

Regular Session, 2014

HOUSE BILL NO. 691

BY REPRESENTATIVE BROADWATER

ATHLETICS/TRAINERS: Provides relative to athletic trainers

1 AN ACT

2 To amend and reenact R.S. 37:3301, 3302, 3303, 3304, and 3307, to enact R.S. 37:3305.1,
3 3306.1, 3308.1, 3309.1, 3311(C), and 3313, and to repeal R.S. 37:3305, 3306, 3308,
4 3309, and 3310, relative to the Louisiana Athletic Trainers Law; to provide for
5 purpose of Chapter; to make changes to definitions; to provide relative to the powers
6 and duties of the Louisiana State Board of Medical Examiners in regards to athletic
7 trainers; to provide relative to fees; to provide relative to exemptions from civil
8 liability; to provide for prohibited activities of athletic trainers; to establish
9 qualifications and requirements for athletic trainers; to provide relative to
10 exemptions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 37:3301, 3302, 3303, 3304, and 3307 are hereby amended and
13 reenacted and R.S. 37:3305.1, 3306.1, 3308.1, 3309.1, 3311(C), and 3313 are hereby
14 enacted to read as follows:

15 §3301. Short title; purpose

16 A. This Chapter shall be known and may be cited as the Louisiana Athletic
17 Trainers Law.

18 B. The purpose of this Chapter is to provide for the protection of public
19 health, safety and welfare by providing for the licensing and regulation of the
20 practice of athletic trainers in this state.

1 §3302. Definitions

2 As used in this Chapter, the following words and phrases have the meanings
3 hereinafter ascribed to them:

4 (1) "Athlete" means an individual designated as such by the board, an
5 educational institution, a professional athletic organization, or other board-approved
6 organization who participates in an athletic activity sponsored by such institution or
7 organization.

8 ~~(1)~~(2) "Athletic trainer" means a person an individual licensed by the board
9 as an athletic trainer with the specific qualifications set forth in ~~R.S. 37:3306~~ R.S.
10 37:3306.1 who, under the ~~direction and~~ general supervision of a ~~medical~~ physician,
11 carries out the practice of prevention, emergency management, and physical
12 rehabilitation of injuries and sports-related conditions incurred by athletes, ~~at, and~~
13 ~~any athletes participating in athletic competition or events sponsored by these~~
14 ~~organizations or other board sanctioned organization.~~ In carrying out these
15 functions, the athletic trainer shall use whatever physical modalities are prescribed
16 by a team physician or consulting physician, or both.

17 ~~(2)~~(3) "Board" means the Louisiana State Board of Medical Examiners.

18 ~~(3)~~(4) "Board sanctioned approved" means such approved associations,
19 including but not limited to the Amateur Athletic Union, the International Olympic
20 Committee and its affiliates, the Pan American ~~Committee~~ Sports Organization, the
21 National Collegiate Athletic Association, and the National Association of
22 Intercollegiate Athletics, and college and university intramural sports; and ~~National~~
23 ~~High School Athletic Association~~ sports events: of the National Federation of State
24 High School Associations.

25 ~~(4) "Department" means the Louisiana Department of Health and Human~~
26 ~~Resources.~~

27 (5) "BOC" means the Board of Certification, Inc. or its successor.

28 (6) "CAATE" means the Commission on Accreditation of Athletic Training
29 Education or its successor.

1 ~~(5)~~(7) "Educational institution" means a university, college, junior college,
2 high school, junior high school, or grammar school, whether public or private.

3 ~~(6)~~(8) "Emergency management" means the ~~immediate~~ care given to an
4 injured athlete ~~until the services of a physician can be obtained~~ under the general
5 supervision of the team or consulting physician. To accomplish this care, an athletic
6 trainer may use such methods as accepted first aid procedures ~~established~~ approved
7 by the American Red Cross, ~~and~~ the American Heart Association, ~~and~~ or protocol
8 previously established by the athletic trainer and the team or consulting physicians.

9 (9) "General supervision" means the service is furnished under a physician's
10 overall direction and control, but the physician's presence shall not be required
11 during the provision of service.

