

ture to act on the recommendations: 1774, 2164, 2238, 2240, 2265, 2272, 2303, 2304, 2311, 2360, 2375, 2377, 2391, 2396, 2400, 2403, 2429, and 2450.

**Sec. 69. EXEMPTION FROM RULEMAKING REQUIREMENTS.**

(a) The proposed rule published at State Register, volume 17, pages 2550 to 2688, is exempt from further requirements under Minnesota Statutes, chapter 14, and may be adopted by the commissioner of natural resources by publication in the manner prescribed in Minnesota Statutes, section 14.18. The rule is effective September 1, 1993, or five working days after publication, whichever is later.

(b) The exemption in paragraph (a) applies only to the extent that the rule is authorized by law. This section does not constitute legislative ratification of the contents of the rule or provide independent statutory authority for the rule.

**Sec. 70. AUTHORITY FOR EMERGENCY RULES.**

Rules adopted under sections 2, 7, 10, 11, 14, 19 to 23, 37, 42, 44, 48, 53, 54, 58, 61, 62, 66, and 67 may be adopted as emergency rules under Minnesota Statutes, sections 14.29 to 14.36, except that section 14.29, subdivision 4, does not apply.

**Sec. 71. INSTRUCTION TO REVISOR.**

The revisor of statutes shall include the rule identified in section 69 in the next supplement or compilation of Minnesota Rules in the same manner as other permanent rules adopted under chapter 14.

**Sec. 72. EFFECTIVE DATE.**

This act is effective the day following final enactment, except that section 45 is effective August 1, 1993, and applies to violations occurring on or after that date.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:11 p.m.

**CHAPTER 232—S.F.No. 832**

*An act relating to occupations and professions; regulating athletic trainers; establishing an advisory council; providing for registration; requiring fees; providing for rulemaking; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 148.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

New language is indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1992, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. **LICENSE; EXCEPTIONS.** "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

- (a) abstracters regulated pursuant to chapter 386;
- (b) accountants regulated pursuant to chapter 326;
- (c) adjusters regulated pursuant to chapter 72B;
- (d) architects regulated pursuant to chapter 326;
- (e) assessors regulated pursuant to chapter 270;
- (f) athletic trainers regulated pursuant to chapter 148;
- (g) attorneys regulated pursuant to chapter 481;
- ~~(g)~~ (h) auctioneers regulated pursuant to chapter 330;
- ~~(h)~~ (i) barbers regulated pursuant to chapter 154;
- ~~(i)~~ (j) beauticians regulated pursuant to chapter 155A;
- ~~(j)~~ (k) boiler operators regulated pursuant to chapter 183;
- ~~(k)~~ (l) chiropractors regulated pursuant to chapter 148;
- ~~(l)~~ (m) collection agencies regulated pursuant to chapter 332;
- ~~(m)~~ (n) cosmetologists regulated pursuant to chapter 155A;
- ~~(n)~~ (o) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- ~~(o)~~ (p) detectives regulated pursuant to chapter 326;
- ~~(p)~~ (q) electricians regulated pursuant to chapter 326;
- ~~(q)~~ (r) embalmers regulated pursuant to chapter 149;

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- ~~(s)~~ (s) engineers regulated pursuant to chapter 326;
- ~~(t)~~ (t) insurance brokers and salespersons regulated pursuant to chapter 60A;
- ~~(u)~~ (u) certified interior designers regulated pursuant to chapter 326;
- ~~(v)~~ (v) midwives regulated pursuant to chapter 148;
- ~~(w)~~ (w) morticians regulated pursuant to chapter 149;
- ~~(x)~~ (x) nursing home administrators regulated pursuant to chapter 144A;
- ~~(y)~~ (y) optometrists regulated pursuant to chapter 148;
- ~~(z)~~ (z) osteopathic physicians regulated pursuant to chapter 147;
- ~~(aa)~~ (aa) pharmacists regulated pursuant to chapter 151;
- ~~(ab)~~ (bb) physical therapists regulated pursuant to chapter 148;
- ~~(ac)~~ (cc) physicians and surgeons regulated pursuant to chapter 147;
- ~~(ad)~~ (dd) plumbers regulated pursuant to chapter 326;
- ~~(ae)~~ (ee) podiatrists regulated pursuant to chapter 153;
- ~~(af)~~ (ff) practical nurses regulated pursuant to chapter 148;
- ~~(ag)~~ (gg) professional fund raisers regulated pursuant to chapter 309;
- ~~(ah)~~ (hh) psychologists regulated pursuant to chapter 148;
- ~~(ai)~~ (ii) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- ~~(aj)~~ (jj) registered nurses regulated pursuant to chapter 148;
- ~~(ak)~~ (kk) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- ~~(al)~~ (ll) steamfitters regulated pursuant to chapter 326;
- ~~(am)~~ (mm) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- ~~(an)~~ (nn) veterinarians regulated pursuant to chapter 156;
- ~~(ao)~~ (oo) water conditioning contractors and installers regulated pursuant to chapter 326;
- ~~(ap)~~ (pp) water well contractors regulated pursuant to chapter 156A;
- ~~(aq)~~ (qq) water and waste treatment operators regulated pursuant to chapter 115;

