
SENATE BILL 5598

State of Washington

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By Senators Shin, Roach, Horn, Swecker, Kohl-Welles, Thibaudeau, Franklin, Rasmussen, B. Sheldon, Eide, Costa, McAuliffe, Prentice and Jacobsen

Read first time 01/26/2001. Referred to Committee on Health & Long-Term Care.

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.** 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, recreation,
14 exercise, or skill activities utilizing physical strength, flexibility,
15 agility, range of motion, speed, or stamina.

16 (2) "Athletic trainer" means a person who practices athletic
17 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 under the direction of an authorized health care
5 practitioner and including the use of physical modalities.

6 (4) "Authorized health care practitioner" means physicians,
7 osteopathic physicians, naturopaths, podiatric physicians and surgeons,
8 dentists, and, in clinical settings, physical therapists and
9 occupational therapists.

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

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

15 (7) "Secretary" means the secretary of health or the secretary's
16 designee.

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

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

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

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

29 (c) The applicant has successfully completed an approved
30 examination. The examination must test the applicant's knowledge of
31 the basic and clinical sciences relative to athletic training theory
32 and practice, including professional skills and judgment in the
33 utilization of techniques and methods; and

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

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

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

4 NEW SECTION. **Sec. 6.** The secretary shall establish by rule the
5 standards and procedures for approval of educational programs in
6 athletic training. The secretary may utilize or contract with
7 individuals or organizations having expertise in the profession or in
8 education to assist in the evaluations. The secretary must establish
9 by rule the standards and procedures for revocation of approval of
10 education programs. The standards and procedures set must apply
11 equally to educational programs in the United States and in foreign
12 jurisdictions. The secretary may establish a fee for educational
13 program evaluations.

14 NEW SECTION. **Sec. 7.** (1) The secretary shall establish the date
15 and location of examinations. Applicants who have been found by the
16 secretary to meet the other requirements for certification must be
17 scheduled for the next examination following the filing of the
18 application. The secretary shall establish by rule the examination
19 application deadline.

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

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

30 (4) Any applicant failing to make the required grade in the first
31 examination may take up to three subsequent examinations as the
32 applicant desires upon prepaying a fee determined by the secretary
33 under RCW 43.70.250 for each subsequent examination. Upon failing four
34 examinations, the secretary may invalidate the original application and
35 require remedial education before the person may take future
36 examinations.

1 (5) The secretary may approve an examination prepared or
2 administered by a private testing agency or association of licensing
3 agencies for use by an applicant in meeting the credentialing
4 requirements.

5 NEW SECTION. **Sec. 8.** Applications for credentialing must be
6 submitted on forms provided by the secretary. The secretary may
7 require any information and documentation that reasonably relates to
8 the need to determine whether the applicant meets the criteria for
9 credentialing provided for in this chapter and chapter 18.130 RCW.
10 Each applicant must pay a fee determined by the secretary under RCW
11 43.70.250. The fee must accompany the application.

12 NEW SECTION. **Sec. 9.** The secretary must waive the examination and
13 credential a person authorized to practice within the state of
14 Washington if the secretary determines that the person meets commonly
15 accepted standards of education and experience for the profession.
16 This section applies only to those individuals who file an application
17 for waiver within one year of the establishment of the authorized
18 practice.

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

21 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
22 chapter;

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

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

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

33 (5) Hire clerical, administrative, investigative, and other staff
34 as needed to implement this chapter, and hire individuals certified
35 under this chapter to serve as examiners for any practical
36 examinations;

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

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

8 (8) Determine whether alternative methods of training are
9 equivalent to formal education, and establish forms, procedures, and
10 criteria for evaluation of an applicant's alternative training to
11 determine the applicant's eligibility to take any qualifying
12 examination;

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

16 (10) Define and approve any experience requirement for
17 certification;

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

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

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

22 (14) Establish by rule the procedures for an appeal of an
23 examination failure.

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

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

31 NEW SECTION. **Sec. 12.** An applicant holding a credential in
32 another state may be credentialed to practice in this state without
33 examination if the secretary determines that the other state's
34 credentialing standards are substantially equivalent to the standards
35 in this state.

1 NEW SECTION. **Sec. 13.** The secretary must establish by rule the
2 procedural requirements and fees for renewal of a credential. Failure
3 to renew invalidates the credential and all privileges granted by the
4 credential. If a certificate has lapsed for a period longer than three
5 years, the person must demonstrate competence to the satisfaction of
6 the secretary by taking continuing education courses, or meeting other
7 standards determined by the secretary.

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

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

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

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

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

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

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

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

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

36 (iii) Midwives licensed under chapter 18.50 RCW;

1 (iv) Ocularists licensed under chapter 18.55 RCW;
2 (v) Massage operators and businesses licensed under chapter 18.108
3 RCW;
4 (vi) Dental hygienists licensed under chapter 18.29 RCW;
5 (vii) Acupuncturists licensed under chapter 18.06 RCW;
6 (viii) Radiologic technologists certified and X-ray technicians
7 registered under chapter 18.84 RCW;
8 (ix) Respiratory care practitioners licensed under chapter 18.89
9 RCW;
10 (x) Persons registered or certified under chapter 18.19 RCW;
11 (xi) Persons registered as nursing pool operators under chapter
12 18.52C RCW;
13 (xii) Nursing assistants registered or certified under chapter
14 18.88A RCW;
15 (xiii) Health care assistants certified under chapter 18.135 RCW;
16 (xiv) Dietitians and nutritionists certified under chapter 18.138
17 RCW;
18 (xv) Chemical dependency professionals certified under chapter
19 18.205 RCW;
20 (xvi) Sex offender treatment providers certified under chapter
21 18.155 RCW;
22 (xvii) Persons licensed and certified under chapter 18.73 RCW or
23 RCW 18.71.205;
24 (xviii) Persons registered as adult family home providers and
25 resident managers under RCW 18.48.020;
26 (xix) Denturists licensed under chapter 18.30 RCW;
27 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
28 ((and))
29 (xxi) Surgical technologists registered under chapter 18.215 RCW;
30 and
31 (xxii) Athletic trainers certified under chapter 18.-- RCW
32 (sections 1 through 15 of this act).
33 (b) The boards and commissions having authority under this chapter
34 are as follows:
35 (i) The podiatric medical board as established in chapter 18.22
36 RCW;
37 (ii) The chiropractic quality assurance commission as established
38 in chapter 18.25 RCW;

1 (iii) The dental quality assurance commission as established in
2 chapter 18.32 RCW;

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

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

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

9 (vii) The board of osteopathic medicine and surgery as established
10 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
11 18.57A RCW;

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

14 (ix) The medical quality assurance commission as established in
15 chapter 18.71 RCW governing licenses and registrations issued under
16 chapters 18.71 and 18.71A RCW;

17 (x) The board of physical therapy as established in chapter 18.74
18 RCW;

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

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

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

25 (xiv) The veterinary board of governors as established in chapter
26 18.92 RCW.

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

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

1 **Sec. 17.** RCW 7.70.020 and 1995 c 323 s 3 are each amended to read
2 as follows:

3 As used in this chapter "health care provider" means either:

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

13 (2) An employee or agent of a person described in ((part--(1))
14 above)) subsection (1) of this section, acting in the course and scope
15 of his or her employment, including, in the event such employee or
16 agent is deceased, his or her estate or personal representative; or

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

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

27 NEW SECTION. **Sec. 19.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

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