

1 SB73  
2 208883-1  
3 By Senator Waggoner  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

SYNOPSIS: Under existing law, the Alabama Board of Athletic Trainers is responsible for the regulation and licensing of athletic trainers in the state.

This bill would provide further for the licensing and regulation of athletic trainers to treat athletic injuries sustained by physically active individuals.

This bill would provide further for the formal professional relationship between an athletic trainer and a supervising or referring physician.

This bill would also provide for the membership and duties of the Advisory Council of the State Board of Medical Examiners and the Alabama Board of Athletic Trainers.

A BILL  
TO BE ENTITLED  
AN ACT

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 34-40-2, 34-40-3, 34-40-5,  
11 34-40-6, 34-40-9, 34-40-10, 34-40-15, and 34-40-16 of the Code  
12 of Alabama 1975, are amended to read as follows:

13 "§34-40-2.

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

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

21 "~~(2) ATHLETE. A person who participates in an~~  
22 ~~athletic activity being conducted by an educational~~  
23 ~~institution, professional athletic organization, or a board~~  
24 ~~sanctioned amateur athletic organization.~~

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

1           "~~(3)~~(2) ATHLETIC INJURY. An injury or condition  
2 sustained ~~received by an athlete~~ as a result of, or limiting  
3 the preparation for or participation ~~of the athlete~~ in, an  
4 ~~athletic activity~~ exercise, sport, game, recreational  
5 activity, or any other activity that requires a level of  
6 strength, endurance, flexibility, or agility that is  
7 comparable to the level of strength, endurance, flexibility,  
8 or agility required for an exercise, sport, game, or  
9 recreational activity; or any injury that a physician deems  
10 would benefit from athletic training services.

11           "~~(4)~~(3) ATHLETIC TRAINER. ~~A person~~ An individual  
12 licensed by the Alabama Board of Athletic Trainers ~~as an~~  
13 ~~athletic trainer and who practices athletic training on an~~  
14 ~~athlete~~ and under the direction or referral, or both, of a  
15 licensed physician after meeting the requirements of this  
16 chapter and rules ~~and regulations promulgated~~ adopted pursuant  
17 to this chapter.

18           "~~(5)~~(4) ATHLETIC TRAINING PRACTICE. Practice by an  
19 athletic trainer of any of the following:

20           "~~a. Under physician direction or referral, or both,~~  
21 ~~the prevention of athletic injuries~~ The application of care  
22 for an athletic injury, including the application or provision  
23 of (i) principles, methods, and procedures of recognition,  
24 examination, assessment, clinical evaluation, prevention,  
25 management, emergency care, disposition, or rehabilitation and  
26 reconditioning of athletic injuries, (ii) appropriate  
27 preventive and supportive devices, (iii) treatment using

1 physical modalities such as heat, cold, light, mechanical  
2 devices, electric stimulation, manual therapy techniques,  
3 aquatic therapy, sound, or therapeutic exercise, and (iv) any  
4 other physical agent that is included within the written  
5 protocols allowed by the State Board of Medical Examiners and  
6 prescribed by a physician.

7 "b. The organization and administration of athletic  
8 training programs, including health care administration and  
9 professional responsibility.

10 "~~c. Athletic counseling~~ The provision of athletic  
11 training, education, and guidance and the education of  
12 ~~athletes regarding athletics and athletic training to~~  
13 physically active individuals, coaches, medical personnel, and  
14 the community in the prevention and care of athletic injuries.

15 "~~d. Under physician direction and referral, the~~  
16 ~~rehabilitation and reconditioning of an athlete~~ The  
17 recognition of potential illnesses and referrals to a  
18 physician for diagnosis and treatment.

19 "~~e. Under physician supervision, the evaluation, the~~  
20 ~~recognition, and management of athletic injuries~~ The provision  
21 of injury prevention services developed for physically active  
22 individuals.

23 "~~(6) (5)~~ BOARD. The Alabama Board of Athletic  
24 Trainers.

25 "(6) INJURY PREVENTION. Care and guidance related to  
26 risk management, including biomechanics, conditioning,

1 flexibility, energy requirements, strength training, and  
2 fitness.

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

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

7 "(9) PHYSICIAN SUPERVISION. a. An ~~A~~-licensed  
8 athletic trainer acting under the supervision of a physician  
9 if:

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

13 "~~b.2.~~ The activity is undertaken in accordance with  
14 a written protocol signed by the physician ~~which~~ that  
15 describes the athletic injury encountered and directs  
16 appropriate medical interventions consistent with the  
17 qualification, training, and experience of the ~~licensed~~  
18 athletic trainer. The State Board of Medical Examiners shall  
19 establish ~~minimum~~ medical criteria for any protocol used by  
20 athletic trainers and shall specify those conditions and  
21 circumstances ~~which~~ that require referral to the physician for  
22 further evaluation.

