

SENATE BILL 605

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6lr3303
CF HB 232

By: **Senators Bates and Kagan**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Athletic Trainers – Evaluation and Treatment Protocols –**
3 **Approval**

4 FOR the purpose of altering the definition of “practice athletic training” to include
5 instruction to tactical athletes regarding the care and prevention of athletic injuries
6 while engaging in tactical athletic activity; granting, except under certain
7 circumstances, immunity from civil liability to a member of the State Board of
8 Physicians for an act or omission relating to the approval of a certain evaluation and
9 treatment protocol; authorizing an athletic trainer to assume certain duties under
10 an evaluation and treatment protocol on the date of receipt by the Board of a written
11 recommendation of approval from the Athletic Trainer Advisory Committee under
12 certain circumstances; authorizing an athletic trainer, on receipt of a temporary
13 practice letter, to practice a certain specialized task under certain circumstances if
14 an evaluation and treatment protocol is pending approval by the Board; requiring
15 the Board to send a certain notice to a certain primary supervising physician and
16 certain athletic trainer if the Board disapproves a certain protocol or a certain
17 specialized task under a certain protocol; requiring a certain athletic trainer to cease
18 to practice under a certain protocol or to perform a certain specialized task after
19 receiving a certain notice of disapproval; altering certain definitions; defining certain
20 terms; and generally relating to the practice of athletic trainers.

21 BY repealing and reenacting, with amendments,
22 Article – Health Occupations
23 Section 14–5D–01 and 14–5D–11
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2015 Supplement)

26 BY adding to
27 Article – Health Occupations
28 Section 14–5D–11.3
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2015 Supplement)

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

Article – Health Occupations

14–5D–01.

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

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

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

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

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

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

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

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

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

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

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

(h) “Educational institution” includes:

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

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

1 (3) An institution of higher education as defined in § 10–101 of the
2 Education Article.

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

6 (j) “License” means a license issued by the Board to practice athletic training.

7 (k) “Licensed athletic trainer” means an individual who is licensed by the Board
8 to practice athletic training.

9 (l) “Licensed health care practitioner” means an individual licensed, certified, or
10 otherwise authorized to practice a health occupation under this article.

11 (m) “National certifying board” means the National Athletic Trainers’ Association
12 Board of Certification, Inc., or its successor organization.

13 (n) “Nonsupervising physician” means a physician licensed by the Board who is
14 not the supervising physician of the licensed athletic trainer.

15 (o) “Outside referral” means a request for treatment from a nonsupervising
16 physician or licensed health care practitioner.

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

20 (i) Prevention;

21 (ii) Clinical evaluation and assessment;

22 (iii) Immediate care; and

23 (iv) Treatment, rehabilitation, and reconditioning.

24 (2) “Practice athletic training” includes:

25 (i) Organization and administration of an athletic training
26 program; [and]

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

(III) INSTRUCTION TO TACTICAL ATHLETES REGARDING THE CARE AND PREVENTION OF ATHLETIC INJURIES WHILE ENGAGING IN TACTICAL ATHLETIC ACTIVITY.

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

(i) The practice of:

1. Chiropractic, including adjustments, manipulation, or high velocity mobilizations of the spine or extremities;
2. Massage therapy;
3. Medicine;
4. Occupational therapy;
5. Physical therapy; or
6. Podiatry;

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

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

(q) “Setting” means [a]:

(1) [Location where an athletic activity, as defined in subsection (d) of this section, is being held] **AN EDUCATIONAL INSTITUTION;**

(2) A PROFESSIONAL, AN AMATEUR, OR A RECREATIONAL SPORTS CLUB OR ATHLETIC ORGANIZATION;

~~[(2)](3)~~ [Health] **A HEALTH** or fitness club;

~~[(3)](4)~~ [Clinic] **A CLINIC** or hospital;

~~[(4)](5)~~ [Corporation] **A CORPORATION;** or

~~[(5)](6)~~ [Government] **A GOVERNMENT** agency.

(R) “STATE OR LOCAL PUBLIC SAFETY EMPLOYEE” MEANS AN INDIVIDUAL WHO IS:

- 1 **(1) A CAREER OR VOLUNTEER MEMBER OF:**
- 2 **(I) A FIRE DEPARTMENT;**
- 3 **(II) AN AMBULANCE COMPANY OR SQUAD; OR**
- 4 **(III) A RESCUE COMPANY OR SQUAD;**
- 5 **(2) A LAW ENFORCEMENT OFFICER;**
- 6 **(3) A CORRECTIONAL OFFICER; OR**
- 7 **(4) A MEMBER OF THE MARYLAND NATIONAL GUARD.**

8 **[(r)](S)** “Supervising physician” means a physician who has been approved by
9 the Board to supervise one or more athletic trainers.

10 **[(s)](T)** “Supervision” means the responsibility of a physician to provide
11 ongoing and immediately available instruction, in person, by telephone, or by other
12 electronic means, that is adequate to ensure the safety and welfare of a patient and is
13 appropriate to the setting.

