

## CHAPTER 127-A

### ATHLETIC TRAINERS

#### §14351. Purpose

The Legislature finds that the practice of athletic training affects the public health, safety and welfare and is subject to regulation in the public interest. The purpose of this chapter is to protect the public from unlicensed persons professing to be "athletic trainers" and from unprofessional conduct by persons licensed to use the term "athletic trainer." [PL 2007, c. 402, Pt. JJ, §1 (AMD).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW). PL 2007, c. 402, Pt. JJ, §1 (AMD).

#### §14352. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 275, §1 (NEW).]

**1. Athlete.** "Athlete" means a physically active individual training for or participating in an amateur, educational or professional athletic organization or any other association that sponsors athletic programs or events in the State.  
[PL 1995, c. 275, §1 (NEW).]

**2. Athletic injury.** "Athletic injury" means a disruption of tissue continuity that is sustained by an athlete or recreational athlete when that injury:

A. Results from that individual's participation in or training for sports, fitness training or other athletic competition; or [PL 1995, c. 275, §1 (NEW).]

B. Restricts or prevents that individual from participation in those activities. [PL 1995, c. 275, §1 (NEW).]  
[PL 1995, c. 275, §1 (NEW).]

**3. Athletic trainer.** "Athletic trainer" means a person licensed by the department to use that title after meeting the requirements of this chapter.  
[PL 1995, c. 275, §1 (NEW).]

**4. Athletic training.** "Athletic training" means:

A. Prevention of athletic injuries; [PL 1995, c. 275, §1 (NEW).]

B. Recognition and evaluation of athletic injuries; [PL 1995, c. 275, §1 (NEW).]

C. Management, treatment and disposition of athletic injuries; [PL 1995, c. 275, §1 (NEW).]

D. Rehabilitation of athletic injuries; [PL 1995, c. 275, §1 (NEW).]

E. Organization and administration of an athletic training program; and [PL 1995, c. 275, §1 (NEW).]

F. Education and counseling of athletes, recreational athletes, coaches, family members, medical personnel and communities in the area of care and prevention of athletic injuries. [PL 1995, c. 275, §1 (NEW).]  
[PL 1995, c. 275, §1 (NEW).]

**5. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.  
[PL 1995, c. 275, §1 (NEW).]

**6. Department.** "Department" means the Department of Professional and Financial Regulation. [PL 1995, c. 275, §1 (NEW).]

**7. Recreational athlete.** "Recreational athlete" means an individual participating in fitness training and conditioning, sports or other athletic competition, practices or events requiring physical strength, agility, flexibility, range of motion, speed or stamina and who is not affiliated with an amateur, educational or professional athletic organization or any association that sponsors athletic programs or events in the State. [PL 1995, c. 275, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW).

#### §14353. Commissioner; powers and duties

The commissioner or the commissioner's designee has the following powers and duties in addition to all other powers and duties set forth in this chapter. [PL 1995, c. 275, §1 (NEW).]

**1. Standards.** The commissioner shall administer and enforce the standards under this chapter. [PL 1995, c. 275, §1 (NEW).]

**2. Rules.** The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter. [PL 1995, c. 275, §1 (NEW).]

**3. Complaints.**  
[PL 2007, c. 402, Pt. JJ, §2 (RP).]

**4. Contracts.**  
[PL 2007, c. 402, Pt. JJ, §2 (RP).]

**5. Hearings.**  
[PL 2007, c. 402, Pt. JJ, §2 (RP).]

**6. Advisory council.** The commissioner shall select members of the athletic training community to serve on an advisory council and to consult with the commissioner concerning the regulation of athletic trainers. The council may submit recommendations to the department concerning any matter and the department may consider the recommendations in making its decisions. Membership on the council is not a conflict of interest regardless of the occupations or associations of the members. [PL 2007, c. 402, Pt. JJ, §2 (AMD).]

**7. Employees.**  
[PL 2007, c. 402, Pt. JJ, §2 (RP).]

**8. Budget.**  
[PL 2007, c. 402, Pt. JJ, §2 (RP).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW). PL 2007, c. 402, Pt. JJ, §2 (AMD).

#### §14354. Necessity for licensure

Beginning January 1, 1996 a person may not profess to be an athletic trainer or use the title "athletic trainer" alone or in connection with other words or the initials "AT" alone or in connection with other initials, whether or not compensation is received, unless licensed in accordance with this chapter. [PL 1995, c. 275, §1 (NEW).]

**1. Athletic training.** When providing athletic training to an athlete without referral from a doctor of medicine, osteopathy, podiatry or dentistry, the athletic trainer is subject to the following requirements.

