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SENATE CS FOR CS FOR HOUSE BILL NO. 160(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/19/14

Referred: Rules

Sponsor(s): REPRESENTATIVES THOMPSON BY REQUEST, Austerman, Gara, Josephson

SENATORS McGuire, Meyer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the licensing and regulation of athletic trainers; and providing for
2 an effective date."

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

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

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

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

7 **Chapter 07. Athletic Trainers.**

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

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

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

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

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

12 (c) Nothing in this chapter requires licensing of a coach or fitness trainer who

13 (1) does not use a title listed in (d) of this section; and

14 (2) is acting within the scope of the person's duties as a coach or
 15 fitness trainer.

16 (d) Unless licensed under this chapter, or exempted under (a)(2) or (3) of this
 17 section, an individual may not use the titles "athletic trainer," "licensed athletic
 18 trainer," "certified athletic trainer," "athletic trainer certified," "A.T.," "A.T.L.,"
 19 "C.A.T.," "A.T.C.," or any combination of those terms to indicate that the individual is
 20 a licensed athletic trainer.

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

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

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

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

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

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

31 **Sec. 08.07.030. Scope of practice of athletic trainers.** (a) An athletic trainer

1 may practice athletic training only under the direction of a person licensed to practice
 2 medicine or osteopathy under AS 08.64. In this subsection, "direction" means the
 3 physician authorizes a procedure by a verbal order if the physician is present or by
 4 written order, telecommunication, or by athletic training treatment plans, protocols, or
 5 standing orders established by the physician if the physician is not present.

6 (b) An athletic trainer shall immediately refer an athlete to an appropriate
 7 licensed health care professional if the athletic trainer determines that athletic training
 8 is contraindicated or the symptoms or conditions present require treatment outside the
 9 scope of practice of an athletic trainer.

10 (c) The practice of an athletic trainer includes

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

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

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

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

22 (d) In this section, "health care professional" has the meaning given to "health
 23 care provider" in AS 09.65.300.

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

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

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

31 (3) continuing education requirements.

1 **Sec. 08.07.090. Definitions.** In this chapter,

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

5 (2) "athletic injury or illness" means an injury or illness sustained or
6 exacerbated through participation in an activity, exercise, recreation, sport, or game
7 requiring physical strength, range of motion, flexibility, body awareness and control,
8 speed, stamina, or agility of a type sustained in association with sports participation as
9 part of an educational institution, professional sports club, amateur sports club,
10 recreational sports club, or organization;

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

13 (4) "athletic training" means injury and illness prevention and the
14 evaluation, assessment, immediate care, treatment, rehabilitation, and reconditioning
15 of an athletic injury or illness.

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

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

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

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

1 acupuncturists, and surgeons;

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

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

6 (1) applies immediately to a person who has

7 (A) never practiced athletic training, as defined in AS 08.07.090,
8 enacted by sec. 2 of this Act, before the effective date of sec. 8 of this Act; or

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

11 (2) does not apply until two years after the effective date of sec. 8 of this Act
12 to a person who has been practicing athletic training in this state for at least three of the five
13 years immediately preceding the effective date of sec. 8 of this Act and is certified by the
14 Board of Certification, Inc., and practicing athletic training within the scope of that
15 certification.

16 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **TRANSITIONAL PROVISION: REGULATIONS.** The Department of Commerce,
19 Community, and Economic Development may adopt regulations necessary to implement the
20 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
21 Procedure Act), but not before the effective date of the law implemented by the regulation.

22 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

23 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2015.