

HB

106

POSITION PAPER

SUBSTITUTE FOR HOUSE BILL NO. 106

"An Act providing for the licensing of athletic therapists."

SHB 106 requires that all persons practicing physical therapy for the prevention or physical rehabilitation of injuries incurred by participating in athletics at an educational institution, professional athletic association or other athletic organization be licensed as an "Athletic Therapist."

The bill amends the Physical Therapists Practice Act to include licensing Athletic Therapists with Physical Therapists and Physical Therapy Assistants, enlarging the Physical Therapy State Board to include Athletic Therapists, and defining the licensing requirements and practicing criteria.

The State Physical Therapists Practice Act in its definition of the practice of physical therapy includes modalities frequently employed by the Athletic Trainers (Athletic Therapists) in the preventive or physical rehabilitation of athletic injuries. Presently there are no licensing requirements for Athletic Trainers in Alaska. The purpose of this bill is to establish clarity and allow Athletic Trainers to use physical therapy modalities legally. The Department is concerned about the following issues:

1. The name Athletic Therapist rather than Athletic Trainer.

The purpose of this legislation is to provide licensure for Athletic Trainers. Physical Therapists and Athletic Trainers are two distinct professions. The name Athletic Therapist used in the pending legislation suggests that a licensed Athletic Therapist is also a Physical Therapist with all their rights of practice. This is a false assumption unless the Athletic Trainer is licensed to practice physical therapy in Alaska.

2. The right of an Athletic Trainer to practice physical therapy in Alaska.

This is defined in Section 12, AS 08.84.190 (5) and inferred in Section 12 AS 08.84.120 (11) and Section 11 AS 8.6.155.

At present State licensure for Physical Therapists requires specific approved educational training and examination. The training and examination required for Athletic Trainers is not the same. It is not appropriate that Athletic Trainers be permitted to engage in physical therapy practice without the same licensure requirements.

POSITION PAPER / Department of Health and Social Services

The following is a recommended definition of an Athletic Trainer including the modalities the Trainer is authorized to use.

"Athletic Trainer" means a person who, upon the direction of his team physician and/or consulting physician, practices physical reconditioning of injuries incurred by only those athletes participating in an athletic program conducted by the educational institution, professional athletic organization, or sanctioned amateur athletic organization that employed the trainer.

To carry out these functions the Athletic Trainer is authorized to utilize modalities such as heat, light, sound cold, electricity, exercise or mechanical devices related to care and reconditioning.

The Department of Health and Social Services appreciates the Athletic Trainers concern for desiring legal clarity in the use of the modalities needed to carryout their practice and recommends that if adequate need is demonstrated, a separate bill be created called the "Alaska Athletic Trainers Act". This Bill would license them with their specific qualifications to engage in the practice for which they are trained and licensed.

The Department cannot support the enactment of this bill in its present form.

Recommended by: E. S. Rabenu, M.D.
E. S. Rabenu, M.D., Director
Division of Public Health

Date: Jan 29, 1982

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 2/1/82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Substitute for House Bill No. 106
 Title "An Act providing for the licensing of athletic therapists."
 Requested by Commissioner's Office Date 1/29/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 1/29/82 PREPARED BY Sue Glocke
 AGENCY Dept. of Health & Social Services
 PHONE 465-3141 JCC
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - Update

I. REQUEST

Bill/Resolution No. SSHB 106
Title An Act providing for the licensing of athletic therapists.
Requested by Representative Martin Date 3-23-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions;
(Note: If more than one budget component is affected, separate line-item admin and amounts and funding for each component in the analysis section.) boards

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL	3.5	3.8	4.1	4.5	4.9	5.4
300 CONTRACTUAL	.5	.5	.6	.6	.7	.7
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	4.0	4.3	4.7	5.1	5.6	6.1

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	4.0	4.3	4.7	5.1	5.6	6.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

TRAVEL - 10% inflation factor projected.

Travel and per diem costs for 2 additional board members; 3 meetings per year (2 in Anchorage, 1 in Juneau); 2 days ea. @ \$80 per diem/day.

1 Juneau member \$ 1,500.00
1 Anchorage member 750.00

One additional meeting for remaining 5 members of the present board, not budgeted for in FY'82 or FY'83, in order to formulate necessary athletic therapy regulations and hold a regulation hearing; 2 day meeting in Anchorage (Travel costs and per diem @ \$80/day)

1,370.00

Total \$ 3,450.00

CONTRACTUAL - 9% inflation factor projected. Duplicating and mailing costs of new applications; administration of examination \$ 500.00 for athletic therapists.

