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**SENATE BILL 5858**

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**State of Washington                      55th Legislature                      1997 Regular Session**

**By Senators Roach, Heavey, Wood, Schow and Finkbeiner**

Read first time 02/17/97. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to athletic trainers; amending RCW 7.70.020;  
2 reenacting and amending RCW 18.130.040; and adding a new chapter to  
3 Title 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** This act may be known and cited as the  
6 Washington athletic trainer's act.

7            NEW SECTION.    **Sec. 2.** The legislature finds it necessary to  
8 regulate the practice of athletic training at the level of  
9 certification in order to establish professional standards of  
10 competence and conduct which assures the public health and safety.

11           NEW SECTION.    **Sec. 3.** Unless the context clearly requires  
12 otherwise, the definitions in this section apply throughout this  
13 chapter.

14           (1) "Athletic injury" means an injury sustained by a person as a  
15 result of that person's participation in sports, games, recreation,  
16 exercise, or skill activities utilizing physical strength, flexibility,  
17 agility, range of motion, speed, or stamina.

1 (2) "Athletic trainer" means a person who practices athletic  
2 training as defined in this section.

3 (3) "Athletic training" means the practice of prevention,  
4 recognition, evaluation, management, disposition, treatment,  
5 rehabilitation, physical conditioning, or physical reconditioning of  
6 athletic injuries under the direction of an authorized health care  
7 practitioner and including the use of physical modalities defined in  
8 this section.

9 (4) "Authorized health care practitioner" means physicians,  
10 osteopathic physicians, naturopaths, podiatric physicians and surgeons,  
11 dentists, and, in clinical settings, physical therapists and  
12 occupational therapists.

13 (5) "Department" means the department of health.

14 (6) "Physical modalities" means the use of physical, chemical,  
15 electrical, and other noninvasive modalities including, but not limited  
16 to heat, cold, air, light, water in any of its forms, sound, massage,  
17 and therapeutic exercise.

18 (7) "Secretary" means the secretary of health or the secretary's  
19 designee.

20 NEW SECTION. **Sec. 4.** No person may represent oneself as a  
21 certified athletic trainer nor use any title or description of services  
22 that includes the words certified athletic trainer or training without  
23 applying for certification, meeting the required qualifications  
24 specified in this chapter, and being certified by the department.

25 NEW SECTION. **Sec. 5.** (1) The secretary shall issue a certificate  
26 to any applicant who demonstrates to the secretary's satisfaction that  
27 the following requirements have been met:

28 (a) The applicant is at least eighteen years of age;

29 (b) The applicant has graduated with a baccalaureate or  
30 postgraduate degree from an educational program with an athletic  
31 training curriculum recommended by the secretary;

32 (c) The applicant has successfully completed an approved  
33 examination. The examination must test the applicant's knowledge of  
34 the basic and clinical sciences relative to athletic training theory  
35 and practice, including professional skills and judgment in the  
36 utilization of techniques and methods; and

37 (d) The applicant has paid any required fee.

1 (2) The secretary shall establish by rule what constitutes adequate  
2 proof of meeting the requirements in subsection (1) of this section.

3 (3) Applicants are subject to the grounds for denial of a  
4 certificate or issuance of a conditional certificate under chapter  
5 18.130 RCW.

6 NEW SECTION. **Sec. 6.** The secretary shall establish by rule the  
7 standards and procedures for approval of educational programs in  
8 athletic training. The secretary may utilize or contract with  
9 individuals or organizations having expertise in the profession or in  
10 education to assist in the evaluations. The secretary must establish  
11 by rule the standards and procedures for revocation of approval of  
12 education programs. The standards and procedures set must apply  
13 equally to educational programs in the United States and in foreign  
14 jurisdictions. The secretary may establish a fee for educational  
15 program evaluations.

