

SSB 5503 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/05/2007

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

15 (2) "Athletic injury" means an injury or condition sustained by an
16 athlete that affects the person's participation or performance in
17 exercise, recreation, sport, or games and the injury or condition is
18 within the professional preparation and education of an athletic
19 trainer.

20 (3) "Athletic trainer" means a person who is licensed under this
21 chapter. An athletic trainer can practice athletic training through
22 the consultation, referral, or guidelines of a licensed health care
23 provider working within their scope of practice.

24 (4)(a) "Athletic training" means the application of the following
25 principles and methods as provided by a licensed athletic trainer:

26 (i) Risk management and prevention of athletic injuries through
27 preactivity screening and evaluation, educational programs, physical
28 conditioning and reconditioning programs, application of commercial

1 products, use of protective equipment, promotion of healthy behaviors,
2 and reduction of environmental risks;

3 (ii) Recognition, evaluation, and assessment of athletic injuries
4 by obtaining a history of the athletic injury, inspection and palpation
5 of the injured part and associated structures, and performance of
6 specific testing techniques related to stability and function to
7 determine the extent of an injury;

8 (iii) Immediate care of athletic injuries, including emergency
9 medical situations through the application of first-aid and emergency
10 procedures and techniques for nonlife-threatening or life-threatening
11 athletic injuries;

12 (iv) Treatment, rehabilitation, and reconditioning of athletic
13 injuries through the application of physical agents and modalities,
14 therapeutic activities and exercise, standard reassessment techniques
15 and procedures, commercial products, and educational programs, in
16 accordance with guidelines established with a licensed health care
17 provider as provided in section 8 of this act; and

18 (v) Referral of an athlete to an appropriately licensed health care
19 provider if the athletic injury requires further definitive care or the
20 injury or condition is outside an athletic trainer's scope of practice,
21 in accordance with section 8 of this act.

22 (b) "Athletic training" does not include:

23 (i) The use of spinal adjustment or manipulative mobilization of
24 the spine and its immediate articulations;

25 (ii) Orthotic or prosthetic services with the exception of
26 evaluation, measurement, fitting, and adjustment of temporary,
27 prefabricated or direct-formed orthosis as defined in chapter 18.200
28 RCW;

29 (iii) The practice of occupational therapy as defined in chapter
30 18.59 RCW;

31 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

32 (v) Any medical diagnosis; and

33 (vi) Prescribing legend drugs or controlled substances, or surgery.

34 (5) "Committee" means the athletic training advisory committee.

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

36 (7) "Licensed health care provider" means a physician, physician
37 assistant, osteopathic physician, osteopathic physician assistant,

1 advanced registered nurse practitioner, naturopath, physical therapist,
2 chiropractor, dentist, massage practitioner, acupuncturist,
3 occupational therapist, or podiatric physician and surgeon.

4 (8) "Secretary" means the secretary of health or the secretary's
5 designee.

6 NEW SECTION. **Sec. 3.** (1) In addition to any other authority
7 provided by law, the secretary may:

8 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
9 implement this chapter;

10 (b) Establish all license, examination, and renewal fees in
11 accordance with RCW 43.70.250;

12 (c) Establish forms and procedures necessary to administer this
13 chapter;

14 (d) Establish administrative procedures, administrative
15 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
16 All fees collected under this section must be credited to the health
17 professions account as required under RCW 43.70.320;

18 (e) Develop and administer, or approve, or both, examinations to
19 applicants for a license under this chapter;

20 (f) Issue a license to any applicant who has met the education,
21 training, and examination requirements for licensure and deny a license
22 to applicants who do not meet the minimum qualifications for licensure.
23 However, denial of licenses based on unprofessional conduct or impaired
24 practice is governed by the uniform disciplinary act, chapter 18.130
25 RCW;

26 (g) In consultation with the committee, approve examinations
27 prepared or administered by private testing agencies or organizations
28 for use by an applicant in meeting the licensing requirements under
29 section 7 of this act;

30 (h) Determine which states have credentialing requirements
31 substantially equivalent to those of this state, and issue licenses to
32 individuals credentialed in those states that have successfully
33 fulfilled the requirements of section 9 of this act;

34 (i) Hire clerical, administrative, and investigative staff as
35 needed to implement and administer this chapter;

36 (j) Maintain the official department record of all applicants and
37 licensees; and

1 (k) Establish requirements and procedures for an inactive license.
2 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
3 unlicensed practice, the issuance and denial of licenses, and the
4 discipline of licensees under this chapter.

5 NEW SECTION. **Sec. 4.** (1) The athletic training advisory committee
6 is formed to further the purposes of this chapter.

