

## CHAPTER 1

### GENERAL PROVISIONS

**Section 1. Rules of the Wyoming State Board of Athletic Training hereinafter referred to as the Board.**

**Section 2. Statutory Authority.** The Board was created by W.S. 33-45-101 through 33-45-112, herein after referred to as the Act.

**Section 3. Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Purpose of These Rules.** The purpose of these rules shall be to develop procedures and establish requirements for:

- (a) Election of officers, establishment of Board organization, and codification of rules and procedures for Board meetings;
- (b) Standards and qualifications requisite in the issuance and renewal of a license as an athletic trainer;
- (c) Evaluation of qualifications of individuals applying for licensure;
- (d) Issuance and renewal of licenses to persons qualified in the profession in the State of Wyoming;
- (e) Setting fees necessary for the administration of this act;
- (f) Establishing criteria for actions against licensees, including but not limited to:
  - (i) Investigation and conduct of hearings on complaints of violations of this act;
  - (ii) Proceedings to enjoin, restrain or bring suit against persons violating this act;
  - (iii) Revocation, suspension, denial, restriction, or refusal for renewal of licenses; and,
- (g) Codification of a canon of ethics.

**Section 5. Terms Defined by Statute.** Terms defined in W.S. 33-45-101 through 33-45-112 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.

**Section 6. Terms Defined Herein.** As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

- (a) "BOC" means the Board of Certification for Athletic Training.
- (b) "CAATE" means the Commission on Accreditation of Athletic Training Education.
- (c) "ECC" means Emergency Cardiac Care.
- (d) "NATA" means the National Athletic Trainers Association.
- (e) "Official" means issued by and under the original seal of the issuing agency.

## CHAPTER 2

### ORGANIZATION AND PROCEDURES OF THE BOARD

**Section 1. Officers.** Officers of the Board shall be elected annually, by a majority vote of the Board, and be comprised of a chair, and a vice chair.

**Section 2. Meetings of the Board.**

(a) The Board shall meet at least two (2) times per year, at a date, place and time established by the Chair with special meetings held as requested by the Chair or by a majority of the members.

(b) Meetings shall be open to the public and held in accordance with the Wyoming Administrative Procedures Act. The Board has the right to call executive sessions pursuant to W.S. 16-4-405.

(c) The Chair may conduct meetings and Board business by telephone as a means of conserving funds and expediting appropriate business.

(d) A majority of the Board constitutes a quorum for meetings and the transaction of official business.

**Section 3. Establishment of Committees.** The Board may, by a majority vote of the membership, establish and empower committees to approve or preliminarily deny applications for license, applications for renewal, special request, and other issues that the Board deems proper to delegate. Committees may also be established and empowered to conduct complaint investigations, and make recommendations on complaints. These committees shall be comprised of current members of the Board and/or administrative staff.

## CHAPTER 3

### LICENSE REQUIREMENTS

**Section 1. Requirements for Licensure.** It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure herein. The applicant shall provide satisfactory evidence to the Board that they:

- (a) are of majority age; and
- (b) are legal inhabitants of the United States, and
- (c) have no felony convictions, and no misdemeanor convictions involving moral turpitude, although exceptions to this requirement may be granted by the Board if consistent with the public interest, and
- (d) satisfy the requirements established in these rules.

**Section 2. Education.** The applicant shall have completed an entry-level athletic training education program accredited by the CAATE, or its successor agency.

- (a) Applicants who have completed programs not accredited by CAATE may be deemed to have met the educational requirement provided they have completed the NATA internship program route.

**Section 3. Professional Recommendation Requirement for Licensure.** Applicants shall demonstrate their integrity, professionalism and character in athletic training through three (3) professional recommendations which attest to applicants' abilities and professional performance.

**Section 4. Examination Requirement for Licensure.**

- (a) The Board shall accept a passing score on the BOC examination.
- (b) Examinations shall be scheduled by the BOC.
- (c) The Board shall accept the passing score as established by the BOC.
- (d) Each applicant shall pass the Board juris prudence exam.

**Section 5. Supervision Requirement.** Applicants must provide completed supervision agreement with a physician licensed by the State of Wyoming Board of Medicine.

**Section 6. License by Reciprocity.** An individual holding a license in good standing to engage in the practice of athletic training under the laws of another state having licensure

requirements substantially equal to those required by the Act and these rules may, upon approval of the board, be issued a license in this state.

## CHAPTER 4

### APPLICATION PROCEDURE

**Section 1. General Application Procedures.** The Board shall not review an individual's credentials prior to receiving a complete application. An individual is considered an applicant once he or she has submitted a complete official application form accompanied by the application fee and appropriate proof of legal presence in the U.S. In addition all applicants must submit:

(a) A certificate of professional qualification from the BOC may be accepted by the Board as documentation that the applicant has met the criteria for licensure. For applicants who are not credentialed by the BOC, the Board requires:

(i) Official transcripts from an accredited athletic training program.

