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HOUSE BILL 1585

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Seaquist, Pettigrew, Hinkle, Buri, Ericks,  
Linville, Jarrett, Priest, Moeller, Lantz, Appleton, Hunt and Kenney

Read first time 01/23/2007. Referred to Committee on Health Care &  
Wellness.

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

16            (2) "Athletic injury" means an injury or condition sustained by an  
17 athlete that affects the person's participation or performance in

1 exercise, recreation, sport, or games and the injury or condition is  
2 within the professional preparation and education of an athletic  
3 trainer.

4 (3) "Athletic trainer" means a person who is licensed under this  
5 chapter. An athletic trainer can practice athletic training through  
6 the consultation, referral, or service plan of a licensed health care  
7 provider working within their scope of practice.

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

10 (i) Risk management and prevention of athletic injuries through  
11 preactivity screening and evaluation, educational programs, physical  
12 conditioning and reconditioning programs, application of commercial  
13 products, use of protective equipment, and reduction of environmental  
14 risks;

15 (ii) Recognition, evaluation, and assessment of athletic injuries  
16 by obtaining a history of the athletic injury, inspection and palpation  
17 of the injured part and associated structures, and performance of  
18 specific testing techniques related to stability and function to  
19 determine the extent of an injury;

20 (iii) Immediate care of athletic injuries, including emergency  
21 medical situations through the application of first-aid and emergency  
22 procedures and techniques for nonlife-threatening or life-threatening  
23 athletic injuries;

24 (iv) Treatment, rehabilitation, and reconditioning of athletic  
25 injuries through the application of physical agents and modalities,  
26 therapeutic activities and exercise, standard reassessment techniques  
27 and procedures, commercial products, and educational programs;

28 (v) Administration and organization of services provided by an  
29 athletic trainer to establish and implement policies and procedures for  
30 the delivery of health care services, management of health care  
31 facilities, complying with governmental and institutional standards,  
32 and maintaining records to document services rendered;

33 (vi) Education of athletes regarding the roles and standards of the  
34 practice of athletic training; and

35 (vii) Referral of an athlete to an appropriately licensed health  
36 care provider if the athletic injury requires further definitive care  
37 or the injury or condition is outside an athletic trainer's scope of  
38 practice.

- 1 (b) "Athletic training" does not include:
- 2 (i) The use of spinal adjustment or manipulative mobilization of
- 3 the spine and its immediate articulations;
- 4 (ii) Orthotic or prosthetic services with the exception of
- 5 evaluation, measurement, fitting, and adjustment of temporary,
- 6 prefabricated or direct-formed orthosis as defined in chapter 18.200
- 7 RCW;
- 8 (iii) The practice of occupational therapy as defined in chapter
- 9 18.59 RCW;
- 10 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;
- 11 and
- 12 (v) Prescribing legend drugs or controlled substances, or surgery.
- 13 (5) "Committee" means the athletic training advisory committee.
- 14 (6) "Department" means the department of health.
- 15 (7) "Licensed health care provider" means a physician, physician
- 16 assistant, osteopathic physician, osteopathic physician assistant,
- 17 advanced registered nurse practitioner, naturopath, physical therapist,
- 18 chiropractor, dentist, massage practitioner, acupuncturist, or
- 19 podiatric physician and surgeon.
- 20 (8) "Secretary" means the secretary of health or the secretary's
- 21 designee.
- 22 (9) "Service plan" means a written course of action developed in
- 23 collaboration with an athletic trainer and a licensed health care
- 24 provider working within their scope of practice.

25 NEW SECTION. **Sec. 3.** (1) In addition to any other authority

26 provided by law, the secretary may:

- 27 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
- 28 implement this chapter;
- 29 (b) Establish all license, examination, and renewal fees in
- 30 accordance with RCW 43.70.250;
- 31 (c) Establish forms and procedures necessary to administer this
- 32 chapter;
- 33 (d) Establish administrative procedures, administrative
- 34 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
- 35 All fees collected under this section must be credited to the health
- 36 professions account as required under RCW 43.70.320;

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

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

9 (g) Determine which states have credentialing requirements  
10 substantially equivalent to those of this state, and issue licenses to  
11 individuals credentialed in those states that have successfully  
12 fulfilled the requirements of section 8 of this act;

13 (h) Hire clerical, administrative, and investigative staff as  
14 needed to implement and administer this chapter;

15 (i) Maintain the official department record of all applicants and  
16 licensees; and

17 (j) Establish requirements and procedures for an inactive license.

18 (2) The uniform disciplinary act, chapter 18.130 RCW, governs  
19 unlicensed practice, the issuance and denial of licenses, and the  
20 discipline of licensees under this chapter.

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

23 (2) The committee consists of five members. Four members of the  
24 committee must be athletic trainers licensed under this chapter and  
25 residing in this state, must have not less than five years' experience  
26 in the practice of athletic training, and must be actively engaged in  
27 practice within two years of appointment. The fifth member must be  
28 appointed from the public at large, and have an interest in the rights  
29 of consumers of health services.

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

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

35 (5) The committee, at the request of the secretary, may recommend  
36 rules in accordance with the administrative procedure act, chapter

1 34.05 RCW, relating to standards for appropriateness of athletic  
2 training care.

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

7 (7) Each member of the committee must be reimbursed for travel  
8 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
9 members of the committee must be compensated in accordance with RCW  
10 43.03.240 when engaged in the authorized business of the committee.