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- ~~(rr)~~ (rr) motor carriers regulated pursuant to chapter 221;
- ~~(ss)~~ (ss) professional corporations regulated pursuant to chapter 319A;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. **[148.7801] CITATION.**

Sections 148.7801 to 148.7815 may be cited as the "Minnesota athletic trainers act."

Sec. 3. **[148.7802] DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to this chapter.

Subd. 2. APPROVED CONTINUING EDUCATION PROGRAM. "Approved continuing education program" means a continuing education program that meets the continuing education requirements in section 148.7812 and is approved by the board.

Subd. 3. APPROVED EDUCATION PROGRAM. "Approved education program" means a university, college, or other post-secondary education program of athletic training that, at the time the student completes the program, is approved or accredited by the National Athletic Trainers Association Professional Education Committee, the National Athletic Trainers Association Board of Certification, or the Joint Review Committee on Educational Programs in Athletic Training in collaboration with the American Academy of Family Physicians, the American Academy of Pediatrics, the American Medical Association, and the National Athletic Trainers Association.

Subd. 4. ATHLETE. "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. ATHLETIC INJURY. "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

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Subd. 6. ATHLETIC TRAINER. "Athletic trainer" means a person who engages in athletic training under section 148.7806 and is registered under section 148.7808.

Subd. 7. BOARD. "Board" means the board of medical practice.

Subd. 8. CREDENTIAL. "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to practice as an athletic trainer in this state or any other state.

Subd. 9. CREDENTIALING EXAMINATION. "Credentialing examination" means an examination administered by the National Athletic Trainers Association Board of Certification for credentialing as an athletic trainer, or an examination for credentialing offered by a national testing service that is approved by the board.

Subd. 10. PRIMARY EMPLOYMENT SITE. "Primary employment site" means the institution, organization, corporation, or sports team where the athletic trainer is employed for the practice of athletic training.

Subd. 11. PRIMARY PHYSICIAN. "Primary physician" means a licensed medical physician who serves as a medical consultant to an athletic trainer.

#### Sec. 4. [148.7803] DESIGNATION OF ATHLETIC TRAINER.

Subdivision 1. DESIGNATION. A person shall not use in connection with the person's name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota registered athletic trainer; athletic trainer; A.T.R.; or any words, letters, abbreviations, or insignia indicating or implying that the person is an athletic trainer, without a certificate of registration as an athletic trainer issued under sections 148.7808 to 148.7810. A student attending a college or university athletic training program must be identified as a "student athletic trainer."

Subd. 2. PENALTY. A person who violates this section is guilty of a misdemeanor and subject to section 214.11.

#### Sec. 5. [148.7804] POWERS OF THE BOARD.

The board, acting under the advice of the athletic trainer's advisory council, shall issue all registrations and shall exercise the following powers and duties:

- (1) adopt rules necessary to implement sections 148.7801 to 148.7815;
- (2) prescribe registration application forms, certificate of registration forms, protocol forms, and other necessary forms;
- (3) approve a registration examination;
- (4) keep a complete record of registered athletic trainers, prepare a current official listing of the names and addresses of registered athletic trainers, and

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make a copy of the list available to any person requesting it upon payment of a copying fee established by the board;

(5) keep a permanent record of all its proceedings; and

(6) establish the duties of, and employ, clerical personnel.

Sec. 6. [148.7805] ATHLETIC TRAINER'S ADVISORY COUNCIL.

