

1 **Title 15 - Mississippi State Department of Health**

2 **Part III – Office of Health Protection**

3 **Subpart 60 – Professional Licensure**

4 **CHAPTER 02 REGULATIONS GOVERNING LICENSURE OF ATHLETIC**
5 **TRAINERS**

6 100 **GENERAL**

7 100.01 **Purpose:** The purpose of these regulations is to safeguard the public's health,
8 safety, and welfare by establishing minimum qualifications and creating
9 exclusive titles corresponding to the level of qualifications for individuals who
10 wish to offer athletic trainer services to the public. Further, in order to insure
11 the highest degree of professional conduct by those engaged in offering athletic
12 trainer services to the public, it is the purpose of these regulations to provide and
13 impose disciplinary sanctions, be they civil or criminal, against persons who do
14 not meet or adhere to the procedures, qualifications, and standards set out in this
15 chapter.

16 100.02 **Legal Authority:** The Mississippi State Board of Health is authorized to
17 establish and enforce these rules and procedures by virtue of "The Mississippi
18 Athletic Trainers Act of 1991," Sections 73-55-1 et seq. of Mississippi Code of
19 1972, annotated.

20 100.03 **Definitions:** The following terms shall have the meaning set forth below, unless
21 the context otherwise requires:

- 22 1. "Board" shall mean the Mississippi State Board of Health.
- 23 2. "Council" shall mean the ~~Athletic Trainer Advisory Council~~ Mississippi
24 Council of Advisors in Athletic Training
- 25 3. "License" shall mean the document of licensure issued by the Board.
- 26 4. "Athletic Training" means ~~the prevention of athletic injuries and illnesses,~~
27 ~~the evaluation and recognition of athletic injuries and illnesses and medical~~
28 ~~referral if necessary, first aid and emergency care, rehabilitation and~~
29 ~~reconditioning, organization and administration, counseling and guidance,~~
30 ~~and the education of athletes regarding programs of athletic training~~ the
31 treatment of an athlete for risk management and athletic injury prevention,
32 the clinical evaluation and assessment of an athlete for an injury or illness, or
33 both, the immediate care and treatment for an injury or illness, or both, and
34 the rehabilitation and reconditioning of an athlete's injury or illness, or both,
35 as long as those activities are performed under the direction of a licensed
36 physician, nurse practitioner or physician assistant. The practice of athletic

37 training does not include the practice of physical therapy, the practice of
38 medicine, the practice of osteopathic medicine and surgery, the practice of
39 nursing or the practice of chiropractic.

40 5. "Athletic Trainer" means a person licensed by the Department of Health as
41 an athletic trainer after meeting the requirements of these rules and
42 regulations who, upon the advice, consent and oral or written prescriptions or
43 referrals of a licensed physician, nurse practitioner or physician assistant,
44 carries out the practice of athletic training, and in carrying out these
45 functions the athletic trainer is authorized to use physical modalities, such as
46 heat, light, sound, cold, electricity or mechanical devices related to
47 prevention, recognition, evaluation, management, disposition, rehabilitation
48 and treatment. An athletic trainer shall practice only in those areas in which
49 the athletic trainer is competent due to training or experience that can be
50 substantiated by records or other evidence found acceptable by the board in
51 the exercise of the board's considered discretion.

