

Sunset Report

Alabama Board of Athletic Trainers

Montgomery, Alabama

October 1, 2023 through September 30, 2025

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

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October 28, 2026

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Athletic Trainers in accordance with the ***Code of Alabama 1975***, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Athletic Trainers in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Robert Crawford

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PROFILE

Purpose/Authority

The Alabama Board of Athletic Trainers (the "Board") was created by Act Number 1993-617, Acts of Alabama, codified as the ***Code of Alabama 1975***, Sections 34-40-1 through 34-40-17 and Sections 34-40-31 through 34-40-35, to provide for the licensure and regulation of athletic trainers, defined as individuals who practice athletic training on an athlete under the direction or referral of a licensed physician.

The following legislation passed since the last sunset review has been codified in the current statutory authority.

Act Number 2025-170, Acts of Alabama, relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers until October 1, 2027, with certain modification; to amend Section 34-40-3.1, ***Code of Alabama 1975***, to require that a board member resides in and be appointed from each congressional district in this state and that any remaining members be appointed from the state at-large.

Act Number 2025-337, Acts of Alabama, was passed relating to Alabama Commission on Higher Education; to add Article 5 to Chapter 5 of Title 16, ***Code of Alabama 1975***, to authorize the commission to award loan assistance to eligible athletic trainers through the Alabama Math and Science Teacher Education Program (AMSTEP), or any successor program, administered by the commission in consultation with the Board; and to require the commission to develop an accountability and evaluation plan.

The following Act passed since the last sunset review and has not been codified in the current statutory authority. A copy of the Act can be found in Appendix II of this report.

Act Number 2026-253, Acts of Alabama, relating to athletic trainers was passed to adopt the Athletic Trainer Compact as Article 3 of Chapter 40 of Title 34, ***Code of Alabama 1975***. This will allow licensed athletic trainers to practice among compact states; to establish requirements and obligations for participation in the compact; to provide for disciplinary actions and joint investigation procedures; and to establish and provide for the operation of the Athletic Trainer Compact Commission and enforcement of the compact among member states.

Characteristics	
Members and Selection	Ten members: • Six members who are athletic trainers, appointed by the Alabama Athletic Trainers' Association based upon an election open to all licensed athletic trainers. • Three physicians appointed by the Medical Association of the State of Alabama. • The President of the Alabama Athletic Trainers Association shall serve as an ex-officio member. ***Code of Alabama 1975***, Section 34-40-3(a)
Term	Members serve four-year terms and may not serve more than three consecutive four-year terms. The President of the Alabama Athletic Trainers' Association serves a one-year term to coincide with his or her term as President of the Alabama Athletic Trainers Association. ***Code of Alabama 1975***, Section 34-40-3(a)
Qualifications	• Physician members must be actively engaged in the treatment of athletic injuries or illnesses. • Athletic trainers must have acted as an athletic trainer for three years within this state immediately preceding appointment. • One athletic trainer must also be a physical therapist. • Athletic trainers must be a citizen of the United States and resident of the state. ***Code of Alabama 1975***, Section 34-40-3
Consumer Representation	No specific statutory requirement.
Racial Representation	Three members shall be a member of a minority class, one of whom shall be a physician member. Three minority members are currently serving, one is a physician member. ***Code of Alabama 1975***, Section 34-40-3

Geographical Representation	Commencing on June 1, 2025, as the terms of the members serving on the board expire, the membership of the board shall be appointed so that one member resides in and is appointed from each congressional district in this state with the remaining members being appointed from the state at-large. ***Code of Alabama 1975***, Section 34-40-3.1(b)
Other Representation	Notwithstanding any other law regarding the composition of the Board of Athletic Trainers, the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state and each member of the board shall be a resident of this state. ***Code of Alabama 1975***, Section 34-40-3.1(a)
Compensation	Members of the Board receive one hundred dollars ($100) for every day actually spent in the performance of their duties. Additionally, members are reimbursed according to the state travel policy for other expenses in the same amounts and under the same conditions as state employees are reimbursed. ***Code of Alabama 1975***, Section 34-40-3(f)
Attended Board Member Training	Five Current Board Members Five Former Board Members One staff member of the Board of Dietetics and Nutritionists Former Executive Director Two staff members of the former Administrative Services Provider
<u>Operations</u>	
Administrator	Elizabeth Sheehan, an employee of the Board of Dietetics and Nutrition Practice, serves as the Executive Director of the Board of Athletic Trainers through an interagency agreement. The Board has an interagency agreement with the Board of Dietetics and Nutrition for $84,000 annually ($7,000/month) to provide office space, administrative employee services, and basic utilities, excluding telephone and internet charges. The current interagency agreement expires September 30, 2026. The Board of Dietetics and Nutrition pays Elizabeth Sheehan's salary of $152,628.00.

Location	400 S. Union Street, Suite 245 Montgomery, AL 36104 Office Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.
Real Property Ownership	The Board does not own any real property.
Employees	None.
Legal Counsel	Matt Bledsoe, Assistant Attorney General, an employee of the Attorney General's Office, serves as the Board's legal counsel.
Subpoena Power	Yes. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. ***Code of Alabama 1975***, Section 34-40-11
Internet Presence	www.athletictrainers.alabama.gov The website contains information including the Board's statutes and Administrative Rules. There is a licensee verification search feature, licensure applications and renewal information, a public records page, and information regarding the Athletic Trainers Incentive Grant. It was noted that while some minutes of meetings were available, they were not current. During testing it was found that the minutes of the Board's meetings beyond 2023 and Advisory Council minutes after January 21, 2024 were not available on the website.

Financial	
Source of Funds	Licensing fees.
State Treasury	Yes, Special Revenue Fund 0745. ***Code of Alabama 1975***, Section 34-40-14
Required Distributions	The Board shall award funds to local boards of education to incentivize the recruitment and retention of athletic trainers at rural secondary schools and Title I secondary schools in the state. The Board shall allocate grant awards to the applicable local board of education for each successful application that meets the requirements of this article. Each grant shall be no more than seven thousand five hundred dollars ($7,500), as determined by the Board based on the application. The incentive program is capped at two million dollars ($2,000,000) per school year. Grants may be awarded annually beginning with the 2024-2025 school year, and each school year thereafter. The grants are contingent on the availability of funds. The Legislature may appropriate funds to the Board for the incentive program, and the Board may accept funds from nongovernmental entities to be used for the incentive program. Funds not expended in any fiscal year shall not revert but shall remain with the Board for use in implementing the incentive program. ***Code of Alabama 1975***, Sections 34-40-32 The Board may make grants, and to otherwise arrange with qualified individuals, institutions, or agencies to develop and promote athletic training programs and continuing education programs for athletic trainers. ***Code of Alabama 1975***, Section 34-40-14
Unused Funds	Funds are retained at fiscal year-end.

Licensure	
Licensees	As of March 11, 2026: 848 Athletic Trainers ***Source:*** Executive Director
Licensure Qualifications	Any individual seeking licensure as an athletic trainer shall be a citizen of the United States or legally present and meet at least one of the following requirements: (1) Satisfactory completion of all Board of Certification, Inc., or its successor organization, qualifications; certification as an athletic trainer in good standing by the Board of Certification, Inc.; and eligibility for a National Provider Identifier. (2) Licensure by reciprocity. ***Code of Alabama 1975***, Section 34-40-5
Examinations	The Board's statutes do not require an examination. However, the Board's statutes require that applicants must complete all Board of Certification, Inc. requirements, which includes an examination. ***Code of Alabama 1975***, Section 34-40-5
Reciprocity	The Board shall grant, without examination, licensure to any qualified athletic trainer holding a license certificate or registration in another state if that state maintains licensure qualifications that are substantially equivalent to those required in this state, and gives similar reciprocity to licensees of this state. ***Code of Alabama 1975***, Section 34-40-5(a)(2)
Renewals	Licenses expire annually on December 31. ***Code of Alabama 1975***, Section 34-40-8 Any licensee who fails to renew his or her license within 90 days following expiration of the previous license shall be required to file a new application and pay an application fee with the Board. ***Code of Alabama 1975***, Section 34-40-5(b) 100% of licenses are renewed online. ***Source:*** Executive Director

Licensee Demographics	Data is not collected by the Board. ***Source:*** Executive Director
Continuing Education	The successful completion of the annual continuing education program is a requisite for the renewal of licenses. Athletic Trainers who hold an active Board of Certification (BOC) Certification must meet the highest professional standards and stringent continuing education requirements imposed by the BOC. BOC continuing education requirements meet or exceed those required by the Alabama Board of Athletic Trainers except for annual certification in an approved emergency cardiac care course. BOC-certified Athletic Trainers may use the continuing education earned to satisfy their BOC credentialing requirement as a portion of the Board's continuing education requirement each renewal year. Proof of current BOC certification shall be considered acceptable documentation. BOC certified Athletic Trainers shall also report and document annual certification in a BOC-approved Emergency Cardiac Care (EMRC) course each renewal year unless otherwise noted. Athletic Trainers who were issued a license without being required to be BOC Certified for licensure are required to complete and document twenty-six contact hours of continuing education as prescribed by the Board each renewal year. ***Code of Alabama 1975***, Section 34-40-8 ***Administrative Rule*** 140-X-4-.03

FINANCIAL INFORMATION

Schedule of Fees

The ***Code of Alabama 1975***, Section 34-40-3(g) states, "The board shall fix fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes of licensees, publication fees, or other administration fees deemed necessary to carry out this chapter."