Subdivision 1. CREATION; MEMBERSHIP. The athletic trainer's advisory council is created and is composed of eight members appointed by the board. The advisory council consists of:

(1) two public members as defined in section 214.02;

(2) three members who, except for initial appointees, are registered athletic trainers, one being both a registered physical therapist and registered athletic trainer as submitted by the Minnesota American Physical Therapy Association;

(3) two members who are medical physicians licensed by the state and have experience with athletic training and sports medicine; and

(4) one member who is a doctor of chiropractic licensed by the state and has experience with athletic training and sports injuries.

Subd. 2. ADMINISTRATION. The advisory council is established and administered under section 15.059. Notwithstanding section 15.059, subdivision 5, the council shall not expire.

Subd. 3. DUTIES. The advisory council shall:

(1) advise the board regarding standards for athletic trainers;

(2) distribute information regarding athletic trainer standards;

(3) advise the board on enforcement of sections 148.7801 to 148.7815;

(4) review registration and registration renewal applications and make recommendations to the board;

(5) review complaints in accordance with sections 214.10 and 214.13, subdivision 6;

(6) review investigation reports of complaints and recommend to the board whether disciplinary action should be taken;

(7) advise the board regarding evaluation and treatment protocols;

(8) advise the board regarding approval of continuing education programs; and

(9) perform other duties authorized for advisory councils under chapter 214, as directed by the board.

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Sec. 7. [148.7806] ATHLETIC TRAINING.

Athletic training by a registered athletic trainer under section 148.7808 includes the activities described in paragraphs (a) to (e).

(a) An athletic trainer shall:

- (1) prevent, recognize, and evaluate athletic injuries;
- (2) give emergency care and first aid;
- (3) manage and treat athletic injuries; and
- (4) rehabilitate and physically recondition athletic injuries.

The athletic trainer may use modalities such as cold, heat, light, sound, electricity, exercise, and mechanical devices for treatment and rehabilitation of athletic injuries to athletes in the primary employment site.

(b) The primary physician shall establish evaluation and treatment protocols to be used by the athletic trainer. The primary physician shall record the protocols on a form prescribed by the board. The protocol form must be updated yearly at the athletic trainer's registration renewal time and kept on file by the athletic trainer.

(c) At the primary employment site, except in a corporate setting, an athletic trainer may evaluate and treat an athlete for an athletic injury not previously diagnosed for not more than 30 days, or a period of time as designated by the primary physician on the protocol form, from the date of the initial evaluation and treatment. Preventative care after resolution of the injury is not considered treatment. This paragraph does not apply to a person who is referred for treatment by a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing.

(d) An athletic trainer may:

(1) organize and administer an athletic training program including, but not limited to, educating and counseling athletes;

(2) monitor the signs, symptoms, general behavior, and general physical response of an athlete to treatment and rehabilitation including, but not limited to, whether the signs, symptoms, reactions, behavior, or general response show abnormal characteristics; and

(3) make suggestions to the primary physician or other treating provider for a modification in the treatment and rehabilitation of an injured athlete based on the indicators in clause (2).

(e) In a clinical, corporate, and physical therapy setting, when the service

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provided is, or is represented as being, physical therapy, an athletic trainer may work only under the direct supervision of a physical therapist as defined in section 148.65.

Sec. 8. [148.7807] LIMITATIONS ON PRACTICE.

If an athletic trainer determines that a patient's medical condition is beyond the scope of practice of that athletic trainer, the athletic trainer must refer the patient to a person licensed in this state to practice medicine as defined in section 147.081, to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good standing and in accordance with established evaluation and treatment protocols. An athletic trainer shall modify or terminate treatment of a patient that is not beneficial to the patient, or that is not tolerated by the patient.

Sec. 9. [148.7808] REGISTRATION; REQUIREMENTS.

Subdivision 1. REGISTRATION. The board may issue a certificate of registration as an athletic trainer to applicants who meet the requirements under this section. An applicant for registration as an athletic trainer shall pay a fee under section 148.7815 and file a written application on a form, provided by the board, that includes:

(1) the applicant's name, social security number, home address and telephone number, business address and telephone number, and business setting;

(2) evidence satisfactory to the board of the successful completion of an education program approved by the board;

(3) educational background;

(4) proof of a baccalaureate degree from an accredited college or university;

(5) credentials held in other jurisdictions;

(6) a description of any other jurisdiction's refusal to credential the applicant;

(7) a description of all professional disciplinary actions initiated against the applicant in any other jurisdiction;

(8) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(9) evidence satisfactory to the board of a qualifying score on a credentialing examination within one year of the application for registration;

(10) additional information as requested by the board;

(11) the applicant's signature on a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

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(12) the applicant's signature on a waiver authorizing the board to obtain access to the applicant's records in this state or any other state in which the applicant has completed an education program approved by the board or engaged in the practice of athletic training.

