

§ 73-55-1. Short title

This chapter shall be known as and may be cited as the "Mississippi Athletic Trainers Licensure Act."
SOURCES: Laws, 1991, ch. 374, § 1, eff from and after July 1, 1991.

§ 73-55-3. Definitions

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Advisory council" means the Mississippi Council of Advisors in Athletic Training established in this chapter.

(b) "Athletic training" means the treatment of an athlete for risk management and athletic injury prevention, the clinical evaluation and assessment of an athlete for an injury or illness, or both, the immediate care and treatment for an injury or illness, or both, and the rehabilitation and reconditioning of an athlete's injury or illness, or both, as long as those activities are performed under the direction of a licensed physician, nurse practitioner or physician assistant. The practice of athletic training does not include the practice of physical therapy, the practice of medicine, the practice of osteopathic medicine and surgery, the practice of nursing or the practice of chiropractic.

(c) "Athletic trainer" means a person licensed by the State Department of Health as an athletic trainer after meeting the requirements of this chapter and rules and regulations promulgated pursuant to this chapter, who, upon the advice, consent and oral or written prescriptions or referrals of a licensed physician, nurse practitioner or physician assistant, carries out the practice of athletic training, and in carrying out these functions the athletic trainer is authorized to use physical modalities, such as heat, light, sound, cold, electricity or mechanical devices related to prevention, recognition, evaluation, management, disposition, rehabilitation and treatment. An athletic trainer shall practice only in those areas in which the athletic trainer is competent by reason of training or experience that can be substantiated by records or other evidence found acceptable by the board in the exercise of the board's considered discretion.

(d) "Athletic injury" means any injury sustained by a person as a result of the person's participation in sports, games or recreational activities requiring physical strength, flexibility, range of motion, speed or stamina, or comparable injury.

(e) "Athlete" means an individual who participates in exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed or stamina; or an individual with an athletic injury that a licensed physician, nurse practitioner or physician assistant deems would benefit from athletic training services.

(f) "Department" means the State Department of Health.

(g) "Clinical setting" means a hospital, department, outpatient facility or clinic whose primary purpose is sports medicine, rehabilitation or wellness.

(h) "Nonclinical setting" means a location where school, professional, recreational or sanctioned amateur athletic activities are being held.

(i) "Board" means the State Board of Health.

(j) "Physician" means a physician licensed by the State Board of Medical Licensure.

(k) "BOC, Inc.," means the Board of Certification, Incorporated, or its successor agency, the National Credentialing Agency of Athletic Trainers; formerly referred to as the National Athletic Trainers' Association Board of Certification, Inc. SOURCES: Laws, 1991, ch. 374, § 2; Laws, 2009, ch. 425, § 1, eff from and after July 1, 2009.

§ 73-55-5. Use of descriptive names or titles

No person shall engage in athletic training or use the titles "athletic trainer," "certified athletic trainer" or "licensed athletic trainer" or use the letters "LAT," or "AT" or any other facsimile thereof, whether or not compensation is received or expected, unless he or she is licensed as an athletic trainer in this

state as provided in this chapter. SOURCES: Laws, 1991, ch. 374, § 3; Laws, 2009, ch. 425, § 2, eff from and after July 1, 2009.

§ 73-55-7. Licensing requirements; license for qualified nonresident trainer

Any person seeking licensure as an athletic trainer shall meet at least one (1) of the following requirements:

(a) Satisfactorily complete all of the BOC, Inc., qualifications and be certified as an athletic trainer in good standing.

(b) Hold a degree in physical therapy and complete BOC, Inc., certification requirements.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64. SOURCES: Laws, 1991, ch. 374, § 4; Laws, 1997, ch. 588, § 65; Laws, 2009, ch. 425, § 3, eff from and after July 1, 2009.

§ 73-55-9. Evaluation and treatment of injuries by athletic trainer in nonclinical and clinical settings; supervision by physician, nurse practitioner or physician assistant

The athletic trainer functioning in the nonclinical and clinical setting may, under the direction of a physician, nurse practitioner or physician assistant, evaluate, treat and provide appropriate immediate care and treatment to injuries incurred by an athlete during participation in or training for scholastic, recreational, professional or sanctioned amateur athletic activities. Evaluation and treatment by an athletic trainer in the nonclinical setting to supportive staff, spectators and other persons other than an athlete shall be limited to immediate care and treatment. An athletic trainer functioning in a clinical setting may evaluate and provide treatment for an athletic injury under the direction or referral of a licensed physician, nurse practitioner or physician assistant. An athletic trainer functioning in the nonclinical and clinical setting may use therapeutic exercise and modalities such as heat, cold, light, air, massage, water, sound and electricity for the treatment of musculoskeletal injuries and the use of passive (manual and mechanical) techniques for the purpose of treatment. SOURCES: Laws, 1991, ch. 374, § 5; Laws, 2009, ch. 425, § 4, eff from and after July 1, 2009.

§ 73-55-11. Repealed

Repealed by Laws of 2009, ch. 426, s. 7, effective July 1, 2009.

§ 73-55-13. Fees; continuing education requirements [Repealed effective July 1, 2020]

(1) Except as provided in Section 33-1-39, a person licensed as an athletic trainer under this chapter shall pay to the board a fee not to exceed Three Hundred Dollars (\$ 300.00) for every three-year period for a renewal of his license. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) Continuing education requirements for license renewal shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the BOC, Inc. Proof of the completion of continuing education as required by this section shall be turned in to the board at the time of renewal of license. SOURCES: Laws, 1991, ch. 374, § 7; Laws, 2007, ch. 309, § 35; Laws, 2009, ch. 425, § 5; Laws, 2016, ch. 510, § 52, eff from and after July 1, 2016.

