

1 SB93
2 196933-4
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Alabama Board of Athletic Trainers;
12 to amend Sections 34-40-2, 34-40-3, 34-40-5, 34-40-6, 34-40-9,
13 34-40-10, 34-40-15, and 34-40-16, Code of Alabama 1975, to
14 further provide for the licensing and regulation of athletic
15 trainers; and to add Section 34-40-3.2 to the Code of Alabama
16 1975, to establish and provide for the membership and duties
17 of the Advisory Council of the State Board of Medical
18 Examiners and the Alabama Board of Athletic Trainers.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 34-40-2, 34-40-3, 34-40-5,
21 34-40-6, 34-40-9, 34-40-10, 34-40-15, and 34-40-16 of the Code
22 of Alabama 1975, are amended to read as follows:

23 "§34-40-2.

24 "As used in this chapter, the following ~~words and~~
25 ~~phrases~~ terms shall have the following meanings, respectively,
26 unless the context clearly indicates otherwise:

1 "~~(1) APPRENTICE ATHLETIC TRAINER. A person who~~
2 ~~assists in the duties usually performed by an athletic trainer~~
3 ~~and who works under the direct supervision of a licensed~~
4 ~~athletic trainer.~~

5 "~~(2) ATHLETE. A person who participates in an~~
6 ~~athletic activity being conducted by an educational~~
7 ~~institution, professional athletic organization, or a board~~
8 ~~sanctioned amateur athletic organization.~~

9 "(1) ADVISORY COUNCIL. The Advisory Council of the
10 State Board of Medical Examiners and the Alabama Board of
11 Athletic Trainers created pursuant to Section 34-40-3.2.

12 "~~(3)~~(2) ATHLETIC INJURY. An injury or condition
13 sustained ~~received by an athlete~~ as a result of, or limiting
14 the preparation for or participation ~~of the athlete~~ in, an
15 athletic activity exercise, sport, game, recreational
16 activity, or any other activity that requires a level of
17 strength, endurance, flexibility, or agility that is
18 comparable to the level of strength, endurance, flexibility,
19 or agility required for an exercise, sport, game, or
20 recreational activity; or any injury that a physician deems
21 would benefit from athletic training services.

22 "~~(4)~~(3) ATHLETIC TRAINER. A person An individual
23 licensed by the Alabama Board of Athletic Trainers ~~as an~~
24 athletic trainer and who practices athletic training on an
25 athlete and under the direction or referral, or both, of a
26 licensed physician after meeting the requirements of this

1 chapter and rules and regulations ~~promulgated~~ adopted pursuant
2 to this chapter.

3 "~~(5)~~(4) ATHLETIC TRAINING PRACTICE. Practice by an
4 athletic trainer of any of the following:

5 "a. ~~Under physician direction or referral, or both,~~
6 ~~the prevention of athletic injuries~~ The application of care
7 for an athletic injury, including the application or provision
8 of (i) principles, methods, and procedures of recognition,
9 examination, assessment, clinical evaluation, prevention,
10 management, emergency care, disposition, or rehabilitation and
11 reconditioning of athletic injuries, (ii) appropriate
12 preventive and supportive devices, (iii) treatment using
13 physical modalities such as heat, cold, light, mechanical
14 devices, electric stimulation, manual therapy techniques,
15 aquatic therapy, sound, or therapeutic exercise, and (iv) any
16 other physical agent that is included within the written
17 protocols allowed by the State Board of Medical Examiners and
18 prescribed by a physician.

19 "b. The organization and administration of athletic
20 training programs, including health care administration and
21 professional responsibility.

22 "c. ~~Athletic counseling~~ The provision of athletic
23 training, education, and guidance ~~and the education of~~
24 ~~athletes regarding athletics and athletic training~~ to
25 physically active individuals, coaches, medical personnel, and
26 the community in the prevention and care of athletic injuries.

1 ~~"d. Under physician direction and referral, the~~
2 ~~rehabilitation and reconditioning of an athlete~~ The
3 recognition of potential illnesses and referrals to a
4 physician for diagnosis and treatment.

5 ~~"e. Under physician supervision, the evaluation, the~~
6 ~~recognition, and management of athletic injuries~~ The provision
7 of injury prevention services developed for physically active
8 individuals.