Subd. 2. REGISTRATION BY EQUIVALENCY. The board may register by equivalency an applicant who:

(1) submits the application materials and fees required under subdivision 1, clauses (1) to (8), and (10) to (12); and

(2) provides evidence satisfactory to the board of current certification by the National Athletic Trainers Association Board of Certification.

Applicants who were certified by the National Athletic Trainers Association through the "grandfather" process prior to 1971 are exempt from completing subdivision 1, clauses (2) and (9).

Subd. 3. REGISTRATION BY RECIPROCITY. (a) The board may register by reciprocity an applicant who:

(1) submits the application materials and fees required under subdivision 1, clauses (1) to (8) and (10) to (12);

(2) provides a verified copy of a current and unrestricted credential for the practice of athletic training in another jurisdiction that has credentialing requirements equivalent to or more stringent than the requirements under subdivision 1; and

(3) provides letters of verification from the credentialing body in each jurisdiction in which the applicant holds a credential. Each letter must include the applicant's name, date of birth, credential number, date of issuance of the credential, a statement regarding disciplinary actions taken against the applicant, and the terms under which the credential was issued.

(b) An applicant for registration by reciprocity who has applied for registration under subdivision 1 and meets the requirements of paragraph (a), clause (1), may apply to the board for temporary registration under subdivision 4.

Subd. 4. TEMPORARY REGISTRATION. (a) The board may issue a temporary registration as an athletic trainer to qualified applicants. A temporary registration is issued for one year. An athletic trainer with a temporary registration may qualify for full registration after submission of verified documentation that the athletic trainer has achieved a qualifying score on a credentialing examination within one year after the date of the temporary registration.

(b) Except as provided in subdivision 3, clause (1), an applicant for temporary registration must submit the application materials and fees for registration required under subdivision 1, clauses (1) to (8) and (10) to (12).

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(c) An athletic trainer with a temporary registration shall work only under the direct supervision of an athletic trainer registered under this section. No more than four athletic trainers with temporary registrations shall work under the direction of a registered athletic trainer.

**Subd. 5. REGISTRATION; TRANSITION PERIOD.** (a) For two years after the effective date of sections 148.7801 to 148.7815, an applicant who has not completed an accredited or approved education program and is not certified by the National Athletic Trainers Association, the Board of Certification, or other national accrediting organization approved by the board, may qualify for registration. The board shall notify potential applicants of the effective date of sections 148.7801 to 148.7815 and the final date for submitting an application for registration during this transition period. Applications for registration under this subdivision shall not be accepted after the expiration date of the two-year period.

(b) An applicant for registration during the transition period must:

(1) submit an application and fees required under subdivision 1, clauses (1) and (3) to (12);

(2) submit documentation from a licensed medical physician verifying the athletic training services provided by the applicant and that the applicant has been employed in athletic training for no less than 21 hours per week for four of the five years immediately preceding the application; and

(3) achieve a qualifying score on the written examination of the National Athletic Trainers Association Board of Certification during the two-year transition period.

#### Sec. 10. [148.7809] REGISTRATION RENEWAL.

**Subdivision 1. REQUIREMENTS FOR REGISTRATION RENEWAL.** A registered athletic trainer shall apply to the board for a one-year extension of registration by paying a fee under section 148.7815 and filing an application on a form provided by the board that includes:

(1) the athletic trainer's name, Minnesota athletic trainer registration number, home address and telephone number, business address and telephone number, and business setting;

(2) work history for the past year, including the average number of hours worked per week;

(3) a report of any change in status since initial registration or previous registration renewal;

(4) evidence satisfactory to the board of having met the continuing education requirements of section 148.7812;

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(5) the athletic trainer's signature on a statement that a current copy of the protocol form is on file at the athletic trainer's primary employment site; and

(6) additional information as requested by the board.

Subd. 2. REGISTRATION RENEWAL NOTICE. Before June 1 of each year, the board shall send out a renewal notice to an athletic trainer's last known address on file with the board. The notice shall include an application for registration renewal and notice of the fees required for renewal. An athletic trainer who does not receive a renewal notice must still meet the requirements for registration renewal under this section.

Subd. 3. RENEWAL DEADLINE. (a) An application for renewal of registration must be postmarked on or before July 1 of each year. If the postmark is illegible, the application is considered timely if received in the board office by the third working day after July 1.

