

HOUSE BILL 1530

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By: **Delegate Arentz**

Introduced and read first time: February 18, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Athletic Trainers – Evaluation and Treatment Protocols – Approval**

3 FOR the purpose of altering a certain provision of law to require the Athletic Trainer
4 Advisory Committee to recommend to the State Board of Physicians approval,
5 modification, or disapproval of individual evaluation and treatment protocols;
6 authorizing, under certain circumstances, an athletic trainer to assume duties under
7 an evaluation and treatment protocol after receiving a certain recommendation from
8 the Committee; authorizing the Board to disapprove, under certain circumstances,
9 an evaluation and treatment protocol and specialized tasks included in an evaluation
10 and treatment protocol; requiring the Board, under certain circumstances, to send
11 certain notice to a primary supervising physician and an athletic trainer; requiring
12 an athletic trainer who receives notice of a certain disapproval to cease practicing
13 under a certain evaluation and treatment protocol or performing a certain
14 specialized task; providing that a member of the Board is not civilly liable for certain
15 actions and omissions; making a conforming change; and generally relating to the
16 regulation of athletic trainers.

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 14–5D–06 and 14–5D–11
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2015 Supplement)

22 BY adding to
23 Article – Health Occupations
24 Section 14–5D–11.3
25 Annotated Code of Maryland
26 (2014 Replacement Volume and 2015 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Health Occupations**

2 14–5D–06.

3 (a) In addition to the powers set forth elsewhere in this subtitle, the Committee
4 shall:

5 (1) Develop and recommend to the Board regulations to carry out this
6 subtitle;

7 (2) Develop and recommend to the Board continuing education
8 requirements for license renewal;

9 (3) Provide the Board with recommendations concerning the practice of
10 athletic training;

11 (4) Develop and recommend to the Board an evaluation and treatment
12 protocol for use by an athletic trainer and the physician with whom the athletic trainer
13 practices;

14 (5) [Provide advice and recommendations] **RECOMMEND** to the Board
15 [on] **APPROVAL, MODIFICATION, OR DISAPPROVAL OF** individual evaluation and
16 treatment protocols [when requested];

17 (6) Keep a record of its proceedings; and

18 (7) Submit an annual report to the Board.

19 (b) The Board shall:

20 (1) Consider all recommendations of the Committee; and

21 (2) Provide to the Committee an annual report on the disciplinary matters
22 involving licensees.

23 14–5D–11.

24 (a) Nothing in this title may be construed to authorize an athletic trainer to
25 practice except under the supervision of a licensed physician and in an approved setting.

26 (b) Before an athletic trainer may practice athletic training, the athletic trainer
27 shall:

28 (1) Obtain a license under this subtitle;

1 (2) Enter into a written evaluation and treatment protocol with a licensed
2 physician; and

3 (3) [Obtain] **EXCEPT AS PROVIDED IN § 14-5D-11.3(A) OF THIS**
4 **SUBTITLE, OBTAIN** Board approval of the evaluation and treatment protocol.

5 (c) An evaluation and treatment protocol shall:

6 (1) Describe the qualifications of the licensed physician and licensed
7 athletic trainer;

8 (2) Describe the settings where the athletic trainer may practice;

9 (3) Describe the physician supervision mechanisms that the physician will
10 use to give direction to the athletic trainer;

11 (4) Specify the treatment procedures the athletic trainer may perform;

12 (5) Describe tasks the athletic trainer may not perform;

13 (6) Describe specialized tasks the supervising physician is delegating to the
14 athletic trainer to perform with documentation of competencies, certification, credentials,
15 or any other requirements established by the Board to support the delegation of the
16 specialized tasks;

17 (7) Indicate whether the athletic trainer may accept outside referrals from
18 nonsupervising physicians and other licensed health care practitioners;

19 (8) Designate an alternate supervising physician, if appropriate or
20 necessary; and

21 (9) Contain an attestation that states the supervising physician will be
22 responsible for providing ongoing and immediately available instruction that is adequate
23 to ensure the safety and welfare of a patient and is appropriate to the setting.

24 (d) An athletic trainer may accept an outside referral from a nonsupervising
25 physician or licensed health care practitioner if:

26 (1) The supervising physician specifies in the evaluation and treatment
27 protocol that the athletic trainer may accept referrals from a nonsupervising physician or
28 licensed health care practitioner;

29 (2) The nonsupervising physician or licensed health care practitioner has
30 seen the athlete and has written an order for the care of the athlete; and

31 (3) The treatment procedures to be used by the athletic trainer are:

1 (i) Within the scope of practice of an athletic trainer; and

2 (ii) Included in the evaluation and treatment protocol that the
3 athletic trainer has entered into with the supervising physician.

4 (e) In the event of a sudden departure, incapacity, or death of a supervising
5 physician, a designated alternate supervising physician may assume the role of the
6 supervising physician by submitting an evaluation and treatment protocol to the Board
7 within 15 days of the event.

8 **14-5D-11.3.**

9 (A) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN
10 EVALUATION AND TREATMENT PROTOCOL AFTER RECEIVING A WRITTEN
11 RECOMMENDATION OF APPROVAL FROM THE COMMITTEE IF:

12 (1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT
13 INCLUDE SPECIALIZED TASKS; OR

14 (2) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES
15 SPECIALIZED TASKS THAT THE BOARD PREVIOUSLY HAS APPROVED UNDER §
16 14-5D-11 OF THIS SUBTITLE.

17 (B) THE BOARD MAY DISAPPROVE AN EVALUATION AND TREATMENT
18 PROTOCOL OR A SPECIALIZED TASK INCLUDED IN THE EVALUATION AND
19 TREATMENT PROTOCOL IF THE BOARD DETERMINES THAT:

20 (1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT MEET
21 THE REQUIREMENTS OF § 14-5D-11(C) OF THIS SUBTITLE;

22 (2) THE ATHLETIC TRAINER IS UNABLE TO PERFORM THE
23 SPECIALIZED TASK SAFELY; OR

24 (3) THE SPECIALIZED TASK IS OUTSIDE THE PRACTICE SCOPE OF AN
25 ATHLETIC TRAINER.

26 (C) IF THE BOARD DISAPPROVES AN EVALUATION AND TREATMENT
27 PROTOCOL OR A SPECIALIZED TASK INCLUDED IN AN EVALUATION AND TREATMENT
28 PROTOCOL, THE BOARD SHALL SEND TO THE PRIMARY SUPERVISING PHYSICIAN
29 AND THE ATHLETIC TRAINER WRITTEN NOTICE OF THE DISAPPROVAL.

30 (D) AN ATHLETIC TRAINER WHO RECEIVES NOTICE OF A DISAPPROVAL
31 UNDER SUBSECTION (C) OF THIS SECTION SHALL IMMEDIATELY CEASE PRACTICING

1 UNDER THE EVALUATION AND TREATMENT PROTOCOL OR PERFORMING THE
2 SPECIALIZED TASK.

3 (E) AN INDIVIDUAL MEMBER OF THE BOARD IS NOT CIVILLY LIABLE FOR
4 ANY ACT OR OMISSION RELATING TO THE APPROVAL, MODIFICATION, OR
5 DISAPPROVAL OF AN EVALUATION AND TREATMENT PROTOCOL.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2016.