

CHAPTER 156

AN ACT requiring the licensure of athletic trainers and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1984, c.203 (C.45:9-37.35) is amended to read as follows:

C.45:9-37.35 Short title.

1. This act shall be known and may be cited as the “Athletic Training Licensure Act.”

2. Section 3 of P.L.1984, c.203 (C.45:9-37.37) is amended to read as follows:

C.45:9-37.37 Practice of athletic training, licensure.

3. No person shall practice or hold himself out as being able to practice athletic training in this State unless licensed in accordance with the provisions of this act.

3. Section 5 of P.L.1984, c.203 (C.45:9-37.39) is amended to read as follows:

C.45:9-37.39 Athletic Training Advisory Committee.

5. There is created in the Division of Consumer Affairs of the Department of Law and Public Safety, under the State Board of Medical Examiners, an Athletic Training Advisory Committee. The committee shall consist of six members, three of whom shall be licensed athletic trainers of this State having at least five years experience in the practice of athletic training in this State immediately prior to appointment and one of whom shall be a licensed athletic trainer of this State having at least five years experience in the practice of athletic training in a secondary school in this State immediately prior to appointment. One member of the advisory committee shall be a representative of the Department of Education and one member shall be a physician licensed in this State. The members of the committee shall be appointed by the Governor, with the advice and consent of the Senate, for terms of three years, except in making the initial appointments the Governor shall designate two members to serve three years, two members to serve two years, and two members to serve one year. In the event of death, incapacity, resignation or removal of any member, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. Each member shall hold office after the expiration of the term until a successor shall be appointed and qualified. The committee shall meet at least twice a year and shall also meet upon the call of the board or Attorney General. The committee shall carry out the responsibilities assigned to it under this act and any other matter the board may require. The Attorney General shall provide the committee with facilities and personnel required for the proper conduct of its business. The board, with the approval of the Attorney General, may authorize reimbursement of the members of the committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

The licensure requirements of this section shall only apply to athletic trainers who are appointed to the committee after the effective date of P.L.2001, c156.

4. Section 6 of P.L.1984, c.203 (C.45:9-37.40) is amended to read as follows:

C.45:9-37.40 Licensure required for practice of athletic training.

6. a. Beginning on the effective date of P.L.2001, c.156, it shall be unlawful for any person, other than an athletic trainer registered pursuant to P.L.1984, c.203 (C.45:9-37.35 et seq.) whose biennial registration has not expired, to practice athletic training in this State unless licensed in accordance with the provisions of this act. Nothing in this act, however, shall prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.

b. This act shall not prohibit: a candidate for licensure as an athletic trainer from accumulating the mandated number of hours of supervised clinical experience under the direction of a licensed athletic trainer; a student enrolled in a school or educational program of athletic training approved by the board from performing acts of athletic training incidental to the course

of study, if the performance is under the direction of a licensed athletic trainer; a student in any educational program in the healing arts approved or accredited under the laws of this State from carrying out prescribed courses of study; a person employed by any agency, bureau or division of the federal government from discharging his official duties; or a person in connection with employment as an athletic trainer by a nonresident athlete, educational institution or recognized athletic organization temporarily visiting in this State, from practicing athletic training for a period not to exceed 90 days in one calendar year provided he is lawfully permitted to work as an athletic trainer in the state of residence of his employer.

c. The provisions of this act are not intended to limit the activities of persons legitimately engaged in the administration of nontherapeutic baths, massage and normal exercise.

5. Section 8 of P.L.1984, c.203 (C.45:9-37.42) is amended to read as follows:

C.45:9-37.42 Qualifications for licensure as athletic trainer.

8. An applicant for licensure as an athletic trainer shall submit evidence to the board, in the form the board may prescribe, that the applicant:

- a. Is 18 years of age or older;
- b. Is of good moral character and does not engage in the habitual use of alcohol, narcotics or other habit forming drugs;
- c. Is a graduate of a high school approved by the Department of Education or has obtained equivalent education acceptable to the board; and
- d. Has met the athletic training curriculum requirements of a college or university approved by the board and provides proof of graduation or has successfully completed a program of baccalaureate education and training and experience approved by the board and provides proof of its completion. The board, in establishing, altering or amending the standards for approving curricula and courses of study in institutions which grant baccalaureate degrees and which are accredited by a regional accreditation agency recognized by the Council on Postsecondary Accreditation or the United States Department of Education shall consult with the Department of Education and the advisory committee. The board, in establishing, altering, or amending the standards for approving programs of baccalaureate education and training and experience shall consult with the advisory committee. Both the curriculum and the program shall include courses of study in the biophysical sciences for the use of physical agents and medical-surgical techniques as related to athletics.

6. Section 9 of P.L.1984, c.203 (C.45:9-37.43) is amended to read as follows:

C.45:9-37.43 Examination for licensing as athletic trainer.

9. An applicant who complies with the qualifications for licensure shall successfully complete the examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or a substantially equivalent examination approved by the board. The examination shall test the applicant's knowledge of the basic and clinical sciences that are pertinent to athletic training, emergency care of the injured athlete and principles of injury evaluation and conditioning, including the use of various physical modalities and exercise techniques. The examination shall be administered within the State no less than once each year at a time and place the board shall designate.