9 ~~"(6)~~ (5) BOARD. The Alabama Board of Athletic
10 Trainers.

11 ~~"(6)~~ INJURY PREVENTION. Care and guidance related to
12 risk management, including biomechanics, conditioning,
13 flexibility, energy requirements, strength training, and
14 fitness.

15 "(7) PHYSICAL THERAPIST. A physical therapist
16 licensed by the Alabama State Board of Physical Therapy.

17 "(8) PHYSICIAN. A physician licensed by the Medical
18 Licensure Commission of Alabama.

19 "(9) PHYSICIAN SUPERVISION. a. An ~~A licensed~~
20 athletic trainer acting under the supervision of a physician
21 if:

22 ~~"a.1.~~ The activities are undertaken pursuant to a
23 verbal or written order of the physician who has evaluated the
24 injured athlete physically active individual; and or

25 ~~"b.2.~~ The activity is undertaken in accordance with
26 a written protocol signed by the physician ~~which~~ that
27 describes the athletic injury encountered and directs

1 appropriate medical interventions consistent with the
2 qualification, training, and experience of the ~~licensed~~
3 athletic trainer. The State Board of Medical Examiners shall
4 establish ~~minimum~~ medical criteria for any protocol used by
5 athletic trainers and shall specify those conditions and
6 circumstances ~~which~~ that require referral to the physician for
7 further evaluation.

8 "b. Physician supervision establishes a formal
9 relationship between an athletic trainer and a physician under
10 which the athletic trainer is authorized to practice as
11 evidenced by a written protocol approved by the State Board of
12 Medical Examiners and requires professional oversight and
13 direction pursuant to the rules of the State Board of Medical
14 Examiners and the Alabama Board of Athletic Trainers as
15 recommended by the advisory council. No rule adopted pursuant
16 to this paragraph shall be effective without the approval of
17 both the State Board of Medical Examiners and the board.

18 "§34-40-3.

19 "(a) The Alabama Board of Athletic Trainers shall be
20 composed of nine members who shall serve four-year terms.
21 Members may not serve more than three consecutive four-year
22 terms. Three members shall be ~~Black~~ a member of a minority
23 class, one of whom shall be a physician member. The
24 composition of the board shall be as follows:

25 "(1) Six members who are athletic trainers,
26 appointed by the Alabama Athletic ~~Trainers~~ Trainers'
27 Association in accordance with subsection (b), one of whom

1 shall also be ~~an athletic trainer who is a licensed~~ a physical
2 therapist.

3 "(2) Three physicians ~~licensed to practice medicine~~
4 actively engaged in the treatment of ~~athletes and~~ athletic
5 injuries or illnesses, appointed by the Medical Association of
6 the State of Alabama.

7 "(3) The President of the Alabama Athletic ~~Trainers~~
8 Trainers' Association who shall serve as an ex officio member
9 of the board and whose term of office shall be yearly to
10 coincide with his or her term as President of the Alabama
11 Athletic ~~Trainers~~ Trainers' Association.

12 "(b) ~~The six athletic trainers shall be appointed by~~
13 ~~the~~ The Alabama Athletic ~~Trainers~~ Trainers' Association. ~~The~~
14 ~~association~~ shall conduct an annual meeting at which all
15 athletic trainers holding a current license ~~as identified~~
16 under this chapter shall have the right to attend, nominate,
17 and vote for the athletic trainer members of the board. The
18 association shall regulate and prescribe the date, hour, and
19 place of the meeting, the method of nomination, and the manner
20 of voting. At least 30 days prior to the meeting, the board
21 shall ~~mail~~ send notices to each current licensee at the
22 address shown on the current registration notifying of the
23 exact date, hour, and place of the meeting, the purpose of the
24 meeting, and of the right to attend and vote. To qualify as a
25 board member pursuant to this subsection, a person shall be a
26 citizen of the United States and a resident of this state and

1 have acted as an athletic trainer for three years within this
2 state immediately preceding appointment.

