

1 HB141  
2 204447-1  
3 By Representatives Treadaway, Mooney and Drake  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 04-FEB-20

8 SYNOPSIS: Under existing law, the Alabama Board of  
9 Athletic Trainers is responsible for the regulation  
10 and licensing of athletic trainers in the state.

11 This bill would provide further for the  
12 licensing and regulation of athletic trainers to  
13 treat athletic injuries sustained by physically  
14 active individuals.

15 This bill would provide further for the  
16 formal professional relationship between an  
17 athletic trainer and a supervising or referring  
18 physician.

19 This bill would also provide for the  
20 membership and duties of the Advisory Council of  
21 the State Board of Medical Examiners and the  
22 Alabama Board of Athletic Trainers.

24 A BILL  
25 TO BE ENTITLED  
26 AN ACT

1           Relating to the Alabama Board of Athletic Trainers;  
2 to amend Sections 34-40-2, 34-40-3, 34-40-5, 34-40-6, 34-40-9,  
3 34-40-10, 34-40-15, and 34-40-16, Code of Alabama 1975, to  
4 further provide for the licensing and regulation of athletic  
5 trainers; and to add Section 34-40-3.2 to the Code of Alabama  
6 1975, to establish and provide for the membership and duties  
7 of the Advisory Council of the State Board of Medical  
8 Examiners and the Alabama Board of Athletic Trainers.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. Sections 34-40-2, 34-40-3, 34-40-5,  
11 34-40-6, 34-40-9, 34-40-10, 34-40-15, and 34-40-16 of the Code  
12 of Alabama 1975, are amended to read as follows:

13           "§34-40-2.

14           "As used in this chapter, the following ~~words and~~  
15 ~~phrases~~ terms shall have the following meanings, respectively,  
16 unless the context clearly indicates otherwise:

17           "~~(1) APPRENTICE ATHLETIC TRAINER. A person who~~  
18 ~~assists in the duties usually performed by an athletic trainer~~  
19 ~~and who works under the direct supervision of a licensed~~  
20 ~~athletic trainer.~~

21           "~~(2) ATHLETE. A person who participates in an~~  
22 ~~athletic activity being conducted by an educational~~  
23 ~~institution, professional athletic organization, or a board~~  
24 ~~sanctioned amateur athletic organization.~~

25           "(1) ADVISORY COUNCIL. The Advisory Council of the  
26 State Board of Medical Examiners and the Alabama Board of  
27 Athletic Trainers created pursuant to Section 34-40-3.2.

1           "~~(3)~~(2) ATHLETIC INJURY. An injury or condition  
2 sustained ~~received by an athlete~~ as a result of, or limiting  
3 the preparation for or participation ~~of the athlete in,~~ an  
4 ~~athletic activity~~ exercise, sport, game, recreational  
5 activity, or any other activity that requires a level of  
6 strength, endurance, flexibility, or agility that is  
7 comparable to the level of strength, endurance, flexibility,  
8 or agility required for an exercise, sport, game, or  
9 recreational activity; or any injury that a physician deems  
10 would benefit from athletic training services.

11           "~~(4)~~(3) ATHLETIC TRAINER. ~~A person~~ An individual  
12 licensed by the Alabama Board of Athletic Trainers ~~as an~~  
13 ~~athletic trainer and who practices athletic training on an~~  
14 ~~athlete under the direction or referral, or both, of a~~  
15 ~~licensed physician after meeting the requirements of this~~  
16 ~~chapter and rules and regulations promulgated pursuant to this~~  
17 ~~chapter.~~

18           "~~(5)~~(4) ATHLETIC TRAINING PRACTICE. Practice by an  
19 athletic trainer under physician supervision of any of the  
20 following:

21           "~~a. Under physician direction or referral, or both,~~  
22 ~~the prevention of athletic injuries~~ The application of care  
23 for an athletic injury, including the application or provision  
24 of any of the following:

25           "1. Principles, methods, and procedures of  
26 recognition, examination, assessment, clinical evaluation,

1 prevention, management, emergency care, disposition, or  
2 rehabilitation and reconditioning of athletic injuries.

3 "2. Appropriate preventive and supportive devices.

4 "3. Treatment using physical modalities such as  
5 heat, cold, light, mechanical devices, electric stimulation,  
6 manual therapy techniques, aquatic therapy, sound, or  
7 therapeutic exercise.

