

**CHAPTER 143--S.F.No. 614**

*An act relating to health licensing; modifying the Minnesota Athletic Trainers Act and Minnesota Psychology Practice Act; amending Minnesota Statutes 2016, sections 148.7802, subdivisions 2, 3, 6, 9; 148.7803; 148.7804; 148.7805, subdivisions 1, 3; 148.7806; 148.7808, subdivision 1; 148.7809, subdivisions 1, 2, 4; 148.7810, subdivisions 1, 3; 148.7811; 148.7812, subdivisions 1, 2, 4; 148.7813, subdivision 5; 148.7815; 148.915; Minnesota Statutes 2017 Supplement, section 148.925, subdivisions 5, 6; repealing Minnesota Statutes 2016, sections 148.7808, subdivisions 3, 4, 5; 148.7812, subdivisions 3, 5.*

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

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

Subd. 2. **Approved continuing education program.** "Approved continuing education program" means a continuing education program that meets the ~~continuing education~~ maintenance of competence requirements in section 148.7812 and is approved by the board.

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

Subd. 3. **Approved education program.** "Approved education program" means ~~a university, college, or other postsecondary~~ an education program of athletic training offered by an accredited university, college, or other postsecondary institution that, at the time the student completes the program, is approved or accredited by a nationally recognized accreditation agency for athletic training education programs approved by the board. ~~the student is eligible to attain national certification as an athletic trainer from the Board of Certification for the Athletic Trainer or its recognized successor.~~

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

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

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

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

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

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

Subdivision 1. License required. No person shall engage in athletic training without first being licensed under sections 148.7801 to 148.7815. A person engages in athletic training if the person performs or offers to perform athletic training as defined in section 148.7806.

~~Subdivision 1.~~ Subd. 2. **Designation.** (a) A person shall not use in connection with the person's name or in any form of advertising, professional literature, or billing that relates to the person's occupation or profession as an athletic trainer, the words or letters registered athletic trainer; licensed athletic trainer;

Minnesota registered athletic trainer; athletic trainer; AT; LAT; ATR; or any words, letters, abbreviations, or insignia indicating or implying that the person is an athletic trainer, without ~~a certificate of registration being licensed as an athletic trainer issued under sections 148.7808 to 148.7810~~ 148.7801 to 148.7815. A student attending a college or university athletic training program must be identified as an "athletic training student."

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

Subd. 3. **Exceptions.** (a) Nothing in sections 148.7801 to 148.7815 shall be construed to prohibit the practice of any profession or occupation licensed or registered by the state or to perform any act that falls within the scope of practice of the licensed or registered profession or occupation.

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

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

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

Subd. ~~2~~4. **Penalty.** A person who violates this section is guilty of a misdemeanor and subject to section 214.11.

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

#### **148.7804 POWERS OF THE BOARD.**

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

- (1) adopt rules necessary to implement sections 148.7801 to 148.7815;
- (2) prescribe ~~registration license~~ application forms, certificate of registration license forms, protocol forms, and other necessary forms;
- (3) approve a ~~registration licensure~~ examination;
- (4) keep a complete record of ~~registered~~ licensed athletic trainers, prepare a current official listing of the names and addresses of ~~registered~~ licensed athletic trainers, and make a copy of the list available to any person requesting it upon payment of a copying fee established by the board;
- (5) keep a permanent record of all its proceedings; and
- (6) establish the duties of, and employ, clerical personnel.

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

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

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

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

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

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

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

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

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

(2) distribute information regarding athletic trainer standards;

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

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

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

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

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

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

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

Sec. 9. Minnesota Statutes 2016, section 148.7806, is amended to read:

**148.7806 ATHLETIC TRAINING.**

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

(a) An athletic trainer shall:

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

(2) give emergency care and first aid;

(3) manage and treat athletic injuries; and

(4) rehabilitate and physically recondition athletic injuries.