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

15 NEW SECTION. **Sec. 5.** It is unlawful for any person to practice or  
16 offer to practice as an athletic trainer, or to represent themselves or  
17 other persons to be legally able to provide services as an athletic  
18 trainer, unless the person is licensed under the provisions of this  
19 chapter.

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

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

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

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

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

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

4 (6) A personal trainer employed by an athletic club or fitness  
5 center.

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

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

12 (2) Have earned certification as an athletic trainer from the  
13 national athletic trainers' association board of certification or its  
14 successor organization, accepted by the secretary, as advised by the  
15 committee;

16 (3) Be in good standing with and provide documentation of current  
17 certification by the national athletic trainers' association board of  
18 certification or its successor organization, accepted by the secretary,  
19 as advised by the committee; and

20 (4) Submit an application on forms prescribed by the secretary and  
21 pay the licensure fee required under this chapter.

22 NEW SECTION. **Sec. 8.** Each applicant and license holder must  
23 comply with administrative procedures, administrative requirements, and  
24 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a  
25 license to any person who applies and who has qualified under the  
26 provisions of this chapter.

27 NEW SECTION. **Sec. 9.** Nothing in this chapter restricts the  
28 ability of athletic trainers to work in the practice setting of his or  
29 her choice.

30 NEW SECTION. **Sec. 10.** Nothing in this chapter may be construed to  
31 require that individual or group policies or contracts of an insurance  
32 carrier, health care service contractor, or health maintenance  
33 organization provide benefits or coverage for services and supplies  
34 provided by a person licensed under this chapter.

1       **Sec. 11.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
2 as follows:

3       (1) This chapter applies only to the secretary and the boards and  
4 commissions having jurisdiction in relation to the professions licensed  
5 under the chapters specified in this section. This chapter does not  
6 apply to any business or profession not licensed under the chapters  
7 specified in this section.

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

10       (i) Dispensing opticians licensed and designated apprentices under  
11 chapter 18.34 RCW;

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

13       (iii) Midwives licensed under chapter 18.50 RCW;

14       (iv) Ocularists licensed under chapter 18.55 RCW;

15       (v) Massage operators and businesses licensed under chapter 18.108  
16 RCW;

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

18       (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

21       (ix) Respiratory care practitioners licensed under chapter 18.89  
22 RCW;

23       (x) Persons registered under chapter 18.19 RCW;

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

26       (xii) Persons registered as nursing pool operators under chapter  
27 18.52C RCW;

28       (xiii) Nursing assistants registered or certified under chapter  
29 18.88A RCW;

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

31       (xv) Dietitians and nutritionists certified under chapter 18.138  
32 RCW;

33       (xvi) Chemical dependency professionals certified under chapter  
34 18.205 RCW;

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

37       (xviii) Persons licensed and certified under chapter 18.73 RCW or  
38 RCW 18.71.205;

- 1 (xix) Denturists licensed under chapter 18.30 RCW;  
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;  
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;  
4 (~~and~~)  
5 (xxii) Recreational therapists; and  
6 (xxiii) Athletic trainers licensed under chapter 18.-- RCW  
7 (sections 1 through 10 of this act).  
8 (b) The boards and commissions having authority under this chapter  
9 are as follows:  
10 (i) The podiatric medical board as established in chapter 18.22  
11 RCW;  
12 (ii) The chiropractic quality assurance commission as established  
13 in chapter 18.25 RCW;  
14 (iii) The dental quality assurance commission as established in  
15 chapter 18.32 RCW;  
16 (iv) The board of hearing and speech as established in chapter  
17 18.35 RCW;  
18 (v) The board of examiners for nursing home administrators as  
19 established in chapter 18.52 RCW;  
20 (vi) The optometry board as established in chapter 18.54 RCW  
21 governing licenses issued under chapter 18.53 RCW;  
22 (vii) The board of osteopathic medicine and surgery as established  
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
24 18.57A RCW;  
25 (viii) The board of pharmacy as established in chapter 18.64 RCW  
26 governing licenses issued under chapters 18.64 and 18.64A RCW;  
27 (ix) The medical quality assurance commission as established in  
28 chapter 18.71 RCW governing licenses and registrations issued under  
29 chapters 18.71 and 18.71A RCW;  
30 (x) The board of physical therapy as established in chapter 18.74  
31 RCW;  
32 (xi) The board of occupational therapy practice as established in  
33 chapter 18.59 RCW;  
34 (xii) The nursing care quality assurance commission as established  
35 in chapter 18.79 RCW governing licenses and registrations issued under  
36 that chapter;  
37 (xiii) The examining board of psychology and its disciplinary  
38 committee as established in chapter 18.83 RCW; and



1 (xiv) The veterinary board of governors as established in chapter  
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the  
4 disciplining authority has the authority to grant or deny licenses  
5 based on the conditions and criteria established in this chapter and  
6 the chapters specified in subsection (2) of this section. This chapter  
7 also governs any investigation, hearing, or proceeding relating to  
8 denial of licensure or issuance of a license conditioned on the  
9 applicant's compliance with an order entered pursuant to RCW 18.130.160  
10 by the disciplining authority.

11 (4) All disciplining authorities shall adopt procedures to ensure  
12 substantially consistent application of this chapter, the Uniform  
13 Disciplinary Act, among the disciplining authorities listed in  
14 subsection (2) of this section.

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

19 NEW SECTION. **Sec. 13.** Sections 1 through 10 of this act  
20 constitute a new chapter in Title 18 RCW.

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