12 ~~(7)~~(10) ~~"Medical physician~~ Physician" means a person licensed to practice
13 medicine by the board in the state who is qualified by training and experience to
14 supervise an athletic trainer.

15 ~~(8)~~(11) "Physical rehabilitation" means the care given to athletes following
16 injury and recovery. These treatments and rehabilitation programs may consist of
17 preestablished methods of physical modality use and exercise as prescribed by a
18 team physician, consulting physician, or both. Physical rehabilitation also includes
19 working cooperatively with and under the ~~direction~~ general supervision of a ~~medical~~
20 physician in with respect to the following:

- 21 (a) Reconditioning procedures.
- 22 (b) Operation of therapeutic devices and equipment.
- 23 (c) Fitting of braces, guards, and other protective devices.
- 24 (d) Referrals to other physicians, auxiliary health services, and institutions.
- 25 Referrals will be made with the agreement of the athlete or, in the case of a minor,
26 with the agreement of a parent or guardian except when circumstances require
27 emergency transfer and the parent or guardian is unavailable.

28 ~~(9)~~(12) "Practice of prevention" shall include but is not limited to the
29 following:

1 (a) Working cooperatively with supervisors and coaches in establishing and
2 implementing a program of physical conditioning for athletes.

3 (b) Applying protective or injury-preventive devices such as taping, padding,
4 bandaging, strapping, wrapping, or bracing.

5 (c) Working cooperatively with supervisors, coaches, and a team physician
6 or consulting physician in the selection and fitting of protective athletic equipment
7 for each athlete and constantly monitoring that equipment for safety.

8 (d) Counseling and advising supervisors, coaches, and athletes on physical
9 conditioning and training such as diet, flexibility, rest, and reconditioning.

10 §3303. Louisiana State Board of Medical Examiners; powers and duties

11 A. ~~The~~ In addition to the powers and authority established by R.S. 37:1270,
12 the board shall:

13 (1) Keep a record of its proceedings regarding the regulation and
14 ~~certification~~ licensure of athletic trainers ~~in a book maintained for that purpose.~~

15 (2) Keep a complete roster of all ~~certified~~ licensed athletic trainers and make
16 a copy of the roster available to any person requesting it on payment of a fee
17 established by the board as sufficient to cover the costs of the roster.

18 (3) ~~Certify~~ License athletic trainers in a manner consistent with the
19 provisions of this Chapter.

20 (4) Adopt rules and regulations necessary for the performance of its duties.

21 (5) Prescribe application forms for ~~certification~~ licensure.

22 (6) Establish guidelines for athletic trainers in the state.

23 (7) Approve, deny, revoke, suspend, probate, and renew licensure of a duly
24 qualified applicant.

25 (8) Conduct administrative hearings on the denial, suspension, revocation,
26 or refusal to issue or renew a license.

27 B. ~~The board shall conduct a certification examination at least once every~~
28 ~~year at a time and place fixed by the board.~~

1 ~~C.~~ The board shall require continuing education units to maintain
2 certification licensure.

3 ~~D.~~ C. The board shall, ~~collect the following fees:~~ pursuant to the authority
4 granted in R.S. 37:1281(A)(2), establish and collect fees in accordance with its rules
5 for the purposes of carrying out the provisions of this Chapter.

6 ~~(1) Examination fee \$ 75.00~~

7 ~~(2) Athletic trainers certificate \$ 35.00~~

8 ~~(3) Renewal fee \$ 25.00~~

9 ~~(4) Issuance of duplicate certificate \$ 5.00~~

10 ~~E.~~ D. The fees collected ~~under~~ pursuant to the provisions of this Chapter
11 shall be ~~credited to~~ deposited in the treasury of the Louisiana State Board of Medical
12 Examiners.

13 §3304. Exemptions from civil liability

14 A. There shall be no liability on the part of and no action for damages
15 against any ~~No~~ member of the board or its agents or employees ~~shall be liable~~ in any
16 civil action for any act performed in good faith in the execution of his duties under
17 this Chapter.

