

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
JOHN MICHAEL MCNAMARA, (A.T.))
Applicant for Registration)
_____)

FILED
SEP 1 0 1997
KANSAS STATE BOARD OF
HEALING ARTS

FINAL ORDER

NOW ON THIS sixteenth day of August, 1997, comes before the State Board of Healing Arts the application of John Michael McNamara (Applicant) for registration as an Athletic Trainer. Applicant does not appear. There do not appear to be any disputes of material fact. Thus, the Board is able to resolve this matter from the records before it. After reviewing the record and being otherwise duly advised in the premises, the Board finds as follows:

1. Applicant filed an Application for Registration as an Athletic Trainer on January 29, 1997.
2. K.S.A. 65-6907 requires each applicant for registration as an athletic trainer to give proof of receiving of a baccalaureate or post-baccalaureate degree with a major course of study in an athletic training curriculum approved by the Board, completing clinical experience of at least 800 hours over a minimum of 2 years, and

passing an examination in athletic training.

3. K.S.A. 65-6906(c)(1) requires the Board to waive the examination requirement under K.S.A. 65-6907 and grant registration within one year subsequent to July 1, 1996 to a person who meets any of the requirements set forth in subparagraphs (A), (B), and (C) of that statute.

4. Applicant has not submitted the evidence necessary to qualify for registration as an athletic trainer under either K.S.A. 65-6906 or 65-6907. Specifically, Applicant has not provided proof he has met the required educational requirements approved by the Board under K.A.R. 100-69-1 necessary to meet the qualifications under K.S.A. 65-6906(c)(1)(A) or (B) or K.S.A. 65-6907. Further, Applicant has not provided proof he is certified by a national organization for athletic trainers necessary to meet the qualifications under K.S.A. 65-6906(c)(1)(C).

5. The Board issued a Summary Order Denying Registration April 11, 1997.

6. Applicant submitted a timely request for a hearing following the summary order. A Notice of Conference Hearing was served June 12, 1997, setting the matter for a hearing at the June 27, 1997 Board meeting. Upon Applicant's request, the hearing was continued to the August 16, 1997 Board meeting.

7. By letter dated August 2, 1997, Applicant requested a second

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continuance, or in the alternative, he requested an additional twelve months within which to satisfy the requirements for registration while performing his duties as Head Athletic Trainer for McPherson College. Additionally, Applicant seeks the Board's opinion as to use of the title "sport therapist" or "sport injury therapist."

8. The Board concludes that extending the time for meeting the grandfathering requirements under the statutes regarding Athletic Trainers would be contrary to public policy and is not authorized by statute. This request should, therefore, be denied.

9. Good cause for a second continuance has not been shown. This request should likewise be denied.

10. The athletic trainers registration act, K.S.A. 1996 Supp. 65-6901 through 65-6914, does not prohibit using professional designation such as "sport therapist" or "sport injury therapist." Registration by the Board pursuant to that act is a prerequisite to using the professional designation "Athletic Trainer," or similar words, letters, or abbreviations representing such registration.

IT IS, THEREFORE, ORDERED as follows:

1. Applicant's request for a continuance is denied.

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2. Applicant's request for an additional twelve months within which to complete the requirements for registration pursuant to the grandfather clause of Athletic Trainers Registration Act is denied.

3. Applicant's Application for Registration as an Athletic Trainer is denied.

IT IS SO ORDERED.

DATED this 9th day of September, 1997.

KANSAS STATE BOARD OF HEALING ARTS



LAWRENCE T. BUENING, JR.
Executive Director

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NOTICE REGARDING RELIEF FROM THIS ORDER

This is a final order. It becomes effective on the date served. A party to the proceeding may seek relief from a final order by filing a petition for judicial review in the district court within 30 days of service of the final order.

CERTIFICATE OF SERVICE

I, Mark W. Stafford, General Counsel, Kansas State Board of Healing Arts, do hereby certify that on the 22nd day of September, 1997, a copy of the above and foregoing Final Order was deposited in the United States mail, postage prepaid, first class to the following:

John Michael McNamara
719 North Elm
McPherson, Kansas 67460

and a copy hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original filed with the office of Executive Director.