(ii) Professional references from three (3) professionals with direct knowledge of the applicant's abilities and professional performance in athletic training;

(A) References shall have been written within six (6) months of the date of application.

(B) References shall not be accepted from relatives of the applicant.

(iii) Official verification that the applicant has passed the BOC examination.

(b) All documents submitted in support of the application shall contain an original signature and be submitted directly to the office of the Board from the source and not forwarded through the applicant.

(c) Completion of all requirements for licensure shall be documented within one (1) year of the date the application was received by the Board, otherwise the application will be deemed incomplete and closed without further notice.

(d) The Board shall not accept faxed or photocopied documents.

**Section 2. Application for Licensure by Reciprocity.** In addition to the documents required in Section 1 of this chapter, the applicant shall request official verification of licensure in good standing from a jurisdiction where the applicant holds or has held a license as an athletic trainer.

**Section 3. Notification of Applicants and Right of Appeal.** If the applicant's initial application is denied, the reasons for this rejection shall be communicated in writing. The applicant shall have the right to request reconsideration of the application materials, and may

further request a hearing before the Board in accordance with the Wyoming Administrative Procedures Act.

**Section 4. Issuance of License.** Initial licenses shall expire on the third (3<sup>rd</sup>) anniversary of the issue date. Thereafter, upon renewal, the license shall be valid for three (3) years. The Board shall issue a wall certificate to the successful applicant bearing the full name of the holder, license serial number, date of issuance, expiration date, and appropriate seal.

**Section 5. Change of Name, Address or Telephone Number.**

(a) Licensees shall register with the Board any change in their legal name, shall submit documentation demonstrating the change of name, appropriate fee and shall surrender the old wall certificate and a new wall certificate shall be issued by the Board.

(b) Each applicant and licensee shall file with the Board their current home and professional mailing addresses and telephone numbers and shall report to the Board in writing any change of addresses or telephone numbers, giving both old and new addresses and telephone numbers.

**Section 6. Release of Confidential Records.** Release of Board records shall be governed by W.S. 16-4-201 et seq., The Public Records Act.

**Section 7. Correction and Amendment.** Any applicant or licensee may clarify erroneous, inaccurate or misleading information in their file by submitting a written statement to the Board which will be placed in their file.

## CHAPTER 5

### FEES

**Section 1. Fees.** This fee schedule is adopted by the Board pursuant to W.S. 33-1-201 and shall not exceed.

- (a) Application Fee: \$750.00
- (c) Renewal Fee: \$750.00 every 3 years
- (d) Reinstatement  
that the license was expired. \$250.00 for each year, or portion thereof,
- (e) Non-sufficient Funds Fee: in accordance with W.S. 1-1-115
- (f) Verification Fee: \$15.00
- (g) Copy Fee: \$.25 per page

**Section 2. Refunds.** All fees collected by the Board are non-refundable.

**Section 3. Applications Unaccompanied by Fees.** Applications shall not be considered by the Board unless accompanied by the application fee.

**Section 4. Duplicate or Replacement Certificate and Pocket Card.** Duplicate or replacement wall certificates and pocket cards may be issued by the Board. All requests for duplicate or replacement certificates shall be in writing and shall be accompanied by a ten dollar (\$10.00) fee for each duplicate or replacement. All requests for duplicate or replacement pocket cards shall be in writing and shall be accompanied by a five dollar (\$5.00) fee for each duplicate or replacement.

**Section 5. Requests for Roster of Licensees.** The roster of current licensees shall be updated at least annually and made available electronically at no charge.



## CHAPTER 6

### RENEWAL

**Section 1. Triennial Renewal.** Licenses may be renewed every three (3) years by providing the Board with the following:

- (a) Complete application for renewal; and
- (b) Payment of the renewal fee; and
- (c) Verification that the licensee has maintained their BOC certification, or other evidence of compliance with the continuing education requirements established below.

**Section 2. Late Renewal.** An expired license may be renewed within ninety (90) days of its expiration by providing the Board with the following:

- (a) Complete application for renewal; and
- (b) Payment of the renewal fee; and
- (c) Verification that the licensee has maintained their BOC certification, or other evidence of compliance with the continuing education requirements established below. Continuing education must have been completed within the three (3) years immediately preceding the expiration date.

