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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 822

- 02/06/2017 Authored by Franson, Davids, Albright, Freiberg, Kiel and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/21/2018 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance
- 03/29/2018 Adoption of Report: Placed on the General Register
Read for the Second Time
- 05/07/2018 Referred to the Chief Clerk for Comparison with S. F. No. 614
- 05/08/2018 Postponed Indefinitely

1.1 A bill for an act

1.2 relating to health licensing; modifying the Minnesota Athletic Trainers Act;

1.3 amending Minnesota Statutes 2016, sections 148.7802, subdivisions 2, 3, 6, 9;

1.4 148.7803; 148.7804; 148.7805, subdivisions 1, 3; 148.7806; 148.7808, subdivision

1.5 1; 148.7809, subdivisions 1, 2, 4; 148.7810, subdivisions 1, 3; 148.7811; 148.7812,

1.6 subdivisions 1, 2, 4; 148.7813, subdivision 5; 148.7815; repealing Minnesota

1.7 Statutes 2016, sections 148.7808, subdivisions 3, 4, 5; 148.7812, subdivisions 3,

1.8 5.

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

1.10 Section 1. Minnesota Statutes 2016, section 148.7802, subdivision 2, is amended to read:

1.11 Subd. 2. **Approved continuing education program.** "Approved continuing education

1.12 program" means a continuing education program that meets the ~~continuing education~~

1.13 maintenance of competence requirements in section 148.7812 and is approved by the board.

1.14 Sec. 2. Minnesota Statutes 2016, section 148.7802, subdivision 3, is amended to read:

1.15 Subd. 3. **Approved education program.** "Approved education program" means a

1.16 ~~university, college, or other postsecondary~~ an education program of athletic training offered

1.17 by an accredited university, college, or other postsecondary institution that, at the time the

1.18 student completes the program, ~~is approved or accredited by a nationally recognized~~

1.19 ~~accreditation agency for athletic training education programs approved by the board.~~ the

1.20 student is eligible to attain national certification as an athletic trainer from the Board of

1.21 Certification for the Athletic Trainer or its recognized successor.

2.1 Sec. 3. Minnesota Statutes 2016, section 148.7802, subdivision 6, is amended to read:

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

2.4 Sec. 4. Minnesota Statutes 2016, section 148.7802, subdivision 9, is amended to read:

2.5 Subd. 9. **Credentialing examination.** "Credentialing examination" means an examination
2.6 administered by the Board of Certification, for the Athletic Trainer or the board's its
2.7 recognized successor, for credentialing as an athletic trainer, or an examination for
2.8 credentialing offered by a national testing service that is approved by the board.

2.9 Sec. 5. Minnesota Statutes 2016, section 148.7803, is amended to read:

2.10 **148.7803 DESIGNATION OF ATHLETIC TRAINER PROHIBITED PRACTICE**
2.11 **OR USE OF TITLES; PENALTY.**

2.12 Subdivision 1. **Designation.** (a) A person shall not use in connection with the person's
2.13 name or in any form of advertising, professional literature, or billing that relates to the
2.14 person's occupation or profession as an athletic trainer, the words or letters registered athletic
2.15 trainer; licensed athletic trainer; Minnesota registered athletic trainer; athletic trainer; AT;
2.16 LAT; ATR; or any words, letters, abbreviations, or insignia indicating or implying that the
2.17 person is an athletic trainer, without a certificate of registration being licensed as an athletic
2.18 trainer issued under sections 148.7808 to 148.7810 148.7801 to 148.7815. A student attending
2.19 a college or university athletic training program must be identified as an "athletic training
2.20 student."

2.21 (b) Any person who is exempt from licensure under subdivision 3 must not use any of
2.22 the titles identified in paragraph (a), or any description stating or implying that they are
2.23 engaged in the practice of athletic training or that they are licensed to engage in the practice
2.24 of athletic training.

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

2.27 Subd. 3. **License required.** No person shall engage in athletic training without first
2.28 being licensed under sections 148.7801 to 148.7815. A person engages in athletic training
2.29 if the person performs or offers to perform athletic training as defined in section 148.7806.