IV. DATE 1-29-82 PREPARED BY Mariorie Odland, Regulations Specialist

AGENCY Occupational Licensing

Original: Legislative Finance PHONE 465-2535
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 106

Title An Act providing for the licensing of physical therapy athletic trainers.

Requested by Martin

Date 2-11-81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Regulation & licensing of professions - Boards

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	1.0	.5	.5	.5	.5	.5
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	1.0	.5	.5	.5	.5	.5

FUNDING (Thousands of Dollars)

	1.0	.5	.5	.5	.5	.5
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	0	0	0	0	0	0
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

CONTRACTUAL

FY'82 costs reflect necessary funding to establish the administration of licensing of physical therapy athletic trainers including forms, licenses, distribution costs, printing costs and regulatory procedure costs.

Additional year costs reflect maintenance of licensing and renewals.

PERSONAL SERVICES

No additional personnel needed, as the necessary services would be absorbed by the present licensing examiner responsible for the licensing of physical therapists and physical therapy assistants.

IV. DATE 2-11-81 -

PREPARED BY Harry D. Treager, Director

AGENCY Occupational Licensing

PHONE 465-2534

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

February 1, 1982

AGENDA

HB 111- An Act relating to the practice of optometry and authorizing the use of ophthalmic drugs by optometrists

Dr. Page

Dr. Phil Bach - *Sitka*

Dr. Katania - *Philadelphia - post grad of optometry -*

HB 106- An Act providing for the licensing of athletic therapists

HB 114- An Act relating to the office of alcoholism and drug abuse in the Department of Health and Social Services, and combining the Review Board on Alcoholism with the Advisory Board on Drug Abuse

Introduced: 3/11/81
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY MARTIN AND ROGERS

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 106

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

Separate bill

6 For an Act entitled: "An Act providing for the licensing of athletic
7 therapists."

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

9 * Section 1. AS 08.84.010 is amended to read:

10 Sec. 08.84.010. STATE PHYSICAL THERAPY BOARD. (a) There is
11 created the State Physical Therapy Board, which consists of seven *four with*
12 [FIVE] members appointed by the governor. The membership consists of *and*
13 one physician licensed to practice medicine in the state, three physical
14 therapists licensed in the state or two physical therapists and a
15 physical therapy assistant licensed in the state, two athletic *thera-*
16 piats *trainers* licensed in the state, and one lay person with no direct financial
17 interest in the health care industry. Members of the board shall be
18 U.S. citizens domiciled in the state and shall be appointed for a term
19 of four years, and until their successors are appointed. No member may
20 serve more than two terms in succession. The governor may remove a
21 member from the board for neglect of duty, incompetence, dishonorable
22 conduct, or suspension or revocation of license.

23 (b) The Physical Therapy Board shall control all matters pertain-
24 ing to the licensing of physical therapists, [AND] physical therapy
25 assistants, and athletic *trainers* ~~therapists~~ and the practice of physical
26 therapy. The board shall

- 27 (1) pass upon the qualifications of applicants;
28 (2) conduct examinations;
29 (3) issue temporary permits and licenses to physical ther-

1 apists, [AND] physical therapy assistants, and athletic therapists
2 qualified under this chapter;

3 (4) suspend, revoke or refuse to issue or renew a license in
4 accordance with AS 08.84.120;

5 (5) keep a current register listing the name, business
6 address, date and number of the license of each physical therapist,
7 [AND] physical therapy assistant, and athletic therapist who is licensed
8 to practice in this state;

9 (6) keep a record and minutes of its meetings, proceedings
10 and hearings and submit an annual report of its activities to the
11 governor and other interested parties;

12 (7) limit or condition the authority to practice physical
13 therapy, or discipline a practitioner, in accordance with AS 08.84.-
14 185(a); and

15 (8) adopt regulations under AS 44.62.180 - 44.62.290 neces-
16 sary to carry out the purposes of this chapter including regulations
17 establishing qualifications for licensure and renewal of licensure as a
18 physical therapist, a [OR] physical therapy assistant or an athletic
19 therapist.

