

<b>Kansas State Board of Healing Arts</b>	
<b>Policy Title:</b> Athletic Trainers Practicing on a Federal Enclave in Kansas	<b>Policy Number:</b> 24-01
<b>Author:</b> Cody Bebout, Asst. General Counsel; Courtney Cyzman, General Counsel	<b>Effective Date:</b> August 11, 2023
<b>Date Authored:</b> July 26, 2023	<b>Last Modified:</b>
<b>Responsible for Updates:</b> General Counsel	<b>Pending Executive Director Approval:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**PURPOSE:**

The purpose of this policy is to provide guidance to athletic trainers practicing on a federal enclave and recommend that athletic trainers (“ATs”) licensed in Kansas who practice on a federal enclave in Kansas, including Fort Riley, have a practice protocol with a physician or chiropractor who physically practices the healing arts on the federal enclave whether that person is licensed in Kansas or another jurisdiction. Such practice protocol should be filed with the Kansas State Board of Healing Arts (“KSBHA” or “Board”). This policy is intended to be a guidance document under K.S.A. 77-438.

**AUTHORITY:**

K.S.A. 77-438; U.S.C.A. Const. Art. 1, § 8, cl. 17; K.S.A. 27-101 *et seq.*; K.S.A. 65-6906.

**POLICY:**

As a condition of performing the functions and duties of an athletic trainer, Kansas law requires ATs licensed and practicing in Kansas to file a practice protocol with the Board signed “by each person licensed by the Board to practice the healing arts who will delegate to the athletic trainers acts which constitute athletic training.” K.S.A. 65-6906(d).

Federal enclaves, including the Fort Riley military reservation in Kansas, are under the exclusive jurisdiction of the United States Government.<sup>1</sup> *See* K.S.A. 27-105. Generally, Kansas law does not apply to a federal enclave.<sup>2</sup>

It is the opinion of the Board that the best practice for athletic trainers in Kansas practicing on a federal enclave is to enter into and practice under a practice protocol with a person who practices the healing arts at the same federal enclave, whether that person is licensed in Kansas or another jurisdiction. Such practice protocol should be filed with the KSBHA.

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<sup>1</sup> Other examples of federal enclaves in Kansas include Fort Hays, Fort Leavenworth, and certain federal buildings in Fort Scott, KS. K.S.A. 27-103; K.S.A. 27-104; K.S.A. 27-106.

<sup>2</sup> **NOTE:** There are exceptions to this general rule, but the exceptions are inapplicable for purposes of the issue in this guidance document. *See Paul v. U.S.*, 83 S. Ct. 426, 437-438 (1963); *Allison v. Boeing Laser Tech. Servs.*, 689 F.3d 1234, 1236 (10th Cir. 2012); *Orlovetz v. Day & Zimmerman, Inc.*, 18 Kan. App. 2d 142, 145-46 (1993).

As soon as an AT practices outside the physical boundaries of the federal enclave in Kansas, the AT is again subject to Kansas law including the requirement of Kansas licensure and filing and practicing under a protocol with a person licensed by the Board to practice the healing arts delegates athletic trainers acts which constitute athletic training. K.S.A. 65-6906(d).

This policy does nothing to abrogate the requirements of Kansas law, including any part of the Kansas Athletic Trainers Licensure Act, K.S.A. 65-6901 *et seq.*

Approved by the Kansas State Board of Healing Arts on this 11 day of August 2023.

**KANSAS STATE BOARD OF HEALING ARTS**



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Susan Gile, Executive Director