
SENATE BILL 6378

State of Washington 59th Legislature 2006 Regular Session

By Senators Shin, Schoesler, Berkey, Brandland, Keiser, Fairley, McAuliffe and Delvin

Read first time 01/11/2006. Referred to Committee on Labor, Commerce, Research & Development.

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

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

4 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to provide
5 for the licensure of persons offering athletic training services to the
6 public and to ensure standards of competence and professional conduct
7 on the part of athletic trainers.

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

10 (1) "Athlete" means a person who, in association with an
11 educational institution, industrial organization, or professional,
12 amateur, or recreational sports club or organization, participates in
13 activity, exercise, recreation, sport, or games requiring physical
14 strength, range-of-motion, flexibility, body awareness and control,
15 speed, stamina, or agility.

16 (2) "Athletic injury" means an injury incurred by an athlete that
17 affects the individual's participation or performance in activity,
18 exercise, recreation, sport, or games.

1 (3) "Athletic trainer" means a person who is licensed to practice
2 athletic training under this chapter and provides athletic training
3 services for the prevention and care of athletic injuries incurred by
4 an athlete through the consultation, correspondence, referral, or
5 service plan of a licensed physician or qualified health care provider.

6 (4) "Athletic training services" means the practice of prevention,
7 immediate care, evaluation, treatment, rehabilitation, reconditioning,
8 and management of athletic injuries.

9 (5) "Board" means the board of athletic trainers established in
10 section 4 of this act.

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

12 (7) "Secretary" means the secretary of health or the secretary's
13 designee.

14 (8) "Service plan" means a written course of action developed in
15 collaboration with an athletic trainer and a licensed physician or
16 qualified health care practitioner.

17 NEW SECTION. **Sec. 3.** It is unlawful for any person to practice or
18 offer to practice as an athletic trainer, or to represent themselves or
19 other persons to be legally able to provide services as an athletic
20 trainer, unless the person is licensed under the provisions of this
21 chapter.

22 NEW SECTION. **Sec. 4.** (1) The board of athletic trainers is
23 created.

24 (2) The board of athletic trainers consists of five members, four
25 of whom must be athletic trainers licensed in this state and one of
26 whom must be a public member.

27 (3) The board of athletic trainers must hold at least one meeting
28 each year.

29 (4) Each board member shall, in addition to travel expenses in
30 accordance with RCW 43.03.060, be compensated in accordance with RCW
31 43.03.240 when engaged in the authorized business of their board.

32 (5) The department may seek the advice and assistance of the board
33 in administering this chapter, including:

34 (a) Advice and recommendations regarding the establishment or
35 implementation of rules related to the administration of this chapter;

1 (b) Advice and recommendations regarding developments in the
2 practice of athletic training;

3 (c) Advice, recommendations, and consultation regarding case
4 disposition guidelines and priorities related to unprofessional conduct
5 cases regarding the practice of athletic training; and

6 (d) Assistance and consultation of individual board members as
7 needed in the review, analysis, and disposition of reports of
8 unprofessional conduct and consumer complaints.

9 NEW SECTION. **Sec. 5.** Nothing in this chapter may prohibit,
10 restrict, or require licensure of:

11 (1) Any person licensed, certified, or registered in this state and
12 performing services within the authorized scope of practice;

13 (2) The practice by an individual employed by the government of the
14 United States as an athletic trainer while engaged in the performance
15 of duties prescribed by the laws of the United States;

16 (3) Any person pursuing a supervised course of study in an
17 accredited athletic training educational program, if the person is
18 designated by a title that clearly indicates a student or trainee
19 status;

20 (4) An athletic trainer from another state for purposes of
21 continuing education, consulting, or performing athletic training
22 services while accompanying his or her group, individual, or
23 representatives into Washington state on a temporary basis for no more
24 than ninety days in a calendar year; or

25 (5) Any elementary, secondary, or postsecondary school teacher,
26 educator, coach, or authorized volunteer who does not represent
27 themselves to the public as an athletic trainer.

28 NEW SECTION. **Sec. 6.** An applicant for an athletic trainer license
29 must:

30 (1) Have received a bachelor's or advanced degree from an
31 accredited four-year college or university that meets the academic
32 standards of athletic training, accepted by the secretary, as
33 recommended by the board;

34 (2) Have earned and maintained an athletic training credential from
35 the national athletic trainers' association board of certification or
36 its successor organization as recommended by the board; and

1 (3) Submit an application to the board on forms prescribed by the
2 secretary and pay the licensure fee required under this chapter.

3 NEW SECTION. **Sec. 7.** Upon application and payment of the
4 appropriate licensure fee before July 1, 2007, the secretary shall
5 waive the requirements under section 5 of this act and grant licensure
6 to a person who:

7 (1) On the effective date of this section has been actively engaged
8 as an athletic trainer for at least two years immediately prior to July
9 1, 2006; or

10 (2) On the effective date of this section is certified by a
11 national certifying organization for athletic trainers approved by the
12 board, and, on the effective date of this section, has been actively
13 engaged as an athletic trainer for at least two years immediately prior
14 to July 1, 2006.

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

17 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
18 chapter. Any rules adopted must be in consultation with the board;

19 (2) Establish all licensing, examination, and renewal fees in
20 accordance with RCW 43.70.250;

21 (3) Establish forms and procedures necessary to administer this
22 chapter;

23 (4) Issue licenses to applicants who have met the education,
24 training, and examination requirements for licensure and to deny a
25 license to applicants who do not meet the requirements;

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

28 (6) Designate a national examination recommended by the board as
29 the required examination for applicants for licensure;

30 (7) Determine which states have credentialing requirements
31 substantially equivalent to those of this state, and issue licenses to
32 individuals credentialed in those states without examination; and

33 (8) Maintain the official record of all applicants and licensees.

