

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.

~

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

AN ACT relating to professions; revising the provisions governing the licensure of athletic trainers; requiring the Board of Athletic Trainers to appoint the Advisory Committee to the Board to study the business and practice of personal trainers and other fitness instructors and make recommendations to the Legislature regarding any legislation that may be necessary concerning the regulation of those 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. (Chapter 640B of NRS) An applicant for a license as an athletic trainer must pay certain fees with his application. (NRS 640B.310, 640B.410)

This bill provides that the fees paid by an applicant for a license as an athletic trainer are nonrefundable.

Under existing law, personal trainers and other fitness instructors are not licensed by any of the state occupational licensing boards. (Title 54 of NRS)

This bill requires the Board of Athletic Trainers to appoint the Advisory Committee to the Board. The Advisory Committee must hold public meetings to study the business and practice of personal trainers and other fitness instructors in this State and develop recommendations regarding any legislation that may be necessary concerning the regulation of those personal trainers and other fitness instructors. The Advisory Committee must submit interim reports concerning its progress to the Legislative Commission on or before September 1 of 2006, 2007 and 2008, and it must submit a final report of its findings and recommendations to



16 the Director of the Legislative Counsel Bureau for transmission to the 2009
17 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 ~~{f}~~, **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. An applicant who fails the examination may not reapply for
26 a license for at least 1 year after **the date on which** he ~~{submits}~~
27 **submitted** his application to the Board.

28 **Sec. 2.** 1. The Advisory Committee to the Board of Athletic
29 Trainers is hereby created.

30 2. On or before January 1, 2006, the Board of Athletic Trainers
31 shall appoint seven members to the Advisory Committee as follows:

32 (a) Two members who are members of the Nevada Physical
33 Therapists Association, or its successor organization, and who are
34 licensed in this State as physical therapists.

35 (b) Two members who are members of the Nevada Athletic
36 Trainers Association, or its successor organization, and who are
37 licensed in this State as athletic trainers.



(c) Two members who are actively engaged in business or practice as personal trainers or other fitness instructors in this State and who are not:

(1) Licensed in this State as physical therapists or athletic trainers; or

(2) Members of the Nevada Physical Therapists Association or the Nevada Athletic Trainers Association, or any successors to those organizations.

(d) One member of the general public who is not:

(1) Licensed in this State as a physical therapist or athletic trainer;

(2) A member of the Nevada Physical Therapists Association or the Nevada Athletic Trainers Association, or any successors to those organizations; or

(3) Actively engaged in business or practice as a personal trainer or other fitness instructor.

➤ Not more than two members of the Advisory Committee may also be members of the Board of Athletic Trainers. Not more than two members of the Advisory Committee may also be members of the State Board of Physical Therapy Examiners.

3. The members of the Advisory Committee serve at the pleasure of the Board of Athletic Trainers. Any vacancy in the membership of the Advisory Committee must be filled in the same manner as the original appointment.

4. The Advisory Committee shall elect such officers from within its membership, fix such time and place of meetings, adopt such rules of procedure and keep such records all as in its sole discretion it shall determine to be consistent with carrying out its duties. A majority of the members of the Advisory Committee constitutes a quorum.

5. The members of the Advisory Committee are not entitled to receive a salary. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board of Athletic Trainers. The rate must not exceed the rate provided for officers and employees of this State generally.

6. A member of the Advisory Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Advisory Committee



1 to make up the time he is absent from work to carry out his duties as
2 a member of the Advisory Committee or use annual vacation or
3 compensatory time for the absence.

4 7. Notwithstanding any other provision of law, a member of
5 the Advisory Committee:

6 (a) Is not disqualified from public employment or holding a
7 public office because of his membership on the Advisory
8 Committee; and

9 (b) Does not forfeit his public office or public employment
10 because of his membership on the Advisory Committee.

11 8. The Board of Athletic Trainers shall:

12 (a) Provide the Advisory Committee with administrative and
13 clerical support and with such other assistance as may be necessary
14 for the Advisory Committee to carry out its duties. Such support and
15 assistance must include, without limitation, making arrangements
16 for facilities, equipment and other services in preparation for and
17 during meetings.

18 (b) Pay for any expenses reasonably incurred by the Advisory
19 Committee in carrying out its duties, including, without limitation:

20 (1) The administrative and clerical support and other
21 assistance provided pursuant to paragraph (a); and

22 (2) The per diem allowance and travel expenses provided for
23 each member of the Advisory Committee pursuant to subsection 5.

24 9. The purposes of the Advisory Committee are to study the
25 business and practice of personal trainers and other fitness
26 instructors in this State and to develop recommendations regarding
27 any legislation that may be necessary concerning the regulation of
28 those personal trainers and other fitness instructors. In carrying out
29 its duties, the Advisory Committee shall:

30 (a) Identify the personal trainers and other fitness instructors in
31 this State and establish a registry of the names and addresses of
32 those personal trainers and other fitness instructors to provide notice
33 of the time and place of the public meetings held by the Advisory
34 Committee pursuant to this section; and

35 (b) Hold not less than five public meetings to study the business
36 and practice of personal trainers and other fitness instructors in this
37 State and to develop recommendations regarding any legislation that
38 may be necessary concerning the regulation of those personal
39 trainers and other fitness instructors. In holding public meetings, the
40 Advisory Committee shall comply with the provisions of chapter
41 241 of NRS.

42 10. The Advisory Committee shall:

43 (a) On or before September 1 of 2006, 2007 and 2008, submit an
44 interim written report to the Legislative Commission concerning the



1 progress of the Advisory Committee in carrying out its duties
2 pursuant to this section; and

3 (b) On or before January 15, 2009, submit a final written report
4 of its findings and recommendations regarding any legislation that
5 may be necessary concerning the regulation of personal trainers and
6 other fitness instructors in this State to the Director of the
7 Legislative Counsel Bureau for transmission to the 75th Session of
8 the Nevada Legislature. The recommendations may include, without
9 limitation, appropriate:

10 (1) Education qualifications and experience requirements for
11 licensure;

12 (2) Parameters for the scope of practice;

13 (3) Fees for the issuance and renewal of licenses;

14 (4) Requirements for continuing education; and

15 (5) Grounds for disciplinary action.

16 11. The Advisory Committee is hereby abolished on the date
17 on which the Advisory Committee submits a final written report of
18 its findings and recommendations to the Director of the Legislative
19 Counsel Bureau pursuant to subsection 10, except that the members
20 of the Advisory Committee may present the final written report of
21 the Advisory Committee to the appropriate standing committees of
22 the 75th Session of the Nevada Legislature.

23 12. As used in this section:

24 (a) "Board of Athletic Trainers" means the Board of Athletic
25 Trainers created by NRS 640B.170.

26 (b) "State Board of Physical Therapy Examiners" means the
27 State Board of Physical Therapy Examiners created by
28 NRS 640.030.

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



