

(PRE-FILED)

By: **Delegate Fulton**
Requested: November 14, 1997
Introduced and read first time: January 14, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Fitness Trainers - Standards - Registration**

3 FOR the purpose of prohibiting an individual on or after a certain date from offering
4 or providing certain physio-technology services within the scope of practice of a
5 fitness trainer unless the individual is registered with the State Board of
6 Physician Quality Assurance; requiring the Board on or before a certain date to
7 adopt certain regulations that establish certain standards for fitness trainers;
8 prohibiting certain persons from hiring or employing individuals who are not
9 registered as fitness trainers; providing a certain exception; specifying the
10 application of this Act; specifying the scope of this Act; establishing a certain
11 penalty; defining certain terms; and generally relating to the registration of
12 fitness trainers.

13 BY adding to
14 Article - Health Occupations
15 Section 14-507
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1997 Supplement)

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

20 **Article - Health Occupations**

21 14-507.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "FITNESS TRAINER" MEANS AN INDIVIDUAL WHO PRACTICES
25 PHYSIO-TECHNOLOGY WITHIN THE SCOPE OF PRACTICE FOR A FITNESS TRAINER AS
26 DESCRIBED IN SUBSECTION (G) OF THIS SECTION.

1 (3) (I) "PHYSIO-TECHNOLOGY" MEANS THE STUDY AND APPLICATION
2 OF THE ART AND SCIENCE OF PHYSICAL CONDITIONING COMBINED WITH
3 HEALTHFUL BEHAVIOR MODIFICATION TECHNIQUES THAT:

4 1. IS PREVENTIVE IN NATURE, BUT NOT CORRECTIVE,
5 THERAPEUTIC, OR REHABILITATIVE; AND

6 2. INCORPORATES THE USE OF PASSIVE, ACTIVE, AND
7 RESISTIVE EXERCISE TO MAINTAIN AND IMPROVE HUMAN FUNCTION.

8 (II) "PHYSIO-TECHNOLOGY" INCLUDES:

9 1. HEALTH AND FITNESS ASSESSMENTS AND TESTING
10 PROCEDURES;

11 2. INJURY RECOGNITION, APPRAISAL, PRELIMINARY
12 TREATMENT, AND INSTRUCTION; AND

13 3. COUNSELING ON WELLNESS AND PUBLIC HEALTH
14 ISSUES, INCLUDING:

15 A. WEIGHT MANAGEMENT;

16 B. SMOKING CESSATION;

17 C. NUTRITIONAL COUNSELING;

18 D. STRESS MANAGEMENT; AND

19 E. DISEASE PREVENTION.

20 (B) (1) THIS SECTION APPLIES TO THE PRACTICE OF PHYSIO-TECHNOLOGY
21 AS IT DIRECTLY RELATES TO, COVERS, SUPERSEDES, AND FULLY INTEGRATES THE
22 PRACTICES COMMONLY REFERRED TO AS PERSONAL AND PRIVATE TRAINING,
23 HEALTH AND FITNESS INSTRUCTION, WELLNESS COUNSELING, FITNESS
24 CONSULTATION, EXERCISE-BASED HEALTH PROMOTION, OR ANY OTHER POPULAR
25 TERM OR TITLE THAT ENCOMPASSES OR INCORPORATES THE PRACTICE OF
26 PHYSIO-TECHNOLOGY WITHIN THE SCOPE OF PRACTICE FOR A FITNESS TRAINER
27 DESCRIBED IN SUBSECTION (G) OF THIS SECTION.

28 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS
29 SECTION DOES NOT APPLY TO INDIVIDUALS OFFERING SERVICES AS "AEROBICS
30 INSTRUCTORS", "DANCE EXERCISE LEADERS", OR ANY OTHER POPULAR TERM OR
31 TITLE USED FOR INDIVIDUALS RENDERING INSTRUCTION TO GROUPS OR
32 INDIVIDUALS IN BASIC DANCE-STYLE EXERCISE.

33 (II) THIS SECTION DOES APPLY TO INDIVIDUALS OFFERING
34 SERVICES AS "AEROBICS INSTRUCTORS", "DANCE EXERCISE LEADERS", OR ANY
35 OTHER POPULAR TERM OR TITLE USED FOR INDIVIDUALS RENDERING INSTRUCTION
36 TO GROUPS OR INDIVIDUALS IN BASIC DANCE-STYLE EXERCISE WHO EXPAND THE

1 SCOPE OF SERVICES OFFERED TO INCLUDE NUTRITIONAL COUNSELING OR
2 CONSULTATION OR RESISTANCE TRAINING OR INCORPORATE MUSCULAR
3 CONDITIONING OR CARDIOVASCULAR MACHINES INTO THEIR PROGRAMS.