2.30 Subd. 4. **Exceptions.** (a) Nothing in sections 148.7801 to 148.7815 shall be construed
2.31 to prohibit the practice of any profession or occupation licensed or registered by the state

3.1 or to perform any act that falls within the scope of practice of the licensed or registered
 3.2 profession or occupation.

3.3 (b) Nothing in sections 148.7801 to 148.7815 shall be construed to require an athletic
 3.4 trainer license for:

3.5 (1) a student engaged in athletic training as part of an accredited athletic training program
 3.6 if the student is under the direct supervision of a licensed athletic trainer and is identified
 3.7 as an "athletic training student;" or

3.8 (2) an athletic trainer as a member of the United States armed forces while performing
 3.9 duties incident to duty.

3.10 Sec. 6. Minnesota Statutes 2016, section 148.7804, is amended to read:

3.11 **148.7804 POWERS OF THE BOARD.**

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

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

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

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

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

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

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

3.24 Sec. 7. Minnesota Statutes 2016, section 148.7805, subdivision 1, is amended to read:

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

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

3.28 (2) three members who are ~~registered~~ licensed athletic trainers, one being both a licensed
 3.29 physical therapist and ~~registered~~ licensed athletic trainer as submitted by the Minnesota
 3.30 American Physical Therapy Association;

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

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

4.5 Sec. 8. Minnesota Statutes 2016, section 148.7805, subdivision 3, is amended to read:

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~~ license applications and ~~registration~~ license 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 directed
4.18 by the board.

4.19 Sec. 9. Minnesota Statutes 2016, 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 includes
4.22 the activities described in paragraphs (a) to (e).

4.23 (a) An athletic trainer shall:

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

4.25 (2) give emergency care and first aid;

4.26 (3) manage and treat athletic injuries; and

4.27 (4) rehabilitate and physically recondition athletic injuries.

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

5.4 (b) The primary physician shall establish evaluation and treatment protocols to be used
5.5 by the athletic trainer. The primary physician shall record the protocols on a form prescribed
5.6 by the board. The protocol form must be updated yearly at the athletic trainer's ~~registration~~
5.7 license renewal time and kept on file by the athletic trainer.

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

5.17 (d) An athletic trainer may:

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

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

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

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

5.28 Sec. 10. Minnesota Statutes 2016, section 148.7808, subdivision 1, is amended to read:

5.29 Subdivision 1. ~~Registration~~ Licensure. The board may issue a certificate of registration
5.30 as an athletic trainer license to applicants who meet the requirements under this section. An
5.31 applicant for ~~registration~~ licensure as an athletic trainer shall:

5.32 (1) pay a fee under section 148.7815 ~~and~~;

- 6.1 (2) file a written application on a form, provided by the board, that includes:
- 6.2 ~~(1)~~ (i) the applicant's name, Social Security number, home address and telephone number,
- 6.3 business address and telephone number, and business setting;
- 6.4 ~~(2)~~ (ii) evidence satisfactory to the board of ~~the successful completion of an education~~
- 6.5 ~~program approved by the board~~ current national credentialing as a certified athletic trainer
- 6.6 by the Board of Certification for the Athletic Trainer or its recognized successor;
- 6.7 ~~(3)~~ (iii) educational background;
- 6.8 ~~(4)~~ proof of a baccalaureate or master's degree from an accredited college or university;
- 6.9 ~~(5)~~ credentials held in other jurisdictions;
- 6.10 (iv) credentials held in this state or in other jurisdictions;
- 6.11 ~~(6)~~ (v) a description of any ~~other~~ jurisdiction's refusal to credential the applicant;
- 6.12 ~~(7)~~ (vi) a description of all professional disciplinary actions initiated against the applicant
- 6.13 in any ~~other~~ jurisdiction;
- 6.14 ~~(8)~~ (vii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;
- 6.15 ~~(9)~~ evidence satisfactory to the board of a qualifying score on a credentialing examination;
- 6.16 ~~(10)~~ (viii) additional information as requested by the board;
- 6.17 ~~(11)~~ (ix) the applicant's signature on a statement that the information in the application
- 6.18 is true and correct to the best of the applicant's knowledge and belief; and
- 6.19 ~~(12)~~ (x) the applicant's signature on a waiver authorizing the board to obtain access to
- 6.20 the applicant's records in this state or any other state in which the applicant has completed
- 6.21 an education program approved by the board ~~or~~, engaged in the practice of athletic training,²
- 6.22 or held other professional credentials;
- 6.23 (3) if the applicant holds or has held a credential as an athletic trainer in another
- 6.24 jurisdiction, provide verification from the credentialing body in each jurisdiction that the
- 6.25 applicant holds or has held a credential for the practice of athletic training; and
- 6.26 (4) if the applicant holds or has held a credential as another health professional in this
- 6.27 state or another jurisdiction, provide verification from the credentialing body for that
- 6.28 profession that the applicant holds or has held a credential for the practice of that profession.

