
SUBSTITUTE HOUSE BILL 1459

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Heavey, Wood, Lisk, G. Cole, Appelwick, Jacobsen, Basich, Ludwig, Morton, Dunshee, Grant, Thibaudeau, R. Johnson, Brumsickle, Springer, Orr, Cooke, Voloria, Flemming, Dyer, Quall, Chandler, Dellwo, Ballasiotes, Pruitt, Karahalios, J. Kohl, Eide and Finkbeiner)

Read first time 02/04/94.

1 AN ACT Relating to athletic trainers; amending RCW 18.130.040 and
2 7.70.020; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and
5 cited as the Washington athletic trainer's act.

6 NEW SECTION. **Sec. 2.** LEGISLATIVE INTENT. The legislature finds
7 it necessary to regulate the practice of athletic training at the level
8 of certification in order to establish professional standards of
9 competence and conduct which assures the public health and safety.

10 NEW SECTION. **Sec. 3.** DEFINITIONS. Unless the context clearly
11 requires otherwise, the definitions in this section apply throughout
12 this chapter.

13 (1) "Athletic injury" means an injury sustained by a person as a
14 result of that person's participation in sports, games, recreation,
15 exercise, or skill activities utilizing physical strength, flexibility,
16 agility, range of motion, speed, or stamina.

1 (2) "Athletic trainer" means a sports injury specialist who
2 practices athletic training as defined in this chapter under the
3 direction of an authorized health care practitioner through the
4 prevention, recognition, evaluation, management, disposition,
5 treatment, or rehabilitation of athletic injuries.

6 (3) "Athletic training" means the practice of prevention,
7 recognition, evaluation, management, disposition, treatment,
8 rehabilitation, physical conditioning, or physical reconditioning of
9 athletic injuries under the direction of an authorized health care
10 practitioner and including the use of physical modalities defined in
11 this chapter.

12 (4) "Authorized health care practitioner" means physicians,
13 osteopathic physicians, naturopaths, podiatric physicians and surgeons,
14 dentists, and, in clinical settings, physical therapists and
15 occupational therapists.

16 (5) "Department" means the department of health.

17 (6) "Physical modalities" means the use of physical, chemical,
18 electrical, and other noninvasive modalities including, but not limited
19 to heat, cold, air, light, water in any of its forms, sound, massage,
20 and therapeutic exercise.

21 (7) "Secretary" means the secretary of health or the secretary's
22 designee.

23 NEW SECTION. **Sec. 4.** CERTIFICATION. No person may represent
24 oneself as a certified athletic trainer nor use any title or
25 description of services that includes the words certified athletic
26 trainer or training without applying for certification, meeting the
27 required qualifications specified in this chapter, and being certified
28 by the department.

29 NEW SECTION. **Sec. 5.** QUALIFICATIONS FOR CERTIFICATION. (1) The
30 secretary shall issue a certificate to any applicant who demonstrates
31 to the secretary's satisfaction that the following requirements have
32 been met:

33 (a) The applicant is at least eighteen years of age;

34 (b) The applicant has graduated with a baccalaureate or post
35 graduate degree from an educational program with an athletic training
36 curriculum recognized by national athletic training accrediting
37 organizations and approved by the secretary;

1 (c) The applicant has successfully completed an approved
2 examination. The examination must test the applicant's knowledge of
3 the basic and clinical sciences relative to athletic training theory
4 and practice, including professional skills and judgment in the
5 utilization of techniques and methods;

6 (d) The applicant has three consecutive years of employment in
7 athletic training as determined by the secretary by rule; and

8 (e) The applicant has paid any required fee.

9 (2) The secretary shall establish by rule what constitutes adequate
10 proof of meeting the requirements in subsection (1) of this section.

11 (3) Applicants are subject to the grounds for denial of a
12 certificate or issuance of a conditional certificate under chapter
13 18.130 RCW.

14 NEW SECTION. **Sec. 6.** APPROVAL OF EDUCATIONAL PROGRAMS. The
15 secretary shall establish by rule the standards and procedures for
16 approval of educational programs in athletic training. The secretary
17 may utilize or contract with individuals or organizations having
18 expertise in the profession or in education to assist in the
19 evaluations. The secretary must establish by rule the standards and
20 procedures for revocation of approval of education programs. The
21 standards and procedures set must apply equally to educational programs
22 in the United States and in foreign jurisdictions. The secretary may
23 establish a fee for educational program evaluations.

