

HOUSE BILL REPORT

SSB 5503

As Reported by House Committee On:

Health Care & Wellness

Appropriations

Title: An act relating to athletic trainers.

Brief Description: Licensing persons who offer athletic training services.

Sponsors: Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe).

Brief History:

Committee Activity:

Health Care & Wellness: 3/26/07, 3/28/07 [DPA];

Appropriations: 4/2/07 [DPA(APP w/o HCW)s].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Establishes athletic trainers as a new health profession to be licensed by the Secretary of Health.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 11 members: Representatives Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Condotta, Curtis, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Minority Report: Without recommendation. Signed by 2 members: Representatives Cody, Chair and Campbell.

Staff: Chris Blake (786-7392).

Background:

Athletic trainers specialize in the prevention, assessment, treatment, and rehabilitation of musculoskeletal injuries. Athletic trainers work in a variety of settings under the supervision

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of licensed health care providers. Generally, athletic trainers must hold a bachelor's degree and many hold graduate level degrees. According to the national Bureau of Labor Statistics, in 2004 there were more than 300 accredited education programs for athletic trainers.

The Department of Health (Department) released a sunrise review in 1993 and again in 2002. Both sunrise reviews found that the proposals to regulate athletic trainers did not meet the sunrise criteria. In its 2002 review, the Department found that: (1) the potential for harm was not clearly recognizable; (2) there were already adequate assurances of competence; and (3) the public can be effectively protected by current private certification.

Summary of Amended Bill:

Athletic trainers are created as a new health profession to be regulated by the Secretary of Health (Secretary). To practice athletic training one must hold a license issued by the Secretary. "Athletic training" is defined to include risk management and prevention of athletic injuries; recognition, evaluation, and assessment of athletic injuries; immediate care of athletic injuries; treatment, rehabilitation, and reconditioning of athletic injuries; and the referral of an athlete to appropriately licensed health care providers. "Athletic training" does not include spinal adjustment or manipulative mobilization of the spine; orthotic or prosthetic services; the practice of occupational therapy; the practice of acupuncture; medical diagnosis; prescribing drugs; or surgery. The term "athletic injuries" refers to injuries and conditions sustained by athletes through their participation in exercise, recreation, sport, or games and that are within the education of an athletic trainer. "Athletes" are individuals engaged in athletic activity that is generally conducted by an educational institution or a professional, amateur, or recreational sports club or organization.

An applicant for a license to practice athletic training must demonstrate that he or she has: (1) submitted an application and paid a licensing fee; (2) received a bachelor's degree from a four-year institution approved by the Secretary; and (3) passed an examination approved by the Secretary. The Secretary may determine which states have substantially equivalent standards to Washington's and issue licenses to applicants from those states.

Athletic trainers must practice through the consultation, referral, or guidelines of a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician. Athletic trainers may only provide treatment, rehabilitation, and reconditioning services according to guidelines established with a licensed health care provider. If a patient's condition does not improve in 15 days, the athletic trainer must refer the patient to a licensed health care provider. If the patient's condition requires more than 45 days of care, the athletic trainer must either consult a licensed health care provider or refer the patient to such a provider.

Exemptions from licensing requirements apply to credentialed health care providers performing services within their scope of practice; individuals employed by the federal government; students in an athletic training educational program; individuals with a limited

practice in Washington for no more than 90 days per year; school teachers or coaches; and personal trainers employed by an athletic club or fitness center.

The Athletic Training Advisory Committee (Committee) is established. The Secretary shall appoint the five members to the Committee which shall include four athletic trainers with at least five years of experience and one member of the public. At the request of the Secretary, the Committee may provide advice regarding the regulation of athletic trainers.

Athletic trainers are exempt from the requirement that health carriers cover every category of provider.

Amended Bill Compared to Substitute Bill:

The amended bill adds the promotion of healthy behaviors to the scope of practice for athletic trainers and removes administration duties related to health services and facilities. It is specified that athletic trainers may not make medical diagnoses.

It also requires that treatment, rehabilitation, and reconditioning services be provided according to guidelines established with a licensed health care provider. If a patient's condition does not improve in 15 days, the athletic trainer must refer the patient to a licensed health care provider. If the patient's condition requires more than 45 days of care, the athletic trainer must either consult a licensed health care provider or refer the patient to such a provider.

Applicants for a license are no longer required to be credentialed with the National Athletic Trainers Association. Applicants must pass an exam approved by the Secretary.

The effective date is delayed from January 1, 2008 to July 1, 2008.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on July 1, 2008.

Staff Summary of Public Testimony:

(In support) Physical harm has occurred by credentialed athletic trainers providing substandard care and those misrepresenting themselves as athletic trainers and, without regulation, there is no public protection from these people. Washington is one of six states that do not regulate athletic trainers and people who may have been disciplined in other states and pose a risk to the public may come to this state and harm citizens. The level of education for athletic trainers is advanced and rigorous.

(Opposed) None.

Persons Testifying: Michael Coco and Charlie Brown, Washington State Athletic Trainers Association; and Jeffrey Kawaguchi, Eastern Washington University.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness. Signed by 30 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Conway, Darneille, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Minority Report: Do not pass. Signed by 4 members: Representatives Cody, Dunn, McIntire and Morrell.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Health Care & Wellness:

The Appropriations Committee added a null and void clause to the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect July 1, 2008. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) There is an up-front cost to the agency for implementing this legislation. However, the cost of the legislation is offset by future licensing fees. Without athletic trainers, university athletes would have to be referred to outside health care providers. Much of this bill is geared toward preventing injuries. We are ready to pay the fees for our licensure.

(Opposed) None.

Persons Testifying: Jill Allen, Pacific Medical Orthotics and Prosthetics and Washington State Athletic Trainers Association; Charlie Brown, Washington State Athletic Trainers Association; and Jennifer Ratcliff, University of Washington and Washington State Athletic Trainers Association.

Persons Signed In To Testify But Not Testifying: None.