

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2609

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DATE	D-PG	OFFICIAL STATUS
03/14/2016	5020	Introduction and first reading Referred to Health, Human Services and Housing
03/30/2016	5383	Author added Reinert

A bill for an act

1.1 relating to health occupations; licensing; modifying the Minnesota Athletic
 1.2 Trainers Act; amending Minnesota Statutes 2014, sections 148.7802, subdivision
 1.3 6, by adding a subdivision; 148.7803, subdivision 1; 148.7804; 148.7805;
 1.4 148.7806; 148.7808; 148.7809; 148.7810; 148.7812, subdivision 1; 148.7813,
 1.5 subdivision 5; 148.7815; repealing Minnesota Statutes 2014, section 148.7802,
 1.6 subdivisions 4, 5, 10, 11.
 1.7

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2014, section 148.7802, subdivision 6, is amended to read:

1.10 Subd. 6. **Athletic trainer.** "Athletic trainer" means a person who engages in
 1.11 athletic training under this section and section 148.7806 and is ~~registered~~ licensed under
 1.12 section 148.7808.

1.13 Sec. 2. Minnesota Statutes 2014, section 148.7802, is amended by adding a subdivision
 1.14 to read:

1.15 Subd. 6a. **Athletic training.** "Athletic training" means prevention, evaluation, or
 1.16 intervention techniques, or any combination of those acts, in the provision of patient
 1.17 care as defined by the current competencies in athletic training issued by a nationally
 1.18 recognized accreditation agency for athletic training education, or for which formal
 1.19 advanced postprofessional preparation has been obtained. Athletic training does not
 1.20 include the practice of medicine as defined in section 147.081, or the practice of
 1.21 chiropractic as defined in section 148.01.

1.22 Sec. 3. Minnesota Statutes 2014, section 148.7803, subdivision 1, is amended to read:

2.1 Subdivision 1. **Designation.** A person shall not use in connection with the person's
2.2 name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota
2.3 ~~registered~~ licensed athletic trainer; athletic trainer; AT; ATR; ATC; LAT; or any words,
2.4 letters, abbreviations, or insignia indicating or implying that the person is an athletic
2.5 trainer, without a ~~certificate of registration~~ license as an athletic trainer issued under
2.6 sections 148.7808 to 148.7810. A student attending a college or university athletic training
2.7 program must be identified as an "athletic training student."

2.8 Sec. 4. Minnesota Statutes 2014, section 148.7804, is amended to read:

2.9 **148.7804 POWERS OF THE BOARD.**

2.10 The board, acting under the advice of the Athletic Trainers Advisory Council, shall
2.11 issue all ~~registrations~~ licenses and shall exercise the following powers and duties:

2.12 (1) adopt rules necessary to implement sections 148.7801 to 148.7815;

2.13 (2) prescribe ~~registration~~ license application forms, certificate of ~~registration~~ license
2.14 forms, ~~protocol forms~~, and other necessary forms;

2.15 (3) approve a ~~registration~~ licensure examination;

2.16 (4) keep a complete record of ~~registered~~ licensed athletic trainers, prepare a current
2.17 official listing of the names and addresses of ~~registered~~ licensed athletic trainers, and make
2.18 a copy of the list available to any person requesting it upon payment of a copying fee
2.19 established by the board;

2.20 (5) keep a permanent record of all its proceedings; and

2.21 (6) establish the duties of, and employ, clerical personnel.

2.22 Sec. 5. Minnesota Statutes 2014, section 148.7805, is amended to read:

2.23 **148.7805 ATHLETIC TRAINERS ADVISORY COUNCIL.**

2.24 Subdivision 1. **Membership.** The Athletic Trainers Advisory Council is created and
2.25 is composed of eight members appointed by the board. The advisory council consists of:

2.26 (1) two public members as defined in section 214.02;

2.27 (2) three members who are ~~registered~~ licensed athletic trainers, one being both
2.28 a licensed physical therapist and ~~registered~~ licensed athletic trainer as submitted by
2.29 the Minnesota American Physical Therapy Association, and two as submitted by the
2.30 Minnesota Athletic Trainers' Association;

2.31 (3) two members who are medical physicians licensed by the state and have
2.32 experience with athletic training and sports medicine; and

2.33 (4) one member who is a doctor of chiropractic licensed by the state and has
2.34 experience with athletic training and sports injuries.