4 (C) THIS SECTION DOES NOT:

5 (1) LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH
6 OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS
7 ARTICLE; OR

8 (2) AUTHORIZE AN INDIVIDUAL PRACTICING PHYSIO-TECHNOLOGY AS
9 A FITNESS TRAINER UNDER THIS SECTION TO PRACTICE MEDICINE OR ANY OTHER
10 FORM OF HEALING, INCLUDING THE DRAWING OF BLOOD, OR PROVIDING ANY OTHER
11 PROCEDURE THAT IS OUTSIDE THE SCOPE OF PRACTICE FOR A FITNESS TRAINER AS
12 DESCRIBED IN SUBSECTION (G) OF THIS SECTION.

13 (D) ON OR AFTER OCTOBER 1, 2000, UNLESS REGISTERED WITH THE BOARD
14 UNDER THIS SECTION, AN INDIVIDUAL MAY NOT PRACTICE PHYSIO-TECHNOLOGY AS
15 A FITNESS TRAINER.

16 (E) (1) ON OR BEFORE JANUARY 1, 1999, THE BOARD, IN CONSULTATION
17 WITH THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND
18 REGULATION, SHALL ADOPT REGULATIONS THAT ESTABLISH STANDARDS FOR THE
19 REGISTRATION OF FITNESS TRAINERS UNDER THIS SECTION.

20 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
21 SUBSECTION SHALL INCLUDE:

22 (I) EDUCATION AND TRAINING REQUIREMENTS FOR
23 REGISTRATION, INCLUDING CERTIFICATION BY A NATIONAL CERTIFYING
24 ORGANIZATION;

25 (II) A CODE OF ETHICS;

26 (III) PROCEDURES FOR THE RENEWAL OF A REGISTRATION; AND

27 (IV) PROCEDURES AND BASES FOR THE SUSPENSION, DENIAL, OR
28 NONRENEWAL OF A REGISTRATION.

29 (F) THE BOARD SHALL REGISTER ANY INDIVIDUAL AS A FITNESS TRAINER
30 WHO MEETS THE REQUIREMENTS FOR REGISTRATION ADOPTED BY THE BOARD BY
31 REGULATION UNDER THIS SECTION.

32 (G) THE SCOPE OF PRACTICE FOR A FITNESS TRAINER UNDER THIS SECTION
33 SHALL INCLUDE THE FOLLOWING:

34 (1) HEALTH APPRAISAL AND FITNESS TESTING THAT INCLUDES
35 ROUTINE PRELIMINARY HEALTH ASSESSMENT PROCEDURES SUCH AS THE TAKING
36 OF PRIOR MEDICAL HISTORY AND NONDIAGNOSTIC EXERCISE TESTING;

1 (2) EXERCISE AND ACTIVITY PROGRAMMING THAT INCLUDES THE
2 DESIGN AND ADMINISTRATION OF EXERCISE ACTIVITIES OR PROGRAMS BASED ON
3 INFORMATION OBTAINED FROM A PRELIMINARY HEALTH ASSESSMENT AND
4 NONDIAGNOSTIC EXERCISE TESTING;

5 (3) NUTRITION AND WEIGHT MANAGEMENT PROGRAMMING; AND

6 (4) INJURY ASSESSMENT, INTERVENTION, AND PRELIMINARY
7 TREATMENT IN THE EVENT OF AN INJURY SUSTAINED BY AN INDIVIDUAL DURING
8 AN EXERCISE ACTIVITY OR PROGRAM BEING SUPERVISED BY THE FITNESS TRAINER.

9 (H) (1) A FITNESS TRAINER REGISTERED UNDER THIS SECTION MAY OFFER
10 AND RENDER SERVICES IN A VARIETY OF SETTINGS, INCLUDING HEALTH CLUBS AND
11 OTHER COMMERCIAL HEALTH AND FITNESS FACILITIES, HOTELS, CORPORATE
12 WELLNESS CENTERS, COMMUNITY-BASED CENTERS, AND PRIVATE RESIDENCES.

13 (2) UNLESS THE INDIVIDUAL IS REGISTERED UNDER THIS SECTION AS A
14 FITNESS TRAINER, A PERSON MAY NOT HIRE OR EMPLOY AN INDIVIDUAL AS A
15 FITNESS TRAINER UNDER THIS SECTION.

16 (3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO AN
17 INDIVIDUAL WHO HIRES OR EMPLOYS A FITNESS TRAINER TO RENDER SERVICES TO
18 THE INDIVIDUAL IN THE INDIVIDUAL'S PRIVATE RESIDENCE.

19 (I) (1) UNLESS REGISTERED WITH THE BOARD AS A FITNESS TRAINER
20 UNDER THIS SECTION, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY
21 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE
22 PERSON IS AUTHORIZED TO PRACTICE PHYSIO-TECHNOLOGY AS A FITNESS TRAINER
23 IN THIS STATE.

24 (2) UNLESS REGISTERED WITH THE BOARD AS A FITNESS TRAINER
25 UNDER THIS SECTION, A PERSON MAY NOT USE THE ABBREVIATION "F.T." OR "R.F.T.".

26 (J) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
27 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH
28 VIOLATION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1998.