
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.** This act may be known and cited as the
5 Washington athletic trainer's act.

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

10 NEW SECTION. **Sec. 3.** The definitions in this section apply
11 throughout this chapter unless the context clearly requires otherwise.

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

15 (2) "Athletic trainer" means a person who practices athletic
16 training.

1 (3) "Athletic training" means the practice of prevention,
2 recognition, evaluation, management, disposition, treatment,
3 rehabilitation, physical conditioning, or physical reconditioning of
4 athletic injuries.

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

6 (5) "Secretary" means the secretary of health or the secretary's
7 designee.

8 NEW SECTION. **Sec. 4.** No person may represent oneself as a
9 certified athletic trainer nor use any title or description of services
10 that includes the words certified athletic trainer or training without
11 applying for certification, meeting the required qualifications
12 specified in this chapter, and being certified by the department.

13 NEW SECTION. **Sec. 5.** (1) The secretary shall issue a certificate
14 to any applicant who demonstrates to the secretary's satisfaction that
15 the following requirements have been met:

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

17 (b) The applicant has graduated with a baccalaureate or
18 postgraduate degree from an educational program with an athletic
19 training curriculum recommended by the secretary;

20 (c) The applicant has successfully completed an approved
21 examination. The examination must test the applicant's knowledge of
22 the basic and clinical sciences relative to athletic training theory
23 and practice, including professional skills and judgment in the
24 utilization of techniques and methods; and

25 (d) The applicant has paid any required fee.

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

28 (3) Applicants are subject to the grounds for denial of a
29 certificate or issuance of a conditional certificate under chapter
30 18.130 RCW.

31 NEW SECTION. **Sec. 6.** The secretary shall establish by rule the
32 standards and procedures for approval of educational programs in
33 athletic training. The secretary may utilize or contract with
34 individuals or organizations having expertise in the profession or in
35 education to assist in the evaluations. The secretary must establish
36 by rule the standards and procedures for revocation of approval of

1 education programs. The standards and procedures set must apply
2 equally to educational programs in the United States and in foreign
3 jurisdictions. The secretary may establish a fee for educational
4 program evaluations.

5 NEW SECTION. **Sec. 7.** (1) The secretary shall establish the date
6 and location of examinations. Applicants who have been found by the
7 secretary to meet the other requirements for certification must be
8 scheduled for the next examination following the filing of the
9 application. The secretary shall establish by rule the examination
10 application deadline.

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

16 (3) The examination papers, all grading of the papers, and the
17 grading of any practical work must be preserved for a period of not
18 less than one year after the secretary has made and published the
19 decisions. All examinations must be conducted under fair and wholly
20 impartial methods.

21 (4) The secretary may approve an examination prepared or
22 administered by a private testing agency or association of licensing
23 agencies for use by an applicant in meeting the credentialing
24 requirements.

25 NEW SECTION. **Sec. 8.** Applications for credentialing must be
26 submitted on forms provided by the secretary. The secretary may
27 require any information and documentation that reasonably relates to
28 the need to determine whether the applicant meets the criteria for
29 credentialing provided for in this chapter and chapter 18.130 RCW.
30 Each applicant must pay a fee determined by the secretary under RCW
31 43.70.250. The fee must accompany the application.

32 NEW SECTION. **Sec. 9.** The secretary must waive the examination and
33 credential a person authorized to practice within the state of
34 Washington if the secretary determines that the person meets commonly
35 accepted standards of education and experience for the profession.
36 This section applies only to those individuals who file an application

1 for waiver within one year of the establishment of the authorized
2 practice.

3 NEW SECTION. **Sec. 10.** In addition to any other authority provided
4 by law, the secretary may:

5 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
6 chapter;

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

9 (3) Establish forms and procedures necessary to administer this
10 chapter;

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

17 (5) Hire clerical, administrative, investigative, and other staff
18 as needed to implement this chapter, and hire individuals certified
19 under this chapter to serve as examiners for any practical
20 examinations;

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

25 (7) Prepare, grade, and administer, or determine the nature of, and
26 supervise the grading and administration of, examinations for
27 applicants for certification;

28 (8) Determine whether alternative methods of training are
29 equivalent to formal education, and establish forms, procedures, and
30 criteria for evaluation of an applicant's alternative training to
31 determine the applicant's eligibility to take any qualifying
32 examination;

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

36 (10) Define and approve any experience requirement for
37 certification;

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

- 1 (12) Adopt rules implementing a continuing competency program;
2 (13) Maintain the official department record of all applicants and
3 persons credentialed under this chapter;
4 (14) Establish by rule the procedures for an appeal of an
5 examination failure; and
6 (15) Establish by rule the number of times an applicant for
7 certification may fail an examination before the secretary invalidates
8 the original application and requires remedial education.

9 The secretary must consult with representative athletic trainer
10 organizations in implementing this chapter and in the adoption of any
11 rules. The consultation may take the form of an ad hoc committee.

