**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 47, TITLE 40 SO AS TO TRANSFER REGULATORY AUTHORITY OF ATHLETIC TRAINERS TO THE BOARD OF MEDICAL EXAMINERS; AND TO REPEAL CHAPTER 75, TITLE 44 RELATING TO THE REGULATION OF ATHLETIC TRAINERS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Article 13

Athletic Trainers’ Act of South Carolina

Section 40‑47‑1910. This article may be cited as the ‘Athletic Trainers’ Act of South Carolina’.

Section 40‑47‑1920. As used in this article:

(1) ‘Athletic trainer’ means an allied health professional with specific qualifications set forth in Section 40‑47‑1950(A) who provides services under the direction of or in collaboration with a licensed physician in accordance with their education, training, and state law. As part of the health care team, services provided by athletic trainers include primary care, injury and illness prevention, wellness promotion and education, emergent care, examination and clinical diagnosis, therapeutic intervention, and rehabilitation of injuries and medical conditions.

(2) ‘Board’ means the Board of Medical Examiners for South Carolina.

(3) ‘Certificate’ means official acknowledgment by the board that an individual has successfully completed educational and other requirements referred to in this act which entitle that individual to perform the functions and duties of an athletic trainer.

Section 40‑47‑1930. (A) The board, with the advice of the Athletic Trainers’ Advisory Committee, must develop standards and promulgate regulations to implement the provisions of this article and for the improvement of athletic training services in the State. All administrative responsibility for this program is vested in the board.

(B)(1) An Athletic Trainers’ Advisory Committee is created consisting of nine members appointed by the board. Two members must be from the State Board of Medical Examiners, five must be certified athletic trainers, and two must be from the general public who are not certified or licensed in any health care field and are not connected in any way with athletic trainers.

(2) Membership on the committee is by appointment by the board. The terms of the members are for four years or until successors are appointed except that of those first appointed four are appointed to a term of two years.

(3) The committee must meet at least once each year to review the standards and regulations for improving athletic training services and make recommendations to the board.

Section 40‑47‑1940. (A) A person may not hold himself out as an athletic trainer or perform, for compensation, any activities of an athletic trainer as defined in Section 40‑47‑1920 without obtaining certification.

(B) Any person desiring certification as an athletic trainer must apply to the board. The board must make a determination of the applicant’s qualifications and issue the appropriate certificate to the applicant.

(C) A certificate so issued is valid for a period not to exceed two years from the date of issuance and may be renewed subject to any requirements of this article and regulations promulgated by the board.

(D) The board must suspend or revoke a certificate issued if it is determined that the holder no longer meets the prescribed qualifications set forth by the board or has failed to provide athletic training services of a quality acceptable by the board.

(E) Any person whose application is denied, suspended, or revoked is entitled to a hearing before the board if he submits a written request to the board. Proceedings for denial, revocation, or suspension of a certificate must be conducted consistent with the Administrative Procedures Act.

Section 40‑47‑1950. (A) An applicant for an athletic trainer certification must pass the Board of Certification, Inc., (BOC) examination and have met the athletic training curriculum requirements of a college or university and give proof by means of a certified transcript.

(B) An applicant for renewal of certification must complete continuing education as required by the board in regulation.

Section 40‑47‑1960. A certificate may be issued to any qualified athletic trainer holding certification in any other state if such other state recognizes the certificate of this State in the same manner.

Section 40‑47‑1970. The board may levy fees in an amount sufficient to administer the requirements of this article.

Section 40‑47‑1980. Nothing in this article prevents:

(1) licensed, registered, or certified professionals such as physicians, nurses, physical therapists, and chiropractors from practicing their professions if they do not hold themselves out to the public by any title or description as being athletic trainers;

(2) the continued employment of persons employed on the effective date of Act 441 of 1984 by the State Department of Education, local boards of education, or private secondary or elementary schools for the treatment of injuries received by students participating in school sports activities; or

(3) any person from serving as an athletic training student or in any similar position if service is carried out under the supervision of a physician or certified athletic trainer.

Section 40‑47‑1990. For purposes of this article, a person is engaged as an athletic trainer if the person is employed on a salary or contractual basis by an educational institution, hospital, rehabilitation clinic, physician’s office, industry, performing arts group, professional athletic organization, military, governmental agency, or other bona fide organization which employs or serves a physically active population and performs the duties of athletic trainer as a major responsibility of this employment.

Section 40‑47‑2000. Nothing in this article may be construed to require school districts to hire certified athletic trainers.

Section 40‑47‑2010. The board is authorized to suspend, deny, or revoke an athletic trainer’s certificate, and impose a civil monetary penalty, against any person for a violation of a regulation promulgated pursuant to this article. Any person violating the provisions of this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than twenty‑five dollars nor more than two hundred dollars.”

SECTION 2. Chapter 75, Title 44 of the 1976 Code is repealed.

SECTION 3. The appropriations, powers, functions, duties, responsibilities, and authority statutorily exercised by the Department of Health and Environmental Control concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners for South Carolina. Any regulations promulgated by the Department of Health and Environmental Control under former provisions of law pertaining to the regulation of athletic trainers are continued and are considered to be promulgated under the authority of present provisions of law pertaining to the same.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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