7. Section 10 of P.L.1984, c.203 (C.45:9-37.44) is amended to read as follows:

C.45:9-37.44 Issuance of license.

10. On payment to the board of the application fee as provided in section 14 of this act, and upon approval of the application, the board shall issue a license to any person who successfully passes the examination provided in section 9 of this act.

8. Section 11 of P.L.1984, c.203 (C.45:9-37.45) is amended to read as follows:

C.45:9-37.45 Licensure without examination.

11. On payment to the board of the application fee as provided in section 14 of this act, and upon approval of a written application or application for renewal, as the case may be, on forms provided by the board, the board shall issue, without examination, a license to any person who:

- a. (Deleted by amendment, P.L.2001, c.56).
- b. Is licensed, certified or registered as an athletic trainer in any other state or territory of the United States or the District of Columbia, if the requirements for licensure, certification or registration were at the time of the applicant's licensure, certification or registration equivalent to or in excess of the requirements of this act at the date of application for the license as shall be determined by the board in consultation with the committee; or
- c. Is employed in or is a resident of this State and presents evidence of being certified by the National Athletic Trainers Association as an athletic trainer; or
- d. Is registered as an athletic trainer pursuant to the provisions of P.L.1984, c.203 (C.45:9-37.35 et seq.) and makes a timely application for renewal, as determined by the board, prior to the expiration of his biennial registration.

9. Section 12 of P.L.1984, c.203 (C.45:9-37.46) is amended to read as follows:

C.45:9-37.46 License required to use certain titles, designations.

12. No person shall use the words "athletic trainer" or "licensed athletic trainer" or the letters "AT" unless licensed pursuant to this act.

10. Section 13 of P.L.1984, c.203 (C.45:9-37.47) is amended to read as follows:

C.45:9-37.47 Temporary license.

13. Upon submission of a written application on forms provided by it, the board shall issue a temporary license to a person who has applied for licensure under the provisions of section 8 of this act and who is, in the judgment of the board, eligible to take the examination provided for in section 9 of this act. The temporary license shall be available to an applicant only with respect to the first application for licensure under section 8. The temporary licensee shall take the next available examination. The temporary license shall expire on either the date of the next examination or the date of the final determination, whichever is later.

11. Section 14 of P.L.1984, c.203 (C.45:9-37.48) is amended to read as follows:

C.45:9-37.48 Application fee, expiration, renewal of license.

14. Each initial application under this act shall be accompanied by a fee as prescribed by the board. Licensure shall expire biennially on January 31 and shall be renewed upon application and payment of a fee as prescribed by the board. If the fee is not paid by that date the license shall automatically expire. A license which has expired may, within three years of its expiration date, be renewed on payment to the board of the prescribed reinstatement fee for each year or part thereof during which the license was ineffective and a restoration fee as prescribed by the board. After the three year period, the license may be renewed only by complying with the provisions of this act regarding initial licensure.

12. Section 15 of P.L.1984, c.203 (C.45:9-37.49) is amended to read as follows:

C.45:9-37.49 Refusal to issue, suspension, revocation of license.

15. The board may refuse to issue, or may suspend or revoke the license of any person, or may impose any other disciplinary sanction pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.).

13. Section 5 of P.L.1999, c.87 (C.18A:26-2.5) is amended to read as follows:

C.18A:26-2.5 Rules relative to athletic trainer licensure.

5. The State Board of Education shall promulgate rules pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.) setting forth the certification and endorsement requirements of a school athletic trainer which shall include, but need not be limited to, the satisfactory completion of the requirements established by the State Board of Medical Examiners for licensure as an athletic trainer pursuant to P.L.1984, c.203 (C.45:9-37.35 et seq.).

14. N.J.S.18A:28-4 is amended to read as follows:

Requirements for certain school personnel to acquire tenure, exceptions.

18A:28-4. No teaching staff member shall acquire tenure in any position in the public schools in any school district or under any board of education, who is not the holder of an appropriate certificate for such position, issued by the State Board of Examiners, in full force and effect, except that no board of education shall terminate the employment or refuse to continue the employment or reemployment of

a. any school nurse appointed prior to May 9, 1947 for the reason that such nurse is not the holder of such a certificate and the State Board of Examiners shall make no rule or regulation which will affect adversely the rights of any such nurse under any certificate issued prior to said date; or

b. a school athletic trainer appointed prior to the effective date of P.L.1999, c.87 (C.18A:26-2.4 et al.) for the reason that the school athletic trainer is not the holder of a certificate, provided that the person is registered with or licensed by the New Jersey State Board of Medical Examiners, as applicable, as an athletic trainer. That person shall be issued the new certificate without being required to meet any additional qualifications, and any periods of employment as an athletic trainer prior to the effective date of that act shall count toward the acquisition of tenure to the same extent as employment after the effective date of that act.

15. This act shall take effect 90 days after enactment and shall apply to applications for licensure or renewal made after that date.

Approved July 13, 2001.