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Martin
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CS FOR HOUSE BILL NO. 160(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE THOMPSON BY REQUEST

A BILL

FOR AN ACT ENTITLED

"An Act relating to the licensing and regulation of athletic trainers."

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

*** Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

(39) regulation of athletic trainers under AS 08.07.

*** Sec. 2.** AS 08 is amended by adding a new chapter to read:

Chapter 07. Athletic Trainers.

Sec. 08.07.010. License required. (a) An individual may not practice or offer to practice athletic training, or allow another person to offer athletic training by the individual, in the state without being licensed under this chapter, unless the individual

(1) is a student in an accredited athletic trainer program who is practicing athletic training under the supervision of an athletic trainer or a person licensed to practice medicine or osteopathy under AS 08.64;

(2) is licensed, certified, or registered as an athletic trainer in another state and is present in the state for not more than 90 days in a calendar year for a specific athletic event or series of athletic events with an individual or group not based

1 in the state; or

2 (3) is in the military service of the United States or as an employee of
3 the federal government performing athletic training services within the scope of the
4 individual's official duties.

5 (b) This section does not prohibit a person licensed under another chapter of
6 this title from performing functions defined as athletic training if those functions are
7 within the scope of that person's license and the person does not use a title listed in (c)
8 of this section.

9 (c) Unless licensed under this chapter, or exempted under (a)(2) or (3) of this
10 section, an individual may not use the titles "athletic trainer," "licensed athletic
11 trainer," "certified athletic trainer," "athletic trainer certified," "A.T.," "A.T.L.,"
12 "C.A.T.," "A.T.C.," or any combination of those terms to indicate that the individual is
13 a licensed athletic trainer.

14 **Sec. 08.07.020. Qualifications for license; fee; renewal.** (a) The department
15 shall issue an athletic trainer license to an individual who

16 (1) applies to the department on a form provided by the department;

17 (2) meets the requirements established in regulation by the department;

18 (3) pays the fees established by the department; and

19 (4) provides proof of certification by the Board of Certification, Inc.,
20 or another nationally recognized professional association approved by the department.

21 (b) An athletic trainer license may be renewed upon proof of certification by
22 the Board of Certification, Inc., or another nationally recognized professional
23 association approved by the department and as provided in AS 08.01.100.

24 **Sec. 08.07.030. Scope of practice of athletic trainers.** (a) An athletic trainer
25 may practice athletic training only under the supervision of a person licensed to
26 practice medicine or osteopathy under AS 08.64. In this subsection, "supervision"
27 means the physician authorizes a procedure and the procedure is performed by the
28 athletic trainer in accordance with the physician's diagnosis and treatment plan.

29 (b) An athletic trainer shall immediately refer an athlete to an appropriate
30 licensed health care professional if the athletic trainer determines that athletic training
31 is contraindicated or the symptoms or conditions present require treatment outside the

scope of practice of an athletic trainer.

(c) The practice of an athletic trainer includes

(1) the treatment of an athlete for injury or illness prevention;

(2) the clinical evaluation and assessment of an athlete for an injury sustained or exacerbated while participating in a sport or sport-related exercise or activity;

(3) the immediate care and treatment of an athlete for an injury sustained or exacerbated while participating in a sport or sport-related exercise or activity; and

(4) the rehabilitation and reconditioning of an athlete from injury sustained or exacerbated while participating in a sport or sport-related exercise or activity.

(d) In this section, "health care professional" means a physician, nurse, and physician assistant, but does not include a practitioner of religious healing.

Sec. 08.07.040. Regulations. After consulting the professional standards issued by the Board of Certification, Inc., or another nationally recognized professional association approved by the department, the department shall adopt regulations to protect the public, ensure quality patient care, and regulate the licensing of athletic trainers that include

(1) minimum standards for licensure as an athletic trainer;

(2) minimum standards of care for practice as an athletic trainer; and

(3) continuing education requirements.

Sec. 08.07.090. Definitions. In this chapter,

(1) "athlete" means an individual who participates in an organized sport or sport-related exercise or activity, including interscholastic, intercollegiate, intramural, semiprofessional, and professional sports activities;

(2) "athletic trainer" means an individual who is licensed under AS 08.07.020 to practice athletic training in this state;

(3) "athletic training" means the treatment of an athlete under the direction of a physician licensed under AS 08.64 to manage risk of injury and prevent injury, evaluate clinically, assess, and treat an athlete's injury or illness, and

rehabilitate and recondition that athlete.

* **Sec. 3.** AS 09.65.300(c)(1) is amended to read:

(1) "health care provider" means a state licensed physician, physician assistant, dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse, practical nurse, nurse midwife, advanced nurse practitioner, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, athletic trainer, or certified direct-entry midwife;

* **Sec. 4.** AS 47.17.290(14) is amended to read:

(14) "practitioner of the healing arts" includes athletic trainers, chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The license requirement in AS 08.07.010, enacted by sec. 2 of this Act,

(1) applies immediately to a person who has

(A) never practiced athletic training, as defined in AS 08.07.090, enacted by sec. 2 of this Act, before the effective date of this Act; or

(B) has practiced athletic training in the state, but does not meet the requirements of (2) of this section; and

(2) does not apply until two years after the effective date of this Act to a person who has been practicing athletic training in this state for at least three of the five years immediately preceding the effective date of this Act and is certified by the Board of Certification, Inc., and practicing athletic training within the scope of that certification.