

ASSEMBLY BILL

No. 1890

Introduced by Assembly Member Chau

February 19, 2014

An act to add and repeal Chapter 5.8 (commencing with Section 2697.2) of Division 2 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as introduced, Chau. Athletic trainers.

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

This bill would enact the Athletic Training Practice Act which would, until January 1, 2020, provide for the licensure and regulation of athletic trainers, as defined. The bill would establish the Athletic Trainer Licensing Committee within the Osteopathic Medical Board of California to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action. Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms except as specified. Commencing July 1, 2015, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, except as specified. The bill would prohibit, on and after July 1, 2015, in specified cases, and on and after January 1, 2018, in all cases, a person from using the title "athletic trainer," unless the person is licensed by the committee. The bill would specify the requirements for licensure, including the payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe supervision requirements on athletic trainers. The bill would establish

the Athletic Trainers’ Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers Association for purposes of obtaining funds for the startup costs of implementing the act. The bill would require the director to determine that sufficient funds for that purpose have been obtained and to provide notice to the Legislature, the Governor, and on the department’s Internet Web site of the determination, as specified.

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 two states that does not currently
3 regulate the practice of athletic training. This lack of regulation
4 creates the risk that individuals who have lost or are unable to
5 obtain licensure in another state will come to California to practice,
6 thereby putting the public in danger and degrading the standards
7 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 Training Practice Act.

19 2697.4. For the purposes of this chapter, the following
20 definitions apply:

21 (a) “Athletic trainer” means a person who meets the
22 requirements of this chapter, is licensed by the committee, and
23 practices under the direction of a licensed physician or surgeon.

24 (b) “Committee” means the Athletic Trainer Licensing
25 Committee.

1 2697.6. (a) A person shall not engage in the practice of athletic
2 training unless licensed pursuant to this chapter.

3 (b) A person shall not use the title “athletic trainer,” “licensed
4 athletic trainer,” “certified athletic trainer,” “athletic trainer
5 certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.c.,” or any other variation of
6 these terms, or any other similar terms indicating that the person
7 is an athletic trainer unless that person is licensed pursuant to this
8 chapter.

9 (c) Notwithstanding subdivisions (a) and (b), a person who
10 practiced athletic training in California for a period of 15
11 consecutive years prior to July 1, 2015, and is not eligible on that
12 date for an athletic training license may engage in the practice of
13 athletic training and use the title “athletic trainer” without being
14 licensed by the committee, upon registration with the committee.
15 However, on and after January 1, 2018, a person shall not engage
16 in the practice of athletic training or use the title “athletic trainer”
17 unless he or she is licensed by the committee pursuant to this
18 chapter.

19 (d) Subject to Section 2697.34, this section shall become
20 operative on July 1, 2015.

21 2697.8. (a) There is established the Athletic Trainer Licensing
22 Committee within the Osteopathic Medical Board of California.
23 The committee consists of seven members.

24 (b) The seven committee members shall include the following:

25 (1) Four licensed athletic trainers. Initially, the committee shall
26 include four athletic trainers who have satisfied the requirements
27 of subdivision (a) of Section 2697.12 and who will satisfy the
28 remainder of the licensure requirements described in Section
29 2697.12 as soon as it is practically possible.

30 (2) One public member.

31 (3) One physician and surgeon licensed by the Medical Board
32 of California or one osteopathic physician and surgeon licensed
33 by the Osteopathic Medical Board of California.

34 (4) One physical therapist licensed by the Physical Therapy
35 Board of California.

36 (c) Subject to confirmation by the Senate, the Governor shall
37 appoint two of the licensed athletic trainers, the public member,
38 and the physician and surgeon or osteopathic physician and
39 surgeon. The Senate Committee on Rules and the Speaker of the
40 Assembly shall each appoint a licensed athletic trainer. The

1 Physical Therapy Board of California shall appoint the licensed
2 physical therapist.

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

6 (2) Notwithstanding paragraph (1), for initial appointments
7 made on or after January 1, 2015, the public member appointed
8 by the Governor shall serve a term of one year. The athletic trainers
9 appointed by the Senate Committee on Rules and the Speaker of
10 the Assembly shall serve terms of three years, and the remaining
11 members shall serve terms of four years.

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

14 2697.10. (a) The committee shall adopt, repeal, and amend
15 regulations as may be necessary to enable it to carry into effect
16 the provisions of this chapter. All regulations shall be in accordance
17 with this chapter.

18 (b) In promulgating regulations, the committee may consult the
19 professional standards issued by the National Athletic Trainers
20 Association, the Board of Certification, Inc., the Commission on
21 Accreditation of Athletic Training Education, or any other
22 nationally recognized professional organization.