18 B. No person, committee, association, organization, firm, or corporation
19 shall be held liable for damages pursuant to any law of the state of Louisiana or any
20 political subdivision thereof for providing information to the board without malice
21 and under the reasonable belief that such information is accurate and, whether
22 providing such information as a witness or otherwise.

23 §3305.1. Prohibited activities; false representation

24 A. A person who is not licensed pursuant to this Chapter as an athletic trainer
25 or whose license has been suspended or revoked shall not perform any of the
26 following:

27 (1) Activities of an athletic trainer as defined in this Chapter.

28 (2) Use in connection with his name or place of business the words "trainer",
29 "licensed athletic trainer", "athletic trainer", "certified athletic trainer",

1 "teacher/trainer", "first aid trainer", "sports trainer", "sports medic", the abbreviations
2 "LAT", "ATC", "AT," or any other words, letters, abbreviations, or insignia
3 indicating or implying that he is an athletic trainer, or in any way, orally, in writing,
4 in print or by sign, directly or by implication, represent himself as an athletic trainer.

5 B. However, nothing in this Chapter shall prevent an assigned athletic coach
6 from administering and supervising his normal sports activities.

7 §3306.1. Qualifications

8 A. A person who applies for an athletic trainer license shall possess all of the
9 following qualifications:

10 (1) A certificate issued by the BOC evidencing the successful passage of the
11 BOC Certification Examination or its successor.

12 (2) A degree in athletic training from a CAATE accredited program, or such
13 comparable degree accepted by the BOC and approved by the board.

14 (3) Good moral character as determined by rules established by the board.

15 B.(1) Any person certified by the board as a certified athletic trainer on the
16 effective date of this Subsection shall be issued a license by the board, without
17 meeting the requirements of Subsection A of this Section, upon the submission of a
18 renewal license application and payment of the applicable renewal fee to the board.

19 (2) After a period of one year from the effective date of this Subsection, no
20 athletic trainer shall be licensed pursuant to the provisions of R.S. 37:3306.1(B)(1).

21 §3307. Requirements for ~~certification~~ licensure

22 A. A person who wishes to apply for an athletic trainer ~~certificate~~ license
23 shall apply to the board ~~on forms~~ in a manner prescribed by the board and shall pay
24 the examination fee required by R.S. 37:3303(D).

25 B. The applicant shall be entitled to an athletic trainer's ~~certificate~~ license if
26 he possesses the qualifications enumerated in ~~R.S. 37:3306~~ R.S. 37:3306.1, and the
27 rules and regulations established by the board, ~~successfully completes the~~
28 examination administered by the board to the satisfaction of the board pays the
29 ~~certificate~~ license fee required established by the board, by R.S. 37:3303(D), and has

1 not committed an act which constitutes grounds for denial of a ~~certificate~~ license
2 under ~~R.S. 37:3308~~ R.S. 37:3308.1.

3 C. ~~A certificate~~ Every license issued under this Chapter shall expire and
4 become null and void unless on June 30th of each year. Each ~~certificate~~ shall be
5 renewed annually on or before June 30th of each year in accordance with the
6 procedure established by the board and upon payment of the renewal fee.

7 §3308.1. Causes for denial, revocation, or suspension; imposition of restrictions;
8 costs; fines

9 A. The board may refuse to issue a license to an applicant or may suspend,
10 or revoke or impose probationary terms, conditions, or restrictions on any license
11 issued pursuant to this Chapter if the licensee or applicant has committed any of the
12 following acts:

13 (1) Has been convicted of or entered a plea of guilty or nolo contendere to
14 a criminal charge constituting a felony under the laws of Louisiana, of the United
15 States, or of the state in which such conviction or plea was entered.

16 (2) Has been convicted of or entered a plea of guilty or nolo contendere to
17 any criminal charge arising out of or in connection with the practice of an athletic
18 trainer.

19 (3) Commits perjury, fraud, deceit, misrepresentation, or concealment of
20 material facts in obtaining a license to practice as an athletic trainer.

21 (4) Provides false testimony before the board or provides false sworn
22 information to the board.