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

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

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

(d) An athletic trainer may:

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

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

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

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

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

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

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

~~(2)~~ (2) file a written application on a form, provided by the board, that includes:

~~(+)~~ (i) the applicant's name, Social Security number, home address and telephone number, business address and telephone number, and business setting;

~~(2)~~ (ii) evidence satisfactory to the board of ~~the successful completion of an education program approved by the board~~ current national credentialing as a certified athletic trainer by the Board of Certification for the Athletic Trainer or its recognized successor;

~~(3)~~ (iii) educational background;

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

~~(5)~~ (v) ~~credentials held in other jurisdictions;~~

(iv) credentials held in this state or in other jurisdictions;

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

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

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

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

~~(10)~~ (viii) additional information as requested by the board;

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

~~(12)~~ (x) the applicant's signature on a waiver authorizing the board to obtain access to the applicant's records in this state or any other state in which the applicant has completed an education program approved by the board ~~or~~ engaged in the practice of athletic training-, or held other professional credentials;

(3) if the applicant holds or has held a credential as an athletic trainer in another jurisdiction, provide verification from the credentialing body in each jurisdiction that the applicant holds or has held a credential for the practice of athletic training; and

(4) if the applicant holds or has held a credential as another health professional in this state or another jurisdiction, provide verification from the credentialing body for that profession that the applicant holds or has held a credential for the practice of that profession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**148.7811 CHANGE OF ADDRESS.**

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

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

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

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

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

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

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

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

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

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

#### **148.7815 FEES.**

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

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

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

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

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

Sec. 22. Minnesota Statutes 2016, section 148.915, is amended to read:

#### **148.915 RECIPROCITY.**

(a) The board may grant a license to an applicant who meets the following requirements:

- (1) submits to the board a notarized application for licensure as a licensed psychologist by reciprocity;
- (2) at the time of application, is licensed, certified, or registered to practice psychology in another state or jurisdiction, and has been for at least ~~five~~ two consecutive years immediately preceding the date of application;
- (3) has a doctoral degree in psychology, which formed the basis for current licensure in another state or jurisdiction;

(4) is of good moral character and has no pending complaints or active disciplinary or corrective actions in any jurisdiction; and

(5) passes the Professional Responsibility Examination administered by the board and pays the fee associated with sitting for the examination.

(b) If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification, or disability is put upon licensed psychologists licensed and in good standing in this state, affecting the right of these licensed psychologists to be registered or licensed in that state, then the same or like burden, obligation, requirement, disqualification, or disability may be put upon the licensure in this state of licensed psychologists licensed in that state.

Sec. 23. Minnesota Statutes 2017 Supplement, section 148.925, subdivision 5, is amended to read:

Subd. 5. **Supervisory consultation for an applicant for licensure as a licensed psychologist.** Supervision of an applicant for licensure as a licensed psychologist ~~shall include at least two~~ must total 100 hours and must include two hours per week of regularly scheduled in-person consultations ~~per week~~. For full-time employment experience, one hour ~~of which shall~~ must be with the primary supervisor on an individual basis. The remaining hour may be with a designated supervisor. The board may approve an exception to the weekly supervision requirement for a week when the supervisor was ill or otherwise unable to provide supervision. The board may prorate the two hours per week of supervision for individuals preparing for licensure on a part-time basis. Supervised psychological employment does not qualify for licensure when the supervisory consultation is not adequate as described in subdivision 1, or in the board rules. The board shall not require a supervisee to have more than two hours of supervision per week for the purpose of obtaining a license, unless the supervisee is making up missed hours as permitted by the board.

Sec. 24. Minnesota Statutes 2017 Supplement, section 148.925, subdivision 6, is amended to read:

Subd. 6. ~~Supervisee duties~~ **Services provided by individuals preparing for licensure.** Applicants Individuals preparing for licensure as a licensed psychologist during their postdegree supervised psychological employment experience may perform as ~~part of their training~~ any of the services specified in section 148.89, ~~subdivision 5, but only under qualified supervision~~ if the services are performed as part of their training.

Sec. 25. **REVISOR'S INSTRUCTION.**

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

Sec. 26. **REPEALER.**

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

Sec. 27. **EFFECTIVE DATE.**

Sections 1 to 21, 25, and 26 are effective July 1, 2018. Athletic trainers' registrations shall be converted to licenses at the next renewal. For purposes of interpreting sections 1 to 21, 25, and 26 after July 1, 2018, but before a registration is converted to a license, a registration is equivalent to a license.

Presented to the governor May 14, 2018