24 NEW SECTION. **Sec. 7.** EXAMINATIONS. (1) The secretary shall
25 establish the date and location of examinations. Applicants who have
26 been found by the secretary to meet the other requirements for
27 certification must be scheduled for the next examination following the
28 filing of the application. The secretary shall establish by rule the
29 examination application deadline.

30 (2) The secretary or the secretary's designees shall examine each
31 applicant, by means determined most effective, on subjects appropriate
32 to the scope of practice, as applicable. The examinations must be
33 limited to the purpose of determining whether the applicant possesses
34 the minimum skill and knowledge necessary to practice competently.

35 (3) The examination papers, all grading of the papers, and the
36 grading of any practical work must be preserved for a period of not
37 less than one year after the secretary has made and published the

1 decisions. All examinations must be conducted under fair and wholly
2 impartial methods.

3 (4) Any applicant failing to make the required grade in the first
4 examination may take up to three subsequent examinations as the
5 applicant desires upon prepaying a fee determined by the secretary
6 under RCW 43.70.250 for each subsequent examination. Upon failing four
7 examinations, the secretary may invalidate the original application and
8 require remedial education before the person may take future
9 examinations.

10 (5) The secretary may approve an examination prepared or
11 administered by a private testing agency or association of licensing
12 agencies for use by an applicant in meeting the credentialing
13 requirements.

14 NEW SECTION. **Sec. 8.** APPLICATIONS. Applications for
15 credentialing must be submitted on forms provided by the secretary.
16 The secretary may require any information and documentation that
17 reasonably relates to the need to determine whether the applicant meets
18 the criteria for credentialing provided for in this chapter and chapter
19 18.130 RCW. Each applicant must pay a fee determined by the secretary
20 under RCW 43.70.250. The fee must accompany the application.

21 NEW SECTION. **Sec. 9.** WAIVER OF EXAMINATION FOR INITIAL
22 APPLICATIONS. The secretary shall waive the examination and credential
23 a person authorized to practice within the state of Washington if the
24 secretary determines that the person meets commonly accepted standards
25 of education and experience for the profession. This section applies
26 only to those individuals who file an application for waiver within one
27 year of the establishment of the authorized practice.

28 NEW SECTION. **Sec. 10.** POWERS OF SECRETARY. In addition to any
29 other authority provided by law, the secretary may:

30 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
31 chapter;

32 (2) Establish all credentialing, examination, and renewal fees in
33 accordance with RCW 43.70.250;

34 (3) Establish forms and procedures necessary to administer this
35 chapter;

1 (4) Register any applicants, and to issue certificates to
2 applicants who have met the education, training, and examination
3 requirements for certification and to deny a credential to applicants
4 who do not meet the minimum qualifications, except that proceedings
5 concerning the denial of certification based upon unprofessional
6 conduct or impairment shall be governed by the uniform disciplinary
7 act, chapter 18.130 RCW;

8 (5) Hire clerical, administrative, investigative, and other staff
9 as needed to implement this chapter, and hire individuals certified
10 under this chapter to serve as examiners for any practical
11 examinations;

12 (6) Determine minimum education requirements and evaluate and
13 designate those educational programs from which graduation will be
14 accepted as proof of eligibility to take a qualifying examination for
15 applicants for certification;

16 (7) Prepare, grade, and administer, or determine the nature of, and
17 supervise the grading and administration of, examinations for
18 applicants for certification;

19 (8) Determine whether alternative methods of training are
20 equivalent to formal education, and establish forms, procedures, and
21 criteria for evaluation of an applicant's alternative training to
22 determine the applicant's eligibility to take any qualifying
23 examination;

24 (9) Determine which states have certification requirements
25 equivalent to those of this state, and issue certification to
26 individuals credentialed in those states without examinations;

27 (10) Define and approve any experience requirement for
28 certification;

29 (11) Implement and administer a program for consumer education;

30 (12) Adopt rules implementing a continuing competency program;

31 (13) Maintain the official department record of all applicants and
32 persons credentialed under this chapter; and

33 (14) Establish by rule the procedures for an appeal of an
34 examination failure.

