

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 858

(SENATE AUTHORS: REINERT, Rosen, Metzen and Miller)

DATE	D-PG	OFFICIAL STATUS
02/28/2013	445	Introduction and first reading Referred to Health, Human Services and Housing
02/27/2014	5901	Withdrawn and returned to author

A bill for an act

1.1 relating to occupations and professions; modifying provisions of the Athletic
 1.2 Trainers Practice Act; amending Minnesota Statutes 2012, sections 148.7802,
 1.3 subdivisions 3, 9, by adding subdivisions; 148.7803; 148.7805, subdivision 1;
 1.4 148.7806; 148.7808, subdivisions 1, 4; 148.7812, subdivision 2; 148.7813, by
 1.5 adding a subdivision; 148.7814; repealing Minnesota Statutes 2012, sections
 1.6 148.7802, subdivisions 4, 5; 148.7808, subdivision 2; 148.7813.

1.7
 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 148.7802, subdivision 3, is amended to read:

1.10 Subd. 3. **Approved education program.** "Approved education program" means
 1.11 a university, college, or other postsecondary education program of athletic training
 1.12 that, at the time the student completes the program, is approved or accredited by the
 1.13 ~~National Athletic Trainers Association Professional Education Committee, the National~~
 1.14 ~~Athletic Trainers Association Board of Certification, or the Joint Review Committee on~~
 1.15 ~~Educational Programs in Athletic Training in collaboration with the American Academy~~
 1.16 ~~of Family Physicians, the American Academy of Pediatrics, the American Medical~~
 1.17 ~~Association, and the National Athletic Trainers Association~~ a nationally recognized
 1.18 accreditation agency for athletic training education programs approved by the board.

1.19 Sec. 2. Minnesota Statutes 2012, section 148.7802, subdivision 9, is amended to read:

1.20 Subd. 9. **Credentialing examination.** "Credentialing examination" means an
 1.21 examination administered by the ~~National Athletic Trainers Association Board of~~
 1.22 ~~Certification, or their recognized successor,~~ for credentialing as an athletic trainer, or
 1.23 an examination for credentialing offered by a national testing service that is approved
 1.24 by the board.

2.1 Sec. 3. Minnesota Statutes 2012, section 148.7802, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 9a. **Injury.** "Injury" means an injury sustained by a person as a result of the
2.4 person's participation in exercises, sports, games, or recreation requiring physical strength,
2.5 agility, flexibility, range of motion, speed, or stamina.

2.6 Sec. 4. Minnesota Statutes 2012, section 148.7802, is amended by adding a subdivision
2.7 to read:

2.8 Subd. 9b. **Patient.** "Patient" means a person participating in exercises, sports,
2.9 games, or recreation requiring physical strength, agility, flexibility, range of motion,
2.10 speed, or stamina.

2.11 Sec. 5. Minnesota Statutes 2012, section 148.7803, is amended to read:

2.12 **148.7803 DESIGNATION OF ATHLETIC TRAINER.**

2.13 Subdivision 1. **Designation.** A person shall not use in connection with the person's
2.14 name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota
2.15 registered athletic trainer; athletic trainer; AT; ATR; or any words, letters, abbreviations,
2.16 or insignia indicating or implying that the person is an athletic trainer, without a certificate
2.17 of registration as an athletic trainer issued under sections 148.7808 to 148.7810. A
2.18 student attending a college or university athletic training program must be identified as a
2.19 "student athletic trainer."

2.20 Subd. 2. **Penalty.** A person who violates this section is guilty of a gross
2.21 misdemeanor and subject to section 214.11.

2.22 Sec. 6. Minnesota Statutes 2012, section 148.7805, subdivision 1, is amended to read:

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

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

2.27 (2) three members who, ~~except for initial appointees,~~ are registered athletic trainers,
2.28 one being both a licensed physical therapist and registered athletic trainer as submitted by
2.29 the Minnesota American Physical Therapy Association;

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

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

3.1 Sec. 7. Minnesota Statutes 2012, section 148.7806, is amended to read:

3.2 **148.7806 ATHLETIC TRAINING.**

3.3 Athletic training by a registered athletic trainer under section 148.7808 includes the
3.4 activities described in paragraphs (a) to (e).

