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**SUBSTITUTE SENATE BILL 6378**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Shin, Schoesler, Berkey, Brandland, Keiser, Fairley, McAuliffe and Delvin)

READ FIRST TIME 02/03/06.

1       AN ACT Relating to athletic trainers; amending RCW 18.130.040 and  
2       48.43.045; 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.** It is the purpose of this chapter to provide  
5       for the licensure of persons offering athletic training services to the  
6       public and to ensure standards of competence and professional conduct  
7       on the part of athletic trainers.

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

10       (1) "Athlete" means a person who, in association with an  
11       educational institution, industrial organization, or professional,  
12       amateur, or recreational sports club or organization, participates in  
13       physical activity, exercise, recreation, sport, or games requiring  
14       physical strength, range-of-motion, flexibility, body awareness and  
15       control, speed, stamina, or agility.

16       (2) "Athletic injury" means an injury incurred by an athlete that  
17       affects the individual's participation or performance in physical  
18       activity, exercise, recreation, sport, or games.

1 (3) "Athletic trainer" means a person who is licensed to practice  
2 athletic training under this chapter and provides athletic training  
3 services for the prevention and care of athletic injuries incurred by  
4 an athlete through the consultation, correspondence, referral, or  
5 service plan of a licensed physician or qualified health care provider.

6 (4) "Athletic training services" means the practice of prevention,  
7 immediate care, evaluation, treatment, rehabilitation, reconditioning,  
8 and management of athletic injuries to maximize an individual's ability  
9 to return to a physically active state. "Athletic training services"  
10 does not include the use of spinal manipulation or manipulative  
11 mobilization of the spine and its immediate articulations.

12 (5) "Board" means the board of athletic trainers established in  
13 section 4 of this act.

14 (6) "Department" means the department of health.

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

17 (8) "Service plan" means a written course of action developed in  
18 collaboration with an athletic trainer and a licensed physician or  
19 qualified health care practitioner.

20 NEW SECTION. **Sec. 3.** It is unlawful for any person to practice or  
21 offer to practice as an athletic trainer, or to represent themselves or  
22 other persons to be legally able to provide services as an athletic  
23 trainer, unless the person is licensed under the provisions of this  
24 chapter.

25 NEW SECTION. **Sec. 4.** (1) The board of athletic trainers is  
26 created.

27 (2) The board of athletic trainers consists of five members, four  
28 of whom must be athletic trainers licensed in this state and one of  
29 whom must be a public member.

30 (3) The board of athletic trainers must hold at least one meeting  
31 each year.

32 (4) Each board member shall, in addition to travel expenses in  
33 accordance with RCW 43.03.060, be compensated in accordance with RCW  
34 43.03.240 when engaged in the authorized business of their board.

35 (5) The department may seek the advice and assistance of the board  
36 in administering this chapter, including:

1 (a) Advice and recommendations regarding the establishment or  
2 implementation of rules related to the administration of this chapter;

3 (b) Advice and recommendations regarding developments in the  
4 practice of athletic training;

5 (c) Advice, recommendations, and consultation regarding case  
6 disposition guidelines and priorities related to unprofessional conduct  
7 cases regarding the practice of athletic training; and

8 (d) Assistance and consultation of individual board members as  
9 needed in the review, analysis, and disposition of reports of  
10 unprofessional conduct and consumer complaints.

11 NEW SECTION. **Sec. 5.** Nothing in this chapter may prohibit,  
12 restrict, or require licensure of:

13 (1) Any person licensed, certified, or registered in this state and  
14 performing services within the authorized scope of practice;

15 (2) The practice by an individual employed by the government of the  
16 United States as an athletic trainer while engaged in the performance  
17 of duties prescribed by the laws of the United States;

18 (3) Any person pursuing a supervised course of study in an  
19 accredited athletic training educational program, if the person is  
20 designated by a title that clearly indicates a student or trainee  
21 status;

22 (4) An athletic trainer from another state for purposes of  
23 continuing education, consulting, or performing athletic training  
24 services while accompanying his or her group, individual, or  
25 representatives into Washington state on a temporary basis for no more  
26 than ninety days in a calendar year;

27 (5) Any elementary, secondary, or postsecondary school teacher,  
28 educator, coach, or authorized volunteer who does not represent  
29 themselves to the public as an athletic trainer; or

30 (6) A personal trainer employed by an athletic club or fitness  
31 center.

