



BILL STATUS

1 SB93
2 196933-3
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20



1 196933-3 : n : 01/07/2020 : KMS* / bm LSA2019-307R2

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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 provide further for the
12 licensing and regulation of athletic trainers to
13 treat athletic injuries sustained by physically
14 active individuals.

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

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

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT



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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§34-40-2.

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

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

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



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

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

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

21 "~~(5)~~(4) ATHLETIC TRAINING PRACTICE. Practice by an
22 athletic trainer under physician supervision of any of the
23 following:

24 "~~a. Under physician direction or referral, or both,~~
25 the prevention of athletic injuries The application of care
26 for an athletic injury, including the application or provision

1 of (i) principles, methods, and procedures of recognition,
2 examination, assessment, clinical evaluation, prevention,
3 management, emergency care, disposition, or rehabilitation and
4 reconditioning of athletic injuries, (ii) appropriate
5 preventive and supportive devices, (iii) treatment using
6 physical modalities such as heat, cold, light, mechanical
7 devices, electric stimulation, manual therapy techniques,
8 aquatic therapy, sound, or therapeutic exercise, and (iv) any
9 other physical agent that is included within the written
10 protocols allowed by the State Board of Medical Examiners and
11 prescribed by a physician.

12 "b. The organization and administration of athletic
13 training programs, including health care administration and
14 professional responsibility.

15 "~~Athletic counseling~~ The provision of athletic
16 training, education, and guidance and the education of
17 ~~athletes regarding athletics and athletic training to~~
18 physically active individuals, coaches, medical personnel, and
19 the community in the prevention and care of athletic injuries.

20 "~~Under physician direction and referral, the~~
21 ~~rehabilitation and reconditioning of an athlete~~ The
22 recognition of potential illnesses and referrals to a
23 physician for diagnosis and treatment.

24 "e. ~~Under physician supervision, the evaluation, the~~
25 ~~recognition, and management of athletic injuries~~ The provision



1 of injury prevention services developed for physically active
2 individuals.

3 "~~6~~(5) BOARD. The Alabama Board of Athletic
4 Trainers.

5 "(6) INJURY PREVENTION. Care and guidance related to
6 risk management, including biomechanics, conditioning,
7 flexibility, nutrition, strength training, and fitness.

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

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

12 "(9) PHYSICIAN SUPERVISION. a. An ~~A~~ licensed
13 athletic trainer acting under the supervision of a physician
14 if:

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

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



1 circumstances ~~which~~ that require referral to the physician for
2 further evaluation.

3 "b. Physician supervision establishes a formal
4 relationship between an athletic trainer and a physician under
5 which the athletic trainer is authorized to practice as
6 evidenced by a written protocol approved by the State Board of
7 Medical Examiners and requires professional oversight and
8 direction pursuant to the rules of the State Board of Medical
9 Examiners and the Alabama Board of Athletic Trainers as
10 recommended by the advisory council. No rule adopted pursuant
11 to this paragraph shall be effective without the approval of
12 both the State Board of Medical Examiners and the board.

13 "§34-40-3.

14 "(a) The Alabama Board of Athletic Trainers shall be
15 composed of nine members who shall serve four-year terms.
16 Members may not serve more than three consecutive four-year
17 terms. Three members shall be ~~Black~~ a member of a minority
18 class, one of whom shall be a physician member. The
19 composition of the board shall be as follows:

20 "(1) Six members who are athletic trainers,
21 appointed by the Alabama Athletic Trainers' Trainers'
22 Association in accordance with subsection (b), one of whom
23 shall also be an athletic trainer who is a licensed a physical
24 therapist.

25 "(2) Three physicians ~~licensed to practice medicine~~
26 ~~actively engaged in the treatment of athletes and athletic~~



1 injuries or illnesses, appointed by the Medical Association of
2 the State of Alabama.

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

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

25 "(c) In making the initial appointments, the Alabama
26 Athletic ~~Trainers~~ Trainers' Association shall appoint one



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

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

15 "(e) The board shall elect a chair, a vice-chair,
16 and secretary from its members for a term of one year and may
17 appoint any committees and formulate any rules it considers
18 necessary to carry out its duties pursuant to this chapter.
19 The board shall meet at least twice each year. Additional
20 meetings may be held on the call of the chair or at the
21 written request of any two members of the board. The secretary
22 shall keep a record of the proceedings of the board. The board
23 may promulgate and adopt rules ~~and regulations~~ consistent with
24 this chapter which are necessary for the performance of its
25 duties. The board may employ an executive secretary and any
26 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 shall jointly approve
3 any rule, ~~regulation,~~ or policy that interprets, explains, or
4 enumerates the permissible acts, functions, or services
5 rendered by an athletic trainer ~~or apprentice athletic trainer~~
6 as those acts, functions, and services are defined in Section
7 34-40-2. Any rule, ~~regulation,~~ or policy adopted in violation
8 of this requirement is invalid. The board shall prescribe
9 methods and forms for license applications, license
10 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)~~ one hundred dollars (\$100) for every day
17 actually spent in the performance of their duties and in
18 addition thereto shall be reimbursed according to the state
19 travel policy for other expenses in the same amounts and under
20 the same conditions as state employees are reimbursed.

