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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2143

02/08/2012 Authored by Quam, Franson and Abeler

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to occupations and professions; modifying provisions of the Athletic
1.3 Trainers Practice Act; providing for licensure; establishing licensure fees;
1.4 amending Minnesota Statutes 2010, sections 148.7802, subdivisions 3, 6, 9,
1.5 by adding subdivisions; 148.7803; 148.7804; 148.7805; 148.7806; 148.7807;
1.6 148.7808, subdivisions 1, 4, 5, by adding a subdivision; 148.7809; 148.7810;
1.7 148.7811; 148.7812, subdivision 2; 148.7813, by adding a subdivision; 148.7814;
1.8 148.7815; repealing Minnesota Statutes 2010, sections 148.7802, subdivisions 4,
1.9 5; 148.7808, subdivisions 2, 3; 148.7813, subdivisions 1, 2, 3, 4.

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

1.11 Section 1. Minnesota Statutes 2010, section 148.7802, subdivision 3, is amended to
1.12 read:

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

1.22 Sec. 2. Minnesota Statutes 2010, section 148.7802, subdivision 6, is amended to read:

1.23 Subd. 6. **Athletic trainer.** "Athletic trainer" means a person who ~~engages~~ is
1.24 engaged in the practice of athletic training under section 148.7806, who practices the

2.1 procedures delegated by a licensed physician under a signed protocol agreement, and is
2.2 registered licensed by the Board of Medical Practice under section 148.7808.

2.3 Sec. 3. Minnesota Statutes 2010, section 148.7802, subdivision 9, is amended to read:

2.4 Subd. 9. **Credentialing examination.** "Credentialing examination" means an
2.5 examination administered by the ~~National Athletic Trainers Association~~ Board of
2.6 Certification, or their recognized successor, for credentialing as an athletic trainer, or
2.7 an examination for credentialing offered by a national testing service that is approved
2.8 by the board.

2.9 Sec. 4. Minnesota Statutes 2010, section 148.7802, is amended by adding a subdivision
2.10 to read:

2.11 Subd. 9a. **Injury or illness.** "Injury or illness" means an injury or illness sustained
2.12 as a result of, or exacerbated by, participation in athletics or physical activity for which
2.13 the athletic trainer has had formal training during the professional education program
2.14 including the nationally recognized educational competencies and clinical proficiencies
2.15 for the entry-level athletic trainer or formal advanced postprofessional study and falls
2.16 within the scope of practice of that athletic trainer.

2.17 Sec. 5. Minnesota Statutes 2010, section 148.7802, is amended by adding a subdivision
2.18 to read:

2.19 Subd. 9b. **Practice of athletic training.** (a) "Practice of athletic training" means
2.20 the treatment of an individual for:

2.21 (1) risk management and injury or illness prevention;

2.22 (2) clinical evaluation and assessment for an injury or illness;

2.23 (3) immediate care and treatment for an injury or illness; and

2.24 (4) rehabilitation and reconditioning of an injury or illness, as long as these activities

2.25 are within the scope of practice under section 148.7806 and performed pursuant to a

2.26 protocol form signed by the individual's primary physician.

2.27 (b) The practice of athletic training does not include the practice of medicine,
2.28 osteopathy, chiropractic, podiatry, or dentistry.

2.29 Sec. 6. Minnesota Statutes 2010, section 148.7803, is amended to read:

2.30 **148.7803 DESIGNATION OF ATHLETIC TRAINER.**

2.31 Subdivision 1. **Designation.** A person shall not use in connection with the person's
2.32 name the words or letters registered athletic trainer; licensed athletic trainer; Minnesota

3.1 ~~registered~~ licensed athletic trainer; athletic trainer; AT; ATL; ATR; LAT; or any words,
 3.2 letters, abbreviations, or insignia indicating or implying that the person is an athletic
 3.3 trainer, without a certificate of ~~registration~~ licensure as an athletic trainer issued under
 3.4 sections 148.7808 to 148.7810. A student attending a college or university athletic training
 3.5 program must be identified as ~~a~~ an "~~student athletic trainer~~ training student."

