

State of Arizona
Senate
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 111

SENATE BILL 1202

AN ACT

AMENDING SECTION 32-3405, ARIZONA REVISED STATUTES; AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 41; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3010.01; MAKING AN APPROPRIATION; RELATING TO THE BOARD OF ATHLETIC TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3405, Arizona Revised Statutes, is amended to
3 read:

4 32-3405. Occupational therapy fund; deposit of receipts by
5 board; account

6 A. ~~An~~ THE occupational therapy fund is established. All monies
7 collected under this chapter shall be deposited with the state treasurer who
8 shall place civil penalties imposed under section 32-3442, subsection G and
9 ten per cent of all other monies received in the STATE general fund and the
10 remaining monies in the occupational therapy fund. Monies in the fund may be
11 used by the board for payment of all necessary board expenses, including
12 compensation and expenses of board members upon claims approved by the board.

13 B. Monies deposited in the occupational therapy fund are subject to
14 the provisions of section 35-143.01.

15 C. THE BOARD SHALL ESTABLISH A SEPARATE ACCOUNT IN THE FUND FOR MONIES
16 TRANSFERRED TO THE FUND PURSUANT TO SECTION 32-4105.

17 Sec. 2. Title 32, Arizona Revised Statutes, is amended by adding
18 chapter 41, to read:

19 CHAPTER 41

20 ATHLETIC TRAINERS

21 ARTICLE 1. GENERAL PROVISIONS

22 32-4101. Definitions

23 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "ATHLETIC INJURY" MEANS AN INJURY SUSTAINED BY A PERSON IN A
25 COMPETITIVE TEAM OR INDIVIDUAL SPORT AS A RESULT OF THAT PERSON'S
26 PARTICIPATION OR PREPARATION FOR THE COMPETITIVE TEAM OR INDIVIDUAL SPORT.

27 2. "ATHLETIC TRAINER" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS
28 CHAPTER.

29 3. "ATHLETIC TRAINING":

30 (a) INCLUDES THE FOLLOWING ACTIVITIES PERFORMED UNDER THE DIRECTION OF
31 A LICENSED PHYSICIAN:

32 (i) EXAMINING, EVALUATING AND TESTING A PERSON TO DETERMINE THE
33 PERSON'S INJURY STATUS AND THE PERSON'S PROGRESS IN RECOVERY FROM ATHLETIC
34 INJURIES.

35 (ii) USING HEAT, COLD, WATER, LIGHT, SOUND, ELECTRICITY, PASSIVE OR
36 ACTIVE EXERCISE, MASSAGE OR MECHANICAL DEVICES TO TREAT, REHABILITATE OR
37 RECONDITION ATHLETIC INJURIES.

38 (iii) ADMINISTERING ATHLETIC TRAINING PROGRAMS AND FACILITIES AT THE
39 ATHLETIC TRAINING FACILITY OR AT THE SITE OF ATHLETIC PRACTICE OR
40 COMPETITION.

41 (iv) EDUCATION AND COUNSELING RELATED TO ALL ASPECTS OF THE PRACTICE
42 OF ATHLETIC TRAINING.

43 (b) DOES NOT INCLUDE TREATING, ASSESSING OR EVALUATING A PERSON WHO
44 SUSTAINS AN INJURY UNDER ANY CIRCUMSTANCE OTHER THAN DURING PARTICIPATION IN
45 OR PREPARATION FOR COMPETITIVE TEAM OR INDIVIDUAL SPORTS. THIS SUBDIVISION
46 DOES NOT PREVENT THE ATHLETIC TRAINER OF A PROFESSIONAL SPORTS ORGANIZATION

1 OR AN ACCREDITED EDUCATIONAL INSTITUTION FROM TREATING AT THE ORGANIZATION'S
2 OR INSTITUTION'S ATHLETIC FACILITY ANY INJURY OF THE TYPE THAT OCCURS IN
3 SPORTS REGARDLESS OF THE CIRCUMSTANCES UNDER WHICH THE INJURY WAS SUSTAINED.

4 4. "BOARD" MEANS THE BOARD OF ATHLETIC TRAINING.

5 5. "DIRECT SUPERVISION" MEANS THAT THE SUPERVISING ATHLETIC TRAINER IS
6 PRESENT IN THE FACILITY OR ON THE CAMPUS WHERE STUDENT ATHLETIC TRAINERS ARE
7 PERFORMING SERVICES, IS IMMEDIATELY AVAILABLE TO ASSIST THE PERSON BEING
8 SUPERVISED IN THE SERVICES BEING PERFORMED AND MAINTAINS CONTINUED
9 INVOLVEMENT IN APPROPRIATE ASPECTS OF THE SERVICES BEING PERFORMED.

10 6. "DIRECTION OF A LICENSED PHYSICIAN" MEANS DIRECTION AS PRESCRIBED
11 BY THE BOARD BY RULE PURSUANT TO SECTION 32-4103.

12 7. "LICENSED PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO CHAPTER 13
13 OR 17 OF THIS TITLE.

14 8. "RESTRICTED LICENSE" MEANS A LICENSE ON WHICH THE BOARD PLACES
15 RESTRICTIONS OR CONDITIONS, OR BOTH, AS TO THE SCOPE OF PRACTICE, PLACE OF
16 PRACTICE, SUPERVISION OF PRACTICE, DURATION OF LICENSE STATUS OR TYPE OR
17 CONDITION OF A PERSON TO WHOM THE LICENSEE MAY PROVIDE SERVICES.

18 32-4102. Board; membership; duties; immunity

19 A. THE BOARD OF ATHLETIC TRAINING IS ESTABLISHED CONSISTING OF THE
20 FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

21 1. THREE ATHLETIC TRAINERS WHO ARE RESIDENTS OF THIS STATE, POSSESS AN
22 UNRESTRICTED LICENSE TO PRACTICE ATHLETIC TRAINING IN THIS STATE AND HAVE
23 BEEN PRACTICING IN THIS STATE FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING
24 THEIR APPOINTMENT. THE GOVERNOR MAY MAKE THESE APPOINTMENTS FROM A LIST OF
25 NAMES SUBMITTED BY A STATEWIDE ATHLETIC TRAINING ASSOCIATION OR ANY OTHER
26 GROUP OR PERSON. THE INITIAL THREE APPOINTEES ARE NOT REQUIRED TO BE
27 LICENSED PURSUANT TO THIS CHAPTER AT THE TIME OF SELECTION BUT SHALL MEET ALL
28 OF THE QUALIFICATIONS FOR LICENSURE AS PRESCRIBED BY THIS CHAPTER.

