

1 SB93
2 196933-3
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20

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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.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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 (i) principles, methods, and procedures of recognition,
25 examination, assessment, clinical evaluation, prevention,
26 management, emergency care, disposition, or rehabilitation and
27 reconditioning of athletic injuries, (ii) appropriate

1 preventive and supportive devices, (iii) treatment using
2 physical modalities such as heat, cold, light, mechanical
3 devices, electric stimulation, manual therapy techniques,
4 aquatic therapy, sound, or therapeutic exercise, and (iv) any
5 other physical agent that is included within the written
6 protocols allowed by the State Board of Medical Examiners and
7 prescribed by a physician.

8 "b. The organization and administration of athletic
9 training programs, including health care administration and
10 professional responsibility.

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

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

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

24 ~~"(6)(5)~~ BOARD. The Alabama Board of Athletic
25 Trainers.

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

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

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

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

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

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

24 "b. Physician supervision establishes a formal
25 relationship between an athletic trainer and a physician under
26 which the athletic trainer is authorized to practice as
27 evidenced by a written protocol approved by the State Board of

1 Medical Examiners and requires professional oversight and
2 direction pursuant to the rules of the State Board of Medical
3 Examiners and the Alabama Board of Athletic Trainers as
4 recommended by the advisory council. No rule adopted pursuant
5 to this paragraph shall be effective without the approval of
6 both the State Board of Medical Examiners and the board.

7 "§34-40-3.

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

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

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

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

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

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

1 expire in 1996. All appointments expire on December 31 of the
2 year specified.

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

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

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

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

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

22 "§34-40-5.

23 "(a) Any person seeking licensure as an athletic
24 trainer shall be a citizen of the United States or, if not a
25 citizen of the United States, a person who is legally present
26 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.