
ENGROSSED SUBSTITUTE SENATE BILL 5598

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Shin, Roach, Horn, Swecker, Kohl-Welles, Thibaudeau, Franklin, Rasmussen, B. Sheldon, Eide, Costa, McAuliffe, Prentice and Jacobsen)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to athletic trainers; amending RCW 18.130.040; and
2 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.** The legislature finds that registration of
5 athletic trainers is in the interest of the public health, safety, and
6 welfare.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Athletic injury" means an injury sustained by a person as a
10 result of that person's participation in sports, games, or related
11 skill activities.

12 (2) "Athletic trainer" means a person who practices athletic
13 training.

14 (3) "Athletic training" means the practice of prevention,
15 recognition, evaluation, management, disposition, treatment,
16 rehabilitation, physical conditioning, or physical reconditioning of
17 athletic injuries.

18 (4) "Department" means the department of health.

1 (5) "Secretary" means the secretary of health or the secretary's
2 designee.

3 NEW SECTION. **Sec. 3.** No person may represent himself or herself
4 as an athletic trainer by use of any title or description without being
5 registered by the department under the provisions of this chapter.

6 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed to
7 prohibit or restrict:

8 (1) The practice of an individual licensed, certified, or
9 registered under the laws of this state and performing services within
10 his or her authorized scope of practice;

11 (2) The practice by an individual employed by the government of the
12 United States while engaged in the performance of duties prescribed by
13 the laws of the United States; or

14 (3) The practice by a person who is a regular student in an
15 educational program approved by the secretary, and whose performance of
16 services is pursuant to a regular course of instruction or assignments
17 from an instructor and under the general supervision of the instructor.

18 NEW SECTION. **Sec. 5.** In addition to any other authority provided
19 by law, the secretary has the authority to:

20 (1) Adopt rules under chapter 34.05 RCW as required to implement
21 this chapter;

22 (2) Establish all registration and renewal fees in accordance with
23 RCW 43.70.250;

24 (3) Establish forms and procedures necessary to administer this
25 chapter;

26 (4) Register an applicant or deny registration based upon
27 unprofessional conduct or impairment governed by the uniform
28 disciplinary act, chapter 18.130 RCW;

29 (5) Hire clerical, administrative, investigative, and other staff
30 as needed to implement this chapter; and

31 (6) Maintain the official department record of all applicants and
32 persons with registrations.

33 NEW SECTION. **Sec. 6.** An applicant shall identify the name and
34 address of the applicant and other information required by the

1 secretary necessary to establish whether there are grounds for denial
2 of a registration or conditional registration under chapter 18.130 RCW.

3 NEW SECTION. **Sec. 7.** The secretary shall register an applicant on
4 forms provided by the secretary. Each applicant shall pay a fee
5 determined by the secretary under RCW 43.70.250. The fee must
6 accompany the application.

7 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the
8 procedural requirements and fees for renewal of registration. Failure
9 to renew invalidates the registration and all privileges granted by the
10 registration.

11 NEW SECTION. **Sec. 9.** The uniform disciplinary act, chapter 18.130
12 RCW, governs the issuance and denial of registration, uncertified and
13 unauthorized practice, and the discipline of persons registered under
14 this chapter. The secretary is the disciplining authority under this
15 chapter.

16 NEW SECTION. **Sec. 10.** (1) The provisions of this chapter relating
17 to the regulation of athletic trainers are exclusive. A governmental
18 subdivision of this state may not enact a law or rule regulating
19 athletic trainers, except as provided in subsections (2) and (3) of
20 this section.

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

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

28 **Sec. 11.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to
29 read as follows:

30 (1) This chapter applies only to the secretary and the boards and
31 commissions having jurisdiction in relation to the professions licensed
32 under the chapters specified in this section. This chapter does not
33 apply to any business or profession not licensed under the chapters
34 specified in this section.