29 2. TWO PUBLIC MEMBERS WHO ARE RESIDENTS OF THIS STATE AND WHO ARE NOT
30 AFFILIATED WITH AND DO NOT HAVE ANY FINANCIAL INTEREST IN ANY HEALTH CARE
31 PROFESSION BUT WHO HAVE AN INTEREST IN CONSUMER RIGHTS.

32 B. BOARD MEMBERS SERVE STAGGERED FIVE YEAR TERMS THAT BEGIN AND END ON
33 THE THIRD MONDAY IN JANUARY. BOARD MEMBERS SHALL NOT SERVE FOR MORE THAN TWO
34 SUCCESSIVE FIVE YEAR TERMS OR FOR MORE THAN TEN CONSECUTIVE YEARS.

35 C. IF REQUESTED BY THE BOARD, THE GOVERNOR MAY REMOVE A BOARD MEMBER
36 FOR MISCONDUCT, INCOMPETENCE OR NEGLECT OF DUTY.

37 D. BOARD MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT
38 TO TITLE 38, CHAPTER 4, ARTICLE 2 TO COVER NECESSARY EXPENSES FOR ATTENDING
39 EACH BOARD MEETING OR FOR REPRESENTING THE BOARD IN AN OFFICIAL BOARD
40 APPROVED ACTIVITY.

41 E. A BOARD MEMBER WHO ACTS WITHIN THE SCOPE OF BOARD DUTIES, WITHOUT
42 MALICE AND IN THE REASONABLE BELIEF THAT THE PERSON'S ACTION IS WARRANTED BY
43 LAW IS NOT SUBJECT TO CIVIL LIABILITY.

44 32-4103. Board duties; direction of athletic trainers

45 A. THE BOARD SHALL:

46 1. EVALUATE THE QUALIFICATIONS OF APPLICANTS FOR LICENSURE.

- 1 2. DESIGNATE THE NATIONAL EXAMINATION THAT IT REQUIRES APPLICANTS TO
2 PASS.
- 3 3. ISSUE LICENSES TO PERSONS WHO MEET THE REQUIREMENTS OF THIS
4 CHAPTER.
- 5 4. ESTABLISH REQUIREMENTS PERTAINING TO THE RATIO BETWEEN SUPERVISING
6 ATHLETIC TRAINERS AND STUDENT ATHLETIC TRAINERS.
- 7 5. REGULATE THE PRACTICE OF ATHLETIC TRAINING BY INTERPRETING AND
8 ENFORCING THIS CHAPTER.
- 9 6. ESTABLISH REQUIREMENTS FOR ASSESSING THE CONTINUING COMPETENCE OF
10 LICENSEES.
- 11 7. ADOPT AND REVISE RULES TO ENFORCE THIS CHAPTER.
- 12 8. MEET AT LEAST ONCE EACH QUARTER IN COMPLIANCE WITH THE OPEN MEETING
13 REQUIREMENTS OF TITLE 38, CHAPTER 3, ARTICLE 3.1 AND KEEP AN OFFICIAL RECORD
14 OF THESE MEETINGS.
- 15 9. AT ITS FIRST REGULAR MEETING AFTER THE START OF EACH CALENDAR YEAR,
16 ELECT OFFICERS FROM AMONG ITS MEMBERS AND AS NECESSARY TO ACCOMPLISH BOARD
17 BUSINESS.
- 18 10. PROVIDE FOR THE TIMELY ORIENTATION AND TRAINING OF NEW PROFESSIONAL
19 AND PUBLIC APPOINTEES TO THE BOARD REGARDING BOARD LICENSING AND DISCIPLINARY
20 PROCEDURES, THIS CHAPTER, BOARD RULES AND BOARD PROCEDURES.
- 21 11. MAINTAIN A CURRENT LIST OF ALL LICENSEES. THIS LIST SHALL INCLUDE
22 THE LICENSEE'S NAME, CURRENT BUSINESS AND RESIDENTIAL ADDRESSES, TELEPHONE
23 NUMBERS AND LICENSE NUMBER.
- 24 12. ENTER INTO CONTRACTS FOR SERVICES NECESSARY TO ENFORCE THIS
25 CHAPTER.
- 26 13. PUBLISH, AT LEAST ANNUALLY, FINAL DISCIPLINARY ACTIONS TAKEN
27 AGAINST A LICENSEE.
- 28 14. PUBLISH, AT LEAST ANNUALLY, BOARD RULINGS, OPINIONS AND
29 INTERPRETATIONS OF STATUTES OR RULES.
- 30 15. NOT LATER THAN DECEMBER 31 OF EACH YEAR, SUBMIT A WRITTEN REPORT OF
31 ITS ACTIONS AND PROCEEDINGS TO THE GOVERNOR.
- 32 B. THE BOARD SHALL ADOPT RULES TO PRESCRIBE THE DIRECTION OF ATHLETIC
33 TRAINERS BY LICENSED PHYSICIANS INCLUDING PHYSICIAN RECOMMENDATIONS,
34 GUIDELINES AND INSTRUCTIONS AS TO STANDARD PROTOCOLS TO BE FOLLOWED IN THE
35 GENERAL, DAY-TO-DAY ACTIVITIES IN WHICH ATHLETIC TRAINERS ENGAGE. THESE
36 RULES SHALL REQUIRE THAT POSTATHLETIC INJURY TREATMENT DIRECTION BE PROVIDED
37 BY THE PERSON'S TREATING PHYSICIAN OR, IF APPLICABLE, BY THE TEAM PHYSICIAN
38 FOR THE INSTITUTION OR ORGANIZATION THAT EMPLOYS THE ATHLETIC TRAINER. IF
39 APPROPRIATE, ATHLETIC TRAINERS MAY ALSO SEEK DIRECTION AS TO THE TREATMENT OF
40 AN ATHLETIC INJURY FROM ANY HEALTH CARE PROVIDER WHO IS INVOLVED IN THAT
41 PERSON'S TREATMENT AND WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER BUT WHO
42 IS LICENSED PURSUANT TO THIS TITLE.
- 43 32-4104. Executive director; personnel; duties; compensation
- 44 A. THE EXECUTIVE DIRECTOR OF THE BOARD OF OCCUPATIONAL THERAPY
45 EXAMINERS SHALL ALSO SERVE AS THE EXECUTIVE DIRECTOR OF THE BOARD OF ATHLETIC
46 TRAINING.