7.1 Sec. 11. Minnesota Statutes 2016, section 148.7809, subdivision 1, is amended to read:

7.2 Subdivision 1. **Requirements for registration license renewal**. ~~A registered athletic~~
 7.3 ~~trainer shall apply to the board for a one-year extension of registration by paying a fee under~~
 7.4 ~~section 148.7815 and filing~~ An athletic trainer license issued under section 148.7808 expires
 7.5 annually. To renew a license, an athletic trainer shall pay a fee as required by section
 7.6 148.7815 and complete a renewal application on a form provided by the board that includes:

7.7 (1) the athletic trainer's name, Minnesota athletic trainer ~~registration~~ license number,
 7.8 home address and telephone number, business address and telephone number, and business
 7.9 setting;

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

7.12 (3) a report of any change in status since initial ~~registration~~ licensure or previous
 7.13 ~~registration~~ license renewal;

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

7.16 (5) the athletic trainer's signature on a statement that a current copy of the protocol form
 7.17 is on file at the athletic trainer's primary employment site; ~~and~~

7.18 (6) ~~additional information as requested by the board~~ any history of drug or alcohol abuse,
 7.19 and any misdemeanor or felony conviction; and

7.20 (7) any disciplinary action on any credential held in this state or in another jurisdiction.

7.21 Sec. 12. Minnesota Statutes 2016, section 148.7809, subdivision 2, is amended to read:

7.22 Subd. 2. **Registration License renewal notice.** ~~Before June 1 of each year,~~ The board
 7.23 shall annually send out a renewal notice to an athletic trainer's last known address on file
 7.24 with the board. The notice shall include an application for ~~registration~~ license renewal and
 7.25 notice of the fees required for renewal. An athletic trainer who does not receive a renewal
 7.26 notice must still meet the requirements for ~~registration~~ license renewal under this section.

7.27 Sec. 13. Minnesota Statutes 2016, section 148.7809, subdivision 4, is amended to read:

7.28 Subd. 4. ~~Lapse of registration status~~ **Licensure following lapse of licensed status for**
 7.29 **two years or less.** (a) ~~Except as provided in paragraph (b),~~ In order to regain licensed status,
 7.30 an athletic trainer whose ~~registration~~ license has lapsed for two years or less must:

7.31 (1) apply for ~~registration~~ license renewal under ~~this section~~ subdivision 1; ~~and~~

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

8.4 (2) document compliance with the continuing education requirements in section 148.7812
8.5 since the athletic trainer's initial licensure or last renewal; and

8.6 (3) submit the fees required by section 148.7815 for the period the athletic trainer was
8.7 not licensed, including the fee for late renewal.

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

8.13 Sec. 14. Minnesota Statutes 2016, section 148.7810, subdivision 1, is amended to read:

8.14 Subdivision 1. **Verification of application information.** The board or advisory council,
8.15 with the approval of the board, may verify information provided by an applicant for
8.16 ~~registration~~ licensure under section 148.7808 and ~~registration~~ license renewal under section
8.17 148.7809 to determine whether the information is accurate and complete.

8.18 Sec. 15. Minnesota Statutes 2016, section 148.7810, subdivision 3, is amended to read:

8.19 Subd. 3. **Request for hearing by applicant denied ~~registration~~ licensure.** An applicant
8.20 denied ~~registration~~ licensure shall be notified of the determination, and the grounds for it,
8.21 and may request a hearing on the determination under Minnesota Rules, part 5615.0300,
8.22 by filing a written statement of issues with the board within 20 days after receipt of the
8.23 notice from the board. After the hearing, the board shall notify the applicant in writing of
8.24 its decision.