(b) An application for renewal of registration submitted after the deadline date must include a late fee under section 148.7815.

Subd. 4. LAPSE OF REGISTRATION STATUS. An athletic trainer whose registration has lapsed must:

(1) apply for registration renewal under this section; and

(2) submit evidence satisfactory to the board from a licensed medical physician verifying employment in athletic training for eight weeks every three years during the time of the lapse in registration.

#### Sec. 11. [148.7810] BOARD ACTION ON APPLICATIONS.

Subdivision 1. VERIFICATION OF APPLICATION INFORMATION. The board or advisory council, with the approval of the board, may verify information provided by an applicant for registration under section 148.7808 and registration renewal under section 148.7809 to determine whether the information is accurate and complete.

Subd. 2. NOTIFICATION OF BOARD ACTION. Within 120 days of receipt of the application, the board shall notify each applicant in writing of the action taken on the application.

Subd. 3. REQUEST FOR HEARING BY APPLICANT DENIED REGISTRATION. An applicant denied registration shall be notified of the determination, and the grounds for it, and may request a hearing on the determination under Minnesota Rules, part 5615.0300, by filing a written statement of issues with the board within 20 days after receipt of the notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

#### Sec. 12. [148.7811] CHANGE OF ADDRESS.

New language is indicated by underline, deletions by ~~strikeout~~.

A registered athletic trainer must notify the board, in writing, within 30 days of a change of address.

**Sec. 13. [148.7812] CONTINUING EDUCATION REQUIREMENTS.**

Subdivision 1. NUMBER OF CONTACT HOURS REQUIRED. An athletic trainer shall complete during every three-year period at least the equivalent of 60 contact hours of continuing professional postdegree education in programs approved by the board.

Subd. 2. APPROVED PROGRAMS. The board shall approve a continuing education program that has been approved for continuing education credit by the National Athletic Trainers Association Board of Certification.

Subd. 3. APPROVAL OF CONTINUING EDUCATION PROGRAMS. A continuing education program that has not been approved under subdivision 2 shall be approved by the board if:

(1) the program content directly relates to the practice of athletic training or sports medicine;

(2) each member of the program faculty shows expertise in the subject matter by holding a degree from an accredited education program, having verifiable experience in the field of athletic training or sports medicine, having special training in the subject area, or having experience teaching in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific written objectives describing the goals of the program for the participants; and

(5) the program sponsor maintains attendance records for four years.

Subd. 4. VERIFICATION OF CONTINUING EDUCATION CREDITS. The board shall periodically select a random sample of athletic trainers and require the athletic trainers to show evidence to the board of having completed the continuing education requirements attested to by the athletic trainer. Either the athletic trainer or state or national organizations that maintain continuing education records may provide to the board documentation of attendance at a continuing education program.

Subd. 5. RESTRICTION ON CONTINUING EDUCATION TOPICS. To meet the continuing education requirement in subdivision 1, an athletic trainer may have no more than ten hours of continuing education in the areas of management, risk management, personal growth, and educational techniques in a three-year reporting period.

**Sec. 14. [148.7813] DISCIPLINARY PROCESS.**

Subdivision 1. INVESTIGATION OF COMPLAINTS. Upon receipt of a complaint or other communication pursuant to section 214.13, subdivision 6,

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that alleges or implies a violation of sections 148.7801 to 148.7815 by an applicant or registered athletic trainer, the board shall follow the procedures in section 214.10.

Subd. 2. GROUNDS FOR DISCIPLINARY ACTION. The board may impose disciplinary action as described in subdivision 3 against an athletic trainer whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) has knowingly made a false statement on a form required by the board for registration or registration renewal;

(2) has provided athletic training services in a manner that falls below the standard of care of the profession;

(3) has violated sections 148.7801 to 148.7815 or the rules adopted under these sections;

(4) is or has been afflicted with any physical, mental, emotional, or other disability, or addiction that, in the opinion of the board, adversely affects the person's ability to practice athletic training;

(5) has failed to cooperate with an investigation by the board;

(6) has been convicted or has pled guilty or nolo contendere to an offense that in the opinion of the board reasonably relates to the practice of athletic training or that bears on the athletic trainer's ability to practice athletic training;

(7) has aided and abetted in any manner a person in violating sections 148.7801 to 148.7815;

(8) has been disciplined by an agency or board of another state while in the practice of athletic training;

(9) has shown dishonest, unethical, or unprofessional conduct while in the practice of athletic training that is likely to deceive, defraud, or harm the public;

(10) has violated a state or federal law, rule, or regulation that in the opinion of the board reasonably relates to the practice of athletic training;

(11) has behaved in a sexual manner or what may reasonably be interpreted by a patient as sexual, or was verbally seductive or sexually demeaning to a patient;

(12) has misused alcohol, drugs, or controlled substances; or

(13) has violated an order issued by the board.

