

**ALABAMA BOARD OF ATHLETIC TRAINERS
ADMINISTRATIVE CODE**

**CHAPTER 140-X-6
COMPLIANCE AND DISCIPLINARY ACTION**

140-X-6-A Appendix B.

Complaint/Investigative/Disciplinary Procedures

Filing a Complaint

- ◇ Complaints are only accepted in writing on the Alabama Board of Athletic Trainers official complaint form.
- ◇ Anonymous or oral complaints are not accepted.
- ◇ Individuals may make an inquiry about filing a complaint to the Executive Secretary via phone, mail, email, or fax.
- ◇ If the individual decides to make a formal complaint, the Executive Secretary will provide the individual an official complaint form.
- ◇ After receiving the complaint form, the individual fills it out, signs and has it notarized, and mails it back to the Executive Secretary.

Procedures after Receipt of the Complaint

- ◇ The Executive Secretary shall date-stamp the complaint form upon receipt.
- ◇ The Executive Secretary shall ascertain whether or not the individual named in the complaint is currently licensed by the Board.
- ◇ The Executive Secretary shall inform the complainant in writing if the individual is not licensed, thus falling outside the Board's jurisdiction.
- ◇ The Executive Secretary shall assign a number to the complaint if verified to be a valid licensee. The number shall begin with the year the complaint is filed.
- ◇ The Executive Secretary will forward the complaint form to the Board Vice-Chairman, who serves as the Chairman of the Professional Practice and Disciplinary Committee (PP&D).
- ◇ The Chairman of the PP&D Committee shall activate and instruct the PP&D Committee to commence investigation of the complaint.
- ◇ The PP&D Committee shall review the initial complaint to determine whether a licensee violated a statutory rule or administrative regulation.
- ◇ If a complaint falls within the Board's jurisdiction, notice will be sent to the complainant that the PP&D Committee has

been activated.

- ◇ If the initial complaint states a cause of action, the PP&D Committee shall then notify the licensee that an initial complaint has been filed against him / her. This shall be done by sending the licensee a copy of the initial complaint and a certified letter describing the disciplinary process, including dates by which the licensee must respond.
- ◇ After the licensee has responded, the PP&D Committee reviews the licensee's response and makes a formal recommendation to the Board.

Recommendation to the Board / Action by the Board

- ◇ The PP&D Committee makes a formal recommendation to the Board by giving a brief description of their findings without revealing the identity of the accused licensee.
- ◇ The recommendation concludes by stating one of the following:
 1. The PP&D Committee recommends the Board take no disciplinary action.
 2. The PP&D Committee recommends the Board take disciplinary action which may include paying a fine, license suspension, or license revocation.
 3. The PP&D Committee recommends the Board settle the matter by having the licensee make a required corrective action.
- ◇ After the recommendation concludes, the Board may then hold discussion and vote on whether it will accept, reject, or modify the PP&D Committee's recommendation.
- ◇ If the Board votes to take no action, the initial complaint file is closed and a letter is sent to the licensee and the complainant stating that the initial complaint file has been closed.
- ◇ If the Board decides to take disciplinary action, the Board initiates formal disciplinary procedures by filing an administrative complaint.

Administrative Complaint Procedure

- ◇ The Board shall draft an administrative complaint stating specific findings and citing specific rules or regulations that were violated by the licensee.
- ◇ The administrative complaint is filed by the Executive Secretary with an administrative law judge.
- ◇ The administrative law judge administers the complaint until a final hearing is held.
- ◇ At the hearing, an administrative law judge administers the hearing, and any Board members that did not review the initial complaint hear evidence and decide if disciplinary action is warranted.

Reasons for Rejection, Revocation, or Suspension of License

1. The reasons for rejection, revocation, or suspension of license as set forth in the Alabama Athletic Trainers Licensure Act, Code of Alabama Section 34-40-10, are examples of prohibited acts for which the Board may reject, revoke, or suspend a license, but are not an all inclusive or exhaustive list of such prohibited acts.
2. The Board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulation and rules, may suspend or revoke the license certificate of any person who has committed any of the following prohibited acts:
 - A. Practicing athletic training other than under the direction or referral, or both, of a physician licensed in the State of Alabama to practice medicine or surgery.
 - B. Practicing athletic training without a current and valid license, including a revoked or suspended license.
 - C. Obtaining or attempting to obtain a license by fraud or deception.
 - D. Renewing or attempting to renew a license by fraud or deception.
 - E. Using mind altering substances to an extent which affects professional competency. These substances include prescription medications, alcohol, illegal drugs, and any other mind-altering chemicals.
 - F. Being adjudged mentally incompetent by a court of competent jurisdiction.
 - G. Being grossly negligent in the practice of athletic training and failing to practice athletic training with a level of skill which is recognized by a reasonably prudent athletic trainer as being acceptable under similar circumstances and conditions.
 - H. Being guilty of conduct detrimental to the best interest of the public, including violation of any state or federal controlled substance law.
 - I. Practicing athletic training outside of the scope of practice as defined in the Alabama Athletic Trainers Licensure Act, Code of Alabama Section 34-40-2 (5), including treating or undertaking to treat human ailments otherwise than by athletic training and according to standards established by the Board.

J. Advertising unethically according to standards set by the Board.

K. Failing or refusing to obey any lawful order or regulation of the Board.

L. Unlawful invasion of the field of practice of any other profession.

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Statutory Authority: Code of Ala. 1975, §34-40-3(e).

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