A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that Hawaii is one of only three states that does not currently regulate the practice of athletic training. The legislature further finds that the continued lack of regulation creates the risk that individuals who have lost or are unable to obtain licensure in another state will move here to practice, thereby putting the public in danger and degrading the standards of the profession as a whole.

The legislature finds that there is a pressing and immediate need to regulate the profession of athletic training in order to protect the public health, safety, and welfare. The legislature finds that this need is particularly important since athletic trainers often work with elementary and secondary school aged children. Regulation of athletic trainers will ensure that participants in athletic activities receive prompt, specialized emergency care as well as appropriate follow-up treatment and rehabilitation and meet appropriate criteria before being returned to play. Regulation will require that registrants demonstrate minimum competency in the field, as is
required for other health care professionals. Finally, regulation will provide a means for members of the public, other members of the profession, and the National Athletic Trainers' Association Board of Certification, Inc. to assist in maintaining quality standards by reporting ethical violations or disciplinary action to the State's regulatory agency.

The legislature finds that the requirements of section 26H-6, Hawaii Revised Statutes, were met by the passage of Act 108, Session Laws of Hawaii 2010, requesting that the auditor perform a sunrise analysis of the regulatory measures contained in this Act. Therefore the legislature finds that there is no procedural impediment to regulating the currently unregulated industry of athletic trainers through passage of this Act.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

ATHLETIC TRAINERS

§ -1 Title. This chapter shall be known as the Athletic Trainer Registration Act.

§ -2 Definitions. As used in this chapter:
"Athlete" means a person who prepares for or participates in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities.

"Athletic injury" means an injury that affects the preparation for or participation in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities.

"Athletic trainer" means an individual, whether or not registered under this chapter, who engages in the practice of athletic training or represents oneself to be an athletic trainer.

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"Practice of athletic training" refers to the application by an athletic trainer, whether or not registered under this
chapter and without regard to certification by any certifying
body, of principles and methods to:

(1) Prevent athletic injuries;

(2) Recognize, evaluate, and assess athletic injuries and
    conditions;

(3) Provide immediate care of athletic injuries, including
    common emergency medical care;

(4) Rehabilitate, and recondition athletic injuries;

(5) Administer athletic training services and
    organization; and

(6) Educate athletes;

provided that the practice of athletic training does not include
provision of occupational therapy services as defined in section
457G-1 or physical therapy or physical therapy services as
defined in section 461J-1.

"Treating physician" means a physician or osteopathic
physician licensed under chapter 453 who, within the licensee's
scope of practice and individual competency, is responsible for
the athletic training services provided by an athletic trainer
and oversees the practice of athletic training by an athletic
trainer.
§ 3 Registration required; exemptions. (a) No person shall represent, advertise, or announce oneself, either publicly or privately, as an athletic trainer, nor use in connection with the person's name or place of business the words "registered athletic trainer", "athletic trainer", "ATC", or any other words, letters, abbreviations, or insignia indicating or implying that the person is an athletic trainer unless the person meets the qualifications established by this chapter and has registered with the department of commerce and consumer affairs.

(b) Registration pursuant to this chapter shall not be required for:

1. Students in an educational program for athletic trainers who participate in activities under the supervision and guidance of a registered athletic trainer that are conducted as part of the educational program;

2. An individual serving in the armed forces of the United States, the United States Public Health Service, the Department of Veterans Affairs, or any other federal agency who engages in activities regulated under this chapter as a part of the
individual's employment; provided that the individual holds a valid license to practice a regulated occupation or profession issued by another jurisdiction recognized by the department and the individual's activities are within the scope of the applicable license;

(3) An individual who is invited to conduct a lecture, clinic, or demonstration regarding the practice of athletic training by a school, professional association, professional society, or other similar entity approved by the department by rule pursuant to chapter 91; provided that the individual does not establish a place of business or regularly engage in the practice of athletic training within the State;

(4) An individual who possesses a valid license, registration, or certification from another jurisdiction who accompanies an athletic team or group into this State for a temporary period; provided that the individual shall only attend to the needs of that athletic group or team and those persons who travel with that athletic group or team in a capacity other than as a spectator;
(5) An individual who possesses a valid license, registration, or certification from another jurisdiction who is invited to engage in the practice of athletic training under the supervision and control of a sponsoring entity for a limited time and solely for a special event; provided that the department determines that the needs of the special event exceed the capacity of state licensees; and

(6) An individual who possess a valid license issued under chapter 457G or 461J who, when acting within the scope of practice allowable under the individual's license, performs the same or similar functions as an individual registered pursuant to this chapter.

§ -4 Registration requirements. (a) Commencing August 1, 2011, athletic trainers shall:

 (1) Register with the department by providing the athletic trainer's name, business address, a current and unencumbered certification from the National Athletic Trainers' Association Board of Certification, Inc., and information on any consumer complaints filed against the athletic trainer with the National Athletic Trainers Association Board of Certification,
Inc., including the official disposition of all complaints;

(2) Renew the athletic trainer's registration every three years by providing the information required by paragraph (1); and

(3) Notify the department of any changes in registration information within thirty days of the change.

(b) The department shall maintain a current list of the names and business addresses of athletic trainers registered under subsection (a).

(c) Records of a registrant's certification from the National Athletic Trainers' Association Board of Certification, Inc. shall be public records.

§ 5 Duties of treating physician. A treating physician shall provide supervision to an athletic trainer by verbal order when in the presence of the athletic trainer or by written order or written athletic training service plans or protocols when a treating physician is not present with the athletic trainer.

§ 6 Qualifications of athletic trainers. To be eligible for registration under section 4, an athletic trainer shall have completed the educational and certification
requirements of the National Athletic Trainers' Association Board of Certification, Inc.

§ 7 Registration indicates permission to engage in the practice of athletic training. A registration granted under this chapter shall mean that the registered person has met requirements that include minimum practice standards to provide protection to the public and is permitted to use the title of athletic trainer and to engage in the practice of athletic training. In the granting of permission to engage in the practice of athletic training, and consistent with the intent of chapter 436B, the definition of "license" under section 436B-2 is inclusive of a registration issued under this chapter; therefore, an athletic trainer who is registered under this chapter shall be regarded as an athletic trainer who holds a license to practice the profession of athletic training.

§ 8 Civil penalties. In addition to any penalties adopted by the director by rule, any person who violates any provision of this chapter or the rules of the department adopted pursuant to this chapter shall be subject to civil penalties under section 436B-26.5.

§ 9 Rules. The director may adopt rules pursuant to chapter 91, including to establish fees or fines as may be
necessary, to effectuate the purpose and to enforce the
requirements of this chapter."

SECTION 3. This Act shall take effect on August 1, 2011;
provided that this Act shall be repealed on July 31, 2017.
Report Title:
Athletic Trainers; Registration

Description:
Creates registration requirements and qualifications for athletic trainers in this State; provides exemptions; prescribes penalties. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.