23 (5) Engages in habitual or recurring abuse of drugs, including alcohol, which
24 affect the central nervous system and which are capable of inducing physiological
25 or psychological dependence.

26 (6) Solicits patients or self-promotion through advertising or communication,
27 public or private, which is fraudulent, false, deceptive, or misleading.

28 (7) Makes or submits false, deceptive, or unfounded claims, reports, or
29 opinions to any patient, insurance company, indemnity association, company,

1 individual, or governmental authority for the purpose of obtaining anything of
2 economic value.

3 (8) Demonstrates cognitive or clinical incompetency.

4 (9) Engages in unprofessional conduct.

5 (10) Engages in continuing or recurring practice which fails to satisfy the
6 prevailing and usually accepted standards of practice as an athletic trainer in this
7 state.

8 (11) Knowingly performs any act which in any way assists an unlicensed
9 person to practice as an athletic trainer, or having professional connection with or
10 lending one's name to an illegal practitioner.

11 (12) Pays or gives anything of economic value to another person, firm, or
12 corporation to induce the referral of injured athletes to an athletic trainer.

13 (13) Has been interdicted by due process of law.

14 (14) Has the inability to practice as an athletic trainer with reasonable
15 competence, skill, or safety to patients because of mental or physical illness,
16 condition, or deficiency, including but not limited to deterioration through the aging
17 process or excessive use or abuse of drugs, including alcohol.

18 (15) Refuses to submit to an examination and inquiry by an examining
19 committee of physicians appointed by the board to inquire into the applicant's or
20 licensee's physical or mental fitness and ability to practice as an athletic trainer with
21 reasonable skill or safety.

22 (16) Practices or otherwise engages in any conduct or functions beyond the
23 scope of practice of an athletic trainer as defined by this Chapter or the board's rules.

24 (17) Refusal of the licensing authority or another state to issue or renew a
25 license, permit, or certificate to practice as an athletic trainer in that state, or the
26 revocation, suspension, or other restriction imposed on a license, permit, or
27 certificate issued by such licensing authority which prevents, restricts, or conditions
28 practice, or the surrender of a license, permit, or certificate issued by another state

1 when criminal or administrative charges are pending or threatened against the holder
2 of such license, permit, or certificate.

3 (18) Denial, revocation, suspension, probation, or other disciplinary sanction
4 from the BOC or its successor for violation of the standards of professional practice.

5 (19) Violation of any rules and regulations of the board, or any provisions
6 of this Chapter.

7 B. The board may, as part of a decision, consent order, or other agreed order,
8 require the applicant or license holder to pay all costs of the board's proceedings and
9 a fine not to exceed one thousand dollars.

10 §3309.1. Hearing; consent order

11 A. Denial, refusal to renew, suspension or revocation of a license, or the
12 imposition of probationary terms, conditions, or restrictions upon a licensee, may be
13 ordered by the board in a decision made after a hearing in accordance with
14 procedures established by the Administrative Procedure Act, R.S. 49:950 et seq. or
15 by consent of the parties.

16 B. Any license suspended, revoked, or otherwise restricted may be reinstated
17 by the board.

18 §3311. ~~Limitation~~ Exemptions

19 * * *

20 C. The provisions of this Chapter shall not apply to any athletic training
21 student pursuing a course of study leading to a degree in athletic training at an
22 institution whose program is accredited, recognized, or approved by the CAATE, if
23 such activities and services constitute a part of a supervised course of study and the
24 individual's status is designated by a title which clearly indicates his status as an
25 "athletic training student".

26 * * *

27 §3313. Display of license

28 A license and renewal issued pursuant to the provisions of this Chapter shall
29 be conspicuously displayed in the principal office of the licensee. Licensees shall,

- 1 upon request, present proof of state licensure when engaged in professional activities
2 as a licensed athletic trainer (LAT).
3 Section 2. R.S. 37:3305, 3306, 3308, 3309, and 3310 are hereby repealed.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Broadwater

HB No. 691

Abstract: Revises the La. Athletic Trainers Law.