3.5 (a) An athletic trainer shall:

3.6 (1) prevent, recognize, and evaluate ~~athletic~~ injuries;

3.7 (2) give emergency care and first aid;

3.8 (3) manage and treat ~~athletic~~ injuries; and

3.9 (4) rehabilitate and physically recondition ~~athletic~~ injuries.

3.10 The athletic trainer may use modalities such as cold, heat, light, sound, electricity,
3.11 exercise, and mechanical devices for treatment and rehabilitation of ~~athletic~~ injuries to
3.12 ~~athletes~~ patients in the primary employment site.

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

3.17 (c) At the primary employment site, except in a corporate setting, an athletic trainer
3.18 may evaluate and treat ~~an athlete~~ a patient for an ~~athletic~~ injury not previously diagnosed
3.19 for not more than 30 days, or a period of time as designated by the primary physician on
3.20 the protocol form, from the date of the initial evaluation and treatment. Preventative care
3.21 after resolution of the injury is not considered treatment. This paragraph does not apply
3.22 to a person who is referred for treatment by a person licensed in this state to practice
3.23 medicine as defined in section 147.081, to practice chiropractic as defined in section
3.24 148.01, to practice podiatry as defined in section 153.01, or to practice dentistry as defined
3.25 in section 150A.05 and whose license is in good standing.

3.26 (d) An athletic trainer may:

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

3.29 (2) monitor the signs, symptoms, general behavior, and general physical response
3.30 of ~~an athlete~~ a patient to treatment and rehabilitation including, but not limited to,
3.31 whether the signs, symptoms, reactions, behavior, or general response show abnormal
3.32 characteristics; and

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

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

4.4 Sec. 8. Minnesota Statutes 2012, section 148.7808, subdivision 1, is amended to read:

4.5 Subdivision 1. **Registration.** The board may issue a certificate of registration as an
4.6 athletic trainer to applicants who meet the requirements under this section. An applicant
4.7 for registration as an athletic trainer shall pay a fee under section 148.7815 and file a
4.8 written application on a form, provided by the board, that includes:

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

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

4.13 (3) educational background;

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

4.16 (5) credentials held in other jurisdictions;

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

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

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

4.21 (9) evidence satisfactory to the board of a qualifying score on a credentialing
4.22 examination ~~within one year of the application for registration~~;

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

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

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

4.29 Sec. 9. Minnesota Statutes 2012, section 148.7808, subdivision 4, is amended to read:

4.30 Subd. 4. **Temporary registration.** (a) The board may issue a temporary registration
4.31 as an athletic trainer to qualified applicants. A temporary registration is issued for
4.32 ~~one year~~ 120 days. An athletic trainer with a temporary registration may qualify for
4.33 full registration after submission of verified documentation that the athletic trainer has

5.1 achieved a qualifying score on a credentialing examination within ~~one year~~ 120 days after
5.2 the date of the temporary registration. A temporary registration may not be renewed.

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

5.6 (c) An athletic trainer with a temporary registration shall work only under the
5.7 direct supervision of an athletic trainer registered under this section. No more than ~~four~~
5.8 two athletic trainers with temporary registrations shall work under the direction of a
5.9 registered athletic trainer.

5.10 Sec. 10. Minnesota Statutes 2012, section 148.7812, subdivision 2, is amended to read:

5.11 Subd. 2. **Approved programs.** The board shall approve a continuing education
5.12 program that has been approved for continuing education credit by the ~~National Athletic~~
5.13 ~~Trainers Association~~ Board of Certification, or its recognized successor.

5.14 Sec. 11. Minnesota Statutes 2012, section 148.7813, is amended by adding a
5.15 subdivision to read:

5.16 Subd. 5. **Discipline; reporting.** For the purposes of this chapter, licensed athletic
5.17 trainers and applicants are subject to the provisions of sections 147.091 to 147.162.