8 "4. Any other physical agent that is included within  
9 the written protocols allowed by the State Board of Medical  
10 Examiners and prescribed by a physician.

11 "b. The organization and administration of athletic  
12 training programs, including health care administration and  
13 professional responsibility.

14 ~~"c. Athletic counseling~~ The provision of athletic  
15 ~~training, education, and guidance and the education of~~  
16 ~~athletes regarding athletics and athletic training to~~  
17 ~~physically active individuals, coaches, medical personnel, and~~  
18 ~~the community in the prevention and care of athletic injuries.~~

19 ~~"d. Under physician direction and referral, the~~  
20 ~~rehabilitation and reconditioning of an athlete~~ The  
21 ~~recognition of potential illnesses and referrals to a~~  
22 ~~physician for diagnosis and treatment.~~

23 ~~"e. Under physician supervision, the evaluation, the~~  
24 ~~recognition, and management of athletic injuries~~ The provision  
25 ~~of injury prevention services developed for physically active~~  
26 ~~individuals.~~

1                   "~~(6)~~(5) BOARD. The Alabama Board of Athletic  
2 Trainers.

3                   "(6) INJURY PREVENTION. Care and guidance related to  
4 risk management, including biomechanics, conditioning,  
5 flexibility, nutrition, strength training, and fitness.

6                   "(7) PHYSICAL THERAPIST. A physical therapist  
7 licensed by the Alabama State Board of Physical Therapy.

8                   "(8) PHYSICIAN. A physician licensed by the Medical  
9 Licensure Commission of Alabama.

10                   "(9) PHYSICIAN SUPERVISION. a. An ~~A~~ licensed  
11 athletic trainer acting under the supervision of a physician  
12 if:

13                   "~~a.1.~~ The activities are undertaken pursuant to a  
14 verbal or written order of the physician who has evaluated the  
15 ~~injured athlete~~ physically active individual; and or

16                   "~~b.2.~~ The activity is undertaken in accordance with  
17 a written protocol signed by the physician ~~which~~ that  
18 describes the athletic injury encountered and directs  
19 appropriate medical interventions consistent with the  
20 qualification, training, and experience of the ~~licensed~~  
21 athletic trainer. The State Board of Medical Examiners shall  
22 establish ~~minimum~~ medical criteria for any protocol used by  
23 athletic trainers and shall specify those conditions and  
24 circumstances ~~which~~ that require referral to the physician for  
25 further evaluation.

26                   "b. Physician supervision establishes a formal  
27 relationship between an athletic trainer and a physician under

1 which the athletic trainer is authorized to practice as  
2 evidenced by a written protocol approved by the State Board of  
3 Medical Examiners and requires professional oversight and  
4 direction pursuant to the rules of the State Board of Medical  
5 Examiners and the Alabama Board of Athletic Trainers as  
6 recommended by the advisory council. No rule adopted pursuant  
7 to this paragraph shall be effective without the approval of  
8 both the State Board of Medical Examiners and the board.

9 "§34-40-3.

10 "(a) The Alabama Board of Athletic Trainers shall be  
11 composed of nine members who shall serve four-year terms.  
12 Members may not serve more than three consecutive four-year  
13 terms. Three members shall be ~~Black~~ a member of a minority  
14 class, one of whom shall be a physician member. The  
15 composition of the board shall be as follows:

16 "(1) Six members who are athletic trainers,  
17 appointed by the Alabama Athletic ~~Trainers~~ Trainers'  
18 Association in accordance with subsection (b), one of whom  
19 shall also be ~~an athletic trainer who is a licensed~~ a physical  
20 therapist.

21 "(2) Three physicians ~~licensed to practice medicine~~  
22 actively engaged in the treatment of ~~athletes and~~ athletic  
23 injuries or illnesses, appointed by the Medical Association of  
24 the State of Alabama.

25 "(3) The President of the Alabama Athletic ~~Trainers~~  
26 Trainers' Association who shall serve as an ex officio member  
27 of the board and whose term of office shall be yearly to

1 coincide with his or her term as President of the Alabama  
2 Athletic ~~Trainers~~ Trainers' Association.