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

3.8 Sec. 7. Minnesota Statutes 2010, section 148.7804, is amended to read:

3.9 **148.7804 POWERS OF THE BOARD.**

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

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

3.13 (2) prescribe ~~registration~~ licensure application forms, certificate of ~~registration~~
 3.14 licensure forms, protocol forms, and other necessary forms;

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

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

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

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

3.22 Sec. 8. Minnesota Statutes 2010, section 148.7805, is amended to read:

3.23 **148.7805 ATHLETIC TRAINERS ADVISORY COUNCIL.**

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

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

3.28 (2) three members who, ~~except for initial appointees,~~ are registered licensed athletic
 3.29 trainers, ~~one being both member must be~~ a licensed ~~physical therapist and registered~~
 3.30 athletic trainer ~~as submitted by the Minnesota American Physical Therapy Association~~
 3.31 and have another Minnesota regulated health care credential;

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

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

4.3 Subd. 2. **Administration.** The advisory council is established and administered
 4.4 under section 15.059. Notwithstanding section 15.059, subdivision 5, the council shall
 4.5 not expire.

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

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

4.8 (2) distribute information regarding athletic trainer standards;

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

4.10 (4) review ~~registration licensure~~ and ~~registration licensure~~ renewal applications
 4.11 and make recommendations to the board;

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

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

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

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

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

4.19 Sec. 9. Minnesota Statutes 2010, section 148.7806, is amended to read:

4.20 **148.7806 ATHLETIC TRAINING.**

4.21 Athletic training by a ~~registered~~ licensed athletic trainer under section 148.7808
 4.22 includes the activities described in paragraphs (a) to (e).

4.23 (a) An athletic trainer shall:

4.24 (1) prevent, recognize, and evaluate ~~athletic injuries~~ or illnesses;

4.25 (2) give emergency care and first aid;

4.26 (3) manage and treat ~~athletic injuries~~ or illnesses; and

4.27 (4) rehabilitate and physically recondition ~~athletic injuries~~ or illnesses.

4.28 The athletic trainer may use modalities such as cold, heat, light, sound, electricity,
 4.29 exercise, and mechanical devices for treatment and rehabilitation of ~~athletic injuries~~ or
 4.30 illnesses to ~~athletes~~ patients or clients in the primary employment site.

4.31 (b) The primary physician shall establish evaluation and treatment protocols to be
 4.32 used by the athletic trainer. The primary physician shall record the protocols on a form
 4.33 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's
 4.34 ~~registration licensure~~ renewal time and kept on file by the athletic trainer.

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

5.10 (d) An athletic trainer may:

5.11 (1) organize and administer an athletic training program including, but not limited
 5.12 to, educating and counseling ~~athletes~~ patients or clients;

5.13 (2) monitor the signs, symptoms, general behavior, and general physical response
 5.14 of ~~an athlete~~ a patient or client to treatment and rehabilitation including, but not limited
 5.15 to, whether the signs, symptoms, reactions, behavior, or general response show abnormal
 5.16 characteristics; and

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

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

5.23 (f) "Injury or illness" means an injury or illness sustained as a result of, or
 5.24 exacerbated by, participation in athletics or physical activity for which the athletic trainer
 5.25 has had formal training during the professional education program including the nationally
 5.26 recognized educational competencies and clinical proficiencies for the entry-level athletic
 5.27 trainer or formal advanced postprofessional study and falls within the scope of practice of
 5.28 that athletic trainer.

5.29 Sec. 10. Minnesota Statutes 2010, section 148.7807, is amended to read:

5.30 **148.7807 LIMITATIONS ON PRACTICE.**

5.31 If an athletic trainer determines that a patient's or client's medical condition is
 5.32 beyond the scope of practice of that athletic trainer, as determined by the formal training
 5.33 during the professional education program including the nationally recognized educational
 5.34 competencies and clinical proficiencies for the entry-level athletic trainer or formal
 5.35 advanced postprofessional study, the athletic trainer must refer the patient or client to

6.1 a person licensed in this state to practice medicine as defined in section 147.081, to
 6.2 practice chiropractic as defined in section 148.01, to practice podiatry as defined in section
 6.3 153.01, or to practice dentistry as defined in section 150A.05 ~~and~~ or the appropriate
 6.4 qualified health care professional whose license is in good standing and in accordance
 6.5 with established evaluation and treatment protocols. An athletic trainer shall modify or
 6.6 terminate treatment of a patient or client that is not beneficial to the patient or client, or
 6.7 that is not tolerated by the patient or client.