3.1 Subd. 2. **Administration.** The advisory council is established and administered
3.2 under section 15.059.

3.3 Subd. 3. **Duties.** The advisory council shall:

3.4 (1) advise the board regarding standards for athletic trainers;

3.5 (2) distribute information regarding athletic trainer standards;

3.6 (3) advise the board on enforcement of sections 148.7801 to 148.7815;

3.7 (4) review ~~registration~~ licensing and ~~registration~~ license renewal applications and
3.8 make recommendations to the board;

3.9 (5) review complaints in accordance with sections 214.10 and 214.13, subdivision 6;

3.10 (6) review investigation reports of complaints and recommend to the board whether
3.11 disciplinary action should be taken;

3.12 (7) advise the board regarding evaluation and treatment protocols;

3.13 (8) advise the board regarding approval of continuing education programs; and

3.14 (9) perform other duties authorized for advisory councils under chapter 214, as
3.15 directed by the board.

3.16 Sec. 6. Minnesota Statutes 2014, section 148.7806, is amended to read:

3.17 **148.7806 ATHLETIC TRAINING.**

3.18 (a) Athletic training by a registered licensed athletic trainer under section 148.7808
3.19 includes the activities described in paragraphs (a) to (e) (b) to (d).

3.20 (a) (b) An athletic trainer shall provide patient care under the direction of, on the
3.21 prescription of, or in collaboration with a person:

3.22 (1) prevent, recognize, and evaluate athletic injuries;

3.23 (2) give emergency care and first aid;

3.24 (3) manage and treat athletic injuries; and

3.25 (4) rehabilitate and physically recondition athletic injuries.

3.26 The athletic trainer may use modalities such as cold, heat, light, sound, electricity,
3.27 exercise, and mechanical devices for treatment and rehabilitation of athletic injuries to
3.28 athletes in the primary employment site.

3.29 (b) The primary physician shall establish evaluation and treatment protocols to be
3.30 used by the athletic trainer. The primary physician shall record the protocols on a form
3.31 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's
3.32 registration renewal time and kept on file by the athletic trainer.

3.33 (1) licensed in the state to practice:

3.34 (i) medicine as defined in section 147.081;

3.35 (ii) as an advanced practice nurse as defined in section 148.171;

- 4.1 (iii) chiropractic as defined in section 148.01;
 4.2 (iv) podiatric medicine as defined in section 153.01;
 4.3 (v) as a physician assistant as defined in section 147A.01;
 4.4 (vi) dentistry as defined in section 150A.05;
 4.5 (vii) physical therapy as defined in section 148.65; or
 4.6 (viii) any other licensed health care profession as defined in Minnesota Statutes; and
 4.7 (2) whose license is in good standing.

4.8 ~~(c) At the primary employment site,~~ Except in a corporate setting, an athletic
 4.9 trainer may evaluate and treat an athlete ~~for an athletic injury~~ individual not previously
 4.10 diagnosed for not more than 30 days, ~~or a period of time as designated by the primary~~
 4.11 ~~physician on the protocol form,~~ from the date of the initial evaluation and treatment.
 4.12 Preventative care after resolution of the injury Prevention, wellness, education, or exercise
 4.13 is not considered treatment. This paragraph does not apply to a person who is referred
 4.14 for treatment by a person:

- 4.15 (1) licensed in this state to practice medicine as defined in section 147.081, to
 4.16 practice chiropractic as defined in section 148.01, to practice ~~podiatry~~ podiatric medicine
 4.17 as defined in section 153.01, or to practice dentistry as defined in section 150A.05; and
 4.18 (2) whose license is in good standing.

