

SENATE BILL 732

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CF HB 576

By: **Senator Lam**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Athletic Training – Revisions**

3 FOR the purpose of altering the definition of “practice athletic training”; requiring a
4 licensed athletic trainer to practice athletic training in accordance with standards of
5 practice established by certain organizations; repealing certain provisions of law
6 requiring an athletic trainer to practice in a certain setting; altering the information
7 that is required to be included in an evaluation and treatment protocol; repealing
8 certain definitions; repealing certain obsolete provisions; making conforming
9 changes; and generally relating to the Maryland Athletic Trainers Act.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 14–5D–01, 14–5D–05, 14–5D–07(a), 14–5D–10, and 14–5D–11
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health Occupations
17 Section 14–5D–04
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2019 Supplement)

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

22 **Article – Health Occupations**

23 14–5D–01.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Alternate supervising physician” means one or more physicians designated
2 by the supervising physician to provide supervision of an athletic trainer:

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

4 (2) In accordance with the evaluation and treatment protocol on file with
5 the Board.

6 [(c) “Athlete” means an individual who participates in an athletic activity.

7 (d) “Athletic activity” means exercise, recreation, sport, competition, or game
8 that:

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

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

14 (e) “Athletic injury” means an injury that affects an athlete’s participation or
15 performance in an athletic activity.]

16 [(f) (C) “Board” means the State Board of Physicians.

17 [(g) (D) “Committee” means the Athletic Trainer Advisory Committee
18 established under § 14–5D–04 of this subtitle.

19 [(h) “Educational institution” includes:

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

22 (2) A noncollegiate educational institution governed under § 2–206 of the
23 Education Article; and

24 (3) An institution of higher education as defined in § 10–101 of the
25 Education Article.]

26 [(i) (E) “Evaluation and treatment protocol” means a document that is
27 executed by a physician and an athletic trainer that meets the requirements of §
28 14–5D–11 of this subtitle.

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

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

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

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

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

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

11 [(p)] (L) (1) “Practice athletic training” means application of the following
12 principles and methods for managing [athletic] injuries for [athletes in good overall health]
13 **INDIVIDUALS** under the supervision of a licensed physician:

14 (i) **Prevention AND WELLNESS PROMOTION;**

15 (ii) Clinical evaluation, **EXAMINATION, DIAGNOSIS,** and
16 assessment;

17 (iii) Immediate care **AND EMERGENCY CARE;** and

18 (iv) Treatment, rehabilitation, and reconditioning.

19 (2) “Practice athletic training” includes:

20 (i) Organization and administration of an athletic training
21 program; [and]

22 (ii) Instruction to coaches, athletes, parents, medical personnel, and
23 community members regarding the care and prevention of [athletic] injuries; **AND**

24 **(III) MAKING CLINICAL DECISIONS TO DETERMINE WHETHER A**
25 **CONSULTATION OR REFERRAL IS NECESSARY.**

26 (3) “Practice athletic training” does not include:

27 (i) The practice of:

28 1. Chiropractic, including adjustments, manipulation, or
29 high velocity mobilizations of the spine or extremities;

- 1 (1) [(i) On or before September 30, 2011, three athletic trainers who:
- 2 1. Are certified by a national certifying board; and
- 3 2. Have a minimum of 5 years of clinical experience; and
- 4 (ii) On or after October 1, 2011, three] **THREE** licensed athletic
- 5 trainers who:
- 6 [1.] **(I)** Are certified by a national certifying board; and
- 7 [2.] **(II)** Have a minimum of 5 years of clinical experience;
- 8 (2) Three licensed physicians:
- 9 (i) At least one of whom is a specialist in orthopedic or sports
- 10 medicine; and
- 11 (ii) Two of whom previously or currently have partnered with or
- 12 directed an athletic trainer;
- 13 (3) One licensed chiropractor who has sports medicine experience;
- 14 (4) One licensed physical therapist;
- 15 (5) One licensed occupational therapist; and
- 16 (6) Two consumer members.
- 17 (b) (1) The athletic trainer members may be appointed by the Board from a
- 18 list of qualified individuals submitted to the Board by the Maryland Athletic Trainers
- 19 Association, Inc.
- 20 (2) The Board may request an additional list of nominees for each vacancy.
- 21 (c) The consumer member of the Committee:
- 22 (1) Shall be a member of the general public;
- 23 (2) May not be or ever have been:
- 24 (i) An athletic trainer;
- 25 (ii) A health care professional; or
- 26 (iii) In training to be an athletic trainer or other health professional;
- 27 and

1 (3) May not:

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

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

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

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

9 (2) The terms of members are staggered as required by the terms provided
10 for members of the Committee on October 1, 2009.

11 (3) At the end of a term, a member continues to serve until a successor is
12 appointed.

13 (4) A member who is appointed after a term has begun serves only for the
14 rest of the term and until a successor is appointed.

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

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

19 14-5D-07.

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

23 14-5D-10.

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

26 (b) A licensed athletic trainer shall practice athletic training in accordance with
27 the [evaluation]:

28 (1) **EVALUATION** and treatment protocol between the athletic trainer and
29 a licensed physician; **AND**

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

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

3 **(II) THE BOARD OF CERTIFICATION FOR THE ATHLETIC**
4 **TRAINER; OR**

5 **(III) ANY OTHER NATIONAL CERTIFYING ORGANIZATION**
6 **APPROVED BY THE BOARD.**

7 14–5D–11.

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

10 (b) Before an athletic trainer may practice athletic training, the athletic trainer
11 shall:

12 (1) Obtain a license under this subtitle;

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

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

17 (c) An evaluation and treatment protocol shall:

18 (1) Describe the qualifications of the licensed physician and licensed
19 athletic trainer;

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

21 [(3)] **(2)** Describe the physician supervision mechanisms that the
22 physician will use to give direction to the athletic trainer;

23 [(4)] **(3)** [Specify] **DESCRIBE** the treatment procedures the athletic
24 trainer may perform;

25 [(5)] **(4)** Describe tasks the athletic trainer may not perform;

26 [(6)] **(5)** Describe specialized tasks the supervising physician is
27 delegating to the athletic trainer to perform with documentation of competencies,
28 certification, credentials, or any other requirements established by the Board to support
29 the delegation of the specialized tasks;

1 ~~[(7)]~~ **(6)** Indicate whether the athletic trainer may accept outside
2 referrals from nonsupervising physicians and other licensed health care practitioners;

3 ~~[(8)]~~ **(7)** Designate an alternate supervising physician, if appropriate or
4 necessary; and

5 ~~[(9)]~~ **(8)** Contain an attestation that states the supervising physician will
6 be responsible for providing ongoing and immediately available instruction that is adequate
7 to ensure the safety and welfare of a patient and is appropriate to the setting.

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

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

13 (2) The nonsupervising physician or licensed health care practitioner has
14 seen the [athlete] **INDIVIDUAL** and has written an order for the care of the [athlete]
15 **INDIVIDUAL**; and

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.