Proposed law provides that La. Athletic Trainers Law has the purpose of protecting the public health, safety, and welfare by providing for the licensing and regulation of the practice of athletic trainers in the state.

Present law provides for an athletic trainers certificate.

Proposed law removes reference to an athletic trainers certificate and changes it to athletic trainers license.

Present law provides for definitions.

Proposed law revises definitions in present law.

Present law requires the La. State Board of Medical Examiners (board) certify and keep a record of all persons certified as athletic trainers and collect examination fees (\$75), athletic trainer certification fees (\$35), renewal fees (\$25), and issuance of duplicate license fee (\$5).

Proposed law requires the board to license and keep a record of all persons licensed as athletic trainers and establish and collect fees in accordance with its rules.

Proposed law provides that the board shall approve, deny, revoke, suspend, probate, and renew licensure of a duly qualified candidate.

Proposed law requires the board to conduct administrative hearings on the denial, suspension, revocation, or refusal to issue or to renew a license.

Present law provides that no member of the board shall be liable in any civil action performed in good faith in the execution of his duties.

Proposed law provides that there shall be no liability on the part of and no action for damages against any member of the board, its agents or employees, in any civil action for any act performed in good faith.

Proposed law provides that no person, committee, association, organization, firm or corporation shall be held liable for damages pursuant to any law of the state of La., or any political subdivision thereof for providing information to the board without malice and under the reasonable belief that such information is accurate and, whether providing such information as a witness or otherwise.

Present law provides that no person shall hold himself out as an athletic trainer or perform, for compensation or any other means of remuneration, any of the activities of an athletic trainer without first obtaining a certificate, but can be a student-trainer, assistant trainer, teacher-trainer, or any similar position.

Present law does not require the certification of athletic trainers at nonpublic schools.

Present law does not prevent an assigned athletic coach from administering and supervising his normal sports activities.

Proposed law repeals present law and provides that a person who is not licensed as an athletic trainer or whose license has been suspended or revoked shall not perform any of the following:

- (1) Activities of an athletic trainer as defined in proposed law.
- (2) Use in connection with his name or place of business the words "trainer", "licensed athletic trainer", "athletic trainer", "certified athletic trainer", "teacher/trainer", "first aid trainer", "sports trainer", "sports medic", the abbreviations "LAT", "ATC", "AT", or any other words, letters, abbreviations, or insignia indicating or implying that he is an athletic trainer, or in any way, orally, in writing, in print or by sign, directly or by implication, represent himself as an athletic trainer.

Proposed law shall not prevent an assigned athletic coach from administering and supervising his normal sports activities.

Present law provides that a person who applies for an athletic trainer certificate must possess at least one of the following qualifications:

- (1) Meet the athletic training curriculum requirements of a college or university approved by the board and provide proof of graduation.
- (2) Hold a degree in physical therapy from a school approved by the board and shall have completed a basic athletic training course, a first aid course as approved by the American Red Cross, a cardiopulmonary resuscitation course as approved by the American Heart Association or American Red Cross, and a nutrition course, and the applicant shall have spent two years in association with an athletic team, show proficiency in acute athletic care, and have letters of recommendation from a physician and a licensed athletic trainer.
- (3) Complete, beyond the secondary school level, either as an undergraduate or graduate student, at least four years as an apprentice athletic trainer at a college or university under the direct supervision of an athletic trainer approved by the board. Three of the four years shall be consecutive years under such supervision, military duty excepted. An applicant for certification shall provide proof of graduation from an accredited college or university and of successful completion of courses in athletic training, first aid, cardiopulmonary resuscitation, and nutrition.

Present law provides that the board may certify as an athletic trainer in this state after a written examination given by the board a person who has been so certified or licensed in another state of the United States and who meets all requirements of present law.

Proposed law repeals present law and provides that a person who applies for an athletic trainer license shall possess all of the following qualifications:

- (1) A certificate issued by the National Athletic Trainers' Association Board of Certification, Inc (BOC) evidencing the successful passage of the BOC Certification Examination or its successor.