32 NEW SECTION. **Sec. 6.** An applicant for an athletic trainer license  
33 must:

34 (1) Have received a bachelor's or advanced degree from an  
35 accredited four-year college or university that meets the academic

1 standards of athletic training, accepted by the secretary, as  
2 recommended by the board;

3 (2) Have earned and maintained an athletic training credential from  
4 the national athletic trainers' association board of certification or  
5 its successor organization as recommended by the board; and

6 (3) Submit an application to the board on forms prescribed by the  
7 secretary and pay the licensure fee required under this chapter.

8 NEW SECTION. **Sec. 7.** Upon application and payment of the  
9 appropriate licensure fee before July 1, 2007, the secretary shall  
10 waive the requirements under section 6 of this act and grant licensure  
11 to a person who on the effective date of this section has been actively  
12 engaged as an athletic trainer for at least two consecutive years  
13 immediately prior to July 1, 2006, and provides:

14 (1) Documented proof of employment as an athletic trainer from the  
15 applicant's employer;

16 (2) Documented proof of current certification in cardiopulmonary  
17 resuscitation and first-responder care; and

18 (3) Proof of continuing education comparable to that of national  
19 athletic trainers' association board of certification certified  
20 athletic trainers as recommended by the board.

21 NEW SECTION. **Sec. 8.** In addition to any other authority provided  
22 by law, the secretary has the authority to:

23 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
24 chapter. Any rules adopted must be in consultation with the board;

25 (2) Establish all licensing, examination, and renewal fees in  
26 accordance with RCW 43.70.250;

27 (3) Establish forms and procedures necessary to administer this  
28 chapter;

29 (4) Issue licenses to applicants who have met the education,  
30 training, and examination requirements for licensure and to deny a  
31 license to applicants who do not meet the requirements;

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

34 (6) Designate a national examination recommended by the board as  
35 the required examination for applicants for licensure;

1 (7) Determine which states have credentialing requirements  
2 substantially equivalent to those of this state, and issue licenses to  
3 individuals credentialed in those states without examination; and

4 (8) Maintain the official record of all applicants and licensees.

5 NEW SECTION. **Sec. 9.** (1) Any athletic trainer licensed under this  
6 chapter not practicing athletic training or providing services may  
7 place his or her license in an inactive status. The secretary, upon  
8 recommendation of the board, shall establish requirements for  
9 maintaining an inactive status, and converting from an inactive or  
10 active status and may establish fees for alterations in licensing  
11 status.

12 (2) The secretary, upon recommendation of the board, shall issue a  
13 temporary practice permit under RCW 18.130.075.

14 NEW SECTION. **Sec. 10.** Each applicant and license holder shall  
15 comply with administrative procedures, administrative requirements, and  
16 fees pursuant to RCW 43.70.250 and 43.70.280. The secretary shall  
17 furnish a license upon recommendation of the board to any person who  
18 applies and who has qualified under the provisions of this chapter.

19 NEW SECTION. **Sec. 11.** All fees received under the provisions of  
20 this chapter shall be deposited in the health professions account  
21 created in RCW 43.70.320, and all costs and expenses incurred by the  
22 department and the board under the provisions of this chapter must be  
23 a charge against and paid from the health professions account for such  
24 purposes, and the moneys collected under this chapter must be  
25 immediately available for the administration of this chapter.

26 NEW SECTION. **Sec. 12.** The uniform disciplinary act, chapter  
27 18.130 RCW, governs the unlicensed practice, the issuance and denial of  
28 license, the holders of temporary permits under this chapter, and the  
29 discipline of persons licensed under this chapter. The secretary shall  
30 be the disciplining authority under this chapter.

31 NEW SECTION. **Sec. 13.** Nothing in this chapter restricts the  
32 ability of athletic trainers to work in the practice setting of his or  
33 her choice.

1       **Sec. 14.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
2 as follows:

3       (1) This chapter applies only to the secretary and the boards and  
4 commissions having jurisdiction in relation to the professions licensed  
5 under the chapters specified in this section. This chapter does not  
6 apply to any business or profession not licensed under the chapters  
7 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 and designated apprentices under  
11 chapter 18.34 RCW;

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

13       (iii) Midwives licensed under chapter 18.50 RCW;

14       (iv) Ocularists licensed under chapter 18.55 RCW;

15       (v) Massage operators and businesses licensed under chapter 18.108  
16 RCW;

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

18       (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

21       (ix) Respiratory care practitioners licensed under chapter 18.89  
22 RCW;

23       (x) Persons registered under chapter 18.19 RCW;