A. An athletic trainer may not make a medical diagnosis. The athletic trainer shall refer to a licensed doctor of medicine, osteopathy, podiatry or dentistry an athlete whose physical condition, either at the initial evaluation or during subsequent treatment, the athletic trainer determines to be beyond the scope of the practice of the athletic trainer. [PL 1995, c. 275, §1 (NEW).]

B. If there is no improvement in an athlete who has sustained an athletic injury within 15 days of initiation of treatment, the athletic trainer shall refer the athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist. [PL 1995, c. 275, §1 (NEW).]

C. If an athletic injury requires treatment for more than 45 days, the athletic trainer shall consult with, or refer the athlete to, a licensed doctor of medicine, surgery, osteopathy, podiatry or dentistry or a licensed physical therapist. The athletic trainer shall document the action taken. [PL 1995, c. 275, §1 (NEW).]

[PL 1995, c. 275, §1 (NEW).]

**2. Training of recreational athlete.** When providing athletic training to the recreational athlete, for other than emergency care or the care of minor sprains, strains and contusions, the athletic trainer shall refer the athlete to a doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist.

For the treatment of the recreational athlete, for other than emergency care or the care of minor sprains, strains and contusions, the athletic trainer must receive referral from a doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist.

When providing care and treatment to the recreational athlete sustaining minor sprains, strains and contusions, the athletic trainer is subject to the following requirements.

A. An athletic trainer may not make a medical diagnosis. The athletic trainer shall refer to a licensed doctor of medicine, osteopathy, podiatry or dentistry an athlete whose physical condition, either at the initial evaluation or during subsequent treatment, the athletic trainer determines to be beyond the scope of practice of the athletic trainer. [PL 1995, c. 275, §1 (NEW).]

B. If there is no improvement in a recreational athlete who has sustained an athletic injury within 15 days of initiation of treatment, the athletic trainer shall refer the recreational athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist. [PL 1995, c. 275, §1 (NEW).]

C. If an athletic injury requires treatment for more than 45 days, the athletic trainer shall consult with or refer the recreational athlete to a licensed doctor of medicine, osteopathy, podiatry or dentistry or a licensed physical therapist. [PL 1995, c. 275, §1 (NEW).]

[PL 1995, c. 275, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW).

#### §14355. License violations

A person who violates section 14354 is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 402, Pt. JJ, §3 (AMD).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. JJ, §3 (AMD).

#### §14356. Exemptions

Nothing in this chapter prevents or restricts the practice, services or activities of: [PL 1995, c. 275, §1 (NEW).]

**1. Federal employee.** A person employed as an athletic trainer by the Federal Government or any federal agency if that person provides athletic training under the direction or control of that person's employing organization;  
[PL 1995, c. 275, §1 (NEW).]

**2. Student athletic trainer.** A person fulfilling the requirements for licensure or pursuing a supervised course of study leading to a degree or certificate in athletic training at an accredited or approved educational program if the person is designated by a title that indicates that person's status as a student or trainee;  
[PL 1995, c. 275, §1 (NEW).]

**3. Experience requirement.** A person fulfilling the supervised practical training requirements of this chapter if that training is necessary to meet the requirements of this chapter; or  
[PL 1995, c. 275, §1 (NEW).]

**4. Visiting team.** A person performing athletic training services in the State for an out-of-state team that is in the State for competition at which an athletic trainer licensed under this chapter or a physician is available if these services are performed for no more than 4 days at a time or for no more than 30 days a year.  
[PL 1995, c. 275, §1 (NEW).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW).

#### §14357. Qualifications for licensure

**1. Qualifications.** To qualify for a license as an athletic trainer an applicant must:

A. Demonstrate that the applicant is trustworthy and competent to engage in practice as an athletic trainer in a manner that safeguards the interests of the public; [PL 1995, c. 275, §1 (NEW).]

B. Be a graduate of a college or university approved by the department and have successfully completed that college's or university's curriculum in athletic training or other curricula acceptable to the department and have completed an athletic training education program approved by the National Athletic Trainers' Association or its successor or other organization approved by the department or a program of practical training in athletic training acceptable to the department; and  
[PL 2007, c. 402, Pt. JJ, §4 (AMD).]

C. Have passed the National Athletic Trainers' Association Board of Certification examination or be currently certified by the National Athletic Trainers' Association or its successor or other organization approved by the department. [PL 2007, c. 402, Pt. JJ, §5 (AMD).]

[PL 2007, c. 402, Pt. JJ, §§4, 5 (AMD).]

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW). PL 2007, c. 402, Pt. JJ, §§4, 5 (AMD).

#### §14357-A. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the commissioner, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the commissioner determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §47 (NEW).]

#### SECTION HISTORY

PL 2021, c. 642, §47 (NEW).

**§14358. Fees**

The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$300 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. JJ, §6 (AMD); PL 2011, c. 286, Pt. B, §5 (REV).]