16 NEW SECTION. **Sec. 7.** (1) The secretary shall establish the date  
17 and location of examinations. Applicants who have been found by the  
18 secretary to meet the other requirements for certification must be  
19 scheduled for the next examination following the filing of the  
20 application. The secretary shall establish by rule the examination  
21 application deadline.

22 (2) The secretary or the secretary's designees shall examine each  
23 applicant, by means determined most effective, on subjects appropriate  
24 to the scope of practice, as applicable. The examinations must be  
25 limited to the purpose of determining whether the applicant possesses  
26 the minimum skill and knowledge necessary to practice competently.

27 (3) The examination papers, all grading of the papers, and the  
28 grading of any practical work must be preserved for a period of not  
29 less than one year after the secretary has made and published the  
30 decisions. All examinations must be conducted under fair and wholly  
31 impartial methods.

32 (4) Any applicant failing to make the required grade in the first  
33 examination may take up to three subsequent examinations as the  
34 applicant desires upon prepaying a fee determined by the secretary  
35 under RCW 43.70.250 for each subsequent examination. Upon failing four  
36 examinations, the secretary may invalidate the original application and

1 require remedial education before the person may take future  
2 examinations.

3 (5) The secretary may approve an examination prepared or  
4 administered by a private testing agency or association of licensing  
5 agencies for use by an applicant in meeting the credentialing  
6 requirements.

7 NEW SECTION. **Sec. 8.** Applications for credentialing must be  
8 submitted on forms provided by the secretary. The secretary may  
9 require any information and documentation that reasonably relates to  
10 the need to determine whether the applicant meets the criteria for  
11 credentialing provided for in this chapter and chapter 18.130 RCW.  
12 Each applicant must pay a fee determined by the secretary under RCW  
13 43.70.250. The fee must accompany the application.

14 NEW SECTION. **Sec. 9.** The secretary shall waive the examination  
15 and credential a person authorized to practice within the state of  
16 Washington if the secretary determines that the person meets commonly  
17 accepted standards of education and experience for the profession.  
18 This section applies only to those individuals who file an application  
19 for waiver within one year of the establishment of the authorized  
20 practice.

21 NEW SECTION. **Sec. 10.** In addition to any other authority provided  
22 by law, the secretary may:

23 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
24 chapter;

25 (2) Establish all credentialing, examination, and renewal fees in  
26 accordance with RCW 43.70.250;

27 (3) Establish forms and procedures necessary to administer this  
28 chapter;

29 (4) Register any applicants, and to issue certificates to  
30 applicants who have met the education, training, and examination  
31 requirements for certification and to deny a credential to applicants  
32 who do not meet the minimum qualifications, except that proceedings  
33 concerning the denial of certification based upon unprofessional  
34 conduct or impairment shall be governed by the uniform disciplinary  
35 act, chapter 18.130 RCW;

1 (5) Hire clerical, administrative, investigative, and other staff  
2 as needed to implement this chapter, and hire individuals certified  
3 under this chapter to serve as examiners for any practical  
4 examinations;

5 (6) Determine minimum education requirements and evaluate and  
6 designate those educational programs from which graduation will be  
7 accepted as proof of eligibility to take a qualifying examination for  
8 applicants for certification;

9 (7) Prepare, grade, and administer, or determine the nature of, and  
10 supervise the grading and administration of, examinations for  
11 applicants for certification;

12 (8) Determine whether alternative methods of training are  
13 equivalent to formal education, and establish forms, procedures, and  
14 criteria for evaluation of an applicant's alternative training to  
15 determine the applicant's eligibility to take any qualifying  
16 examination;

17 (9) Determine which states have certification requirements  
18 equivalent to those of this state, and issue certification to  
19 individuals credentialed in those states without examinations;

20 (10) Define and approve any experience requirement for  
21 certification;

22 (11) Implement and administer a program for consumer education;

23 (12) Adopt rules implementing a continuing competency program;

24 (13) Maintain the official department record of all applicants and  
25 persons credentialed under this chapter; and

26 (14) Establish by rule the procedures for an appeal of an  
27 examination failure.