**Section 3. Reinstatement.** An expired license may be reinstated within five (5) years of its expiration by providing the Board with the following:

- (a) Complete application for renewal; and
- (b) Payment of the reinstatement fee; and
- (c) Verification of having completed seventy-five (75) of hours of continuing education activities within the three (3) years immediately preceding application for reinstatement, or verification that the licensee is in good standing with the BOC.

#### **Section 4. Continuing Education.**

(a) Continuing education (CE) requirements are intended to promote continued competence, development of current knowledge and skills and enhancement of professional skills and judgment beyond the levels required for entry-level practice. CE activities must focus on increasing knowledge, skills and abilities related to the practice of athletic training. Each licensee shall earn a minimum of seventy-five (75) contact hours of continuing education during each three (3) year renewal period. Continuing Education Units (CEUs) in excess of the amount required cannot be carried over for credit in subsequent reporting periods. CEUs cannot be

earned prior to certification. A license may not be renewed if the holder fails to complete the required number of continuing education credits.

(i) Continuing Education Units (CEUs) shall be the actual number of hours during which instruction was received. A CEU shall consist of not less than fifty (50) minutes of actual instruction or presentation. For academic courses, one (1) semester credit equals fifteen (15) CEUs. One (1) quarter credit equals ten (10) CEUs.

(ii) Only those CEUs acquired during the three (3) years immediately preceding the expiration date will be considered.

(iii) The following standards shall govern acceptability of continuing education activities:

(A) A maximum of seventy-five (75) CEUs may be earned through BOC approved provider programs. Activities in this category includes workshops, seminars, conferences, home study courses, and other programs approved by the BOC.

(B) A maximum of fifty (50) CEUs may be earned through other educational activities such as:

(I) Speaking engagements. May be counted only once per topic for a maximum of 10 CEUs per topic.

(II) Initial training for EMT (Basic) certification.

(III) Serving as a BOC qualified examiner or model. Up to five (5) CEUs can be reported per exam with a limit of ten (10) CEUs per year earned in this category.

(IV) Initial EMT training for a maximum of forty (40) CEUs.

(V) Serving as a panelist at a conference. May be counted for a maximum of five (5) CEUs per topic. The conference/seminar must be intended for an audience of healthcare professionals (i.e., ATs, PTs, RNs, PAs, PTAs, MDs). The actual content presented by a speaker or panelist must pertain to the domains identified in the *Role Delineation Study, Fifth Edition*.

(VI) Published publication activities prepared for commercial distribution. A journal refers to a periodical containing scholarly articles and/or current information on research and development in a particular field. Refereed denotes that the manuscript/document has been reviewed by an editor and one or more specialist prior to publication.

(1.) Primary author of an article in a non-refereed journal. May be counted for a maximum of five (5) CEUs per article.

(2.) Author of an article in a refereed journal. May be counted for a maximum of fifteen (15) CEUs per article for the primary author, and ten (10) CEUs per article for a secondary author.

(3.) Author of an abstract in a refereed journal. May be counted for a maximum of ten (10) CEUs per abstract for the primary author, and five (5) CEUs per abstract for a secondary author.

(4.) Author of a published textbook. May be counted for a maximum of forty (40) CEUs per book for the primary author, and twenty (20) CEUs per book for a secondary author.

(5.) A contributing author of a published textbook. May be counted for a maximum of ten (10) CEUs per book.

(6.) Author of a poster presentation which is peer reviewed or referred. May be counted for a maximum of ten (10) CEUs for the primary presentation, and five (5) CEUs for a secondary presentation.

(7.) Primary author of published multimedia material, such as CD-ROM, audio or video. May be counted for a maximum of fifteen (15) CEUs per publication.

(8.) Primary author of a home study course. The maximum CEUs is as determined by a BOC reviewer.

(V) Serving as a home study reviewer. This includes BOC home study reviewers and reviewers of refereed publications. Five (5) CEUs per review with a maximum of ten (10) CEUs per year may be counted in this category.

(VI) Serving as an exam item writer. This includes BOC item writers and exam item writers for other healthcare professional exams. A maximum of five (5) CEUs per year may be counted in this category.

(C) A maximum of seventy-five (75) CEUs may be earned through post-certification college/university coursework provided the content of the course falls within the domains identified in the *Role of Delineation Study, Fifth Edition*.

(I) The college/university must be accredited by an agency recognized by the US Department of Education.

(II) The course must be assigned credit hours and be listed on an official transcript.

(III) Practicum courses, clinical and internship experiences are not acceptable for CEU credit.

(IV) Twenty-five (25) CEUs are awarded per year for medical residency.

(D) A maximum of twenty (20) CEUs may be earned through individualized options. The content of the program must fall within the domains identified in the *Role Delineation Study, Fifth Edition*.