7 (2) The committee consists of five members. Four members of the
8 committee must be athletic trainers licensed under this chapter and
9 residing in this state, must have not less than five years' experience
10 in the practice of athletic training, and must be actively engaged in
11 practice within two years of appointment. The fifth member must be
12 appointed from the public at large, and have an interest in the rights
13 of consumers of health services.

14 (3) The committee may provide advice on matters specifically
15 identified and requested by the secretary, such as applications for
16 licenses.

17 (4) The committee may be requested by the secretary to approve an
18 examination required for licensure under this chapter.

19 (5) The committee, at the request of the secretary, may recommend
20 rules in accordance with the administrative procedure act, chapter
21 34.05 RCW, relating to standards for appropriateness of athletic
22 training care.

23 (6) The committee must meet during the year as necessary to provide
24 advice to the secretary. The committee may elect a chair and a
25 vice-chair. A majority of the members currently serving constitute a
26 quorum.

27 (7) Each member of the committee must be reimbursed for travel
28 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
29 members of the committee must be compensated in accordance with RCW
30 43.03.240 when engaged in the authorized business of the committee.

31 (8) The secretary, members of the committee, or individuals acting
32 on their behalf are immune from suit in any action, civil or criminal,
33 based on any credentialing or disciplinary proceedings or other
34 official acts performed in the course of their duties.

35 NEW SECTION. **Sec. 5.** It is unlawful for any person to practice or
36 offer to practice as an athletic trainer, or to represent themselves or

1 other persons to be legally able to provide services as an athletic
2 trainer, unless the person is licensed under the provisions of this
3 chapter.

4 NEW SECTION. **Sec. 6.** Nothing in this chapter may prohibit,
5 restrict, or require licensure of:

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

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

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

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

20 (5) Any elementary, secondary, or postsecondary school teacher,
21 educator, coach, or authorized volunteer who does not represent
22 themselves to the public as an athletic trainer; or

23 (6) A personal trainer employed by an athletic club or fitness
24 center.

25 NEW SECTION. **Sec. 7.** An applicant for an athletic trainer license
26 must:

27 (1) Have received a bachelor's or advanced degree from an
28 accredited four-year college or university that meets the academic
29 standards of athletic training, accepted by the secretary, as advised
30 by the committee;

31 (2) Have successfully completed an examination administered or
32 approved by the secretary, in consultation with the committee; and

33 (3) Submit an application on forms prescribed by the secretary and
34 pay the licensure fee required under this chapter.

1 NEW SECTION. **Sec. 8.** (1) Except as necessary to provide emergency
2 care of athletic injuries, an athletic trainer shall not provide
3 treatment, rehabilitation, or reconditioning services to any person
4 except as specified in guidelines established with a licensed health
5 care provider who is licensed to perform the services provided in the
6 guidelines.

7 (2) If there is no improvement in an athlete who has sustained an
8 athletic injury within fifteen days of initiation of treatment,
9 rehabilitation, or reconditioning, the athletic trainer must refer the
10 athlete to a licensed health care provider that is appropriately
11 licensed to assist the athlete.

12 (3) If an athletic injury requires treatment, rehabilitation, or
13 reconditioning for more than forty-five days, the athletic trainer must
14 consult with, or refer the athlete to a licensed health care provider.
15 The athletic trainer shall document the action taken.

16 NEW SECTION. **Sec. 9.** Each applicant and license holder must
17 comply with administrative procedures, administrative requirements, and
18 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a
19 license to any person who applies and who has qualified under the
20 provisions of this chapter.

21 NEW SECTION. **Sec. 10.** Nothing in this chapter restricts the
22 ability of athletic trainers to work in the practice setting of his or
23 her choice.

24 NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed to
25 require that a health carrier defined in RCW 48.43.005 contract with a
26 person licensed as an athletic trainer under this chapter.

27 **Sec. 12.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read
28 as follows:

29 (1) Every health plan delivered, issued for delivery, or renewed by
30 a health carrier on and after January 1, 1996, shall:

31 ~~((1))~~ (a) Permit every category of health care provider to
32 provide health services or care for conditions included in the basic
33 health plan services to the extent that:

1 ~~((a))~~ (i) The provision of such health services or care is within
2 the health care providers' permitted scope of practice; and

3 ~~((b))~~ (ii) The providers agree to abide by standards related to:

4 ~~((i))~~ (A) Provision, utilization review, and cost containment of
5 health services;

6 ~~((ii))~~ (B) Management and administrative procedures; and

7 ~~((iii))~~ (C) Provision of cost-effective and clinically
8 efficacious health services.