4.19 ~~(d) An athletic trainer may:~~

4.20 ~~(1) organize and administer an athletic training program including, but not limited~~
 4.21 ~~to, educating and counseling athletes;~~

4.22 ~~(2) monitor the signs, symptoms, general behavior, and general physical response of~~
 4.23 ~~an athlete to treatment and rehabilitation including, but not limited to, whether the signs,~~
 4.24 ~~symptoms, reactions, behavior, or general response show abnormal characteristics; and~~

4.25 ~~(3) make suggestions to the primary physician or other treating provider for a~~
 4.26 ~~modification in the treatment and rehabilitation of an injured athlete based on the~~
 4.27 ~~indicators in clause (2).~~

4.28 ~~(e)~~ (d) In a clinical, corporate, and physical therapy setting, when the service
 4.29 provided is, or is represented as being, physical therapy, an athletic trainer may work only
 4.30 under the direct supervision of a physical therapist as defined in section 148.65.

4.31 Sec. 7. Minnesota Statutes 2014, section 148.7808, is amended to read:

4.32 **148.7808 REGISTRATION LICENSE; REQUIREMENTS.**

4.33 Subdivision 1. **Registration Licensure.** The board may issue a ~~certificate of~~
 4.34 ~~registration~~ license as an athletic trainer to applicants who meet the requirements under
 4.35 this section. An applicant for ~~registration~~ a license as an athletic trainer shall pay a fee

5.1 under section 148.7815 and file a written application on a form, provided by the board,
5.2 that includes:

5.3 (1) the applicant's name, Social Security number, home address and telephone
5.4 number, business address and telephone number, and business setting;

5.5 (2) evidence satisfactory to the board of the successful completion of an education
5.6 program approved by the board;

5.7 (3) educational background;

5.8 (4) proof of a baccalaureate or master's degree from an accredited college or
5.9 university;

5.10 (5) credentials held in other jurisdictions;

5.11 (6) a description of any other jurisdiction's refusal to credential the applicant;

5.12 (7) a description of all professional disciplinary actions initiated against the applicant
5.13 in any other jurisdiction;

5.14 (8) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

5.15 (9) evidence satisfactory to the board of a qualifying score on a credentialing
5.16 examination;

5.17 (10) additional information as requested by the board;

5.18 (11) the applicant's signature on a statement that the information in the application is
5.19 true and correct to the best of the applicant's knowledge and belief; and

5.20 (12) the applicant's signature on a waiver authorizing the board to obtain access to
5.21 the applicant's records in this state or any other state in which the applicant has completed
5.22 an education program approved by the board or engaged in the practice of athletic training.

5.23 Subd. 3. **Registration License by reciprocity.** (a) The board may register license
5.24 by reciprocity an applicant who:

5.25 (1) submits the application materials and fees required under subdivision 1, clauses
5.26 (1) to (8) and (10) to (12);

5.27 (2) provides a verified copy of a current and unrestricted credential for the practice
5.28 of athletic training in another jurisdiction that has credentialing requirements equivalent to
5.29 or more stringent than the requirements under subdivision 1; and

5.30 (3) provides letters of verification from the credentialing body in each jurisdiction
5.31 in which the applicant holds a credential. Each letter must include the applicant's name,
5.32 date of birth, credential number, date of issuance of the credential, a statement regarding
5.33 disciplinary actions taken against the applicant, and the terms under which the credential
5.34 was issued.

6.1 (b) An applicant for ~~registration~~ a license by reciprocity who has applied for
6.2 ~~registration~~ a license under subdivision 1 and meets the requirements of paragraph (a),
6.3 clause (1), may apply to the board for a ~~temporary registration~~ license under subdivision ~~4~~ 5.