35 The secretary shall consult with representative athletic trainer
36 organizations in implementing this chapter and in the adoption of any
37 rules. The consultation may take the form of an ad hoc committee.

1 NEW SECTION. **Sec. 11.** RECORD OF PROCEEDINGS. The secretary must
2 keep an official record of all proceedings. A part of the record must
3 consist of a register of all applicants for credentialing under this
4 chapter and the results of each application.

5 NEW SECTION. **Sec. 12.** ENDORSEMENT. An applicant holding a
6 credential in another state may be credentialed to practice in this
7 state without examination if the secretary determines that the other
8 state's credentialing standards are substantially equivalent to the
9 standards in this state.

10 NEW SECTION. **Sec. 13.** RENEWALS. The secretary shall establish by
11 rule the procedural requirements and fees for renewal of a credential.
12 Failure to renew shall invalidate the credential and all privileges
13 granted by the credential. If a certificate has lapsed for a period
14 longer than three years, the person shall demonstrate competence to the
15 satisfaction of the secretary by taking continuing education courses,
16 or meeting other standards determined by the secretary.

17 NEW SECTION. **Sec. 14.** APPLICATION OF UNIFORM DISCIPLINARY ACT.
18 The uniform disciplinary act, chapter 18.130 RCW, governs the issuance
19 and denial of certification, uncertified and unauthorized practice, and
20 the discipline of persons certified under this chapter. The secretary
21 shall be the disciplining authority under this chapter.

22 NEW SECTION. **Sec. 15.** (1) The provisions of this chapter
23 relating to the regulating of athletic trainers are exclusive. A
24 governmental subdivision of this state may not enact a law or rule
25 regulating athletic trainers, except as provided in subsections (2) and
26 (3) of this section.

27 (2) This section does not prevent a political subdivision of this
28 state from levying a business fee, business and occupation tax, or
29 other tax upon athletic trainers, if the fee or tax is levied by the
30 state on other types of businesses within its boundaries.

31 (3) This section does not prevent this state or a political
32 subdivision of this state from regulating athletic trainers with
33 respect to activities that are not regulated under this chapter.

1 **Sec. 16.** RCW 18.130.040 and 1993 c 367 s 4 are each amended to
2 read as follows:

3 UNIFORM DISCIPLINARY ACT. (1) This chapter applies only to the
4 secretary and the boards having jurisdiction in relation to the
5 professions licensed under the chapters specified in this section.
6 This chapter does not apply to any business or profession not licensed
7 under the chapters specified in this section.

8 (2)(a) The secretary has authority under this chapter in relation
9 to the following professions:

10 (i) Dispensing opticians licensed under chapter 18.34 RCW;
11 (ii) Naturopaths licensed under chapter 18.36A RCW;
12 (iii) Midwives licensed under chapter 18.50 RCW;
13 (iv) Ocularists licensed under chapter 18.55 RCW;
14 (v) Massage operators and businesses licensed under chapter 18.108
15 RCW;

16 (vi) Dental hygienists licensed under chapter 18.29 RCW;
17 (vii) Acupuncturists certified under chapter 18.06 RCW;
18 (viii) Radiologic technologists certified under chapter 18.84 RCW;
19 (ix) Respiratory care practitioners certified under chapter 18.89
20 RCW;

21 (x) Persons registered or certified under chapter 18.19 RCW;
22 (xi) Persons registered as nursing pool operators;
23 (xii) Nursing assistants registered or certified under chapter
24 18.88A RCW;

25 (xiii) Health care assistants certified under chapter 18.135 RCW;
26 (xiv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;

28 (xv) Sex offender treatment providers certified under chapter
29 18.155 RCW; ((and))

30 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
31 18.71.205; and

32 (xvii) Athletic trainers certified under chapter 18.-- RCW
33 (sections 1 through 15 and 18 of this act).