Subd. 3. DISCIPLINARY ACTIONS. When grounds for disciplinary action exist under subdivision 2, the board may take one or more of the following actions:

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- (1) deny the right to practice;
- (2) revoke the right to practice;
- (3) suspend the right to practice;
- (4) impose limitations on the practice of the athletic trainer;
- (5) impose conditions on the practice of the athletic trainer;
- (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the athletic trainer of any economic advantage gained by reason of the violation charged, or to discourage repeated violations;
- (7) censure or reprimand the athletic trainer; or
- (8) take any other action justified by the facts of the case.

Subd. 4. REINSTATEMENT. An athletic trainer who has had registration revoked cannot apply for reinstatement. A suspended athletic trainer shall be reinstated upon evidence satisfactory to the board of fulfillment of the terms of suspension. All requirements of section 148.7809 to renew registration, if applicable, must also be met before reinstatement.

**Sec. 15. [148.7814] APPLICABILITY.**

Sections 148.7801 to 148.7815 do not apply to persons who are certified as athletic trainers by the National Athletic Trainers Association Board of Certification and come into Minnesota for a specific athletic event or series of athletic events with an individual or group.

**Sec. 16. [148.7815] FEES.**

Subdivision 1. REGISTRATION FEE. The fee for registration under section 148.7808 and annual renewal under section 148.7809 is \$100.

Subd. 2. PRORATION OF FEES. The board shall prorate the fees for registration under section 148.7808 as follows:

- (1) applicants for initial registration between July 1 and December 31 shall pay the full registration fee; and
- (2) applicants for initial registration between January 1 and June 30 shall pay one-half the registration fee.

Athletic trainers registered under section 148.7808 are required to pay the full fee upon registration renewal.

Subd. 3. PENALTY FOR A LATE APPLICATION FOR REGISTRATION RENEWAL. The penalty for late submission of a registration renewal application under section 148.7809 is \$15.

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Subd. 4. NONREFUNDABLE FEES. The fees in this section are nonrefundable.

Sec. 17. APPROPRIATION.

\$40,000 is appropriated from the special revenue fund to the board of medical practice for the purposes of sections 1 to 16. \$20,000 is for fiscal year 1994 and \$20,000 is for fiscal year 1995.

Sec. 18. EFFECTIVE DATE.

Sections 5 and 6 are effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 4:50 p.m.

CHAPTER 233—H.F.No. 50

*An act relating to agriculture; changing the apiary laws; amending Minnesota Statutes 1992, sections 19.50, by adding a subdivision; 19.52, subdivision 1; 19.55; 19.56; 19.58, subdivisions 1, 2, and 4; 19.59; 19.64, subdivisions 1 and 4a; and 19.65; proposing coding for new law in Minnesota Statutes, chapter 19; repealing Minnesota Statutes 1992, sections 19.51, subdivision 3; 19.54; 19.58, subdivisions 3, 7, and 8; 19.60; 19.61, subdivision 2; 19.62; and 19.64, subdivisions 2, 3, and 4.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 19.50, is amended by adding a subdivision to read:

Subd. 12a. AFRICANIZED HONEYBEES. "Africanized honeybees" means Africanized honeybees using United States Department of Agriculture standards.

Sec. 2. Minnesota Statutes 1992, section 19.52, subdivision 1, is amended to read:

Subdivision 1. **ACCESS FOR INSPECTION AND ENFORCEMENT.** The commissioner may enter upon any public or private premises at all reasonable times, after providing notification to the owner or operator, to inspect any apiary or other structure which contains bees, honey, bee equipment, or comb; to ascertain the existence of or treat any contagious or infectious bee disease; or to destroy diseased bees or bee equipment which are a public nuisance. For purposes of this subdivision, notification means providing at least 24 hours' advance notice by telephone, mail, or facsimile of the commissioner's entry upon the premises. The commissioner is not required to provide notification if: (1) the owner or operator cannot be readily identified; (2) the entry upon the

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