Fee	Statute	Amount in Statute	Rule	Amount in Rule
Application & License Fee	34-40-3(g) 34-40-5(b)	Set by Board	140-X-5-.02(1)	$175.00
Renewal Fee	34-40-3(g) 34-40-8	Set by Board	140-X-5-.02(2)	$75.00
Renewal Fee for first renewal period only for licenses issued between July 1 and December 31	34-40-5(b) 34-40-8	Set by Board	140-X-5-.02(3)	$75.00**
Renewal Late Fee, after November 30 but within 90-day grace period	34-40-3(g)	Set by Board	140-X-5-.02(4)	$50.00
Late CEU* Fee – per month late for CEUs earned following November 30 deadline for then current renewal period.	34-40-3(g)	Set by Board	140-X-5-.02(5)	$25.00
Replacement Identification Card	34-40-3(g) 34-40-5(b)	Set by Board	140-X-5-.02(6)	$35.00
Replacement Wall Certificate	34-40-3(g) 34-40-5(b)	Set by Board	140-X-5-.02(7)	$50.00
Verification of AL Licensure to another State or Agency	34-40-3(g) 34-40-5(b)	Set by Board	140-X-5-.02(8)	$25.00
Copied Materials	Cost Recovery 34-40-3(g)	Set by Board	140-X-5-.02(9)	$0.25/page
Roster of Licensees	34-40-3(g)	Set by Board	140-X-5-.02(10)	$25.00
Returned Check Fee	8-8-15	Set by Board	140-X-5-.02(11)	$30.00
Application and License Fee for Eligible Military Spouse	34-40-3(g) 31-1-6	Set by Board	140-X-5-.02(12)	waived

* Continuing Education Units

** The amount collected conflicts with the Board's ***Administrative Rule*** 140-X-5-.02(3).
See Significant Issue 2026-001.

SIGNIFICANT ISSUES

Significant Issue 2026-001: The Board is charging a $25.00 renewal fee for the first renewal period only for licenses issued between July 1 and December 31 which conflicts with the Board's Administrative Rules.

Administrative Rule 140-X-5-.02(3) sets the renewal fee for the first renewal period only for licenses issued between July 1 and December 31 as $75.00.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Significant Issue 2024-003: The Board did not notify the Secretary of State timely of the expiration of three Board members' terms. The expiration of three Board members' terms was posted only 31 days prior to the expiration of the terms. As a result of not posting notices timely, potential candidates may not receive sufficient notice and cause the Board to not receive input from all interested parties to fill the vacancy. The ***Code of Alabama 1975***, Section 36-14-17(c) states in part, "The chair of an existing board shall notify the Secretary of state by electronic means of a vacancy as follows: (1) For a vacancy schedule to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs."

Current Status: Unresolved. The Board failed to properly notify the Secretary of State of vacancies occurring on the Board. The following discrepancies were noted:

- Five instances in which the Board did not post a notice for vacancies occurring as a result of the expiration of terms or resignations.
- Three instances in which the Board did not post a timely notice for vacancies occurring as a result of the expiration of terms at least 45 days before the vacancies occurred. The notice of vacancies were posted 14 days before the vacancies occurred.

MATTERS OF CONCERN FROM QUESTIONNAIRES

Matters of Concern 2026-001: In response to the survey question asking licensees what they consider the most significant issue(s) facing their profession in Alabama, 8 of the 16 (50%) athletic trainers responding to the survey indicated the shortage of Athletic Trainers as the most significant issue facing their profession in Alabama.

STATUS OF PRIOR MATTERS OF CONCERN FROM QUESTIONNAIRES

Matters of Concern 2024-004: In response to the survey question asking licensees what they consider the most significant issue(s) facing their profession in Alabama, five of the nine (56%) licensees responding stated that salaries/fair compensation is the most significant issue.

Current Status: Unresolved. Nine of the sixteen athletic trainers (56%) responding to the survey stated the most significant issue facing their profession in Alabama is the lack of pay.

Matters of Concern 2024-005: In response to the survey question asking licensees whether they were adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws, only three of the nine (33%) responded that they were. A review of the Board's website indicated that it is up to date and contained the Board's current statutes, administrative rules, and Board's meeting minutes.

Current Status: Unresolved. Six of the sixteen (38%) licensees responding to the survey stated they were not adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws.

QUESTIONNAIRES

Licensee Questionnaire

A letter was sent to 100 licensees requesting participation in our survey. Sixteen participated in the survey. The percentages are based on the number who responded to the question.

1. **What do you consider the most significant issue(s) facing your profession in Alabama?**

   Respondent #1 – "The like of pay vs other health care prof."
   Respondent #2 – "Third-party reimbursement"
   Respondent #3 – "lack of licensed athletic trainers; no reimbursement from insurance for anything ATs do"
   Respondent #4 – "Retention of certified athletic trainers in the state"
   Respondent #5 – "The lack of athletic trainers in Alabama. Some athletic trainers cover multiple schools by themselves. Therefore, events are occasionally left uncovered because of conflicting schedules between the two schools."
   Respondent #6 – "Pay for athletic trainers is significantly lower than other jobs in the field of sports now including collegiate athletes."
   Respondent #7 – "Salary"
   Respondent #8 – "Coverage for all high schools in the state of Alabama is important for the safety of the athletes."
   Respondent #9 – "Salary and hours/demand"
   Respondent #10 – "Pay and recognition and understanding of the profession."
   Respondent #11 – "Non-competitive compensation, high number of sports/events expected to cover, weekend coverage hours."
   Respondent #12 – "As a high school athletic trainer I think having athletic trainers hired by the high school or school district should be more of a priority or perhaps discussed."
   Respondent #13 – "Salaries and inadequate ATC to sport ratio"
   Respondent #14 – "Lack of proper compensation."
   Respondent #15 – "Licensure"
   Respondent #16 – "Pay scale and autonomy"

2. **Do you think regulation of your profession by the Alabama Board of Athletic Trainers is necessary to protect the public welfare?**

Yes	**12**	**75%**
No	4	25%

3. **Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	3	19%
No	**10**	**62%**
Unknown	3	19%

4. **Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?**

Yes	**9**	**56%**
No	6	38%
Unknown	1	6%

5. **Do you consider mandatory continuing education necessary for the competent practice of your profession?**

Yes	**14**	**87%**
No	2	13%

6. **Does the Board respond to your inquiries in a timely manner?**

Yes	5	69%
Unknown	**11**	**31%**

7. **Has the Board performed your licensing and renewal in a timely manner?**

Yes	**16**	**100%**

8. **Do you have any additional comments you would like to make?**

Respondent #1 – "Not at this tome"
Respondent #2 – "N/A"
Respondent #3 – "I believe the number of CEUs required is obsessive. I am also a Doctor of Physical Therapy and have to have 13 less CEUs per year with PT"
Respondent #4 – "no"
Respondent #5 – "."
Respondent #6 – "I find most boards that deal with this profession do not take in opinions from actual athletic trainers in the field."
Respondent #7 – "None"
Respondent #8 – "None"
Respondent #9 – "N/a"
Respondent #10 – "None"
Respondent #11 – "Nothing to add."
Respondent #12 – "no"
Respondent #13 – "NA"
Respondent #14 – "N/A"
Respondent #15 – "N/A"
Respondent #16 – "N/a"

APPENDICES

Appendix I: Applicable Statutes

Alabama Athletic Trainers Licensure Act

Section 34-40-1 Short Title.
This chapter shall be known and may be cited as the "Alabama Athletic Trainers Licensure Act."
(Acts 1993, No. 93-617, p. 1013, §1.)

Section 34-40-2 Definitions.
As used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:
(1) ADVISORY COUNCIL. The Advisory Council of the State Board of Medical Examiners and the Alabama Board of Athletic Trainers created pursuant to Section 34-40-3.2.
(2) ATHLETIC INJURY. An injury or condition sustained as a result of, or limiting the preparation for or participation in, an exercise, sport, game, recreational activity, or any other activity that requires a level of strength, endurance, flexibility, or agility that is comparable to the level of strength, endurance, flexibility, or agility required for an exercise, sport, game, or recreational activity; or any injury that a physician deems would benefit from athletic training services.
(3) ATHLETIC TRAINER. An individual licensed by the Alabama Board of Athletic Trainers and under the direction or referral, or both, of a licensed physician after meeting the requirements of this chapter and rules adopted pursuant to this chapter.
(4) ATHLETIC TRAINING PRACTICE. Practice by an athletic trainer of any of the following:
a. The application of care for an athletic injury, including the application or provision of: (i) principles, methods, and procedures of recognition, examination, assessment, clinical evaluation, prevention, management, emergency care, disposition, or rehabilitation and reconditioning of athletic injuries; (ii) appropriate preventive and supportive devices; (iii) treatment using physical modalities such as heat, cold, light, mechanical devices, electric stimulation, manual therapy techniques, aquatic therapy, sound, or therapeutic exercise; and (iv) any other physical agent that is included within the written protocols allowed by the State Board of Medical Examiners and prescribed by a physician.
b. The organization and administration of athletic training programs, including health care administration and professional responsibility.
c. The provision of athletic training, education, and guidance to physically active individuals, coaches, medical personnel, and the community in the prevention and care of athletic injuries.
d. The recognition of potential illnesses and referrals to a physician for diagnosis and treatment.
e. The provision of injury prevention services developed for physically active individuals.
(5) BOARD. The Alabama Board of Athletic Trainers.
(6) INJURY PREVENTION. Care and guidance related to risk management, including biomechanics, conditioning, flexibility, energy requirements, strength training, and fitness.
(7) PHYSICAL THERAPIST. A physical therapist licensed by the Alabama State Board of Physical Therapy.
(8) PHYSICIAN. A physician licensed by the Medical Licensure Commission of Alabama.

