

AMENDED IN SENATE APRIL 19, 2006

AMENDED IN SENATE APRIL 4, 2006

**SENATE BILL**

**No. 1397**

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**Introduced by Senator Lowenthal**

February 22, 2006

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An act to add Chapter ~~1.5 (commencing with Section 18500)~~ to ~~Division 8~~ 5.8 (commencing with Section 2697) to Division 2 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 *Registration 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 registered by the National Athletic Trainers' Association Board of Certification, Inc., ~~which is the nationally recognized body for the certification of athletic trainers~~ *meets any requirements established by the board, and meets other specified registration requirements*. A violation of this prohibition would be a crime. ~~The bill would require an athletic trainer to meet specified requirements in order to be registered by the board, and would require the board to perform certain functions in order to register athletic trainers in this state. This bill would also make it an unfair business practice for a registered athletic trainer to advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media that he or she is "state~~

*certified” or “state registered” as an athletic trainer or to represent to the public that he or she is so certified or registered as an athletic trainer by the State of California.*

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 5.8 (commencing with Section 2697) is  
2 added to Division 2 of the Business and Professions Code, to  
3 read:

4  
5 CHAPTER 5.8. ATHLETIC TRAINERS

6  
7 2697. This chapter shall be known and may be cited as the  
8 Athletic Trainers Registration Act.

9 2697.1. For purposes of this chapter, “board” means the  
10 National Athletic Trainers’ Association Board of Certification,  
11 Inc.

12 2697.2. (a) On and after July 1, 2007, a person shall not  
13 represent himself or herself as a “certified athletic trainer,”  
14 “athletic trainer,” “registered athletic trainer,” or other  
15 variation of these terms, or use the designation “ATC,” unless he  
16 or she is registered as an athletic trainer by the board pursuant  
17 to the provisions of this chapter.

18 (b) A violation of this section is a misdemeanor.

19 2697.3. (a) In order to be registered pursuant to this chapter,  
20 an athletic trainer shall be certified by the board, meet any other  
21 requirements established by the board, and meet the  
22 requirements of this chapter.

23 (b) An athletic trainer shall apply for registration with the  
24 board no later than the latest of the following dates:

1 (1) July 1, 2007.

2 (2) Upon completion of the certification requirements of the  
3 board.

4 (3) Prior to establishing practice in which he or she represents  
5 himself or herself as an athletic trainer in California.

6 2697.4. (a) After initial registration, in order to remain  
7 registered pursuant to this chapter, an athletic trainer shall  
8 apply biennially for registration with the board.

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

12 2697.5. Nothing in this chapter shall prohibit, restrict, or  
13 require registration of any of the following:

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

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

21 (c) An athletic trainer from another state for purposes of  
22 continuing, education, consulting, or performing athletic training  
23 services while accompanying his or her group, individual, or  
24 representatives into California on a temporary basis for no more  
25 than 90 days in a calendar year.

26 2697.6. It is an unfair business practice for any registered  
27 athletic trainer to advertise or put out any sign or card or other  
28 device, or to represent to the public through any print or  
29 electronic media, that he or she is “state certified” or “state  
30 registered” as an athletic trainer, or to use any other words or  
31 symbols that represent to the public that he or she is so certified  
32 or registered as an athletic trainer by the State of California.

33 SEC. 2. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the  
38 penalty for a crime or infraction, within the meaning of Section  
39 17556 of the Government Code, or changes the definition of a

1 *crime within the meaning of Section 6 of Article XIII B of the*  
 2 *California Constitution.*

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

6  
 7 ~~CHAPTER 1.5. ATHLETIC TRAINERS~~  
 8

9 ~~18500. This chapter shall be known and may be cited as the~~  
 10 ~~Athletic Trainers Act.~~

11 ~~18501. For purposes of this chapter, the following definitions~~  
 12 ~~apply:~~

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

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

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

33 ~~(d) "Licensed health care provider" means a licensed~~  
 34 ~~physician, physician assistant, osteopathic physician, osteopathic~~  
 35 ~~physician assistant, chiropractor, podiatric physician and~~  
 36 ~~surgeon, physical therapist, advanced registered nurse~~  
 37 ~~practitioner, or other licensed health care provider.~~

38 ~~18502. In order to register athletic trainers pursuant to this~~  
 39 ~~chapter, the board shall perform all of the following functions:~~

1 ~~(a) Maintain a complete list of athletic trainers registered in~~  
2 ~~the state, including the address of each athletic trainer.~~

3 ~~(b) Make available, upon request, the list of registered athletic~~  
4 ~~trainers in this state.~~