5.18 Sec. 12. Minnesota Statutes 2012, section 148.7814, is amended to read:

5.19 **148.7814 APPLICABILITY.**

5.20 Sections 148.7801 to 148.7815 do not apply to persons who are certified as athletic
5.21 trainers by the ~~National Athletic Trainers Association~~ Board of Certification or the board's
5.22 recognized successor and come into Minnesota for a specific athletic event or series of
5.23 athletic events with an individual or group.

5.24 Sec. 13. **REPEALER.**

5.25 Minnesota Statutes 2012, sections 148.7802, subdivisions 4 and 5; 148.7808,
5.26 subdivision 2; and 148.7813, are repealed.

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.

148.7808 REGISTRATION; REQUIREMENTS.

Subd. 2. **Registration by equivalency.** The board may register by equivalency an applicant who:

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

(2) provides evidence satisfactory to the board of current certification by the National Athletic Trainers Association Board of Certification.

Applicants who were certified by the National Athletic Trainers Association through the "grandfather" process prior to 1971 are exempt from completing subdivision 1, clauses (2) and (9).

148.7813 DISCIPLINARY PROCESS.

Subdivision 1. **Investigation of complaints.** Upon receipt of a complaint or other communication pursuant to section 214.13, subdivision 6, that alleges or implies a violation of sections 148.7801 to 148.7815 by an applicant or registered athletic trainer, the board shall follow the procedures in section 214.10.

Subd. 2. **Grounds for disciplinary action.** The board may impose disciplinary action as described in subdivision 3 against an athletic trainer whom the board, after a hearing under the contested case provisions of chapter 14, determines:

(1) has knowingly made a false statement on a form required by the board for registration or registration renewal;

(2) has provided athletic training services in a manner that falls below the standard of care of the profession;

(3) has violated sections 148.7801 to 148.7815 or the rules adopted under these sections;

(4) is or has been afflicted with any physical, mental, emotional, or other disability, or addiction that, in the opinion of the board, adversely affects the person's ability to practice athletic training;

(5) has failed to cooperate with an investigation by the board;

(6) has been convicted or has pled guilty or nolo contendere to an offense that in the opinion of the board reasonably relates to the practice of athletic training or that bears on the athletic trainer's ability to practice athletic training;

(7) has aided and abetted in any manner a person in violating sections 148.7801 to 148.7815;

(8) has been disciplined by an agency or board of another state while in the practice of athletic training;

(9) has shown dishonest, unethical, or unprofessional conduct while in the practice of athletic training that is likely to deceive, defraud, or harm the public;

(10) has violated a state or federal law, rule, or regulation that in the opinion of the board reasonably relates to the practice of athletic training;

(11) has behaved in a sexual manner or what may reasonably be interpreted by a patient as sexual, or was verbally seductive or sexually demeaning to a patient;

(12) has misused alcohol, drugs, or controlled substances; or

(13) has violated an order issued by the board.

Subd. 3. **Disciplinary actions.** When grounds for disciplinary action exist under subdivision 2, the board may take one or more of the following actions:

(1) deny the right to practice;

(2) revoke the right to practice;

(3) suspend the right to practice;

(4) impose limitations on the practice of the athletic trainer;

(5) impose conditions on the practice of the athletic trainer;

(6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the athletic trainer of any economic advantage gained by reason of the violation charged, or to discourage repeated violations;

APPENDIX

Repealed Minnesota Statutes: 13-0381

(7) censure or reprimand the athletic trainer; or

(8) take any other action justified by the facts of the case.

Subd. 4. **Reinstatement.** An athletic trainer who has had registration revoked cannot apply for reinstatement. A suspended athletic trainer shall be reinstated upon evidence satisfactory to the board of fulfillment of the terms of suspension. All requirements of section 148.7809 to renew registration, if applicable, must also be met before reinstatement.