

SENATE BILL NO. 47—SENATOR WIENER

FEBRUARY 10, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing licensure of athletic trainers and requires study concerning regulation of personal trainers and other fitness instructors. (BDR 54-12)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; authorizing the Board of Athletic Trainers to issue a provisional license to an applicant for a license as an athletic trainer pending receipt of the report of the criminal history of the applicant from the Federal Bureau of Investigation; revising other provisions governing the applications for licensure; requiring the Board of Athletic Trainers to study and make recommendations concerning the regulation of personal trainers and other fitness instructors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, athletic trainers are licensed and regulated by the Board of Athletic Trainers. (NRS 640B.300) As a condition for licensing, each applicant must submit a complete set of fingerprints to the Board for submission to the FBI for its report. (NRS 640B.310)

This bill provides that any fee paid by an applicant for a license as an athletic trainer is nonrefundable. This bill authorizes the Board to issue a nonrenewable provisional license to an applicant if the Board has not received the FBI's report but the applicant is otherwise qualified. If the Board denies the application of an applicant who has received a provisional license, the provisional license is automatically revoked.

This bill requires the Board to conduct hearings for the purpose of making recommendations on the regulation of personal trainers and other fitness instructors. The Board must establish a registry of personal trainers and other fitness instructors to provide notice of the hearings. The Board must submit an interim report of its progress to the Legislative Commission by September 1, 2006,



16 and a final report of its findings and recommendations to the Director of the
17 Legislative Counsel Bureau for transmission to the 2007 Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 640B.310 is hereby amended to read as
2 follows:

3 640B.310 1. An applicant for a license as an athletic trainer
4 must:

5 (a) Be of good moral character;

6 (b) Be a citizen of the United States or lawfully entitled to
7 remain and work in the United States;

8 (c) Have at least a bachelor's degree in a program of study
9 approved by the Board;

10 (d) Submit an application on a form provided by the Board;

11 (e) Submit a complete set of his fingerprints and written
12 permission authorizing the Board to forward the fingerprints to the
13 Central Repository for Nevada Records of Criminal History for
14 submission to the Federal Bureau of Investigation for its report;

15 (f) Pay the fees prescribed by the Board pursuant to NRS
16 640B.410 ~~§~~, *which are not refundable*; and

17 (g) Except as otherwise provided in subsection 2 and NRS
18 640B.320, pass the examination prepared by the National Athletic
19 Trainers Association Board of Certification or its successor
20 organization.

21 2. An applicant who submits proof of his current certification
22 as an athletic trainer by the National Athletic Trainers Association
23 Board of Certification, or its successor organization, is not required
24 to pass the examination required by paragraph (g) of subsection 1.

25 3. *If the Board has not received a report from the Federal*
26 *Bureau of Investigation concerning an applicant, the Board may*
27 *issue a nonrenewable provisional license to the applicant that is*
28 *valid for a period not to exceed 120 days pending receipt of that*
29 *report if the Board determines that the applicant is otherwise*
30 *qualified. A provisional license of an applicant is automatically*
31 *revoked if the Board denies his application for a license. If an*
32 *applicant possesses a provisional license and his application is*
33 *subsequently denied, he may not reapply for a license and receive*
34 *another provisional license for at least 1 year after he submitted*
35 *his application for a license to the Board. Before issuance of a*
36 *provisional license, the applicant must submit a written statement*
37 *to the Board indicating that he understands the conditions set*
38 *forth in this subsection.*



1 **4. If an application for a license is denied and the applicant**
2 **possesses a provisional license, the notice of denial to the**
3 **applicant must include a statement notifying the applicant that his**
4 **provisional license is automatically revoked.**

5 **5.** An applicant who fails the examination may not reapply for
6 a license for at least 1 year after he ~~submits~~ **submitted** his
7 application to the Board.

8 **Sec. 2.** 1. On or before January 1, 2006, the Board of
9 Athletic Trainers created pursuant to NRS 640B.170 shall:

10 (a) Identify the personal trainers and other fitness instructors in
11 this State and establish a registry of the names and addresses of
12 those personal trainers and other fitness instructors to provide notice
13 of the time and place of the public hearings held by the Board
14 pursuant to this section;

15 (b) Hold not less than five public hearings for the purpose of
16 establishing recommendations concerning the regulation of personal
17 trainers and other fitness instructors in this State; and

18 (c) On or before September 1, 2006, submit an interim written
19 report to the Legislative Commission concerning the progress of the
20 Board in carrying out its duties pursuant to this section.

21 2. On or before January 15, 2007, the Board of Athletic
22 Trainers shall submit a final written report of its findings and
23 recommendations concerning the regulation of personal trainers and
24 other fitness instructors in this State to the Director of the
25 Legislative Counsel Bureau for transmission to the 74th Session of
26 the Nevada Legislature. The recommendations may include, without
27 limitation, appropriate:

28 (a) Educational qualifications and experience requirements for
29 licensure;

30 (b) Fees for the issuance and renewal of licenses;

31 (c) Requirements for continuing education; and

32 (d) Grounds for disciplinary action.

33 **Sec. 3.** This act becomes effective on July 1, 2005.



