

CHAPTER 43-39 ATHLETIC TRAINERS

43-39-01. Definitions.

1. "Athletic trainer" means an individual with specific qualifications set forth in section 43-39-05, who is providing athletic training.
2. "Athletic training" means doing any of the following under the guidance of a physician:
 - a. Preventing, recognizing, and evaluating injuries and illnesses sustained while participating in physical activity;
 - b. Managing and administering the initial treatment of injuries or illnesses sustained while participating in physical activity;
 - c. Giving emergency care or first aid for an injury or illness sustained while participating in physical activity;
 - d. Under verbal, standing, or written orders, except in the case of providing services in a clinical setting which requires written orders, rehabilitating injuries or illnesses sustained while participating in physical activity;
 - e. Under verbal, standing, or written orders, except in the case of providing services in a clinical setting which requires written orders, rehabilitating and physically reconditioning injuries or illnesses that impede or prevent an individual from returning to participating in physical activity, if the individual recently participated in, and intends to return to participation in, physical activity;
 - f. Establishing or administering risk management, conditioning, and injury prevention programs;
 - g. Providing injury screening or physician extender services; or
 - h. Referring a patient to an appropriate health care provider as needed.
3. "Board" means the North Dakota board of athletic trainers established in section 43-39-02.
4. "Physical activity" means any moderate or vigorous activity that requires physical strength, agility, range of motion, repetitive motion, speed, or stamina during participation in exercise, sports, games, recreation, performance arts, stretching, wellness, fitness, military, industrial, or public safety activities.
5. "Physician" means an individual licensed as a physician under chapter 43-17.

43-39-02. Board of athletic trainers.

1. The North Dakota board of athletic trainers shall consist of five members, comprising one licensed physician, one layperson, and three athletic trainers. Each member must be appointed by the governor. The members, other than the layperson, must be appointed from lists submitted to the governor by the North Dakota athletic trainers association for those members who are athletic trainers and from the North Dakota medical association for the member who is a physician, for terms as provided in this section. Each member of the board, except for the layperson, must be licensed in the member's profession in this state and a resident of this state, must have not less than two years' experience as a physician or athletic trainer immediately preceding appointment, and must be actively employed in the member's profession during the member's tenure on the board. The layperson may not be licensed in any health care field.
2. Members must be appointed to serve four-year staggered terms to commence on July first in the respective years of appointment and shall continue to serve until their successors are appointed. If a vacancy occurs during a term, the governor shall appoint a successor for the remainder of the unexpired term. No member may serve for more than two successive four-year terms. On the initial board, one physician and one athletic trainer must be appointed for a one-year term; the laymember and one athletic trainer must be appointed for a two-year term; and one athletic trainer must be appointed for a three-year term. Thereafter, their successors must be appointed for four-year terms.

3. The board each year shall elect one of its members as chairman and one as secretary-treasurer to the board. The board may make rules, in accordance with chapter 28-32 and not inconsistent with law, which may be necessary for the performance of its duties. The board may prescribe reasonable fees for application and examinations and for certificates of licensure. License fees must be used for the purpose of paying the costs of per diem compensation and travel reimbursement to the board. In addition, fees and other moneys collected and received by the board must be used for the purpose of implementing this chapter and may be used for continuing education purposes. The financial records of the board must be audited once every two years. The audit is to be paid for out of the funds of the board.
4. The board shall meet at least once each year. Additional meetings may be held on the call of the chairman or at the written request of any three members of the board. Three members constitute a quorum of the board. No action by the board or its members has any effect unless a quorum of the board is present.
5. The athletic trainer members of the initial board are not required to be licensed for the first one hundred eighty days of their membership on the board.

43-39-03. Records.

The board shall keep a record of its proceedings under this chapter and a record of all persons licensed by the board. The record must show the name of every living licensee and the licensee's last-known place of employment and last-known place of residence and the date and number of the licensee's license certificate. Any interested person in the state is entitled to a printed copy of that record on application to the board and payment of such reasonable charge as may be fixed by the board based on the cost involved.

43-39-04. Unlawful practice.

1. A person may not practice athletic training or hold that person out as being an athletic trainer in this state unless that person is an individual licensed in accordance with this chapter.
2. A person may not consult, teach, or supervise or hold that person out as being able to consult, teach, or supervise athletic training curricular courses in this state unless that person is an individual licensed in accordance with this chapter or chapter 43-17 or possesses a degree in a health-related field.
3. A person may not represent that person as being a licensed athletic trainer or use in connection with that person's name any letters, words, or insignia indicating or implying that the person is a licensed athletic trainer unless that person is an individual licensed in accordance with this chapter.

43-39-05. Qualifications.

To be eligible for an athletic trainer license, an applicant must meet all the requirements of certification established by the board of certification, incorporated.

43-39-06. Issuance of licenses.

1. An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the application fee required.
2. An applicant is entitled to an athletic trainer license if the applicant possesses the qualifications set forth in this chapter, satisfactorily meets approval by the board of athletic trainers, pays the license fee, and has not committed an act which constitutes grounds for denial of a license.

43-39-07. Initial license.

Repealed by S.L. 2013, ch. 332, § 6.

43-39-08. Examination required.

All license applicants must have previously passed the board of certification, incorporated, examination.

43-39-09. License renewal.

1. A license issued pursuant to this chapter expires one year from the date of issuance.
2. Licenses must be renewed according to the procedures established by the board.
3. A previously licensed person who has requested license renewal must have active status from the board of certification, incorporated.

43-39-10. Grounds for denial, suspension, or revocation of license - Application of chapter.

1. The board may refuse to issue a license to an applicant or may suspend or revoke the license of a licensee if the applicant or licensee:
 - a. Has been convicted of a felony or misdemeanor involving moral turpitude, the record of a conviction being conclusive evidence of conviction.
 - b. Uses alcohol or narcotic drugs to the extent that the use affects the person's professional competency.
 - c. Has obtained or attempted to obtain a license by fraud, deceit, or material misrepresentation.
 - d. Is guilty of treating or undertaking to treat an individual's injury or illness, except as authorized pursuant to this chapter, or undertaking to practice independent of the guidance or rehabilitation order of a licensed physician, or is guilty of any act derogatory to the dignity and morals of the profession of athletic training.
2. Nothing in this chapter shall be construed to authorize the practice of medicine by any person. The provisions of this chapter do not apply to physicians licensed by the North Dakota board of medicine; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry; to licensed optometrists who confine their practice strictly to optometry as defined by law; to licensed chiropractors who confine their practice strictly to chiropractic as defined by law; to occupational therapists who confine their practice to occupational therapy; to nurses who practice nursing only; to duly licensed chiropodists or podiatrists who confine their practice strictly to chiropody or podiatry as defined by law; to registered physical therapists; to massage therapists in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States army, navy, air force, marine corps, and public health and marine health service.
3. The provisions of this chapter shall not apply to persons coming into this state for a specific athletic event or series of athletic events with an individual or group not based in this state.
4. Nothing in this chapter shall be construed to prevent schools, YMCA organizations, athletic clubs, and similar organizations from furnishing athletic training services to their students, players, or members.

43-39-11. Penalty.

Any person practicing as an athletic trainer without a license as required by this chapter is guilty of a class B misdemeanor.