3 "(b) ~~The six athletic trainers shall be appointed by~~  
4 ~~the~~ The Alabama Athletic ~~Trainers~~ Trainers' Association. ~~The~~  
5 ~~association~~ shall conduct an annual meeting at which all  
6 athletic trainers holding a current license ~~as identified~~  
7 under this chapter shall have the right to attend, nominate,  
8 and vote for the athletic trainer members of the board. The  
9 association shall regulate and prescribe the date, hour, and  
10 place of the meeting, the method of nomination, and the manner  
11 of voting. At least 30 days prior to the meeting, the board  
12 shall ~~mail~~ send notices to each current licensee at the  
13 address shown on the current registration notifying of the  
14 exact date, hour, and place of the meeting, the purpose of the  
15 meeting, and of the right to attend and vote. To qualify as a  
16 board member pursuant to this subsection, a person shall be a  
17 citizen of the United States and a resident of this state and  
18 have acted as an athletic trainer for three years within this  
19 state immediately preceding appointment.

20 "(c) In making the initial appointments, the Alabama  
21 Athletic ~~Trainers~~ Trainers' Association shall appoint one  
22 athletic trainer whose term will expire in 1994, two athletic  
23 trainers whose terms will expire in 1995, and one athletic  
24 trainer whose term will expire in 1996, and two athletic  
25 trainers whose terms will expire in 1997. The Medical  
26 Association of the State of Alabama shall appoint one  
27 physician whose term will expire in 1994, one physician whose

1 term will expire in 1995, and one physician whose term will  
2 expire in 1996. All appointments expire on December 31 of the  
3 year specified.

4 "(d) Each appointee to the board shall qualify by  
5 taking an oath of office within 15 days from the date of the  
6 appointment. In the event of death, resignation, or removal of  
7 any member, except for physician members, the vacancy of the  
8 unexpired term shall be filled by the board.

9 "(e) The board shall elect a chair, a vice-chair,  
10 and secretary from its members for a term of one year and may  
11 appoint any committees and formulate any rules it considers  
12 necessary to carry out its duties pursuant to this chapter.  
13 The board shall meet at least twice each year. Additional  
14 meetings may be held on the call of the chair or at the  
15 written request of any two members of the board. The secretary  
16 shall keep a record of the proceedings of the board. The board  
17 may promulgate and adopt rules ~~and regulations~~ consistent with  
18 this chapter which are necessary for the performance of its  
19 duties. The board may employ an executive secretary and any  
20 officers and employees as may be necessary to carry out the  
21 duties of the board. The State Board of Medical Examiners and  
22 the Alabama Board of Athletic Trainers shall jointly approve  
23 any rule, ~~regulation,~~ or policy that interprets, explains, or  
24 enumerates the permissible acts, functions, or services  
25 rendered by an athletic trainer ~~or apprentice athletic trainer~~  
26 as those acts, functions, and services are defined in Section  
27 34-40-2. Any rule, ~~regulation,~~ or policy adopted in violation

1 of this requirement is invalid. The board shall prescribe  
2 methods and forms for license applications, license  
3 certificate, license renewal, verification of license,  
4 continuing education verification, and any forms for  
5 information required from licensees to carry out the duties of  
6 the board. The board shall adopt an official seal and a  
7 license certificate of suitable design.

8 "(f) Members of the board shall receive ~~fifty~~  
9 ~~dollars (\$50)~~ one hundred dollars (\$100) for every day  
10 actually spent in the performance of their duties and in  
11 addition thereto shall be reimbursed according to the state  
12 travel policy for other expenses in the same amounts and under  
13 the same conditions as state employees are reimbursed.

14 "(g) ~~It shall be the duty of the~~ The board to shall  
15 pass upon the qualifications of applicants for licensure as an  
16 athletic trainer, and ~~to~~ issue licenses and annual renewals to  
17 athletic trainers. The board shall ~~be responsible for fixing~~  
18 fix fees for such applications, licenses, renewals,  
19 verification of licensure, replacement of licenses, name  
20 changes ~~on~~ of licensees, publication fees, or other  
21 administration fees deemed necessary to carry out ~~the~~  
22 ~~provisions of~~ this chapter.

23 "§34-40-5.

24 "(a) Any person seeking licensure as an athletic  
25 trainer shall be a citizen of the United States or, if not a  
26 citizen of the United States, a person who is legally present  
27 in the United States with appropriate documentation from the

1 federal government, and meet at least one of the following  
2 requirements:

3 "(1) Satisfactory completion of all ~~of the National~~  
4 ~~Athletic Trainers' Association (NATA) Board of Certification,~~  
5 Inc., or its successor organization, qualifications ~~and;~~  
6 certification as an athletic trainer in good standing by the  
7 ~~National Athletic Trainers' Association Board of~~  
8 Certification, Inc.; and eligibility for a National Provider  
9 Identifier.

