

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 173 (Delegate Bromwell, *et al.*)
 Health and Government Operations Education, Health, and Environmental Affairs

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 2010 as the board develops regulations. Special fund expenditures increase by \$62,300 in FY 2011 to hire one administrator to finalize regulations and prepare to issue licenses. Future year special fund expenditures reflect inflation. Special fund revenues increase by \$98,600 in FY 2012 to reflect fees paid by newly licensed athletic trainers. 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 2010	FY 2011	FY 2012	FY 2013	FY 2014
GF Revenue	\$0	\$0	-	-	-
SF Revenue	\$0	\$0	\$98,600	\$6,000	\$92,300
GF Expenditure	\$0	\$0	-	-	-
SF Expenditure	\$0	\$62,300	\$60,800	\$63,800	\$66,900
Net Effect	\$0	(\$62,300)	\$37,800	(\$57,800)	\$25,400

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 who are required to be licensed and work under the evaluation and treatment protocol of a supervising physician.

Analysis

Bill Summary: On or after October 1, 2011, an individual must be licensed in order to practice athletic training in the State, with some exceptions. “Practice athletic training” means application of the following principles and methods for managing athletic injuries for 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; the reconditioning of systemic neurologic injuries, conditions, or disease; or, except for the conditioning of an athlete under the supervision of a treating physician, the treatment, rehabilitation, or reconditioning of nonathletic injuries or disease.

The bill specifies age, education, and other credentialing requirements that an applicant has to meet to be licensed. An athletic trainer license authorizes the licensee to practice athletic training under the supervision of a licensed physician in approved settings that 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 must be set so that the funds generated approximate the costs of maintaining the program.

The Athletic Training Advisory Committee, consisting of 11 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 staggered three-year terms.

The bill also sets specific grounds and procedures 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 and/or imprisonment for up to one year. 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. Individuals aggrieved by a decision of the board may seek a direct judicial appeal.

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 subjects the program to preliminary review in 2010 – before any licensing activity has taken place.

Current Law: Maryland law does not specifically address the practice of athletic training. 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 493 certified athletic trainers in Maryland. At least 46 states regulate athletic training.

State Revenues: With some exceptions, personal trainers are required to be licensed on or after October 1, 2011. The bill does not authorize licensure before that date. Legislative Services assumes that each of the 493 athletic trainers currently certified becomes licensed in fiscal 2012 at a fee of \$200. Thus, new special fund revenues in fiscal 2012 total \$98,600. In fiscal 2013, it is assumed that another 30 athletic trainers are licensed, providing \$6,000 in special fund revenue. In fiscal 2014, 493 licensed athletic trainers renew at a fee of \$175 and another 30 athletic trainers are licensed, providing a total of \$92,275 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.

State Expenditures: No effect in fiscal 2010 as the board begins to develop regulations. Special fund expenditures increase by an estimated \$62,322 in fiscal 2011, which accounts for the board hiring one 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.

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Salary and Fringe Benefits	\$55,391
Operating Expenses	2,636
Start-up Costs	4,295
Total FY 2011 Expenditures	\$62,322

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover.

Additional Information

Prior Introductions: HB 1469 of 2008 was heard by the House Health and Government Operations Committee, but no further action was taken on the bill.

Cross File: SB 247 (Senator Rosapepe, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Office of Administrative Hearings, Maryland Athletic Trainers Association, Department of Legislative Services

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