

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5503

60th Legislature
2007 Regular Session

Passed by the Senate April 16, 2007
YEAS 41 NAYS 4

President of the Senate

Passed by the House April 5, 2007
YEAS 91 NAYS 6

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5503** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5503

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Marr, Keiser, Brown, Brandland,
Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe)

READ FIRST TIME 02/08/07.

1 AN ACT Relating to athletic trainers; amending RCW 48.43.045 and
2 18.130.040; adding a new chapter to Title 18 RCW; creating new
3 sections; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to provide
6 for the licensure of persons offering athletic training services to the
7 public and to ensure standards of competence and professional conduct
8 on the part of athletic trainers.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Athlete" means a person who participates in exercise,
12 recreation, sport, or games requiring physical strength,
13 range-of-motion, flexibility, body awareness and control, speed,
14 stamina, or agility, and the exercise, recreation, sports, or games are
15 of a type conducted in association with an educational institution or
16 professional, amateur, or recreational sports club or organization.

17 (2) "Athletic injury" means an injury or condition sustained by an
18 athlete that affects the person's participation or performance in

1 exercise, recreation, sport, or games and the injury or condition is
2 within the professional preparation and education of an athletic
3 trainer.

4 (3) "Athletic trainer" means a person who is licensed under this
5 chapter. An athletic trainer can practice athletic training through
6 the consultation, referral, or guidelines of a licensed health care
7 provider working within their scope of practice.

8 (4) (a) "Athletic training" means the application of the following
9 principles and methods as provided by a licensed athletic trainer:

10 (i) Risk management and prevention of athletic injuries through
11 preactivity screening and evaluation, educational programs, physical
12 conditioning and reconditioning programs, application of commercial
13 products, use of protective equipment, promotion of healthy behaviors,
14 and reduction of environmental risks;

15 (ii) Recognition, evaluation, and assessment of athletic injuries
16 by obtaining a history of the athletic injury, inspection and palpation
17 of the injured part and associated structures, and performance of
18 specific testing techniques related to stability and function to
19 determine the extent of an injury;

20 (iii) Immediate care of athletic injuries, including emergency
21 medical situations through the application of first-aid and emergency
22 procedures and techniques for nonlife-threatening or life-threatening
23 athletic injuries;

24 (iv) Treatment, rehabilitation, and reconditioning of athletic
25 injuries through the application of physical agents and modalities,
26 therapeutic activities and exercise, standard reassessment techniques
27 and procedures, commercial products, and educational programs, in
28 accordance with guidelines established with a licensed health care
29 provider as provided in section 8 of this act; and

30 (v) Referral of an athlete to an appropriately licensed health care
31 provider if the athletic injury requires further definitive care or the
32 injury or condition is outside an athletic trainer's scope of practice,
33 in accordance with section 8 of this act.

34 (b) "Athletic training" does not include:

35 (i) The use of spinal adjustment or manipulative mobilization of
36 the spine and its immediate articulations;

37 (ii) Orthotic or prosthetic services with the exception of

1 evaluation, measurement, fitting, and adjustment of temporary,
2 prefabricated or direct-formed orthosis as defined in chapter 18.200
3 RCW;

4 (iii) The practice of occupational therapy as defined in chapter
5 18.59 RCW;

6 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

7 (v) Any medical diagnosis; and

8 (vi) Prescribing legend drugs or controlled substances, or surgery.

9 (5) "Committee" means the athletic training advisory committee.

10 (6) "Department" means the department of health.

11 (7) "Licensed health care provider" means a physician, physician
12 assistant, osteopathic physician, osteopathic physician assistant,
13 advanced registered nurse practitioner, naturopath, physical therapist,
14 chiropractor, dentist, massage practitioner, acupuncturist,
15 occupational therapist, or podiatric physician and surgeon.

16 (8) "Secretary" means the secretary of health or the secretary's
17 designee.