**SECTION HISTORY**

PL 1995, c. 275, §1 (NEW). PL 1999, c. 685, §23 (AMD). PL 2007, c. 402, Pt. JJ, §6 (AMD). PL 2011, c. 286, Pt. B, §5 (REV).

**§14359. Renewal**

A license renewal fee as set under section 14358 must be paid by the licensee. Licenses issued under this chapter expire annually on their anniversary date or as otherwise provided by the commissioner. Any license not renewed by its date of expiration automatically expires. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 14358. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except that the department may in its discretion, giving consideration to the protection of the public, waive examination if the renewal application is received, together with the late fee and renewal fee, within 2 years from the date of that expiration. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. JJ, §7 (AMD).]

For the purposes of satisfying the continuing education requirements, each application for license renewal must include current certification by the National Athletic Trainers' Association or its successor or other organization approved by the department. [PL 2007, c. 402, Pt. JJ, §7 (AMD).]

**SECTION HISTORY**

PL 1995, c. 275, §1 (NEW). PL 1999, c. 685, §24 (AMD). PL 2007, c. 402, Pt. JJ, §7 (AMD).

**§14360. Temporary licenses**

A temporary license may be granted to a person who has completed the education and experience requirements of this chapter and has submitted the license fee as set under section 14358. This license allows the person to use the title "student athletic trainer" when practicing under the direction of a licensed athletic trainer. This license becomes invalid after 6 months or upon failure by the licensee of the National Athletic Trainers' Association Board of Certification examination, whichever event occurs first. The license may not be renewed. [PL 2007, c. 402, Pt. JJ, §8 (AMD).]

**SECTION HISTORY**

PL 1995, c. 275, §1 (NEW). PL 2007, c. 402, Pt. JJ, §8 (AMD).

**§14361. Revocation and reissuance**

**(REPEALED)**

**SECTION HISTORY**

PL 1995, c. 275, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. JJ, §9 (RP).

**§14361-A. Denial or refusal to renew license; disciplinary action**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the department may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. JJ, §10 (NEW).]

**1. Addiction.** Addiction to alcohol or other drugs resulting in the licensed athletic trainer's inability to perform that trainer's duties safely and competently; [PL 2007, c. 402, Pt. JJ, §10 (NEW).]

**2. Incompetency.** A court finding of mental incompetency; [PL 2007, c. 402, Pt. JJ, §10 (NEW).]

**3. Accomplice.** Aiding a person not duly licensed as an athletic trainer in misrepresentation as an athletic trainer; or [PL 2007, c. 402, Pt. JJ, §10 (NEW).]

**4. Unethical conduct.** A finding by the National Athletic Trainers' Association's Ethics Committee of a violation of the National Athletic Trainers' Association's Code of Ethics or a finding by the National Athletic Trainers' Association's Board of Certification's Professional Practice and Discipline Committee of a violation of the Board of Certification's Standards of Professional Practice or findings by successor or other organizations with respect to codes of ethics approved by the department.

[PL 2007, c. 402, Pt. JJ, §10 (NEW).]

#### SECTION HISTORY

PL 2007, c. 402, Pt. JJ, §10 (NEW).

#### §14362. Disposition of fees

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 275, §1 (NEW). PL 1995, c. 502, §H48 (AMD). PL 2007, c. 402, Pt. JJ, §11 (RP).

#### §14363. Telehealth services

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the person licensed under this chapter. [PL 2021, c. 291, Pt. B, §21 (NEW).]

B. "Store and forward transfer" means the transmission of individual's records through a secure electronic system to a person licensed under this chapter. [PL 2021, c. 291, Pt. B, §21 (NEW).]

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a person licensed under this chapter or between a person licensed under this chapter and another health care provider. [PL 2021, c. 291, Pt. B, §21 (NEW).]

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. [PL 2021, c. 291, Pt. B, §21 (NEW).]

E. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the person licensed under this chapter to track the individual's health data over time. Telemonitoring may be synchronous or asynchronous. [PL 2021, c. 291, Pt. B, §21 (NEW).]

[PL 2021, c. 291, Pt. B, §21 (NEW).]

**2. Telehealth services permitted.** A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

[PL 2021, c. 291, Pt. B, §21 (NEW).]

**3. Confidentiality.** When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

[PL 2021, c. 291, Pt. B, §21 (NEW).]

**4. Professional responsibility.** All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

[PL 2021, c. 291, Pt. B, §21 (NEW).]

**5. Rulemaking.** The commissioner shall adopt rules governing telehealth services by persons licensed under this chapter. These rules shall establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 291, Pt. B, §21 (NEW).]

#### SECTION HISTORY

PL 2021, c. 291, Pt. B, §21 (NEW).

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