

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

571Q0374

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 160** - 2/20/2009

Introduced by: Senators Hansen (Tom), Dempster, Jerstad, Knudson, Merchant, and Schmidt
and Representatives Hunt, Feinstein, Hamiel, Krebs, Lederman, Schlekeway,
and Thompson

1 FOR AN ACT ENTITLED, An Act to revise the grounds for which a license of an athletic
2 trainer may be revoked, suspended, or canceled.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-29-18 be amended to read as follows:

5 36-29-18. The license of an athletic trainer may be revoked, suspended, or canceled upon
6 any one of these grounds:

7 (1) The licensee is guilty of fraud in the practice of athletic training or fraud or deceit in
8 ~~his~~ the licensee's admission to the practice of athletic training; ~~or~~

9 (2) The licensee has been convicted of a felony during the past five years. The conviction
10 of a felony is the conviction of any offense, which if committed within the State of
11 South Dakota would constitute a felony under its laws; ~~or~~

12 (3) The licensee is engaged in the practice of athletic training under a false or assumed
13 name and has not registered that name pursuant to chapter 37-11, or is impersonating
14 another practitioner of a like or different name; ~~or~~



- 1 (4) The licensee is addicted to the habitual use of intoxicating liquors, narcotics, or
2 stimulants to the extent as to incapacitate ~~him~~ the licensee from the performance of
3 the licensee's professional duties; ~~or~~
- 4 (5) The physical or mental condition of the licensee is determined by a medical examiner
5 to be such as to jeopardize or endanger those who seek relief from the licensee. A
6 majority of the Board of Medical and Osteopathic Examiners may demand an
7 examination of the licensee by a competent medical examiner selected by the board
8 at the board's expense. If the licensee fails to submit to the examination, this ~~shall~~
9 ~~constitute~~ constitutes immediate grounds for suspension of the licensee's license; ~~or~~
- 10 (6) ~~Obtaining or attempting~~ The licensee obtains or attempts to obtain a license,
11 certificate, or renewal thereof by bribery or fraudulent representation; ~~or~~
- 12 (7) ~~Direct or indirect~~ The licensee receives direct compensation from individuals or third
13 party payees for services rendered; ~~or~~. However, a licensee may receive
14 compensation from any organization sponsoring an athletic event for athletic training
15 services provided to athletes participating in the event. For the purposes of this
16 subdivision, direct compensation is compensation other than that received by the
17 employing institution or athletic organization;
- 18 (8) ~~Making~~ The licensee makes a false statement in connection with any application
19 under this chapter; ~~or~~
- 20 (9) ~~Making~~ The licensee makes a false statement on any form ~~promulgated~~ prescribed
21 by the board ~~in accordance with~~ pursuant to this chapter or the rules ~~and regulations~~
22 ~~adopted~~ promulgated by the board pursuant to this chapter; ~~or~~
- 23 (10) The licensee conducts continued treatment and rehabilitation procedures on
24 individuals other than those associated with the employing institution or athletic

1 organization; or

2 (11) The licensee has violated any provision of this chapter or the rules ~~and regulations~~

3 promulgated ~~hereunder~~ pursuant to this chapter.