20 • Sec. 2. AS 08.84.030 is amended by adding a new subsection to read:

21 (b) To be eligible for licensure by the board as an athletic
22 therapist, an applicant shall

23 (1) possess one of the following qualifications:

24 (A) have met the athletic training curriculum require-
25 ments of a college or university approved by the board, and
26 approved by the National Athletic Trainers Association or the
27 American Physical Therapy Association, and give proof of gradua-
28 tion;

29 (B) hold a certificate or a degree in physical therapy

1 and have completed:

2 (i) an approved basic athletic training course;

3 (ii) an approved first aid and cardiopulmonary
4 resuscitation course;

5 (iii) an approved nutrition course; and

6 (iv) have spent a minimum of 600 hours working
7 under the direct supervision of a licensed athletic therapist,
8 however, the board may waive or lessen the hour requirements
9 if the applicant demonstrates equivalent experience; or

10 (C) have completed at least four years beyond the
11 secondary school level, while a student, as an apprentice athletic
12 therapist at a college or university under the direct supervision
13 of a licensed athletic therapist; ^{1,600 hrs -} the four years must be consecu-
14 tive years of supervision, military duty excepted; an applicant
15 for licensure under this paragraph must show proof of graduation
16 from an accredited college or university and successful completion
17 of courses in athletic training, first aid, cardiopulmonary resus-
18 citation, nutrition, anatomy, physiology and kinesiology.

19 (2) pass to the satisfaction of the board an examination
20 prepared by the Professional Examination Service Association or by a
21 national testing service approved by the board to determine his fitness
22 for practice as an athletic therapist;

23 (3) meet qualifications for licensure established in regula-
24 tions adopted by the board under AS 08.84.010(b)(8).

25 * Sec. 3. AS 08.84.040 is amended to read:

26 Sec. 08.84.040. APPLICATION FOR LICENSE. To be licensed as a
27 physical therapist, a [OR] physical therapy assistant, or an athletic
28 therapist an applicant shall apply to the board on a form prescribed by
29 the board. An applicant shall include in his application, evidence

1 under oath that he possesses the qualifications required by AS 08.84.-
2 030 or 08.84.032.

3 * Sec. 4. AS 08.84.060 is amended to read:

4 Sec. 08.84.060. LICENSURE BY ACCEPTANCE OF CREDENTIALS. The
5 board may license without examination an applicant who is a physical
6 therapist, a [OR] physical therapy assistant, or an athletic therapist
7 licensed under the laws of another state or territory or the District
8 of Columbia, if the requirements for licensure in that state or terri-
9 tory or the District of Columbia, were, at the date of his licensure,
10 substantially equal to the requirements in this state.

11 * Sec. 5. AS 08.84.080 is amended to read:

12 Sec. 08.84.080. EXAMINATIONS. The board shall examine applicants
13 for licensure as physical therapists, [OR] physical therapy assistants,
14 or athletic therapists at the times and places it determines.

15 * Sec. 6. AS 08.84.090 is amended to read:

16 Sec. 08.84.090. LICENSURE. The board shall license an applicant
17 who meets the qualifications for licensure under this chapter. It
18 shall issue a license certificate to each person licensed. A license
19 certificate is prima facie evidence of the right of the person to
20 represent himself as a licensed physical therapist, a [OR] licensed
21 physical therapy assistant, or an athletic therapist.

22 * Sec. 7. AS 08.84.100(a) is amended to read:

23 (a) A licensed physical therapist, [OR] physical therapy assis-
24 tant, or athletic therapist shall renew his license every four years
25 with the Department of Commerce and Economic Development on or before
26 the date set by the department under AS 08.01.100(a). If the license
27 is not renewed on or before that date, it lapses.

28 * Sec. 8. AS 08.84.100(c) is amended to read:

29 (c) A license may not be renewed unless the applicant demonstrates

1 his competence as a physical therapist, a [OR] physical therapy assis-
2 tant, or an athletic ^{trainer} therapist in a manner established by the board in
3 regulations adopted under AS 08.84.010(b)(8).

4 * Sec. 9. AS 08.84.120 is amended by adding a new paragraph to read:

5 (11) as an athletic ^{trainer} therapist has attempted to practice
6 physical therapy which has not been initiated, supervised, and termin-
7 ated by a team physician licensed to practice medicine, osteopathy,
8 dentistry, or podiatry.

