

October 19, 2000

TITLE 106
ATHLETIC TRAINERS, NORTH DAKOTA BOARD OF

Article

106-01 General Administration

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**ARTICLE 106-01
GENERAL ADMINISTRATION**

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**CHAPTER 106-01-01
ORGANIZATION OF THE BOARD**

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106-01-01-01	Organization of the Board of Athletic Trainers

106-01-01-01. Organization of the Board of Athletic Trainers.

1. **History and function.** The 1983 legislative assembly passed legislation to license athletic trainers, codified as North Dakota Century Code chapter 43-39. That chapter requires the governor to appoint a board of athletic trainers. It is the responsibility of that board to license and regulate athletic trainers within the state of North Dakota.
2. **Purpose.** The purpose of the board's rules 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 for 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 North Dakota Century Code chapter 43-39 or in this title.
3. **Board membership.** The board consists of five members appointed by the governor. One member is a licensed physician, three members are licensed athletic trainers, and one member is a representative of the general public and may not be licensed in any health care field. Members serve staggered terms of four years. No member may serve more than two successive four-year terms on the board.
4. **Officers.** The board each year elects one of its members as chairman and one of its members as secretary-treasurer.
5. **Inquiries.** Inquiries regarding board activities may be addressed to:

North Dakota Board of Athletic Trainers
PO Box 5545
Fargo, ND 58105-5545

History: Effective

General Authority: N.D.C.C. § 28-32-02.1

Law Implemented: N.D.C.C. § 43-39-02

**CHAPTER 106-01-02
DEFINITIONS**

Section

106-01-02-01 Definitions

106-01-02-01. Definitions. As used in this title and in North Dakota Century Code chapter 43-39, the following terms have the meaning set forth below unless the context otherwise requires:

1. "Athletic Injury" means an injury sustained by a physically active individual as a result of the individual's participation in an exercise, sport, game, or recreational activity, which requires physical strength, agility, flexibility, range of motion, speed, or stamina. The term includes any comparable injury that impedes the individual's participation in any of the activities listed in the section.
2. "Student Athletic Trainer" means someone who is enrolled in a course of study leading to certification under the guidelines of the National Athletic Trainers Association Board of Certification or its successor board.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-01, 43-39-04

**ARTICLE 106-02
LICENSURE**

Chapter
106-02-01 Initial Licensure and Renewals

**CHAPTER 106-02-01
INITIAL LICENSURE AND RENEWALS**

Section
106-02-01-01 Initial Licensure
106-02-01-02 Reciprocity
106-02-01-03 License Renewal
106-02-01-04 Continuing Education
106-02-01-05 Fees

106-02-01-01. Initial Licensure. To apply for initial licensure, an applicant:

1. Must meet all requirements of certification established by the national athletic trainers association board of certification, incorporated;
2. Must submit an application along with the application fee and initial license fee provided in section 106-02-01-05;
3. Must have passed an examination approved by the board;
4. Must meet with the approval of the board; and
5. Must not have committed an act which constitutes grounds for denial of a license.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 49-39-05, 43-39-06, 49-39-08

106-02-01-02. Reciprocity. A person who holds a current license as an athletic trainer in another jurisdiction and who is in good standing in that jurisdiction may apply to receive a license from the board if the person satisfies the requirements for initial licensure.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 43-39-06

106-02-01-03. License Renewal.

1. Licenses issued by the board expire on June thirtieth of each year. Renewal forms will be sent no later than May fifteenth of each year. A renewal application will

be considered timely if it is postmarked before July first and if the application is accompanied by the proper fee and by proof of sufficient continuing education under section 106-02-01-04.

2. A person who previously held a license issued by the board and whose license has expired may have the same restored immediately upon payment of the appropriate late renewal fee; provided, however, that not more than one year has elapsed since the date of expiration, and provided that the person has not provided athletic training during the time in which the license was expired.
3. This section does not relieve any person from criminal prosecution for practicing athletic training without a license as required by North Dakota Century Code chapter 43-39. Once a license has lapsed, the person who held the license may not practice athletic training until the license is renewed or until a new license is issued.
4. Any person who fails to renew a lapsed license within one year must reapply for a new license and provide proof of sufficient continuing education under section 106-02-01-04 for the time period during which the license was expired.
5. A license issued by virtue of the grandfather provision in North Dakota Century Code section 43-39-07 which has expired will not be renewed. Any person seeking to renew such a license after it has expired must meet all licensing requirements in effect at the time of the application for renewal, including eligibility for certification.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-07, 43-39-09

106-02-01-04. Continuing Education.