23 "b. Physician supervision establishes a formal  
24 relationship between an athletic trainer and a physician under  
25 which the athletic trainer is authorized to practice as  
26 evidenced by a written protocol approved by the State Board of  
27 Medical Examiners and requires professional oversight and

1 direction pursuant to the rules of the State Board of Medical  
2 Examiners and the Alabama Board of Athletic Trainers as  
3 recommended by the advisory council. No rule adopted pursuant  
4 to this paragraph shall be effective without the approval of  
5 both the State Board of Medical Examiners and the board.

6 "§34-40-3.

7 "(a) The Alabama Board of Athletic Trainers shall be  
8 composed of nine members who shall serve four-year terms.  
9 Members may not serve more than three consecutive four-year  
10 terms. Three members shall be ~~Black~~ a member of a minority  
11 class, one of whom shall be a physician member. The  
12 composition of the board shall be as follows:

13 "(1) Six members who are athletic trainers,  
14 appointed by the Alabama Athletic ~~Trainers~~ Trainers'  
15 Association in accordance with subsection (b), one of whom  
16 shall also be ~~an athletic trainer who is a licensed~~ a physical  
17 therapist.

18 "(2) Three physicians ~~licensed to practice medicine~~  
19 actively engaged in the treatment of ~~athletes and~~ athletic  
20 injuries or illnesses, appointed by the Medical Association of  
21 the State of Alabama.

22 "(3) The President of the Alabama Athletic ~~Trainers~~  
23 Trainers' Association who shall serve as an ex officio member  
24 of the board and whose term of office shall be yearly to  
25 coincide with his or her term as President of the Alabama  
26 Athletic ~~Trainers~~ Trainers' Association.

1           "~~the six athletic trainers shall be appointed by~~  
2 ~~the~~ The Alabama Athletic Trainers Trainers' Association. ~~The~~  
3 ~~association~~ shall conduct an annual meeting at which all  
4 athletic trainers holding a current license ~~as identified~~  
5 under this chapter shall have the right to attend, nominate,  
6 and vote for the athletic trainer members of the board. The  
7 association shall regulate and prescribe the date, hour, and  
8 place of the meeting, the method of nomination, and the manner  
9 of voting. At least 30 days prior to the meeting, the board  
10 shall ~~mail~~ send notices to each current licensee at the  
11 address shown on the current registration notifying of the  
12 exact date, hour, and place of the meeting, the purpose of the  
13 meeting, and of the right to attend and vote. To qualify as a  
14 board member pursuant to this subsection, a person shall be a  
15 citizen of the United States and a resident of this state and  
16 have acted as an athletic trainer for three years within this  
17 state immediately preceding appointment.

18           "(c) In making the initial appointments, the Alabama  
19 Athletic ~~Trainers~~ Trainers' Association shall appoint one  
20 athletic trainer whose term will expire in 1994, two athletic  
21 trainers whose terms will expire in 1995, and one athletic  
22 trainer whose term will expire in 1996, and two athletic  
23 trainers whose terms will expire in 1997. The Medical  
24 Association of the State of Alabama shall appoint one  
25 physician whose term will expire in 1994, one physician whose  
26 term will expire in 1995, and one physician whose term will



1 expire in 1996. All appointments expire on December 31 of the  
2 year specified.

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

8 "(e) The board shall elect a chair, a vice-chair,  
9 and secretary from its members for a term of one year and may  
10 appoint any committees and formulate any rules it considers  
11 necessary to carry out its duties pursuant to this chapter.  
12 The board shall meet at least twice each year. Additional  
13 meetings may be held on the call of the chair or at the  
14 written request of any two members of the board. The secretary  
15 shall keep a record of the proceedings of the board. The board  
16 may ~~promulgate and adopt rules and regulations~~ consistent with  
17 this chapter which are necessary for the performance of its  
18 duties. The board may employ an executive secretary and any  
19 officers and employees as may be necessary to carry out the  
20 duties of the board. The State Board of Medical Examiners and  
21 the Alabama Board of Athletic Trainers shall jointly approve  
22 any rule, ~~regulation,~~ or policy that interprets, explains, or  
23 enumerates the permissible acts, functions, or services  
24 rendered by an athletic trainer ~~or apprentice athletic trainer~~  
25 as those acts, functions, and services are defined in Section  
26 34-40-2. Any rule, ~~regulation,~~ or policy adopted in violation  
27 of this requirement is invalid. The board shall prescribe

1 methods and forms for license applications, license  
2 certificate, license renewal, verification of license,  
3 continuing education verification, and any forms for  
4 information required from licensees to carry out the duties of  
5 the board. The board shall adopt an official seal and a  
6 license certificate of suitable design.

