



2024 South Dakota Legislature
Senate Bill 151
ENROLLED

AN ACT

ENTITLED An Act to revise and repeal provisions related to the licensure of athletic trainers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-29-1 be AMENDED:

36-29-1. Terms used in this chapter mean:

- (1) "Athletic trainer," a health care professional who is licensed by the board to practice athletic training; and
- (2) "Board," the State Board of Medical and Osteopathic Examiners.

Section 2. That a NEW SECTION be added to chapter 36-29:

The practice of athletic training is the care, treatment, and prevention, under the direction of and under guidelines established by a physician licensed pursuant to chapter 36-4, of athletic injuries, illnesses, or conditions:

- (1) That are related to, or that limit participation in, exercise, athletic activities, recreational activities, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina; and
- (2) For which an athletic trainer, as a result of the athletic trainer's education and training, is qualified to provide care and to make referrals to an appropriate health care professional.

Section 3. That § 36-29-2 be AMENDED:

36-29-2. It is a Class 2 misdemeanor for any individual to practice or attempt to practice athletic training without first obtaining a license pursuant to this chapter.

Nothing in this chapter may be construed to prevent or restrict the:

- (1) Activities of a student pursuing a supervised course of study leading to a degree or licensure in athletic training; or

- (2) Practice of an individual:
 - (a) Employed by or affiliated with an individual or athletic team from a different state or jurisdiction temporarily practicing or competing in this state; and
 - (b) Who only practices on the individual or members of the athletic team that the individual is employed or affiliated with.

Section 4. That § 36-29-3 be AMENDED:

36-29-3. The board shall issue a license to practice athletic training to an individual who:

- (1) Submits an application prescribed by the board;
- (2) Submits an application fee in an amount established by the board; and
- (3) Presents evidence satisfactory to the board that:
 - (a) The individual has completed all qualifications established by the Board of Certification for the Athletic Trainer and has passed a nationally accredited exam approved by the State Board of Medical and Osteopathic Examiners; or
 - (b) The individual is certified in good standing by the Board of Certification for the Athletic Trainer.

Section 5. That § 36-29-6 be AMENDED:

36-29-6. The board shall promulgate rules, pursuant to chapter 1-26, to set:

- (1) Application fees, not to exceed one hundred dollars; and
- (2) Licensure renewal fees, not to exceed fifty dollars.

Section 6. That § 36-29-8 be AMENDED:

36-29-8. The board shall appoint an athletic training committee composed of three athletic trainers who are residents of this state. The committee shall meet at least annually or as necessary to conduct business. The committee shall assist the board in all matters pertaining to the licensure, practice, and discipline of athletic trainers in this state and the establishment of rules pertaining to athletic training.

Each committee member shall serve a term of three years. No committee member may be appointed to more than three consecutive, full terms. If a vacancy arises due to death, retirement, or removal from the state, the vacancy must be filled in the same manner as an original appointment. The member shall serve the remainder of the

unexpired term. The appointment to an unexpired term is not considered a full term. The committee shall meet the requirements of chapter 1-25 regarding open meetings.

Section 7. That § 36-29-11 be AMENDED:

36-29-11. A license issued by the board pursuant to this chapter expires on December thirty-first of the first year following its issuance.

A license may be renewed upon:

- (1) Payment of the renewal fee set by the board; and
- (2) Submission of evidence, satisfactory to the board, that the athletic trainer has completed the requirements referenced in § 36-29-14.

Section 8. That § 36-29-14 be AMENDED:

36-29-14. In order to renew a license, an athletic trainer must:

- (1) Complete the amount of continuing education hours required by the board in rules promulgated pursuant to chapter 1-26, but which may not exceed twenty-five; or
- (2) Have current certification from the Board of Certification for the Athletic Trainer.

The board shall promulgate rules, pursuant to chapter 1-26, to establish acceptable forms of continuing education.

Section 9. That § 36-29-15 be AMENDED:

36-29-15. The board may renew an expired license if the individual submits a written application and pays the renewal fee for the current term. The board may establish additional continuing education requirements for late license renewals.

The board may not renew an expired license under this section if the license is expired for more than five years.

Section 10. That § 36-29-17 be AMENDED:

36-29-17. The board shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Set standards for the professional practice of athletic trainers;
- (2) Establish a code of ethics for athletic trainers; and
- (3) Establish other rules as may be reasonably necessary for the administration of this chapter and to carry out its purpose.

Section 11. That § 36-29-18 be AMENDED:

36-29-18. The board may revoke, suspend, or cancel the license of an athletic trainer upon any one of these grounds:

- (1) The athletic trainer is guilty of fraud in the practice of athletic training or fraud or deceit in the athletic trainer's admission to the practice of athletic training;
- (2) The athletic trainer has been convicted of a felony during the past five years. The conviction of a felony is the conviction of any offense, which if committed within this state would constitute a felony under its laws;
- (3) The athletic trainer is engaged in the practice of athletic training under a false or assumed name and has not registered that name pursuant to chapter 37-11, or is impersonating another practitioner of a like or different name;
- (4) The athletic trainer is addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to the extent as to incapacitate the athletic trainer from the performance of the athletic trainer's professional duties;
- (5) The physical or mental condition of the athletic trainer is determined by a medical examiner to be such as to jeopardize or endanger those who seek relief from the athletic trainer. A majority of the board may demand an examination of the athletic trainer by a competent medical examiner selected by the board at the board's expense. If the athletic trainer fails to submit to the examination, this constitutes immediate grounds for suspension of the license;
- (6) The athletic trainer obtains or attempts to obtain a license or renewal thereof by bribery or fraudulent representation; or
- (7) The athletic trainer has violated any provision of this chapter or the rules promulgated pursuant to this chapter.

Section 12. That § 36-29-20 be AMENDED:

36-29-20. A majority of the members of the board must be present at proceedings relative to the cancellation, revocation, or suspension of a license, or relative to reissuing a license that has been canceled, revoked, or suspended. A decision of the board to suspend, revoke, cancel, or reissue a license requires a majority vote of the board members.

Section 13. That § 36-29-27 be AMENDED:

36-29-27. If it appears, from evidence satisfactory to the board, that an individual has violated the provisions of this chapter, or that an athletic trainer has committed unprofessional or dishonorable conduct or is incompetent, the board may apply for an

injunction in any court of competent jurisdiction to restrain the individual or athletic trainer from continuing to practice.

An application for an injunction is an alternative to criminal proceedings, and the commencement of one proceeding by the board constitutes an election.

Section 14. That § 36-29-3.1 be REPEALED.

Section 15. That § 36-29-5 be REPEALED.

Section 16. That § 36-29-7 be REPEALED.

Section 17. That § 36-29-9 be REPEALED.

Section 18. That § 36-29-10 be REPEALED.

Section 19. That § 36-29-12 be REPEALED.

Section 20. That § 36-29-13 be REPEALED.

Section 21. That § 36-29-22 be REPEALED.

Section 22. That § 36-29-23 be REPEALED.

Section 23. That § 36-29-24 be REPEALED.

Section 24. That § 36-29-29 be REPEALED.

Section 25. That § 36-29-30 be REPEALED.

An Act to revise and repeal provisions related to the licensure of athletic trainers.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 151

2024 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2024

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2024
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 151
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State