3 "(c) In making the initial appointments, the Alabama
4 Athletic ~~Trainers~~ Trainers' Association shall appoint one
5 athletic trainer whose term will expire in 1994, two athletic
6 trainers whose terms will expire in 1995, and one athletic
7 trainer whose term will expire in 1996, and two athletic
8 trainers whose terms will expire in 1997. The Medical
9 Association of the State of Alabama shall appoint one
10 physician whose term will expire in 1994, one physician whose
11 term will expire in 1995, and one physician whose term will
12 expire in 1996. All appointments expire on December 31 of the
13 year specified.

14 "(d) Each appointee to the board shall qualify by
15 taking an oath of office within 15 days from the date of the
16 appointment. In the event of death, resignation, or removal of
17 any member, except for physician members, the vacancy of the
18 unexpired term shall be filled by the board.

19 "(e) The board shall elect a chair, a vice-chair,
20 and secretary from its members for a term of one year and may
21 appoint any committees and formulate any rules it considers
22 necessary to carry out its duties pursuant to this chapter.
23 The board shall meet at least twice each year. Additional
24 meetings may be held on the call of the chair or at the
25 written request of any two members of the board. The secretary
26 shall keep a record of the proceedings of the board. The board
27 may promulgate and adopt rules ~~and regulations~~ consistent with

1 this chapter which are necessary for the performance of its
2 duties. The board may employ an executive secretary and any
3 officers and employees as may be necessary to carry out the
4 duties of the board. The State Board of Medical Examiners and
5 the Alabama Board of Athletic Trainers shall jointly approve
6 any rule, ~~regulation,~~ or policy that interprets, explains, or
7 enumerates the permissible acts, functions, or services
8 rendered by an athletic trainer ~~or apprentice athletic trainer~~
9 as those acts, functions, and services are defined in Section
10 34-40-2. Any rule, ~~regulation,~~ or policy adopted in violation
11 of this requirement is invalid. The board shall prescribe
12 methods and forms for license applications, license
13 certificate, license renewal, verification of license,
14 continuing education verification, and any forms for
15 information required from licensees to carry out the duties of
16 the board. The board shall adopt an official seal and a
17 license certificate of suitable design.

18 "(f) Members of the board shall receive ~~fifty~~
19 ~~dollars (\$50)~~ one hundred dollars (\$100) for every day
20 actually spent in the performance of their duties and in
21 addition thereto shall be reimbursed according to the state
22 travel policy for other expenses in the same amounts and under
23 the same conditions as state employees are reimbursed.

24 "(g) ~~It shall be the duty of the~~ The board to shall
25 pass upon the qualifications of applicants for licensure as an
26 athletic trainer, ~~and to~~ issue licenses and annual renewals to
27 athletic trainers. The board shall ~~be responsible for fixing~~

1 fix fees for such applications, licenses, renewals,
2 verification of licensure, replacement of licenses, name
3 changes ~~on~~ of licensees, publication fees, or other
4 administration fees deemed necessary to carry out ~~the~~
5 ~~provisions of~~ this chapter.

6 "§34-40-5.

7 "(a) Any person seeking licensure as an athletic
8 trainer shall be a citizen of the United States or, if not a
9 citizen of the United States, a person who is legally present
10 in the United States with appropriate documentation from the
11 federal government, and meet at least one of the following
12 requirements:

13 "(1) Satisfactory completion of all ~~of the National~~
14 ~~Athletic Trainers' Association (NATA) Board of Certification,~~
15 Inc., or its successor organization, qualifications ~~and;~~
16 certification as an athletic trainer in good standing by the
17 ~~National Athletic Trainers' Association Board of~~
18 Certification, Inc.; and eligibility for a National Provider
19 Identifier.

20 "(2) Licensure by reciprocity. The board shall
21 grant, without examination, licensure to any qualified
22 athletic trainer holding a license certificate or registration
23 in another state if that state maintains licensure
24 qualifications ~~which~~ that are substantially equivalent to
25 those required in this state, and gives similar reciprocity to
26 licensees of this state.