(I) One (1) CEU per contact hour may be earned by attendance at a professional program that is sponsored non- BOC approved providers.

(II) One (1) CEU per contact hour may be earned by reviewing videos, DVDs, audiotapes, and other multimedia.

(iv) Licensees shall attest to the number of continuing education hours completed.

(v) Licensees shall report their continuing education activities in a manner determined by the Board.

(A) Licensees shall maintain copies of any certificates of attendance, letters certifying attendance, transcripts, or any official documents which serve as proof of participation or attendance for at least two (2) years from the date submitted for renewal.

(B) Proof of attendance shall contain the activity title, dates, contact hours attended, sponsor, presenter, qualifications of the presenter, the name of the licensee, and shall be signed by the sponsor or the presenter.

(vi) Licensees are responsible for maintaining their own continuing education documentation.

(vii) Approximately one hundred and twenty (120) days prior to the renewal date the Board may send a renewal notice to the licensee's last address of record.

(viii) Renewal applications shall not be accepted more than one hundred twenty (120) days prior to the expiration date.

(ix) Renewal applications received by the Board which are postmarked more than ninety days (90) after the expiration date, or after the next business day in cases when the expiration date falls on a weekend or holiday, will not be accepted by the Board, and the license will become null and void for failure to timely and sufficiently secure renewal.

(x) Failure to receive a notice for renewal from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.

(b) L.A.T.'s must be able to demonstrate ongoing certification in the competencies outlined in the BOC ECC guidelines throughout the reporting period. CEUs are not awarded for maintaining ECC. (NOTE: ECC certification must be current each year.) Depending on the ECC provider, ECC recertification may not be required each year. ECC must include the following:

- (i) Adult CPR
- (ii) Pediatric CPR
- (iii) 2<sup>nd</sup> rescuer CPR
- (iv) AED
- (v) Airway obstruction, and
- (vi) Barrier devices (e.g., pocket mask, bag valve mask)

(c) Acceptable ECC providers are those adhering to the most current International Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiac Care. Examples of courses that provide the above requirements include, but are not limited to:

- (i) CPR/AED for the Professional Rescuer through the American Red Cross
- (ii) BLS Healthcare Provider through the American Heart Association
- (iii) Online courses are only acceptable if the practical portion is tested with an instructor.

## CHAPTER 7

### PROFESSIONAL RESPONSIBILITY

**Section 1. The Practice of an Athletic Trainer.** The practice of an Athletic Trainer consists of the application of the principles and methods of prevention, recognition, evaluation, and assessment of athletic injuries and illnesses, immediate care of athletic injuries including common injuries, medical emergencies, psychosocial intervention and referral, conditioning and rehabilitative exercise, nutritional aspects of injuries and illnesses, the use of therapeutic modalities, proper healthcare administration, professional development and understanding and education of application, precautions, interactions, and contraindications of pharmacology for athletes.

**Section 2. Ethical Standards.** The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the Board.

(a) Ethical standards are incorporate and are based on the Code of Ethics and Professional Standards of the NATA. The published Code of Ethics and Professional Standards of the NATA are adopted by reference herein as appendix B and shall be used by the licensee and the Board to provide additional guidelines to ethical standards. Where the Code of Ethics and Professional Standards of the NATA conflict with the Act and/or these rules and regulations, the Act and rules and regulations shall control.

(b) Persons licensed by the Board shall:

(i) Use the term “Licensed Athletic Trainer” and/or the initials L.A.T. only after the applicant is granted licensure by the Board.

(ii) Practice only under the direction of a physician licensed by the State of Wyoming Board of Medicine.

(iii) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare.

(iv) Be able to justify all services rendered to clients as necessary for diagnostic or therapeutic purposes.

(v) Practice only within the competency areas for which they are trained and experienced. The licensee must be able to demonstrate to the Board competency, training, and/or expertise should their ability to practice in a specialty area be called into question.

(vi) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed professionals.

(vii) Treat colleagues with respect and should represent accurately and fairly the qualifications, views and obligations of colleagues.

(viii) Use only those educational credentials in association with their licensure and practice as a professional that have been earned at an educational institution accredited by one of the regional or national institutional accrediting bodies recognized by the Council for Higher Education Accreditation (CHEA), and that are directly related to their licensed profession, and that are professional in nature, including, but not limited to M.Ed., M.A., M.S., Ph.D., and Ed.D., and shall include the designation of licensure as an LAT (Licensed Athletic Trainer).

(ix) Maintain accurate documentation of all professional services rendered to a client in confidential files for each client and ensure that client records are kept in a secure, safe, retrievable and legible condition.

(A) Each client record must be retained for a minimum of seven (7) years from the date of the last session.

