

JAN 21 2011

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:



1 "Athletic trainer" means an individual who is registered
2 under this chapter and carries out the practice of athletic
3 training.

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

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

8 "Practice of athletic training" means the application by a
9 registered and certified athletic trainer of principles and
10 methods to:

- 11 (1) Prevent athletic injuries;
- 12 (2) Recognize, diagnose, evaluate, and assess athletic
13 injuries and conditions;
- 14 (3) Provide immediate care of athletic injuries, including
15 common emergency medical situations;
- 16 (4) Treat, rehabilitate, and recondition athletic
17 injuries;
- 18 (5) Administer athletic training services and
19 organization; and
- 20 (6) Educate athletes.

21 "Treating physician" means a physician or osteopathic
22 physician licensed under chapter 453 who, within the licensee's



1 scope of practice and individual competency, is responsible for
2 the athletic training services provided by an athletic trainer
3 and oversees the practice of athletic training by an athletic
4 trainer.

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

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

17 (1) Students in an educational program for athletic
18 trainers who participate in activities under the
19 supervision and guidance of a registered athletic
20 trainer that are conducted as part of the educational
21 program;



- 1 (2) An individual serving in the armed forces of the
2 United States, the United States Public Health
3 Service, the Department of Veterans Affairs, or any
4 other federal agency who engages in activities
5 regulated under this chapter as a part of the
6 individual's employment; provided that the individual
7 holds a valid license to practice a regulated
8 occupation or profession issued by another
9 jurisdiction recognized by the department and the
10 individual's activities are within the scope of the
11 applicable license;
- 12 (3) An individual who is invited to conduct a lecture,
13 clinic, or demonstration regarding the practice of
14 athletic training by a school, professional
15 association, professional society, or other similar
16 entity approved by the department by rule pursuant to
17 chapter 91; provided that the individual does not
18 establish a place of business or regularly engage in
19 the practice of athletic training within the State;
- 20 (4) An individual who possesses a valid license,
21 registration, or certification from another
22 jurisdiction who accompanies an athletic team or group



1 into this State for a temporary period; provided that
2 the individual shall only attend to the needs of that
3 athletic group or team and those persons who travel
4 with that athletic group or team in a capacity other
5 than as a spectator; and

- 6 (5) An individual who possesses a valid license,
7 registration, or certification from another
8 jurisdiction who is invited to engage in the practice
9 of athletic training under the supervision and control
10 of a sponsoring entity for a limited time and solely
11 for a special event; provided that the department
12 determines that the needs of the special event exceed
13 the capacity of State licensees.

14 § -4 **Registration requirements.** (a) Athletic trainers
15 shall:

- 16 (1) Register with the department by providing the athletic
17 trainer's name, business address, and a current and
18 unencumbered certification from the National Athletic
19 Trainers Association Board of Certification, Inc.;
- 20 (2) Renew the athletic trainer's registration every three
21 years by providing the information required by
22 paragraph (1); and



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

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

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

9 § -5 **Duties of treating physician.** A treating physician
10 shall provide supervision to an athletic trainer by verbal order
11 when in the presence of the athletic trainer or by written order
12 or written athletic training service plans or protocols when a
13 treating physician is not present with the athletic trainer.

14 § -6 **Qualifications of athletic trainers.** To be
15 eligible for registration under section -4, an athletic
16 trainer shall have completed the educational and certification
17 requirements of the National Athletic Trainers' Association
18 Board of Certification, Inc.

19 § -7 **Registration indicates permission to engage in the**
20 **practice of athletic training.** A registration granted under
21 this chapter shall mean that the registered person has met
22 requirements that include minimum practice standards to provide



1 protection to the public and is permitted to use the title of
 2 athletic trainer and to engage in the practice of athletic
 3 training. In the granting of permission to engage in the
 4 practice of athletic training, and consistent with the intent of
 5 chapter 436B, the definition of "license" under section 436B-2
 6 is inclusive of a registration issued under this chapter;
 7 therefore, an athletic trainer who is registered under this
 8 chapter shall be regarded as an athletic trainer who holds a
 9 license to practice the profession of athletic training.

10 § -8 **Civil penalties.** Any person who violates any
 11 provision of this chapter or the rules of the department adopted
 12 pursuant to this chapter shall be subject to civil penalties
 13 under section 436B-26.5.

14 § -9 **Rules.** The director shall adopt rules pursuant to
 15 chapter 91 to effectuate the purpose of this chapter."

16 SECTION 3. This Act shall take effect on July 1, 2011.

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INTRODUCED BY:

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Report Title:

Athletic Trainers; Registration

Description:

Creates registration requirements and qualifications for athletic trainers in this State; provides exemptions; prescribes penalties.

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

