

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1273

Introduced by Senator Lowenthal
(Coauthor: Assembly Member Fong)

February 23, 2012

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.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as amended, Lowenthal. 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 ~~State Athletic Commission~~. *Physical Therapy Board of California*. Under the bill, the committee would be comprised of 8 members, as specified, appointed by the Governor, subject to Senate confirmation, *the Physical Therapy Board of California*, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would, except as specified, 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~~ 2 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 State Athletic Commission~~, *Physical Therapy Fund*, would direct the deposit of the application and renewal fees into this account, and would make those fees available to the committee subject to appropriation by the Legislature.

Vote: majority. Appropriation: 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 Physical Therapy~~ Board of
24 California.

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

27 2697.6. (a) No person shall engage in the practice of athletic
28 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 (c) Notwithstanding subdivisions (a) and (b), a person who
8 practiced athletic training in California for a period of ~~seven~~ 15
9 consecutive years prior to January 1, 2013, *and is not eligible for*
10 *an athletic training license* may use the title “athletic trainer”
11 without being licensed by the ~~committee~~ *committee, upon*
12 *registration with the board*. However, on and after January 1, 2016,
13 no person may use the title “athletic trainer” unless he or she is
14 licensed by the committee pursuant to the provisions of this
15 chapter.

16 2697.8. (a) There is established an Athletic Trainer Licensing
17 Committee within the ~~State Athletic Commission~~ *Physical Therapy*
18 *Board of California*. The committee shall consist of eight members.

19 (b) The eight committee members shall include the following:

20 (1) Four licensed athletic trainers. Initially, the committee shall
21 include four athletic trainers who have satisfied the requirements
22 of subdivision (a) of Section 2697.12 and who will satisfy the
23 remainder of the licensure requirements described in Section
24 2697.12 as soon as it is practically possible.

25 (2) One public member.

26 (3) Two licensees, ~~in any combination~~, chosen from the
27 following: physicians and surgeons licensed by the ~~board~~ *Medical*
28 *Board of California* or osteopathic physicians and surgeons
29 licensed by the Osteopathic Medical Board of California.

30 (4) ~~One member from the State Athletic Commission~~ *licensed*
31 *physical therapist*.

32 (c) Subject to confirmation by the Senate, the Governor shall
33 appoint two of the licensed athletic trainers, the public member,
34 and the physicians and surgeons or osteopathic physicians and
35 surgeons as described in paragraph (3) of subdivision (b). The
36 Senate Committee on Rules and the Speaker of the Assembly shall
37 each appoint a licensed athletic trainer. *The Physical Therapy*
38 *Board of California shall appoint the licensed physical therapist*.

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

4 (2) Notwithstanding paragraph (1), for initial appointments
5 made on or after January 1, 2013, the public member appointed
6 by the Governor shall serve a term of one year. ~~Two of the~~ *The*
7 *two* athletic trainers appointed by the Senate Committee on Rules
8 and the Speaker of the Assembly shall serve terms of three years,
9 and the remaining members shall serve terms of four years.

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

12 (f) This section shall remain in effect only until January 1,
13 2018, and as of that date is repealed, unless a later enacted statute,
14 that is enacted before January 1, 2018, deletes or extends that date.
15 The repeal of this section renders the committee subject to the
16 review required by Article 7.5 (commencing with Section 9147.7)
17 of the Government Code.

18 2697.10. (a) The committee shall adopt, repeal, and amend
19 regulations as may be necessary to enable it to carry into effect
20 the provisions of this chapter. All regulations shall be in accordance
21 with the provisions of this chapter.

22 (b) In promulgating regulations, the committee may consult the
23 professional standards issued by the National Athletic Trainers'
24 Association (*NATA*), the *NATA* Board of Certification, Inc., *the*
25 *Commission on Accreditation of Athletic Training Education*, or
26 any other nationally recognized professional—~~association~~.
27 *organization*.

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

30 (d) Protection of the public shall be the highest priority for the
31 committee in exercising its licensing, regulatory, and disciplinary
32 functions. Whenever the protection of the public is inconsistent
33 with other interests sought to be promoted, the protection of the
34 public shall be paramount.

35 2697.12. The committee shall issue an athletic trainer license
36 to an applicant who meets all of the following requirements:

37 (a) Has submitted an application developed by the committee
38 that includes evidence that the applicant has completed athletic
39 trainer certification eligibility requirements from an athletic training

1 education program at a four-year college or university approved
2 by the committee.

3 (b) Has passed an athletic training certification examination
4 offered by *the NATA Board of Certification, Inc., its predecessors*
5 *or successors, or a nationally accredited athletic trainer certification*
6 *agency approved by the committee.*

7 (c) Holds current athletic training certification from *the NATA*
8 *Board of Certification, Inc., its predecessors or successors, or a*
9 *nationally accredited athletic trainer certification agency approved*
10 *by the committee.*

11 (d) Possesses an emergency cardiac care certification from a
12 certification body, approved by the committee, that adheres to the
13 most current international guidelines for cardiopulmonary
14 resuscitation and emergency cardiac care.