1 "(b) Any person desiring to be licensed, desiring a
2 renewal of an existing license, desiring verification of
3 licensure, reinstatement of a license, replacement of a
4 license, or name changes for a licensee as an athletic trainer
5 in this state shall make and file with the board, ~~not less~~
6 ~~than 30 days prior to any regular meeting thereof,~~ a written
7 application ~~on a form~~ or request as prescribed by the board.
8 The application shall be accompanied by the payment of a fee,
9 as set by the board, to include publication fees or other
10 administrative fees deemed necessary to carry out the
11 provisions of this chapter, ~~in accordance with subsection (g)~~
12 ~~of Section 34-40-3.~~ Any licensee who fails to renew his or her
13 license within 90 days following expiration of the previous
14 license shall be required to file a new application and pay an
15 application fee with the board.

16 "§34-40-6.

17 "An athletic trainer, as a qualified health care
18 professional, functioning under the supervision of a
19 physician, may use therapeutic exercise and modalities for the
20 treatment of athletic injuries for which he or she has
21 received appropriate training or education.

22 "§34-40-9.

23 "(a) Nothing in this chapter shall be construed as
24 preventing or restricting any of the following persons from
25 engaging in the profession or occupation for which they are
26 licensed, certified, or registered in Alabama as follows:

1 "(1) Physicians and surgeons licensed by the Medical
2 Licensure Commission of Alabama.

3 "(2) Dentists licensed by the State Board of Dental
4 Examiners.

5 "(3) Optometrists licensed by the State Board of
6 Optometry.

7 "(4) Nurses licensed by the Alabama Board of
8 Nursing.

9 "(5) Chiropractors licensed by the State Board of
10 Chiropractic Examiners.

11 "(6) Podiatrists licensed by the State Board of
12 Podiatry.

13 "(7) Physical therapists licensed by the State Board
14 of Physical Therapy.

15 "(8) Occupational therapists licensed by the State
16 Board of Occupational Therapy.

17 "(9) Emergency medical technicians licensed by the
18 State Department of Public Health.

19 "(10) Physician assistants licensed by the State
20 Board of Medical Examiners.

21 "(11) Massage therapists licensed by the Alabama
22 Board of Massage Therapy.

23 "(b) This chapter shall not apply to the following
24 persons:

25 "(1) Coaches and physical education instructors in
26 the performance of their duties.

1 "~~(2) Apprentice athletic trainers who confine~~
2 ~~themselves to the duties prescribed in this chapter.~~

3 "~~(3)~~ (2) Athletic trainers from other nations,
4 states, or territories performing their duties for their
5 respective teams or organizations and only during the course
6 of their team's or organization's stay in this state.

7 "~~(4)~~ (3) A person who performs any of the services
8 set forth in this chapter as long as the person does not
9 violate this chapter.

10 "§34-40-10.

11 "The board may refuse to issue a license certificate
12 to any person and, after notice and hearing pursuant to its
13 ~~regulations and rules,~~ may suspend or revoke the license
14 certificate of any person who ~~has done~~ does any of the
15 following:

16 "(1) ~~Practiced~~ Practices athletic training other
17 than under the ~~direction or referral, or both,~~ supervision of
18 a physician licensed to practice medicine or surgery.

19 "(2) Uses drugs or intoxicating liquors to an extent
20 which affects professional competency.

21 "(3) ~~Obtained or attempted~~ Obtains or attempts to
22 obtain a license by fraud or deception.

23 "(4) ~~Been~~ Is found to be grossly negligent in the
24 practice of athletic training.

25 "(5) ~~Been~~ Is adjudged mentally incompetent by a
26 court of competent jurisdiction.

1 "~~Been~~ Is found to be guilty of conduct
2 detrimental to the best interest of the public.

3 "~~Has~~ Is or has been imprisoned for violating any
4 state or federal controlled substance law.

5 "~~Treated~~ Is treating or has undertaken to treat
6 human ailments otherwise than by athletic training and
7 according to standards established by the board.

8 "~~Advertised~~ Advertises unethically according to
9 standards as set by the board.

10 "~~Failed or refused~~ Fails or refuses to obey any
11 lawful order or ~~regulation~~ rule of the board.

12 "~~Unlawful~~ Engages in the unlawful invasion of
13 the field of practice of any other profession.

14 "§34-40-15.