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

- 3 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 4 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 5 (iii) Midwives licensed under chapter 18.50 RCW;
- 6 (iv) Ocularists licensed under chapter 18.55 RCW;
- 7 (v) Massage operators and businesses licensed under chapter 18.108
8 RCW;
- 9 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 10 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 11 (viii) Radiologic technologists certified and X-ray technicians
12 registered under chapter 18.84 RCW;
- 13 (ix) Respiratory care practitioners licensed under chapter 18.89
14 RCW;
- 15 (x) Persons registered or certified under chapter 18.19 RCW;
- 16 (xi) Persons registered as nursing pool operators under chapter
17 18.52C RCW;
- 18 (xii) Nursing assistants registered or certified under chapter
19 18.88A RCW;
- 20 (xiii) Health care assistants certified under chapter 18.135 RCW;
- 21 (xiv) Dietitians and nutritionists certified under chapter 18.138
22 RCW;
- 23 (xv) Chemical dependency professionals certified under chapter
24 18.205 RCW;
- 25 (xvi) Sex offender treatment providers certified under chapter
26 18.155 RCW;
- 27 (xvii) Persons licensed and certified under chapter 18.73 RCW or
28 RCW 18.71.205;
- 29 (xviii) Persons registered as adult family home providers and
30 resident managers under RCW 18.48.020;
- 31 (xix) Denturists licensed under chapter 18.30 RCW;
- 32 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 33 ((and))
- 34 (xxi) Surgical technologists registered under chapter 18.215 RCW;
35 and
- 36 (xxii) Athletic trainers registered under chapter 18.-- RCW
37 (sections 1 through 10 of this act).

38 (b) The boards and commissions having authority under this chapter
39 are as follows:

1 (i) The podiatric medical board as established in chapter 18.22
2 RCW;

3 (ii) The chiropractic quality assurance commission as established
4 in chapter 18.25 RCW;

5 (iii) The dental quality assurance commission as established in
6 chapter 18.32 RCW;

7 (iv) The board of hearing and speech as established in chapter
8 18.35 RCW;

9 (v) The board of examiners for nursing home administrators as
10 established in chapter 18.52 RCW;

11 (vi) The optometry board as established in chapter 18.54 RCW
12 governing licenses issued under chapter 18.53 RCW;

13 (vii) The board of osteopathic medicine and surgery as established
14 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
15 18.57A RCW;

16 (viii) The board of pharmacy as established in chapter 18.64 RCW
17 governing licenses issued under chapters 18.64 and 18.64A RCW;

18 (ix) The medical quality assurance commission as established in
19 chapter 18.71 RCW governing licenses and registrations issued under
20 chapters 18.71 and 18.71A RCW;

21 (x) The board of physical therapy as established in chapter 18.74
22 RCW;

23 (xi) The board of occupational therapy practice as established in
24 chapter 18.59 RCW;

25 (xii) The nursing care quality assurance commission as established
26 in chapter 18.79 RCW governing licenses issued under that chapter;

27 (xiii) The examining board of psychology and its disciplinary
28 committee as established in chapter 18.83 RCW; and

29 (xiv) The veterinary board of governors as established in chapter
30 18.92 RCW.

31 (3) In addition to the authority to discipline license holders, the
32 disciplining authority has the authority to grant or deny licenses
33 based on the conditions and criteria established in this chapter and
34 the chapters specified in subsection (2) of this section. This chapter
35 also governs any investigation, hearing, or proceeding relating to
36 denial of licensure or issuance of a license conditioned on the
37 applicant's compliance with an order entered pursuant to RCW 18.130.160
38 by the disciplining authority.

1 (4) All disciplining authorities shall adopt procedures to ensure
2 substantially consistent application of this chapter, the Uniform
3 Disciplinary Act, among the disciplining authorities listed in
4 subsection (2) of this section.

5 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act
6 constitute a new chapter in Title 18 RCW.

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