28 The secretary shall consult with representative athletic trainer  
29 organizations in implementing this chapter and in the adoption of any  
30 rules. The consultation may take the form of an ad hoc committee.

31 NEW SECTION. **Sec. 11.** The secretary must keep an official record  
32 of all proceedings. A part of the record must consist of a register of  
33 all applicants for credentialing under this chapter and the results of  
34 each application.

35 NEW SECTION. **Sec. 12.** An applicant holding a credential in  
36 another state may be credentialed to practice in this state without  
37 examination if the secretary determines that the other state's

1 credentialing standards are substantially equivalent to the standards  
2 in this state.

3 NEW SECTION. **Sec. 13.** The secretary shall establish by rule the  
4 procedural requirements and fees for renewal of a credential. Failure  
5 to renew shall invalidate the credential and all privileges granted by  
6 the credential. If a certificate has lapsed for a period longer than  
7 three years, the person shall demonstrate competence to the  
8 satisfaction of the secretary by taking continuing education courses,  
9 or meeting other standards determined by the secretary.

10 NEW SECTION. **Sec. 14.** The uniform disciplinary act, chapter  
11 18.130 RCW, governs the issuance and denial of certification,  
12 uncertified and unauthorized practice, and the discipline of persons  
13 certified under this chapter. The secretary shall be the disciplining  
14 authority under this chapter.

15 NEW SECTION. **Sec. 15.** (1) The provisions of this chapter relating  
16 to the regulating of athletic trainers are exclusive. A governmental  
17 subdivision of this state may not enact a law or rule regulating  
18 athletic trainers, except as provided in subsections (2) and (3) of  
19 this section.

20 (2) This section does not prevent a political subdivision of this  
21 state from levying a business fee, business and occupation tax, or  
22 other tax upon athletic trainers, if the fee or tax is levied by the  
23 state on other types of businesses within its boundaries.

24 (3) This section does not prevent this state or a political  
25 subdivision of this state from regulating athletic trainers with  
26 respect to activities that are not regulated under this chapter.

27 **Sec. 16.** RCW 18.130.040 and 1996 c 200 s 32 and 1996 c 81 s 5 are  
28 each reenacted and amended to read as follows:

29 (1) This chapter applies only to the secretary and the boards and  
30 commissions having jurisdiction in relation to the professions licensed  
31 under the chapters specified in this section. This chapter does not  
32 apply to any business or profession not licensed under the chapters  
33 specified in this section.

34 (2)(a) The secretary has authority under this chapter in relation  
35 to the following professions:

1 (i) Dispensing opticians licensed under chapter 18.34 RCW;  
2 (ii) Naturopaths licensed under chapter 18.36A RCW;  
3 (iii) Midwives licensed under chapter 18.50 RCW;  
4 (iv) Ocularists licensed under chapter 18.55 RCW;  
5 (v) Massage operators and businesses licensed under chapter 18.108  
6 RCW;  
7 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
8 (vii) Acupuncturists licensed under chapter 18.06 RCW;  
9 (viii) Radiologic technologists certified and X-ray technicians  
10 registered under chapter 18.84 RCW;  
11 (ix) Respiratory care practitioners certified under chapter 18.89  
12 RCW;  
13 (x) Persons registered or certified under chapter 18.19 RCW;  
14 (xi) Persons registered as nursing pool operators under chapter  
15 18.52C RCW;  
16 (xii) Nursing assistants registered or certified under chapter  
17 18.79 RCW;  
18 (xiii) Health care assistants certified under chapter 18.135 RCW;  
19 (xiv) Dietitians and nutritionists certified under chapter 18.138  
20 RCW;  
21 (xv) Sex offender treatment providers certified under chapter  
22 18.155 RCW;  
23 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW  
24 18.71.205;  
25 (xvii) Persons registered as adult family home providers and  
26 resident managers under RCW 18.48.020; (~~and~~)  
27 (xviii) Denturists licensed under chapter 18.30 RCW; and  
28 (xix) Athletic trainers certified under chapter 18.-- RCW (sections  
29 1 through 15 of this act).  
30 (b) The boards and commissions having authority under this chapter  
31 are as follows:  
32 (i) The podiatric medical board as established in chapter 18.22  
33 RCW;  
34 (ii) The chiropractic quality assurance commission as established  
35 in chapter 18.25 RCW;  
36 (iii) The dental quality assurance commission as established in  
37 chapter 18.32 RCW;  
38 (iv) The board of hearing and speech as established in chapter  
39 18.35 RCW;

