

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4196

02/22/2024 Authored by Wolgamott, Huot, Hemmingsen-Jaeger, Nadeau, Fischer and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying the Minnesota Athletic Trainers Act; amending
1.3 Minnesota Statutes 2022, sections 148.7802, by adding a subdivision; 148.7806;
1.4 148.7807; 148.7814; repealing Minnesota Statutes 2022, section 148.7802,
1.5 subdivisions 4, 5.

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

1.7 Section 1. Minnesota Statutes 2022, section 148.7802, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 6a. Athletic training. (a) For the purpose of emergent, acute, and chronic injuries
1.10 and nonorthopedic conditions within the scope of the athletic trainer's education, "athletic
1.11 training" means:

1.12 (1) prevention and wellness promotion;

1.13 (2) risk management;

1.14 (3) immediate and emergency care;

1.15 (4) examination, assessment, and diagnosis of a condition for which treatment is included
1.16 in the athletic trainer's scope of practice; and

1.17 (5) therapeutic intervention, rehabilitation, and reconditioning.

1.18 (b) Athletic training also includes making clinical decisions to determine if a consultation
1.19 or referral is necessary, performing health care administration, and maintaining professional
1.20 responsibility.

2.1 Sec. 2. Minnesota Statutes 2022, section 148.7806, is amended to read:

2.2 **148.7806 ATHLETIC TRAINING.**

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

2.5 (a) An athletic trainer shall: perform athletic training, as defined under section 148.7802,
 2.6 subdivision 6a, under the direction of, on the prescription of, or in collaboration with a
 2.7 primary physician who is licensed in the state to practice medicine as defined in section
 2.8 147.081 and whose license is in good standing.

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

2.10 ~~(2) give emergency care and first aid;~~

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

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

2.13 ~~The (b) An athletic trainer may use modalities such as cold, heat, light, sound, electricity,~~
 2.14 ~~exercise, and mechanical devices~~ therapeutic interventions within the scope of the athletic
 2.15 trainer's education for treatment and rehabilitation of athletic injuries to athletes in the
 2.16 primary employment site a patient.

2.17 ~~(b) (c)~~ The primary physician shall establish evaluation and treatment protocols to be
 2.18 used by the athletic trainer. The primary physician shall record the protocols on a form
 2.19 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's
 2.20 license renewal time and kept on file by the athletic trainer.

2.21 ~~(e) At the primary employment site, except in a corporate setting, (d)~~ An athletic trainer
 2.22 may evaluate and treat ~~an athlete for an athletic injury~~ a patient not previously diagnosed
 2.23 for not more than 30 days, ~~or a period of time as designated by the primary physician on~~
 2.24 ~~the protocol form,~~ from the date of the initial evaluation and treatment. ~~Preventative care~~
 2.25 ~~after resolution of the injury is~~ Prevention, wellness, education, exercise, and reconditioning
 2.26 are not considered treatment. This paragraph does not apply to a person who is referred for
 2.27 treatment by a person licensed in this state to practice medicine as defined in section 147.081,
 2.28 to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section
 2.29 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good
 2.30 standing.

2.31 ~~(d) (e)~~ An athletic trainer may:

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

3.3 (2) monitor the signs, symptoms, general behavior, and general physical response of ~~an~~
 3.4 ~~athlete~~ a patient to treatment and rehabilitation including, but not limited to, whether the
 3.5 signs, symptoms, reactions, behavior, or general response show abnormal characteristics
 3.6 requiring a change in the plan of care or referral; and

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

3.10 (f) An athletic trainer must not practice or claim to practice medicine as defined in section
 3.11 147.081; chiropractic as defined in section 148.01; podiatric medicine as defined in section
 3.12 153.01; occupational therapy as defined in section 148.6404; physical therapy as defined
 3.13 in section 148.65, except as provided under paragraph (g); acupuncture as defined in section
 3.14 147B.01; or any other licensed or registered health care professional unless the athletic
 3.15 trainer also holds the appropriate license or registration to practice that profession.

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

3.19 Sec. 3. Minnesota Statutes 2022, section 148.7807, is amended to read:

3.20 **148.7807 LIMITATIONS ON PRACTICE.**

3.21 If an athletic trainer determines that a patient's medical condition is ~~beyond~~ outside the
 3.22 scope of practice of that athletic trainer, the athletic trainer must refer the patient to a person
 3.23 licensed in this state to practice medicine as defined in section 147.081, to practice
 3.24 chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01,
 3.25 or to practice dentistry as defined in section 150A.05 and whose license is in good standing
 3.26 and in accordance with established evaluation and treatment protocols. An athletic trainer
 3.27 shall modify or terminate treatment of a patient that is not beneficial to the patient, or that
 3.28 is not tolerated by the patient.

3.29 Sec. 4. Minnesota Statutes 2022, section 148.7814, is amended to read:

3.30 **148.7814 APPLICABILITY.**

3.31 Sections 148.7801 to 148.7815 do not apply to ~~persons who are certified as athletic~~
 3.32 ~~trainers~~ an athletic trainer who is in this state temporarily with an individual or group that

4.1 is participating in a specific athletic event or series of athletic events if the athletic trainer
4.2 is licensed, certified, or registered by another state or country or certified as an athletic
4.3 trainer by the Board of Certification or the board's recognized successor ~~and come into~~
4.4 ~~Minnesota for a specific athletic event or series of athletic events with an individual or~~
4.5 ~~group.~~

4.6 Sec. 5. **REVISOR INSTRUCTION.**

4.7 The revisor of statutes shall change the terms "athlete" and "individual" to "patient"
4.8 wherever the terms appear in Minnesota Statutes, sections 148.7801 to 148.7815, and may
4.9 make any necessary changes to grammar or sentence structure to preserve the meaning of
4.10 the text.

4.11 Sec. 6. **REPEALER.**

4.12 Minnesota Statutes 2022, section 148.7802, subdivisions 4 and 5, are repealed.

APPENDIX
Repealed Minnesota Statutes: 24-06762

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.