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November 9, 2010

Honorable James L. Jones, Chairman
Alabama Board of Athletic Trainers
Post Office Box 243011
Montgomery, Alabama 36124

Athletic Trainers Board -- Athletics and Sports -- Licenses and Permits

The practice of renewing licenses annually by the Board of Athletic Trainers is authorized by section 34-40-3 of the Code of Alabama.

Dear Mr. Jones:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Is the Board of Athletic Trainers ("Board") authorized to renew licenses annually?

FACTS AND ANALYSIS

The Examiners of Public Accounts, in a recent sunset finding, stated as follows:

> [The Board's] [s]tatutes appear inconsistent with respect to renewal of licenses. The Code of Alabama 1975, Section 34-40-8 appears to provide for license renewal every other year. Section 34-40-8 provides that, "All licenses issued by the board to athletic trainers shall expire on the last day of December of the year next succeeding the issuance thereof."

> Under this provision, licensees whose licenses expired by statute on December 31, 2009, and were timely renewed would have been issued a new license valid on January 1, 2010. These renewed licenses would apparently not expire on December 31, 2010, but would expire in the next succeeding year on December 31, 2011, a period of two years.
>
> In conflict, the Code of Alabama 1975, Section 34-40-3(g) provides that, "It shall be the duty of the board to pass upon the qualifications of applicants for licensure as an athletic trainer, and to issue licenses and annual renewals to athletic trainers."
>
> The board's practice is to renew licenses annually.

Section 34-40-8 of the Code states as follows:

> All licenses ***issued*** by the board to athletic trainers shall expire on the last day of December of the year next succeeding the issuance thereof. The license may be renewed on payment of a fee, fixed by the board, completion of continuing education, and current licensee information, as may be needed. The board shall adopt a program of continuing education for its licensees. The successful completion of the annual continuing education program shall be a requisite for the renewal of licenses issued pursuant to this chapter.

ALA. CODE § 34-40-8 (2002) (emphasis added).

Section 34-40-3(g) states as follows:

> It shall be the duty of the board to pass upon the qualifications of applicants for licensure as an athletic trainer, and to issue

> licenses and ***annual*** renewals to athletic trainers. The board shall be responsible for fixing fees for such applications, licenses, renewals, verification of licensure, replacement of licenses, name changes on licensees, publication fees, or other administration fees deemed necessary to carry out the provisions of this chapter.

ALA. CODE § 34-40-3(g) (emphasis added).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997); *IMED Corp. v. Sys. Eng'g Assoc. Corp.*, 602 So. 2d 344, 346 (Ala. 1992).

The language in section 34-40-8, which states that "[a]ll licenses issued by the board to athletic trainers shall expire on the last day of December of the year next succeeding the issuance thereof," applies only to those initial licenses issued by the Board. Therefore, when a new licensee is issued a license, it does not expire until after the second December 31st that he or she holds the license.

The length of time the issued license is valid can range from 730 days to 366 days, the former being issued on January 1st, the latter being issued on December 30th. Section 34-40-3(g) governs license renewals, which are to be renewed annually. Therefore, when an issued license expires on December 31st, the licensee will have to renew his or her license annually after the 31st of each December to continue to practice as an athletic trainer. The Board's practice to renew licenses annually is authorized by the statute.

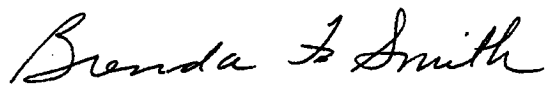
CONCLUSION

The practice of renewing licenses annually by the Board of Athletic Trainers is authorized by section 34-40-3 of the Code of Alabama.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Matt Bledsoe of my staff.

Sincerely,

TROY KING
Attorney General
By:



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