52 6. "Practice and Performance of Athletic Training" means functioning in the
53 nonclinical and clinical setting ~~and, under the direction of a physician,~~
54 ~~evaluating, treating, and providing appropriate first aid to injuries incurred by~~
55 ~~an athlete during participation in or training for scholastic, professional, or~~
56 ~~sanctioned amateur athletic activities. All treatment for injuries to athletes~~
57 ~~shall require a physician's referral, except for minor sprains, strains, and~~
58 ~~contusions, first aid excluded. Evaluation and treatment by an athletic trainer~~
59 ~~in the nonclinical setting to supportive staff, spectators, and other persons~~
60 ~~other than an athlete shall be limited to first aid. An athletic trainer~~
61 ~~functioning in a clinical setting may evaluate and provide treatment to a~~
62 ~~recreational athlete under the direct on-site supervision of a physical~~
63 ~~therapist. An athletic trainer functioning in the nonclinical and clinical~~
64 ~~setting may use therapeutic exercise and modalities such as heat, cold, light,~~
65 ~~air, massage, water, sound and electricity for the treatment of~~
66 ~~musculoskeletal injuries and the use of passive (manual and mechanical)~~
67 ~~techniques for the purpose of treatment. The use of such therapeutic exercise~~
68 ~~and modalities and techniques shall be limited to the extremities of the~~
69 ~~human anatomy under the direction of a physician, nurse practitioner, or~~
70 ~~physician assistant, evaluating, treating, and providing appropriate immediate~~
71 ~~care and treatment to injuries incurred by an athlete during participation in or~~
72 ~~training for scholastic, recreational, professional, or sanctioned amateur~~
73 ~~athletic activities. Evaluation and treatment by an athletic trainer in the~~
74 ~~nonclinical setting to supportive staff, spectators, and other persons other~~
75 ~~than an athlete shall be limited to immediate care and treatment. An athletic~~
76 ~~trainer functioning in a clinical setting may evaluate and provide treatment~~
77 ~~for an athletic injury under the direction or referral of a licensed physician,~~
78 ~~nurse practitioner or physician assistant. An athletic trainer functioning in~~
79 ~~the nonclinical and clinical setting may use therapeutic exercise and~~
80 ~~modalities such as heat, cold, light, air, massage, water, sound and electricity~~

81 for the treatment of musculoskeletal injuries and the use of passive (manual
82 and mechanical) techniques for the purpose of treatment.

83 7. ~~"Athlete" means a person who participates in a sanctioned scholastic,~~
84 ~~amateur, or professional sport and who may receive an injury directly related~~
85 ~~to a sporting activity~~ an individual who participates in exercises, sports, or
86 games requiring physical strength, agility, flexibility, range of motion, speed
87 or stamina; or an individual with an athletic injury that a licensed physician,
88 nurse practitioner or physician assistant deems would benefit from athletic
89 training services.

90 8. "Athletic Injury" means any injury sustained by a person as a result of the
91 person's participation in sports, games or recreational activities requiring
92 physical strength, flexibility, range of motion, speed or stamina, or
93 comparable injury.

94 ~~"Recreational Athlete" means a person who participates in recreational~~
95 ~~sporting activities and who may receive an injury as a direct result of~~
96 ~~recreational activities.~~

97 9. "Clinical Setting" means a hospital, department, outpatient facility, or clinic
98 whose primary purpose is sports medicine ~~where a physical therapist is on~~
99 ~~site,~~ rehabilitation, or wellness.

100 10. "Nonclinical Setting" means a location where school, professional,
101 recreational, or sanctioned amateur athletic activities are being held.

102 11. "Physician" means a physician licensed by the State Board of Medical
103 Licensure.

104 12. ~~"Sports Medicine" means the body of knowledge dealing with the medical~~
105 ~~and scientific aspects of athletics and exercise.~~

106 "BOC, Inc.," means the Board of Certification, Incorporated, or its successor
107 agency, the National Credentialing Agency of Athletic Trainers; formerly
108 referred to as the National Athletic Trainers' Association Board of
109 Certification, Inc.

110 13. ~~"Apprentice Athletic Trainer" means:~~

111 a. ~~A person who meets the qualifications established by the Board; and~~

112 b. ~~A person whose qualifications are less than those established by this~~
113 ~~act as necessary for licensure; and~~

114 c. ~~A person who works under the direct personal supervision of a~~
115 ~~Licensed Athletic Trainer, and~~

116 d. ~~A person who assists in the duties usually performed by an athletic~~
117 ~~trainer.~~

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

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

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

124 100.04 **Publication:** The Department shall publish, ~~annually~~, a list of the names and
125 addresses of all persons licensed by the Board as Athletic Trainers, and a list of
126 all persons whose licenses have been suspended, revoked, denied renewal, put
127 on probationary status, censured or reprimanded.

