

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 374

Introduced by Assembly Member Hayashi

February 14, 2011

An act to add Chapter 5.8 (commencing with Section 2697.2) to Division 2 of, and to repeal Section 2697.8 of, the Business and Professions Code, relating to athletic trainers, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 374, as amended, Hayashi. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would, commencing January 1, 2013, provide for the licensure and regulation of athletic trainers, as defined, by an Athletic Trainer Licensing Committee, to be established by the bill within the Medical Board of California. Under the bill, the committee would be comprised of 7 members, as specified, appointed by the Governor, subject to Senate confirmation, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee. The bill would require an applicant for licensure to meet certain educational requirements, pass a specified examination, *hold specified athletic trainer certification*, possess emergency cardiac care certification, and submit an application and pay fees established by the committee. The bill would specify that a license shall be valid for 3 years and is subject to renewal upon the completion of specified requirements including the payment of a renewal fee. The

bill would define the practice of athletic training and prescribe supervision and other requirements on athletic trainers. The bill would create the Athletic Trainers Account, within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would ~~continuously appropriate those funds to the committee for purposes of the act~~ *make those fees available to the committee subject to appropriation by the Legislature.*

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California is one of only three states that does not currently
3 regulate the practice of athletic training. This continued lack of
4 regulation creates the risk that individuals who have lost or are
5 unable to obtain licensure in another state will come to California
6 to practice, thereby putting the public in danger and degrading the
7 standards of the profession as a whole.

8 (b) There is a pressing and immediate need to regulate the
9 profession of athletic training in order to protect the public health,
10 safety, and welfare. This need is particularly important because
11 athletic trainers often work with schoolage children.

12 SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is
13 added to Division 2 of the Business and Professions Code, to read:

14
15 CHAPTER 5.8. ATHLETIC TRAINERS

16
17 2697.2. This chapter shall be known and may be cited as the
18 Athletic Trainers Practice Act.

19 2697.4. For the purposes of this chapter, the following
20 definitions shall apply:

21 (a) "Athletic trainer" means a person who meets the
22 requirements of this chapter and is licensed by the committee.

23 (b) "Board" means the Medical Board of California.

24 (c) "Committee" means the Athletic Trainer Licensing
25 Committee.

26 2697.6. (a) No person shall engage in the practice of athletic
27 training unless licensed pursuant to this chapter.

1 (b) No person shall use the title “athletic trainer,” “licensed
2 athletic trainer,” “certified athletic trainer,” “athletic trainer
3 certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.c.,” or any other variation of
4 these terms, or any other similar terms indicating that the person
5 is an athletic trainer unless that person is licensed pursuant to this
6 chapter.

7 2697.8. (a) There is established an Athletic Trainer Licensing
8 Committee within the Medical Board of California. The committee
9 shall consist of seven members.

10 (b) The seven committee members shall include the following:

11 (1) Four licensed athletic trainers. Initially, the committee shall
12 include four athletic trainers who have satisfied the requirements
13 of subdivision (a) of Section 2697.12 and who will satisfy the
14 remainder of the licensure requirements described in Section
15 2697.12 as soon as it is practically possible.

16 (2) One public member.

17 ~~(3) Two physicians and surgeons licensed by the board or two~~
18 ~~osteopathic physicians and surgeons licensed by the Osteopathic~~
19 ~~Medical Board of California, or one of each.~~

20 *(3) Two licensees, in any combination, chosen from the*
21 *following: physicians and surgeons licensed by the board,*
22 *osteopathic physicians and surgeons licensed by the Osteopathic*
23 *Medical Board of California, or doctors of chiropractic licensed*
24 *by the State Board of Chiropractic Examiners.*

25 (c) Subject to confirmation by the Senate, the Governor shall
26 appoint two of the licensed athletic trainers and the public member.
27 The Senate Committee on Rules and the Speaker of the Assembly
28 shall each appoint a licensed athletic trainer and a physician and
29 surgeon ~~or~~, an osteopathic physician and surgeon, *or a doctor of*
30 *chiropractic* as described in paragraph (3) of subdivision (b).

31 (d) (1) All appointments shall be for a term of four years and
32 shall expire on June 30 of the year in which the term expires.
33 Vacancies shall be filled for any unexpired term.