(B) Records of treatment provided to minor clients must be retained for a minimum of seven (7) years from the date of the last session, or until the client reaches twenty-five (25) years of age, whichever is longer.

(C) The licensee shall name a qualified person who will retain the client records and properly release the client records upon request.

(x) Not practice, facilitate or condone discrimination on the basis of race, sex, age, religion, nation origin, mental or physical handicap or other preferences or characteristics.

(xi) Clearly state the person's licensure status by the use of a title or initials such as "licensed athletic trainer" (L.A.T.) or a statement such as "licensed by the Wyoming State Board of Athletic Training" in any advertising, public directory or solicitation, including telephone directory listings.

(xii) Seek advice and counsel of colleagues and supervisors when such consultation is in the best interest of the client while taking care to protect the client's confidentiality.

(xiii) Respond to all requests for information and all other correspondence from the Board.

(xiv) Display their license or certification at all times in a conspicuous location readily accessible to all clients at the licensee's place of business.

(xv) Not permit, condone or facilitate unlicensed practice or any activity which is a violation of the Act or these rules and regulations.

## CHAPTER 8

### ADVERSE ACTION

**Section 1. Board Authorization.** The Board is authorized to censure, suspend, revoke, refuse to renew, impose probationary conditions, or otherwise restrict the license of any person violating provisions of the Act pursuant to W.S. 33-45-111.

**Section 2. Grounds.** In addition to the grounds outlined in W.S. 33-45-111, the Board may take action for unprofessional or unethical conduct.

- (a) Unprofessional conduct shall include, but is not limited to:
  - (i) Suspension, revocation, denial, or other disciplinary action imposed upon a license held in another jurisdiction. A certified copy of the disciplinary order shall be conclusive evidence.
  - (ii) Representation of oneself as legally authorized to engage in the practice of athletic training without a license issued by this Board.
  - (iii) Conviction of a misdemeanor involving moral turpitude. A certified copy of the conviction shall be conclusive evidence.
  - (iv) Renting or lending the license issued pursuant to this act to any person;
  - (v) Gross incompetence or malpractice.
  - (vi) Mental incompetency.
  - (vii) Knowingly submitting false information to the Board.
  - (viii) Addiction or habitual intemperate use of alcohol, drugs and/or a controlled substance.
  - (ix) Violation and conviction of a charge under W.S. 35-7-1001 et. Seq, the Wyoming Controlled Substance Act.
  - (x) Sexual exploitation of a client, defined as:
    - (A) Offering professional services for some form of sexual gratification; or
    - (B) Sexual contact with a client.
  - (xi) Willful violation of any provisions of this Act, W.S. 33-45-101, et. seq.



(b) Unethical conduct shall be a violation of any provision of the adopted Ethical Standards as set forth in these Rules.

## CHAPTER 9

### COMPLAINTS: PRACTICE AND PROCEDURE

**Section 1. Complaints.** All complaints shall be filed with the Board in writing and shall contain:

- (a) Name and address of licensee;
- (b) Name, address and telephone number of complainant;
- (c) Nature of alleged violations;
- (d) A short and concise statement of facts relating to the alleged violations; and
- (e) Signature of complaint.

#### **Section 2. Investigation.**

(a) The Board shall assign an investigation committee comprised of one (1) Board member or other individuals with assistance from a representative of the Attorney General's Office.

(b) Upon completion of the investigation, the committee may:

(i) Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;

(ii) Recommend to the Board that the complaint be dismissed.

(c) The Board may resolve a complaint at any time by:

(i) Sending a written letter of reprimand/warning to the licensee;

(ii) Accepting a voluntary surrender of a license or certification;

(iii) Accepting conditional terms for settlement;

(iv) Dismissal.

**Section 3. Service of Notice and Formal Complaint.** Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by certified or registered mail with return receipt thereof to the licensee's last known address.

**Section 4. Docket.** A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits.

**Section 5. Answer or Appearance.** The licensee shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.

**Section 6. Default in Licensee Answering or Appearing.** In the event of the failure of a licensee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.

**Section 7. Discovery.** In all contested cases coming before the Board, the taking of depositions and discovery shall be available to the parties.

**Section 8. Subpoenas.** Subpoenas for appearance and to produce testimony, books, papers, documents, or exhibits may be issued by the Board or hearing officer on behalf of any party to the contested case.

**Section 9. Contested Case Hearing.** All issues and matters set forth in the Notice and Complaint shall be presented to the Board. A licensee may be represented by an attorney, licensed to practice law in this State or otherwise associated at the hearing with an attorney licensed to practice law in this State.