128 101 **ATHLETIC TRAINERS ADVISORY COUNCIL ("COUNCIL")**

129 **Council Structure and Purpose:** The Council shall consist of five (5)
130 members as set forth in the Act, for the terms indicated therein, and shall serve
131 under the jurisdiction of the Mississippi State Board of Health. The purpose of
132 the Council is to aid the Board in administering the provisions of the Act.

133 101.01 **Meeting:** The Council shall meet as set forth in the Act. A quorum shall
134 consist of three (3) members of the Council, including the chairperson, and shall
135 be necessary for the Council to take action by vote.

136 102 **STATE BOARD OF HEALTH ("BOARD")**

137 102.01 **Responsibilities:** The Board, authorizes the Department with the advice of
138 the council to:

- 139 1. establish ~~examination~~, licensing, and renewal of license criteria for
140 applicants;
- 141 2. maintain an up-to-date list of all individuals licensed to practice as athletic
142 trainers, with such list being available, upon request, to the public;
- 143 3. refer disciplinary actions of any individual engaged in the practice of athletic
144 training to the appropriate government agency for prosecution, whether
145 licensed or otherwise, or, in its discretion, refer same to the appropriate
146 committee or council;
- 147 4. conduct disciplinary hearings, upon specified charges, of a licensee;
- 148 5. maintain an up-to-date list of all individuals whose license has been
149 suspended, revoked, or denied, and make such list available to public

150 inspection, and shall supply such list to similar regulatory boards in other
151 states or jurisdictions;

152 6. keep a record of all proceedings of the Board, and make said record available
153 to the public.

154 7. delegate, authorize, ~~and direct the Department to~~ promulgate and regulate, as
155 may be necessary, to accomplish the purpose of the Act.

156 103 **LICENSURE**

157 103.01 **Licensure Requirements:** An applicant for licensure shall submit to the
158 Department, verified by oath, written evidence in form and content satisfactory
159 to the Department that the applicant ~~is a resident of the State of Mississippi, and;~~

160 1. ~~Submit documentation acceptable to the Department of having~~ has
161 satisfactorily completed all of the National Athletic Trainers' Association
162 Board of Certification, Inc. (NATABOC) BOC, Inc., qualifications and ~~be is~~
163 certified as an athletic trainer by BOC, Inc. and is in good standing ~~by the~~
164 National Athletic Trainer' Association Board of Certification, Inc., or

165 2. ~~Submit documentation acceptable to the Department of holding~~ holds a
166 degree in physical therapy ~~from an accredited institution and~~ has completed
167 the National Athletic Trainers Association Board of Certification, Inc. BOC,
168 Inc., certification requirements, ~~or~~

169 3. ~~Submit documentation acceptable to the Department of having both~~
170 ~~experience and education quality equal to that of the National Athletic~~
171 ~~Trainers' Association Board of Certification, Inc., qualifications and having~~
172 ~~passed the NATABOC examination.~~

173 103.02 **License By Endorsement:** ~~An applicant for licensure by endorsement shall~~
174 ~~submit to the Department, certified by oath, written evidence in form and~~
175 ~~content satisfactory to the Department that:~~

176 1. ~~the applicant is currently licensed to practice athletic training under the laws~~
177 ~~of another state, territory, or jurisdiction; and~~

178 2. ~~that the requirements for said license are the equivalent of those required in~~
179 ~~this state; and~~

180 3. ~~that said license has not been, and is not presently, suspended or revoked.~~

181 103.03 **Grandfather Clause:** ~~—The Board may issue a license to practice and~~
182 ~~perform athletic training, to an applicant who is a resident of the State of~~
183 ~~Mississippi and who submits written evidence, certified by oath, in form and~~
184 ~~content satisfactory to the Department, within one (1) year of the effective date~~
185 ~~of the Act (July 1, 1991), the following:~~