34 (2) Notwithstanding paragraph (1), for initial appointments
35 made on or after January 1, 2013, the public member appointed
36 by the Governor shall serve a term of one year. Two of the athletic
37 trainers appointed by the Senate Committee on Rules and the
38 Speaker of the Assembly shall serve terms of three years, and the
39 remaining members shall serve terms of four years.

1 (e) Each member of the committee shall receive per diem and
2 expenses as provided in Section 103.

3 (f) This section shall remain in effect only until January 1, 2018,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2018, deletes or extends that date. The
6 repeal of this section renders the committee subject to the review
7 required by Article 7.5 (commencing with Section 9147.7) of the
8 Government Code.

9 2697.10. (a) The committee shall adopt, repeal, and amend
10 regulations as may be necessary to enable it to carry into effect
11 the provisions of this chapter. All regulations shall be in accordance
12 with the provisions of this chapter.

13 (b) In promulgating regulations, the committee may consult the
14 professional standards issued by the National Athletic Trainers’
15 Association, the Board of Certification, Inc., or any other nationally
16 recognized professional association.

17 (c) The committee shall approve programs for the education
18 and training of athletic trainers.

19 (d) Protection of the public shall be the highest priority for the
20 committee in exercising its licensing, regulatory, and disciplinary
21 functions. Whenever the protection of the public is inconsistent
22 with other interests sought to be promoted, the protection of the
23 public shall be paramount.

24 2697.12. The committee shall issue an athletic trainer license
25 to an applicant who meets all of the following requirements:

26 ~~(a) Has submitted an application developed by the committee
27 that includes evidence that the applicant has done either of the
28 following:~~

29 ~~(1) Graduated from a college or university after completing an
30 athletic training education program approved by the committee
31 and accredited by the Commission on Accreditation of Athletic
32 Training Education or its predecessors or successors.~~

33 ~~(2) Completed certification eligibility requirements for an
34 athletic training certification program approved by the committee
35 and available through the Board of Certification, Inc., its
36 predecessors or successors, or another other nationally recognized
37 and accredited athletic training certification agency.~~

38 ~~(b) Has passed an examination approved by the committee, such
39 as the examination offered by the Board of Certification, Inc., its
40 predecessors or successors, or another examination offered by~~

1 ~~another nationally recognized and accredited athletic training~~
2 ~~certification agency.~~

3 (a) *Has submitted an application developed by the committee*
4 *that includes evidence that the applicant has completed athletic*
5 *trainer certification eligibility requirements from an athletic*
6 *training education program at a four-year college or university*
7 *approved by the committee.*

8 (b) *Has passed an athletic training certification examination*
9 *offered by a nationally accredited athletic trainer certification*
10 *agency approved by the committee.*

11 (c) *Holds current athletic training certification from a nationally*
12 *accredited athletic trainer certification agency approved by the*
13 *committee.*

14 (e)

15 (d) Possesses an emergency cardiac care certification from a
16 certification body, approved by the committee, that adheres to the
17 most current international guidelines for cardiopulmonary
18 resuscitation and emergency cardiac care.

19 (d)

20 (e) Has paid the application fee established by the committee.

21 2697.14. A license issued by the committee pursuant to Section
22 2697.12 shall be valid for three years and thereafter shall be subject
23 to the renewal requirements described in Sections 2697.16 and
24 2697.18.

25 2697.16. The committee shall establish license application and
26 renewal fees in an amount sufficient to cover the reasonable
27 regulatory costs of carrying out the provisions of this chapter.

28 2697.18. The committee shall renew a license if an applicant
29 meets all of the following requirements:

30 (a) Pays the renewal fee as established by the committee.

31 (b) Submits proof of satisfactory completion of continuing
32 education, as determined by the committee.

33 (c) Submits proof of current emergency cardiac care certification
34 meeting the requirements of subdivision (c) of Section 2697.12.

