

Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 02 REGULATION GOVERNING LICENSURE OF ATHLETIC TRAINERS

100 GENERAL

100.01 **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer athletic trainer services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering athletic trainer services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

100.02 **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of "The Mississippi Athletic Trainers Act of 1991," Sections 73-55-1 et seq. of Mississippi Code of 1972, annotated.

100.03 **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. "Board" shall mean the Mississippi State Board of Health.
2. "Council" shall mean the Athletic Trainer Advisory Council.
3. "License" shall mean the document of licensure issued by the Board.
4. "Athletic Training" means the prevention of athletic injuries and illnesses, the evaluation and recognition of athletic injuries and illnesses and medical referral if necessary, first aid and emergency care, rehabilitation and reconditioning, organization and administration, counseling and guidance, and the education of athletes regarding programs of athletic training.
5. "Athletic Trainer" means a person licensed by the Department of Health as an athletic trainer after meeting the requirements of these rules and regulations.

6. "Practice and Performance of Athletic Training" means functioning in the nonclinical and clinical setting and, under the direction of a physician, evaluating, treating, and providing appropriate first aid to injuries incurred by an athlete during participation in or training for scholastic, professional, or sanctioned amateur athletic activities. All treatment for injuries to athletes shall require a physician's referral, except for minor sprains, strains, and contusions, first aid excluded. Evaluation and treatment by an athletic trainer in the nonclinical setting to supportive staff, spectators, and other persons other than an athlete shall be limited to first aid. An athletic trainer functioning in a clinical setting may evaluate and provide treatment to a recreational athlete under the direct on-site supervision of a physical therapist. An athletic trainer functioning in the nonclinical and clinical setting may use therapeutic exercise and modalities such as heat, cold, light, air, massage, water, sound and electricity for the treatment of musculoskeletal injuries and the use of passive (manual and mechanical) techniques for the purpose of treatment. The use of such therapeutic exercise and modalities and techniques shall be limited to the extremities of the human anatomy.
7. "Athlete" means a person who participates in a sanctioned scholastic, amateur, or professional sport and who may receive an injury directly related to a sporting activity.
8. "Recreational Athlete" means a person who participates in recreational sporting activities and who may receive an injury as a direct result of recreational activities.
9. "Clinical Setting" means a hospital, department, outpatient facility, or clinic whose primary purpose is sports medicine where a physical therapist is on site.
10. "Nonclinical Setting" means a location where school, professional, or sanctioned amateur athletic activities are being held.
11. "Physician" means a physician licensed by the State Board of Medical Licensure.
12. "Sports Medicine" means the body of knowledge dealing with the medical and scientific aspects of athletics and exercise.
13. "Apprentice Athletic Trainer" means:
 - a. A person who meets the qualifications established by the Board; and
 - b. A person whose qualifications are less than those established by this act as necessary for licensure; and

- c. A person who works under the direct personal supervision of a Licensed Athletic Trainer, and
- d. A person who assists in the duties usually performed by an athletic trainer.

14. "Direct Supervision" means daily personal contact by the Licensed Athletic Trainer (LAT), planning directing advising and evaluating the apprentice performance.

15. "Act" means the Mississippi Athletic Trainers Licensure Act of 1991, Section 73-55-1 et. seq. of Mississippi Code of 1972, annotated.

16. "Department" shall mean the Mississippi Department of Health.

100.04 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Athletic Trainers, and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

101 ATHLETIC TRAINERS ADVISORY COUNCIL ("COUNCIL")

101.01 **Council Structure and Purpose:** The Council shall consist of five (5) members as set forth in the ACT, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of the Act.

101.02 **Meeting:** The Council shall meet as set forth in the Act. A quorum shall consist of three (3) members of the Council, including the chairman, and shall be necessary for the Council to take action by vote.