- 186 1. ~~That said applicant was actively engaged as an athletic trainer, on July 1,~~
187 ~~1991; and~~
- 188 2. ~~That said applicant was, between July 1, 1986 and July 1, 1991, engaged in~~
189 ~~the practice and performance of athletic training for a minimum of two years,~~
190 ~~as defined in Section 100.03 1. For the purposes of this section only, a~~
191 ~~person is considered to have been actively engaged as an athletic trainer if he~~
192 ~~was employed on a salaried basis in a clinical or nonclinical setting for the~~
193 ~~duration of the institution's school year, or the length of the athletic~~
194 ~~organization's season, and was hired and performed the duties of an athletic~~
195 ~~trainer as the major responsibility of his employment.~~

196 103.04 **Temporary Permit:**

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- 198 103.05 **Abandonment:** An application shall be deemed abandoned by the
199 Department if, after six (6) months from the date of filing, the requirements for
200 licensing have not been completed and submitted to the Department.

201 104 **PROFESSIONAL IDENTIFICATION**

- 202 104.01 **Titles and Abbreviation:** ~~A person issued a license to practice and perform~~
203 ~~Athletic Training by the Mississippi State Board of Health may use the title,~~
204 ~~"Athletic Trainer", "Trainer", "Certified Athletic Trainer", or "Licensed Athletic~~
205 ~~Trainer", and the abbreviations "LAT", "ATC", "AT", or "CAT". No person~~
206 ~~shall engage in athletic training or use the titles "athletic trainer," "certified~~
207 ~~athletic trainer" or "licensed athletic trainer" or use the letters "LAT," or "AT" or~~
208 ~~any other facsimile thereof, whether or not compensation is received or~~
209 ~~expected, unless he or she is licensed as an athletic trainer in the State of~~
210 ~~Mississippi.~~

- 211 104.02 **Production and Display of License:** A person issued a license to practice
212 athletic training by the Mississippi State Board of Health shall ~~carry said license~~
213 ~~at all times, and~~ show said license when requested.

214 105 **RENEWAL OF LICENSE**

215 105.01 **General Provisions:**

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

- 218 105.02 **Procedure for Renewal of License:** The Department shall mail a renewal
219 ~~form~~ notice, at least thirty (30) days prior to the renewal date, to the last address
220 registered with the Department, to the persons to whom licenses were issued or

221 renewed during the preceding renewal period. The licensee shall, either in
222 written form or electronically if within the specified renewal time:

- 223 1. complete the renewal form, and
- 224 2. submit proof of continuing education credit as detailed in Section 106 of
225 these regulations, if required, and
- 226 3. enclose the renewal fee, and
- 227 4. file the above with the Department prior to the end of the renewal period.

228 **105.03 Failure to Renew:**

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

239 **105.04 Inactivity by Licensee:**

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241 **106 CONTINUING EDUCATION**

242 **106.01 Definition and philosophy:** Each individual licensed as an Athletic Trainer
243 is responsible for optimum service to the consumer and is accountable to the
244 consumer, the employer, and the profession for evidence of maintaining high
245 levels of skill and knowledge. Pursuant to the Act, continuing education is
246 mandatory. Continuing education is defined as education beyond the basic
247 preparation required for entry into the profession, directly related to the
248 performance and practice of Athletic Training.

249 **106.02 Requirements:**

- 250 1. ~~Regulations set the requirement of sixty (60) clock hours to be accrued~~
251 ~~during the three (3) year continuing education cycle.~~ Continuing education
252 requirements for license renewal shall be fulfilled during three-year periods
253 running concurrently with the requirement to maintain certification through
254 the BOC, Inc. Proof of the completion of continuing education as required by

255 this section shall be turned in to the Department at the time of renewal of
256 license, if requested.

257 2. ~~Individuals applying for initial licensure within a continuing education cycle~~
258 ~~must accrue continuing education hours on a prorated scale. Written~~
259 ~~notification of required hours will be sent to the applicant at the time of~~
260 ~~licensure.~~

261 3. Persons who fail to accrue the required continuing education hours shall be
262 issued a probationary license for a term of one (1) year. Failure to accrue the
263 delinquent hours will result in the revocation of the license. Hours accrued
264 are first credited for the delinquent hours lacking from the previous
265 continuing education cycle.

