

STAND. COM. REP. NO.

249

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 155  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 155 entitled:

"A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS,"

begs leave to report as follows:

The purpose and intent of this measure is to regulate the practice of athletic training by requiring persons engaged in the practice of athletic training in this State to meet certain requirements and to register with the Department of Commerce and Consumer Affairs.

Your Committee received testimony in support of this measure from the University of Hawai'i System, the Hawaii Athletic Trainers Association, and the Board of Certification, Inc. Your Committee received testimony in opposition to this measure from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, the State Auditor, the Hawaii Chapter - American Physical Therapy Association, and the Occupational Therapy Association of Hawaii.

Your Committee finds that, as one of only three states that currently does not regulate the practice of athletic training, Hawaii is at risk of attracting individuals who are disqualified from practicing athletic training elsewhere. Your Committee notes that the State Auditor's report on this matter, issued pursuant to Act 108, Session Laws of Hawaii 2010, found that regulation of

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athletic trainers is not necessary to protect the public. Your Committee respectfully disagrees. With no system in place to verify an individual's professional qualifications, background, and complaint history, unqualified or unscrupulous persons may be allowed to practice athletic training in this State without any meaningful oversight. Your Committee finds that this would be an especially troubling outcome in light of the fact that athletic trainers often work with elementary and secondary school-aged children in both public and private school sponsored sports programs. Your Committee further finds that the continued absence of regulation over the practice of athletic trainers puts the safety of consumers at risk and degrades the profession as a whole.

Your Committee has amended this measure by:

- (1) Adding definitions of "athlete" and "athletic injury";
- (2) Clarifying that the regulatory requirements contained in this measure apply to all persons who are required to register as athletic trainers, whether or not those persons are actually registered;
- (3) Amending the definition of "practice of athletic training" to more accurately reflect the actual scope of practice;
- (4) Clarifying that registration with the Department of Commerce and Consumer Affairs pursuant to this measure shall be required beginning August 1, 2011;
- (5) Specifying that registration information submitted to the Department of Commerce and Consumer Affairs shall include complaints filed against the registrant with the national certifying agency and the official disposition of those complaints;
- (6) Clarifying that the Director of Commerce and Consumer Affairs may adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to enforce the requirements of this measure including the establishment of any fees or fines that the Director deems necessary;
- (7) Specifying that the measure shall take effect on August 1, 2011, and be repealed on July 31, 2017; and



- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 155, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 155, S.D. 1, and be referred to the Committee on Ways and Means.

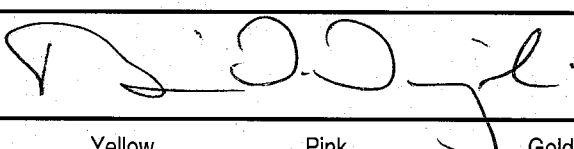
Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

  
ROSALYN H. BAKER, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB155</b>	Committee Referral: <b>CPN, WARM</b>	Date: <b>2/8/2011</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>7</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes