

2 **SSB 5598** - S AMD 059

3 By Senators Shin, Deccio, Thibaudeau and Rasmussen

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that registration of
8 athletic trainers is in the interest of the public health, safety, and
9 welfare.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

12 (1) "Athletic injury" means an injury sustained by a person as a
13 result of that person's participation in sports, games, or related
14 skill activities.

15 (2) "Athletic trainer" means a person who practices athletic
16 training.

17 (3) "Athletic training" means the practice of prevention,
18 recognition, evaluation, management, disposition, treatment,
19 rehabilitation, physical conditioning, or physical reconditioning of
20 athletic injuries.

21 (4) "Department" means the department of health.

22 (5) "Secretary" means the secretary of health or the secretary's
23 designee.

24 NEW SECTION. **Sec. 3.** No person may represent himself or herself
25 as an athletic trainer by use of any title or description without being
26 registered by the department under the provisions of this chapter.

27 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed to
28 prohibit or restrict:

29 (1) The practice of an individual licensed, certified, or
30 registered under the laws of this state and performing services within
31 his or her authorized scope of practice;

1 (2) The practice by an individual employed by the government of the
2 United States while engaged in the performance of duties prescribed by
3 the laws of the United States; or

4 (3) The practice by a person who is a regular student in an
5 educational program approved by the secretary, and whose performance of
6 services is pursuant to a regular course of instruction or assignments
7 from an instructor and under the general supervision of the instructor.

8 NEW SECTION. **Sec. 5.** In addition to any other authority provided
9 by law, the secretary has the authority to:

10 (1) Adopt rules under chapter 34.05 RCW as required to implement
11 this chapter;

12 (2) Establish all registration and renewal fees in accordance with
13 RCW 43.70.250;

14 (3) Establish forms and procedures necessary to administer this
15 chapter;

16 (4) Register an applicant or deny registration based upon
17 unprofessional conduct or impairment governed by the uniform
18 disciplinary act, chapter 18.130 RCW;

19 (5) Hire clerical, administrative, investigative, and other staff
20 as needed to implement this chapter; and

21 (6) Maintain the official department record of all applicants and
22 persons with registrations.

23 NEW SECTION. **Sec. 6.** An applicant shall identify the name and
24 address of the applicant and other information required by the
25 secretary necessary to establish whether there are grounds for denial
26 of a registration or conditional registration under chapter 18.130 RCW.

27 NEW SECTION. **Sec. 7.** The secretary shall register an applicant on
28 forms provided by the secretary. Each applicant shall pay a fee
29 determined by the secretary under RCW 43.70.250. The fee must
30 accompany the application.

31 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the
32 procedural requirements and fees for renewal of registration. Failure
33 to renew invalidates the registration and all privileges granted by the
34 registration.

1 NEW SECTION. **Sec. 9.** The uniform disciplinary act, chapter 18.130
2 RCW, governs the issuance and denial of registration, uncertified and
3 unauthorized practice, and the discipline of persons registered under
4 this chapter. The secretary is the disciplining authority under this
5 chapter.

6 NEW SECTION. **Sec. 10.** (1) The provisions of this chapter relating
7 to the regulation of athletic trainers are exclusive. A governmental
8 subdivision of this state may not enact a law or rule regulating
9 athletic trainers, except as provided in subsections (2) and (3) of
10 this section.

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

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

18 **Sec. 11.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to
19 read as follows:

20 (1) This chapter applies only to the secretary and the boards and
21 commissions having jurisdiction in relation to the professions licensed
22 under the chapters specified in this section. This chapter does not
23 apply to any business or profession not licensed under the chapters
24 specified in this section.

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

- 27 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 28 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 29 (iii) Midwives licensed under chapter 18.50 RCW;
- 30 (iv) Ocularists licensed under chapter 18.55 RCW;
- 31 (v) Massage operators and businesses licensed under chapter 18.108
32 RCW;
- 33 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 34 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 35 (viii) Radiologic technologists certified and X-ray technicians
36 registered under chapter 18.84 RCW;

1 (ix) Respiratory care practitioners licensed under chapter 18.89
2 RCW;

3 (x) Persons registered or certified under chapter 18.19 RCW;

4 (xi) Persons registered as nursing pool operators under chapter
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified under chapter
7 18.88A RCW;

8 (xiii) Health care assistants certified under chapter 18.135 RCW;

9 (xiv) Dietitians and nutritionists certified under chapter 18.138
10 RCW;

11 (xv) Chemical dependency professionals certified under chapter
12 18.205 RCW;

13 (xvi) Sex offender treatment providers certified under chapter
14 18.155 RCW;

15 (xvii) Persons licensed and certified under chapter 18.73 RCW or
16 RCW 18.71.205;

17 (xviii) Persons registered as adult family home providers and
18 resident managers under RCW 18.48.020;

19 (xix) Denturists licensed under chapter 18.30 RCW;

20 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
21 (~~and~~)

22 (xxi) Surgical technologists registered under chapter 18.215 RCW;
23 and

24 (xxii) Athletic trainers registered under chapter 18.-- RCW
25 (sections 1 through 10 of this act).

26 (b) The boards and commissions having authority under this chapter
27 are as follows:

28 (i) The podiatric medical board as established in chapter 18.22
29 RCW;

30 (ii) The chiropractic quality assurance commission as established
31 in chapter 18.25 RCW;

32 (iii) The dental quality assurance commission as established in
33 chapter 18.32 RCW;

34 (iv) The board of hearing and speech as established in chapter
35 18.35 RCW;

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

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

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

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

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

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

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

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

17 (xiv) The veterinary board of governors as established in chapter
18 18.92 RCW.

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

27 (4) All disciplining authorities shall adopt procedures to ensure
28 substantially consistent application of this chapter, the Uniform
29 Disciplinary Act, among the disciplining authorities listed in
30 subsection (2) of this section.

31 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act
32 constitute a new chapter in Title 18 RCW."

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4 On page 1, line 1 of the title, after "trainers;" strike the
5 remainder of the title and insert "amending RCW 18.130.040; and adding
6 a new chapter to Title 18 RCW."

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