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

269 106.03 ~~**Content Criteria:** The content must apply to the field of athletic training~~
270 ~~practice and performance and must be designed to meet one of the following~~
271 ~~goals:~~

272 1. ~~Update knowledge and skills required for competent performance beyond~~
273 ~~entry level as described in current legislation and regulations.~~

274 2. ~~Allow the licensee to access his knowledge and skills.~~

275 3. ~~Provide opportunities for interdisciplinary learning.~~

276 4. ~~Extend limits of professional capabilities and opportunities.~~

277 5. ~~Facilitate personal contributions to the advancement of the profession.~~

278 106.04 **Sources of Continuing Education:** Continuing education hours may be
279 accrued from the following sources:

280 1. Attendance at Mississippi Athletic Trainers Association (MATA) sponsored
281 meetings; National Athletic Trainers Association (NATA) sponsored
282 meetings approved for continuing education credit by BOC, Inc., or other
283 meetings or sources approved for continuing education credit by MATA or
284 NATA. BOC, Inc.

285 2. ~~Presentations, made before athletic trainers, medical practitioners, or other~~
286 ~~health related professionals and directly related to the profession of athletic~~
287 ~~training. To be considered for continuing education credit, material outline~~
288 ~~and a synopsis must be submitted to the Council at least 60 days prior to the~~
289 ~~presentation date. Notice of approval or disapproval will be sent following a~~
290 ~~review by the Council. For approved presentations, the presenter may accrue~~

291 one (1) hour of continuing education credit for each hour of the actual
292 presentation, and one (1) hour of preparation time, for a total of (2) two
293 hours. Presenter credit is given one (1) time only, even though the session
294 may be presented multiple times. No more than 20% of total required hours
295 may be accrued through presentations.

296 3. Academic course work taken from a regionally accredited college or
297 university, either for credit or audit. The courses must be on a graduate
298 level, relating to the profession of athletic training, and the hours accrued
299 toward the continuing education requirement will be the number of semester
300 credits the course is awarded by the institution.

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

305 106.05 **Reporting Procedures for Continuing Education:** — It is the responsibility
306 of the licensee to submit to the Department, at the conclusion of the continuing
307 education cycle, proof that either;

308 1. The continuing education requirements have been filed with the National
309 Athletic Trainers Association, the Mississippi Athletic Trainers Association;
310 or

311 2. That the licensee has met the following criteria with respect to the continuing
312 education requirements:

313 a. Attendance at seminars, workshops, presentations, etc., approved by
314 the MATA or NATA is automatically accepted for credit unless
315 sessions are duplicated. Verification of attendance may be made by a
316 roster signed by the program chairman, submission of a continuing
317 education certificate, or a continuing education reporting form signed
318 by the program chairman. Verification of the completion of Standard
319 First Aid and/or CPR approved by the American Red Cross, the
320 American Heart Association, or the National Safety Council may be
321 made by the submission of a certificate or card indicating the date of
322 the successful completion of the course.

323 b. Presentation credits will be accrued when cited on the continuing
324 education form, and accompanied by a copy of the program listing the
325 presentation, and a copy of the prior letter of approval from the
326 Council.

327 c. Academic course work credits, to be accrued must meet the content
328 criteria in sections 106.03, be cited by title on the continuing
329 education form, and must be accompanied by a course description
330 from the college or university catalog, and a copy of the transcript.

331 107 **REVOCAION, SUSPENSION, AND DENIAL OF LICENSE**

332 107.01 **Standards of Conduct:** Licensees may, at the discretion of the Board, have
333 their license suspended, revoked, or denied at the time of renewal if the Board
334 determines that the licensee is guilty of any of the following:

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

353 107.02 **Summary Suspension:** The Board may summarily suspend a license
354 without a hearing, simultaneously with the filing of a formal complaint and
355 notice of hearing, if the Board determines that:

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

359 107.03 **Complaints:** All complaints concerning a licensee, his business, or professional
360 practice, shall be reviewed by the Department. Each complaint received shall be
361 logged, recording at a minimum the following information:

- 362 1. licensee's name
363 2. name of the complaining party, if known;
364 3. date of complaint;
365 4. brief statement of complaint; and
366 5. disposition

367 107.04 **Investigation:** All complaints will be investigated and evaluated by the
368 administrative secretary or other authorized employee of the Department.