1 (v) The board of examiners for nursing home administrators as  
2 established in chapter 18.52 RCW;

3 (vi) The optometry board as established in chapter 18.54 RCW  
4 governing licenses issued under chapter 18.53 RCW;

5 (vii) The board of osteopathic medicine and surgery as established  
6 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
7 18.57A RCW;

8 (viii) The board of pharmacy as established in chapter 18.64 RCW  
9 governing licenses issued under chapters 18.64 and 18.64A RCW;

10 (ix) The medical quality assurance commission as established in  
11 chapter 18.71 RCW governing licenses and registrations issued under  
12 chapters 18.71 and 18.71A RCW;

13 (x) The board of physical therapy as established in chapter 18.74  
14 RCW;

15 (xi) The board of occupational therapy practice as established in  
16 chapter 18.59 RCW;

17 (xii) The nursing care quality assurance commission as established  
18 in chapter 18.79 RCW governing licenses issued under that chapter;

19 (xiii) The examining board of psychology and its disciplinary  
20 committee as established in chapter 18.83 RCW; and

21 (xiv) The veterinary board of governors as established in chapter  
22 18.92 RCW.

23 (3) In addition to the authority to discipline license holders, the  
24 disciplining authority has the authority to grant or deny licenses  
25 based on the conditions and criteria established in this chapter and  
26 the chapters specified in subsection (2) of this section. This chapter  
27 also governs any investigation, hearing, or proceeding relating to  
28 denial of licensure or issuance of a license conditioned on the  
29 applicant's compliance with an order entered pursuant to RCW 18.130.160  
30 by the disciplining authority.

31 (4) All disciplining authorities shall adopt procedures to ensure  
32 substantially consistent application of this chapter, the Uniform  
33 Disciplinary Act, among the disciplining authorities listed in  
34 subsection (2) of this section.

35 **Sec. 17.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read  
36 as follows:

37 As used in this chapter "health care provider" means either:

1 (1) A person licensed by this state to provide health care or  
2 related services, including, but not limited to, a licensed  
3 acupuncturist, a physician, osteopathic physician, dentist, nurse,  
4 optometrist, podiatric physician and surgeon, chiropractor, physical  
5 therapist, psychologist, pharmacist, optician, physician's assistant,  
6 midwife, osteopathic physician's assistant, nurse practitioner, ((or))  
7 physician's trained mobile intensive care paramedic, or athletic  
8 trainer, including, in the event such person is deceased, his or her  
9 estate or personal representative;

10 (2) An employee or agent of a person described in part (1) above,  
11 acting in the course and scope of his employment, including, in the  
12 event such employee or agent is deceased, his or her estate or personal  
13 representative; or

14 (3) An entity, whether or not incorporated, facility, or  
15 institution employing one or more persons described in part (1) above,  
16 including, but not limited to, a hospital, clinic, health maintenance  
17 organization, or nursing home; or an officer, director, employee, or  
18 agent thereof acting in the course and scope of his or her employment,  
19 including in the event such officer, director, employee, or agent is  
20 deceased, his or her estate or personal representative.

21 NEW SECTION. **Sec. 18.** Sections 1 through 15 of this act shall  
22 constitute a new chapter in Title 18 RCW.

23 NEW SECTION. **Sec. 19.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

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