

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1397

Introduced by Senator Lowenthal

February 22, 2006

An act to add Chapter 1.5 (commencing with Section 18500) to Division 8 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1397, as amended, Lowenthal. Athletic trainers: registration.

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

This bill would enact the Athletic Trainers Act. The act would, except as specified, prohibit a person from representing himself or herself as a "certified athletic trainer," "*registered athletic trainer*," "athletic trainer," or a variation of these terms, or from using the designation "ATC," unless he or she is ~~certified~~ *registered* by the *National Athletic Trainers' Association* Board of Certification, Inc., *which is* the nationally recognized body for the certification ~~for~~ of athletic trainers. A violation of this prohibition would be a crime. The bill would require an athletic trainer to meet specified requirements in order to be ~~certified~~ *registered* by the board, and would require the board to perform certain functions ~~with regard to athletic trainers~~ in order to ~~certify~~ *register* athletic trainers in this state.

Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Chapter 1.5 (commencing with Section 18500)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 1.5. ATHLETIC TRAINERS
6

7 18500. This chapter shall be known and may be cited as the
8 Athletic Trainers Act.

9 18501. For purposes of this chapter, the following definitions
10 apply:

11 (a) "Athletic trainer" means a person who holds himself or
12 herself out to the public as an athletic trainer or as a certified *or*
13 *registered* athletic trainer, and who either practices athletic
14 training under the direction of a licensed physician and surgeon
15 or performs athletic training upon the referral of a licensed health
16 care provider.

17 (b) "Athletic training" means the practice of prevention,
18 recognition, assessment, management, treatment, disposition, and
19 rehabilitation of injuries provided under the direction of a
20 licensed physician and surgeon or from the referral of a licensed
21 health care provider. This practice includes, but is not limited to,
22 the use of heat, light, sound, cold, electricity, exercise, soft tissue
23 mobilization, taping, bracing, or mechanical devices related to
24 the care and conditioning of an injury.

25 (c) "Board" means the *National Athletic Trainers' Association*
26 Board of Certification, Inc., which is the nationally recognized
27 body for certification of athletic trainers. The board is a nonprofit
28 organization exempt from taxation under Section 501(c)(6) of
29 Title 26 of the United States Code, and includes a representative
30 of the public on its governing board.

1 (d) “Licensed health care provider” means a licensed
2 physician, physician assistant, osteopathic physician, osteopathic
3 physician assistant, chiropractor, podiatric physician and
4 surgeon, physical therapist, advanced registered nurse
5 practitioner, or other licensed health care provider, ~~as approved~~
6 ~~by the board.~~

7 18502. In order to register athletic trainers pursuant to this
8 chapter, the board shall perform all of the following functions:

9 ~~(a) Prescribe continuing education requirements for~~
10 ~~maintaining certification as an athletic trainer.~~

11 ~~(b)~~

12 (a) Maintain a complete list of athletic trainers ~~certified~~
13 *registered* in the state, including the address of each athletic
14 trainer.

15 ~~(c)~~

16 (b) Make available, upon request, the list of ~~certified~~
17 *registered* athletic trainers in this state.

18 ~~(d)~~

19 (c) Provide a form for ~~certification~~ *registration* as an athletic
20 trainer.

21 ~~(e)~~

22 (d) Comply with the provisions of this chapter.

23 18503. (a) A person shall not represent himself or herself as
24 a “certified athletic trainer,” “athletic trainer,” “*registered*
25 *athletic trainer*,” or other variation of these terms, or use the
26 designation “ATC,” unless he or she is ~~certified~~ *registered* as an
27 athletic trainer by the board pursuant to the provisions of this
28 chapter.

29 (b) Notwithstanding subdivision (a), a person who practiced
30 athletic training in California for a period of five consecutive
31 years prior to January 1, 2007, may use the title “athletic trainer”
32 without being ~~certified~~ *registered* by the board. However, on and
33 after January 1, 2010, no person may use the title “athletic
34 trainer” unless he or she is ~~certified~~ *registered* by the board
35 pursuant to the provisions of this chapter.

36 (c) *A violation of this section is a misdemeanor.*

37 18505. (a) In order to be ~~certified~~ *registered* pursuant to this
38 chapter, an athletic trainer shall apply for ~~certification~~
39 *registration* with the board and shall include with his or her

1 application documentation that establishes that he or she has met
2 all of the following requirements:

3 (1) Graduated from a college or university after completing an
4 athletic training program accredited by the Commission on
5 Accreditation of Athletic Training Education or an athletic
6 training internship program prior to January 1, 2004.

7 (2) Passed a certification examination administered by the
8 board.

9 ~~(3) Possesses either Professional Rescuer + AED Certification
10 from the American Red Cross or BLS Healthcare Provider CPR
11 + AED Certification from the American Heart Association.~~

12 (3) *Possesses Emergency Cardiac Care Certification from a
13 certification body that adheres to the most current international
14 guidelines for cardio pulmonary resuscitation and emergency
15 cardiac care.*

16 (b) The application for ~~certification~~ *registration* shall be made
17 on a form prepared by the board.

18 18506. (a) The board shall ~~grant certification~~ *provide*
19 *registration* as an athletic trainer to an applicant pursuant to this
20 chapter only if he or she complies with ~~all~~ *both* of the following
21 requirements:

22 (1) Submission of an application for ~~certification~~ *registration*
23 that includes the following information:

24 (A) Name.

25 (B) Date of birth.

26 (C) Home address.

27 (D) Employer.

28 (E) Employer's address.

29 (F) Number of his or her certification issued by the board,
30 unless exempt under Section 18504.

31 (2) Payment of an application fee specified by the board.

32 ~~(3) Submission of evidence satisfactory to the board that he or
33 she has not committed any of the acts for which certification may
34 be denied pursuant to Section 480.~~

35 (b) No person may be ~~certified~~ *registered* as an athletic trainer
36 pursuant to this chapter if another state or jurisdiction has
37 revoked or suspended his or her authority to act in that capacity.

38 18507. (a) After initial ~~certification~~ *registration*, in order to
39 remain ~~certified~~ *registered* pursuant to this chapter, an athletic

1 trainer shall apply biennially for ~~certification~~ *registration* with
2 the board.

3 (b) Within 30 days of a change of address or employer, an
4 athletic trainer shall notify the board of his or her new address or
5 employer.

6 18508. Nothing in this chapter shall prohibit, restrict, or
7 require ~~certification~~ *registration* of any of the following:

8 (a) An individual employed by the government of the United
9 States as an athletic trainer while engaged in the performance of
10 duties prescribed by the laws of the United States.

11 (b) A person pursuing a supervised course of study in an
12 accredited or approved athletic training educational program, if
13 the person is designated by a title that clearly indicates student or
14 trainee status.

15 (c) An athletic trainer from another state for purposes of
16 continuing, education, consulting, or performing athletic training
17 services while ~~accompany~~ *accompanying* his or her group,
18 individual, or representatives into California on a temporary basis
19 for no more than 90 days in a calendar year.

20 ~~(d) An elementary, secondary, or postsecondary school~~
21 ~~teacher, educator, coach, or authorized volunteer who does not~~
22 ~~represent himself or herself to the public as an athletic trainer.~~

23 18509. Failure to comply with Section 18503 is a
24 misdemeanor.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the
30 penalty for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition of a
32 crime within the meaning of Section 6 of Article XIII B of the
33 California Constitution.