369 107.05 **Notice of Charges and Hearing:**

- 370 1. Following the investigative process, the Department may file formal charges
371 against the licensee. Such formal complaint shall, at a minimum, inform the
372 licensee of the facts which are the basis of the charge and which are specific
373 enough to enable the licensee to defend against the charges.
- 374 2. Each licensee, whose conduct is the subject of a formal charge which seeks
375 to impose disciplinary action against the licensee, shall be served notice of
376 the formal charge at least thirty (30) days before the date of hearing. A
377 hearing shall be presided over by the Board or the Board's designee. Service
378 shall be considered to have been given if the notice was personally received
379 by the licensee, or the notice was mailed certified, return receipt requested, to
380 the licensee at the licensee's last know address as listed with the state agency.
- 381 3. The notice of the formal hearing shall consist at a minimum of the following
382 information:
- 383 a. The time, place and date of hearing;
- 384 b. That the licensee shall appear personally at the hearing and may be
385 represented by counsel;
- 386 c. That the licensee shall have the right to produce witnesses and
387 evidence in the licensee's behalf and shall have the right to cross-
388 examine adverse witnesses and evidence;
- 389 d. That the hearing could result in disciplinary action being taken against
390 the licensee's license;
- 391 e. That rules for the conduct of these hearings exist and it may be in the
392 licensee's best interest to obtain a copy; and
- 393 f. That the Board, or its designee, shall preside at the hearing and
394 following the conclusion of the hearing shall make findings of facts,

395 conclusions of law and recommendations, separately stated, to the
396 Board as to what disciplinary action, if any, should be imposed on the
397 licensee.

398 4. The Board or its designee shall hear evidence produced in support of the
399 formal charges and contrary evidence produced by the licensee. At the
400 conclusion of the hearing, the Board shall issue an order, within sixty (60)
401 days.

402 5. Disposition of any complaints may be made by consent order or stipulation
403 between the Board and the licensee.

404 6. All proceedings pursuant to this section are matters of public record and shall
405 be preserved pursuant to State law.

406 107.06 **Board Sanctions:** The Board may impose any of the following sanctions,
407 singly or in combination, when it finds that a licensee is guilty of any of the
408 above offenses:

409 1. Revocation of the license;

410 2. Suspension of the license, for any period of time;

411 3. Censure the licensee;

412 4. Issue a letter of reprimand to the licensee;

413 5. Place a license on probationary status and require the licensee to submit to
414 any of the following:

415 a. report regularly to the Board upon matters which are the basis of
416 probation;

417 b. continue to renew professional education until a satisfactory degree of
418 skill has been attained in those areas which are the basis of probation;
419 or

420 c. such other reasonable requirements or restrictions as are proper.

421 6. Refuse to renew a license; or

422 7. Revoke probation which has been granted and impose any other disciplinary
423 action in this subsection when the requirements of probation have not been
424 fulfilled or have been violated.

425 107.07 **Appeal:** Any person aggrieved by a decision of the Board shall have a right
426 of appeal to the Chancery Court of the county where the hearing was held in the

427 manner provided for in the enabling statute and the Laws of the State of
428 Mississippi.

429 108 **EXCEPTIONS AND EXEMPTIONS**

430 108.01 **Exceptions:** No person shall represent himself to be an athletic trainer unless he
431 is licensed by the Board. ~~, except as otherwise provided in this section.~~

- 432 1. The provisions of this chapter shall not restrict coaches and physical
433 education instructors in the performance of their duties.
- 434 2. The provisions of this chapter shall not restrict athletic trainers from other
435 nations, states, or territories performing their duties for their respective teams
436 or organizations and only during the course of their team or organization's
437 stay in this state.
- 438 3. ~~Persons in the military services or working in federal facilities shall be~~
439 ~~exempted from the provisions of this act when functioning in the course of~~
440 ~~their assigned duties.~~
- 441 4. Nothing in these regulations is intended to limit, preclude, or otherwise
442 interfere with the practices of other persons and health providers licensed by
443 appropriate agencies of the State of Mississippi.
- 444 5. Nothing in these regulations shall be construed to authorize the practice of
445 medicine or nursing by any person not licensed by the State Board of
446 Medical Licensure or the Mississippi Board of Nursing.

