

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

454J0514

HOUSE BILL NO. 1113

Introduced by: Representatives O'Brien, Bartling, Christensen, Craddock, Garnos, Kraus, Murschel, Olson (Mel), Peterson (Bill), Rave, Rounds, Smidt, Thompson, and Weems and Senators Albers, Abdallah, Brown, Diedrich (Larry), Greenfield, Kooistra, McCracken, Moore, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding athletic trainers.

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

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

4 36-29-1. Terms used in this chapter, ~~unless the context otherwise requires,~~ mean:

5 (1) "Athletic injury," any injury sustained by a physically active person as a result of the
6 person's participation in an exercise, sport, competition, or recreational activity
7 requiring physical strength, agility, flexibility, range of motion, speed, and stamina.

8 The term also includes any comparable injury that impedes the person's participation
9 in any of the activities listed in this subdivision;

10 (2) "Athletic trainer," a person with who meets the specific qualifications as set forth in
11 § 36-29-3, whose responsibility is the prevention, evaluation, emergency care,
12 treatment, and reconditioning of athletic injuries under the direction of the team or
13 treating physician. The athletic trainer may use cryotherapy, which includes cold
14 packs, ice packs, cold water immersion, and spray coolants; thermotherapy, which



1 includes topical analgesics, moist hot packs, heating pads, infrared lamp, and paraffin
 2 bath; hydrotherapy, which includes whirlpool; and therapeutic exercise common to
 3 athletic training which includes stretching and those exercises needed to maintain
 4 condition; in accordance with a physician's written protocol. Any rehabilitative
 5 procedures recommended by a physician for the rehabilitation of athletic injuries
 6 which have been referred and all other physical modalities may be administered only
 7 following the prescription of the team or referring physician;

8 (3) "Athletic training," the practice of prevention, recognition, assessment, evaluation,
 9 management, treatment, disposition, and rehabilitation of athletic injuries or of
 10 persons whose conditions are within the professional preparation and education of
 11 the licensed athletic trainer under the direction of a licensed physician;

12 ~~(2)~~(4) "Board," the Board of Medical and Osteopathic Examiners as created by chapter
 13 36-4.

14 Section 2. That § 36-29-3 be amended to read as follows:

15 36-29-3. The Board of Medical and Osteopathic Examiners shall issue an athletic trainer
 16 license to ~~an~~ any applicant who:

17 (1) Has a baccalaureate degree and has met the athletic training course requirements of
 18 a college or university approved by the board; and

19 ~~(2) Has served a board approved internship as an athletic trainer under the direct~~
 20 ~~supervision of a licensed athletic trainer; and~~

21 ~~—(3)—~~ Has passed a written and oral an examination approved by the board; ~~and~~

22 ~~—(4)—~~ Has demonstrated competency in each of the therapeutic modalities listed in
 23 § 36-29-1 to a board approved examiner or has shown proof of successful completion
 24 of a course in therapeutic modalities.

1 Section 3. That § 36-29-8 be amended to read as follows:

2 36-29-8. There is created an athletic training committee, ~~which shall be~~ comprised of three
3 residents of this state who are licensed to practice athletic training in the state, ~~one of which~~
4 ~~shall be a registered physical therapist~~. This committee shall assist the Board of Medical and
5 Osteopathic Examiners in conducting exams and shall assist the board in all matters pertaining
6 to the licensure, practice, and discipline of those licensed to practice athletic training in this state
7 and the establishment of rules ~~and regulations~~ pertaining to athletic training. The South Dakota
8 Athletic Trainers' Association shall nominate two people for each vacancy at least six months
9 prior to the vacancy. Each person appointed to the committee after the initial members shall
10 serve for a period of three years. The board shall fill the vacancy from a list of nominees
11 presented by the South Dakota Athletic Trainers' Association. In the event a vacancy arises due
12 to death, retirement, or removal from the state, ~~such~~ the vacancy shall be filled in the same
13 manner as an original appointments appointment. The member shall serve the remainder of the
14 unexpired term.

15 Section 4. That § 36-29-15 be amended to read as follows:

16 36-29-15. Failure of a licensee to renew ~~his~~ a license on or before the first day of July of the
17 year of expiration ~~shall constitute~~ constitutes a forfeiture of the license. Any person who has
18 forfeited ~~his~~ a license under this chapter may have it restored ~~to him~~ by making written
19 application and by payment of the renewal fee for the current term. However, late renewal of
20 a license may not be granted more than five years after its expiration. The board may establish,
21 pursuant to § 36-29-14, additional continuing education requirements for late license renewals.

22 Section 5. That § 36-29-16 be repealed.

23 ~~36-29-16. Any licensee who does not renew his license for two consecutive years shall take~~
24 ~~the examination as prescribed for an applicant to become a licensee and comply with all the~~

1 ~~provisions of this chapter.~~

2 Section 6. That § 36-29-18 be amended to read as follows:

3 36-29-18. The license of an athletic trainer may be revoked, suspended, or canceled upon
4 any one of these grounds:

5 (1) The licensee is guilty of fraud in the practice of athletic training or fraud or deceit in
6 ~~his~~ the admission to the practice of athletic training; ~~or~~

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

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

13 (4) The licensee is addicted to the habitual use of intoxicating liquors, narcotics, or
14 stimulants to the extent as to incapacitate ~~him~~ the licensee from the performance of
15 ~~his~~ the licensee's professional duties; ~~or~~

16 (5) The physical or mental condition of the licensee is determined by a medical examiner
17 to be such as to jeopardize or endanger those who seek relief from the licensee. A
18 majority of the Board of Medical and Osteopathic Examiners may demand an
19 examination of the licensee by a competent medical examiner selected by the board
20 at the board's expense. If the licensee fails to submit to the examination, this ~~shall~~
21 ~~constitute~~ constitutes immediate grounds for suspension of the licensee's license; ~~or~~

22 (6) Obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery
23 or fraudulent representation; ~~or~~

24 ~~Direct or indirect compensation from individuals or third party payees for services~~

1 ~~rendered; or~~

2 —~~(8)~~— Making a false statement in connection with any application under this chapter; ~~or~~

3 ~~(9)~~(8) Making a false statement on any form promulgated by the board in accordance with

4 this chapter or the rules ~~and regulations~~ adopted by the board; ~~or~~

5 ~~(10)~~(9) The licensee conducts continued treatment and rehabilitation procedures on

6 individuals other than those associated with the employing institution or

7 athletic organization; or

8 ~~(11)~~(10) The licensee has violated any provision of this chapter or the rules ~~and~~

9 ~~regulations~~ promulgated ~~hereunder~~ pursuant to this chapter.