34 (b) The boards having authority under this chapter are as follows:

35 (i) The podiatric medical board as established in chapter 18.22
36 RCW;

37 (ii) The chiropractic disciplinary board as established in chapter
38 18.26 RCW governing licenses issued under chapter 18.25 RCW;

1 (iii) The dental disciplinary board as established in chapter 18.32
2 RCW;

3 (iv) The ~~((council))~~ board on fitting and dispensing of hearing
4 aids as established in chapter 18.35 RCW;

5 (v) The board of funeral directors and embalmers as established in
6 chapter 18.39 RCW;

7 (vi) The board of examiners for nursing home administrators as
8 established in chapter 18.52 RCW;

9 (vii) The optometry board as established in chapter 18.54 RCW
10 governing licenses issued under chapter 18.53 RCW;

11 (viii) The board of osteopathic medicine and surgery as established
12 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
13 18.57A RCW;

14 (ix) The board of pharmacy as established in chapter 18.64 RCW
15 governing licenses issued under chapters 18.64 and 18.64A RCW;

16 (x) The medical disciplinary board as established in chapter 18.72
17 RCW governing licenses and registrations issued under chapters 18.71
18 and 18.71A RCW;

19 (xi) The board of physical therapy as established in chapter 18.74
20 RCW;

21 (xii) The board of occupational therapy practice as established in
22 chapter 18.59 RCW;

23 (xiii) The board of practical nursing as established in chapter
24 18.78 RCW;

25 (xiv) The examining board of psychology and its disciplinary
26 committee as established in chapter 18.83 RCW;

27 (xv) The board of nursing as established in chapter 18.88 RCW; and

28 (xvi) The veterinary board of governors as established in chapter
29 18.92 RCW.

30 (3) In addition to the authority to discipline license holders, the
31 disciplining authority has the authority to grant or deny licenses
32 based on the conditions and criteria established in this chapter and
33 the chapters specified in subsection (2) of this section. However, the
34 board of chiropractic examiners has authority over issuance and denial
35 of licenses provided for in chapter 18.25 RCW, the board of dental
36 examiners has authority over issuance and denial of licenses provided
37 for in RCW 18.32.040, and the board of medical examiners has authority
38 over issuance and denial of licenses and registrations provided for in
39 chapters 18.71 and 18.71A RCW. This chapter also governs any

1 investigation, hearing, or proceeding relating to denial of licensure
2 or issuance of a license conditioned on the applicant's compliance with
3 an order entered pursuant to RCW 18.130.160 by the disciplining
4 authority.

5 **Sec. 17.** RCW 7.70.020 and 1985 c 326 s 27 are each amended to read
6 as follows:

7 **INFORMED CONSENT.** As used in this chapter "health care provider"
8 means either:

9 (1) A person licensed by this state to provide health care or
10 related services, including, but not limited to, a certified
11 acupuncturist, a physician, osteopathic physician, dentist, nurse,
12 optometrist, (~~podiatrist~~) podiatric physician and surgeon,
13 chiropractor, physical therapist, psychologist, pharmacist, optician,
14 physician's assistant, midwife, osteopathic physician's assistant,
15 nurse practitioner, (~~or~~) physician's trained mobile intensive care
16 paramedic, or athletic trainer, including, in the event such person is
17 deceased, his estate or personal representative;

18 (2) An employee or agent of a person described in part (1) above,
19 acting in the course and scope of his employment, including, in the
20 event such employee or agent is deceased, his estate or personal
21 representative; or

22 (3) An entity, whether or not incorporated, facility, or
23 institution employing one or more persons described in part (1) above,
24 including, but not limited to, a hospital, clinic, health maintenance
25 organization, or nursing home; or an officer, director, employee, or
26 agent thereof acting in the course and scope of his employment,
27 including in the event such officer, director, employee, or agent is
28 deceased, his estate or personal representative.

29 NEW SECTION. **Sec. 18.** SECTION CAPTIONS. Section captions as used
30 in this act do not constitute any part of the law.

31 NEW SECTION. **Sec. 19.** Sections 1 through 15 and 18 of this act
32 shall constitute a new chapter in Title 18 RCW.

33 NEW SECTION. **Sec. 20.** SEVERABILITY. If any provision of this act
34 or its application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

--- END ---