18 NEW SECTION. **Sec. 3.** (1) In addition to any other authority
19 provided by law, the secretary may:

20 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
21 implement this chapter;

22 (b) Establish all license, examination, and renewal fees in
23 accordance with RCW 43.70.250;

24 (c) Establish forms and procedures necessary to administer this
25 chapter;

26 (d) Establish administrative procedures, administrative
27 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.
28 All fees collected under this section must be credited to the health
29 professions account as required under RCW 43.70.320;

30 (e) Develop and administer, or approve, or both, examinations to
31 applicants for a license under this chapter;

32 (f) Issue a license to any applicant who has met the education,
33 training, and examination requirements for licensure and deny a license
34 to applicants who do not meet the minimum qualifications for licensure.
35 However, denial of licenses based on unprofessional conduct or impaired
36 practice is governed by the uniform disciplinary act, chapter 18.130
37 RCW;

1 (g) In consultation with the committee, approve examinations
2 prepared or administered by private testing agencies or organizations
3 for use by an applicant in meeting the licensing requirements under
4 section 7 of this act;

5 (h) Determine which states have credentialing requirements
6 substantially equivalent to those of this state, and issue licenses to
7 individuals credentialed in those states that have successfully
8 fulfilled the requirements of section 9 of this act;

9 (i) Hire clerical, administrative, and investigative staff as
10 needed to implement and administer this chapter;

11 (j) Maintain the official department record of all applicants and
12 licensees; and

13 (k) Establish requirements and procedures for an inactive license.

14 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
15 unlicensed practice, the issuance and denial of licenses, and the
16 discipline of licensees under this chapter.

17 NEW SECTION. **Sec. 4.** (1) The athletic training advisory committee
18 is formed to further the purposes of this chapter.

19 (2) The committee consists of five members. Four members of the
20 committee must be athletic trainers licensed under this chapter and
21 residing in this state, must have not less than five years' experience
22 in the practice of athletic training, and must be actively engaged in
23 practice within two years of appointment. The fifth member must be
24 appointed from the public at large, and have an interest in the rights
25 of consumers of health services.

26 (3) The committee may provide advice on matters specifically
27 identified and requested by the secretary, such as applications for
28 licenses.

29 (4) The committee may be requested by the secretary to approve an
30 examination required for licensure under this chapter.

31 (5) The committee, at the request of the secretary, may recommend
32 rules in accordance with the administrative procedure act, chapter
33 34.05 RCW, relating to standards for appropriateness of athletic
34 training care.

35 (6) The committee must meet during the year as necessary to provide
36 advice to the secretary. The committee may elect a chair and a

1 vice-chair. A majority of the members currently serving constitute a
2 quorum.

3 (7) Each member of the committee must be reimbursed for travel
4 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
5 members of the committee must be compensated in accordance with RCW
6 43.03.240 when engaged in the authorized business of the committee.

7 (8) The secretary, members of the committee, or individuals acting
8 on their behalf are immune from suit in any action, civil or criminal,
9 based on any credentialing or disciplinary proceedings or other
10 official acts performed in the course of their duties.

11 NEW SECTION. **Sec. 5.** It is unlawful for any person to practice or
12 offer to practice as an athletic trainer, or to represent themselves or
13 other persons to be legally able to provide services as an athletic
14 trainer, unless the person is licensed under the provisions of this
15 chapter.

16 NEW SECTION. **Sec. 6.** Nothing in this chapter may prohibit,
17 restrict, or require licensure of:

18 (1) Any person licensed, certified, or registered in this state and
19 performing services within the authorized scope of practice;

20 (2) The practice by an individual employed by the government of the
21 United States as an athletic trainer while engaged in the performance
22 of duties prescribed by the laws of the United States;

23 (3) Any person pursuing a supervised course of study in an
24 accredited athletic training educational program, if the person is
25 designated by a title that clearly indicates a student or trainee
26 status;

27 (4) An athletic trainer from another state for purposes of
28 continuing education, consulting, or performing athletic training
29 services while accompanying his or her group, individual, or
30 representatives into Washington state on a temporary basis for no more
31 than ninety days in a calendar year;

32 (5) Any elementary, secondary, or postsecondary school teacher,
33 educator, coach, or authorized volunteer who does not represent
34 themselves to the public as an athletic trainer; or

35 (6) A personal trainer employed by an athletic club or fitness
36 center.