6.4 ~~Subd. 4. **Temporary registration.** (a) The board may issue a temporary registration~~
6.5 ~~as an athletic trainer to qualified applicants. A temporary registration is issued for 120~~
6.6 ~~days. An athletic trainer with a temporary registration may qualify for full registration~~
6.7 ~~after submission of verified documentation that the athletic trainer has achieved a~~
6.8 ~~qualifying score on a credentialing examination within 120 days after the date of the~~
6.9 ~~temporary registration. A temporary registration may not be renewed.~~

6.10 (b) ~~Except as provided in subdivision 3, paragraph (a), clause (1), an applicant for~~
6.11 ~~a temporary registration must submit the application materials and fees for registration~~
6.12 ~~required under subdivision 1, clauses (1) to (8) and (10) to (12).~~

6.13 (c) ~~An athletic trainer with a temporary registration shall work only under the~~
6.14 ~~direct supervision of an athletic trainer registered under this section. No more than two~~
6.15 ~~athletic trainers with temporary registrations shall work under the direction of a registered~~
6.16 ~~athletic trainer.~~

6.17 ~~Subd. 5. **Temporary permit license.** The board may issue a temporary permit~~
6.18 ~~license to practice as an athletic trainer to an applicant eligible for ~~registration~~ a license~~
6.19 ~~under this section if the application for ~~registration~~ a license is complete, all applicable~~
6.20 ~~requirements in this section have been met, and a nonrefundable fee set by the board has~~
6.21 ~~been paid. The ~~permit~~ license remains valid only until the meeting of the board at which a~~
6.22 ~~decision is made on the athletic trainer's application for ~~registration~~ a license.~~

6.23 Sec. 8. Minnesota Statutes 2014, section 148.7809, is amended to read:

6.24 **148.7809 REGISTRATION LICENSE RENEWAL.**

6.25 Subdivision 1. **Requirements for ~~registration~~ license renewal.** A ~~registered~~
6.26 ~~licensed~~ athletic trainer shall apply to the board for a one-year extension of ~~registration~~
6.27 ~~a license~~ a license by paying a fee under section 148.7815 and filing an application on a form
6.28 provided by the board that includes:

6.29 (1) the athletic trainer's name, Minnesota athletic trainer ~~registration~~ license
6.30 number, home address and telephone number, business address and telephone number,
6.31 and business setting;

6.32 (2) work history for the past year, including the average number of hours worked
6.33 per week;

6.34 (3) a report of any change in status since initial registration or previous ~~registration~~
6.35 ~~license~~ license renewal;

- 7.1 (4) evidence satisfactory to the board of:
- 7.2 (i) certification from the Board of Certification, Inc., or recognized successor; and
- 7.3 (ii) having met the continuing education requirements of section 148.7812; and
- 7.4 ~~(5) the athletic trainer's signature on a statement that a current copy of the protocol~~
- 7.5 ~~form is on file at the athletic trainer's primary employment site; and~~
- 7.6 ~~(6)~~ (5) additional information as requested by the board.

7.7 Subd. 2. **Registration License renewal notice.** Before June 1 of each year, the

7.8 board shall send out a renewal notice to an athletic trainer's last known address on file

7.9 with the board. The notice shall include an application for registration license renewal and

7.10 notice of the fees required for renewal. An athletic trainer who does not receive a renewal

7.11 notice must still meet the requirements for registration license renewal under this section.

7.12 Subd. 3. **Renewal deadline.** (a) An application for license renewal of registration

7.13 must be postmarked on or before July 1 of each year. If the postmark is illegible, the

7.14 application is considered timely if received in the board office by the third working day

7.15 after July 1.

7.16 (b) An application for license renewal of registration submitted after the deadline

7.17 date must include a late fee under section 148.7815.

7.18 Subd. 4. **Lapse of ~~registration status~~ license.** (a) Except as provided in paragraph

7.19 (b), an athletic trainer whose registration license has lapsed must:

- 7.20 (1) apply for registration license renewal under this section; and
- 7.21 (2) submit evidence satisfactory to the board from a licensed medical physician
- 7.22 verifying employment in athletic training for eight weeks every three years during the
- 7.23 time of the lapse in registration license.