1. To be eligible to apply for renewal of a license issued by the board, the licensee must provide sufficient proof of the accumulation of at least eighty continuing education units (CEUs) in the last three years.
2. As used in this section, "CEU" means one contact hour of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.
3. A licensee who is also a certified athletic trainer may provide a photocopy of the licensee's current NATA membership card or current NATABOC, Inc. card as proof of the completion of CEUs.
4. A licensee who is not also a certified athletic trainer must obtain approval of experiences intended to be used as CEUs. Approval is provided through the

secretary/treasurer of the board and must be requested during the same time frame in which the experience is to be used to satisfy the CEU requirements. Continuing education programs which have been approved by the National Athletic Trainers Association Board of Certification, Inc. or its successor need not receive prior approval for CEU credit for uncertified licensees.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 43-39-02

106-02-01-05. Fees. The board charges the following fees:

1. For applications for initial licensure, 50 dollars.
2. For an examination, 375 dollars.
3. For an initial annual license, or a timely renewal of a current annual license, 50 dollars.
4. For renewal of an annual license which has expired within the last year, 50 dollars.
5. For a replacement certificate of licensure or renewal card, 10 dollars.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-02, 43-39-06

**ARTICLE 106-03
PRACTICE OF ATHLETIC TRAINING**

Chapter
106-03-01 Athletic Training Practice

**CHAPTER 106-03-01
ATHLETIC TRAINING PRACTICE**

Section
106-03-01-01 Posting Licenses
106-03-01-02 Use of Titles and Abbreviated Titles
106-03-01-03 Complaints
106-03-01-04 Ground for Discipline
106-03-01-05 Disciplinary Actions
106-03-01-06 Notice of Name or Address Change

106-03-01-01. Posting Licenses.

1. A person who is licensed by the board shall display the license at the location of the licensee's principal place of employment. A current renewal card must be displayed with the certificate or be in the possession of the licensee while practicing athletic training.
2. If the original license or current renewal card is lost, misplaced, stolen, or destroyed, the licensee shall immediately report that fact to the board in writing. Upon receipt of a statement from the licensee satisfactorily explaining the circumstances making replacement necessary, and upon payment of the proper fee, the board may issued a replacement license or card.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 43-39-02

106-03-01-02. Use of Titles and Abbreviated Titles.

1. A person licensed by the board may use, so long as the use is appropriate and accurate, the titles "athletic trainer," "certified athletic trainer," "licensed athletic trainer," or "licensed athletic trainer, certified," and the abbreviations "LATC," "ATC," "AT," or "CAT."
2. A student athletic trainer may not use the title "student athletic trainer" or the abbreviation "SAT" unless the student is enrolled in an approved athletic trainer program.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-02, 43-39-04

106-03-01-03. Complaints. All complaints will be investigated and evaluated by the board. Complaints must be in writing and sent to the president of the board. A complaint must state, at a minimum, the name or names of the licensees against whom the complaint is made, a brief explanation of the complaint. The complaint must be dated and signed by the person making the complaint. The board may also investigate a complaint on its own motion. Following an investigation, the board may file charges against a licensee under North Dakota Century Code chapter 28-32.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 43-39-02

106-03-01-04. Grounds for Discipline. In addition to the causes for disciplinary action in North Dakota Century Code section 43-39-10, the board may take disciplinary action against an applicant or licensee if the applicant or licensee:

1. Is unfit or incompetent by reason of gross ignorance, negligence, habits or other causes of incompetency;
2. Is knowingly practicing while suffering from a contagious or infectious disease without taking sufficient precautions;
3. Is in violation of any of the applicable provisions of the [Month, Year, edition of the] Code for Professional Practice of the National Athletic Trainers Association, Inc;
4. Is guilty of dishonest or unethical conduct;
5. Has practiced athletic training without a valid license; or
6. Has violated or aided or abetted others in violation of any provision of state law or this title.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-02, 43-39-10

106-03-01-05. Disciplinary Actions. The disciplinary actions which may be taken by the board include:

1. Revocation of a license;
2. Suspension of a license, for any period of time;

3. Placing restrictions on the practice of a licensee;
4. Issuing a letter of reprimand to a licensee;
5. Placing a licensee on probationary status, which may include any of the following conditions:
 - a. Regular reports to the board upon matters which are the basis of probation;
 - b. Additional CEUs 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. Refusing to renew a license;
7. Revoking probation which has been granted and imposing any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated; or
8. Denying an application for a license.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. §§ 43-39-02, 43-39-10

106-03-01-06. Notice of Name or Address Change. Applications for a initial license or renewal of a license must contain the current name and address of the applicant. If, for any reason, a change of name occurs, the applicant or licensee shall immediately notify the board. The board shall issue a replacement license upon surrender of the original or renewal license and upon payment of the proper fee.

History: Effective

General Authority: N.D.C.C. § 43-39-02

Law Implemented: N.D.C.C. § 43-39-02, 43-39-09