
HOUSE BILL 1459

State of Washington

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By Representatives Heavey, Wood, Lisk, G. Cole, Appelwick, Jacobsen, Basich, Ludwig, Morton, Dunshee, Grant, Thibaudeau, Franklin, R. Johnson, Brumsickle, Springer, Orr, Cooke, Veloria, Flemming, Dyer, Quall, Chandler, Dellwo, Ballasiotes, Pruitt, Karahalios, J. Kohl, Eide and Finkbeiner

Read first time 01/29/93. Referred to Committee on Commerce & Labor.

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

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 license the practice of athletic training and to establish standards of
9 competence and conduct in order to protect the public health and
10 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) "Athlete" means a person involved in sports, games, recreation,
15 exercise, or skill activities utilizing physical strength, flexibility,
16 agility, range of motion, speed, or stamina.

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

5 (3) "Athletic trainer" means a sports injury specialist who
6 practices athletic training as defined in this chapter under the
7 direction of an authorized health care practitioner through the
8 prevention, recognition, evaluation, management, disposition,
9 treatment, or rehabilitation of athletic injuries.

10 (4) "Athletic training" means the practice of prevention,
11 recognition, evaluation, management, disposition, treatment,
12 rehabilitation, physical conditioning, or physical reconditioning of
13 athletic injuries under the direction of an authorized health care
14 practitioner and including the use of physical modalities defined in
15 this chapter.

16 (5) "Authorized health care practitioner" means physicians,
17 osteopathic physicians, naturopaths, podiatric physicians and surgeons,
18 dentists, and, in clinical settings, physical therapists and
19 occupational therapists.

20 (6) "Department" means the department of health.

21 (7) "Physical modalities" means the use of physical, chemical,
22 electrical, and other noninvasive modalities including, but not limited
23 to heat, cold, air, light, water in any of its forms, sound, massage,
24 and therapeutic exercise.

25 (8) "Secretary" means the secretary of health or the secretary's
26 designee.

27 NEW SECTION. **Sec. 4.** (1) After January 1, 1994, a person may not
28 practice athletic training without first having a valid license.

29 (2) A person who is not licensed by the secretary as an athletic
30 trainer under this chapter may not represent or advertise himself or
31 herself as being so licensed and may not use in connection with his or
32 her name the words "athletic trainer," any derivative, additive, or
33 compounding of "athletic trainer," or other words, letters,
34 abbreviations, signs, numbers, or insignia indicating or implying that
35 he or she is an athletic trainer.

36 (3) This chapter does not prevent a person, including a student
37 athletic trainer or teacher athletic trainer, from providing first aid,
38 preventative care, and referral, or in any way prevent an athletic

1 coach from providing first aid or administering and supervising a
2 normal sports activity.

3 (4) This chapter does not prohibit a person credentialed in this
4 state under another act from engaging in the practice for which he or
5 she is credentialed.

6 NEW SECTION. **Sec. 5.** (1) An athletic trainer whose duties require
7 him or her to practice across state or international boundaries may
8 practice in this state for up to ninety days per year, if the athletic
9 trainer is credentialed in another state or nation with training and
10 certification requirements that the secretary finds are at least equal
11 to the requirements of this state.

12 (2) After practicing for ninety days in one year in this state, an
13 athletic trainer from another state or country shall, within thirty
14 days, apply for licensure if he or she intends to continue to practice
15 as an athletic trainer in this state, during which period he or she may
16 continue to practice if his or her credentials remain valid.

17 NEW SECTION. **Sec. 6.** After January 1, 1994, the secretary shall
18 license as an athletic trainer and furnish a license to each applicant
19 who successfully complies with the conditions and requirements set
20 forth in this chapter for licensure as an athletic trainer.

21 NEW SECTION. **Sec. 7.** To be licensed as an athletic trainer, an
22 applicant for licensure as an athletic trainer:

23 (1) Shall be at least eighteen years of age;

24 (2) Shall be a citizen or resident alien of the United States;

25 (3) Shall submit an application in the form approved by the
26 secretary;

27 (4) Shall have a baccalaureate or graduate degree from a college or
28 university with an athletic training curriculum recognized by a
29 national athletic training accrediting body and approved by the
30 secretary;

31 (5) Shall meet the standards of practice established or adopted by
32 the secretary;

33 (6) Shall pass an examination approved by the secretary. The
34 examination must test the applicant's knowledge of the basic and
35 clinical sciences as they apply to athletic training theory and
36 practice, including the applicant's professional skills and judgment in

1 the utilization of athletic training techniques and methods, and other
2 subjects the secretary deems useful to determine the applicant's
3 fitness to act as a licensed athletic trainer. The examination must be
4 conducted at least once a year at times and places to be reasonably
5 accessible to applicants from the state of Washington;

6 (7) Shall pay the required fee; and

7 (8) May not have been convicted of a crime in any jurisdiction, if
8 the secretary determines that the applicant's particular crime directly
9 relates to the applicant's capacity to perform the duties of an
10 athletic trainer and the secretary determines that the license should
11 be withheld to protect the citizens of Washington state.

