on the Alabama Board of Athletic Trainers official complaint form.
- ◇ Anonymous or oral complaints are not accepted.
- ◇ Individuals may make an inquiry about filing a complaint to the Executive Secretary via phone, mail, email, or fax.
- ◇ If the individual decides to make a formal complaint, the Executive Secretary will provide the individual an official complaint form.
- ◇ After receiving the complaint form, the individual fills it out, signs and has it notarized, and mails it back to the Executive Secretary.

Procedures after Receipt of the Complaint

- ◇ The Executive Secretary shall date-stamp the complaint form upon receipt.
- ◇ The Executive Secretary shall ascertain whether or not the individual named in the complaint is currently licensed by the Board.
- ◇ The Executive Secretary shall inform the complainant in writing if the individual is not licensed, thus falling outside the Board's jurisdiction.
- ◇ The Executive Secretary shall assign a number to the complaint if verified to be a valid licensee. The number shall begin with the year the complaint is filed.
- ◇ The Executive Secretary will forward the complaint form to the Board Vice-Chairman, who serves as the Chairman of the Professional Practice and Disciplinary Committee (PP&D).
- ◇ The Chairman of the PP&D Committee shall activate and instruct the PP&D Committee to commence investigation of the complaint.
- ◇ The PP&D Committee shall review the initial complaint to determine whether a licensee violated a statutory rule or administrative regulation.
- ◇ If a complaint falls within the Board's jurisdiction, notice will be sent to the complainant that the PP&D Committee has been activated.
- ◇ If the initial complaint states a cause of action, the PP&D Committee shall then notify the licensee that an initial

complaint has been filed against him / her. This shall be done by sending the licensee a copy of the initial complaint and a certified letter describing the disciplinary process, including dates by which the licensee must respond.

- ◇ After the licensee has responded, the PP&D Committee reviews the licensee's response and makes a formal recommendation to the Board.

Recommendation to the Board / Action by the Board

- ◇ The PP&D Committee makes a formal recommendation to the Board by giving a brief description of their findings without revealing the identity of the accused licensee.
- ◇ The recommendation concludes by stating one of the following:
 1. The PP&D Committee recommends the Board take no disciplinary action.
 2. The PP&D Committee recommends the Board take disciplinary action which may include paying a fine, license suspension, or license revocation.
 3. The PP&D Committee recommends the Board settle the matter by having the licensee make a required corrective action.
- ◇ After the recommendation concludes, the Board may then hold discussion and vote on whether it will accept, reject, or modify the PP&D Committee's recommendation.
- ◇ If the Board votes to take no action, the initial complaint file is closed and a letter is sent to the licensee and the complainant stating that the initial complaint file has been closed.
- ◇ If the Board decides to take disciplinary action, the Board initiates formal disciplinary procedures by filing an administrative complaint.

Administrative Complaint Procedure

- ◇ The Board shall draft an administrative complaint stating specific findings and citing specific rules or regulations that were violated by the licensee.
- ◇ The administrative complaint is filed by the Executive Secretary with an administrative law judge.
- ◇ The administrative law judge administers the complaint until a final hearing is held.
- ◇ At the hearing, an administrative law judge administers the hearing, and any Board members that did not review the initial complaint hear evidence and decide if disciplinary action is warranted.

Reasons for Rejection, Revocation, or Suspension of License

1. The reasons for rejection, revocation, or suspension of license as set forth in the Alabama Athletic Trainers Licensure Act, Code of Alabama Section 34-40-10, are examples of prohibited acts for which the Board may reject, revoke, or suspend a license, but are not an all inclusive or exhaustive list of such prohibited acts.
2. The Board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulation and rules, may suspend or revoke the license certificate of any person who has committed any of the following prohibited acts:
 - A. Practicing athletic training other than under the direction or referral, or both, of a physician licensed in the State of Alabama to practice medicine or surgery.
 - B. Practicing athletic training without a current and valid license, including a revoked or suspended license.
 - C. Obtaining or attempting to obtain a license by fraud or deception.
 - D. Renewing or attempting to renew a license by fraud or deception.
 - E. Using mind altering substances to an extent which affects professional competency. These substances include prescription medications, alcohol, illegal drugs, and any other mind-altering chemicals.
 - F. Being adjudged mentally incompetent by a court of competent jurisdiction.
 - G. Being grossly negligent in the practice of athletic training and failing to practice athletic training with a level of skill which is recognized by a reasonably prudent athletic trainer as being acceptable under similar circumstances and conditions.
 - H. Being guilty of conduct detrimental to the best interest of the public, including violation of any state or federal controlled substance law.

I. Practicing athletic training outside of the scope of practice as defined in the Alabama Athletic Trainers Licensure Act, Code of Alabama Section 34-40-2 (5), including treating or undertaking to treat human ailments otherwise than by athletic training and according to standards established by the Board.

J. Advertising unethically according to standards set by the Board.

K. Failing or refusing to obey any lawful order or regulation of the Board.

L. Unlawful invasion of the field of practice of any other profession.

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Statutory Authority: Code of Ala. 1975, §34-40-3(e).

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