447 108.02 **Good Samaritan Act:**

448 ~~LEFT BLANK ON PURPOSE~~

449 109 **CRIMINAL OFFENSES AND PUNISHMENT**

450 109.01 **Offenses:** It is a violation for any person to:

- 451 1. Sell, fraudulently obtain or furnish any athletic trainer permit, license, record,
452 or aid or abet therein.
- 453 2. Practice athletic training under cover of any athletic training diploma, permit,
454 license, or record illegally or fraudulently obtained or issued.
- 455 3. Impersonate in any manner or pretend to be an athletic trainer or use the
456 titles, "Athletic Trainer" the letters, "A.T." or any other words letters, signs,
457 symbols or devices to indicate the person using them is a licensed Athletic
458 Trainer, unless duly authorized by license or permit.

- 459 4. Practice athletic training during the time his license or permit is suspended,
460 revoked, or expired.
- 461 5. Fail to notify the board of the suspension, probation or revocation of any past
462 or currently held licenses, required to practice athletic training in this or any
463 other jurisdiction.
- 464 6. Make false representations, impersonate, act as a proxy for another person,
465 allow, or aid any person to impersonate him in connection with any
466 examination or application for licensing or request to be examined or
467 licensed.
- 468 7. Make a material, false statement in an application for licensure, or in a
469 response to any inquiry by the State Department of Health or the Board.
- 470 8. Otherwise violate any provisions of the Act.

471 109.02 **Punishment:** Such violation shall be punishable by a fine of not less than
472 One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00)
473 or by imprisonment of not less than ten (10) days nor more than sixty (60) days,
474 or by both fine and imprisonment for each violation.

475 110 **FEES**

476 110.01 **Method of Payment:** ~~In accordance with the enabling statute,~~ The
477 following fees, where applicable, are payable to the Mississippi State Board
478 Department of Health by personal check, certified check, cashiers check, or
479 money order. Fees paid to the State Board of Health are non-refundable.

480 110.02 **Schedule of Fees:**

481 Application and Initial Licensure Fee - \$100.00

482 Renewal Fee - \$50.00

483 Reinstatement Fee - \$200.00

484 Replacement Fee - \$50.00

485 ~~Duplication Fee - \$50.00~~

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

488 111 **ADMINISTRATIVE GRIEVANCE PROCEDURE**

489 111.01 **Administrative Appeals:** All persons aggrieved by a decision regarding the
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497 111.03 **Hearing:** If requested in writing within the specified time frame a hearing
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500 Within sixty (60) days of the hearing, or other such time frame as determined
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505 to the applicant.

DRAFT

Title 15 - Mississippi State Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 02 REGULATIONS 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 Mississippi 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 Mississippi Council of Advisors in Athletic Training
3. "License" shall mean the document of licensure issued by the Board.
4. "Athletic Training" means the treatment of an athlete for risk management and athletic injury prevention, the clinical evaluation and assessment of an athlete for an injury or illness, or both, the immediate care and treatment for an injury or illness, or both, and the rehabilitation and reconditioning of an athlete's injury or illness, or both, as long as those activities are performed under the direction of a licensed physician, nurse practitioner or physician assistant. The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine and surgery, the practice of nursing or the practice of chiropractic.

