

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 605

(Senators Bates and Kagan)

Education, Health, and Environmental Affairs

Health and Government Operations

Athletic Trainers - Evaluation and Treatment Protocols - Approval

This bill requires the Athletic Trainer Advisory Committee (ATAC) to recommend approval, modification, or disapproval of individual athletic trainer evaluation and treatment protocols to the State Board of Physicians (MBP). An athletic trainer may assume the duties under an evaluation and treatment protocol after receiving a written recommendation of approval from ATAC under specified circumstances. MBP may disapprove an evaluation and treatment protocol or a specialized task included in the evaluation and treatment protocol under specified circumstances.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An athletic trainer may assume the duties under an evaluation and treatment protocol after receiving a written recommendation for approval from ATAC if the protocol (1) does not include specialized tasks or (2) includes specialized tasks that have been previously approved by MBP. If the protocol includes specialized tasks that have not been previously approved, an athletic trainer may only perform the specialized tasks after receiving written approval from MBP.

MBP may disapprove an evaluation and treatment protocol, or a specialized task, if MBP determines that (1) the protocol does not meet existing requirements; (2) the athletic trainer is unable to perform the specialized task safely; or (3) the specialized task is outside an athletic trainer's scope of practice.

If MBP disapproves an evaluation and treatment protocol or a specialized task under a protocol, the board must send the primary supervising physician and the athletic trainer written notice of the disapproval. The athletic trainer must then immediately cease practicing under the protocol or performing the specialized task.

A member of MBP is not civilly liable for any act or omission relating to the approval, modification, or disapproval of an evaluation and treatment protocol.

Current Law: An individual must be licensed by MBP in order to practice athletic training. This requirement does not apply to (1) an individual employed by the federal government as an athletic trainer while the individual is practicing within the scope of that employment; (2) an individual employed by contract with an out-of-state entity if the individual represents that entity at an athletic activity in the State and provides athletic training services to that entity's individuals for no more than 45 days in a calendar year; or (3) a student enrolled in a specified educational program while engaging in unpaid, clinical and educational athletic training experience.

“Practice athletic training” means application of the following principles and methods for managing athletic injuries for athletes in good overall health under the supervision of a licensed physician: (1) prevention; (2) clinical evaluation and assessment; (3) immediate care; and (4) treatment, rehabilitation, and reconditioning. The definition includes the organization and administration of an athletic training program as well as instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries.

Athletic trainers may only practice under the supervision of a licensed physician and only in an approved setting. Athletic trainers must enter into a written evaluation and treatment protocol with a licensed physician, and the protocol must be approved by MBP. Upon MBP's request, ATAC may provide advice and recommendations on whether a protocol should be approved.

Similarly, physician assistants also may only practice under the supervision of a licensed physician and may only perform tasks that are authorized in a delegation agreement, which must be filed with MBP. Delegation agreements that include specified tasks require approval by MBP; the Physician Assistant Advisory Committee must recommend to the board on whether to approve such delegation agreements and tasks.

A physician assistant may practice under a delegation agreement on the date MBP receives the delegation agreement if the delegation agreement does not include tasks that require MBP approval, or the tasks have been preapproved. A physician assistant may practice under a delegation agreement that is still pending MBP approval if (1) the physician assistant receives a temporary practice letter from MBP; (2) the primary supervising physician has been previously approved to supervise physician assistants performing the specified tasks; and (3) the physician assistant has been previously approved by MBP to perform the tasks. If MBP denies approval for the pending delegation agreement or tasks, the board must notify the primary supervising physician and the physician assistant of the denial. The physician assistant must then immediately cease practicing under the delegation agreement or performing the specified tasks.

Background: According to the National Athletic Trainers' Association, athletic trainers provide physical medicine, rehabilitative, and preventative services for a variety of patients, including professional, college, secondary school, and youth athletes; dancers; musicians; and military personnel. Athletic trainers work in a variety of settings, including schools, physician clinics, hospitals, and manufacturing plants.

MBP advises that there are currently 557 licensed athletic trainers in the State.

Additional Information

Prior Introductions: HB 1103 of 2015, a bill with similar provisions, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: HB 232 (Delegate Hayes, *et al.*) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Maryland Athletic Trainers' Association, National Athletic Trainers' Association, Department of Legislative Services

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