1 B. THE STAFF OF THE BOARD OF OCCUPATIONAL THERAPY EXAMINERS SHALL
2 CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD OF ATHLETIC
3 TRAINING.

4 32-4105. Deposit of monies received by board

5 EXCEPT AS PROVIDED IN SECTION 32-4157, PURSUANT TO SECTIONS 35-146 AND
6 35-147, THE BOARD SHALL DEPOSIT TEN PER CENT OF ALL MONIES COLLECTED PURSUANT
7 TO THIS CHAPTER IN THE STATE GENERAL FUND AND DEPOSIT THE REMAINING NINETY
8 PER CENT OF THE MONIES IN A SEPARATE ACCOUNT ESTABLISHED FOR THE BOARD OF
9 ATHLETIC TRAINING IN THE OCCUPATIONAL THERAPY FUND ESTABLISHED BY SECTION
10 32-3405.

11 ARTICLE 2. LICENSURE

12 32-4121. Persons and activities not required to be licensed

13 THIS CHAPTER DOES NOT APPLY TO:

14 1. A HEALTH CARE PROFESSIONAL WHO IS LICENSED PURSUANT TO THIS TITLE
15 AND WHO PRACTICES WITHIN THE SCOPE OF THAT PERSON'S LICENSE IF THAT PERSON
16 DOES NOT CLAIM TO BE AN ATHLETIC TRAINER OR A PROVIDER OF ATHLETIC TRAINING
17 SERVICES.

18 2. A PERSON WHO IS PURSUING A COURSE OF STUDY LEADING TO A DEGREE AS
19 AN ATHLETIC TRAINER IN A PROFESSIONAL EDUCATION PROGRAM APPROVED BY THE BOARD
20 IF THAT PERSON IS SATISFYING SUPERVISED CLINICAL EDUCATION REQUIREMENTS
21 RELATED TO THE PERSON'S ATHLETIC TRAINING EDUCATION WHILE UNDER THE DIRECT
22 SUPERVISION OF A LICENSED ATHLETIC TRAINER.

23 3. AN ATHLETIC TRAINER WHO IS PRACTICING IN THE UNITED STATES ARMED
24 SERVICES, UNITED STATES PUBLIC HEALTH SERVICE OR VETERANS ADMINISTRATION
25 PURSUANT TO FEDERAL REGULATIONS FOR STATE LICENSURE OF HEALTH CARE PROVIDERS.

26 4. AN ATHLETIC TRAINER WHO RESIDES AND IS EMPLOYED IN ANOTHER
27 JURISDICTION AND WHO POSSESSES THE QUALIFICATIONS FOR LICENSURE IN THIS STATE
28 IF THAT PERSON IS PERFORMING ATHLETIC TRAINING IN THIS STATE IN CONNECTION
29 WITH TEACHING OR PARTICIPATING IN AN EDUCATIONAL SEMINAR OR IS PROVIDING
30 ATHLETIC TRAINING SERVICES IN THIS STATE TO ATHLETES OF A BONA FIDE
31 PROFESSIONAL, INTERCOLLEGIATE, INTERSCHOLASTIC OR AMATEUR SPORTS ORGANIZATION
32 BY WHICH THE ATHLETIC TRAINER IS EMPLOYED, FOR NOT MORE THAN SIXTY DAYS IN
33 ANY TWELVE MONTH PERIOD.

34 32-4122. Qualifications for licensure; exemption from
35 examination and clinical experience requirements

36 A. AN APPLICANT FOR A LICENSE AS AN ATHLETIC TRAINER SHALL:

37 1. BE OF GOOD MORAL CHARACTER.

38 2. HAVE COMPLETED THE APPLICATION PROCESS.

39 3. POSSESS A MINIMUM OF A BACCALAUREATE DEGREE FROM AN ACCREDITED
40 INSTITUTION WITH COURSE WORK AND SUPERVISED CLINICAL EXPERIENCE AS REQUIRED
41 AND APPROVED BY THE BOARD.

42 4. HAVE PASSED A NATIONAL EXAMINATION APPROVED BY THE BOARD.

43 B. NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION A, IF A PERSON WHO
44 APPLIES FOR A LICENSE UNDER THIS ARTICLE IS CERTIFIED AS AN ATHLETIC TRAINER
45 BY AN ORGANIZATION RECOGNIZED BY THE NATIONAL COMMISSION ON COMPETENCY

1 ASSURANCE, BEFORE JANUARY 1, 2004, AND IS OTHERWISE QUALIFIED FOR LICENSURE
2 UNDER THIS CHAPTER, THE PERSON MAY BE EXEMPT FROM ANY EXAMINATION OR
3 SUPERVISED CLINICAL EXPERIENCE REQUIREMENTS.

4 32-4123. Application; statement of deficiencies; hearing

5 A. AN APPLICANT FOR LICENSURE SHALL FILE A COMPLETED APPLICATION AS
6 REQUIRED BY THE BOARD. THE APPLICANT SHALL INCLUDE APPLICATION AND
7 EXAMINATION FEES AS PRESCRIBED IN SECTION 32-4126.

8 B. THE BOARD MAY RETURN AN APPLICATION WITH A STATEMENT OF
9 DEFICIENCIES. ON REQUEST OF AN APPLICANT WHO DISAGREES WITH THE STATEMENT,
10 THE BOARD SHALL HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

11 32-4124. License renewal; changes of name or address

12 A. A LICENSE ISSUED PURSUANT TO THIS CHAPTER IS SUBJECT TO RENEWAL
13 EACH YEAR AND EXPIRES UNLESS RENEWED.

14 B. THE EXECUTIVE DIRECTOR SHALL SEND A RENEWAL APPLICATION TO EACH
15 LICENSEE AT LEAST SIXTY DAYS BEFORE EXPIRATION OF THE LICENSE.