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

13 "(g) ~~It shall be the duty of the~~ The board to shall  
14 pass upon the qualifications of applicants for licensure as an  
15 athletic trainer, and ~~to~~ issue licenses and annual renewals to  
16 athletic trainers. The board shall ~~be responsible for fixing~~  
17 fix fees for such applications, licenses, renewals,  
18 verification of licensure, replacement of licenses, name  
19 changes ~~on~~ of licensees, publication fees, or other  
20 administration fees deemed necessary to carry out ~~the~~  
21 ~~provisions of~~ this chapter.

22 "§34-40-5.

23 "(a) Any person seeking licensure as an athletic  
24 trainer shall be a citizen of the United States or, if not a  
25 citizen of the United States, a person who is legally present  
26 in the United States with appropriate documentation from the

1 federal government, and meet at least one of the following  
2 requirements:

3 "(1) Satisfactory completion of all ~~of the National~~  
4 ~~Athletic Trainers' Association (NATA)~~ Board of Certification,  
5 Inc., or its successor organization, qualifications ~~and;~~  
6 certification as an athletic trainer in good standing by the  
7 ~~National Athletic Trainers' Association~~ Board of  
8 Certification, Inc.; and eligibility for a National Provider  
9 Identifier.

10 "(2) Licensure by reciprocity. The board shall  
11 grant, without examination, licensure to any qualified  
12 athletic trainer holding a license certificate or registration  
13 in another state if that state maintains licensure  
14 qualifications ~~which~~ that are substantially equivalent to  
15 those required in this state, and gives similar reciprocity to  
16 licensees of this state.

17 "(b) Any person desiring to be licensed, desiring a  
18 renewal of an existing license, desiring verification of  
19 licensure, reinstatement of a license, replacement of a  
20 license, or name changes for a licensee as an athletic trainer  
21 in this state shall make and file with the board, ~~not less~~  
22 ~~than 30 days prior to any regular meeting thereof,~~ a written  
23 application ~~on a form~~ or request as prescribed by the board.  
24 The application shall be accompanied by the payment of a fee,  
25 as set by the board, to include publication fees or other  
26 administrative fees deemed necessary to carry out the  
27 provisions of this chapter, ~~in accordance with subsection (g)~~

1 ~~of Section 34-40-3~~. Any licensee who fails to renew his or her  
2 license within 90 days following expiration of the previous  
3 license shall be required to file a new application and pay an  
4 application fee with the board.

5 "§34-40-6.

6 "An athletic trainer, as a qualified health care  
7 professional, functioning under the supervision of a  
8 physician, may use therapeutic exercise and modalities for the  
9 treatment of athletic injuries for which he or she has  
10 received appropriate training or education.

11 "§34-40-9.

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

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

18 "(2) Dentists licensed by the State Board of Dental  
19 Examiners.

20 "(3) Optometrists licensed by the State Board of  
21 Optometry.

22 "(4) Nurses licensed by the Alabama Board of  
23 Nursing.

24 "(5) Chiropractors licensed by the State Board of  
25 Chiropractic Examiners.

26 "(6) Podiatrists licensed by the State Board of  
27 Podiatry.

1           "(7) Physical therapists licensed by the State Board  
2 of Physical Therapy.

3           "(8) Occupational therapists licensed by the State  
4 Board of Occupational Therapy.

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

7           "(10) Physician assistants licensed by the State  
8 Board of Medical Examiners.

9           "(11) Massage therapists licensed by the Alabama  
10 Board of Massage Therapy.

11           "(b) This chapter shall not apply to the following  
12 persons:

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

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

17           "~~(3)~~ (2) Athletic trainers from other nations,  
18 states, or territories performing their duties for their  
19 respective teams or organizations and only during the course  
20 of their team's or organization's stay in this state.

21           "~~(4)~~ (3) A person who performs any of the services  
22 set forth in this chapter as long as the person does not  
23 violate this chapter.

24           "§34-40-10.

25           "The board may refuse to issue a license certificate  
26 to any person and, after notice and hearing pursuant to its  
27 ~~regulations and rules~~, may suspend or revoke the license

1 certificate of any person who ~~has done~~ does any of the  
2 following:

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

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

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

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

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

14 "(6) ~~Been~~ Is found to be guilty of conduct  
15 detrimental to the best interest of the public.

16 "(7) ~~Has~~ Is or has been imprisoned for violating any  
17 state or federal controlled substance law.