(9) PHYSICIAN SUPERVISION. A. An athletic trainer acting under the supervision of a physician if:
1. The activities are undertaken pursuant to a verbal or written order of the physician who has evaluated the physically active individual; or
2. The activity is undertaken in accordance with a written protocol signed by the physician which describes the athletic injury encountered and directs appropriate medical interventions consistent with the qualification, training, and experience of the athletic trainer. The State Board of Medical Examiners shall establish medical criteria for any protocol used by athletic trainers and shall specify those conditions and circumstances that require referral to the physician for further evaluation.
b. Physician supervision establishes a formal relationship between an athletic trainer and a physician under which the athletic trainer is authorized to practice as evidenced by a written protocol approved by the State Board of Medical Examiners and requires professional oversight and direction pursuant to the rules of the State Board of Medical Examiners and the Alabama Board of Athletic Trainers as recommended by the advisory council. No rule adopted pursuant to this paragraph shall be effective without the approval of both the State Board of Medical Examiners and the board.
(Acts 1993, No. 93-617, p. 1013, §2; Act 2021-113, §1.)

Section 34-40-3 Alabama Board of Athletic Trainers – Appointment of Members; Annual Meeting; Terms; Duties.
(a) The Alabama Board of Athletic Trainers shall be composed of nine members who shall serve four-year terms. Members may not serve more than three consecutive four-year terms. Three members shall be a member of a minority class, one of whom shall be a physician member. The composition of the board shall be as follows:
(1) Six members who are athletic trainers, appointed by the Alabama Athletic Trainers' Association in accordance with subsection (b), one of whom shall also be a physical therapist.
(2) Three physicians actively engaged in the treatment of athletic injuries or illnesses, appointed by the Medical Association of the State of Alabama.
(3) The President of the Alabama Athletic Trainers' Association who shall serve as an ex officio member of the board and whose term of office shall be yearly to coincide with his or her term as President of the Alabama Athletic Trainers' Association.
(b) The Alabama Athletic Trainers' Association shall conduct an annual meeting at which all athletic trainers holding a current license under this article shall have the right to attend, nominate, and vote for the athletic trainer members of the board. The association shall regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting, the board shall send notices to each current licensee at the address shown on the current registration notifying of the exact date, hour, and place of the meeting, the purpose of the meeting, and of the right to attend and vote. To qualify as a board member pursuant to this subsection, a person shall be a citizen of the United States and a resident of this state and have acted as an athletic trainer for three years within this state immediately preceding appointment.
(c) In making the initial appointments, the Alabama Athletic Trainers' Association shall appoint one athletic trainer whose term will expire in 1994, two athletic trainers whose terms will expire in 1995, one athletic trainer whose term will expire in 1996, and two athletic trainers whose terms will expire in 1997. The Medical Association of the State of Alabama shall appoint one physician whose term will expire in 1994, one physician whose term will expire in 1995, and one physician whose term will expire in 1996. All appointments expire on December 31 of the year specified.

(d) Each appointee to the board shall qualify by taking an oath of office within 15 days from the date of the appointment. In the event of death, resignation, or removal of any member, except for physician members, the vacancy of the unexpired term shall be filled by the board.
(c) The board shall elect a chair, a vice-chair, and a secretary from its members for a term of one year and may appoint any committees and formulate any rules it considers necessary to carry out its duties pursuant to this article. The board shall meet at least twice each year. Additional meetings may be held at the call of the chair or at the written request of any two members of the board. The secretary shall keep a record of the proceedings of the board. The board may adopt rules consistent with this chapter which are necessary for the performance of its duties. The board may employ an executive secretary and any officers and employees as may be necessary to carry out the duties of the board. The State Board of Medical Examiners and the board shall jointly approve any rule or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an athletic trainer as those acts, functions, and services are defined in Section 34-40-2. Any rule or policy adopted in violation of this requirement is invalid. The board shall prescribe methods and forms for license applications, license certificate, license renewal, verification of license, continuing education verification, and any forms for information required from licensees to carry out the duties of the board. The board shall adopt an official seal and a license certificate of suitable design.
(f) Members of the board shall receive one hundred dollars ($100) for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed according to the state travel policy for other expenses in the same amounts and under the same conditions as state employees are reimbursed.
(g) The board shall pass upon the qualifications of applicants for licensure as an athletic trainer and issue licenses and annual renewals to athletic trainers. The board shall fix fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes of licensees, publication fees, or other administration fees deemed necessary to carry out this article.
(Acts 1993, No. 93-617, p. 1013, §3; Acts 1997, No. 97-597, p. 1051, §1; Act 2011-171, p. 332, §3; Act 2021-113, §1.)

Section 34-40-3.1 Alabama Board of Athletic Trainers – Composition.
(a) Notwithstanding any other law regarding the composition of the Board of Athletic Trainers, the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state and each member of the board shall be a resident of this state.
(b) Commencing on June 1, 2025, as the terms of the members serving on the board expire, the membership of the board shall be appointed so that one member resides in and is appointed from each congressional district in this state with the remaining members being appointed from the state at-large.
(Acts 1997, No. 97-153, p. 195, §4; Act 2009-41, p. 140, §3; Act 2025-170, §3.)

Section 34-40-3.2 Advisory Council of the State Board of Medical Examiners and the Alabama Board of Athletic Trainers.

(a) There is created the Advisory Council of the State Board of Medical Examiners and the Alabama Board of Athletic Trainers. The membership of the advisory council shall include all of the following:

(1) Three physicians, appointed by the State Board of Medical Examiners.

(2) Three athletic trainers appointed by the board.

(b) In order to stagger the terms of office, the three physician members of the advisory council shall serve initial terms of one, two, and three years, as determined by the State Board of Medical Examiners, and terms of three years thereafter, and the three athletic trainer members of the advisory council shall serve initial terms of one, two, and three years, as determined by the board, and terms of three years thereafter. Should a vacancy occur on the advisory council, a successor shall be appointed by the original appointing authority to serve the remainder of the unexpired term.

(c) The advisory council shall meet annually, or more frequently if agreed by both the State Board of Medical Examiners and the board. During the annual meeting the membership of the advisory council shall select one of its members to serve as chair for a term of one year. The office of chair shall alternate between a physician member and an athletic trainer member.

(d) Members of the advisory council shall receive a per diem at a rate of one hundred dollars ($100) per day or any portion thereof that the advisory council member is attending an official meeting or function of the advisory council. In addition, each member of the advisory council shall receive reimbursement for subsistence and travel in accordance with state law as provided for state employees, for each day actively engaged in the duties of the office. Compensation of the members of the advisory council shall be paid by the appointing authority, and the appointing authorities shall furnish necessary clerical and administrative support for the operation of the advisory council.

(c) Any provision of this chapter to the contrary notwithstanding, the advisory council shall recommend model practice protocols to be used by athletic trainers, subject to approval by both the State Board of Medical Examiners and the board. The advisory council shall be limited to voting on new standard protocols, adding or deleting existing protocols, and amending existing protocols. The advisory council may recommend rules establishing the ratio of physicians to athletic trainers and the manner in which a supervising physician may designate an alternate supervising physician when temporarily unavailable as the supervising physician. The advisory council may not grant deviations from protocol. No rule or protocol shall be effective until approved by both the State Board of Medical Examiners and the board.

(Act 2021-113, §2.)

Section 34-40-4 Unauthorized Use of Title.

No person shall use the title “athletic trainer”, “certified athletic trainer”, or “licensed athletic trainer”, or use the letters “LAT”, “ATC”, or “AT”, or any other facsimile thereof, whether or not compensation is received or expected, unless the person is licensed as an athletic trainer in this state pursuant to this chapter.

(Acts 1993, No. 93-617, p. 1013, §4.)

Section 34-40-5 Requirements for License; Application; Fees.

(a) Any individual seeking licensure as an athletic trainer shall be a citizen of the United States or, if not a citizen of the United States, an individual who is legally present in the United States with appropriate documentation from the federal government, and meets at least one of the following requirements:

(1) Satisfactory completion of all Board of Certification, Inc., or its successor organization, qualifications; certification as an athletic trainer in good standing by the Board of Certification, Inc.; and eligibility for a National Provider Identifier.

(2) Licensure by reciprocity. The board shall grant, without examination, licensure to any qualified athletic trainer holding a license certificate or registration in another state if that state maintains licensure qualifications that are substantially equivalent to those required in this state, and gives similar reciprocity to licensees of this state.

(b) Any individual desiring to be licensed, desiring a renewal of an existing license, desiring verification of licensure, reinstatement of a license, replacement of a license, or name changes for a licensee as an athletic trainer in this state shall make and file with the board a written application or request as prescribed by the board. The application shall be accompanied by the payment of a fee, as set by the board, to include publication fees or other administrative fees deemed necessary to carry out the provisions of this chapter. Any licensee who fails to renew his or her license within 90 days following expiration of the previous license shall be required to file a new application and pay an application fee with the board.