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 who, upon the advice, consent and oral or written prescriptions or referrals of a licensed physician, nurse practitioner or physician assistant, carries out the practice of athletic training, and in carrying out these functions the athletic trainer is authorized to use physical modalities, such as heat, light, sound, cold, electricity or mechanical devices related to prevention, recognition, evaluation, management, disposition, rehabilitation and treatment. An athletic trainer shall practice only in those areas in which the athletic trainer is competent due to training or experience that can be substantiated by records or other evidence found acceptable by the board in the exercise of the board's considered discretion.
6. "Practice and Performance of Athletic Training" means functioning in the nonclinical and clinical setting under the direction of a physician, nurse practitioner, or physician assistant, evaluating, treating, and providing appropriate immediate care and treatment to injuries incurred by an athlete during participation in or training for scholastic, recreational, professional, or sanctioned amateur athletic activities. 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 immediate care and treatment. An athletic trainer functioning in a clinical setting may evaluate and provide treatment for an athletic injury under the direction or referral of a licensed physician, nurse practitioner or physician assistant. 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.
7. "Athlete" means an individual who participates in exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed or stamina; or an individual with an athletic injury that a licensed physician, nurse practitioner or physician assistant deems would benefit from athletic training services.
8. "Athletic Injury" means any injury sustained by a person as a result of the person's participation in sports, games or recreational activities requiring physical strength, flexibility, range of motion, speed or stamina, or comparable injury.
9. "Clinical Setting" means a hospital, department, outpatient facility, or clinic whose primary purpose is sports medicine, rehabilitation, or wellness.

10. "Nonclinical Setting" means a location where school, professional, recreational, or sanctioned amateur athletic activities are being held.
11. "Physician" means a physician licensed by the State Board of Medical Licensure.
12. "BOC, Inc.," means the Board of Certification, Incorporated, or its successor agency, the National Credentialing Agency of Athletic Trainers; formerly referred to as the National Athletic Trainers' Association Board of Certification, Inc.
13. "Act" means the Mississippi Athletic Trainers Licensure Act of 1991, Section 73-55-1 et seq. of Mississippi Code of 1972, annotated.
14. "Department" shall mean the Mississippi State Department of Health.

100.04 **Publication:** The Department shall publish, 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 Mississippi State Board of Health. The purpose of the Council is to aid the Board in administering the provisions 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 chairperson, and shall be necessary for the Council to take action by vote.

102 **STATE BOARD OF HEALTH ("BOARD")**

102.01 **Responsibilities:** The Board, authorizes the Department with the advice of the council to:

1. establish 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, 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;

1. Has satisfactorily completed all of the BOC, Inc, qualifications and is certified as an athletic trainer by BOC, Inc, and is in good standing, or
2. Holds a degree in physical therapy and has completed the BOC, Inc., certification requirements.

103.02 **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:** No person shall engage in athletic training or use the titles "athletic trainer," "certified athletic trainer" or "licensed athletic trainer" or use the letters "LAT," or "AT" or any other facsimile thereof, whether or not compensation is received or expected, unless he or she is licensed as an athletic trainer in the State of Mississippi.

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

105 RENEWAL OF LICENSE

105.01 **General Provisions:**

1. The Board shall issue licenses that 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 notice, 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, either in written form or electronically if within the specified renewal time:

1. complete the renewal form, and
2. submit proof of continuing education credit as detailed in Section 106 of these regulations, if required, 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 one (1) year of the end of the renewal period.
2. Any person seeking re-licensure after allowing a license to lapse shall be required to meet all licensing requirements in effect at the time of the application for relicensure.

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. Continuing education requirements for license renewal shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the BOC, Inc. Proof of the completion of continuing education as required by this section shall be turned in to the Department at the time of renewal of license, if requested.
2. 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 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources:

Attendance at Mississippi Athletic Trainers Association (MATA) sponsored meetings; National Athletic Trainers Association (NATA) sponsored meetings approved for continuing education credit by BOC, Inc., or other meetings or sources approved for continuing education credit by BOC, Inc.

107 **REVOCAION, 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 known 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

1. **Exceptions:** No person shall represent himself to be an athletic trainer unless he is licensed by the Board.
2. The provisions of this chapter shall not restrict coaches and physical education instructors in the performance of their duties.
3. The provisions of this chapter shall not restrict 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.
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.
5. Nothing in these regulations shall be construed to authorize the practice of medicine or nursing by any person not licensed by the State Board of Medical Licensure or the Mississippi Board of Nursing.

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:** The following fees, where applicable, are payable to the Mississippi State Department of Health by personal check, 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

111 **ADMINISTRATIVE GRIEVANCE PROCEDURE**

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