6.8 Sec. 11. Minnesota Statutes 2010, section 148.7808, subdivision 1, is amended to read:

6.9 Subdivision 1. **Registration Licensure.** The board may issue a certificate of
 6.10 ~~registration~~ licensure as an athletic trainer to applicants who meet the requirements under
 6.11 this section. An applicant for ~~registration~~ licensure as an athletic trainer shall pay a fee
 6.12 under section 148.7815 and file a written application on a form, provided by the board,
 6.13 that includes:

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

6.16 (2) evidence satisfactory to the board of the successful completion of an athletic
 6.17 training education program that is accredited by a nationally recognized accreditation
 6.18 agency for athletic training education programs approved by the board;

6.19 (3) educational background;

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

6.22 (5) credentials held in other jurisdictions;

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

6.24 (7) a description of all professional disciplinary actions initiated against the applicant
 6.25 in any other jurisdiction or with a nationally recognized credentialing examination agency
 6.26 for athletic trainers approved by the board;

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

6.28 (9) evidence satisfactory to the board of a qualifying score on a board-approved,
 6.29 nationally recognized credentialing examination ~~within one year of the application for~~
 6.30 ~~registration~~ and current athletic training certification by the Board of Certification, or
 6.31 its recognized successor;

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

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

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

7.4 Sec. 12. Minnesota Statutes 2010, section 148.7808, is amended by adding a
 7.5 subdivision to read:

7.6 Subd. 1a. **Grandfather provision.** All persons registered as athletic trainers as of
 7.7 June 30, 2012, are eligible for continuing renewal under licensure. All persons applying
 7.8 for licensure after that date shall be licensed according to this chapter.

7.9 Sec. 13. Minnesota Statutes 2010, section 148.7808, subdivision 4, is amended to read:

7.10 Subd. 4. **Temporary registration permit.** (a) The board may issue a temporary
 7.11 ~~registration permit~~ as an athletic trainer to qualified applicants. A temporary ~~registration~~
 7.12 ~~permit~~ is issued for ~~one year~~ 120 days. An ~~athletic trainer individual~~ with a temporary
 7.13 ~~registration permit~~ may qualify for full ~~registration licensure~~ after submission of verified
 7.14 documentation that the ~~athletic trainer individual~~ has achieved a qualifying score on
 7.15 a credentialing examination with the Board of Certification or its recognized successor
 7.16 for athletic trainers approved by the board within ~~one year~~ 120 days after the date of the
 7.17 temporary ~~registration permit~~. A temporary ~~registration permit~~ may not be renewed.

7.18 (b) ~~Except as provided in subdivision 3, paragraph (a), clause (1),~~ An applicant
 7.19 for a temporary ~~registration permit~~ must submit the application materials and fees for
 7.20 ~~registration licensure~~ required under subdivision 1, clauses (1) to (8) and (10) to (12).

7.21 (c) An ~~athletic trainer individual~~ with a temporary ~~registration permit~~ shall work
 7.22 only under the direct supervision of an athletic trainer ~~registered~~ licensed under this
 7.23 section. No more than ~~four athletic trainers~~ two individuals with temporary ~~registrations~~
 7.24 ~~permits~~ shall work under the direction of a ~~registered~~ licensed athletic trainer.

7.25 Sec. 14. Minnesota Statutes 2010, section 148.7808, subdivision 5, is amended to read:

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

8.1 Sec. 15. Minnesota Statutes 2010, section 148.7809, is amended to read:

8.2 **148.7809 ~~REGISTRATION~~ LICENSE RENEWAL.**

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

8.7 (1) the athletic trainer's name, Minnesota athletic trainer ~~registration~~ license
8.8 number, home address and telephone number, business address and telephone number,
8.9 and business setting;

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

8.12 (3) a report of any change in status since initial registration or licensure or previous
8.13 registration or licensure renewal;

8.14 (4) evidence satisfactory to the board of having met the continuing education
8.15 requirements of section 148.7812;

8.16 (5) the athletic trainer's signature on a statement that a current copy of the protocol
8.17 form is on file at the athletic trainer's primary employment site or another secure site; ~~and~~

8.18 (6) the athletic trainer's signature on a statement attesting that the Board of
8.19 Certification, or its recognized successor, credentials for an athletic trainer are current at
8.20 the time of renewal; and

8.21 (7) additional information as requested by the board.

8.22 Subd. 2. **Registration Licensure renewal notice.** Before June 1 of each year, the
8.23 board shall send out a renewal notice to an athletic trainer's last known address on file with
8.24 the board. The notice shall include an application for ~~registration~~ licensure renewal and
8.25 notice of the fees required for renewal. An athletic trainer who does not receive a renewal
8.26 notice must still meet the requirements for ~~registration~~ licensure renewal under this section.

8.27 Subd. 3. **Renewal deadline.** (a) An application for renewal of ~~registration~~ licensure
8.28 must be postmarked on or before July 1 of each year. If the postmark is illegible, the
8.29 application is considered timely if received in the board office by the third working day
8.30 after July 1.

8.31 (b) An application for renewal of ~~registration~~ licensure submitted after the deadline
8.32 date must include a late fee under section 148.7815.