7.24 (b) The board shall not renew, reissue, reinstate, or restore a registration license that

7.25 has lapsed after June 30, 1999, and has not been renewed within two annual renewal

7.26 cycles starting July 1, 2001. An athletic trainer whose registration license is canceled for

7.27 nonrenewal must obtain a new registration license by applying for registration a license

7.28 and fulfilling all requirements then in existence for an initial registration license.

7.29 Sec. 9. Minnesota Statutes 2014, section 148.7810, is amended to read:

7.30 **148.7810 BOARD ACTION ON APPLICATIONS.**

7.31 Subdivision 1. **Verification of application information.** The board or advisory

7.32 council, with the approval of the board, may verify information provided by an applicant

7.33 for registration a license under section 148.7808 and registration license renewal under

7.34 section 148.7809 to determine whether the information is accurate and complete.

8.1 Subd. 2. **Notification of board action.** Within 120 days of receipt of the application,
8.2 the board shall notify each applicant in writing of the action taken on the application.

8.3 Subd. 3. **Request for hearing by applicant denied registration license.** An
8.4 applicant denied ~~registration~~ a license shall be notified of the determination, and the
8.5 grounds for it, and may request a hearing on the determination under Minnesota Rules,
8.6 part 5615.0300, by filing a written statement of issues with the board within 20 days after
8.7 receipt of the notice from the board. After the hearing, the board shall notify the applicant
8.8 in writing of its decision.

8.9 Sec. 10. Minnesota Statutes 2014, section 148.7812, subdivision 1, is amended to read:

8.10 Subdivision 1. **Number of contact hours required.** An athletic trainer shall
8.11 complete during every three-year period at least the equivalent of 60 contact hours
8.12 of continuing professional postdegree education in programs approved by the board.
8.13 The board may accept recertification by the Board of Certification, Inc., or recognized
8.14 successor in lieu of compliance with the continuing education requirements during the
8.15 cycle in which recertification is granted.

8.16 Sec. 11. Minnesota Statutes 2014, section 148.7813, subdivision 5, is amended to read:

8.17 Subd. 5. **Discipline; reporting.** For the purposes of this chapter, ~~registered~~ licensed
8.18 athletic trainers and applicants are subject to sections 147.091 to 147.162.

8.19 Sec. 12. Minnesota Statutes 2014, section 148.7815, is amended to read:

8.20 **148.7815 FEES.**

8.21 Subdivision 1. **Fees.** The board shall establish fees as follows:

- 8.22 (1) application fee, \$50;
8.23 (2) annual ~~registration~~ license fee, \$100; and
8.24 (3) temporary ~~registration~~ license fee, \$100; and
8.25 (4) ~~temporary permit~~, \$50.

8.26 Subd. 2. **Proration of fees.** The board may prorate the initial annual license fee for
8.27 ~~registration~~ under section 148.7808. Athletic trainers ~~registered~~ licensed under section
8.28 148.7808 are required to pay the full fee upon ~~registration~~ license renewal.

8.29 Subd. 3. **Penalty for a late application for registration license renewal.** The
8.30 penalty for late submission of a ~~registration~~ license renewal application under section
8.31 148.7809 is \$15.

8.32 Subd. 4. **Nonrefundable fees.** The fees in this section are nonrefundable.

9.1 Sec. 13. **REPEALER.**

9.2 Minnesota Statutes 2014, section 148.7802, subdivisions 4, 5, 10, and 11, are
9.3 repealed.

APPENDIX
Repealed Minnesota Statutes: 16-6057

148.7802 DEFINITIONS.

Subd. 4. **Athlete.** "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. **Athletic injury.** "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 10. **Primary employment site.** "Primary employment site" means the institution, organization, corporation, or sports team where the athletic trainer is employed for the practice of athletic training.

Subd. 11. **Primary physician.** "Primary physician" means a licensed medical physician who serves as a medical consultant to an athletic trainer.