

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

1 SB73

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§34-40-2.

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

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

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

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

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

18 "~~(4)~~(3) ATHLETIC TRAINER. ~~A person~~ An individual
19 licensed by the Alabama Board of Athletic Trainers ~~as an~~
20 ~~athletic trainer and who practices athletic training on an~~
21 ~~athlete~~ and under the direction or referral, or both, of a
22 licensed physician after meeting the requirements of this
23 chapter and rules ~~and regulations promulgated~~ adopted pursuant
24 to this chapter.

1 "~~(5)~~(4) ATHLETIC TRAINING PRACTICE. Practice by an
2 athletic trainer of any of the following:

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

17 **"b.** The organization and administration of athletic
18 training programs, including health care administration and
19 professional responsibility.

20 "~~c. Athletic counseling~~ The provision of athletic
21 training, education, and guidance ~~and the education of~~
22 ~~athletes regarding athletics and athletic training to~~
23 physically active individuals, coaches, medical personnel, and
24 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

1 "b.2. The activity is undertaken in accordance with
2 a written protocol signed by the physician ~~which~~ that
3 describes the athletic injury encountered and directs
4 appropriate medical interventions consistent with the
5 qualification, training, and experience of the ~~licensed~~
6 athletic trainer. The State Board of Medical Examiners shall
7 establish ~~minimum~~ medical criteria for any protocol used by
8 athletic trainers and shall specify those conditions and
9 circumstances ~~which~~ that require referral to the physician for
10 further evaluation.

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

21 "§34-40-3.

22 "(a) The Alabama Board of Athletic Trainers shall be
23 composed of nine members who shall serve four-year terms.
24 Members may not serve more than three consecutive four-year
25 terms. Three members shall be ~~Black~~ a member of a minority

1 class, one of whom shall be a physician member. The
2 composition of the board shall be as follows:

3 "(1) Six members who are athletic trainers,
4 appointed by the Alabama Athletic ~~Trainers~~ Trainers'
5 Association in accordance with subsection (b), one of whom
6 shall also be ~~an athletic trainer who is a licensed~~ a physical
7 therapist.

8 "(2) Three physicians ~~licensed to practice medicine~~
9 actively engaged in the treatment of ~~athletes and~~ athletic
10 injuries or illnesses, appointed by the Medical Association of
11 the State of Alabama.

12 "(3) The President of the Alabama Athletic ~~Trainers~~
13 Trainers' Association who shall serve as an ex officio member
14 of the board and whose term of office shall be yearly to
15 coincide with his or her term as President of the Alabama
16 Athletic ~~Trainers~~ Trainers' Association.

17 "(b) ~~The six athletic trainers shall be appointed by~~
18 ~~the~~ The Alabama Athletic ~~Trainers~~ Trainers' Association. ~~The~~
19 ~~association~~ shall conduct an annual meeting at which all
20 athletic trainers holding a current license ~~as identified~~
21 under this chapter shall have the right to attend, nominate,
22 and vote for the athletic trainer members of the board. The
23 association shall regulate and prescribe the date, hour, and
24 place of the meeting, the method of nomination, and the manner
25 of voting. At least 30 days prior to the meeting, the board

1 shall ~~mail~~ send notices to each current licensee at the
2 address shown on the current registration notifying of the
3 exact date, hour, and place of the meeting, the purpose of the
4 meeting, and of the right to attend and vote. To qualify as a
5 board member pursuant to this subsection, a person shall be a
6 citizen of the United States and a resident of this state and
7 have acted as an athletic trainer for three years within this
8 state immediately preceding appointment.

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

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

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

1 the board. The board shall adopt an official seal and a
2 license certificate of suitable design.

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

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

18 "§34-40-5.

19 "(a) Any person seeking licensure as an athletic
20 trainer shall be a citizen of the United States or, if not a
21 citizen of the United States, a person who is legally present
22 in the United States with appropriate documentation from the
23 federal government, and meet at least one of the following
24 requirements:

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

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

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

1 "(6) Podiatrists licensed by the State Board of
2 Podiatry.

3 "(7) Physical therapists licensed by the State Board
4 of Physical Therapy.

5 "(8) Occupational therapists licensed by the State
6 Board of Occupational Therapy.

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

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

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

13 "(b) This chapter shall not apply to the following
14 persons:

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

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

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

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

1 "§34-40-10.

2 "The board may refuse to issue a license certificate
3 to any person and, after notice and hearing pursuant to its
4 ~~regulations and rules~~, may suspend or revoke the license
5 certificate of any person who ~~has done~~ does any of the
6 following:

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

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

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

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

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

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

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

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

1 "~~Advertised~~ Advertises unethically according to
2 standards as set by the board.

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

5 "~~Unlawful~~ Engages in the unlawful invasion of
6 the field of practice of any other profession.

7 "§34-40-15.

8 "(a) Nothing in this chapter shall authorize an
9 athletic trainer or apprentice athletic trainer to engage in
10 the practice of medicine; to diagnose, treat, or cure any
11 human disease, illness, ailment, infirmity, pain, or other
12 condition which that is not an athletic injury; to perform
13 surgery of any type or description; or to prescribe any drug
14 or medical device.

15 "(b) Nothing in this chapter shall allow an athletic
16 trainer to hold himself or herself out, or practice, as a
17 physical therapist, occupational therapist, clinical
18 nutritionist, or chiropractic physician. Nothing in this
19 chapter shall allow an athletic trainer to perform spinal
20 manipulation. However, nothing herein shall be construed to
21 restrict an athletic trainer from practicing within the scope
22 of practice as otherwise provided under this chapter.

23 "(c) Nothing in this chapter shall modify, amend,
24 repeal, or supersede any provision of the Alabama Medical
25 Liability Act of 1987, commencing with Section 6-5-540, or the

1 Alabama Medical Liability Act of 1996, commencing with Section
2 6-5-548, or any amendment to or judicial interpretation of
3 those laws.

4 "§34-40-16.

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

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

14 §34-10-3.2.

15 (a) There is created the Advisory Council of the
16 State Board of Medical Examiners and the Alabama Board of
17 Athletic Trainers. The membership of the advisory council
18 shall include all of the following:

19 (1) Three physicians, appointed by the State Board
20 of Medical Examiners.

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

22 (b) In order to stagger the terms of office, the
23 three physician members of the advisory council shall serve
24 initial terms of one, two, and three years, as determined by
25 the State Board of Medical Examiners, and terms of three years

1 thereafter, and the three athletic trainer members of the
2 advisory council shall serve initial terms of one, two, and
3 three years, as determined by the board, and terms of three
4 years thereafter. Should a vacancy occur on the advisory
5 council, a successor shall be appointed by the original
6 appointing authority to serve the remainder of the unexpired
7 term.

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

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

1 administrative support for the operation of the advisory
2 council.

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB73
Senate 09-FEB-21
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 09-MAR-21

By: Senator Waggoner