

HOUSE CS FOR CS FOR SENATE BILL NO. 119(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/14/12

Referred: Finance

Sponsor(s): SENATORS MEYER, McGuire, Ellis, Menard, Davis, Paskvan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to athletic trainers; relating to student participation in interscholastic
2 activities; relating to the adoption of regulations by the State Medical Board; and
3 providing for an effective date."

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

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

6 (39) regulation of athletic trainers under AS 08.07.

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

8 **Chapter 07. Athletic Trainers.**

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

12 (1) is a student in an accredited athletic trainer program;

13 (2) is present in the state for not more than 90 days for a specific
14 athletic event or series of athletic events with an individual or group not based in the

1 state; or

2 (3) is authorized to practice athletic training under another provision of
3 Alaska law.

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

8 (c) Unless licensed under this chapter, an individual may not use the titles
9 "athletic trainer," "licensed athletic trainer," "A.T.," or any combination of those terms
10 to indicate that the individual is a licensed athletic trainer.

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

- 13 (1) applies to the department on a form provided by the department;
14 (2) meets the requirements established by the department in regulation;
15 (3) pays the fees established by the department; and
16 (4) provides proof of certification by the National Athletic Trainers'
17 Association Board of Certification, Inc.

18 (b) An athletic trainer license may be renewed on proof of certification by the
19 National Athletic Trainers' Association Board of Certification, Inc., and as provided in
20 AS 08.01.100.

21 **Sec. 08.07.030. Regulations.** After consulting the professional standards
22 issued by the National Athletic Trainers' Association Board of Certification, Inc., or
23 another nationally recognized professional association approved by the department,
24 the department shall adopt regulations to protect the public, ensure quality patient
25 care, and regulate the licensing of athletic trainers that include

- 26 (1) minimum standards for licensure as an athletic trainer;
27 (2) minimum standards of care for practice as an athletic trainer; and
28 (3) continuing education requirements.

29 **Sec. 08.07.040. Scope of practice.** (a) A licensed athletic trainer may provide
30 athletic training using treatment modalities adopted in regulations by the State Medical
31 Board to an athlete under the direction of a physician licensed under AS 08.64.

1 (b) An athletic trainer shall immediately refer an athlete to an appropriate
 2 health care professional licensed in this state if the athletic trainer has reasonable cause
 3 to believe that athletic training is contraindicated or the symptoms or conditions
 4 present require services outside the scope of an athletic trainer's normal practice.

5 **Sec. 08.07.050. Definitions.** In this chapter,

6 (1) "athlete" means an individual who participates in strenuous
 7 physical exercise, physical conditioning, or a sport;

8 (2) "athletic trainer" means a person who practices athletic training;

9 (3) "athletic training" means the practice of physical conditioning and
 10 reconditioning of athletes, and the prevention and treatment of injuries incurred by
 11 athletes, under a plan of care designed and overseen by a physician licensed under
 12 AS 08.64.

13 * **Sec. 3.** AS 08.64.100 is amended to read:

14 **Sec. 08.64.100. Power of board to adopt regulations.** The board may adopt
 15 regulations necessary to carry into effect the provisions of this chapter **and AS 08.07.**

16 * **Sec. 4.** AS 08.64.101 is amended to read:

17 **Sec. 08.64.101. Duties.** The board shall

18 (1) examine and issue licenses to applicants;

19 (2) develop written guidelines to ensure that licensing requirements are
 20 not unreasonably burdensome and the issuance of licenses is not unreasonably
 21 withheld or delayed;

22 (3) after a hearing, impose disciplinary sanctions on persons who
 23 violate this chapter or the regulations or orders of the board;

24 (4) adopt regulations ensuring that renewal of licenses is contingent
 25 upon proof of continued competency on the part of the licensee **and describing**
 26 **appropriate treatment modalities for athletic training;** and

27 (5) under regulations adopted by the board, contract with private
 28 professional organizations to establish an impaired medical professionals program to
 29 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
 30 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired.

31 * **Sec. 5.** AS 09.65.300(c) is amended to read:

1 (c) In this section,

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

8 (2) "health care services" means services received by an individual in
9 order to treat or to prevent illness or injury;

10 (3) "nonprofit organization" means an organization that qualifies for
11 exemption from taxation under 26 U.S.C. 501(c)(3) or (4) (Internal Revenue Code).

12 * **Sec. 6.** AS 14.30.142(d) is amended to read:

13 (d) A student who has been removed from participation in a practice or game
14 for suspicion of concussion may not return to **participation in practice or game** play
15 until the student has been evaluated and cleared for participation in writing by a
16 qualified person who has received training [AND IS CURRENTLY CERTIFIED], as
17 verified in writing or electronically by the qualified person, in the evaluation and
18 management of concussions. In this subsection, "qualified person" means either a

19 (1) health care provider who is licensed in the state or exempt from
20 licensure under state law; or

21 (2) person who is acting at the direction and under the supervision of a
22 physician who is licensed in the state or exempt from licensure under
23 AS 08.64.370(1), (2), or (4).

24 * **Sec. 7.** AS 14.30 is amended by adding a new section to read:

25 **Sec. 14.30.365. Interscholastic activities; eligibility.** (a) A full-time student
26 who is eligible under (b) of this section who is enrolled in grades nine through 12 in an
27 alternative education program that is located entirely in the state and that does not
28 offer interscholastic activities is eligible to participate in any interscholastic activities
29 program available in a public school

30 (1) that, based on the residence of the parent or legal guardian, the
31 student would be eligible to attend were the student not enrolled in an alternative

1 education program; or

2 (2) at which the student requests to participate, if

3 (A) the student shows good cause; and

4 (B) the governing body of the school approves.

5 (b) A student is eligible to participate in interscholastic activities under this
6 section if the student

7 (1) is otherwise eligible to participate in interscholastic activities under
8 requirements established by the school, the school district, and the statewide
9 interscholastic activities governing body;

10 (2) provides documentation, including academic transcripts, proof of
11 full-time enrollment, and applicable disciplinary records, and, if required for
12 participation in an activity by the school, requested medical records, to the school
13 providing the interscholastic activities program; and

14 (3) claims the same school for interscholastic activities eligibility
15 purposes during a school year.

16 (c) In this section,

17 (1) "alternative education program" means a public secondary school
18 that provides a nontraditional education program, including the Alaska Military Youth
19 Academy; a public vocational, remedial, or theme-based program; a home school
20 program that is accredited by a recognized accrediting body; a charter school
21 authorized under AS 14.03.250 - 14.03.290; and a statewide correspondence school
22 that enrolls students who reside outside of the district in which the student resides and
23 provides less than three hours a week of scheduled face-to-face student interactions in
24 the same location with a teacher who is certified under AS 14.20.020;

25 (2) "district" has the meaning given in AS 14.17.990;

26 (3) "full-time student" means a student who

27 (A) is enrolled in not less than five classes in grades nine
28 through 11 and not less than four classes in grade 12; and

29 (B) is on track to graduate from secondary school in not more
30 than four years of attendance in secondary school;

31 (4) "interscholastic activities" means preparation for and participation

1 in events or competitions involving another school when the preparation or
2 participation

3 (A) is sanctioned or supported by the statewide interscholastic
4 activities governing body;

5 (B) is conducted outside of the regular school curriculum; and

6 (C) does not involve participation in student government at a
7 school.

8 * **Sec. 8.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 9.** Section 7 of this Act takes effect July 1, 2013.