

1 SB343  
2 184467-1  
3 By Senator Dial  
4 RFD: Health and Human Services  
5 First Read: 04-APR-17

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

11 This bill would change references to  
12 apprentice athletic trainers to athletic trainer  
13 students.

14 This bill would also require a person to be  
15 a qualified health care professional to be licensed  
16 as an athletic trainer.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Sections 34-40-2, 34-40-3, 34-40-5,  
23 34-40-9, and 34-40-15, Code of Alabama 1975, relating to the  
24 Alabama Board of Athletic Trainers; to change references to  
25 apprentice athletic trainers to athletic trainer students; and  
26 to require a prospective licensee as athletic trainer to be a  
27 qualified health care professional.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

5 "§34-40-2.

6 "As used in this chapter, the following words and  
7 phrases shall have the following meanings, respectively,  
8 unless the context clearly indicates otherwise:

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

13 "(1)~~(2)~~ ATHLETE. A person who participates in an  
14 athletic activity being conducted by an educational  
15 institution, professional athletic organization, or a board  
16 sanctioned amateur athletic organization.

17 "(2)~~(3)~~ ATHLETIC INJURY. An injury received by an  
18 athlete as a result of the preparation or participation of the  
19 athlete in an athletic activity.

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

1                   "(4)-(5) 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.

5                   "b. The organization and administration of athletic  
6 training programs.

7                   "c. Athletic counseling and guidance and the  
8 education of athletes regarding athletics and athletic  
9 training.

10                  "d. Under physician direction and referral, the  
11 rehabilitation and reconditioning of an athlete.

12                  "e. Under physician supervision, the evaluation, the  
13 recognition, and management of athletic injuries and  
14 sports-related illnesses.

15                  "(5) ATHLETIC TRAINER STUDENT. A person who assists  
16 in the duties usually performed by an athletic trainer and who  
17 works under the direct supervision of a licensed athletic  
18 trainer.

19                  "(6) BOARD. The Alabama Board of Athletic Trainers.

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

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

24                  "(9) PHYSICIAN SUPERVISION. A licensed athletic  
25 trainer acting under the supervision of a physician if:

1            "a. The activities are undertaken pursuant to a  
2 verbal or written order of the physician who has evaluated the  
3 injured athlete; and

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

13            "(10) QUALIFIED HEALTH CARE PROFESSIONAL. A health  
14 care provider who adheres to the qualifications established by  
15 the board and the State Board of Medical Examiners and is  
16 recognized by the American Medical Association and assigned a  
17 national provider identifier number.

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 race, one of whom shall be a physician member. The composition  
24 of the board shall be as follows:

25            "(1) Six members appointed by the Alabama Athletic  
26 Trainers Association in accordance with subsection (b), one of

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

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

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

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

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

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

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

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

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

21 "(g) It shall be the duty of the board to pass upon  
22 the qualifications of applicants for licensure as an athletic  
23 trainer, and to issue licenses and annual renewals to athletic  
24 trainers. The board shall be responsible for fixing fees for  
25 such applications, licenses, renewals, verification of  
26 licensure, replacement of licenses, name changes on licensees,



1 publication fees, or other administration fees deemed  
2 necessary to carry out the provisions of this chapter.

3 "§34-40-5.

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

10 "(1) Satisfactory completion of all of the National  
11 Athletic Trainers' Association (NATA) Board of Certification,  
12 Inc., qualifications and certification as an athletic trainer  
13 in good standing by the National Athletic Trainers'  
14 Association Board of Certification, Inc.

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

21 "(b) Any person desiring to be licensed, desiring a  
22 renewal of an existing license, desiring verification of  
23 licensure, reinstatement of a license, replacement of a  
24 license, or name changes for a licensee as an athletic trainer  
25 in this state shall make and file with the board, not less  
26 than 30 days prior to any regular meeting thereof, a written  
27 application on a form as prescribed by the board. The

1 application shall be accompanied by the payment of a fee, as  
2 set by the board, to include publication fees or other  
3 administrative fees deemed necessary to carry out the  
4 provisions of this chapter, in accordance with subsection (g)  
5 of Section 34-40-3. Any licensee who fails to renew his or her  
6 license within 90 days following expiration of the previous  
7 license shall be required to file a new application and pay an  
8 application fee with the board.

9 "§34-40-9.

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

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

16 "(2) Dentists licensed by the State Board of Dental  
17 Examiners.

18 "(3) Optometrists licensed by the State Board of  
19 Optometry.

20 "(4) Nurses licensed by the Alabama Board of  
21 Nursing.

22 "(5) Chiropractors licensed by the State Board of  
23 Chiropractic Examiners.

24 "(6) Podiatrists licensed by the State Board of  
25 Podiatry.

26 "(7) Physical therapists licensed by the State Board  
27 of Physical Therapy.

1           "(8) Occupational therapists licensed by the State  
2 Board of Occupational Therapy.

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

5           "(b) This chapter shall not apply to the following  
6 persons:

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

9           "(2) ~~Apprentice athletic trainers~~ Athletic trainer  
10 students who confine themselves to the duties prescribed in  
11 this chapter.

12           "(3) Athletic trainers from other nations, states,  
13 or territories performing their duties for their respective  
14 teams or organizations and only during the course of their  
15 team's or organization's stay in this state.

16           "(4) A person who performs any of the services set  
17 forth in this chapter as long as the person does not violate  
18 this chapter.

19           "§34-40-15.

20           "Nothing in this chapter shall authorize an athletic  
21 trainer or ~~apprentice~~ athletic trainer student to engage in  
22 the practice of medicine; to diagnose, treat, or cure any  
23 human disease, illness, ailment, infirmity, pain, or other  
24 condition which is not an athletic injury; to perform surgery  
25 of any type or description; or to prescribe any drug or  
26 medical device."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.