15 "(a) Nothing in this chapter shall authorize an
16 athletic trainer ~~or apprentice athletic trainer~~ to engage in
17 the practice of medicine; to diagnose, treat, or cure any
18 human disease, illness, ailment, infirmity, pain, or other
19 condition ~~which~~ that is not an athletic injury; to perform
20 surgery of any type or description; or to prescribe any drug
21 or medical device.

22 "(b) Nothing in this chapter shall allow an athletic
23 trainer to hold himself or herself out, or practice, as a
24 physical therapist, occupational therapist, clinical
25 nutritionist, or chiropractic physician. Nothing in this
26 chapter shall allow an athletic trainer to perform spinal
27 manipulation. However, nothing herein shall be construed to

1 restrict an athletic trainer from practicing within the scope
2 of practice as otherwise provided under this chapter.

3 "(c) Nothing in this chapter shall modify, amend,
4 repeal, or supersede any provision of the Alabama Medical
5 Liability Act of 1987, commencing with Section 6-5-540, or the
6 Alabama Medical Liability Act of 1996, commencing with Section
7 6-5-548, or any amendment to or judicial interpretation of
8 those laws."

9 "§34-40-16.

10 "An athletic trainer employed in a physical therapy
11 clinic shall work under the administrative supervision of a
12 ~~licensed~~ physical therapist in the context of an
13 employer/employee relationship. The authority of the physical
14 therapist may not supersede the authority of the physician
15 regarding treatment, in accordance with physician supervision
16 of the athletic trainer."

17 Section 2. Section 34-10-3.2 is added to the Code of
18 Alabama 1975, to read as follows:

19 §34-10-3.2.

20 (a) There is created the Advisory Council of the
21 State Board of Medical Examiners and the Alabama Board of
22 Athletic Trainers. The membership of the advisory council
23 shall include all of the following:

24 (1) Three physicians, appointed by the State Board
25 of Medical Examiners.

26 (2) Three athletic trainers appointed by the board.

1 (b) In order to stagger the terms of office, the
2 three physician members of the advisory council shall serve
3 initial terms of one, two, and three years, as determined by
4 the State Board of Medical Examiners, and terms of three years
5 thereafter, and the three athletic trainer members of the
6 advisory council shall serve initial terms of one, two, and
7 three years, as determined by the board, and terms of three
8 years thereafter. Should a vacancy occur on the advisory
9 council, a successor shall be appointed by the original
10 appointing authority to serve the remainder of the unexpired
11 term.

12 (c) The advisory council shall meet annually, or
13 more frequently if agreed by both the State Board of Medical
14 Examiners and the board. During the annual meeting, the
15 membership of the advisory council shall select one of its
16 members to serve as chair for a term of one year. The office
17 of chair shall alternate between a physician member and an
18 athletic trainer member.

19 (d) Members of the advisory council shall receive
20 per diem at a rate of one hundred dollars (\$100) per day or
21 any portion thereof that the advisory council member is
22 attending an official meeting or function of the advisory
23 council. In addition, each member of the advisory council
24 shall receive reimbursement for subsistence and travel in
25 accordance with state law as provided for state employees, for
26 each day actively engaged in the duties of the office.
27 Compensation of the members of the advisory council shall be

1 paid by the appointing authority, and the appointing
2 authorities shall furnish necessary clerical and
3 administrative support for the operation of the advisory
4 council.

5 (e) Any provision of this chapter to the contrary
6 notwithstanding, the advisory council shall recommend model
7 practice protocols to be used by athletic trainers, subject to
8 approval by both the State Board of Medical Examiners and the
9 board. The advisory council shall be limited to voting on new
10 standard protocols, adding or deleting existing protocols, and
11 amending existing protocols. The advisory council may
12 recommend rules establishing the ratio of physicians to
13 athletic trainers and the manner in which a supervising
14 physician may designate an alternate supervising physician
15 when temporarily unavailable as the supervising physician. The
16 advisory council may not grant deviations from protocol. No
17 rule or protocol shall be effective until approved by both the
18 State Board of Medical Examiners and the board.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 04-FEB-20

Read for the second time and placed on the calen-
dar..... 25-FEB-20

Read for the third time and passed as amended 05-MAR-20

Yeas 31
Nays 1

Patrick Harris,
Secretary.