102 STATE BOARD OF HEALTH ("BOARD")

102.01 **Responsibilities:** The Board, with the advice of the council, shall:

1. establish examination, licensing, and renewal of license criteria for applicants;
2. maintain an up-to-date list of all individuals licensed to practice as athletic trainers, with such list being available, upon request, to the public;
3. refer disciplinary actions of any individual engaged in the practice of athletic training to the appropriate government agency for prosecution, whether licensed or otherwise, or, in its discretion, refer same to the appropriate committee or council;
4. conduct disciplinary hearings, upon specified charges, of a licensee;

5. maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;
6. keep a record of all proceedings of the Board, and make said record available to the public.
7. delegate, authorize, and direct the Department to promulgate and regulate, as may be necessary, to accomplish the purpose of the Act.

103 LICENSURE

103.01 **Licensure Requirements:** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant is a resident of the State of Mississippi, and;

1. Submit documentation acceptable to the Department of having satisfactorily completed all of the National Athletic Trainers' Association Board of Certification, Inc. (NATABOC), qualifications and be certified as an athletic trainer in good standing by the National Athletic Trainer' Association Board of Certification, Inc., or
2. Submit documentation acceptable to the Department of holding a degree in physical therapy from an accredited institution and completed the National Athletic Trainers Association Board of Certification, Inc., certification requirements, or
3. Submit documentation acceptable to the Department of having both experience and education quality equal to that of the National Athletic Trainers' Association Board of Certification, Inc., qualifications and having passed the NATABOC examination.

103.02 **License By Endorsement:** An applicant for licensure by endorsement shall submit to the Department, certified by oath, written evidence in form and content satisfactory to the Department that:

1. the applicant is currently licensed to practice athletic training under the laws of another state, territory, or jurisdiction; and
2. that the requirements for said license are the equivalent of those required in this state; and
3. that said license has not been, and is not presently, suspended or revoked.

103.03 **Grandfather Clause:** The Board may issue a license to practice and perform athletic training, to an applicant who is a resident of the State of Mississippi and who submits written evidence, certified by oath, in form and

content satisfactory to the Department, within one (1) year of the effective date of the Act (July 1, 1991), the following:

1. That said applicant was actively engaged as an athletic trainer, on July 1, 1991; and
2. That said applicant was, between July 1, 1986 and July 1, 1991, engaged in the practice and performance of athletic training for a minimum of two years, as defined in Section 100.03 1. For the purposes of this section only, a person is considered to have been actively engaged as an athletic trainer if he was employed on a salaried basis in a clinical or nonclinical setting for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performed the duties of an athletic trainer as the major responsibility of his employment.

103.04 **Temporary Permit:**

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- 103.05 **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensing have not been completed and submitted to the Department.

104 **PROFESSIONAL IDENTIFICATION**

- 104.01 **Titles and Abbreviation:** A person issued a license to practice and perform Athletic Training by the Mississippi State Board of Health may use the title, "Athletic Trainer", "Trainer", "Certified Athletic Trainer", or "Licensed Athletic Trainer", and the abbreviations "LAT", "ATC", "AT", or "CAT".

- 104.02 **Production and Display of License:** A person issued a license to practice athletic training by the Mississippi State Board of Health shall carry said license at all times, and show said license when requested.

105 **RENEWAL OF LICENSE**

105.01 **General Provisions:**

1. The Board shall issue licenses which shall be renewed annually.
2. The licensure year shall be construed as January 1 through December 31.

- 105.02 **Procedure for Renewal of License:** The Department shall mail a renewal form, at least thirty (30) days prior to the renewal date, to the last address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding renewal period. The licensee shall:

1. complete the renewal form, and

2. submit proof of continuing education credit as detailed in Section 106 of these regulations, and
3. enclose the renewal fee, and
4. file the above with the Department prior to the end of the renewal period.

105.03 **Failure to Renew:**

1. A licensee who does not file, with the Department, his renewal application within the renewal period will be deemed to have allowed his license to lapse. Said licensee may be reinstated by the Department, in its discretion, by the payment of the renewal fee and a reinstatement fee, provided said application for reinstatement is made within six (6) months of the end of the renewal period.
2. A license issued by virtue of the Grandfather Clause in Section 103.03 shall not be reinstated if allowed to lapse by the licensee. Any person seeking relicensure after allowing such a license to lapse shall be required to meet all licensing requirements in effect at the time of the application for relicensure.