§ 73-55-15. Construction and effect of chapter

(1) Nothing in this chapter shall be construed to authorize the practice of medicine or nursing by any person not licensed by the State Board of Medical Licensure or the Mississippi Board of Nursing.

(2) Nothing in this chapter shall be construed as preventing or restricting any of the following persons from engaging in the profession or occupation for which they are licensed:

- (a) Physicians and surgeons licensed by the State Board of Medical Licensure.
- (b) Dentists licensed by the State Board of Dental Examiners.
- (c) Optometrists licensed by the State Board of Optometry.
- (d) Nurses licensed by the Mississippi Board of Nursing.
- (e) Chiropractors licensed by the State Board of Chiropractic Examiners.
- (f) Podiatrists licensed by the State Board of Medical Licensure.
- (g) Physical therapists licensed by the State Board of Physical Therapy.
- (h) Occupational therapists licensed by the State Department of Health.
- (i) Massage therapists licensed by the State Board of Massage Therapy.

(3) The provisions of this chapter shall not restrict any of the following persons:

- (a) Coaches and physical education instructors in the performance of their duties.
- (b) Athletic trainers from other nations, states or territories performing their duties for their respective teams or organizations and only during the course of their team or organization's stay in this state. SOURCES: Laws, 1991, ch. 374, § 8; Laws, 2009, ch. 425, § 6, eff from and after July 1, 2009.

§ 73-55-17. Mississippi Council of Advisors in Athletic Training; members; powers and duties

(1) There is hereby established the Mississippi Council of Advisors in Athletic Training to aid the board in administering the provisions of this chapter.

(2) The advisory council shall be comprised of the four (4) directors of the Mississippi Athletic Trainers Association, Inc., and one (1) member of the said association who shall be a licensed physician elected at large by the membership of said association for a term of four (4) years.

(3) The members of the advisory council shall serve without compensation.

(4) The advisory council shall meet during the first month of each calendar year to select a chairman and for other appropriate purposes except for the first year after July 1, 1991, when the council shall meet within sixty (60) days following appointment. At least one (1) additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairman or the written request of a majority of the council members.

(5) A majority of the members of the council shall constitute a quorum for all purposes.

(6) The board is hereby empowered, authorized and directed to adopt, amend, promulgate and enforce such rules, regulations and standards governing athletic trainers as may be necessary to further the accomplishment of the purpose of the governing law, and in so doing shall utilize as the basis thereof the corresponding recommendations of the advisory council. SOURCES: Laws, 1991, ch. 374, § 9, eff from and after July 1, 1991.

§ 73-55-19. Revocation or suspension of license; notice; hearings; appeals; appeal bond

(1) Any person licensed under this chapter may have his license revoked or suspended for a fixed period to be determined by the board for any of the following causes:

- (a) Being convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.
 - (b) By securing a license under this chapter through fraud or deceit.
 - (c) For unethical conduct or for gross ignorance or inefficiency in the conduct of his practice.
 - (d) For knowingly practicing while suffering with a contagious or infectious disease.
 - (e) For the use of a false name or alias in the practice of his profession.
 - (f) For violating any of the provisions of this chapter.
- (2) Any person, whose license is sought to be revoked or suspended under the provisions of this chapter, shall be given thirty (30) days' notice, in writing, enumerating the charges and specifying a date for public hearing thereon. The hearing shall be held in the county where the person's business is conducted. The board may issue subpoenas, compel the attendance and testimony of witnesses, and place them under oath, the same as any court of competent jurisdiction where the hearing takes place.
- (3) At all hearings the board may designate in writing one or more persons deemed competent by the board to conduct the hearing as trial examiner or trial committee, with the decision to be rendered in accordance with the provisions of subsection (4) of this section.
- (4) After a hearing has been completed the trial examiner or trial committee who conducted the hearing shall proceed to consider the case and, as soon as practicable, shall render a decision. In any case, the decision must be rendered within sixty (60) days after the hearing. The decision shall contain:
- (a) The findings of fact made by the trial examiner or trial committee;
 - (b) Conclusions of law reached by the trial examiner or trial committee; and
 - (c) The order based upon these findings of fact and conclusions of law.
- (5) From any revocation or suspension, the person charged may, within thirty (30) days thereof, appeal to the chancery court of the county where the hearing was held.
- (6) Notice of appeals shall be filed in the office of the clerk of the court, who shall issue a writ of certiorari directed to the board, commanding it within ten (10) days after service thereof to certify to such court its entire record in the matter in which the appeal has been taken. The appeal shall thereupon be heard in the due course by said court without a jury, and the court shall review the record and make its determination of the cause between the parties.
- (7) If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a supersedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation.
- (8) Any person taking an appeal shall post a satisfactory bond in the amount of Two Hundred Dollars (\$ 200.00) for payment of any costs which may be adjudged against him.
- (9) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control. SOURCES: Laws, 1991, ch. 374, § 10; Laws, 1996, ch. 507, § 81, eff from and after July 1, 1996.

§ 73-55-21. Fines and penalties

(1) Any person convicted of a violation of this chapter shall be punished by a fine of not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00), or by imprisonment for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment.

(2) Any person who shall knowingly make a material, false statement in his application for license under this chapter or in response to any inquiry by the State Department of Health or the State Board of Health, shall be fined not less than One Hundred Dollars (\$ 100.00) nor more than Five Hundred Dollars (\$ 500.00) or imprisoned for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment. SOURCES: Laws, 1991, ch. 374, § 11, eff from and after July 1, 1991.