9 * Sec. 10. AS 08.84.130 is amended by adding a new subsection to read:

10 (c) A person not licensed as an athletic ^{trainer} therapist or whose
11 license is suspended, revoked, or lapsed, who in any way, orally or in
12 writing or directly or by implication, represents himself as a licensed
13 physical therapy athletic trainer is guilty of a misdemeanor.

14 * Sec. 11. AS 08.84 is amended by adding a new section to read:

15 Sec. 08.84.155. LICENSURE OF ATHLETIC ^{trainer} THERAPISTS It is unlawful
16 for anyone to practice physical therapy as an athletic therapist without
17 being licensed in accordance with this chapter unless as an athletic
18 therapist apprentice fulfilling the requirements of AS 08.84.030(b),
19 and then only unless under the continuous direction and immediate
20 supervision of a physical therapist.

21 * Sec. 12. AS 08.84.190 is amended by adding a new paragraph to read:

22 (5) "athletic ^{trainer} therapist" means a person who practices
23 physical therapy for the prevention or physical rehabilitation of
24 injuries incurred by participating athletes at an educational institu-
25 tion, professional athletic organization, or other athletic organiza-
26 tion.
27
28
29

SECTIONAL ANALYSIS SS HB 106

"Ac Act providing for the Licensing of Athletic Therapists"

SECTION 1

AS 08.84.010 amended. Two licensed athletic therapists are added to the State Physical Therapy Board. This increases total Board membership from five to seven. The Board is granted jurisdiction to control all matters pertaining to the licenses of athletic therapists.

SECTION 2

AS. 08.84.030 Adds a new subsection regarding licensure of athletic therapists and qualifications. Applicant must have either:

1. Athletic training curriculum requirement at a approved college or university OR

2. hold a certificate or degree in physical therapy and have completed certain stated courses and have spent 600 hours working under direct supervision of licensed physical therapist athletic trainer--subject to waiver by equivalent experience. OR

3. have spent at least 4 years past high school as an apprentice athletic therapist. College or University graduation required. Required courses are specified.

In addition to one of the foregoing criteria, the applicant must pass a Board selected exam and meet any Board approved regulations.

SECTION 3

AS 08.84.040 amended. Athletic therapists shall apply to the Board for licensing.

SECTION 4

AS. 08.84.060 amended. Board may license athletic therapists from another state or D.C. or territory if requirements are substantially equal to Alaska's.

SECTION 5, AS 08.84.080 Examinations; SEC. 6. AS.08.84.090 Licensure; SEC.7 AS. 08.84.100(a) and SEC. 8, AS. 08.84.100(c) are appropriately amended to add athletic therapists.

SECTION 9

AS 08.84.120 New subsection added: The Board may refuse to license or suspend an applicant who has attempted to practice without a physician's supervision.

SECTION 10

AS 08.84.130: New subsection added: An unlicensed individual who represents himself as a licensed athletic therapist is guilty of a misdemeanor.

SECTION 11

New section added to AS 08.84 "Licensure of Athletic Therapists"
Must be licensed under this chapter to practice unless apprentice
working under a physical therapist.

SECTION 12

AS 08.84.190 amended. New subsection. Define athletic therapist to mean
" a person who practices physical therapy for the prevention of physical
rehabilitation of injuries incurred by participating athletes at an educational
institution, professional athletic organization, or other athletic organization.

Monday Feb 1st - Hour HESS com.

Present Lato, Smith, + Mackes

HB 114

1) Bob Lolo - 1977 was composed of two separate staff.
prev. reduction 50%
Most members favorable.

? Decrease staff - on all levels.

Over lapping terms

Strike language c. p. 1.

Dr. Phil Bach -

* Slopen from Florida
Lectured in Sitka 1981 -

Dr. Katania - diagnostics drugs. continuing ed.
Education - low for back license optometrist -
of det. sect.

Malpractice - decrease in rates for optometrist.
large geographic areas -

↓
primary diagnosis -

? on referrals low in Penn - diagnostic

Oregon journal cases ↔ of no treatment.
Has confirmation of specialist.
Optometrist

Board

opt guild line - is there a written req.

quality medical system

Tool of professions

Why should Alachton be deprived of the
best a professional sys. has to offer.

many new risks - public unaware ???

Always a new medical procedures.

margins

lateral