16 C. EACH LICENSEE IS RESPONSIBLE FOR REPORTING TO THE BOARD A NAME
17 CHANGE AND CHANGES IN BUSINESS AND HOME ADDRESSES WITHIN THIRTY DAYS AFTER
18 ANY CHANGE.

19 32-4125. Reinstatement of license

20 A. THE BOARD MAY REINSTATE A LAPSED LICENSE ON PAYMENT OF A RENEWAL
21 FEE AND A REINSTATEMENT FEE AND PROOF THAT THE APPLICANT HAS MET ALL
22 REQUIREMENTS FOR CONTINUING COMPETENCY ESTABLISHED BY THE BOARD.

23 B. IF A PERSON'S LICENSE HAS LAPSED FOR MORE THAN THREE CONSECUTIVE
24 YEARS, THAT PERSON SHALL REAPPLY FOR A LICENSE AND PAY ALL APPLICABLE FEES.
25 THE PERSON SHALL ALSO DEMONSTRATE TO THE BOARD'S SATISFACTION COMPETENCY IN
26 THE PRACTICE OF ATHLETIC TRAINING OR SHALL SERVE AN INTERNSHIP UNDER A
27 RESTRICTED LICENSE OR TAKE REMEDIAL COURSES AS DETERMINED BY THE BOARD, OR
28 BOTH, AT THE BOARD'S DISCRETION. THE BOARD MAY ALSO REQUIRE THE APPLICANT TO
29 TAKE AN EXAMINATION.

30 32-4126. Fees

31 A. THE BOARD SHALL ESTABLISH AND COLLECT NONREFUNDABLE FEES THAT DO
32 NOT EXCEED THE FOLLOWING:

33 1. FOR AN APPLICATION FOR AN ORIGINAL LICENSE, THREE HUNDRED FIFTY
34 DOLLARS.

35 2. FOR A CERTIFICATE OF RENEWAL OF A LICENSE, TWO HUNDRED FIFTY
36 DOLLARS.

37 3. FOR AN APPLICATION FOR REINSTATEMENT OF A LICENSE, THREE HUNDRED
38 FIFTY DOLLARS.

39 4. FOR EACH DUPLICATE LICENSE, FIFTY DOLLARS.

40 5. FOR COPYING RECORDS, DOCUMENTS, LETTERS, MINUTES, APPLICATIONS AND
41 FILES, TWENTY-FIVE CENTS A PAGE.

42 B. THE BOARD SHALL CHARGE ADDITIONAL FEES FOR SERVICES NOT REQUIRED TO
43 BE PROVIDED BY THIS CHAPTER BUT THAT THE BOARD DETERMINES ARE NECESSARY AND
44 APPROPRIATE TO CARRY OUT THIS CHAPTER. THE FEES SHALL NOT EXCEED THE ACTUAL
45 COST OF PROVIDING THESE SERVICES.

ARTICLE 3. REGULATION

32-4151. Lawful practice

A. AN ATHLETIC TRAINER SHALL REFER A PERSON WITH AN ATHLETIC INJURY TO ONE OR MORE APPROPRIATE HEALTH CARE PRACTITIONERS IF THE ATHLETIC TRAINER HAS REASONABLE CAUSE TO BELIEVE SYMPTOMS OR CONDITIONS ARE PRESENT THAT REQUIRE SERVICES BEYOND THE SCOPE OF PRACTICE OF ATHLETIC TRAINING OR IF ATHLETIC TRAINING IS CONTRAINDICATED.

B. AN ATHLETIC TRAINER SHALL ADHERE TO THE RECOGNIZED STANDARDS AND ETHICS OF THE ATHLETIC TRAINING PROFESSION AND AS FURTHER ESTABLISHED BY RULE.

C. THIS CHAPTER DOES NOT AUTHORIZE AN ATHLETIC TRAINER TO PRACTICE ANY OTHER PROFESSION REGULATED UNDER THIS TITLE AND DOES NOT EXPAND THE SCOPE OF PRACTICE OF ANY HEALTH CARE PROVIDER WHO IS NOT LICENSED PURSUANT TO THIS CHAPTER BUT WHO IS LICENSED PURSUANT TO THIS TITLE.

32-4152. Use of titles; restrictions; violation; classification

A. AN ATHLETIC TRAINER SHALL USE THE LETTERS "A.T.C." IN CONNECTION WITH THE ATHLETIC TRAINER'S NAME OR PLACE OF BUSINESS TO DENOTE LICENSURE UNDER THIS CHAPTER.

B. A PERSON OR BUSINESS ENTITY OR ITS EMPLOYEES, AGENTS OR REPRESENTATIVES SHALL NOT USE IN CONNECTION WITH THAT PERSON'S NAME OR THE NAME OR ACTIVITY OF THE BUSINESS THE WORDS "ATHLETIC TRAINING" OR "ATHLETIC TRAINER", THE LETTERS "A.T.C.", "C.A.T.", "A.T.", "L.A.T." OR "A.T.L." OR ANY OTHER WORDS, ABBREVIATIONS OR INSIGNIA INDICATING OR IMPLYING DIRECTLY OR INDIRECTLY THAT ATHLETIC TRAINING IS PROVIDED OR SUPPLIED UNLESS THE SERVICES ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN ATHLETIC TRAINER LICENSED PURSUANT TO THIS CHAPTER. A PERSON OR ENTITY THAT VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

32-4153. Grounds for disciplinary action

THE FOLLOWING ARE GROUNDS FOR DISCIPLINARY ACTION:

1. PRACTICING ATHLETIC TRAINING IN VIOLATION OF THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. PRACTICING OR OFFERING TO PRACTICE BEYOND THE SCOPE OF THE PRACTICE OF ATHLETIC TRAINING.

3. OBTAINING OR ATTEMPTING TO OBTAIN A LICENSE BY FRAUD OR MISREPRESENTATION.

4. ENGAGING IN THE PERFORMANCE OF SUBSTANDARD CARE BY AN ATHLETIC TRAINER DUE TO A DELIBERATE OR NEGLIGENT ACT OR FAILURE TO ACT, REGARDLESS OF WHETHER ACTUAL INJURY TO THE PERSON CARED FOR IS ESTABLISHED.