8.25 Sec. 16. Minnesota Statutes 2016, section 148.7811, is amended to read:

8.26 **148.7811 CHANGE OF ADDRESS.**

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

9.1 Sec. 17. Minnesota Statutes 2016, section 148.7812, subdivision 1, is amended to read:

9.2 Subdivision 1. ~~Number of contact hours required~~ **Board of Certification for the**
 9.3 **Athletic Trainer requirements.** An athletic trainer shall ~~complete during every three-year~~
 9.4 ~~period at least the equivalent of 60 contact hours of continuing professional postdegree~~
 9.5 ~~education in programs approved by the board.~~ meet the professional development
 9.6 requirements of the Board of Certification for the Athletic Trainer in order to maintain
 9.7 Board of Certification for the Athletic Trainer certification. These requirements may be met
 9.8 through a board-approved continuing education program.

9.9 Sec. 18. Minnesota Statutes 2016, section 148.7812, subdivision 2, is amended to read:

9.10 Subd. 2. **Approved programs.** The board shall approve a continuing education program
 9.11 that has been approved for ~~continuing education credit~~ maintenance of competence by the
 9.12 Board of Certification; for the Athletic Trainer or the board's its recognized successor.

9.13 Sec. 19. Minnesota Statutes 2016, section 148.7812, subdivision 4, is amended to read:

9.14 Subd. 4. **Verification of continuing education credits requirements.** The board shall
 9.15 periodically select a random sample of athletic trainers and require the athletic trainers to
 9.16 show evidence to the board of having completed the continuing education requirements
 9.17 attested to by the athletic trainer. Either the athletic trainer or state or national organizations
 9.18 that maintain continuing education records may provide to the board documentation of
 9.19 attendance at a continuing education program.

9.20 Sec. 20. Minnesota Statutes 2016, section 148.7813, subdivision 5, is amended to read:

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

9.23 Sec. 21. Minnesota Statutes 2016, section 148.7815, is amended to read:

9.24 **148.7815 FEES.**

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

9.26 (1) application fee, \$50; and

9.27 (2) annual ~~registration~~ license fee, \$100; .

9.28 ~~(3) temporary registration, \$100; and~~

9.29 ~~(4) temporary permit, \$50.~~

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

10.4 Subd. 3. **Penalty for a late application for ~~registration~~ license renewal.** The penalty
10.5 for late submission of a ~~registration~~ license renewal application under section 148.7809 is
10.6 \$15.

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

10.8 Sec. 22. **REVISOR'S INSTRUCTION.**

10.9 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall change the term
10.10 "register" or "registration" to "license" or "licensure" or similar terms wherever they appear
10.11 in Minnesota Statutes and Minnesota Rules when referring to athletic trainers.

10.12 Sec. 23. **REPEALER.**

10.13 Minnesota Statutes 2016, sections 148.7808, subdivisions 3, 4, and 5; and 148.7812,
10.14 subdivisions 3 and 5, are repealed.

10.15 Sec. 24. **EFFECTIVE DATE.**

10.16 Sections 1 to 23 are effective July 1, 2018. Athletic trainers' registrations shall be
10.17 converted to licenses at the next renewal. For purposes of interpreting sections 1 to 23 after
10.18 July 1, 2018, but before a registration is converted to a license, a registration is equivalent
10.19 to a license.

148.7808 REGISTRATION; REQUIREMENTS.

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

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

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

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

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

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

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

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

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

148.7812 CONTINUING EDUCATION REQUIREMENTS.

Subd. 3. **Approval of continuing education programs.** A continuing education program that has not been approved under subdivision 2 shall be approved by the board if:

(1) the program content directly relates to the practice of athletic training or sports medicine;

(2) each member of the program faculty shows expertise in the subject matter by holding a degree from an accredited education program, having verifiable experience in the field of athletic training or sports medicine, having special training in the subject area, or having experience teaching in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific written objectives describing the goals of the program for the participants; and

(5) the program sponsor maintains attendance records for four years.

Subd. 5. **Restriction on continuing education topics.** To meet the continuing education requirement in subdivision 1, an athletic trainer may have no more than ten hours of continuing education in the areas of management, risk management, personal growth, and educational techniques in a three-year reporting period.