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

25 (d) The committee shall investigate each applicant, before a
26 license is issued, in order to determine whether the applicant meets
27 the qualifications required by this chapter.

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

33 2697.12. Except as otherwise provided in this chapter, the
34 committee shall issue an athletic training license to an applicant
35 who meets all of the following requirements:

36 (a) Has submitted an application developed by the committee
37 that includes evidence that the applicant has graduated from a
38 professional degree program in athletic training accredited by the
39 Commission on Accreditation of Athletic Training Education, or
40 its predecessors or successors, and approved by the committee, at

1 an accredited postsecondary institution or institutions approved
2 by the committee. The professional degree program shall consist
3 of didactic, clinical, and research experiences in athletic training
4 using critical thinking and weighing of evidence.

5 (b) Has passed an athletic training certification examination
6 offered by the Board of Certification, Inc., its predecessors or
7 successors, or another nationally accredited athletic trainer
8 certification agency approved and recognized by the committee.

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

13 (d) Has paid the application fee established by the committee.

14 2697.14. Notwithstanding Section 2697.12, the committee
15 shall issue an athletic training license to an applicant who did not
16 graduate from an accredited athletic training education program
17 as described in subdivision (a) of Section 2697.12, but who
18 received athletic training via an internship, if the applicant meets
19 all of the following requirements:

20 (a) Furnishes evidence satisfactory to the committee of
21 completion of a degree at an accredited postsecondary institution
22 that included instruction in basic sciences related to, and on the
23 practice of, athletic training.

24 (b) Passes the examination described in subdivision (b) of
25 Section 2697.12.

26 (c) Completes at least 1,500 hours of clinical experience under
27 an athletic trainer certified by the Board of Certification, Inc.

28 (d) Possesses an emergency cardiac care certification from a
29 certification body, approved by the committee, that adheres to the
30 most current international guidelines for cardiopulmonary
31 resuscitation and emergency cardiac care.

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

33 2697.16. A license issued by the committee pursuant to Section
34 2697.12 or 2697.14 is valid for two years and thereafter is subject
35 to the renewal requirements described in Sections 2697.18 and
36 2697.20.

37 2697.18. The committee shall establish license application and
38 renewal fees in an amount sufficient to cover the reasonable
39 regulatory costs of carrying out this chapter.

1 2697.20. The committee shall renew a license if an applicant
2 meets all of the following requirements:

- 3 (a) Pays the renewal fee as established by the committee.
- 4 (b) Submits proof of all of the following:
 - 5 (1) Satisfactory completion of continuing education, as
 - 6 determined by the committee.
 - 7 (2) Current athletic training certification from a certification
 - 8 body approved by the committee, including, but not limited to, the
 - 9 Board of Certification, Inc., or its predecessors or successors.
 - 10 (3) Current emergency cardiac care certification meeting the
 - 11 requirements of subdivision (d) of Section 2697.12.

12 2697.21. (a) The committee may deny a license or the renewal
13 of a license for an applicant or licensee who is described by any
14 of the following:

- 15 (1) Does not meet the requirements of this chapter.
- 16 (2) Has had an athletic training license, certification, or
- 17 registration revoked or suspended by an accredited organization,
- 18 state, or territory.
- 19 (3) Has been convicted of a felony or any other crime that
- 20 substantially relates to the functions or duties of an athletic trainer.
- 21 (4) Has committed unprofessional conduct, as described in
- 22 subdivision (b).

23 (b) The committee may order any of the following actions
24 relative to an athletic training license after a hearing for
25 unprofessional conduct, which includes, but is not limited to, a
26 violation of this chapter, any regulation adopted by the committee
27 pursuant to this chapter, and revocation or suspension of an athletic
28 training license, certification, or registration by an accredited
29 organization, state, or territory:

- 30 (1) Issuance of the athletic training license subject to terms and
- 31 conditions.
- 32 (2) Suspension or revocation of the athletic training license.
- 33 (3) Imposition of probationary conditions upon the athletic
- 34 training license.

35 2697.22. (a) The practice of athletic training includes all of
36 the following:

- 37 (1) Risk management and injury or illness prevention.
- 38 (2) The clinical evaluation and assessment of an injury or an
- 39 illness sustained or exacerbated while participating in physical
- 40 activity, or both.

1 (3) The immediate care and treatment of an injury or an illness
2 sustained or exacerbated while participating in physical activity,
3 or both.

4 (4) The rehabilitation and reconditioning from an injury or an
5 illness sustained or exacerbated while participating in physical
6 activity, or both.