**Section 10. Hearing Officer.** The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.

**Section 11. Order of Procedure.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

(a) The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record and shall note for the record all subpoenas issued and all appearances of record;

(b) All persons testifying at the hearing shall be administered the standard oath;

(c) The attorney or representative of the State shall thereupon proceed to present the State's evidence. Witnesses may be cross-examined by the licensee or attorney if represented. Redirect examination may be permitted;

(d) The licensee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross-examination and redirect examination may be permitted;

(e) Opening statements may be made;

(f) Closing statements, at the conclusion of the presentation of evidence, may be made by parties or attorneys. A rebuttal statement may be made by the State. The time for oral argument may be limited by the Board or hearing officer;

(g) After all proceedings have been concluded, the Board or hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the Board may do so. The Board may take the case under advisement and shall declare unto each of the parties that the decision of the Board shall be announced within due and proper time following consideration of all the matters presented at the hearing; and

(h) The Board and hearing officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by a particular witness.

**Section 12. Rules of Civil Procedure to Apply.** The rules of practice and procedure contained in the Wyoming Rules of Civil Procedure insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board shall apply.

**Section 13. Attorneys.** The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. The Board and all parties shall be notified in writing of any withdrawal. Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. This rule shall not be construed to prohibit any licensee from representing themselves in any hearing before the Board, but any licensee appearing in their own behalf shall not be relieved of abiding by all rules established for the hearing proceedings.

**Section 14. Attorney General to be Present.** In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the State, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.

**Section 15. Record of Proceedings.** When the denial, revocation or suspension of any license or certification is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other adequate recording device.

**Section 16. Decision, Findings of Fact and Conclusions of Law and Order.**

(a) The Board shall, with the assistance of the hearing officer if requested, following the full and complete hearing, make and enter a written decision and order containing

findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.

(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.

(c) Upon entry and filing, the Board shall mail copies of the decision to each licensee and attorneys of record.

**Section 17. Appeals to District Court.** Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.

**Section 18. Transcript in Case of Appeal.** In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.

## Appendix A

### Chapter 45 Wyoming Athletic Trainers Licensing Act

Effective July 1, 2009

**33-45-101. Short title.** This chapter shall be known and may be cited as the "Wyoming Athletic Trainers Licensing Act."

**33-45-102. Definitions.**

(a) As used in this chapter:

(i) "Athlete" means individuals associated with an educational institution, or a professional, amateur or recreational sports club or athletic organization participating in exercises, sports or games that require physical strength, agility, flexibility, range of motion, speed or stamina;

(ii) "Athletic injury" means:

(A) An injury or athletic-related illness or both that affects the athlete's participation or performance in sports, games and exercise related to participation with an educational institution or professional, amateur or recreational sports club or organization; and

(B) A condition that is within the scope of practice of an athletic trainer identified by a directing physician as benefiting from athletic training services.

(iii) "Board" means the state board of athletic training created under this chapter;

(iv) "License" means a current document certifying the athletic trainer has met the qualifications required to perform the functions and duties of an athletic trainer in this state;

(v) "Licensed athletic trainer" means a person licensed under this chapter who meets the qualifications set by the board and practices athletic training;

(vi) "Practice of athletic training" means the application of the principles and methods of prevention, recognition, evaluation and assessment of athletic injuries and illnesses, immediate care of athletic injuries including common injuries, medical emergencies, psychosocial intervention and referral, conditioning and rehabilitative exercise, nutritional aspects of injuries and illnesses, the use of therapeutic modalities, proper healthcare administration, professional development and the understanding and education of applications, precautions, interactions, indications and contraindications of pharmacology for athletes. "Practice of athletic training" does not include the practice of physical therapy as defined in W.S. 33-25-101(a)(i).

**33-45-103. Board of athletic training established; qualifications; term of office; vacancies; removal.**

(a) The state board of athletic training is created to implement and administer this chapter.

(b) The board shall consist of the following three (3) members:

(i) Two (2) licensed athletic trainers certified by a nationally accredited credentialing agency with at least five (5) years of training experience prior to appointment; and

(ii) One (1) licensed physician with at least five (5) years experience prior to appointment.

(c) Terms of initial board members shall be staggered with one (1) member serving for one (1) year, one (1) serving for two (2) years and one (1) serving for three (3) years.

(d) The governor shall appoint the members of the board. Except for initial board members as provided under subsection (c) of this section, the term of each member shall be three (3) years. Upon expiration of their terms, members of the board shall continue to hold office until the appointment of their successors. No person shall serve as a member of the board for more than two (2) consecutive terms.

(e) A vacancy that occurs for any reason in the membership of the board shall be filled within thirty (30) days by the governor. A person appointed to fill a vacancy shall serve for the unexpired portion of the term.

