

SENATE BILL REPORT

SSB 5503

As Amended by House, April 5, 2007

Title: An act relating to athletic trainers.

Brief Description: Licensing persons who offer athletic training services.

Sponsors: Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe).

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/01/07, 2/06/07 [DPS, w/oRec].

Passed Senate: 3/12/07, 39-8.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Hewitt, Murray and Prentice.

Minority Report: That it be referred without recommendation.

Signed by Senator Holmquist.

Staff: Sherry McNamara (786-7402)

Background: Athletic Trainers are not currently regulated by state statute. Athletic training licensing or regulation exists in 44 states. The Department of Health (DOH) has conducted a sunrise review of athletic trainers on two prior occasions. One review was completed in 1993, and the most recent one was completed in January 2002. The Department recommended in both reviews that the profession not be regulated.

Currently anyone may represent him or herself as an athletic trainer, without regard to training, experience, or expertise. Athletic trainers from other states who have had credentialing revoked or suspended can practice in Washington.

Summary of Substitute Bill: Athletic trainers are added to the list of professions licensed under the authority of DOH. An athletic trainer means a person who is licensed to practice athletic training through the consultation, referral, or service plan of a licensed health care provider within their scope of practice.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Athletic trainers provide services relating to the prevention, immediate care, evaluation, treatment, rehabilitation, reconditioning, and management of athletic injuries. Athletic training services do not include spinal adjustment or manipulation; orthotic or prosthetic services; occupational therapy; acupuncture or prescribing legend drugs or controlled substances or surgery.

The Department has the authority to develop rules and establish licensing, examination, and renewal fees. The Department may issue a license to any applicant who has met the education, training, and examination requirements. The Department may discipline licensed members of the profession based on unprofessional conduct or impaired practice as governed by the Uniform Disciplinary Act. The Department may also determine which states have credentialing requirements substantially equivalent to those of this state and issue licenses to individuals credentialed in those states.

The Athletic Training Advisory Committee is formed to provide advice on matters specifically identified and requested by the Secretary of DOH. The committee consists of five members. Four members must be licensed athletic trainers with at least five years' experience in the practice of athletic training and be actively engaged in practice within two years of appointment. The fifth member is to be appointed from the public at large and have an interest in the rights of consumers of health services.

An applicant for an athletic training license must have received a bachelor's degree; have earned certification from the National Athletic Trainer's Association Board, and be in good standing with the Board; and submit an application and pay a license fee as required by DOH.

A person cannot practice or offer to practice as an athletic trainer or represent themselves or other persons to be legally able to provide services as an athletic trainer unless the person is licensed under the provisions of this chapter.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on September 1, 2007.

Staff Summary of Public Testimony on Original Bill: PRO: There are about 650 athletic trainers in the state. The majority of them are certified by the National Athletic Trainer's Association Board of Certification. Any first aid training provided in schools is set by athletic directors and not by athletic trainers. School coaches are not required to be licensed under this bill. There is not a mandate that requires the use of athletic trainers in schools, colleges and universities, or recreational and professional sports. The four-year degree for athletic training is a very rigorous program that includes 1,100 to 1,200 hours of educational training under the supervision of an athletic trainer. Occupational therapists should be added to the list of health care providers listed in the bill.

OTHER: The sunrise reviews conducted by DOH in 1993 and 2002 both recommended not regulating athletic trainers. Athletic trainers can be certified by a national organization with standards and the ability to provide disciplinary sanctions. Schools are not required to have

medical personnel in attendance at athletic events. There has been no harm to the public in other states where there is regulation. In Oregon, there were only two complaints in the past two years and the complaints were about unlicensed practice. The DOH would like to offer an amendment adding an effective date of September 1, 2007, to allow time for implementation.

Persons Testifying: PRO: Senator Marr, prime sponsor; Jeffrey Kawaguchi, Eastern Washington University; Jill Allen, Washington State Athletic Trainer's Association; Charlie Brown, Washington State Athletic Trainer's Association

OTHER: Brian Peyton, DOH.

House Amendment(s): The amendment makes the following changes:

- adds the promotion of healthy behaviors to the practice of athletic training;
- removes the responsibilities for 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 term for "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 good standing with this organization;
- requires applicants to have passed an examination administered or approved by the Secretary of the DOH, 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; and
- changes the effective date from September 1, 2007 to July 1, 2008.