7 (b) The practice of athletic training does not include the practice
8 of physical therapy, the practice of medicine, the practice of
9 osteopathic medicine, the practice of chiropractic medicine, the
10 practice of nursing, or medical diagnosis or treatment.

11 (c) An athletic trainer shall refer a patient to an appropriate
12 licensed health care provider when the treatment or management
13 of the injury, illness, or condition does not fall within the practice
14 of athletic training.

15 (d) An athletic trainer shall not provide, offer to provide, or
16 represent that he or she is qualified to provide any treatment that
17 he or she is not qualified to perform by his or her education,
18 training, or experience, or that he or she is otherwise prohibited
19 by law from performing.

20 (e) For purposes of this section, “injury” or “illness” means an
21 injury or illness sustained as a result of, or exacerbated by,
22 participation in athletics or physical activity for which the athletic
23 trainer has had formal training during his or her professional
24 education program, including nationally recognized educational
25 competencies and clinical proficiencies for the entry-level athletic
26 trainer or advanced postprofessional study, and falls within the
27 practice of athletic training.

28 (f) Subject to Section 2697.34, this section shall become
29 operative on July 1, 2015.

30 2697.24. (a) An athletic trainer shall render treatment within
31 his or her scope of practice under the direction of a physician and
32 surgeon licensed by the Medical Board of California or an
33 osteopathic physician and surgeon licensed by the Osteopathic
34 Medical Board of California. This direction shall be provided by
35 verbal order when the directing physician and surgeon or
36 osteopathic physician and surgeon is present and by written order
37 or by athletic training treatment plans or protocols, to be established
38 by the physician and surgeon or osteopathic physician and surgeon,
39 when the directing physician and surgeon or osteopathic physician
40 and surgeon is not present.

1 (b) Notwithstanding any other law, and consistent with this
2 chapter, the committee may establish other alternative mechanisms
3 for the adequate direction of an athletic trainer.

4 (c) Subject to Section 2697.34, this section shall become
5 operative on July 1, 2015.

6 2697.26. The requirements of this chapter do not apply to the
7 following:

8 (a) An athletic trainer licensed, certified, or registered in another
9 state or country who is in California temporarily, traveling with a
10 team or organization, to engage in the practice of athletic training
11 for, among other things, an athletic or sporting event.

12 (b) An athletic trainer licensed, certified, or registered in another
13 state who is invited by a sponsoring organization, such as the
14 United States Olympic Committee, to temporarily provide athletic
15 training services under his or her state's scope of practice for
16 athletic training.

17 (c) A student enrolled in an athletic training education program,
18 while participating in educational activities during the course of
19 his or her educational rotations under the supervision and guidance
20 of an athletic trainer licensed under this chapter or other licensed
21 health care provider.

22 (d) A member or employee of the United States Armed Forces,
23 licensed, certified, or registered in another state, as part of his or
24 her temporary federal deployment or employment in California
25 for a limited time.

26 2697.28. This chapter does not limit, impair, or otherwise apply
27 to the practice of any person licensed and regulated under any
28 other chapter of Division 2 (commencing with Section 500).

29 2697.30. This chapter does not require new or additional
30 third-party reimbursement for services rendered by an individual
31 licensed under this chapter.

32 2697.32. The Athletic Trainers' Fund is hereby established.
33 All fees collected pursuant to this chapter shall be paid into the
34 fund. These fees shall be available to the committee, upon
35 appropriation by the Legislature, for the regulatory purpose of
36 implementing this chapter.

37 2697.34. (a) Notwithstanding any other law, including Section
38 11005 of the Government Code, the Director of Consumer Affairs
39 may seek and receive funds from the California Athletic Trainers
40 Association for the initial costs of implementing this chapter.

1 (b) This chapter shall not become operative unless the director
2 determines, on or before January 1, 2015, that sufficient funds to
3 pay for the initial costs of this chapter have been received from
4 the California Athletic Trainers Association, or some other source
5 of funding, and the funds are deposited in the Athletic Trainers'
6 Fund.

7 (c) The director shall provide written notification to the
8 Legislature and the Governor when the determination described
9 in subdivision (b) has been made, and shall concurrently post a
10 notice on the Department of Consumer Affairs Internet Web site
11 that the determination has been made.

12 (d) A failure of the director to comply with subdivision (c) shall
13 not affect the validity of a determination made pursuant to
14 subdivision (b).

15 2697.36. This chapter shall remain in effect only until January
16 1, 2020, and as of that date is repealed, unless a later enacted
17 statute, that is enacted before January 1, 2020, deletes or extends
18 that date.

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