(f) The governor may remove any member of the board as provided in W.S. 9-1-202 or upon a recommendation of a majority of the board for any reason.

**33-45-104. Board of athletic training; reimbursement of expenses.** Each member of the board shall receive the same per diem and travel expenses provided by law for state employees while engaged in official business or actual duties of the board. The fees and expenses shall be paid from the funds of the board.

**33-45-105. Board of athletic training; meetings.** A majority of the board constitutes a quorum for meetings and the transaction of official business. The board shall meet as often as needed, but not less than two (2) times a year.

**33-45-106. Board of athletic training; powers and duties; fees; deposit in separate account to fund administration; separate account for enhancing practice of athletic training.**

(a) The board shall:

(i) Administer this chapter;

- including:
- (ii) Promulgate rules and regulations as necessary to carry out this chapter
    - (A) Continuing education requirements for the renewal of licenses;
    - (B) Professional conduct;
    - (C) Professional licensure;
    - (D) Ethical standards of practice.
  - (iii) Approve or disapprove applications for licensure and issue licenses;
  - (iv) Censure, suspend or revoke licenses as provided in this chapter and the Wyoming Administrative Procedure Act;
  - (v) Initiate and conduct investigations, hearings and proceedings concerning alleged violations of this chapter and board rules;
  - (vi) Prescribe fees in accordance with W.S. 33-1-201 for implementing this chapter;
  - (vii) Keep a record of all proceedings and make available to licensees and other concerned parties an annual report of all board action.

(b) The board may employ or contract with individuals it determines necessary to administer its affairs and to provide necessary support and clerical services. Costs related to these services shall be paid from the funds of the board.

(c) All fees collected by the board shall be deposited by the state treasurer to the credit of the state board of athletic training account. Disbursements from the account shall not exceed the monies credited to it. The account shall be used by the board to defray costs incurred in the administration of this chapter.

(d) The board may accept federal, state, county, city or private funds, grants or appropriations to enhance the practice of athletic trainers. The funds shall be deposited by the state treasurer in a separate account. The funds shall be paid out upon an authorized voucher duly verified and signed by the chairman of the board, showing that the expenditure is authorized under this chapter. Upon presentation of the voucher, the auditor shall draw the warrant upon the treasurer but no warrant shall be drawn unless sufficient funds are in the account.

**33-45-107. Licenses required; persons and practices not affected.**

(a) After July 1, 2010, no person shall use any card, title, letters, insignia or abbreviation indicating that the person is a licensed athletic trainer, except under a license issued



in accordance with this chapter and rules adopted pursuant to this chapter.

(b) No person licensed as an athletic trainer under this chapter shall engage in the practice of athletic training except under the direction of a physician licensed by the Wyoming board of medicine.

(c) Nothing in this chapter shall prevent or restrict the practices, services or activities of:

(i) Any person licensed in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered or otherwise regulated;

(ii) Any person employed by a school district in this state and holding a coaching endorsement issued by the professional teaching standards board;

(iii) Any person serving as an athletic trainer for a school district or as an undergraduate student intern or trainee, provided the student intern or trainee is given the title of "athletic training student," and the activities of any person acting pursuant to this paragraph are performed under the supervision of a licensed athletic trainer or a person meeting the qualifications of paragraph (ii) of this subsection;

(iv) Any person performing athletic training services in this state for no more than thirty (30) days in any calendar year if that person is:

(A) Employed by an organization, corporation or educational institution located in another state; and

(B) Representing the organization, corporation or educational institution in a short-term event held in Wyoming.

(d) Any person engaged in the practice of athletic training who is relocating to this state shall have one hundred twenty (120) days from the date of residency to complete application for licensure.

### **33-45-108. Applications; qualifications; issuance of license.**

(a) An application for licensure under this chapter shall be on forms prescribed by the board. The application shall show that the applicant has reached the age of majority, is a graduate of an accredited four (4) year college or university in a program of study approved by the board and has passed the examination administered by a national certifying body approved by the board.

(b) Fees shall accompany all applications for original licenses, renewal licenses and other applications authorized by this chapter.

(c) The board shall issue a license to any applicant who has satisfactorily met all the

requirements for licensure imposed under this chapter and board rule and regulation as an athletic trainer. The term of the license shall be three (3) years from the date of issuance and may be renewed subject to the requirements of this chapter.

**33-45-109. Renewal of license.** The board shall prescribe the form and expiration date of licenses. Licenses may be renewed by submitting the required application for renewal and fee to the board before the license expiration date. If a license is allowed to expire, the license may be renewed within a period of ninety (90) days after the expiration date upon payment of the renewal fee. A license which is not renewed within the ninety (90) day period may be reinstated upon payment of all fees due, including a reinstatement fee as established by the board. A license which has not been renewed is not valid. No reinstatement of a license may be granted more than five (5) years after its expiration.

