

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2295

Introduced by

Senators Dever, Warner

Representatives Hofstad, Mooney, Rohr

1 A BILL for an Act to amend and reenact sections 43-39-01 and 43-39-04 and subdivision d of
2 subsection 1 of section 43-39-10 of the North Dakota Century Code, relating to the regulation of
3 athletic trainers; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-39-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-39-01. Definitions.**

- 8 1. "Athletic trainer" means ~~a person~~ an individual with specific qualifications set forth in
9 section 43-39-05, who is providing athletic training ~~services in accordance with the~~
10 ~~individual's education.~~
- 11 2. "Athletic training" means doing any of the practice of prevention, recognition,
12 evaluation, management, treatment, and disposition of athletic injuries. The term also
13 means rehabilitation of athletic injuries, if under the order of a licensed physician. The
14 term includes organization and administration of educational programs, athletic
15 facilities, and the education and counseling of the public following under the guidance
16 of a physician:
- 17 a. Preventing, recognizing, and evaluating injuries and illnesses sustained while
18 participating in physical activity;
- 19 b. Managing and administering the initial treatment of injuries or illnesses sustained
20 while participating in physical activity;
- 21 c. Giving emergency care or first aid for an injury or illness sustained while
22 participating in physical activity;

1 d. Rehabilitating injuries or illnesses sustained while participating in physical activity,
2 under verbal, standing, or written orders, and in clinical settings written orders are
3 required;

4 e. Rehabilitating and physically reconditioning injuries or illnesses that impede or
5 prevent an individual from returning to participating in physical activity, if the
6 individual recently participated in, and intends to return to participation in,
7 physical activity, under verbal, standing, or written orders, and in clinical settings
8 written orders are required;

9 f. Establishing or administering risk management, conditioning, and injury
10 prevention programs; or

11 g. Referring a patient to an appropriate health care provider as needed.

12 3. "Board" means the North Dakota board of athletic trainers established in section
13 43-39-02.

14 4. "Physical Activity" means any moderate or vigorous activity that requires physical
15 strength, agility, range of motion, repetitive motion, speed, or stamina, including during
16 participation in exercise, sports, games, recreation, performance arts, stretching,
17 wellness, or fitness, or other settings set forth in subsection 5 of section 43-39-10.

18 5. "Physician" means ~~a doctor of medicine~~ an individual licensed to practice as a physician
19 under chapter 43-17.

20 **SECTION 2. AMENDMENT.** Section 43-39-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-39-04. Unlawful practice.**

- 23 1. ~~No~~ A person may not practice athletic training or hold that person out as being an
24 athletic trainer in this state unless that person is an individual licensed in accordance
25 with this chapter.
- 26 2. ~~No~~ A person may not consult, teach, or supervise or hold that person out as being able
27 to consult, teach, or supervise athletic training curricular courses in this state unless
28 that person is an individual licensed in accordance with this chapter or chapter 43-17,
29 or possesses a degree in a health-related field.
- 30 3. ~~No~~ A person may not represent that person as being a licensed athletic trainer or use
31 in connection with that person's name any letters, words, or insignia indicating or

1 implying that the person is a licensed athletic trainer unless that person is an individual
2 licensed in accordance with this chapter.

3 **SECTION 3. AMENDMENT.** Subdivision d of subsection 1 of section 43-39-10 of the North
4 Dakota Century Code is amended and reenacted as follows:

5 d. Is guilty of treating or undertaking to treat ~~ailments of human beings~~an
6 individual's injury or illness, except as authorized pursuant to this chapter, or
7 undertaking to practice independent of the ~~order~~direction guidance or
8 rehabilitation order of a licensed physician, or is guilty of any act derogatory to
9 the dignity and morals of the profession of athletic training.

10 **SECTION 4.** Subsection 5 to section 43-39-10 of the North Dakota Century Code is created
11 and enacted as follows:

12 5. Nothing in this chapter may be construed to prevent athletic trainers from providing:
13 athletic training in hospital or clinical settings; injury screens; physician extender
14 services; employee injury prevention, education or advice; or services to address
15 injuries or illnesses, comparable to athletic injuries or illnesses, in military, industrial, or
16 public safety settings.