105.04 **Inactivity by Licensee:**

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106 **CONTINUING EDUCATION**

106.01 **Definition and philosophy:** Each individual licensed as an Athletic Trainer is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Pursuant to the Act, continuing education is mandatory. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the performance and practice of Athletic Training.

106.02 **Requirements:**

1. Regulations set the requirement of sixty (60) clock hours to be accrued during the three (3) year continuing education cycle.
2. Individuals applying for initial licensure within a continuing education cycle must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.
3. Persons who fail to accrue the required continuing education hours shall be issued a probationary license for a term of one (1) year. Failure to

accrue the delinquent hours will result in the revocation of the license. Hours accrued are first credited for the delinquent hours lacking from the previous continuing education cycle.

Probationary licenses will be issued for one licensure term only. No ensuing license may be probationary as a result of not meeting continuing education requirements.

106.03 **Content Criteria:** The content must apply to the field of athletic training practice and performance and must be designed to meet one of the following goals:

1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.
2. Allow the licensee to access his knowledge and skills.
3. Provide opportunities for interdisciplinary learning.
4. Extend limits of professional capabilities and opportunities.
5. Facilitate personal contributions to the advancement of the profession.

106.04 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources:

1. Attendance at Mississippi Athletic Trainers Association (MATA) sponsored meetings, National Athletic Trainers Association (NATA) sponsored meetings, or other meetings approved for continuing education credit by MATA or NATA.
2. Presentations, made before athletic trainers, medical practitioners, or other health related professionals and directly related to the profession of athletic training. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Council at least 60 days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 20% of total required hours may be accrued through presentations.
3. Academic course work taken from a regionally accredited college or university, either for credit or audit. The courses must be on a graduate level, relating to the profession of athletic training, and the hours accrued

toward the continuing education requirement will be the number of semester credits the course is awarded by the institution.

4. Completion of Standard First Aid and CPR approved by the American Red Cross, the American Heart Association, or the National Safety Council will be credited for five (5) continuing education hours each, but these hours may be credited only one (1) time during a continuing education cycle.

106.05 **Reporting Procedures for Continuing Education:** It is the responsibility of the licensee to submit to the Department, at the conclusion of the continuing education cycle, proof that either;

1. The continuing education requirements have been filed with the National Athletic Trainers Association, the Mississippi Athletic Trainers Association; or
2. That the licensee has met the following criteria with respect to the continuing education requirements:
 - a. Attendance at seminars, workshops, presentations, etc., approved by the MATA or NATA is automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by a roster signed by the program chairman, submission of a continuing education certificate, or a continuing education reporting form signed by the program chairman. Verification of the completion of Standard First Aid and/or CPR approved by the American Red Cross, the American Heart Association, or the National Safety Council may be made by the submission of a certificate or card indicating the date of the successful completion of the course.
 - b. Presentation credits will be accrued when cited on the continuing education form, and accompanied by a copy of the program listing the presentation, and a copy of the prior letter of approval from the Council.
 - c. Academic course work credits, to be accrued must meet the content criteria in sections 106.03, be cited by title on the continuing education form, and must be accompanied by a course description from the college or university catalog, and a copy of the transcript.

107 **REVOCATION, SUSPENSION, AND DENIAL OF LICENSE**

107.01 **Standards of Conduct:** Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee is guilty of any of the following:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice athletic training.
2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or other causes of incompetency.
3. Is habitually intemperate in the use of alcoholic beverage.
4. Is convicted of an offense involving moral turpitude.
5. Is knowingly practicing while suffering with a contagious or infectious disease.
6. Is in violation of any of the applicable provisions of the Code for Professional Practice of the National Athletic Trainers Association, Inc.
7. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.
8. Is guilty of dishonest or unethical conduct.
9. Has practiced athletic training without a valid license.
10. Has violated, aided, or abetted others in violation of any provision of the Act, or these regulations.
11. Has engaged in any conduct considered by the Board to be detrimental to the profession of athletic training.