34 NEW SECTION. **Sec. 9.** (1) Any athletic trainer licensed under this
35 chapter not practicing athletic training or providing services may

1 place his or her license in an inactive status. The secretary, upon
2 recommendation of the board, shall establish requirements for
3 maintaining an inactive status, and converting from an inactive or
4 active status and may establish fees for alterations in licensing
5 status.

6 (2) The secretary, upon recommendation of the board, shall issue a
7 temporary practice permit under RCW 18.130.075.

8 NEW SECTION. **Sec. 10.** Each applicant and license holder shall
9 comply with administrative procedures, administrative requirements, and
10 fees pursuant to RCW 43.70.250 and 43.70.280. The secretary shall
11 furnish a license upon recommendation of the board to any person who
12 applies and who has qualified under the provisions of this chapter.

13 NEW SECTION. **Sec. 11.** All fees received under the provisions of
14 this chapter shall be deposited in the health professions account
15 created in RCW 43.70.320, and all costs and expenses incurred by the
16 department and the board under the provisions of this chapter must be
17 a charge against and paid from the health professions account for such
18 purposes, and the moneys collected under this chapter must be
19 immediately available for the administration of this chapter.

20 NEW SECTION. **Sec. 12.** The uniform disciplinary act, chapter
21 18.130 RCW, governs the unlicensed practice, the issuance and denial of
22 license, the holders of temporary permits under this chapter, and the
23 discipline of persons licensed under this chapter. The secretary shall
24 be the disciplining authority under this chapter.

25 NEW SECTION. **Sec. 13.** Nothing in this chapter restricts the
26 ability of athletic trainers to work in the practice setting of his or
27 her choice.

28 **Sec. 14.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
29 as follows:

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

1 apply to any business or profession not licensed under the chapters
2 specified in this section.

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

5 (i) Dispensing opticians licensed and designated apprentices under
6 chapter 18.34 RCW;

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

8 (iii) Midwives licensed under chapter 18.50 RCW;

9 (iv) Ocularists licensed under chapter 18.55 RCW;

10 (v) Massage operators and businesses licensed under chapter 18.108
11 RCW;

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

13 (vii) Acupuncturists licensed under chapter 18.06 RCW;

14 (viii) Radiologic technologists certified and X-ray technicians
15 registered under chapter 18.84 RCW;

16 (ix) Respiratory care practitioners licensed under chapter 18.89
17 RCW;

18 (x) Persons registered under chapter 18.19 RCW;

19 (xi) Persons licensed as mental health counselors, marriage and
20 family therapists, and social workers under chapter 18.225 RCW;

21 (xii) Persons registered as nursing pool operators under chapter
22 18.52C RCW;

23 (xiii) Nursing assistants registered or certified under chapter
24 18.88A RCW;

25 (xiv) Health care assistants certified under chapter 18.135 RCW;

26 (xv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;

28 (xvi) Chemical dependency professionals certified under chapter
29 18.205 RCW;

30 (xvii) Sex offender treatment providers and certified affiliate sex
31 offender treatment providers certified under chapter 18.155 RCW;

32 (xviii) Persons licensed and certified under chapter 18.73 RCW or
33 RCW 18.71.205;

34 (xix) Denturists licensed under chapter 18.30 RCW;

35 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

36 (xxi) Surgical technologists registered under chapter 18.215 RCW;
37 ((and))

38 (xxii) Recreational therapists; and

1 (xxiii) Athletic trainers licensed under chapter 18.-- RCW
2 (sections 1 through 13 of this act).

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

5 (i) The podiatric medical board as established in chapter 18.22
6 RCW;

7 (ii) The chiropractic quality assurance commission as established
8 in chapter 18.25 RCW;

9 (iii) The dental quality assurance commission as established in
10 chapter 18.32 RCW;

11 (iv) The board of hearing and speech as established in chapter
12 18.35 RCW;

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

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

17 (vii) The board of osteopathic medicine and surgery as established
18 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
19 18.57A RCW;

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

22 (ix) The medical quality assurance commission as established in
23 chapter 18.71 RCW governing licenses and registrations issued under
24 chapters 18.71 and 18.71A RCW;

25 (x) The board of physical therapy as established in chapter 18.74
26 RCW;

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

29 (xii) The nursing care quality assurance commission as established
30 in chapter 18.79 RCW governing licenses and registrations issued under
31 that chapter;

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

34 (xiv) The veterinary board of governors as established in chapter
35 18.92 RCW.

36 (3) In addition to the authority to discipline license holders, the
37 disciplining authority has the authority to grant or deny licenses
38 based on the conditions and criteria established in this chapter and

1 the chapters specified in subsection (2) of this section. This chapter
2 also governs any investigation, hearing, or proceeding relating to
3 denial of licensure or issuance of a license conditioned on the
4 applicant's compliance with an order entered pursuant to RCW 18.130.160
5 by the disciplining authority.

6 (4) All disciplining authorities shall adopt procedures to ensure
7 substantially consistent application of this chapter, the Uniform
8 Disciplinary Act, among the disciplining authorities listed in
9 subsection (2) of this section.

10 NEW SECTION. **Sec. 15.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act
15 constitute a new chapter in Title 18 RCW.

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