5 ~~(c) Provide a form for registration as an athletic trainer.~~

6 ~~(d) Comply with the provisions of this chapter.~~

7 ~~18503. (a) A person shall not represent himself or herself as~~  
8 ~~a “certified athletic trainer,” “athletic trainer,” “registered athletic~~  
9 ~~trainer,” or other variation of these terms, or use the designation~~  
10 ~~“ATC,” unless he or she is registered as an athletic trainer by the~~  
11 ~~board pursuant to the provisions of this chapter.~~

12 ~~(b) Notwithstanding subdivision (a), a person who practiced~~  
13 ~~athletic training in California for a period of five consecutive~~  
14 ~~years prior to January 1, 2007, may use the title “athletic trainer”~~  
15 ~~without being registered by the board. However, on and after~~  
16 ~~January 1, 2010, no person may use the title “athletic trainer”~~  
17 ~~unless he or she is registered by the board pursuant to the~~  
18 ~~provisions of this chapter.~~

19 ~~(c) A violation of this section is a misdemeanor.~~

20 ~~18505. (a) In order to be registered pursuant to this chapter,~~  
21 ~~an athletic trainer shall apply for registration with the board and~~  
22 ~~shall include with his or her application documentation that~~  
23 ~~establishes that he or she has met all of the following~~  
24 ~~requirements:~~

25 ~~(1) Graduated from a college or university after completing an~~  
26 ~~athletic training program accredited by the Commission on~~  
27 ~~Accreditation of Athletic Training Education or an athletic~~  
28 ~~training internship program prior to January 1, 2004.~~

29 ~~(2) Passed a certification examination administered by the~~  
30 ~~board.~~

31 ~~(3) Possesses Emergency Cardiac Care Certification from a~~  
32 ~~certification body that adheres to the most current international~~  
33 ~~guidelines for cardio pulmonary resuscitation and emergency~~  
34 ~~cardiac care.~~

35 ~~(b) The application for registration shall be made on a form~~  
36 ~~prepared by the board.~~

37 ~~18506. (a) The board shall provide registration as an athletic~~  
38 ~~trainer to an applicant pursuant to this chapter only if he or she~~  
39 ~~complies with both of the following requirements:~~

1 ~~(1) Submission of an application for registration that includes~~  
2 ~~the following information:~~  
3 ~~(A) Name.~~  
4 ~~(B) Date of birth.~~  
5 ~~(C) Home address.~~  
6 ~~(D) Employer.~~  
7 ~~(E) Employer's address.~~  
8 ~~(F) Number of his or her certification issued by the board,~~  
9 ~~unless exempt under Section 18504.~~  
10 ~~(2) Payment of an application fee specified by the board.~~  
11 ~~(b) No person may be registered as an athletic trainer pursuant~~  
12 ~~to this chapter if another state or jurisdiction has revoked or~~  
13 ~~suspended his or her authority to act in that capacity.~~  
14 ~~18507. (a) After initial registration, in order to remain~~  
15 ~~registered pursuant to this chapter, an athletic trainer shall apply~~  
16 ~~biennially for registration with the board.~~  
17 ~~(b) Within 30 days of a change of address or employer, an~~  
18 ~~athletic trainer shall notify the board of his or her new address or~~  
19 ~~employer.~~  
20 ~~18508. Nothing in this chapter shall prohibit, restrict, or~~  
21 ~~require registration of any of the following:~~  
22 ~~(a) An individual employed by the government of the United~~  
23 ~~States as an athletic trainer while engaged in the performance of~~  
24 ~~duties prescribed by the laws of the United States.~~  
25 ~~(b) A person pursuing a supervised course of study in an~~  
26 ~~accredited or approved athletic training educational program, if~~  
27 ~~the person is designated by a title that clearly indicates student or~~  
28 ~~trainee status.~~  
29 ~~(c) An athletic trainer from another state for purposes of~~  
30 ~~continuing, education, consulting, or performing athletic training~~  
31 ~~services while accompanying his or her group, individual, or~~  
32 ~~representatives into California on a temporary basis for no more~~  
33 ~~than 90 days in a calendar year.~~  
34 ~~18509. Failure to comply with Section 18503 is a~~  
35 ~~misdemeanor.~~  
36 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
37 ~~Section 6 of Article XIII B of the California Constitution because~~  
38 ~~the only costs that may be incurred by a local agency or school~~  
39 ~~district will be incurred because this act creates a new crime or~~  
40 ~~infraction, eliminates a crime or infraction, or changes the~~

1 ~~penalty for a crime or infraction, within the meaning of Section~~  
2 ~~17556 of the Government Code, or changes the definition of a~~  
3 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
4 ~~California Constitution.~~

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