107.02 **Summary Suspension:** The Board may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in imminent danger;
or
2. The licensee's physical capacity to practice his profession is in issue; or
3. The licensee's mental capacity to practice his profession is in issue.

107.03 **Complaints:** All complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name
2. name of the complaining party, if known;
3. date of complaint;

4. brief statement of complaint; and
5. disposition

107.04 **Investigation:** All complaints will be investigated and evaluated by the administrative secretary or other authorized employee of the Department.

107.05 **Notice of Charges and Hearing:**

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.
2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last know address as listed with the state agency.
3. The notice of the formal hearing shall consist at a minimum of the following information:
 - a. The time, place and date of hearing;
 - b. That the licensee shall appear personally at the hearing and may be represented by counsel;
 - c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;
 - d. That the hearing could result in disciplinary action being taken against the licensee's license;
 - e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and
 - f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.
5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.
6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

107.06 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;
2. Suspension of the license, for any period of time;
3. Censure the licensee;
4. Issue a letter of reprimand to the licensee;
5. Place a license on probationary status and require the licensee to submit to any of the following:
 - a. report regularly to the Board upon matters which are the basis of probation;
 - b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation;
or
 - c. such other reasonable requirements or restrictions as are proper.
6. Refuse to renew a license; or
7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

107.07 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal to the Chancery Court of the county where the hearing was held in the manner provided for in the enabling statute and the Laws of the State of Mississippi.

108 EXCEPTIONS AND EXEMPTIONS

108.01 **Exceptions:** No person shall represent himself to be an athletic trainer unless he is licensed by the Board, except as otherwise provided in this section.

1. Coaches and physical education instructors in the performance of their duties.
2. Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team or organization's stay in this state.
3. Persons in the military services or working in federal facilities shall be exempted from the provisions of this act when functioning in the course of their assigned duties.
4. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

108.02 **Good Samaritan Act:**

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109 CRIMINAL OFFENSES AND PUNISHMENT

109.01 **Offenses:** It is a violation for any person to:

1. Sell, fraudulently obtain or furnish any athletic trainer permit, license, record, or aid or abet therein.
2. Practice athletic training under cover of any athletic training diploma, permit, license, or record illegally or fraudulently obtained or issued.
3. Impersonate in any manner or pretend to be an athletic trainer or use the titles, "Athletic Trainer" the letters, "A.T." or any other words letters, signs, symbols or devices to indicate the person using them is a licensed Athletic Trainer, unless duly authorized by license or permit.
4. Practice athletic training during the time his license or permit is suspended, revoked, or expired.
5. Fail to notify the board of the suspension, probation or revocation of any past or currently held licenses, required to practice athletic training in this or any other jurisdiction.
6. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.

7. Make a material, false statement in an application for licensure, or in a response to any inquiry by the State Department of Health or the Board.
8. Otherwise violate any provisions of the Act.

109.02 **Punishment:** Such violation shall be punishable by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment of not less than ten (10) days nor more than sixty (60) days, or by both fine and imprisonment for each violation.

110 FEES

110.01 **Method of Payment:** In accordance with the enabling statute, the following fees, where applicable, are payable to the State Board of Health by certified check, cashiers check, or money order. Fees paid to the State Board of Health are non-refundable.

110.02 **Schedule of Fees:**

Application and Initial Licensure Fee - \$100.00

Renewal Fee - \$50.00

Reinstatement Fee - \$200.00

Replacement Fee - \$50.00

Duplication Fee - \$50.00

Examination Fee: Fees for examination are to be paid directly to the appropriate testing organization.

111 ADMINISTRATIVE GRIEVANCE PROCEDURE

111.01 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure, or the renewal of licensure, shall have the right of administrative appeal and a hearing to be conducted according to the policy of the Department of Health.

111.02 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

111.03 **Hearing:** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

CERTIFICATION OF REGULATION

This is to certify that the above **Regulations Governing Licensure of Athletic Trainers** was adopted by the Mississippi State Board of Health on July 13, 1994 to become effective August 14, 1994.

Brian W. Amy, MD, MHA, MPH
Secretary and Executive Officer