10 "(2) Licensure by reciprocity. The board shall  
11 grant, without examination, licensure to any qualified  
12 athletic trainer holding a license certificate or registration  
13 in another state if that state maintains licensure  
14 qualifications ~~which~~ that are substantially equivalent to  
15 those required in this state, and gives similar reciprocity to  
16 licensees of this state.

17 "(b) Any person desiring to be licensed, desiring a  
18 renewal of an existing license, desiring verification of  
19 licensure, reinstatement of a license, replacement of a  
20 license, or name changes for a licensee as an athletic trainer  
21 in this state shall make and file with the board, ~~not less~~  
22 ~~than 30 days prior to any regular meeting thereof,~~ a written  
23 application ~~on a form~~ or request as prescribed by the board.  
24 The application shall be accompanied by the payment of a fee,  
25 as set by the board, to include publication fees or other  
26 administrative fees deemed necessary to carry out the  
27 provisions of this chapter, ~~in accordance with subsection (g)~~

1 ~~of Section 34-40-3.~~ Any licensee who fails to renew his or her  
2 license within 90 days following expiration of the previous  
3 license shall be required to file a new application and pay an  
4 application fee with the board.

5 "§34-40-6.

6 "An athletic trainer, as a qualified health care  
7 professional, functioning under the supervision of a  
8 physician, may use therapeutic exercise and modalities for the  
9 treatment of athletic injuries for which he or she has  
10 received appropriate training or education.

11 "§34-40-9.

12 "(a) Nothing in this chapter shall be construed as  
13 preventing or restricting any of the following persons from  
14 engaging in the profession or occupation for which they are  
15 licensed, certified, or registered in Alabama as follows:

16 "(1) Physicians and surgeons licensed by the Medical  
17 Licensure Commission of Alabama.

18 "(2) Dentists licensed by the State Board of Dental  
19 Examiners.

20 "(3) Optometrists licensed by the State Board of  
21 Optometry.

22 "(4) Nurses licensed by the Alabama Board of  
23 Nursing.

24 "(5) Chiropractors licensed by the State Board of  
25 Chiropractic Examiners.

26 "(6) Podiatrists licensed by the State Board of  
27 Podiatry.

1           "(7) Physical therapists licensed by the State Board  
2 of Physical Therapy.

3           "(8) Occupational therapists licensed by the State  
4 Board of Occupational Therapy.

5           "(9) Emergency medical technicians licensed by the  
6 State Department of Public Health.

7           "(10) Physician assistants licensed by the State  
8 Board of Medical Examiners.

9           "(11) Massage therapists licensed by the Alabama  
10 Board of Massage Therapy.

11           "(b) This chapter shall not apply to the following  
12 persons:

13           "(1) Coaches and physical education instructors in  
14 the performance of their duties.

15           "~~(2) Apprentice athletic trainers who confine~~  
16 ~~themselves to the duties prescribed in this chapter.~~

17           "~~(3)~~ (2) Athletic trainers from other nations,  
18 states, or territories performing their duties for their  
19 respective teams or organizations and only during the course  
20 of their team's or organization's stay in this state.

21           "~~(4)~~ (3) A person who performs any of the services  
22 set forth in this chapter as long as the person does not  
23 violate this chapter.

24           "§34-40-10.

25           "The board may refuse to issue a license certificate  
26 to any person and, after notice and hearing pursuant to its  
27 ~~regulations and rules,~~ may suspend or revoke the license

1 certificate of any person who ~~has done~~ does any of the  
2 following:

3 "(1) ~~Practiced~~ Practices athletic training other  
4 than under the ~~direction or referral, or both,~~ supervision of  
5 a physician licensed to practice medicine or surgery.

6 "(2) Uses drugs or intoxicating liquors to an extent  
7 which affects professional competency.

8 "(3) ~~Obtained or attempted~~ Obtains or attempts to  
9 obtain a license by fraud or deception.

10 "(4) ~~Been~~ Is found to be grossly negligent in the  
11 practice of athletic training.

