

ACT No. 418

Regular Session, 2014

HOUSE BILL NO. 691

BY REPRESENTATIVE BROADWATER

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.

21 §3302. Definitions

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

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

5 ~~(1)~~(2) "Athletic trainer" means ~~a person~~ an individual licensed by the board
 6 as an athletic trainer with the specific qualifications set forth in ~~R.S. 37:3306~~ R.S.
 7 37:3306.1 who, under the ~~direction and general~~ supervision of a ~~medical~~ physician,
 8 carries out the practice of prevention, emergency management, and physical
 9 rehabilitation of injuries and sports-related conditions incurred by athletes, ~~at, and~~
 10 ~~any athletes participating in athletic competition or events sponsored by these~~
 11 ~~organizations or other board-sanctioned organization.~~ In carrying out these
 12 functions, the athletic trainer shall use whatever physical modalities are prescribed
 13 by a team physician or consulting physician, or both.

14 ~~(2)~~(3) "Board" means the Louisiana State Board of Medical Examiners.

15 ~~(3)~~(4) "Board ~~sanctioned~~ approved organization" means one of the
 16 following:

17 ~~such associations~~ (a) Approved organization, including but not limited to
 18 the Amateur Athletic Union, the International Olympic Committee and its affiliates,
 19 the Pan American ~~Committee~~ Sports Organization, the National Collegiate Athletic
 20 Association, the National Association of Intercollegiate Athletics, college and
 21 university intramural sports, and ~~National High School Athletic Association~~ sports
 22 events: of the National Federation of State High School Associations.

23 (b) An organization, whose athletic activity meets one or more of the
 24 following:

25 (i) Has an officially-designated coach or individual who has the
 26 responsibility for athletic activities of the organization.

27 (ii) Has a regular schedule of practices or workouts that are supervised by
 28 an officially-designated coach or individual.

29 (iii) Is an activity generally recognized as having an established schedule of
 30 competitive events or exhibitions.

1 (iv) Has a policy that requires documentation of having a signed medical
 2 clearance by a licensed physician or other board authorized health care provider as
 3 a condition for participation for the athletic activities of the organization.

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

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

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

9 ~~(5)~~(7) "Educational institution" means a university, college, junior college,
 10 high school, junior high school, or grammar school, whether public or private.

11 ~~(6)~~(8) "Emergency management" means the ~~immediate~~ care given to an
 12 injured athlete ~~until the services of a physician can be obtained~~ under the general
 13 supervision of the team or consulting physician. To accomplish this care, an athletic
 14 trainer may use such methods as accepted first aid procedures ~~established~~ approved
 15 by the American Red Cross, ~~and~~ the American Heart Association, ~~and or~~ or protocol
 16 previously established by the athletic trainer and the team or consulting physicians.

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

20 ~~(7)~~(10) "~~Medical physician~~ Physician" means a person licensed to practice
 21 medicine by the board in the state who is qualified by training and experience to
 22 supervise an athletic trainer.

23 ~~(8)~~(11) "Physical rehabilitation" means the care given to athletes following
 24 injury and recovery. These treatments and rehabilitation programs may consist of
 25 preestablished methods of physical modality use and exercise as prescribed by a
 26 team physician, consulting physician, or both. Physical rehabilitation also includes
 27 working cooperatively with and under the ~~direction~~ general supervision of a ~~medical~~
 28 physician ~~in~~ with respect to the following:

29 (a) Reconditioning procedures.

30 (b) Operation of therapeutic devices and equipment.

1 (c) Fitting of braces, guards, and other protective devices.

2 (d) Referrals to other physicians, auxiliary health services, and institutions.

3 Referrals will be made with the agreement of the athlete or, in the case of a minor,
4 with the agreement of a parent or guardian except when circumstances require
5 emergency transfer and the parent or guardian is unavailable.

6 ~~(9)~~(12) "Practice of prevention" shall include but is not limited to the
7 following:

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

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

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

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

17 §3303. Louisiana State Board of Medical Examiners; powers and duties

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

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

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

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

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

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

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

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

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

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

7 ~~C. The board shall require continuing education units to maintain~~
8 ~~certification licensure.~~

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

- 12 ~~(1) Examination fee \$ 75.00~~
- 13 ~~(2) Athletic trainers certificate \$ 35.00~~
- 14 ~~(3) Renewal fee \$ 25.00~~
- 15 ~~(4) Issuance of duplicate certificate \$ 5.00~~

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

19 §3304. Exemptions from civil liability

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

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

1 §3305.1. Prohibited activities; false representation

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

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

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

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

14 §3306.1. Qualifications

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

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

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

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

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

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

1 §3307. Requirements for ~~certification~~ licensure

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

5 B. The applicant shall be entitled to an athletic trainer's ~~certificate~~ license if
 6 he possesses the qualifications enumerated in ~~R.S. 37:3306~~ R.S. 37:3306.1, ~~and the~~
 7 ~~rules and regulations established by the board,~~ successfully completes the
 8 ~~examination administered by the board to the satisfaction of the board~~ pays the
 9 ~~certificate license fee required established by the board, by R.S. 37:3303(D),~~ and has
 10 not committed an act which constitutes grounds for denial of a ~~certificate~~ license
 11 under ~~R.S. 37:3308~~ R.S. 37:3308.1.

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

16 §3308.1. Causes for denial, revocation, or suspension; imposition of restrictions;
 17 costs; fines

18 A. The board may refuse to issue a license to an applicant or may suspend,
 19 or revoke or impose probationary terms, conditions, or restrictions on any license
 20 issued pursuant to this Chapter if any of the following is applicable to the licensee
 21 or applicant:

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

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

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

1 (4) Provides false testimony before the board or provides false sworn
 2 information to the board.

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

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

8 (7) Makes or submits false, deceptive, or unfounded claims, reports, or
 9 opinions to any patient, insurance company, indemnity association, company,
 10 individual, or governmental authority for the purpose of obtaining anything of
 11 economic value.

12 (8) Demonstrates cognitive or clinical incompetency.

13 (9) Engages in unprofessional conduct.

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

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

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

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

23 (14) Is unable to practice as an athletic trainer with reasonable competence,
 24 skill, or safety to patients because of mental or physical illness, condition, or
 25 deficiency, including but not limited to deterioration through the aging process or
 26 excessive use or abuse of drugs, including alcohol.

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