- (2) A degree in athletic training from a Commission on Accreditation of Athletic Training Education (CAATE) accredited program, or such comparable degree accepted by the BOC and approved by the board.
- (3) Good moral character, as determined by rules established by the board.

Proposed law provides that a person currently certified by the board as a certified athletic trainer on the effective date of proposed law shall be issued a license by the board, without meeting the qualification requirements of proposed law, upon the submission of a renewal application and payment of the applicable renewal fee to the board during the year immediately following the effective date of proposed law. An athletic trainer granted a license pursuant to this provision of proposed law shall be required to meet all requirements of proposed law prior to renewal upon expiration of the license issued pursuant to this provision of proposed law.

Present law requires a person who wishes to apply for an athletic trainer certificate to apply to the board on forms prescribed by the board and pay the examination fee required.

Present law provides that the applicant shall be entitled to an athletic trainer's certificate if he possesses the qualifications enumerated in present law, successfully completes the examination administered by the board to the satisfaction of the board, pays the certificate fee required, and has not committed an act which constitutes grounds for denial of a certificate under present law.

Present law provides that a certificate issued pursuant to present law shall expire on June 30th of each year. Each certificate shall be renewed on or before June 30th of each year in accordance with the procedure established by the board and upon payment of the renewal fee.

Proposed law repeals present law.

Proposed law provides that the board may refuse to issue a license to an applicant or may suspend, or revoke or impose probationary terms, conditions or restrictions on any license issued under proposed law if the license issued or applicant has committed any one of a list of acts.

Proposed law provides that the board may, as part of a decision, consent order, or other agreed order, require the applicant or license holder to pay all costs of the board's proceedings and a fine not to exceed one thousand dollars.

Present law provides that any person whose application for a certificate or for renewal of a certificate is denied shall be entitled to a hearing in accordance with procedures established by the Administrative Procedure Act (APA).

Proposed law repeals present law.

Proposed law provides that denial, refusal to renew, suspension or revocation of a license, or the imposition of probationary terms, conditions, or restrictions upon a licensee, may be ordered by the board in a decision made after a hearing in accordance with procedures established by the APA or by consent of the parties.

Present law authorizes the board to suspend or revoke a certificate for any cause stated in present law, but only after notice and opportunity for a hearing are provided to the certificate holder. Proceedings for such revocation or suspension of a certificate shall be commenced by filing charges against the certificate holder in writing and under oath with the board.

Proposed law repeals present law.

Proposed law provides that any license suspended, revoked, or otherwise restricted may be reinstated by the board.

Proposed law provides that provisions of the La. Athletic Trainers Law shall not apply to any athletic training student pursuing a course of study leading to a degree in athletic training at an institution whose program is accredited, recognized, or approved by the CAATE, if such activities and services constitute a part of a supervised course of study and the individual's status is designated by a title which clearly indicates his status as an "athletic training student".

Proposed law provides that a license and renewal issued pursuant to present and proposed law shall be conspicuously displayed in the principal office of the licensee. Licensees shall, upon request, present proof of state licensure when engaged in professional activities as a licensed athletic trainer (LAT).

(Amends R.S. 37:3301, 3302, 3303, 3304, and 3307; Adds R.S. 37:3305.1, 3306.1, 3308.1, 3309.1, 3311(C), and 3313; Repeals R.S. 37:3305, 3306, 3308, 3309, and 3310)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made technical corrections.
2. Added a definition for athlete.
3. Corrected the names of referenced organizations.
4. Removed the assessment component from the definition of emergency management.
5. Clarified that an athletic trainer may use methods approved by any of the following: the American Red Cross, the American Heart Association, or protocol previously established by the athletic trainer and the team or consulting physicians.
6. Clarified that an athletic trainer previously certified by the board shall be issued a renewal license without having to meet the qualification requirements of proposed law only during the year immediately following the effective date of proposed law.
7. Changed the prohibited act of engaging in cognitive or clinical conduct to the demonstration of cognitive or clinical incompetency.

House Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Deleted requirement that a physician, other than a team physician, prescribing treatment be a consulting physician for the team or athletic organization.