

HOUSE BILL 497

J2

8lr1286
CF SB 151

By: **Delegate Wilson**

Introduced and read first time: January 25, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Athletic Trainers Act – Revisions**

3 FOR the purpose of altering the definition of “practice athletic training”; altering the
4 composition of the Athletic Trainer Advisory Committee; specifying that certain
5 members of the Committee may be appointed from a certain list of individuals
6 submitted to the State Board of Physicians by a certain successor organization;
7 requiring a licensed athletic trainer to practice athletic training in accordance with
8 standards of practice established by certain organizations; repealing certain
9 provisions of law requiring an athletic trainer to practice in a certain setting; altering
10 the information that is required to be included in an evaluation and treatment
11 protocol; repealing certain definitions; repealing certain obsolete provisions;
12 requiring that the terms of certain members of the Athletic Trainer Advisory
13 Committee terminate on the effective date of this Act; making conforming changes;
14 and generally relating to the Athletic Trainers Act.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 14–5D–01, 14–5D–05, 14–5D–07(a), 14–5D–10, and 14–5D–11
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Health Occupations
22 Section 14–5D–04
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2017 Supplement)

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

27 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 14-5D-01.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Alternate supervising physician" means one or more physicians designated
4 by the supervising physician to provide supervision of an athletic trainer:

5 (1) During the absence of the supervising physician; and

6 (2) In accordance with the evaluation and treatment protocol on file with
7 the Board.

8 [(c) "Athlete" means an individual who participates in an athletic activity.

9 (d) "Athletic activity" means exercise, recreation, sport, competition, or game
10 that:

11 (1) Requires physical strength, range of motion, flexibility, control, speed,
12 stamina, or agility; and

13 (2) Is associated with a setting as defined under this section, an
14 educational institution, or a professional, amateur, or recreational sports club or athletic
15 organization.

16 (e) "Athletic injury" means an injury that affects an athlete's participation or
17 performance in an athletic activity.]

18 [(f) (C) "Board" means the State Board of Physicians.

19 [(g) (D) "Committee" means the Athletic Trainer Advisory Committee
20 established under § 14-5D-04 of this subtitle.

21 [(h) "Educational institution" includes:

22 (1) The schools in the public elementary and secondary education system
23 of the State;

24 (2) A noncollegiate educational institution governed under § 2-206 of the
25 Education Article; and

26 (3) An institution of higher education as defined in § 10-101 of the
27 Education Article.]

28 [(i) (E) "Evaluation and treatment protocol" means a document that is
29 executed by a physician and an athletic trainer that meets the requirements of §

1 14–5D–11 of this subtitle.

2 [(j)] (F) “License” means a license issued by the Board to practice athletic
3 training.

4 [(k)] (G) “Licensed athletic trainer” means an individual who is licensed by the
5 Board to practice athletic training.

6 [(l)] (H) “Licensed health care practitioner” means an individual licensed,
7 certified, or otherwise authorized to practice a health occupation under this article.

8 [(m)] (I) “National certifying board” means the National Athletic Trainers’
9 Association Board of Certification, Inc., or its successor organization.

10 [(n)] (J) “Nonsupervising physician” means a physician licensed by the Board
11 who is not the supervising physician of the licensed athletic trainer.

12 [(o)] (K) “Outside referral” means a request for treatment from a nonsupervising
13 physician or licensed health care practitioner.

14 [(p) (1) “Practice athletic training” means application of the following
15 principles and methods for managing athletic injuries for athletes in good overall health
16 under the supervision of a licensed physician:

17 (i) Prevention;

18 (ii) Clinical evaluation and assessment;

19 (iii) Immediate care; and

20 (iv) Treatment, rehabilitation, and reconditioning.

21 (2) “Practice athletic training” includes:

22 (i) Organization and administration of an athletic training
23 program; and

24 (ii) Instruction to coaches, athletes, parents, medical personnel, and
25 community members regarding the care and prevention of athletic injuries.]