12 NEW SECTION. **Sec. 11.** The secretary must keep an official record
13 of all proceedings. A part of the record must consist of a register of
14 all applicants for credentialing under this chapter and the results of
15 each application.

16 NEW SECTION. **Sec. 12.** An applicant holding a credential in
17 another state may be credentialed to practice in this state without
18 examination if the secretary determines that the other state's
19 credentialing standards are substantially equivalent to the standards
20 in this state.

21 NEW SECTION. **Sec. 13.** The secretary must establish by rule the
22 procedural requirements and fees for renewal of a credential. Failure
23 to renew invalidates the credential and all privileges granted by the
24 credential. If a certificate has lapsed for a period longer than three
25 years, the person must demonstrate competence to the satisfaction of
26 the secretary by taking continuing education courses, or meeting other
27 standards determined by the secretary.

28 NEW SECTION. **Sec. 14.** The uniform disciplinary act, chapter
29 18.130 RCW, governs the issuance and denial of certification,
30 uncertified and unauthorized practice, and the discipline of persons
31 certified under this chapter. The secretary is the disciplining
32 authority under this chapter.

33 NEW SECTION. **Sec. 15.** (1) The provisions of this chapter relating
34 to the regulating of athletic trainers are exclusive. A governmental

1 subdivision of this state may not enact a law or rule regulating
2 athletic trainers, except as provided in subsections (2) and (3) of
3 this section.

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

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

11 **Sec. 16.** RCW 18.130.040 and 1999 c 335 s 10 are each amended to
12 read as follows:

13 (1) This chapter applies only to the secretary and the boards and
14 commissions having jurisdiction in relation to the professions licensed
15 under the chapters specified in this section. This chapter does not
16 apply to any business or profession not licensed under the chapters
17 specified in this section.

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

20 (i) Dispensing opticians licensed under chapter 18.34 RCW;

21 (ii) Naturopaths licensed under chapter 18.36A RCW;

22 (iii) Midwives licensed under chapter 18.50 RCW;

23 (iv) Ocularists licensed under chapter 18.55 RCW;

24 (v) Massage operators and businesses licensed under chapter 18.108
25 RCW;

26 (vi) Dental hygienists licensed under chapter 18.29 RCW;

27 (vii) Acupuncturists licensed under chapter 18.06 RCW;

28 (viii) Radiologic technologists certified and X-ray technicians
29 registered under chapter 18.84 RCW;

30 (ix) Respiratory care practitioners licensed under chapter 18.89
31 RCW;

32 (x) Persons registered or certified under chapter 18.19 RCW;

33 (xi) Persons registered as nursing pool operators under chapter
34 18.52C RCW;

35 (xii) Nursing assistants registered or certified under chapter
36 18.88A RCW;

37 (xiii) Health care assistants certified under chapter 18.135 RCW;

1 (xiv) Dietitians and nutritionists certified under chapter 18.138
2 RCW;

3 (xv) Chemical dependency professionals certified under chapter
4 18.205 RCW;

5 (xvi) Sex offender treatment providers certified under chapter
6 18.155 RCW;

7 (xvii) Persons licensed and certified under chapter 18.73 RCW or
8 RCW 18.71.205;

9 (xviii) Persons registered as adult family home providers and
10 resident managers under RCW 18.48.020;

11 (xix) Denturists licensed under chapter 18.30 RCW;

12 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
13 (~~and~~)

14 (xxi) Surgical technologists registered under chapter 18.215 RCW;
15 and

16 (xxii) Athletic trainers certified under chapter 18.-- RCW
17 (sections 1 through 15 of this act).

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

20 (i) The podiatric medical board as established in chapter 18.22
21 RCW;

22 (ii) The chiropractic quality assurance commission as established
23 in chapter 18.25 RCW;

24 (iii) The dental quality assurance commission as established in
25 chapter 18.32 RCW;

26 (iv) The board of hearing and speech as established in chapter
27 18.35 RCW;

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

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

32 (vii) The board of osteopathic medicine and surgery as established
33 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
34 18.57A RCW;

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

37 (ix) The medical quality assurance commission as established in
38 chapter 18.71 RCW governing licenses and registrations issued under
39 chapters 18.71 and 18.71A RCW;

1 (x) The board of physical therapy as established in chapter 18.74
2 RCW;

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

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

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

9 (xiv) The veterinary board of governors as established in chapter
10 18.92 RCW.

11 (3) In addition to the authority to discipline license holders, the
12 disciplining authority has the authority to grant or deny licenses
13 based on the conditions and criteria established in this chapter and
14 the chapters specified in subsection (2) of this section. This chapter
15 also governs any investigation, hearing, or proceeding relating to
16 denial of licensure or issuance of a license conditioned on the
17 applicant's compliance with an order entered pursuant to RCW 18.130.160
18 by the disciplining authority.

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

23 NEW SECTION. **Sec. 17.** Sections 1 through 15 of this act
24 constitute a new chapter in Title 18 RCW.

25 NEW SECTION. **Sec. 18.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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