

AMENDED IN SENATE MAY 11, 2006
AMENDED IN SENATE APRIL 19, 2006
AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1397

Introduced by Senator Lowenthal

February 22, 2006

An act to add Chapter 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., meets any requirements established by the board, and meets other specified registration requirements. A violation of this prohibition would be a~~ *crime an athletic training organization, as defined, and provides evidence of successful completion of a certification examination administered by an athletic training certification program. Violations of this provision would be subject to specified penalties, and a 2nd or subsequent violation would be a misdemeanor.* 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 2697.1. *For purposes of this chapter, the following terms*
13 *have the following meanings:*

14 (a) *“Athletic training organization” means a nonprofit*
15 *organization, exempt from taxation under paragraph (b) of*
16 *subsection (c) of Section 501 of Title 26 of the United States*
17 *Code, of certified athletic trainers whose governing board shall*
18 *include representatives of the public.*

19 (b) *“Athletic training certification program” means an*
20 *athletic training certification program recognized by the*
21 *National Commission for Certifying Agencies.*

1 2697.2. (a) On and after July 1, 2007, a person shall not
2 represent himself or herself as a “certified athletic trainer,”
3 “athletic trainer,” “registered athletic trainer,” or other variation
4 of these terms, or use the designation “ATC,” unless he or she is
5 registered as an athletic trainer by ~~the board~~ *an athletic training*
6 *organization* pursuant to the provisions of this chapter.

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

8 2697.3.— (a) ~~In order to be registered pursuant to this chapter,~~
9 ~~an athletic trainer shall be certified by the board, meet any other~~
10 ~~requirements established by the board, and meet the requirements~~
11 ~~of this chapter.~~

12 *(b) A violation of this section shall be subject to the following*
13 *penalties:*

14 *(1) A first violation shall be subject to a warning by the*
15 *athletic training organization.*

16 *(2) A second violation shall be a misdemeanor punishable by*
17 *a fine of up to one thousand dollars (\$1,000).*

18 *(3) A third or subsequent violation shall be a misdemeanor*
19 *punishable by a fine of up to one thousand dollars (\$1,000) and*
20 *imprisonment for not more than six months.*

21 2697.3. (a) *In order to be registered pursuant to this chapter,*
22 *an athletic trainer shall provide evidence of successful*
23 *completion of a certification examination administered by an*
24 *athletic training certification program.*

25 (b) An athletic trainer shall apply for registration with the
26 ~~board~~ *athletic training organization* no later than the latest of the
27 following dates:

28 (1) July 1, 2007.

29 (2) Upon completion of the certification requirements of ~~the~~
30 ~~board~~ *an athletic training certification program.*

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

33 2697.4. (a) After initial registration, in order to remain
34 registered pursuant to this chapter, an athletic trainer shall apply
35 biennially for registration with ~~the board~~ *athletic training*
36 *organization.*

37 (b) Within 30 days of a change of address or employer, an
38 athletic trainer shall notify ~~the board~~ *athletic training*
39 *organization* of his or her new address or employer.

1 2697.5. Nothing in this chapter shall prohibit, restrict, or
2 require registration of any of the following:

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

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

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

15 2697.6. It is an unfair business practice for any registered
16 athletic trainer to advertise or put out any sign or card or other
17 device, or to represent to the public through any print or
18 electronic media, that he or she is “state certified” or “state
19 registered” as an athletic trainer, or to use any other words or
20 symbols that represent to the public that he or she is so certified
21 or registered as an athletic trainer by the State of California.

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