26 (L) (1) **“PRACTICE ATHLETIC TRAINING” MEANS TO PROVIDE THE**
27 **FOLLOWING SERVICES IN ACCORDANCE WITH THE STANDARDS OF PRACTICE**
28 **SPECIFIED IN § 14–5D–10(B)(2) OF THIS TITLE AND UNDER THE SUPERVISION OF A**
29 **PHYSICIAN IN ACCORDANCE WITH AN EVALUATION AND TREATMENT PROTOCOL**
30 **THAT MEETS THE REQUIREMENTS OF § 14–5D–11(C) OF THIS TITLE:**

- 1 **(I) PREVENTION OF AN INJURY OR ILLNESS;**
- 2 **(II) RECOGNITION AND EVALUATION OF AN INJURY OR ILLNESS;**
- 3 **(III) MANAGEMENT AND ADMINISTRATION OF THE INITIAL**
 4 **TREATMENT OF AN INJURY OR ILLNESS;**
- 5 **(IV) EMERGENCY CARE OR FIRST AID FOR AN INJURY OR**
 6 **ILLNESS; AND**
- 7 **(V) TREATMENT, REHABILITATION, OR RECONDITIONING OF**
 8 **AN INJURY OR ILLNESS, INCLUDING THE APPLICATION OF PHYSICAL AGENTS AND**
 9 **MODALITIES.**

10 **(2) “PRACTICE ATHLETIC TRAINING” INCLUDES THE:**

- 11 **(I) ESTABLISHMENT OR ADMINISTRATION OF RISK**
 12 **MANAGEMENT, CONDITIONING, AND INJURY PREVENTION PROGRAMS;**
- 13 **(II) PROVISION OF INJURY SCREENING;**
- 14 **(III) TAKING OF REASONABLE ACTION TO INFORM THE**
 15 **SUPERVISING PHYSICIAN IF AN INDIVIDUAL’S PHYSICAL STATUS INDICATES A**
 16 **CHANGE IN MEDICAL STATUS; OR**
- 17 **(IV) REFERRAL OF AN INDIVIDUAL TO AN APPROPRIATE**
 18 **HEALTH CARE PROVIDER AS NEEDED.**

19 **(3) “Practice athletic training” does not include[:**

- 20 **(i) The] THE practice of:**
- 21 **[1.] (I) Chiropractic[, including adjustments,**
 22 **manipulation, or high velocity mobilizations of the spine or extremities];**
- 23 **[2.] (II) Massage therapy;**
- 24 **[3.] (III) Medicine;**
- 25 **[4.] (IV) Occupational therapy;**
- 26 **[5.] (V) Physical therapy; or**
- 27 **[6.] (VI) Podiatry[;**

1 (ii) The reconditioning of systemic neurologic injuries, conditions, or
2 disease; or

3 (iii) Except for the conditioning of an athlete under the supervision
4 of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic
5 injuries or disease].

6 [(q) "Setting" means a:

7 (1) Location where an athletic activity, as defined in subsection (d) of this
8 section, is being held;

9 (2) Health or fitness club;

10 (3) Clinic or hospital;

11 (4) Corporation; or

12 (5) Government agency.]

13 [(r) (M) "Supervising physician" means a physician who has been approved by
14 the Board to supervise one or more athletic trainers.

15 [(s) (N) "Supervision" means the responsibility of a physician to provide
16 ongoing and immediately available instruction, in person, by telephone, or by other
17 electronic means, that is adequate to ensure the safety and welfare of a patient and is
18 appropriate to the setting.

19 14-5D-04.

20 There is an Athletic Trainer Advisory Committee within the Board.

21 14-5D-05.

22 (a) The Committee consists of [11] 7 members appointed by the Board as follows:

23 (1) [(i) On or before September 30, 2011, three athletic trainers who:

24 1. Are certified by a national certifying board; and

25 2. Have a minimum of 5 years of clinical experience; and

26 (ii) On or after October 1, 2011, three] **THREE** licensed athletic
27 trainers who:

1 [1.] (I) Are certified by a national certifying board; and

2 [2.] (II) Have a minimum of 5 years of clinical experience;

3 (2) Three licensed physicians:

4 (i) At least one of whom is a specialist in orthopedic or sports
5 medicine; and

6 (ii) Two of whom previously or currently have partnered with or
7 directed an athletic trainer; **AND**

8 **(3) ONE CONSUMER MEMBER.**

9 [(3) One licensed chiropractor who has sports medicine experience;

10 (4) One licensed physical therapist;

11 (5) One licensed occupational therapist; and

12 (6) Two consumer members.]