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

1 changes on of licensees, publication fees, or other
2 administration fees deemed necessary to carry out the
3 ~~provisions of~~ this chapter.

4 "§34-40-5.

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

11 "(1) Satisfactory completion of all ~~of the National~~
12 ~~Athletic Trainers' Association (NATA)~~ Board of Certification,
13 Inc., or its successor organization, qualifications ~~and~~
14 certification as an athletic trainer in good standing by the
15 ~~National Athletic Trainers' Association~~ Board of
16 Certification, Inc.; and eligibility for a National Provider
17 Identifier.

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

25 "(b) Any person desiring to be licensed, desiring a
26 renewal of an existing license, desiring verification of



1 licensure, reinstatement of a license, replacement of a
2 license, or name changes for a licensee as an athletic trainer
3 in this state shall make and file with the board, ~~not less~~
4 ~~than 30 days prior to any regular meeting thereof,~~ a written
5 application ~~on a form~~ or request as prescribed by the board.
6 The application shall be accompanied by the payment of a fee,
7 as set by the board, to include publication fees or other
8 administrative fees deemed necessary to carry out the
9 provisions of this chapter, ~~in accordance with subsection (g)~~
10 ~~of Section 34-40-3.~~ Any licensee who fails to renew his or her
11 license within 90 days following expiration of the previous
12 license shall be required to file a new application and pay an
13 application fee with the board.

14 "§34-40-6.

15 "An athletic trainer, as a qualified health care
16 professional, functioning under the supervision of a
17 physician, may use therapeutic exercise and modalities for the
18 treatment of athletic injuries for which he or she has
19 received appropriate training or education.

20 "§34-40-9.

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

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



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

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

5 "(4) Nurses licensed by the Alabama Board of
6 Nursing.

7 "(5) Chiropractors licensed by the State Board of
8 Chiropractic Examiners.

9 "(6) Podiatrists licensed by the State Board of
10 Podiatry.

11 "(7) Physical therapists licensed by the State Board
12 of Physical Therapy.

13 "(8) Occupational therapists licensed by the State
14 Board of Occupational Therapy.

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

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

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

21 "(b) This chapter shall not apply to the following
22 persons:

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

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



1 "~~(3)~~(2) Athletic trainers from other nations,
2 states, or territories performing their duties for their
3 respective teams or organizations and only during the course
4 of their team's or organization's stay in this state.

5 "~~(4)~~(3) A person who performs any of the services
6 set forth in this chapter as long as the person does not
7 violate this chapter.

8 "§34-40-10.

9 "The board may refuse to issue a license certificate
10 to any person and, after notice and hearing pursuant to its
11 ~~regulations and rules~~, may suspend or revoke the license
12 certificate of any person who ~~has done~~ does any of the
13 following:

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

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

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

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

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

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



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

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

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

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

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

12 "§34-40-15.

13 "Nothing in this chapter shall authorize an athletic
14 trainer ~~or apprentice athletic trainer~~ to engage in the
15 practice of medicine; to diagnose, treat, or cure any human
16 disease, illness, ailment, infirmity, pain, or other condition
17 ~~which~~ that is not an athletic injury; to perform surgery of
18 any type or description; or to prescribe any drug or medical
19 device.

20 "§34-40-16.

21 "An athletic trainer employed in a physical therapy
22 clinic shall work under the administrative supervision of a
23 ~~licensed~~ physical therapist in the context of an
24 employer/employee relationship. The authority of the physical
25 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



1 membership of the advisory council shall select one of its
2 members to serve as chair for a term of one year. The office
3 of chair shall alternate between a physician member and an
4 athletic trainer member.

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

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



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1 physician may designate an alternate supervising physician
2 when temporarily unavailable as the supervising physician. The
3 advisory council may not grant deviations from protocol. No
4 rule or protocol shall be effective until approved by both the
5 State Board of Medical Examiners and the board.

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