12 NEW SECTION. **Sec. 8.** The secretary has the following powers and
13 duties:

14 (1) To adopt, amend, and rescind rules necessary for the
15 implementation of this chapter;

16 (2) To issue licenses to qualified applicants or qualified athletic
17 trainers from other jurisdictions;

18 (3) To deny licenses to unqualified applicants and to revoke,
19 rescind, suspend, or not renew licenses to license holders who fail to
20 remain qualified or violate the provisions of this chapter;

21 (4) To approve forms for license application and renewal;

22 (5) To establish and administer requirements for licensure of
23 athletic trainers under this chapter;

24 (6) To establish or adopt standards of practice for athletic
25 trainers;

26 (7) To establish and administer requirements necessary for
27 continuing competency, proof of which shall be a prerequisite for
28 renewing a license under this chapter;

29 (8) To keep a permanent and official record of all proceedings
30 under this chapter;

31 (9) To keep an official record, to be available to the public upon
32 request, of the names and addresses of all licensed athletic trainers;

33 (10) To establish and collect license, license renewal, and
34 examination fees;

35 (11) To establish and collect penalties for violations of this
36 chapter; and

37 (12) To conduct an examination or adopt an examination conducted by
38 a nationally recognized athletic trainer accrediting body whose

1 credentialing program is approved by a national commission for
2 certifying agencies for the purposes of testing the applicant's
3 knowledge of the basic and clinical sciences as they apply to athletic
4 training.

5 NEW SECTION. **Sec. 9.** A license issued under this chapter is
6 subject to renewal on a periodic basis and expires unless renewed in a
7 manner established by the secretary. The secretary may issue a license
8 initially, with the fee prorated, for three years or less in order to
9 synchronize licensure with any continuing professional competency
10 requirements under this chapter.

11 NEW SECTION. **Sec. 10.** (1) The secretary shall issue a license to
12 a person actively engaged and employed in this state as an athletic
13 trainer for twelve months previous to the effective date of this act if
14 the person submits an application, meets the requirements for licensure
15 under this chapter, pays the licensing fee, and is approved by the
16 secretary.

17 (2) An individual actively engaged as an athletic trainer shall
18 apply for licensure under this section within ninety days from the
19 effective date of this act.

20 NEW SECTION. **Sec. 11.** The secretary shall issue a license to a
21 person who does not meet the educational requirements of this chapter
22 if the person:

23 (1) Applies for a license under this chapter;

24 (2) Pays the required fee under this chapter;

25 (3) Practices in this state;

26 (4) Has three consecutive years of employment in athletic training
27 in Washington state, all of which have served professional sports,
28 including but not limited to junior A tier one hockey, the national
29 basketball association, and professional horse racing thoroughbred race
30 meets that exceed thirty days per year; and

31 (5) Is approved by the secretary.

32 NEW SECTION. **Sec. 12.** An applicant holding credentials in another
33 state or foreign jurisdiction may be granted a Washington license
34 without examination, if, in the opinion of the secretary, the other
35 state's or foreign jurisdiction's examination and educational

1 requirements are substantially equivalent to Washington's and the
2 applicant demonstrates to the satisfaction of the secretary a working
3 knowledge of Washington law pertaining to the practice of athletic
4 training. The applicant shall provide proof in a manner approved by
5 the secretary that the examination and requirements are equivalent to
6 Washington's, meet the other qualifying requirements of this chapter,
7 and pay an appropriate fee determined by the secretary under RCW
8 43.70.250.

9 NEW SECTION. **Sec. 13.** The secretary shall consult with Washington
10 athletic trainers or their duly designated representative or
11 organization during implementation of the provisions of this chapter
12 and in the adoption of rules under this chapter. The consultation may
13 take the form of an advisory committee.

14 NEW SECTION. **Sec. 14.** The uniform disciplinary act, chapter
15 18.130 RCW, governs:

- 16 (1) Unlicensed practice;
17 (2) The issuance, renewal, revocation, and denial of licenses; and
18 (3) The discipline of licensees
19 under this chapter.

20 NEW SECTION. **Sec. 15.** The secretary, in implementing and
21 administering the provisions of this chapter, shall act in accordance
22 with the administrative procedure act, chapter 34.05 RCW.

23 NEW SECTION. **Sec. 16.** (1) The provisions of this chapter
24 relating to the licensing of athletic trainers are exclusive. A
25 governmental subdivision of this state may not enact a law or rule
26 licensing athletic trainers for regulatory purposes, except as provided
27 in subsections (2) and (3) of this section.

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

32 (3) This section does not prevent this state or a political
33 subdivision of this state from licensing for regulatory purposes
34 athletic trainers with respect to activities that are not regulated
35 under this chapter.

1 NEW SECTION. **Sec. 17.** The secretary shall deposit all fees
2 collected under this chapter into the health professions account, and
3 shall provide for the expenses incurred under this chapter from moneys
4 in the account under RCW 43.70.320.