**33-45-110. Reciprocity.** Persons licensed to engage in the practice of athletic training under the laws of any other state having requirements substantially equal to those provided for in this chapter may be issued a license to practice in this state solely upon payment of the license fees as provided in this chapter.

**33-45-111. Disciplinary action; suspension and revocation of license.**

(a) After the hearing authorized by subsection (b) of this section, the board may deny a license or refuse to renew a license, may suspend or revoke a license or may impose probationary conditions if the licensee or the applicant has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. For purposes of this section, unprofessional conduct includes:

- (i) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
- (ii) Being guilty of unprofessional conduct as defined by the rules of the board or violating the code of ethics adopted and published by the board;
- (iii) Being convicted of a felony;
- (iv) Being convicted of an offense involving a controlled substance;
- (v) Being negligent in the practice of athletic training;
- (vi) Violating any lawful order, rule or regulation rendered or adopted by the board; and
- (vii) Violating any provision of this chapter.

(b) A denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the board after a hearing in the manner provided by rules and regulations adopted by the board. An application for reinstatement may be made to the

board one (1) year after the date of the revocation of a license. The board may accept or reject an application for reinstatement and may hold a hearing to consider reinstatement. Any person aggrieved by any final action of the board may appeal to the district court under the Wyoming Administrative Procedure Act.

(c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

### **33-45-112. Penalties.**

(a) Any person who violates any provision of W.S. 33-45-107 is guilty of a misdemeanor punishable by imprisonment of not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. Each violation shall constitute a separate offense.

(b) The board may seek an injunction in the district court to enjoin any person from violating this chapter.

## **Appendix B**

### **NATA CODE OF ETHICS**

September 28, 2005

#### **PREAMBLE**

The National Athletic Trainers' Association Code of Ethics states the principles of ethical behavior that should be followed in the practice of athletic training. It is intended to establish and maintain high standards and professionalism for the athletic training profession. The principles do not cover every situation encountered by the practicing athletic trainer, but are representative of the spirit with which athletic trainers should make decisions. The principles are written generally; the circumstances of a situation will determine the interpretation and application of a given principle and of the Code as a whole. When a conflict exists between the Code and the law, the law prevails.

#### **PRINCIPLE 1:**

Members shall respect the rights, welfare and dignity of all.

- 1.1 Members shall not discriminate against any legally protected class.
- 1.2 Members shall be committed to providing competent care.
- 1.3 Members shall preserve the confidentiality of privileged information and shall not release such information to a third party not involved in the patient's care without a release unless required by law.

#### **PRINCIPLE 2:**

Members shall comply with the laws and regulations governing the practice of athletic training.

- 2.1 Members shall comply with applicable local, state, and federal laws and institutional guidelines.
- 2.2 Members shall be familiar with and abide by all National Athletic Trainers' Association standards, rules and regulations.
- 2.3 Members shall report illegal or unethical practices related to athletic training to the appropriate person or authority.
- 2.4 Members shall avoid substance abuse and, when necessary, seek rehabilitation for chemical dependency.

#### **PRINCIPLE 3:**

Members shall maintain and promote high standards in their provision of services.

- 3.1 Members shall not misrepresent, either directly or indirectly, their skills, training, professional credentials, identity or services.
- 3.2 Members shall provide only those services for which they are qualified through education or experience and which are allowed by their practice acts and other pertinent regulation.
- 3.3 Members shall provide services, make referrals, and seek compensation only for those services that are necessary.
- 3.4 Members shall recognize the need for continuing education and participate in educational activities that enhance their skills and knowledge.

- 3.5 Members shall educate those whom they supervise in the practice of athletic training about the Code of Ethics and stress the importance of adherence.
- 3.6 Members who are researchers or educators should maintain and promote ethical conduct in research and educational activities.

**PRINCIPLE 4:**

Members shall not engage in conduct that could be construed as a conflict of interest or that reflects negatively on the profession.

- 4.1 Members should conduct themselves personally and professionally in a manner that does not compromise their professional responsibilities or the practice of athletic training.
- 4.2 National Athletic Trainers' Association current or past volunteer leaders shall not use the NATA logo in the endorsement of products or services or exploit their affiliation with the NATA in a manner that reflects badly upon the profession.
- 4.3 Members shall not place financial gain above the patient's welfare and shall not participate in any arrangement that exploits the patient.
- 4.4 Members shall not, through direct or indirect means, use information obtained in the course of the practice of athletic training to try to influence the score or outcome of an athletic event, or attempt to induce financial gain through gambling.