9 ~~((2))~~ (b) Annually report the names and addresses of all
10 officers, directors, or trustees of the health carrier during the
11 preceding year, and the amount of wages, expense reimbursements, or
12 other payments to such individuals, unless substantially similar
13 information is filed with the commissioner or the national association
14 of insurance commissioners. This requirement does not apply to a
15 foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW
16 that files a supplemental compensation exhibit in its annual statement
17 as required by law.

18 (2) The requirements of subsection (1)(a) of this section do not
19 apply to a licensed health care profession regulated under Title 18 RCW
20 when the licensing statute for the profession states that such
21 requirements do not apply.

22 **Sec. 13.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
23 as follows:

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

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

31 (i) Dispensing opticians licensed and designated apprentices under
32 chapter 18.34 RCW;

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

34 (iii) Midwives licensed under chapter 18.50 RCW;

35 (iv) Ocularists licensed under chapter 18.55 RCW;

36 (v) Massage operators and businesses licensed under chapter 18.108
37 RCW;

1 (vi) Dental hygienists licensed under chapter 18.29 RCW;
2 (vii) Acupuncturists licensed under chapter 18.06 RCW;
3 (viii) Radiologic technologists certified and X-ray technicians
4 registered under chapter 18.84 RCW;
5 (ix) Respiratory care practitioners licensed under chapter 18.89
6 RCW;
7 (x) Persons registered under chapter 18.19 RCW;
8 (xi) Persons licensed as mental health counselors, marriage and
9 family therapists, and social workers under chapter 18.225 RCW;
10 (xii) Persons registered as nursing pool operators under chapter
11 18.52C RCW;
12 (xiii) Nursing assistants registered or certified under chapter
13 18.88A RCW;
14 (xiv) Health care assistants certified under chapter 18.135 RCW;
15 (xv) Dietitians and nutritionists certified under chapter 18.138
16 RCW;
17 (xvi) Chemical dependency professionals certified under chapter
18 18.205 RCW;
19 (xvii) Sex offender treatment providers and certified affiliate sex
20 offender treatment providers certified under chapter 18.155 RCW;
21 (xviii) Persons licensed and certified under chapter 18.73 RCW or
22 RCW 18.71.205;
23 (xix) Denturists licensed under chapter 18.30 RCW;
24 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
25 (xxi) Surgical technologists registered under chapter 18.215 RCW;
26 ((~~and~~))
27 (xxii) Recreational therapists; and
28 (xxiii) Athletic trainers licensed under chapter 18.-- RCW
29 (sections 1 through 11 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;

1 (iv) The board of hearing and speech as established in chapter
2 18.35 RCW;

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

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

7 (vii) The board of osteopathic medicine and surgery as established
8 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
9 18.57A RCW;

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

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

15 (x) The board of physical therapy as established in chapter 18.74
16 RCW;

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

19 (xii) The nursing care quality assurance commission as established
20 in chapter 18.79 RCW governing licenses and registrations issued under
21 that chapter;

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

24 (xiv) The veterinary board of governors as established in chapter
25 18.92 RCW.

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

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

1 NEW SECTION. **Sec. 14.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 15.** Sections 1 through 11 of this act
6 constitute a new chapter in Title 18 RCW.

7 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2008.

8 NEW SECTION. **Sec. 17.** The secretary of health may take the
9 necessary steps to ensure that this act is implemented on its effective
10 date.

11 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2007, in the omnibus appropriations act, this act
14 is null and void."

15 Correct the title.

EFFECT: Includes the promotion of healthy behaviors in the
practice of athletic training. Removes the responsibilities of
athletic trainers relating to the administration and organization of
health care services and facilities as well as educating athletes about
the practice of athletic training. Prohibits athletic trainers from
making medical diagnoses.

Removes the term "service plan" and refers to "guidelines."
Requires that treatment, rehabilitation, and reconditioning services be
provided pursuant to guidelines established between an athletic trainer
and a licensed health care provider. Requires that an athletic trainer
refer an athlete to a licensed health care provider if the athlete's
condition has not improved within 15 days of initiating treatment,
rehabilitation, or reconditioning. Requires that an athletic trainer
consult with or refer a patient to a licensed health care provider if
the athletic injury will require more than 45 days of treatment.

Removes the requirement that applicants for an athletic trainer
license have a credential from the National Athletic Trainers'
Association Board of Certification or that the applicant be in current
good standing with that organization. Requires applicants to have
passed an examination administered or approved by the Secretary of
Health, in consultation with the Athletic Training Advisory Committee.

Specifies that the requirement that health carriers cover every category of health care provider does not apply to athletic trainers. Delays the effective date from January 1, 2008, to July 1, 2008.

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