24       (xi) Persons licensed as mental health counselors, marriage and  
25 family therapists, and social workers under chapter 18.225 RCW;

26       (xii) Persons registered as nursing pool operators under chapter  
27 18.52C RCW;

28       (xiii) Nursing assistants registered or certified under chapter  
29 18.88A RCW;

30       (xiv) Health care assistants certified under chapter 18.135 RCW;

31       (xv) Dietitians and nutritionists certified under chapter 18.138  
32 RCW;

33       (xvi) Chemical dependency professionals certified under chapter  
34 18.205 RCW;

35       (xvii) Sex offender treatment providers and certified affiliate sex  
36 offender treatment providers certified under chapter 18.155 RCW;

37       (xviii) Persons licensed and certified under chapter 18.73 RCW or  
38 RCW 18.71.205;

- 1 (xix) Denturists licensed under chapter 18.30 RCW;  
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;  
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;  
4 (~~and~~)  
5 (xxii) Recreational therapists; and  
6 (xxiii) Athletic trainers licensed under chapter 18.-- RCW  
7 (sections 1 through 13 of this act).
- 8 (b) The boards and commissions having authority under this chapter  
9 are as follows:
- 10 (i) The podiatric medical board as established in chapter 18.22  
11 RCW;
- 12 (ii) The chiropractic quality assurance commission as established  
13 in chapter 18.25 RCW;
- 14 (iii) The dental quality assurance commission as established in  
15 chapter 18.32 RCW;
- 16 (iv) The board of hearing and speech as established in chapter  
17 18.35 RCW;
- 18 (v) The board of examiners for nursing home administrators as  
19 established in chapter 18.52 RCW;
- 20 (vi) The optometry board as established in chapter 18.54 RCW  
21 governing licenses issued under chapter 18.53 RCW;
- 22 (vii) The board of osteopathic medicine and surgery as established  
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
24 18.57A RCW;
- 25 (viii) The board of pharmacy as established in chapter 18.64 RCW  
26 governing licenses issued under chapters 18.64 and 18.64A RCW;
- 27 (ix) The medical quality assurance commission as established in  
28 chapter 18.71 RCW governing licenses and registrations issued under  
29 chapters 18.71 and 18.71A RCW;
- 30 (x) The board of physical therapy as established in chapter 18.74  
31 RCW;
- 32 (xi) The board of occupational therapy practice as established in  
33 chapter 18.59 RCW;
- 34 (xii) The nursing care quality assurance commission as established  
35 in chapter 18.79 RCW governing licenses and registrations issued under  
36 that chapter;
- 37 (xiii) The examining board of psychology and its disciplinary  
38 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter  
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the  
4 disciplining authority has the authority to grant or deny licenses  
5 based on the conditions and criteria established in this chapter and  
6 the chapters specified in subsection (2) of this section. This chapter  
7 also governs any investigation, hearing, or proceeding relating to  
8 denial of licensure or issuance of a license conditioned on the  
9 applicant's compliance with an order entered pursuant to RCW 18.130.160  
10 by the disciplining authority.

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

15 **Sec. 15.** RCW 48.43.045 and 1997 c 231 s 205 are each amended to  
16 read as follows:

17 Every health plan delivered, issued for delivery, or renewed by a  
18 health carrier on and after January 1, 1996, shall:

19 (1) Permit every category of health care provider, except athletic  
20 trainers licensed under chapter 18.-- RCW (sections 1 through 13 of  
21 this act), to provide health services or care for conditions included  
22 in the basic health plan services to the extent that:

23 (a) The provision of such health services or care is within the  
24 health care providers' permitted scope of practice; and

25 (b) The providers agree to abide by standards related to:

26 (i) Provision, utilization review, and cost containment of health  
27 services;

28 (ii) Management and administrative procedures; and

29 (iii) Provision of cost-effective and clinically efficacious health  
30 services.

31 (2) Annually report the names and addresses of all officers,  
32 directors, or trustees of the health carrier during the preceding year,  
33 and the amount of wages, expense reimbursements, or other payments to  
34 such individuals. This requirement does not apply to a foreign or  
35 alien insurer regulated under chapter 48.20 or 48.21 RCW that files a  
36 supplemental compensation exhibit in its annual statement as required  
37 by law.



1        NEW SECTION.   **Sec. 16.**  If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.   **Sec. 17.**  Sections 1 through 13 of this act  
6 constitute a new chapter in Title 18 RCW.

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