8.33 Subd. 4. **~~Lapse of registration status~~ Cancellation due to nonrenewal.** (a) ~~Except~~
8.34 ~~as provided in paragraph (b), an athletic trainer whose registration has lapsed must:~~

8.35 (1) ~~apply for registration renewal under this section; and~~

9.1 ~~(2) submit evidence satisfactory to the board from a licensed medical physician~~
 9.2 ~~verifying employment in athletic training for eight weeks every three years during the~~
 9.3 ~~time of the lapse in registration.~~

9.4 ~~(b) The board shall not renew, reissue, reinstate, or restore a registration license that~~
 9.5 ~~has lapsed after June 30, 1999, and has not been renewed within two annual renewal~~
 9.6 ~~cycles starting July 1, 2001. An athletic trainer A licensee whose registration license is~~
 9.7 ~~canceled for nonrenewal must obtain a new registration license by applying for registration~~
 9.8 ~~licensure and fulfilling all requirements then in existence for an initial registration~~
 9.9 ~~licensure as an athletic trainer.~~

9.10 Subd. 5. Cancellation of license in good standing. (a) The board may grant
 9.11 a license cancellation of a registrant licensee holding an active license as an athletic
 9.12 trainer in the state, if the board is not investigating the person as a result of a complaint
 9.13 or information received, or if the board has not begun disciplinary proceedings against
 9.14 the licensee. Such action by the board shall be reported as a cancellation of a license in
 9.15 good standing.

9.16 (b) A licensee who receives board approval for license cancellation is not entitled
 9.17 to a refund of any licensure fees paid for the license year in which the cancellation
 9.18 of the license occurred.

9.19 (c) To obtain a license after cancellation, a licensee must obtain a new license by
 9.20 applying for licensure and fulfilling current requirements in existence for obtaining initial
 9.21 licensure as an athletic trainer.

9.22 Sec. 16. Minnesota Statutes 2010, section 148.7810, is amended to read:

9.23 **148.7810 BOARD ACTION ON APPLICATIONS.**

9.24 Subdivision 1. **Verification of application information.** The board or advisory
 9.25 council, with the approval of the board, may verify information provided by an applicant
 9.26 for registration licensure under section 148.7808 and registration licensure renewal under
 9.27 section 148.7809 to determine whether the information is accurate and complete.

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

9.30 Subd. 3. **Request for hearing by applicant denied registration licensure.** An
 9.31 applicant denied registration licensure shall be notified of the determination, and the
 9.32 grounds for it, and may request a hearing on the determination under Minnesota Rules,
 9.33 part 5615.0300, by filing a written statement of issues with the board within 20 days after
 9.34 receipt of the notice from the board. After the hearing, the board shall notify the applicant
 9.35 in writing of its decision.

10.1 Sec. 17. Minnesota Statutes 2010, section 148.7811, is amended to read:

10.2 **148.7811 CHANGE OF ADDRESS.**

10.3 A ~~registered~~ licensed athletic trainer must notify the board, in writing, within 30
10.4 days of a change of address.

10.5 Sec. 18. Minnesota Statutes 2010, section 148.7812, subdivision 2, is amended to read:

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

10.9 Sec. 19. Minnesota Statutes 2010, section 148.7813, is amended by adding a
10.10 subdivision to read:

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

10.13 Sec. 20. Minnesota Statutes 2010, section 148.7814, is amended to read:

10.14 **148.7814 APPLICABILITY.**

10.15 Sections 148.7801 to 148.7815 do not apply to persons who are certified as athletic
10.16 trainers by ~~the National Athletic Trainers Association Board of Certification~~ a nationally
10.17 recognized credentialing examination agency for athletic trainers approved by the board,
10.18 hold a valid practice credential in another state, and come into Minnesota for a specific
10.19 athletic event or series of athletic events with an individual or group.

10.20 Sec. 21. Minnesota Statutes 2010, section 148.7815, is amended to read:

10.21 **148.7815 FEES.**

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

- 10.23 (1) application fee, \$50;
10.24 (2) annual ~~registration~~ licensure fee, \$100;
10.25 (3) temporary registration, \$100; and
10.26 (4) temporary permit, \$50.

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

11.1 Subd. 3. **Penalty for a late application for ~~registration~~ licensure renewal.** The
11.2 penalty for late submission of a ~~registration~~ licensure renewal application under section
11.3 148.7809 is \$15.

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

11.5 Sec. 22. **REPEALER.**

11.6 Minnesota Statutes 2010, sections 148.7802, subdivisions 4 and 5; 148.7808,
11.7 subdivisions 2 and 3; and 148.7813, subdivisions 1, 2, 3, and 4, are repealed.