5. FAILING TO PROVIDE DIRECT SUPERVISION IN ACCORDANCE WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

6. COMMITTING ANY FELONY OR A MISDEMEANOR INVOLVING MORAL TURPITUDE. A CONVICTION BY A COURT OF COMPETENT JURISDICTION IS CONCLUSIVE EVIDENCE OF THE COMMISSION OF THE CRIME.

1 7. PRACTICING AS AN ATHLETIC TRAINER IF THE LICENSEE'S PHYSICAL OR
2 MENTAL ABILITIES ARE IMPAIRED BY THE USE OF ALCOHOL OR ANY OTHER SUBSTANCE
3 THAT INTERFERES WITH THE ABILITY TO SAFELY PRACTICE ATHLETIC TRAINING.

4 8. HAVING HAD A LICENSE OR CERTIFICATE REVOKED OR SUSPENDED OR ANY
5 OTHER DISCIPLINARY ACTION TAKEN OR AN APPLICATION FOR LICENSURE OR
6 CERTIFICATION REFUSED, REVOKED OR SUSPENDED BY THE PROPER AUTHORITIES OF
7 ANOTHER STATE, TERRITORY OR COUNTRY.

8 9. ENGAGING IN SEXUAL MISCONDUCT. FOR THE PURPOSE OF THIS PARAGRAPH,
9 "SEXUAL MISCONDUCT" INCLUDES:

10 (a) ENGAGING IN OR SOLICITING SEXUAL RELATIONSHIPS, WHETHER CONSENSUAL
11 OR NONCONSENSUAL, WHILE A PROVIDER RELATIONSHIP EXISTS.

12 (b) MAKING SEXUAL ADVANCES, REQUESTING SEXUAL FAVORS OR ENGAGING IN
13 OTHER VERBAL CONDUCT OR PHYSICAL CONTACT OF A SEXUAL NATURE WITH A PERSON
14 TREATED BY THE ATHLETIC TRAINER.

15 (c) INTENTIONALLY VIEWING A COMPLETELY OR PARTIALLY DISROBED PATIENT
16 IN THE COURSE OF TREATMENT IF THE VIEWING IS NOT RELATED TO TREATMENT UNDER
17 CURRENT PRACTICE STANDARDS.

18 10. FAILING TO ADHERE TO THE RECOGNIZED STANDARDS AND ETHICS OF THE
19 ATHLETIC TRAINING PROFESSION.

20 11. MAKING MISLEADING, DECEPTIVE, UNTRUE OR FRAUDULENT REPRESENTATIONS
21 IN VIOLATION OF THIS CHAPTER.

22 12. CHARGING UNREASONABLE OR FRAUDULENT FEES FOR SERVICES PERFORMED OR
23 NOT PERFORMED.

24 13. HAVING BEEN ADJUDGED MENTALLY INCOMPETENT BY A COURT OF COMPETENT
25 JURISDICTION.

26 14. AIDING OR ABETTING A PERSON WHO IS NOT LICENSED IN THIS STATE AND
27 WHO DIRECTLY OR INDIRECTLY PERFORMS ACTIVITIES REQUIRING A LICENSE.

28 15. FAILING TO REPORT TO THE BOARD ANY ACT OR OMISSION OF A LICENSEE OR
29 APPLICANT OR ANY OTHER PERSON WHO VIOLATES THIS CHAPTER.

30 16. INTERFERING WITH AN INVESTIGATION OR DISCIPLINARY PROCEEDING BY
31 WILFUL MISREPRESENTATION OF FACTS OR BY THE USE OF THREATS OR HARASSMENT
32 AGAINST ANY PERSON TO PREVENT THAT PERSON FROM PROVIDING EVIDENCE IN A
33 DISCIPLINARY PROCEEDING OR ANY LEGAL ACTION.

34 17. FAILING TO MAINTAIN CONFIDENTIALITY WITHOUT PRIOR WRITTEN CONSENT
35 OF THE INDIVIDUAL TREATED OR UNLESS OTHERWISE REQUIRED BY LAW.

36 18. FAILING TO MAINTAIN ADEQUATE RECORDS REGARDING TREATMENT. FOR THE
37 PURPOSES OF THIS PARAGRAPH, "ADEQUATE RECORDS" MEANS LEGIBLE RECORDS THAT
38 CONTAIN AT A MINIMUM A DETERMINATION OF THE NATURE OF THE INJURY AND THE
39 REFERRAL AND TREATMENT REQUIRED, THE TREATMENT PLAN, THE TREATMENT RECORD, A
40 FINAL SUMMARY ON CONCLUSION OF TREATMENT AND SUFFICIENT INFORMATION TO
41 IDENTIFY THE PERSON TREATED.

42 19. PROMOTING AN UNNECESSARY DEVICE, TREATMENT OR SERVICE FOR THE
43 FINANCIAL GAIN OF THE ATHLETIC TRAINER OR OF A THIRD PARTY.

44 20. PROVIDING UNWARRANTED TREATMENT OR TREATMENT BEYOND THE POINT OF
45 REASONABLE BENEFIT.

1 21. PROVIDING ATHLETIC TRAINING SERVICES THAT ARE IN ANY WAY LINKED TO
2 THE FINANCIAL GAIN OF A REFERRAL SOURCE.

3 22. VIOLATING THIS CHAPTER, BOARD RULES OR A WRITTEN ORDER OF THE
4 BOARD.

5 32-4154. Investigative powers; emergency action; hearing
6 officers

7 A. TO ENFORCE THIS CHAPTER THE BOARD MAY:

8 1. RECEIVE COMPLAINTS FILED AGAINST LICENSEES AND CONDUCT A TIMELY
9 INVESTIGATION.

10 2. CONDUCT AN INVESTIGATION AT ANY TIME AND ON ITS OWN INITIATIVE
11 WITHOUT RECEIPT OF A WRITTEN COMPLAINT IF THE BOARD HAS REASON TO BELIEVE
12 THAT THERE MAY BE A VIOLATION OF THIS CHAPTER.

13 3. ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF ANY WITNESS OR THE
14 PRODUCTION OF ANY DOCUMENTATION RELATIVE TO A CASE.

15 4. TAKE EMERGENCY ACTION ORDERING THE SUMMARY SUSPENSION OF A LICENSE
16 OR THE RESTRICTION OF THE LICENSEE'S PRACTICE PENDING PROCEEDINGS BY THE
17 BOARD.