13 (b) (1) The athletic trainer members may be appointed by the Board from a
14 list of qualified individuals submitted to the Board by the Maryland Athletic Trainers
15 Association, Inc., **OR ITS SUCCESSOR ORGANIZATION.**

16 (2) The Board may request an additional list of nominees for each vacancy.

17 (c) The consumer member of the Committee:

18 (1) Shall be a member of the general public;

19 (2) May not be or ever have been:

20 (i) An athletic trainer;

21 (ii) A health care professional; or

22 (iii) In training to be an athletic trainer or other health professional;

23 and

24 (3) May not:

25 (i) Participate or ever have participated in a commercial or
26 professional field related to athletic training;

1 (ii) Have had within 2 years before appointment a financial interest
2 in a person regulated by the Board; or

3 (iii) Have had within 2 years before appointment a financial interest
4 in the provision of goods or services to athletic trainers or to the field of athletic training.

5 (d) (1) The term of a member is 3 years.

6 [(2) The terms of members are staggered as required by the terms provided
7 for members of the Committee on October 1, 2009.]

8 [(3)] (2) At the end of a term, a member continues to serve until a
9 successor is appointed.

10 [(4)] (3) A member who is appointed after a term has begun serves only
11 for the rest of the term and until a successor is appointed.

12 (e) (1) From among its members, the Committee shall elect a chair every 2
13 years.

14 (2) The chair shall serve in an advisory capacity to the Board as a
15 representative of the Committee.

16 14-5D-07.

17 (a) Except as otherwise provided in this subtitle, [on or after October 1, 2011,] an
18 individual shall be licensed by the Board before the individual may practice athletic
19 training in the State.

20 14-5D-10.

21 (a) An athletic trainer license authorizes the licensee to practice athletic training
22 services [in an approved setting] while the license is effective.

23 (b) A licensed athletic trainer shall practice athletic training in accordance with
24 the:

25 (1) [evaluation] **EVALUATION** and treatment protocol between the
26 athletic trainer and a licensed physician; **AND**

27 (2) **STANDARDS OF PRACTICE ESTABLISHED BY:**

28 (I) **THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION;**

29 (II) **THE BOARD OF CERTIFICATION FOR THE ATHLETIC**
30 **TRAINER; OR**

1 (III) ANY OTHER NATIONAL CERTIFYING ORGANIZATION
2 APPROVED BY THE BOARD.

3 14-5D-11.

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

6 (b) Before an athletic trainer may practice athletic training, the athletic trainer
7 shall:

8 (1) Obtain a license under this subtitle;

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

11 (3) Except as provided in § 14-5D-11.3(a) of this subtitle, obtain Board
12 approval of the evaluation and treatment protocol.

13 (c) An evaluation and treatment protocol shall:

14 (1) Describe the qualifications of the licensed physician and licensed
15 athletic trainer;

16 [(2) Describe the settings where the athletic trainer may practice;]

17 [(3) (2) Describe the physician supervision mechanisms that the
18 physician will use to give direction to the athletic trainer;

19 [(4) (3) [Specify] DESCRIBE the treatment procedures the athletic
20 trainer may perform;

21 [(5) (4) Describe tasks the athletic trainer may not perform;

22 [(6) (5) Describe specialized tasks the supervising physician is
23 delegating to the athletic trainer to perform with documentation of competencies,
24 certification, credentials, or any other requirements established by the Board to support
25 the delegation of the specialized tasks;

26 [(7) (6) Indicate whether the athletic trainer may accept outside
27 referrals from nonsupervising physicians and other licensed health care practitioners;

28 [(8) (7) Designate an alternate supervising physician, if appropriate or
29 necessary; and

1 ~~[(9)] (8)~~ Contain an attestation that states the supervising physician will
2 be responsible for providing ongoing and immediately available instruction that is adequate
3 to ensure the safety and welfare of a patient and is appropriate to the setting.

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

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

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the following
20 members of the Athletic Trainer Advisory Committee shall terminate on the effective date
21 of this Act:

22 (1) the licensed chiropractor member;

23 (2) the licensed physical therapist member;

24 (3) the occupational therapist member; and

25 (4) the longest serving consumer member.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.