(Acts 1993, No. 93-617, p. 1013, §5; Acts 1997, No. 97-153, p. 195, §3; Act 2005-91, p. 142, §3; Act 2009-41, p. 140, §3; Act 2021-113, §1.)

Section 34-40-6 Treatment of Injuries

An athletic trainer, as a qualified health care professional, functioning under the supervision of a physician, may use therapeutic exercise and modalities for the treatment of athletic injuries for which he or she has received appropriate training or education.

(Acts 1993, No. 93-617, p. 1013, §6; Act 2021-113, §1.)

Section 34-40-7 Time Restrictions on Certification.

(a) Any person actively engaged as an athletic trainer on May 13, 1993, shall be issued a license certificate if the athletic trainer submits proof of three years of experience as an athletic trainer within the preceding five-year period, receives approval by the board, and pays the license certificate fee as determined by the board. For the purpose of this section, a person is actively engaged as an athletic trainer if the person is employed on a salaried basis for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performs the duties of an athletic trainer as the major responsibility of employment. One year from May 13, 1993, application for a license certificate pursuant to this subsection shall not be permitted.

(b) The board shall grant licensure to any physical therapist who has satisfactorily completed all of the American Physical Therapy Association (APTA) qualifications as a board certified sports physical therapist (SCS). Three years from May 13, 1993, application for a licensure certificate pursuant to this subsection shall not be permitted.

(c) The board may grant licensure to a licensed physical therapist who submits experience and educational training as an athletic trainer within the preceding five-year period if the person performed duties as an athletic trainer as a significant responsibility. One year from May 13, 1993, application for licensure pursuant to this subsection shall not be permitted.

(Acts 1993, No. 93-617, p. 1013, §7.)

Section 34-40-8 Expiration of Licenses; Renewal Fee; Continuing Education.

All licenses issued by the board to athletic trainers shall expire on the last day of December each year. The license may be renewed on payment of a renewal fee, fixed by the board, completion of continuing education, and current licensee information, as may be needed. The board may reduce the renewal fee for a licensee who has been licensed less than six months before his or her license expires. The board shall adopt a program of continuing education for its licensees. The successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.

(Acts 1993, No. 93-617, p. 1013, §8; Acts 1997, No. 97-597, p. 1051, §1; Act 2011-171, p. 332, §3; Act 2013-87, p. 187, §3.)

Section 34-40-9 Professions and Occupations Not Affected; Chapter Not Applicable to Certain Persons.

(a) Nothing in this chapter shall be construed as preventing or restricting any of the following individuals from engaging in the profession or occupation for which they are licensed, certified, or registered in Alabama as follows:

(1) Physicians and surgeons licensed by the Medical Licensure Commission.

(2) Dentists licensed by the State Board of Dental Examiners.

(3) Optometrists licensed by the Alabama Board of Optometry.

(4) Nurses licensed by the Board of Nursing.

(5) Chiropractors licensed by the State Board of Chiropractic Examiners.

(6) Podiatrists licensed by the State Board of Podiatry.

(7) Physical therapists licensed by the Board of Physical Therapy.

(8) Occupational therapists licensed by the Alabama Board of Occupational Therapy.

(9) Emergency medical technicians licensed by the Alabama Department of Public Health.

(10) Physician assistants licensed by the State Board of Medical Examiners.

(11) Massage therapists licensed by the Alabama Board of Massage Therapy.

(b) This chapter shall not apply to the following persons:

(1) Coaches and physical education instructors in the performance of their duties.

(2) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team's or organization's stay in this state.

(3) A person who performs any of the services set forth in this chapter as long as the person does not violate this chapter.

(Acts 1993, No. 93-617, p. 1013, §9; Act 2021-113, §1.)

Section 34-40-10 Reasons for Rejection, Revocation, or Suspension of License.

The board may refuse to issue a license certificate to any individual and, after notice and hearing pursuant to its rules, may suspend or revoke the license certificate of any individual who does any of the following:

(1) Practices athletic training other than under the supervision of a physician licensed to practice medicine or surgery.

(2) Uses drugs or intoxicating liquors to an extent which affects professional competency.

(3) Obtains or attempts to obtain a license by fraud or deception.

(4) Is found to be grossly negligent in the practice of athletic training.

(5) Is adjudged mentally incompetent by a court of competent jurisdiction.

(6) Is found to be guilty of conduct detrimental to the best interest of the public.

(7) Is or has been imprisoned for violating any state or federal controlled substance law.

(8) Is treating or has undertaken to treat human ailments otherwise than by athletic training and according to standards established by the board.

(9) Advertises unethically according to standards as set by the board.

(10) Fails or refuses to obey any lawful order or rule of the board.

(11) Engages in the unlawful invasion of the field of practice of any other profession.

(Acts 1993, No. 93-617, p. 1013, §10; Act 2021-113, §1.)

Section 34-40-11 Hearing Upon Application or Filing of Charges; Procedure; Appeal.

(a) Any person whose application for a license is denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. The secretary shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law, and the action taken. On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final; and the application shall be made in the manner and form as the board may require.

(b) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 30 days after the order is entered in the judicial circuit of his or her residence or in the Montgomery County Circuit Court, to any court of competent jurisdiction.

(c) Appeal from the judgment of the court lies as in other civil cases.

(Acts 1993, No. 93-617, p. 1013, §11.)

Section 34-40-12 Punishment for Violation.
Any person who violates any provision of this chapter is guilty of a Class B misdemeanor, and, upon conviction, shall be punished and fined, or both, as provided by law.
(Acts 1993, No. 93-617, p. 1013, §12.)

Section 34-40-13 Use of Title Authorized.
Any person who holds a license pursuant to this chapter as an athletic trainer may use the words "athletic trainer" or "licensed athletic trainer," and may use the letters "LAT" in connection with his or her name to denote his or her licensure as an athletic trainer.
(Acts 1993, No. 93-617, p. 1013, §13.)

Section 34-40-14 Athletic Trainers Fund Created; Expenditure of Funds.
There is hereby created in the State Treasury a fund to be known as the Athletic Trainers Fund. All receipts of the Alabama Athletic Trainers Board shall be deposited into this fund. The expenses incurred by the Alabama Athletic Trainers Board in carrying out the provisions of this chapter shall be paid out of the Athletic Trainers Fund by warrant of the Comptroller upon the Treasurer upon itemized vouchers, approved by the chair of the board or his or her designee. The Alabama Board of Athletic Trainers may make grants, and to otherwise arrange with qualified individuals, institutions, or agencies to develop and promote athletic training programs and continuing education programs for athletic trainers. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriations acts.
(Acts 1993, No. 93-617, p. 1013, §14; Acts 1997, No. 97-597, p. 1051, §1.)

Section 34-40-15 Unauthorized Activities.
(a) Nothing in this chapter shall authorize an athletic trainer to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other condition that is not an athletic injury; to perform surgery of any type or description; or to prescribe any drug or medical device.
(b) Nothing in this chapter shall allow an athletic trainer to hold himself or herself out, or practice, as a physical therapist, occupational therapist, clinical nutritionist, or chiropractic physician. Nothing in this chapter shall allow an athletic trainer to perform spinal manipulation. However, nothing in this chapter shall be construed to restrict an athletic trainer from practicing within the scope of practice as otherwise provided under this chapter.
(c) Nothing in this chapter shall modify, amend, repeal, or supersede any provision of the Alabama Medical Liability Act of 1987, commencing with Section 6-5-540, or the Alabama Medical Liability Act of 1996, commencing with Section 6-5-548, or any amendment to or judicial interpretation of those laws.
(Acts 1993, No. 93-617, p. 1013, §16; Act 2021-113, §1.)

Section 34-40-16 Supervision Required in Physical Therapy Clinic.
An athletic trainer employed in a physical therapy clinic shall work under the administrative supervision of a physical therapist in the context of an employer/employee relationship. The authority of the physical therapist may not supersede the authority of the physician regarding treatment, in accordance with physician supervision of the athletic trainer.
(Acts 1993, No. 93-617, p. 1013, §17; Act 2021-113, §1.)

Section 34-40-17 Sunset Provision.
The Alabama Board of Athletic Trainers is subject to the provisions of the Alabama Sunset Law of 1981, shall be classified an enumerated agency under Section 41-20-3, and shall terminate on October 1, 1997, unless continued as therein provided. If continued, the board shall be reviewed every four years thereafter and terminated unless continued by the law.
(Acts 1993, No. 93-617, p. 1013, §18.)

Athletic Trainer Secondary School Incentive Program

Section 34-40-31 Definitions.
For the purposes of this article, the following terms have the following meanings:
(1) ATHLETIC TRAINER. The same meaning as the term "athletic training practice," as defined by Section 34-40-2. This term includes after school sporting event coverage.
(2) ATHLETIC TRAINING SERVICES. Services provided by an athletic trainer within the scope of athletic training practice, as defined by Section 34-40-2. This term includes coverage provided to an after school sporting event.
(3) BOARD. The Alabama Board of Athletic Trainers, as provided in this chapter.
(4) INCENTIVE PROGRAM. The Athletic Trainer Secondary School Incentive Program established by this article.
(5) RURAL SCHOOL. A school not located within a United States Census Bureau Alabama Urbanized Area of 50,000 or more individuals.
(6) SECONDARY SCHOOL. Any rural, 1A, 2A, 3A, or Title I schools providing education to students in sixth through twelfth grade. This term includes middle schools and high schools.
(Act 2023-341, §1.)