1 NEW SECTION. **Sec. 7.** An applicant for an athletic trainer license
2 must:

3 (1) Have received a bachelor's or advanced degree from an
4 accredited four-year college or university that meets the academic
5 standards of athletic training, accepted by the secretary, as advised
6 by the committee;

7 (2) Have successfully completed an examination administered or
8 approved by the secretary, in consultation with the committee; and

9 (3) Submit an application on forms prescribed by the secretary and
10 pay the licensure fee required under this chapter.

11 NEW SECTION. **Sec. 8.** (1) Except as necessary to provide emergency
12 care of athletic injuries, an athletic trainer shall not provide
13 treatment, rehabilitation, or reconditioning services to any person
14 except as specified in guidelines established with a licensed health
15 care provider who is licensed to perform the services provided in the
16 guidelines.

17 (2) If there is no improvement in an athlete who has sustained an
18 athletic injury within fifteen days of initiation of treatment,
19 rehabilitation, or reconditioning, the athletic trainer must refer the
20 athlete to a licensed health care provider that is appropriately
21 licensed to assist the athlete.

22 (3) If an athletic injury requires treatment, rehabilitation, or
23 reconditioning for more than forty-five days, the athletic trainer must
24 consult with, or refer the athlete to a licensed health care provider.
25 The athletic trainer shall document the action taken.

26 NEW SECTION. **Sec. 9.** Each applicant and license holder must
27 comply with administrative procedures, administrative requirements, and
28 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a
29 license to any person who applies and who has qualified under the
30 provisions of this chapter.

31 NEW SECTION. **Sec. 10.** Nothing in this chapter restricts the
32 ability of athletic trainers to work in the practice setting of his or
33 her choice.

1 NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed to
2 require that a health carrier defined in RCW 48.43.005 contract with a
3 person licensed as an athletic trainer under this chapter.

4 **Sec. 12.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read
5 as follows:

6 (1) Every health plan delivered, issued for delivery, or renewed by
7 a health carrier on and after January 1, 1996, shall:

8 ~~((+1))~~ (a) Permit every category of health care provider to
9 provide health services or care for conditions included in the basic
10 health plan services to the extent that:

11 ~~((+a))~~ (i) The provision of such health services or care is within
12 the health care providers' permitted scope of practice; and

13 ~~((+b))~~ (ii) The providers agree to abide by standards related to:

14 ~~((+i))~~ (A) Provision, utilization review, and cost containment of
15 health services;

16 ~~((+ii))~~ (B) Management and administrative procedures; and

17 ~~((+iii))~~ (C) Provision of cost-effective and clinically
18 efficacious health services.

19 ~~((+2))~~ (b) Annually report the names and addresses of all
20 officers, directors, or trustees of the health carrier during the
21 preceding year, and the amount of wages, expense reimbursements, or
22 other payments to such individuals, unless substantially similar
23 information is filed with the commissioner or the national association
24 of insurance commissioners. This requirement does not apply to a
25 foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW
26 that files a supplemental compensation exhibit in its annual statement
27 as required by law.

28 (2) The requirements of subsection (1)(a) of this section do not
29 apply to a licensed health care profession regulated under Title 18 RCW
30 when the licensing statute for the profession states that such
31 requirements do not apply.

32 **Sec. 13.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
33 as follows:

34 (1) This chapter applies only to the secretary and the boards and
35 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not
2 apply to any business or profession not licensed under the chapters
3 specified in this section.

4 (2) (a) The secretary has authority under this chapter in relation
5 to the following professions:

6 (i) Dispensing opticians licensed and designated apprentices under
7 chapter 18.34 RCW;

8 (ii) Naturopaths licensed under chapter 18.36A RCW;

9 (iii) Midwives licensed under chapter 18.50 RCW;

10 (iv) Ocularists licensed under chapter 18.55 RCW;

11 (v) Massage operators and businesses licensed under chapter 18.108
12 RCW;

13 (vi) Dental hygienists licensed under chapter 18.29 RCW;

14 (vii) Acupuncturists licensed under chapter 18.06 RCW;

