

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 1469 (Delegate Bromwell)
 Health and Government Operations

Health Occupations - Maryland Athletic Trainers Act

This bill requires the State Board of Physicians to license and regulate the practice of athletic training and establishes an Athletic Trainer Advisory Committee within the board.

Fiscal Summary

State Effect: No effect in FY 2009 or 2010 as the board develops regulations. Special fund expenditures could increase by \$36,400 in FY 2011 to hire a part-time administrator to finalize regulations and prepare to issue licenses. Future year special fund expenditures reflect inflation. Special fund revenues could increase by \$89,600 in FY 2012 as athletic trainers are initially licensed. Future year special fund revenues reflect biennial licensure and new licenses being issued. Potential minimal increase in general fund revenues and expenditures beginning in FY 2012 due to the bill’s criminal penalty provisions.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	\$0	\$0	\$0	-	-
SF Revenue	0	0	0	89,600	5,400
GF Expenditure	0	0	0	-	-
SF Expenditure	0	0	36,400	33,500	35,100
Net Effect	\$0	\$0	(\$36,400)	\$56,100	(\$29,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Potential minimal increase in revenues and expenditures due to the bill’s criminal penalty provisions.

Small Business Effect: Meaningful for athletic trainers that would be required to be licensed.

Analysis

Bill Summary: “Practice athletic training” means application of the following principles and methods for managing athletic injuries for active individuals and athletes in good overall health under the direction of a licensed physician • prevention; • clinical evaluation and assessment; • immediate care; and • treatment, rehabilitation, and reconditioning. This includes the organization and administration of an athletic program and instruction to coaches, athletes, parents, medical personnel, and community members regarding the care and prevention of athletic injuries. It does not include the practice of chiropractic, massage therapy, medicine, occupational therapy, physical therapy, or the reconditioning of systemic neurologic injuries, conditions, or disease.

On or after October 1, 2011, an individual has to be licensed in order to practice athletic training in the State, with some exceptions. The bill specifies age, education, and other credentialing requirements that an applicant has to meet in order to be licensed. An athletic trainer license authorizes the licensee to practice athletic training under the supervision of a licensed physician in approved settings which are defined under the bill. A supervising physician is one that has been approved by the board to enter into a written evaluation and treatment protocol to treat athletic injuries with one or more athletic trainers. The supervising physician is responsible for providing ongoing and immediately available instruction that ensures the safety and welfare of a patient and is appropriate to the setting.

The bill requires the Board of Physicians to issue licenses and set fees to issue and renew such licenses. The fees charged have to be set so that the funds generated approximate the costs of maintaining the program.

The Athletic Training Advisory Committee, consisting of eight members appointed by the board, is charged with developing and recommending • regulations; • continuing education requirements; • and an evaluation and treatment protocol for an athletic trainer and the physician with whom the athletic trainer practices. The committee also has to provide the board with recommendations concerning the practice of athletic training and keep a record of its proceedings. Committee members serve three-year terms which are staggered.

The bill also sets specific grounds for disciplinary action against a licensee or applicant, which includes an opportunity for a hearing. Instead of taking disciplinary action against

a licensee who does not obtain the required continuing education credits, the board can impose a fine of up to \$100 per credit.

An individual who violates any provision of the bill is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 or imprisonment for up to one year, or both. In addition, an individual who violates the bill is subject to a civil fine of up to \$5,000, payable to the Board of Physicians Fund.

The bill subjects the new licensure program to periodic review under the Maryland Program Evaluation Act, as for other health occupations boards, and aligns the program termination date with the termination dates for other allied health professionals regulated by the Board of Physicians and the board itself. This would subject the program to preliminary review in 2010 – before any licensing activity has taken place.

Current Law: Maryland law does not specifically address athletic trainers. Individual health care providers who provide related services are regulated under their respective health occupations boards.

Background: According to the Maryland Athletic Trainers Association, there are 498 certified athletic trainers in Maryland. Forty-six states regulate athletic training, and forty-five of those states require athletic trainers to pass the National Board of Certification for the Athletic Trainer exam.

In 2007, at the request of the House Health and Government Operations Committee, the Board of Physicians convened an athletic trainers workgroup to study regulation of such trainers.

State Revenues: With some exceptions, personal trainers would be required to be licensed on or after October 1, 2011. The bill does not authorize licensure before that date. Legislative Services assumes that the 498 athletic trainers currently certified would become licensed in fiscal 2012 at a fee of \$180. Thus, new special fund revenues in fiscal 2012 would total \$89,640. In fiscal 2013, it is assumed that another 30 athletic trainers would be licensed, providing \$5,400 in special fund revenue. To comply with the bill's mandate that revenues approximate the cost of maintaining the new program, the board may have to adjust licensing and renewal fees if the number of athletic trainer license applicants varies significantly from this estimate.

The civil and criminal penalty provisions of this bill are not expected to generate a significant amount of additional State revenues.

State Expenditures: No effect in fiscal 2009 and 2010 as the board begins to develop regulations. Special fund expenditures could increase by an estimated \$36,366 in fiscal 2011, which accounts for the board hiring one part-time administrator to finalize regulations and prepare to issue licenses the following year. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	0.5
Salary and Fringe Benefits	\$28,324
Operating Expenses	3,647
Start-up Costs	<u>4,395</u>
Total FY 2010 Expenditures	\$36,366

Future year expenditures reflect • a part-time salary with 4.4% annual increases and 3% employee turnover; and • 2% annual increases in ongoing operating expenses.

The criminal penalty provisions of this bill are not expected to generate a significant amount of additional State expenditures.

Local Fiscal Effect: The criminal penalty provisions of this bill are not expected to significantly affect local revenues or expenditures.

Additional Information

Prior Introductions: A similar bill, (SB 584 of 2007) was heard by the Education Health and Environmental Affairs Committee and subsequently referred to the same committee for an interim study.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

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