18 5. APPOINT HEARING OFFICERS AUTHORIZED TO CONDUCT HEARINGS. HEARING
19 OFFICERS SHALL PREPARE AND SUBMIT TO THE BOARD FINDINGS OF FACT, CONCLUSIONS
20 OF LAW AND AN ORDER THAT SHALL BE REVIEWED AND VOTED ON BY THE BOARD.

21 6. REQUIRE A LICENSEE TO BE EXAMINED TO DETERMINE THE LICENSEE'S
22 MENTAL, PHYSICAL OR PROFESSIONAL COMPETENCE.

23 B. IF THE BOARD FINDS THAT THE INFORMATION RECEIVED IN A COMPLAINT OR
24 AN INVESTIGATION IS NOT OF SUFFICIENT SERIOUSNESS TO MERIT DIRECT ACTION
25 AGAINST THE LICENSEE, IT MAY TAKE EITHER OF THE FOLLOWING ACTIONS:

26 1. DISMISS THE COMPLAINT IF THE BOARD BELIEVES THE INFORMATION OR
27 COMPLAINT IS WITHOUT MERIT.

28 2. FORWARD A CONFIDENTIAL ADVISORY LETTER TO THE LICENSEE.

29 C. THE BOARD SHALL NOTIFY A LICENSEE OF A COMPLAINT AND THE NATURE OF
30 THE COMPLAINT WITHIN NINETY DAYS AFTER RECEIVING THE COMPLAINT.

31 D. ANY PERSON MAY SUBMIT A COMPLAINT REGARDING ANY LICENSEE OR OTHER
32 PERSON POTENTIALLY IN VIOLATION OF THIS CHAPTER.

33 E. THE BOARD SHALL KEEP CONFIDENTIAL ALL INFORMATION RELATING TO THE
34 RECEIPT AND INVESTIGATION OF COMPLAINTS FILED AGAINST LICENSEES AND OTHERS
35 UNTIL THE INFORMATION BECOMES PUBLIC RECORD OR AS REQUIRED BY LAW.

36 32-4155. Informal interviews; hearings

37 A. THE BOARD MAY REQUEST AN INFORMAL INTERVIEW WITH A LICENSEE OR ANY
38 NONLICENSED PERSON IN ORDER TO FURTHER ITS INVESTIGATION OR TO RESOLVE A
39 COMPLAINT.

40 B. IF AT AN INFORMAL INTERVIEW THE BOARD FINDS A VIOLATION OF THIS
41 CHAPTER HAS OCCURRED THAT CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION, IT MAY
42 TAKE ANY DISCIPLINARY ACTIONS PRESCRIBED IN SECTION 32-4156, PARAGRAPH 1, 2
43 OR 3.

44 C. IF THE RESULTS OF AN INFORMAL INTERVIEW INDICATE THAT SUSPENSION OR
45 REVOCATION OF A LICENSE OR THE IMPOSITION OF A CIVIL PENALTY MAY BE IN ORDER,

1 THE BOARD SHALL NOTIFY THE SUBJECT OF THE INVESTIGATION OF THE TIME AND PLACE
2 FOR A HEARING PURSUANT TO SUBSECTION D OF THIS SECTION.

3 D. IN LIEU OF OR IN ADDITION TO AN INFORMAL INTERVIEW AS PROVIDED IN
4 SUBSECTION A OF THIS SECTION, THE BOARD MAY SERVE ON A LICENSEE A SUMMONS AND
5 COMPLAINT SETTING FORTH THE GROUNDS FOR DISCIPLINARY ACTION AND NOTICE OF A
6 HEARING TO BE HELD BEFORE THE BOARD AT LEAST THIRTY DAYS AFTER THE DATE OF
7 THE NOTICE. THE NOTICE SHALL STATE THE TIME AND PLACE OF THE HEARING.

8 E. A PERSON APPEARING BEFORE THE BOARD MAY BE REPRESENTED BY COUNSEL.

9 F. THE HEARING OFFICER SHALL ADMINISTER OATHS TO ALL WITNESSES, SHALL
10 KEEP A RECORD OF ALL ORAL TESTIMONY SUBMITTED AT THE HEARING AND SHALL KEEP
11 THE ORIGINAL OR A COPY OF ALL OTHER EVIDENCE SUBMITTED. THE HEARING OFFICER
12 MAY WAIVE THE RULES OF EVIDENCE.

13 G. A MOTION FOR REHEARING OR REVIEW OF THE BOARD'S DECISION IN A
14 DISCIPLINARY ACTION SHALL BE FILED WITHIN FIFTEEN DAYS AFTER SERVICE OF
15 NOTICE OF THE DECISION. THE BOARD SHALL CONDUCT A REHEARING OR REVIEW
16 PURSUANT TO BOARD RULES.

17 H. THE SERVICE OF A SUMMONS AND COMPLAINT AND THE SERVICE OF A
18 SUBPOENA SHALL BE AS PROVIDED FOR SERVICE IN CIVIL CASES.

19 I. IF A PERSON DISOBEYS A SUBPOENA, THE BOARD MAY PETITION THE
20 SUPERIOR COURT FOR AN ORDER REQUIRING APPEARANCE OR THE PRODUCTION OF
21 DOCUMENTS.

22 32-4156. Disciplinary actions; penalties

23 ON PROOF THAT A LICENSEE HAS VIOLATED ANY GROUNDS PRESCRIBED IN SECTION
24 32-4153, THE BOARD MAY TAKE THE FOLLOWING DISCIPLINARY ACTIONS SINGLY OR IN
25 COMBINATION:

26 1. ISSUE A DECREE OF CENSURE.

27 2. PRESCRIBE A LICENSEE'S SCOPE OF PRACTICE, PLACE OF PRACTICE OR
28 SUPERVISION OF PRACTICE, THE DURATION OF A LICENSE OR THE TYPE OR CONDITION
29 OF PERSONS CARED FOR BY A LICENSEE. THE BOARD MAY REQUIRE A LICENSEE TO
30 REPORT REGULARLY TO THE BOARD ON MATTERS RELATED TO THE GROUNDS FOR THE
31 RESTRICTED LICENSE.

32 3. SUSPEND A LICENSE FOR A PERIOD PRESCRIBED BY THE BOARD.