35 (d) Demonstrates that his or her license is otherwise in good
36 standing, including, if applicable, that the applicant for renewal

37 ~~satisfies the requirements described in paragraph (2) of subdivision~~
38 ~~(a) of Section 2697.12.~~ *possesses a current, unencumbered*
39 *certification from a nationally accredited athletic trainer*
40 *certification agency approved by the committee.*

1 2697.20. (a) The practice of athletic training is the professional
 2 treatment of a patient for risk management and injury prevention;
 3 the clinical evaluation and assessment of a patient for an injury or
 4 illness ~~or both,~~ *or both*; the immediate care and treatment of a
 5 patient for an injury or illness ~~or both,~~ *or both*; and the
 6 rehabilitation and reconditioning of a patient's injury or illness,
 7 or both. *An athletic trainer shall refer a patient to an appropriate*
 8 *licensed health care provider when the treatment or management*
 9 *of the injury, illness, or condition is not within the scope of practice*
 10 *of an athletic trainer.*

11 (b) *No licensee shall provide, offer to provide, or represent that*
 12 *he or she is qualified to provide any treatment that he or she is*
 13 *not qualified to perform by his or her education, training, or*
 14 *experience, or that he or she is otherwise prohibited by law from*
 15 *performing.*

16 (c) *Nothing in this chapter shall authorize an athletic trainer*
 17 *to perform grade 5 joint mobilizations.*

18 ~~(b)~~

19 (d) An athletic trainer shall render treatment under the direction
 20 of a physician and surgeon licensed by the board ~~or~~, an osteopathic
 21 physician and surgeon licensed by the Osteopathic Medical Board
 22 of California, *or a doctor of chiropractic licensed by the State*
 23 *Board of Chiropractic Examiners* who shall order and oversee the
 24 athletic trainer and shall be responsible for the athletic training
 25 activities performed by the athletic trainer. This direction shall be
 26 provided by verbal order when the directing physician and surgeon
 27 ~~or~~, osteopathic physician and surgeon, *or doctor of chiropractic*
 28 is present and by written order or by athletic training treatment
 29 plans or protocols, to be established by the physician and surgeon,
 30 *osteopathic physician and surgeon, or doctor of chiropractic*, when
 31 the directing physician and surgeon ~~or~~, osteopathic physician and
 32 surgeon, *or doctor of chiropractic* is not present.

33 ~~(e)~~

34 (e) Notwithstanding any other provisions of law and consistent
 35 with the provisions of this chapter, the committee may establish
 36 other alternative mechanisms for the adequate supervision of an
 37 athletic trainer.

38 ~~(d) No licensee shall provide, offer to provide, or represent that~~
 39 ~~he or she is qualified to provide any treatment that he or she is not~~

1 ~~qualified to perform by his or her education, training, or experience~~
2 ~~or that he or she is otherwise prohibited by law from performing~~
3 2697.22. The requirements of this chapter do not apply to ~~an~~
4 ~~athletic~~ *the following:*

5 (a) *An athletic trainer licensed in another state who is in*
6 *California for a limited time temporarily to engage in the practice*
7 *of athletic training for, among other things, an athletic or sport*
8 *sporting event.*

9 (b) *An athletic trainer licensed, certified, or registered in*
10 *another state who is invited by a sponsoring organization, such*
11 *as the United States Olympic Training Center, to temporarily*
12 *provide athletic training services under his or her state's scope of*
13 *practice.*

14 (c) *A student enrolled in an athletic training education program,*
15 *while participating in educational activities under the supervision*
16 *and guidance of an athletic trainer licensed under this chapter.*

17 (d) *A member of the United States Armed Forces, licensed,*
18 *certified, or registered in another state, as part of his or her federal*
19 *employment in California for a limited time.*

20 2697.24. Nothing in this chapter shall be construed to limit,
21 impair, or otherwise apply to the practice of any person licensed
22 and regulated under any other chapter of Division 2 (commencing
23 with Section 500).

24 2697.26. The committee may order the denial of an application
25 for, or the issuance subject to terms and conditions of, or the
26 suspension or revocation of, or the imposition of probationary
27 conditions upon an athletic trainer's license after a hearing for
28 unprofessional conduct that includes, but is not limited to, a
29 violation of this chapter or the regulations adopted by the
30 committee pursuant to this chapter.

31 2697.28. There is established in the Contingent Fund of the
32 Medical Board of California the Athletic Trainers Account. All
33 fees collected pursuant to this chapter shall be paid into the account.
34 ~~Notwithstanding Section 13340 of the Government Code, funds~~
35 ~~in the account shall be continuously appropriated to the committee~~
36 *These fees shall be available to the committee, upon appropriation*
37 *by the Legislature, for the regulatory purpose of carrying out the*
38 *provisions of this chapter.*

1 2697.30. This chapter shall become operative on January 1,
2 2013.

O