18 "(8) ~~Treated~~ Is treating or has undertaken to treat  
19 human ailments otherwise than by athletic training and  
20 according to standards established by the board.

21 "(9) ~~Advertised~~ Advertises unethically according to  
22 standards as set by the board.

23 "(10) ~~Failed or refused~~ Fails or refuses to obey any  
24 lawful order or ~~regulation~~ rule of the board.

25 "(11) ~~Unlawful~~ Engages in the unlawful invasion of  
26 the field of practice of any other profession.

27 "§34-40-15.

1           "a Nothing in this chapter shall authorize an  
2 athletic trainer ~~or apprentice athletic trainer~~ to engage in  
3 the practice of medicine; to diagnose, treat, or cure any  
4 human disease, illness, ailment, infirmity, pain, or other  
5 condition ~~which~~ that is not an athletic injury; to perform  
6 surgery of any type or description; or to prescribe any drug  
7 or medical device.

8           "b Nothing in this chapter shall allow an athletic  
9 trainer to hold himself or herself out, or practice, as a  
10 physical therapist, occupational therapist, clinical  
11 nutritionist, or chiropractic physician. Nothing in this  
12 chapter shall allow an athletic trainer to perform spinal  
13 manipulation. However, nothing herein shall be construed to  
14 restrict an athletic trainer from practicing within the scope  
15 of practice as otherwise provided under this chapter.

16           "c Nothing in this chapter shall modify, amend,  
17 repeal, or supersede any provision of the Alabama Medical  
18 Liability Act of 1987, commencing with Section 6-5-540, or the  
19 Alabama Medical Liability Act of 1996, commencing with Section  
20 6-5-548, or any amendment to or judicial interpretation of  
21 those laws.

22           "§34-40-16.

23           "An athletic trainer employed in a physical therapy  
24 clinic shall work under the administrative supervision of a  
25 ~~licensed~~ physical therapist in the context of an  
26 employer/employee relationship. The authority of the physical  
27 therapist may not supersede the authority of the physician

1 regarding treatment, in accordance with physician supervision  
2 of the athletic trainer."

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

5 §34-10-3.2.

6 (a) There is created the Advisory Council of the  
7 State Board of Medical Examiners and the Alabama Board of  
8 Athletic Trainers. The membership of the advisory council  
9 shall include all of the following:

10 (1) Three physicians, appointed by the State Board  
11 of Medical Examiners.

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

13 (b) In order to stagger the terms of office, the  
14 three physician members of the advisory council shall serve  
15 initial terms of one, two, and three years, as determined by  
16 the State Board of Medical Examiners, and terms of three years  
17 thereafter, and the three athletic trainer members of the  
18 advisory council shall serve initial terms of one, two, and  
19 three years, as determined by the board, and terms of three  
20 years thereafter. Should a vacancy occur on the advisory  
21 council, a successor shall be appointed by the original  
22 appointing authority to serve the remainder of the unexpired  
23 term.

24 (c) The advisory council shall meet annually, or  
25 more frequently if agreed by both the State Board of Medical  
26 Examiners and the board. During the annual meeting, the  
27 membership of the advisory council shall select one of its



1 members to serve as chair for a term of one year. The office  
2 of chair shall alternate between a physician member and an  
3 athletic trainer member.

4 (d) Members of the advisory council shall receive  
5 per diem at a rate of one hundred dollars (\$100) per day or  
6 any portion thereof that the advisory council member is  
7 attending an official meeting or function of the advisory  
8 council. In addition, each member of the advisory council  
9 shall receive reimbursement for subsistence and travel in  
10 accordance with state law as provided for state employees, for  
11 each day actively engaged in the duties of the office.  
12 Compensation of the members of the advisory council shall be  
13 paid by the appointing authority, and the appointing  
14 authorities shall furnish necessary clerical and  
15 administrative support for the operation of the advisory  
16 council.

17 (e) Any provision of this chapter to the contrary  
18 notwithstanding, the advisory council shall recommend model  
19 practice protocols to be used by athletic trainers, subject to  
20 approval by both the State Board of Medical Examiners and the  
21 board. The advisory council shall be limited to voting on new  
22 standard protocols, adding or deleting existing protocols, and  
23 amending existing protocols. The advisory council may  
24 recommend rules establishing the ratio of physicians to  
25 athletic trainers and the manner in which a supervising  
26 physician may designate an alternate supervising physician  
27 when temporarily unavailable as the supervising physician. The

1 advisory council may not grant deviations from protocol. No  
2 rule or protocol shall be effective until approved by both the  
3 State Board of Medical Examiners and the board.

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