

AMENDED IN ASSEMBLY AUGUST 14, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 27, 2006

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 certification.~~

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 Certification~~ 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~~ *certified* by 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~~ *The bill would also set forth requirements for an athletic trainer to be certified with an athletic training organization pursuant to the act. The 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~~ *Certification Act.*

9 2697.1. For purposes of this chapter, the following terms
 10 have the following meanings:

11 (a) “Athletic training organization” means a nonprofit
 12 ~~organization, exempt from taxation under Section 501(e)(6) of~~
 13 ~~Title 26 of the United States Code, of certified athletic trainers~~
 14 *organization of certified athletic trainers* whose governing board
 15 includes representatives of the public *and which is either of the*
 16 *following:*

1 (1) *Exempt from taxation under Section 501(c)(3) of Title 26*
2 *of the United States Code.*

3 (2) *Exempt from taxation under Section 501(c)(6) of Title 26*
4 *of the United States Code and does not use its funds or revenues*
5 *to carry on propaganda or to otherwise attempt to influence*
6 *legislation or participate in, or intervene in, any political*
7 *campaign on behalf of, or in opposition to, any candidate for*
8 *public office, including the publishing or distributing of*
9 *statements.*

10 (b) “Athletic training certification program” means an athletic
11 training certification program recognized by the National
12 Commission for Certifying Agencies *offered by the athletic*
13 *training organization.*

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

20 (b) A violation of this section shall be subject to the following
21 penalties:

22 (1) A first violation shall be subject to a warning by the
23 athletic training organization.

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

26 (3) A third or subsequent violation shall be a misdemeanor
27 punishable by a fine of up to one thousand dollars (\$1,000) or by
28 imprisonment in the county jail for not more than six months, or
29 by both that fine and imprisonment.

30 2697.3. (a) In order to be ~~registered~~ *certified* pursuant to this
31 chapter, an athletic trainer shall ~~provide evidence of successful~~
32 ~~completion of a certification examination administered by an~~
33 ~~athletic training certification program.~~ *apply for certification with*
34 *an athletic training organization and shall include with his or*
35 *her application documentation that establishes that he or she has*
36 *met all of the following requirements:*

37 (1) *Has graduated from a college or university after*
38 *completing an athletic training program accredited by the*
39 *Commission on Accreditation of Athletic Training Education or*
40 *an athletic training internship program prior to January 1, 2004.*

1 (2) *Has passed a certification examination administered by the*
2 *athletic training certification program.*

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

7 (b) *An athletic trainer shall apply for certification with the*
8 *athletic training organization no later than the latest of the*
9 *following dates:*

10 (1) *July 1, 2007.*

11 (2) *Upon completion of the certification requirements of an*
12 *athletic training organization.*

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

15 2697.4. (a) ~~After initial registration certification,~~ in order to
16 ~~remain registered certified~~ pursuant to this chapter, an athletic
17 trainer shall apply biennially for ~~registration certification~~ with
18 the athletic training organization.

19 (b) Within 30 days of a change of address or employer, an
20 athletic trainer shall notify the athletic training organization of
21 his or her new address or employer.

22 2697.5. Nothing in this chapter shall prohibit, restrict, or
23 ~~require registration certification~~ of any of the following:

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

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

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

36 2697.6. It is an unfair business practice for any ~~registered~~
37 *certified* athletic trainer to advertise or put out any sign or card or
38 other device, or to represent to the public through any print or
39 electronic media, that he or she is “state certified” or “state
40 registered” as an athletic trainer, or to use any other words or

1 symbols that represent to the public that he or she is so certified
2 or registered as an athletic trainer by the State of California.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the
8 penalty for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition of a
10 crime within the meaning of Section 6 of Article XIII B of the
11 California Constitution.

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