33 4. REVOKE A LICENSE.

34 5. REFUSE TO ISSUE OR RENEW A LICENSE.

35 6. IMPOSE A CIVIL PENALTY OF AT LEAST TWO HUNDRED FIFTY DOLLARS BUT
36 NOT MORE THAN TEN THOUSAND DOLLARS FOR EACH VIOLATION OF THIS CHAPTER. IN
37 ADDITION THE BOARD MAY ASSESS AND COLLECT THE REASONABLE COSTS INCURRED IN A
38 DISCIPLINARY HEARING WHEN ACTION IS TAKEN AGAINST A PERSON'S LICENSE.

39 7. ACCEPT THE VOLUNTARY SURRENDER OF A LICENSE.

1 32-4157. Unlawful practice; classification; civil penalties;
2 injunctive relief

3 A. IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE OR IN ANY MANNER TO CLAIM
4 TO PRACTICE ATHLETIC TRAINING UNLESS THAT PERSON IS LICENSED PURSUANT TO THIS
5 CHAPTER. A PERSON WHO ENGAGES IN AN ACTIVITY REQUIRING A LICENSE PURSUANT TO
6 THIS CHAPTER OR WHO USES ANY WORD, TITLE OR REPRESENTATION IN VIOLATION OF
7 SECTION 32-4152 THAT IMPLIES THAT THE PERSON IS LICENSED TO ENGAGE IN THE
8 PRACTICE OF ATHLETIC TRAINING IS GUILTY OF A CLASS 1 MISDEMEANOR.

9 B. THE BOARD MAY INVESTIGATE ANY PERSON TO THE EXTENT NECESSARY TO
10 DETERMINE IF THE PERSON IS ENGAGED IN THE UNLAWFUL PRACTICE OF ATHLETIC
11 TRAINING. IF AN INVESTIGATION INDICATES THAT A PERSON MAY BE PRACTICING
12 ATHLETIC TRAINING UNLAWFULLY, THE BOARD SHALL INFORM THE PERSON OF THE
13 ALLEGED VIOLATION. THE BOARD MAY REFER THE MATTER FOR PROSECUTION REGARDLESS
14 OF WHETHER THE PERSON CEASES THE UNLAWFUL PRACTICE OF ATHLETIC TRAINING.

15 C. THE BOARD, THROUGH THE APPROPRIATE COUNTY ATTORNEY OR THE OFFICE OF
16 THE ATTORNEY GENERAL, MAY APPLY FOR INJUNCTIVE RELIEF IN ANY COURT OF
17 COMPETENT JURISDICTION OR ENJOIN ANY PERSON FROM COMMITTING ANY ACT IN
18 VIOLATION OF THIS CHAPTER. INJUNCTIVE PROCEEDINGS ARE IN ADDITION TO ALL
19 PENALTIES AND OTHER REMEDIES PRESCRIBED IN THIS CHAPTER.

20 D. A PERSON WHO AIDS OR REQUIRES ANOTHER PERSON TO DIRECTLY OR
21 INDIRECTLY VIOLATE THIS CHAPTER OR BOARD RULES, WHO PERMITS A LICENSE TO BE
22 USED BY ANOTHER PERSON OR WHO ACTS WITH THE INTENT TO VIOLATE THIS CHAPTER OR
23 BOARD RULES IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND
24 DOLLARS FOR EACH VIOLATION AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH
25 SUBSEQUENT VIOLATION. THE BOARD SHALL HOLD A HEARING BEFORE IT IMPOSES THIS
26 PENALTY.

27 E. ALL MONIES THE BOARD COLLECTS FORM CIVIL PENALTIES PURSUANT TO THIS
28 CHAPTER SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE
29 STATE GENERAL FUND.

30 32-4158. Reporting violations; immunity

31 A. A PERSON, LICENSEE, CORPORATION, EDUCATIONAL INSTITUTION, ATHLETIC
32 ORGANIZATION OR HEALTH CARE FACILITY AND STATE OR LOCAL GOVERNMENTAL AGENCIES
33 SHALL REPORT TO THE BOARD ANY CONVICTION, DETERMINATION OR FINDING THAT A
34 LICENSEE HAS COMMITTED AN ACT THAT CONSTITUTES GROUNDS FOR DISCIPLINARY
35 ACTION PURSUANT TO SECTION 32-4153.

36 B. A PERSON IS IMMUNE FROM CIVIL LIABILITY, WHETHER DIRECT OR
37 DERIVATIVE, FOR PROVIDING INFORMATION IN GOOD FAITH TO THE BOARD PURSUANT TO
38 SUBSECTION A OF THIS SECTION.

39 C. THE BOARD SHALL NOT DISCLOSE THE IDENTITY OF A PERSON WHO PROVIDES
40 INFORMATION UNLESS THIS INFORMATION IS ESSENTIAL TO PROCEEDINGS CONDUCTED
41 PURSUANT TO SECTIONS 32-4154 AND 32-4155 OR UNLESS REQUIRED BY A COURT.

42 32-4159. Substance abuse recovery program

43 IN LIEU OF A DISCIPLINARY PROCEEDING PRESCRIBED BY THIS ARTICLE, THE
44 BOARD MAY PERMIT A LICENSEE TO ACTIVELY PARTICIPATE IN A BOARD APPROVED
45 SUBSTANCE ABUSE RECOVERY PROGRAM IF:

1 1. THE BOARD HAS EVIDENCE THAT THE LICENSEE IS AN IMPAIRED
2 PROFESSIONAL.

3 2. THE LICENSEE HAS NOT BEEN CONVICTED OF A FELONY RELATING TO A
4 CONTROLLED SUBSTANCE IN ANY COURT OF LAW.

5 3. THE LICENSEE ENTERS INTO A WRITTEN AGREEMENT WITH THE BOARD FOR A
6 RESTRICTED LICENSE AND COMPLIES WITH ALL OF THE TERMS OF THE AGREEMENT,
7 INCLUDING MAKING SATISFACTORY PROGRESS IN THE PROGRAM AND ADHERING TO ANY
8 LIMITATION ON THE LICENSEE'S PRACTICE IMPOSED BY THE BOARD TO PROTECT THE
9 PUBLIC. IF A LICENSEE DOES NOT ENTER INTO SUCH AN AGREEMENT THE BOARD SHALL
10 IMMEDIATELY BEGIN AN INVESTIGATION AND DISCIPLINARY PROCEEDING.

