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# A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

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

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

8           The legislature finds that there is a pressing and  
9 immediate need to regulate the profession of athletic training  
10 in order to protect the public health, safety, and welfare. The  
11 legislature finds that this need is particularly important since  
12 athletic trainers often work with elementary and secondary  
13 school aged children. Regulation of athletic trainers will  
14 ensure that participants in athletic activities receive prompt,  
15 specialized emergency care as well as appropriate follow-up  
16 treatment and rehabilitation and meet appropriate criteria  
17 before being returned to play. Regulation will require that  
18 registrants demonstrate minimum competency in the field, as is



1 required for other health care professionals. Finally,  
 2 regulation will provide a means for members of the public, other  
 3 members of the profession, and the National Athletic Trainers'  
 4 Association Board of Certification, Inc. to assist in  
 5 maintaining quality standards by reporting ethical violations or  
 6 disciplinary action to the State's regulatory agency.

7 The legislature finds that the requirements of section  
 8 26H-6, Hawaii Revised Statutes, were met by the passage of Act  
 9 108, Session Laws of Hawaii 2010, requesting that the auditor  
 10 perform a sunrise analysis of the regulatory measures contained  
 11 in this Act. Therefore the legislature finds that there is no  
 12 procedural impediment to regulating the currently unregulated  
 13 industry of athletic trainers through passage of this Act.

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

17 "CHAPTER

18 ATHLETIC TRAINERS

19 § -1 Title. This chapter shall be known as the Athletic  
 20 Trainer Registration Act.

21 § -2 Definitions. As used in this chapter:

22



1 "Athlete" means a person who prepares for or participates  
2 in organized sports or sports-related activities, amateur or  
3 recreational sports involving athletic competition, including  
4 interscholastic, intercollegiate, intramural, semiprofessional,  
5 or professional sports activities.

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

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

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

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

20 "Practice of athletic training" refers to the application  
21 by an athletic trainer, whether or not registered under this



1 chapter and without regard to certification by any certifying  
2 body, of principles and methods to:

- 3 (1) Prevent athletic injuries;
- 4 (2) Recognize, evaluate, and assess athletic injuries and  
5 conditions;
- 6 (3) Provide immediate care of athletic injuries, including  
7 common emergency medical care;
- 8 (4) Rehabilitate, and recondition athletic injuries;
- 9 (5) Administer athletic training services and  
10 organization; and
- 11 (6) Educate athletes;

12 provided that the practice of athletic training does not include  
13 provision of occupational therapy services as defined in section  
14 457G-1 or physical therapy or physical therapy services as  
15 defined in section 461J-1.

16 "Treating physician" means a physician or osteopathic  
17 physician licensed under chapter 453 who, within the licensee's  
18 scope of practice and individual competency, is responsible for  
19 the athletic training services provided by an athletic trainer  
20 and oversees the practice of athletic training by an athletic  
21 trainer.



1           §   -3   **Registration required; exemptions.**   (a)   No person  
2 shall represent, advertise, or announce oneself, either publicly  
3 or privately, as an athletic trainer, nor use in connection with  
4 the person's name or place of business the words "registered  
5 athletic trainer", "athletic trainer", "ATC", or any other  
6 words, letters, abbreviations, or insignia indicating or  
7 implying that the person is an athletic trainer unless the  
8 person meets the qualifications established by this chapter and  
9 has registered with the department of commerce and consumer  
10 affairs.

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

13           (1)   Students in an educational program for athletic  
14           trainers who participate in activities under the  
15           supervision and guidance of a registered athletic  
16           trainer that are conducted as part of the educational  
17           program;

18           (2)   An individual serving in the armed forces of the  
19           United States, the United States Public Health  
20           Service, the Department of Veterans Affairs, or any  
21           other federal agency who engages in activities  
22           regulated under this chapter as a part of the



1 individual's employment; provided that the individual  
2 holds a valid license to practice a regulated  
3 occupation or profession issued by another  
4 jurisdiction recognized by the department and the  
5 individual's activities are within the scope of the  
6 applicable license;

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

15 (4) An individual who possesses a valid license,  
16 registration, or certification from another  
17 jurisdiction who accompanies an athletic team or group  
18 into this State for a temporary period; provided that  
19 the individual shall only attend to the needs of that  
20 athletic group or team and those persons who travel  
21 with that athletic group or team in a capacity other  
22 than as a spectator;



1 (5) An individual who possesses a valid license,  
2 registration, or certification from another  
3 jurisdiction who is invited to engage in the practice  
4 of athletic training under the supervision and control  
5 of a sponsoring entity for a limited time and solely  
6 for a special event; provided that the department  
7 determines that the needs of the special event exceed  
8 the capacity of state licensees; and

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

14 § -4 **Registration requirements.** (a) Commencing  
15 August 1, 2011, athletic trainers shall:

16 (1) Register with the department by providing the athletic  
17 trainer's name, business address, a current and  
18 unencumbered certification from the National Athletic  
19 Trainers' Association Board of Certification, Inc.,  
20 and information on any consumer complaints filed  
21 against the athletic trainer with the National  
22 Athletic Trainers Association Board of Certification,



1 Inc., including the official disposition of all  
2 complaints;

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

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

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

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

14 § -5 **Duties of treating physician.** A treating physician  
15 shall provide supervision to an athletic trainer by verbal order  
16 when in the presence of the athletic trainer or by written order  
17 or written athletic training service plans or protocols when a  
18 treating physician is not present with the athletic trainer.

19 § -6 **Qualifications of athletic trainers.** To be  
20 eligible for registration under section -4, an athletic  
21 trainer shall have completed the educational and certification





1 requirements of the National Athletic Trainers' Association  
2 Board of Certification, Inc.

3       § -7 **Registration indicates permission to engage in the**  
4 **practice of athletic training.** A registration granted under  
5 this chapter shall mean that the registered person has met  
6 requirements that include minimum practice standards to provide  
7 protection to the public and is permitted to use the title of  
8 athletic trainer and to engage in the practice of athletic  
9 training. In the granting of permission to engage in the  
10 practice of athletic training, and consistent with the intent of  
11 chapter 436B, the definition of "license" under section 436B-2  
12 is inclusive of a registration issued under this chapter;  
13 therefore, an athletic trainer who is registered under this  
14 chapter shall be regarded as an athletic trainer who holds a  
15 license to practice the profession of athletic training.

16       § -8 **Civil penalties.** In addition to any penalties  
17 adopted by the director by rule, any person who violates any  
18 provision of this chapter or the rules of the department adopted  
19 pursuant to this chapter shall be subject to civil penalties  
20 under section 436B-26.5.

21       § -9 **Rules.** The director may adopt rules pursuant to  
22 chapter 91, including to establish fees or fines as may be



1 necessary, to effectuate the purpose and to enforce the  
2 requirements of this chapter."

3 SECTION 3. This Act shall take effect on August 1, 2011;  
4 provided that this Act shall be repealed on July 31, 2017.

5



**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.*