Section 34-40-32 Program Established; Award of Grants.
(a) There is established the Athletic Trainer Secondary School Incentive Program. The program shall be administered by the board.
(b) The board shall award funds to local boards of education to incentivize the recruitment and retention of athletic trainers at rural secondary schools and Title I secondary schools in the state. The board shall allocate grant awards to the applicable local board of education for each successful application that meets the requirements of this article. Each grant shall be no more than seven thousand five hundred dollars ($7,500), as determined by the board based on the application.
(c) The incentive program shall be capped at two million dollars ($2,000,000) per school year.
(d) Grants may be awarded annually beginning with the 2024-2025 school year, and each school year thereafter.
(e) The grants provided by this article shall be contingent on the availability of funds. The Legislature may appropriate funds to the board for the incentive program, and the board may accept funds from nongovernmental entities to be used for the incentive program. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4 of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. Funds not expended in any fiscal year shall not revert but shall remain with the board for use in implementing the incentive program.
(Act 2023-341, §2.)

Section 34-40-33 Grant Applications; List of Eligible Schools.

(a) A local board of education may apply for a grant from the incentive program if, during the academic school year, an athletic trainer provided an average of at least 25 hours of athletic training services per week to a rural secondary school or Title I secondary school under the purview of the local board of education. Any athletic training services provided by an athletic trainer may be counted towards the required hours, provided that the athletic trainer provides the athletic training services in one of the following manners:

(1) As an employee of the local board of education.

(2) As an employee of a health care facility.

(3) As a participant in a third-party sports medicine program.

(b)(1) The board shall compile a list of schools eligible for grants from the incentive program and publish the list on its website. The list shall be compiled in the following manner:

a. For rural secondary schools, by considering census data to determine which secondary schools are not located in urbanized areas of 50,000 or more individuals.

b. For Title I secondary schools, by considering federal law.

(2) Local boards of education meeting the application criteria may apply for the incentive program following the end of the academic school year, during a time period to be determined by the board.

(Act 2023-341, §3.)

Section 34-40-34 Application Form; Administration; Disciplinary Action.

(a) The board shall develop an application form and adopt procedures for the administration of the incentive program application, including for the development of application criteria and a timeline for application review and grant disbursement.

(b)(1) The local superintendent of education shall provide an attestation that all requirements for the incentive program have been satisfied, and each athletic trainer seeking to benefit from the incentive program shall provide an attestation that he or she has provided at least 25 hours of athletic training services to a rural secondary school or Title I secondary school under the local board of education's purview.

(2) The board may take disciplinary action against an athletic trainer who falsifies the amount of athletic training services he or she provided.

(Act 2023-341, §4.)

Section 34-40-35 Distribution of Grants.

(a) Upon the receipt of a grant from the incentive program, the local board of education shall distribute the grant funds as a stipend to the qualifying athletic trainer.

(1) If multiple athletic trainers provided an average of at least 25 hours of athletic training services per week to a secondary school during the academic school year, the local board of education shall evenly divide the funds from the incentive program among the athletic trainers.

(2) An athletic trainer may only receive one stipend from the incentive program per school year. Once an athletic trainer is awarded a stipend pursuant to this article, he or she shall not be eligible for another incentive program stipend until the next school year, even if he or she provided athletic training services to multiple schools.

(b) The local board of education is limited to one successful grant application per secondary school each school year.

(Act 2023-341, §5.)

Appendix II: Legislation Not Yet Codified

ACT #2026-253

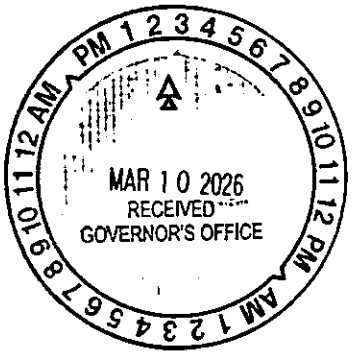
SB160

ARZEB7S-2

By Senators Woods, Orr, Barfoot, Albritton, Bell

RFD: Fiscal Responsibility and Economic Development

First Read: 14-Jan-26



Enrolled, An Act,

Relating to athletic trainers; to adopt the Athletic Trainer Compact as Article 3 of Chapter 40 of Title 34, Code of Alabama 1975; to allow licensed athletic trainers to practice among compact states; to establish requirements and obligations for participation in the compact; to provide for disciplinary actions and joint investigation procedures; and to establish and provide for the operation of the Athletic Trainer Compact Commission and enforcement of the compact among member states.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 3, commencing with Section 34-40-60, is added to Chapter 40 of Title 34, Code of Alabama 1975, to read as follows:

Article 3 ATHLETIC TRAINER COMPACT

§34-40-60 Title and purpose.

(a) This article shall be known and cited as the Athletic Trainer Compact. The purposes of this compact are to expand mobility of athletic training practice and improve public access to services by providing qualified licensed athletic trainers the ability to practice in other member states. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve the following objectives:

(1) Increase public access to athletic training and enhance continuity of care by providing for the mutual recognition of other licenses issued by member states.

(2) Provide an additional streamlined opportunity for interstate practice by licensed athletic trainers who meet compact uniform requirements.

(3) Promote mobility and workforce development by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other licenses issued by member states.

(4) Reduce administrative burdens on licensed athletic trainers and member states.

(5) Enhance the states' ability to protect the public's health and safety.

(6) Encourage the cooperation of member states in regulating interstate practice of licensed athletic trainers.

(7) Support relocating active military members and their spouses.

(8) Enhance the exchange of licensure, investigative, and disciplinary information among member states.

(9) Allow for the use of telehealth to facilitate increased access to athletic training services.

(10) Support the uniformity of licensed athletic trainer licensure requirements throughout the states.

(11) Affirm the authority of all member states to hold a licensed athletic trainer accountable for abiding by the scope of practice in the state in which the patient is located at the time of care.

(12) Require adherence to the model compact language in order to promote uniformity and ensure that all member states have accepted and are mutually obligated to the same terms.

§34-40-61 Definitions.

As used in this compact, unless the context requires otherwise, the following terms have the following meanings:

(1) ACTIVE MILITARY MEMBER. Any individual with full-time duty status in the active Armed Forces of the United States, including members of the National Guard and Reserve.

(2) ADVERSE ACTION. Any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice.

(3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring or practice remediation process applicable to an athletic trainer approved by a state licensing authority of a member state in which the athletic trainer is licensed. This includes, but is not limited to, programs to which licensees with substance use, addiction, or mental health conditions are referred in lieu of adverse action.

(4) ATHLETIC TRAINER COMPACT COMMISSION or COMPACT COMMISSION. The government agency whose membership consists of all states that have enacted this compact, as described in this compact and which shall operate as an instrumentality of

the member states to administer and implement the compact according to its terms.

(5) ATHLETIC TRAINING. The prevention, examination, assessment, treatment, and rehabilitation of emergent, acute, or chronic injuries and medical conditions as defined by applicable member state laws and rules.

(6) BOC. The Board of Certification, Inc., or any successor organization thereto.

(7) CAATE. The Commission on Accreditation of Athletic Training Education or any successor organization thereto.

(8) CHARTER MEMBER STATE. Any member state which enacted and made effective this compact by law before the compact effective date specified in this compact.

(9) COMMISSIONER. The individual appointed by a member state to serve as the member of the commission for that member state.

(10) COMPACT PRIVILEGE. The legal authorization granted by a remote state, equivalent to a license, allowing a licensee from another member state to provide athletic training services in a remote state.

(11) COMPACT QUALIFYING LICENSE. A license that is not an encumbered license issued by a member state to practice athletic training which qualifies the licensee to exercise a compact privilege pursuant to Section 34-40-63.

(12) CONTINUING COMPETENCE. A requirement, as a condition of license renewal, to provide evidence of successful participation and completion of educational and professional activities relevant to practice or area of work.

For purposes of this compact, evidence of active BOC certification may satisfy the meaning of continuing competence as set forth in this compact.

(13) CRIMINAL BACKGROUND CHECK. The submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(14) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION. The existence of:

a. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction; or

b. Investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

(15) DATA SYSTEM. The commission's repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action, and alternative program.

(16) ENCUMBRANCE or ENCUMBERED. A revocation or suspension of, or any limitation or condition on, the full and

unrestricted practice of athletic training.

(17) EXECUTIVE COMMITTEE. A group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

(18) INVESTIGATIVE INFORMATION. Information, records, and documents received or generated by a licensing authority pursuant to an investigation.

(19) JURISPRUDENCE REQUIREMENT. The assessment of an individual's knowledge of the laws and rules governing the practice of athletic training, as applicable, in a state.

(20) LICENSE. The current authorization by a member state to engage in the practice of athletic training.

(21) LICENSEE or LICENSED ATHLETIC TRAINER. An individual who currently holds an active, unrestricted license and who meets all of the requirements outlined in Section 34-40-63.