12 "(5) ~~Been~~ Is adjudged mentally incompetent by a  
13 court of competent jurisdiction.

14 "(6) ~~Been~~ Is found to be guilty of conduct  
15 detrimental to the best interest of the public.

16 "(7) ~~Has~~ Is or has been imprisoned for violating any  
17 state or federal controlled substance law.

18 "(8) ~~Treated~~ Is treating or has undertaken to treat  
19 human ailments otherwise than by athletic training and  
20 according to standards established by the board.

21 "(9) ~~Advertised~~ Advertises unethically according to  
22 standards as set by the board.

23 "(10) ~~Failed or refused~~ Fails or refuses to obey any  
24 lawful order or ~~regulation~~ rule of the board.

25 "(11) ~~Unlawful~~ Engages in the unlawful invasion of  
26 the field of practice of any other profession.

27 "§34-40-15.

1                   "Nothing in this chapter shall authorize an athletic  
2                   trainer ~~or apprentice athletic trainer~~ to engage in the  
3                   practice of medicine; to diagnose, treat, or cure any human  
4                   disease, illness, ailment, infirmity, pain, or other condition  
5                   ~~which~~ that is not an athletic injury; to perform surgery of  
6                   any type or description; or to prescribe any drug or medical  
7                   device.

8                   "§34-40-16.

9                   "An athletic trainer employed in a physical therapy  
10                  clinic shall work under the administrative supervision of a  
11                  ~~licensed~~ physical therapist in the context of an  
12                  employer/employee relationship. The authority of the physical  
13                  therapist may not supersede the authority of the physician  
14                  regarding treatment, in accordance with physician supervision  
15                  of the athletic trainer."

16                  Section 2. Section 34-10-3.2 is added to the Code of  
17                  Alabama 1975, to read as follows:

18                  §34-10-3.2.

19                  (a) There is created the Advisory Council of the  
20                  State Board of Medical Examiners and the Alabama Board of  
21                  Athletic Trainers. The membership of the advisory council  
22                  shall include all of the following:

23                         (1) Three physicians, appointed by the State Board  
24                         of Medical Examiners.

25                         (2) Three athletic trainers appointed by the board.

26                         (b) In order to stagger the terms of office, the  
27                         three physician members of the advisory council shall serve

1 initial terms of one, two, and three years, as determined by  
2 the State Board of Medical Examiners, and terms of three years  
3 thereafter, and the three athletic trainer members of the  
4 advisory council shall serve initial terms of one, two, and  
5 three years, as determined by the board, and terms of three  
6 years thereafter. Should a vacancy occur on the advisory  
7 council, a successor shall be appointed by the original  
8 appointing authority to serve the remainder of the unexpired  
9 term.

10 (c) The advisory council shall meet annually, or  
11 more frequently if agreed by both the State Board of Medical  
12 Examiners and the board. During the annual meeting, the  
13 membership of the advisory council shall select one of its  
14 members to serve as chair for a term of one year. The office  
15 of chair shall alternate between a physician member and an  
16 athletic trainer member.

17 (d) Members of the advisory council shall receive  
18 per diem at a rate of one hundred dollars (\$100) per day or  
19 any portion thereof that the advisory council member is  
20 attending an official meeting or function of the advisory  
21 council. In addition, each member of the advisory council  
22 shall receive reimbursement for subsistence and travel in  
23 accordance with state law as provided for state employees, for  
24 each day actively engaged in the duties of the office.  
25 Compensation of the members of the advisory council shall be  
26 paid by the appointing authority, and the appointing  
27 authorities shall furnish necessary clerical and

1 administrative support for the operation of the advisory  
2 council.

3 (e) Any provision of this chapter to the contrary  
4 notwithstanding, the advisory council shall recommend model  
5 practice protocols to be used by athletic trainers, subject to  
6 approval by both the State Board of Medical Examiners and the  
7 board. The advisory council shall be limited to voting on new  
8 standard protocols, adding or deleting existing protocols, and  
9 amending existing protocols. The advisory council may  
10 recommend rules establishing the ratio of physicians to  
11 athletic trainers and the manner in which a supervising  
12 physician may designate an alternate supervising physician  
13 when temporarily unavailable as the supervising physician. The  
14 advisory council may not grant deviations from protocol. No  
15 rule or protocol shall be effective until approved by both the  
16 State Board of Medical Examiners and the board.

17 Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.