11 4. AS PART OF THE AGREEMENT ESTABLISHED BETWEEN THE LICENSEE AND THE
12 BOARD, THE LICENSEE SIGNS A WAIVER ALLOWING THE SUBSTANCE ABUSE PROGRAM TO
13 RELEASE INFORMATION TO THE BOARD IF THE LICENSEE DOES NOT COMPLY WITH THE
14 REQUIREMENTS OF THIS SECTION OR IS UNABLE TO PRACTICE WITH REASONABLE SKILL
15 OR SAFETY.

16 32-4160. Rights of consumers; confidential information; display
17 of license

18 A. THE PUBLIC HAS THE RIGHT OF ACCESS TO THE FOLLOWING INFORMATION:

19 1. A LIST OF LICENSEES THAT INCLUDES THE LICENSEE'S PLACE OF PRACTICE,
20 LICENSE NUMBER, DATE OF LICENSE EXPIRATION AND STATUS OF LICENSE.

21 2. A LIST OF OFFICIAL ACTIONS TAKEN BY THE BOARD.

22 B. THE HOME ADDRESSES AND HOME TELEPHONE NUMBERS OF ATHLETIC TRAINERS
23 ARE NOT PUBLIC RECORDS AND SHALL BE KEPT CONFIDENTIAL BY THE BOARD.

24 C. INFORMATION PERTAINING TO THE RELATIONSHIP BETWEEN THE ATHLETIC
25 TRAINER AND A PERSON TREATED BY THE ATHLETIC TRAINER IS CONFIDENTIAL AND
26 SHALL NOT BE COMMUNICATED TO A THIRD PARTY WHO IS NOT INVOLVED IN THAT
27 PERSON'S CARE WITHOUT THAT PERSON'S PRIOR WRITTEN CONSENT. IF THE PERSON IS
28 A MINOR, THE PERSON'S PARENT OR GUARDIAN MUST ALSO GIVE WRITTEN CONSENT TO
29 THESE COMMUNICATIONS.

30 D. THE ATHLETIC TRAINER SHALL DIVULGE TO THE BOARD INFORMATION IT
31 REQUIRES IN CONNECTION WITH ANY INVESTIGATION, PUBLIC HEARING OR PROCEEDING.

32 E. THIS PRIVILEGE DOES NOT EXTEND TO CASES IN WHICH THE ATHLETIC
33 TRAINER HAS A DUTY TO REPORT INFORMATION AS REQUIRED BY LAW.

34 F. EACH LICENSEE SHALL DISPLAY A COPY OF THE LICENSEE'S LICENSE OR
35 CURRENT RENEWAL VERIFICATION IN A LOCATION ACCESSIBLE TO PUBLIC VIEW AT THE
36 LICENSEE'S PLACE OF PRACTICE.

37 32-4161. Judicial review

38 BOARD DECISIONS ARE SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12,
39 CHAPTER 7, ARTICLE 6.

40 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
41 amended by adding section 41-3010.01, to read:

42 41-3010.01. Board of athletic training; termination July 1,
43 2010

44 A. THE BOARD OF ATHLETIC TRAINING TERMINATES ON JULY 1, 2010.

45 B. TITLE 32, CHAPTER 41 IS REPEALED ON JANUARY 1, 2011.

1 Sec. 4. Initial terms of members of the board of athletic
2 training

3 A. Notwithstanding section 32-4102, Arizona Revised Statutes, as added
4 by this act, the initial terms of members of the board of athletic training
5 are:

- 6 1. One term ending on the third Monday in January, 2002.
- 7 2. One term ending on the third Monday in January, 2003.
- 8 3. One term ending on the third Monday in January, 2004.
- 9 4. One term ending on the third Monday in January, 2005.
- 10 5. One term ending on the third Monday in January, 2006.

11 B. The governor shall make all subsequent appointments as prescribed
12 by statute.

13 Sec. 5. Purpose

14 The purpose of the board of athletic training is to protect the public
15 health by ensuring that athletic training is provided by qualified and
16 competent individuals.

17 Sec. 6. Appropriation; purpose; repayment

18 A. The sum of \$60,000 is appropriated in fiscal year 2000-2001 from
19 the state general fund to the board of athletic training for the start-up and
20 operating costs of the board associated with the provisions of this act.

21 B. Notwithstanding section 32-4105, Arizona Revised Statutes, as added
22 by this act, the board of athletic training shall deposit ten per cent of the
23 monies collected pursuant to this act in the state general fund in accordance
24 with the requirements of section 32-4105, Arizona Revised Statutes, as added
25 by this act. The board of athletic training shall deposit an additional
26 forty per cent of the monies collected pursuant to this act in the state
27 general fund to repay the state general fund for the appropriation made in
28 subsection A of this section and shall deposit the remaining fifty per cent
29 to the occupational therapy fund established by section 32-3405, Arizona
30 Revised Statutes, as amended by this act, until all monies appropriated
31 pursuant to subsection A of this section are repaid to the state general
32 fund. If the monies are not repaid in full on or before June 30, 2001, the
33 department of administration shall transfer from the occupational therapy
34 fund to the state general fund monies as necessary to repay in full the
35 amount appropriated in subsection A of this section. If the amount of monies
36 remaining in the board of athletic training account on that date is less than
37 the remaining amount owed to the state general fund for the appropriation
38 made in subsection A of this section, the board of athletic training shall
39 continue to deposit the additional forty per cent of monies collected after
40 that date, until the amount is fully repaid. The department of administration
41 shall charge interest to the fund on the occupational therapy monies at the
42 rate that is determined by the state treasurer and that equals the average
43 rate that monies would have earned through investment if they had been state
44 general fund monies.

1 Sec. 7. Requirements for enactment: two-thirds vote

2 Pursuant to article IX, section 22, Constitution of Arizona, this act
3 is effective only on the affirmative vote of at least two-thirds of the
4 members of each house of the legislature and is effective immediately on the
5 signature of the governor or, if the governor vetoes this act, on the
6 subsequent affirmative vote of at least three-fourths of the members of each
7 house of the legislature.

APPROVED BY THE GOVERNOR APRIL 03, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 03, 2000.