(22) LICENSING AUTHORITY. The board or agency of a state, or equivalent, that is responsible for the licensing and regulation of athletic trainers.

(23) MEMBER STATE. A state that has enacted this compact.

(24) MODEL COMPACT LANGUAGE. The model language for the athletic trainer compact on file with the council of state governments or other entity as designated by the commission to which all member states must substantively adhere and adopt.

(25) REMOTE STATE. A member state other than the state of qualifying licensure.

(26) RULE. A regulation adopted by an authorized entity

that has the force of law.

(27) SCOPE OF PRACTICE. The procedures, actions, and processes an athletic trainer licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. The procedures, actions, and processes, and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, rules, case law, and other processes available to the state licensing authority or other government agency. Scope of practice shall include any state requirements regarding supervision or direction, if required by the state and as further defined by the state's statutes and rules.

(28) SINGLE STATE LICENSE. A license issued by any state that authorizes practice only within the issuing state.

(29) STATE. Any state, commonwealth, district, or territory of the United States of America.

(30) STATE OF QUALIFYING LICENSURE. The member state which has issued a compact qualifying license to a licensee pursuant to this compact.

(31) UNENCUMBERED LICENSE. A license that authorizes a licensee to engage in the full and unrestricted practice of athletic training.

§34-40-62 State participation in the compact.

(a) To be eligible to join this compact and to maintain eligibility as a member state, a state must:

(1) Enact and maintain a statute that is not materially different from the model compact language;

(2) License and regulate the practice of athletic training;

(3) Require that licensees in that state maintain continuing competence standards as part of their state practice act or rules;

(4) Have a mechanism in place for receiving and investigating complaints about licensees;

(5) Grant the compact privilege to a licensee who meets all the requirements outlined in Section 34-40-63 in accordance with the terms of the compact and any rules adopted thereunder;

(6) Participate fully in the compact commission's data system, including using the unique identifier as defined in rules;

(7) Notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(8) Within a time frame established by rule, implement or utilize procedures for considering the criminal history records of applicants for a compact qualifying license which includes receiving the results of the Federal Bureau of Investigation record search and use those results in making licensure decisions. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for

retaining that state's criminal records;

a. A member state must fully implement a criminal background check requirement in order to participate in the issuance and acceptance of compact privileges.

b. Communication between a member state and the compact commission or among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state; and

(9) Comply with and enforce the rules of the compact commission.

(b) Member states may set and collect a fee for issuance and renewal of a compact privilege to applicants.

(c) Individuals without a compact qualifying license shall continue to be able to apply for a member state's single state license as provided under the laws of each member state.

(d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(e) A compact qualifying license shall be recognized by each remote state as authorizing that licensee to engage in the practice of athletic training, under a compact privilege, in another member state in accordance with the requirements in Section 34-40-63.

§34-40-63 Compact privilege.

(a) To be eligible for a compact privilege under the terms and provisions of this compact, the licensee shall

complete a criminal background check performed by the licensing authority in the state of qualifying licensure before entry in the compact and shall:

(1) Satisfy one of the following two pathways:

a. Hold a valid current active certification through BOC.

b. If a licensee does not meet the requirements of paragraph a., the following must be completed:

1. An education program which is either:

(i) At least a bachelor's degree with a major course of study in athletic training, an equivalent course of study from a college or university accredited at the time of graduation by CAATE;

(ii) An academic degree from a college or university in a foreign country equivalent to the degree described in item (i) with a major course of study as described in item (i) that is accredited by CAATE; or

(iii) The substantial equivalent of the foregoing which the commission may determine by rule.

2. Successful completion of the exam administered by BOC, preceding the date of the licensee's application for licensure in his or her state of qualifying licensure or the substantial equivalent of the foregoing requirement which the commission may determine by rule;

(2) Hold a compact qualifying license;

(3) Have not had any encumbrance against any license or compact privilege to practice athletic training within the previous two years;

(4) Be eligible for a compact privilege in any member state in accordance with this section;

(5) Notify the compact commission that the licensee is seeking the compact privilege within a remote state or remote states;

(6) Pay any applicable fees, including any state fee, for the compact privilege;

(7) Meet only the continuing competence requirements established by the state of qualifying licensure;

(8) Comply with any requirements of the state of qualifying licensure as set forth in Section 34-40-62;

(9) Meet any jurisprudence requirements established by the remote state or remote states in which the licensee is seeking a compact privilege; and

(10) Report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any non-member state within 30 days from the date the action is taken.

(b) The compact privilege is valid until the expiration date of the compact qualifying license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the compact qualifying license as the compact commission may define by rule. The licensee must comply with the requirements of this section to maintain the compact privilege in the remote state. A licensee may apply for and hold compact privileges in multiple member states.

(c) A licensed athletic trainer must follow the scope of practice of the member state where the patient is located.

A licensee engaging in the practice of athletic training in a remote state under the compact privilege shall adhere to the scope of practice laws and rules of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all scope of practice laws and rules and state laws relating to the remote practice of athletic training, as applicable.

(d) A licensee engaging in the practice of athletic training in a remote state is subject to that state's regulatory authority. A remote state, in accordance with due process and that state's laws, may remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its residents. Any member state which undertakes such an action shall promptly notify the member state and the commission as specified in the rules. The licensee may be deemed to be ineligible to exercise the compact privilege by any member state until the specific time for removal has passed and all fines are paid.

(e) All member state disciplinary orders that impose adverse action against a compact qualifying license shall result in deactivation of the licensee's compact privilege in all member states during the pendency of the order. If a compact qualifying license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The compact qualifying license is no longer encumbered.

(2) The licensee has not had any encumbrance or restriction against any license, compact qualifying license, or compact privilege within the previous two years.

(f) Once an encumbered license is restored to good standing as a compact qualifying license, as certified by the licensing authority, the licensee must meet the requirements of this section to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, that licensee may also lose the compact privilege in other remote states, as each member state shall determine in its sole authority, until the following occur:

(1) The specific period of time for which the compact privilege was removed has ended.

(2) All fines have been paid.

(3) The licensee has not had any encumbrance or restriction against any license or compact privilege within the previous two years.

(h) Once the requirements of subsection (g) have been met, the licensee must meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

§34-40-64 Compact qualification.

(a) A licensee may only designate one license as his or her compact qualifying license at a time. The procedures for the designation may be further defined by compact commission rule.

(b) Nothing in this section shall require that the state of qualifying licensure be the state of primary

residence or state of primary practice for the licensee.

(c) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states.

(d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

§34-40-65 Active military member or his or her spouse.

An active military member or his or her spouse shall not be required to pay a fee to the commission for a compact privilege. If a member state chooses to charge a member state fee, the member state may choose to charge a reduced fee or no fee to an active military member or his or her spouse for a compact privilege.

§34-40-66 Adverse actions.

(a) A member state in which a licensee is issued a compact qualifying license shall have the exclusive authority to impose adverse action against the compact qualifying license issued by that member state.

(b) A member state may take adverse action based on current significant investigative information of a remote state, so long as the member state follows its own procedures for imposing adverse action.

(c) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws or rules.

(d) A remote state shall have the authority to:

(1) Take adverse actions as set forth in this compact against a licensee's compact privilege in that state; and

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

a. Subpoenas may be issued by a member state athletic training licensing authority for the attendance and testimony of witnesses and the production of evidence.

b. A member state which issues a subpoena may request service of that subpoena by another member state. The member state receiving the request to serve a subpoena shall serve the subpoena if the subpoena is deemed enforceable by a court of competent jurisdiction according to the practice and procedure in the receiving member state.

c. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

(e) For purposes of taking adverse action, a member state shall give the same priority and effect to reported conduct received from another member state as it would if the conduct had occurred within that state. In so doing, the investigating member state shall apply its own state laws to determine appropriate action.

(f) A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any

adverse action taken against that licensee.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any current significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this compact. In sharing this information between member state athletic trainer licensing authorities, all information obtained shall be kept confidential, except as otherwise mutually agreed upon by the sharing and receiving member state or member states.

(3) A remote state may issue subpoenas on behalf of a member state for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

(h) If a member state takes adverse action, the member state shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify all member states of any adverse actions by remote states.

(i) Nothing in this compact may permit a member state to take any adverse action against a licensee or holder of a compact privilege for conduct or practice occurring in another member state that was legal in the member state at the time it was undertaken.

§34-40-67 Establishment and operation of the commission.

(a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted this compact known as the Athletic Trainer Licensure Compact Commission. The compact commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in Section 34-40-71.

(b) Membership, voting, and meetings.

(1) Each member state shall have and be limited to one commissioner selected by that member state's licensing authority within 60 days of the member state's effective date.

(2) The commissioner shall be an administrator or his or her designated staff or current board member of the licensing authority.

(3) The compact commission may recommend removal or suspension of any commissioner from office.

(4) A member state's licensing authority shall fill any vacancy of its commissioner occurring on the compact commission within 60 days of the vacancy.

(5) Each commissioner shall be entitled to one vote on all matters before the compact commission requiring a vote by the commissioners.

(6) The compact commission shall meet at least once during each calendar year. Additional meetings may be held as

set forth in the commission bylaws. A commissioner shall vote in person or by other means as provided in the bylaws. The bylaws may provide for commissioners to meet by telecommunication, videoconference, or other means of communication.

(c) The compact commission shall have the following powers:

(1) Adopt and amend rules and bylaws.