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

16 2697.14. A license issued by the committee pursuant to Section
17 2697.12 shall be valid for ~~three~~ *two* years and thereafter shall be
18 subject to the renewal requirements described in Sections 2697.16
19 and 2697.18.

20 2697.16. The committee shall establish license application and
21 renewal fees in an amount sufficient to cover the reasonable
22 regulatory costs of carrying out the provisions of this chapter.

23 2697.18. The committee shall renew a license if an applicant
24 meets all of the following requirements:

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

26 ~~(b) Submits proof of satisfactory completion of continuing~~
27 ~~education, as determined by the committee.~~

28 ~~(c)~~

29 (b) Submits proof of current emergency cardiac care certification
30 meeting the requirements of subdivision ~~(c)~~ (d) of Section 2697.12.

31 ~~(d)~~

32 (c) Demonstrates that his or her license is otherwise in good
33 standing, including, that the applicant for renewal possesses a
34 current, unencumbered certification from *the NATA Board of*
35 *Certification, Inc., its predecessors or successors, or a nationally*
36 *accredited athletic trainer certification agency approved by the*
37 *committee.*

38 2697.20. (a) The practice of athletic training is the professional
39 treatment of a patient for risk management and injury *and illness*
40 prevention; the clinical evaluation and assessment of a patient for

1 an injury or ~~illness~~, *an illness sustained or exacerbated while*
2 *participating in physical activity*, or both; the immediate care and
3 treatment of a patient for an injury or ~~illness~~, *an illness sustained*
4 *or exacerbated while participating in physical activity*, or both;
5 and the rehabilitation and reconditioning of a ~~patient's~~ *patient from*
6 *injury or illness*, or *from an illness sustained or exacerbated while*
7 *participating in physical activity*, or both. An athletic trainer shall
8 refer a patient to an appropriate licensed health care provider when
9 the treatment or management of the injury, illness, or condition ~~is~~
10 *does not fall within the scope of practice education, training, and*
11 *experience* of an athletic trainer.

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

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

18 (d) An athletic trainer shall render treatment *within his or her*
19 *scope of practice* under the direction of a physician and surgeon
20 licensed by the ~~board~~ *Medical Board of California* or an
21 osteopathic physician and surgeon licensed by the Osteopathic
22 Medical Board of California. This direction shall be provided by
23 verbal order when the directing physician and surgeon or
24 osteopathic physician and surgeon is present and by written order
25 or by athletic training treatment plans or protocols, to be established
26 by the physician and surgeon or osteopathic physician and surgeon,
27 when the directing physician and surgeon or osteopathic physician
28 and surgeon is not present.

29 (e) Notwithstanding any other provisions of law and consistent
30 with the provisions of this chapter, the committee may establish
31 other alternative mechanisms for the adequate ~~supervision~~ *direction*
32 of an athletic trainer.

33 2697.22. The requirements of this chapter do not apply to the
34 following:

35 (a) An athletic trainer licensed, *certified, or registered* in another
36 state who is in California temporarily, *traveling with a team or*
37 *organization*, to engage in the practice of athletic training for,
38 among other things, an athletic or sporting event.

39 (b) An athletic trainer licensed, certified, or registered in another
40 state who is invited by a sponsoring organization, such as the

1 United States Olympic ~~Training Center~~ *Committee*, to temporarily
2 provide athletic training services under his or her state's scope of
3 practice.

4 (c) A student enrolled in an athletic training education program,
5 while participating in educational activities *during the course of*
6 *his or her educational rotations* under the supervision and guidance
7 of an athletic trainer licensed under this ~~chapter~~. *chapter or other*
8 *licensed health care provider*.

9 (d) A member *or employee* of the United States Armed Forces,
10 licensed, certified, or registered in another state, as part of his or
11 her *temporary federal deployment or* employment in California
12 for a limited time.

13 2697.24. Nothing in this chapter shall be construed to limit,
14 impair, or otherwise apply to the practice of any person licensed
15 and regulated under any other chapter of Division 2 (commencing
16 with Section 500).

17 2697.26. The committee may order the denial of an application
18 for, or the issuance subject to terms and conditions of, or the
19 suspension or revocation of, or the imposition of probationary
20 conditions upon an athletic trainer's license after a hearing for
21 unprofessional conduct that includes, but is not limited to, a
22 violation of this chapter or the regulations adopted by the
23 committee pursuant to this chapter.

24 2697.28. There is established in the ~~Contingent Fund of the~~
25 ~~State Athletic Commission~~ *Physical Therapy Fund* the Athletic
26 Trainers Account. All fees collected pursuant to this chapter shall
27 be paid into the account. These fees shall be available to the
28 committee, upon appropriation by the Legislature, for the
29 regulatory purpose of carrying out the provisions of this chapter.

30 2697.30. This chapter shall become operative on January 1,
31 2013.