5 **Sec. 18.** RCW 18.130.040 and 1992 c 128 s 6 are each amended to
6 read as follows:

7 (1) This chapter applies only to the secretary and the boards
8 having jurisdiction in relation to the professions licensed under the
9 chapters specified in this section. This chapter does not apply to any
10 business or profession not licensed under the chapters specified in
11 this section.

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

14 (i) Dispensing opticians licensed under chapter 18.34 RCW;

15 (ii) Naturopaths licensed under chapter 18.36A RCW;

16 (iii) Midwives licensed under chapter 18.50 RCW;

17 (iv) Ocularists licensed under chapter 18.55 RCW;

18 (v) Massage operators and businesses licensed under chapter 18.108
19 RCW;

20 (vi) Dental hygienists licensed under chapter 18.29 RCW;

21 (vii) Acupuncturists certified under chapter 18.06 RCW;

22 (viii) Radiologic technologists certified under chapter 18.84 RCW;

23 (ix) Respiratory care practitioners certified under chapter 18.89
24 RCW;

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

26 (xi) Persons registered as nursing pool operators;

27 (xii) Nursing assistants registered or certified under chapter
28 ((18.52B)) 18.88A RCW;

29 (xiii) Dietitians and nutritionists certified under chapter 18.138
30 RCW;

31 (xiv) Sex offender treatment providers certified under chapter
32 18.155 RCW; ((and))

33 (xv) Persons licensed and certified under chapter 18.73 RCW or RCW
34 18.71.205; and

35 (xvi) Athletic trainers licensed under chapter 18.-- RCW (sections
36 1 through 17 of this act).

37 (b) The boards having authority under this chapter are as follows:

1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;

3 (ii) The chiropractic disciplinary board as established in chapter
4 18.26 RCW governing licenses issued under chapter 18.25 RCW;

5 (iii) The dental disciplinary board as established in chapter 18.32
6 RCW;

7 (iv) The council on hearing aids as established in chapter 18.35
8 RCW;

9 (v) The board of funeral directors and embalmers as established in
10 chapter 18.39 RCW;

11 (vi) The board of examiners for nursing home administrators as
12 established in chapter 18.52 RCW;

13 (vii) The optometry board as established in chapter 18.54 RCW
14 governing licenses issued under chapter 18.53 RCW;

15 (viii) The board of osteopathic medicine and surgery as established
16 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
17 18.57A RCW;

18 (ix) The medical disciplinary board as established in chapter 18.72
19 RCW governing licenses and registrations issued under chapters 18.71
20 and 18.71A RCW;

21 (x) The board of physical therapy as established in chapter 18.74
22 RCW;

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

25 (xii) The board of practical nursing as established in chapter
26 18.78 RCW;

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

29 (xiv) The board of nursing as established in chapter 18.88 RCW; and
30 (xv) The veterinary board of governors as established in chapter
31 18.92 RCW.

32 (3) In addition to the authority to discipline license holders, the
33 disciplining authority has the authority to grant or deny licenses
34 based on the conditions and criteria established in this chapter and
35 the chapters specified in subsection (2) of this section. However, the
36 board of chiropractic examiners has authority over issuance and denial
37 of licenses provided for in chapter 18.25 RCW, the board of dental
38 examiners has authority over issuance and denial of licenses provided
39 for in RCW 18.32.040, and the board of medical examiners has authority

1 over issuance and denial of licenses and registrations provided for in
2 chapters 18.71 and 18.71A RCW. This chapter also governs any
3 investigation, hearing, or proceeding relating to denial of licensure
4 or issuance of a license conditioned on the applicant's compliance with
5 an order entered pursuant to RCW 18.130.160 by the disciplining
6 authority.

7 **Sec. 19.** RCW 7.70.020 and 1985 c 326 s 27 are each amended to read
8 as follows:

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

10 (1) A person licensed by this state to provide health care or
11 related services, including, but not limited to, a certified
12 acupuncturist, a physician, osteopathic physician, dentist, nurse,
13 optometrist, (~~podiatrist~~) podiatric physician and surgeon,
14 chiropractor, physical therapist, psychologist, pharmacist, optician,
15 physician's assistant, midwife, osteopathic physician's assistant,
16 nurse practitioner, (~~or~~) physician's trained mobile intensive care
17 paramedic, or athletic trainer, including, in the event such person is
18 deceased, his estate or personal representative;

19 (2) An employee or agent of a person described in part (1) above,
20 acting in the course and scope of his employment, including, in the
21 event such employee or agent is deceased, his estate or personal
22 representative; or

23 (3) An entity, whether or not incorporated, facility, or
24 institution employing one or more persons described in part (1) above,
25 including, but not limited to, a hospital, clinic, health maintenance
26 organization, or nursing home; or an officer, director, employee, or
27 agent thereof acting in the course and scope of his employment,
28 including in the event such officer, director, employee, or agent is
29 deceased, his estate or personal representative.

30 NEW SECTION. **Sec. 20.** Sections 1 through 17 of this act shall
31 constitute a new chapter in Title 18 RCW.

32 NEW SECTION. **Sec. 21.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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