(2) Establish code of conduct, confidentiality, and conflict of interest policies for commissioners.

(3) Establish the fiscal year of the compact commission.

(4) Maintain commission financial records in accordance with the bylaws.

(5) Purchase and maintain insurance and insurance bonds.

(6) Accept or contract for services of personnel, including, but not limited to, employees of a member state.

(7) Conduct a financial review or audit.

(8) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(9) Enter into contracts or arrangements for the management of the affairs of the commission.

(10) Assess and collect fees.

(11) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the compact commission shall avoid any appearance of impropriety or conflict of interest.

(12) Lease, purchase, retain, own, hold, improve, invest, or use any property, real, personal, or mixed, or any undivided interest therein.

(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(14) Establish a budget and make expenditures.

(15) Borrow and invest money.

(16) Meet and take actions that are consistent with this compact, the compact commission's rules, and the bylaws.

(17) Initiate and conclude legal proceedings or actions in the name of the compact commission, provided that the standing of any licensing authority to sue or be sued under applicable law shall not be affected.

(18) Maintain and certify records and information provided to a member state as the authenticated business records of the compact commission, and designate an agent to do so on the compact commission's behalf.

(19) Provide and receive information from, and cooperate with, law enforcement agencies.

(20) Determine whether a state's adopted language is

materially different from the model compact language such that the state would not qualify for participation in the compact.

(21) Establish and elect an executive committee, including a chair and a vice chair, secretary, treasurer, and other offices that the commission shall establish by rule or bylaw.

(22) Appoint committees, including standing committees, composed of member state commissioners, state regulators, state legislators or their representatives, and consumer representatives, and other interested persons that may be designated in this compact and the bylaws.

(23) Perform other functions that may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include:

a. Exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw;

b. Oversee the day-to-day activities of the administration of this compact including enforcement and compliance with this compact, its rules and bylaws, and other duties as deemed necessary;

c. Recommend to the compact commission changes to the

rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

d. Ensure compact administration services are appropriately provided, including by contract;

e. Prepare and recommend the budget;

f. Maintain financial records on behalf of the compact commission;

g. Monitor compact compliance of member states and provide compliance reports to the compact commission;

h. Establish additional committees as necessary; and

i. Other duties as provided in the rules or bylaws of the compact commission.

(2) The executive committee shall be composed of five voting members, elected by the compact commission:

a. The chair and vice chair of the compact commission shall be voting members of the executive committee;

b. The compact commission shall elect up to three additional voting members from the current membership of the compact commission to include the offices of treasurer, secretary, and one member-at-large; and

c. Up to four ex officio, nonvoting members from recognized national athletic trainer organizations.

(3) The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

(4) The executive committee shall meet at least annually:

a. Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in this section;

b. The executive committee shall give advance notice of its meetings, posted on its website and as determined, by rule or bylaw, to provide notice to persons with an interest in the business of the compact commission; and

c. The executive committee may hold a special meeting in accordance with this section.

(e) The compact commission shall adopt and provide to the member states an annual report.

(f) Meetings of the compact commission.

(1) All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in this section.

(2) Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rulemaking provisions in this compact, except that the compact commission may hold a special meeting as provided in this section.

(3) The compact commission may hold a special meeting when it must meet to conduct emergency business by giving 24-hours' notice to all commissioners, on the compact commission's website, and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

(4) The compact commission or the executive committee

or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

a. Noncompliance of a member state with its obligations under this compact;

b. The employment, compensation, discipline or other matters, practices, or procedures related to specific employees;

c. Current or threatened discipline of a licensee by a member state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for the use of the compact commission or other committee charged with the responsibility of investigation or determination of compliance issues

pursuant to this compact;

k. Matters specifically exempted from disclosure by federal or member state law; or

l. Other matters as specified in rules of the compact commission.

(5) If a meeting, or portion of a meeting, is closed, the compact commission's legal counsel or designee shall certify that the meeting will be closed and reference each relevant exempting provision, and the reference shall be recorded in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(g) Financing of the compact commission.

(1) The compact commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The compact commission may accept any and all appropriate revenue sources as provided in this section.

(3) The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the compact commission

shall adopt by rule.

(4) The compact commission shall not incur obligations of any kind prior to securing the funds or a loan adequate to meet the same; nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission shall be subject to the financial review or audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review or audit by a certified or licensed public accountant, and the report of the financial review or audit shall be included in and become part of the annual report of the compact commission.

(h) Qualified immunity, defense, and indemnification.

(1) The members, officers, executive director, employees, and representatives of the compact commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to protect any person from suit or

liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the compact commission shall not in any way compromise or limit the immunity granted under this subdivision.

(2) The compact commission shall defend any member, officer, executive director, employee, and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to prohibit that person from retaining his or her own counsel at his or her own expense, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The compact commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the compact commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope

of compact commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this subsection shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law, rule, or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

§34-40-68 Data system.

(a) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system and reporting system containing licensure, compact privileges, adverse action, and the presence of current significant investigative information on all licensees and applicants for a license in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all licensees, applicants, and others to whom this compact is applicable as required by the rules of

the compact commission, including:

(1) Personally identifying information;

(2) Licensure data;

(3) Adverse actions against a licensee, license applicant, or compact privilege and information related thereto;

(4) Nonconfidential information related to alternative program participation, the beginning and ending dates of the participation, and other information related to the participation;

(5) Any denial of an application for licensure, and the reasons for the denial, excluding the reporting of any criminal history record information where prohibited by law;

(6) A binary determination regarding the presence of current significant investigative information; and

(7) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(c) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(d) Current significant investigative information pertaining to a licensee in any member state will only be available to other member states.

(e) It is the responsibility of the member states to monitor the data system to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any member state will be available to any other member state.

(f) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(g) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

§34-40-69 Rulemaking.

(a) The compact commission shall adopt reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of this compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(b) The rules of the compact commission shall have the force of law in each member state, provided that where the rules conflict with the laws or rules of a member state that relate to the scope of practice a licensed athletic trainer is

permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission shall be ineffective in that state to the extent of the conflict.

(c) The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules of this compact shall become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.

(d) If a majority of the legislatures of the member states rejects a rule, or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then the rule shall have no further force and effect in any member state.

(e) Rules shall be adopted at a regular or special meeting of the compact commission.

(f) Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments. At least 30 days in advance of the public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:

(1) On the website of the compact commission or other publicly accessible platform;

(2) To persons who have requested notice of the compact commission's notices of proposed rulemaking; and

(3) In other ways that the compact commission, by rule, may specify.

(g) The notice of proposed rulemaking shall include:

(1) The time, date, and location of the public hearing at which the compact commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the compact commission will consider and vote on the proposed rule;

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) The text of the proposed rule and the reason therefor;

(4) A request for comments on the proposed rule from any interested person; and

(5) The manner in which interested persons may submit written comments.

(h) All hearings will be recorded. A copy of the recording and all written comments and documents received by the compact commission in response to the proposed rule shall be available to the public.

(i) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this section.

(j) The compact commission, by majority vote of all members, shall take final action on the proposed rule based on

the rulemaking record and the full text of the rule.

(1) The compact commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(2) The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in this section, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(k) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24-hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of compact commission or member state funds;

(3) Meet a deadline for the adoption of a rule that is established by federal law or rule; or

(4) Protect public health and safety.

(l) The compact commission or an authorized committee of the compact commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

(m) No member state's rulemaking requirements shall apply under this compact.

§34-40-70 Oversight, dispute resolution, and enforcement.

(a) Oversight.

(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission shall be brought solely and exclusively in a court

of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent the compact commission adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any similar matter.

(3) The compact commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in the proceeding for all purposes. Failure to provide the compact commission service of process shall render a judgment or order void as to the compact commission, this compact, or adopted rules.

(b) Default, technical assistance, and termination.

(1) If the compact commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the compact commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The compact commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon

an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of the termination. The terminated state shall continue to recognize all licenses and compact privileges granted pursuant to this compact for a minimum of 180 days after the date of the notice of termination.

(g) The compact commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the compact commission and the defaulting

state.

(h) The defaulting state may appeal the action of the compact commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees.

(i) Dispute resolution.

(1) Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The compact commission shall adopt a rule providing for both mediation and binding alternate dispute resolution for disputes as appropriate.

(j) Enforcement.

(1) By two-thirds majority vote, the compact commission may initiate legal action against a member state in default in the U.S. District Court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with this compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the compact commission. The compact commission may pursue any other remedies available under federal or the

defaulting member state's law.

(2) A member state may initiate legal action against the compact commission in the U.S. District Court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with this compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees.

(3) No person other than a member state shall enforce this compact against the compact commission.

§34-40-71 Effective date, withdrawal, and amendment.

(a) This compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven member states (charter member states) to determine if the statute enacted and made effective by each charter member state is materially different than the model compact statute.

a. A charter member state whose enactment is found to be materially different from the model compact language shall be entitled to the default process set forth in Section 34-40-70.

b. If any member state is later found to be in default, or is terminated or withdraws from the compact, the compact

commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven.