15 (viii) Radiologic technologists certified and X-ray technicians
16 registered under chapter 18.84 RCW;

17 (ix) Respiratory care practitioners licensed under chapter 18.89
18 RCW;

19 (x) Persons registered under chapter 18.19 RCW;

20 (xi) Persons licensed as mental health counselors, marriage and
21 family therapists, and social workers under chapter 18.225 RCW;

22 (xii) Persons registered as nursing pool operators under chapter
23 18.52C RCW;

24 (xiii) Nursing assistants registered or certified under chapter
25 18.88A RCW;

26 (xiv) Health care assistants certified under chapter 18.135 RCW;

27 (xv) Dietitians and nutritionists certified under chapter 18.138
28 RCW;

29 (xvi) Chemical dependency professionals certified under chapter
30 18.205 RCW;

31 (xvii) Sex offender treatment providers and certified affiliate sex
32 offender treatment providers certified under chapter 18.155 RCW;

33 (xviii) Persons licensed and certified under chapter 18.73 RCW or
34 RCW 18.71.205;

35 (xix) Denturists licensed under chapter 18.30 RCW;

36 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

37 (xxi) Surgical technologists registered under chapter 18.215 RCW;

38 ((and))

1 (xxii) Recreational therapists; and
2 (xxiii) Athletic trainers licensed under chapter 18.-- RCW
3 (sections 1 through 11 of this act).

4 (b) The boards and commissions having authority under this chapter
5 are as follows:

6 (i) The podiatric medical board as established in chapter 18.22
7 RCW;

8 (ii) The chiropractic quality assurance commission as established
9 in chapter 18.25 RCW;

10 (iii) The dental quality assurance commission as established in
11 chapter 18.32 RCW;

12 (iv) The board of hearing and speech as established in chapter
13 18.35 RCW;

14 (v) The board of examiners for nursing home administrators as
15 established in chapter 18.52 RCW;

16 (vi) The optometry board as established in chapter 18.54 RCW
17 governing licenses issued under chapter 18.53 RCW;

18 (vii) The board of osteopathic medicine and surgery as established
19 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
20 18.57A RCW;

21 (viii) The board of pharmacy as established in chapter 18.64 RCW
22 governing licenses issued under chapters 18.64 and 18.64A RCW;

23 (ix) The medical quality assurance commission as established in
24 chapter 18.71 RCW governing licenses and registrations issued under
25 chapters 18.71 and 18.71A RCW;

26 (x) The board of physical therapy as established in chapter 18.74
27 RCW;

28 (xi) The board of occupational therapy practice as established in
29 chapter 18.59 RCW;

30 (xii) The nursing care quality assurance commission as established
31 in chapter 18.79 RCW governing licenses and registrations issued under
32 that chapter;

33 (xiii) The examining board of psychology and its disciplinary
34 committee as established in chapter 18.83 RCW; and

35 (xiv) The veterinary board of governors as established in chapter
36 18.92 RCW.

37 (3) In addition to the authority to discipline license holders, the
38 disciplining authority has the authority to grant or deny licenses

1 based on the conditions and criteria established in this chapter and
2 the chapters specified in subsection (2) of this section. This chapter
3 also governs any investigation, hearing, or proceeding relating to
4 denial of licensure or issuance of a license conditioned on the
5 applicant's compliance with an order entered pursuant to RCW 18.130.160
6 by the disciplining authority.

7 (4) All disciplining authorities shall adopt procedures to ensure
8 substantially consistent application of this chapter, the Uniform
9 Disciplinary Act, among the disciplining authorities listed in
10 subsection (2) of this section.

11 NEW SECTION. **Sec. 14.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 15.** Sections 1 through 11 of this act
16 constitute a new chapter in Title 18 RCW.

17 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2008.

18 NEW SECTION. **Sec. 17.** The secretary of health may take the
19 necessary steps to ensure that this act is implemented on its effective
20 date.

21 NEW SECTION. **Sec. 18.** If specific funding for the purposes of
22 this act, referencing this act by bill or chapter number, is not
23 provided by June 30, 2007, in the omnibus appropriations act, this act
24 is null and void.

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