(2) Member states enacting the compact subsequent to the seven initial charter member states shall be subject to the process set forth in this section to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the compact commission coming into existence shall be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

(4) Any state that joins this compact subsequent to the compact commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this compact becomes law in that state. Any rule that has been previously adopted by the compact commission shall have the full force and effect of law on the day the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to

comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of the withdrawal to all licensees and privilege holders within that state. Notwithstanding any subsequent statutory enactment to the contrary, the withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of the notice of withdrawal.

(4) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with this compact.

(5) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until the amendment is enacted into the laws of all member states.

§34-40-72 Construction and severability.

(a) This compact and the compact commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of this compact. Provisions of the compact expressly authorizing or requiring the adoption of rules shall not be construed to limit the compact commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable

and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(c) Notwithstanding the foregoing, the compact commission may deny a state's participation in the compact or terminate a member state's participation in the compact if the compact commission determines that a constitutional requirement of a member state is a material departure from this compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, this compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

§34-40-73 Consistent effect and conflict with other state laws.

(a) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with this compact.

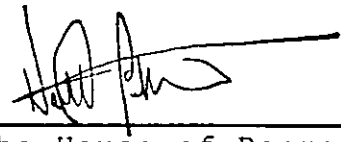
(b) Any laws, statutes, rules, or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.

(c) All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

Section 2. This act shall become effective on October 1, 2026.



President and Presiding Officer of the Senate



Speaker of the House of Representatives

SB160
Senate 12-Feb-26
I hereby certify that the within Act originated in and passed the Senate.

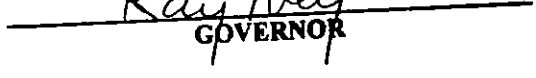
Patrick Harris,
Secretary.

House of Representatives
Passed: 05-Mar-26

By: Senator Woods

APPROVED 3-16-2026

TIME 1:00 pm



GOVERNOR

Alabama Secretary Of State

Act Num....: 2026-253
Bill Num...: S-160

Recv'd 03/16/26 03:04pmKCW

SPONSOR

1 Woods

CO-SPONSORS

2 [illegible]
3 [illegible]
4 Albritton
5 Bell
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SENATE ACTION

DATE: 1-14 2026

RD 1 RFD FRED

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

This Bill was referred to the Standing Committee of the Senate on FRED

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amd(s) 0 w/sub 0 w/eng sub 0

yeas 15 nays 0 abstain 0

this 4th day of February, 2026

_____, Chairperson

DATE: 2-5 2026

RF FPW RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 160

yeas 30 nays 0 abstain 0

PATRICK HARRIS, Secretary

DATE: 2-18-26 RD 3 at length

PASSED ☑ PASSED AS AMENDED ☐

yeas 30 nays 0 abstain 0

And was ordered sent forthwith to the House.

PATRICK HARRIS, Secretary

FURTHER SENATE ACTION (OVER)

HOUSE ACTION

DATE: 2-12 2026

RD 1 RFD BA+C

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on

BA+C

was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed,

w/amd(s) _____ w/sub _____

this 19th day of February, 2026.

_____, Chairperson

DATE: 2-19 2026

RF RD 2 CAL

DATE: 20__

RE-REFERRED ☐ RE-COMMITTED ☐

COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 160.

YEAS 105 NAYS 0

JOHN TREADWELL, Clerk

FURTHER HOUSE ACTION (OVER)

Appendix III: Board Members

Alabama Board of Athletic Trainers
P.O. Box 302230
Montgomery, Alabama 36130
334-265-7125
www.athletictrainers.alabama.gov

Examiners of Public Accounts
11 South Union Street
Montgomery, AL 36130

To Whom It May Concern:

The following is a list of current board members:

Mr. Chris King, ATC
Kimberly, AL 35091
Exp Date: 12/31/27

Mr. S. Wesley Richardson, ATC
Tuscumbia, AL 35674
Exp Date: 12/31/27

Dr. Kyle Southall, PhD(c), LAT, ATC, PES, CSCS
Hoover, AL 35244
Exp Date: 12/31/26

Dr. Robert Agee, MD
Birmingham, AL 35244
Exp Date: 12/31/26

Mr. Clarke Jackson, ATC
Tuscumbia, AL 35674
Exp. Date: 12/31/29

Ms. Sydney Dixon, PT/ATC
Foley, AL 36535
Exp Date: 12/31/29

Dr. Jose Ortega, MD
Birmingham, AL 35242
Exp Date: 12/31/27

Dr. Austin Worley, DO
Montgomery, Al 36111
Exp Date: 12/31/28

Dr. Karen Stanton, PhD, MS, ATC, CSCS, EMT, MFDc
Auburn, AL 36830
Exp Date: 12/31/28

Ms. Krishanna Leonard ATC
Bessemer, AL 35022
Exp Date: 12/31/26

Please let me know if further information is needed.

Sincerely,

Elizabeth Sheehan
Executive Director

Appendix IV: Board's Response

Alabama Board of Athletic Trainers

P.O. Box 302230, Alabama 36130
334-265-7125
www.athletictrainers.alabama.gov

October 9, 2026

Examiner of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104

To Whom It May Concern:

The Alabama Board of Athletic Trainers ("the Board") submits the following responses to the findings of its Sunset review for the October 1, 2023 through September 30, 2025 audit:

SIGNIFICANT ISSUES

Significant Issue 2026-001: The Board is charging a $25.00 renewal fee for the first renewal period only for licenses issued between July 1 and December 31 which conflicts with the Board's Administrative Rules.

Administrative Rule 140-X-5-.02(3) sets the renewal fee for the first renewal period only for licenses issued between July 1 and December 31 as $75.00.

Response: The Board staff discovered the discrepancy and filed an administrative rule change to correct it. Please see the attached certified rule.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Significant Issue 2024-003: The Board did not notify the Secretary of State timely of the expiration of three Board members' terms. The expiration of three Board members' terms was posted only 31 days prior to the expiration of the terms. As a result of not posting notices timely, potential candidates may not receive sufficient notice and cause the Board to not receive input from all interested parties to fill the vacancy. The ***Code of Alabama 1975***, Section 36-14-17(c) states in part, "The chair of an existing board shall notify the Secretary of state by electronic means of a vacancy as follows: (1) For a vacancy schedule to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs."

Current Status: Unresolved. The Board failed to properly notify the Secretary of State of vacancies occurring on the Board. The following discrepancies were noted:

 Five instances in which the Board did not post a notice for vacancies occurring as a result of the expiration of terms or resignations.

Alabama Board of Athletic Trainers
P.O. Box 302230, Alabama 36130
334-265-7125
www.athletictrainers.alabama.gov

 Three instances in which the Board did not post a timely notice for vacancies occurring as a result of the expiration of terms at least 45 days before the vacancies occurred. The notice of vacancies were posted 14 days before the vacancies occurred.

Response: Under the current Board administration, vacancies will be noticed on the Secretary of State's website in compliance with ***Code of Alabama 1975***, Section 36-14-17(c). The Board director has set the automatic notice for all board seats. Additionally, the Board personally notifies every licensee in the State of vacancies on the Board by email prior to the association's elections.

MATTERS OF CONCERN FROM QUESTIONNAIRES

Matters of Concern 2026-001: **In response to the survey question asking licensees what they consider the most significant issue(s) facing their profession in Alabama, 8 of the 16 (50%) athletic trainers responding to the survey indicated the shortage of Athletic Trainers as the most significant issue facing their profession in Alabama.**

Response: The Board assists in the administration of an incentive grant program aimed at recruiting athletic trainers to work in Alabama's rural and Title 1 schools. The Board staff receives and vets all applicants and coordinates with the Department of Education to award grants. Additionally, the Board partners with the Alabama Math and Science Teacher Education Program (AMSTEP) to vet applicants for a loan assistance program for athletic trainers willing to work in the Alabama school system.

STATUS OF PRIOR MATTERS OF CONCERN FROM QUESTIONNAIRES

Matters of Concern 2024-004: In response to the survey question asking licensees what they consider the most significant issue(s) facing their profession in Alabama, five of the nine (56%) licensees responding stated that salaries/fair compensation is the most significant issue.

Current Status: Unresolved. Nine of the sixteen athletic trainers (56%) responding to the survey stated the most significant issue facing their profession in Alabama is the lack of pay.

Response: The Alabama Board of Athletic Trainers does not have the ability to increase pay for licensees in the State. The Board has worked to assist in implementing financial incentive programs benefiting Alabama athletic trainers and will continue to assist in those efforts.

Matters of Concern 2024-005: In response to the survey question asking licensees whether they were adequately informed by the Board of changes to and interpretations of the

Alabama Board of Athletic Trainers
P.O. Box 302230, Alabama 36130
334-265-7125
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Board's positions, policies, rules, and laws, only three of the nine (33%) responded that they were. A review of the Board's website indicated that it is up to date and contained the Board's current statutes, administrative rules, and Board's meeting minutes.

Current Status: **Unresolved.** Six of the sixteen (38%) licensees responding to the survey stated they were not adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws.

Response: The Board has an updated website that allows for real-time updates by the Board staff. The Board makes every effort to keep the licensees apprised of the Board's positions, policies, rules and laws. The Board emails licensees regarding Board member vacancies, rule changes and renewal notices. The Board streams its meetings and invites all interested parties to participate.

The Board is grateful for the opportunity to respond and is readily available should you need any additional information.

Sincerely,

Elizabeth Sheehan
Executive Director
Alabama Board of Athletic Trainers