14 **(U) “TACTICAL ATHLETE” MEANS AN ATHLETE WHO PARTICIPATES IN**
15 **TACTICAL ATHLETIC ACTIVITY.**

16 **(V) “TACTICAL ATHLETIC ACTIVITY” MEANS HIGH-RISK ACTION OR**
17 **MOVEMENT THAT REQUIRES PHYSICAL STRENGTH, RANGE OF MOTION,**
18 **FLEXIBILITY, CONTROL, SPEED, STAMINA, AGILITY, OR AN AEROBIC OR ANAEROBIC**
19 **FITNESS LEVEL THAT IS:**

20 **(1) REQUIRED AS PART OF THE JOB PERFORMANCE OF A STATE OR**
21 **LOCAL PUBLIC SAFETY EMPLOYEE OR AN ACTIVE DUTY MEMBER OF THE UNITED**
22 **STATES ARMED FORCES; AND**

23 **(2) ASSOCIATED WITH A SETTING.**

24 14-5D-11.

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

27 (b) Before an athletic trainer may practice athletic training, the athletic trainer
28 shall:

- 1 (1) Obtain a license under this subtitle;
- 2 (2) Enter into a written evaluation and treatment protocol with a licensed
3 physician; and
- 4 (3) Obtain Board approval of the evaluation and treatment protocol.
- 5 (c) An evaluation and treatment protocol shall:
- 6 (1) Describe the qualifications of the licensed physician and licensed
7 athletic trainer;
- 8 (2) Describe the settings where the athletic trainer may practice;
- 9 (3) Describe the physician supervision mechanisms that the physician will
10 use to give direction to the athletic trainer;
- 11 (4) Specify the treatment procedures the athletic trainer may perform;
- 12 (5) Describe tasks the athletic trainer may not perform;
- 13 (6) Describe specialized tasks the supervising physician is delegating to the
14 athletic trainer to perform with documentation of competencies, certification, credentials,
15 or any other requirements established by the Board to support the delegation of the
16 specialized tasks;
- 17 (7) Indicate whether the athletic trainer may accept outside referrals from
18 nonsupervising physicians and other licensed health care practitioners;
- 19 (8) Designate an alternate supervising physician, if appropriate or
20 necessary; and
- 21 (9) Contain an attestation that states the supervising physician will be
22 responsible for providing ongoing and immediately available instruction that is adequate
23 to ensure the safety and welfare of a patient and is appropriate to the setting.
- 24 (d) An athletic trainer may accept an outside referral from a nonsupervising
25 physician or licensed health care practitioner if:
- 26 (1) The supervising physician specifies in the evaluation and treatment
27 protocol that the athletic trainer may accept referrals from a nonsupervising physician or
28 licensed health care practitioner;
- 29 (2) The nonsupervising physician or licensed health care practitioner has
30 seen the athlete and has written an order for the care of the athlete; and

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

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

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

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

9 **(F) A MEMBER OF THE BOARD IS IMMUNE FROM CIVIL LIABILITY FOR ANY**
10 **ACT OR OMISSION WHEN APPROVING AN EVALUATION AND TREATMENT PROTOCOL**
11 **AS PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION IF THE MEMBER OF THE**
12 **BOARD IS ACTING IN GOOD FAITH WHEN APPROVING THE EVALUATION AND**
13 **TREATMENT PROTOCOL.**

14 **14-5D-11.3.**

15 **(A) IN THIS SECTION, “PENDING” MEANS THAT AN EVALUATION AND**
16 **TREATMENT PROTOCOL THAT INCLUDES SPECIALIZED TASKS IN A SETTING THAT**
17 **DOES NOT MEET THE REQUIREMENTS UNDER § 14-5D-11 OF THIS SUBTITLE HAS**
18 **BEEN EXECUTED AND SUBMITTED TO THE BOARD FOR ITS APPROVAL, BUT:**

19 **(1) THE COMMITTEE HAS NOT MADE A RECOMMENDATION TO THE**
20 **BOARD AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE; OR**

21 **(2) THE BOARD HAS NOT MADE A FINAL DECISION REGARDING THE**
22 **EVALUATION AND TREATMENT PROTOCOL.**

23 **(B) AN ATHLETIC TRAINER MAY ASSUME THE DUTIES UNDER AN**
24 **EVALUATION AND TREATMENT PROTOCOL ON THE DATE OF RECEIPT BY THE BOARD**
25 **OF A WRITTEN RECOMMENDATION OF APPROVAL OF THE PROTOCOL FROM THE**
26 **COMMITTEE AS PROVIDED UNDER § 14-5D-06 OF THIS SUBTITLE IF:**

27 **(1) THE EVALUATION AND TREATMENT PROTOCOL DOES NOT**
28 **INCLUDE SPECIALIZED TASKS; OR**

29 **(2) THE EVALUATION AND TREATMENT PROTOCOL INCLUDES**
30 **SPECIALIZED TASKS THAT THE BOARD HAS PREVIOUSLY APPROVED UNDER §**
31 **14-5D-11 OF THIS SUBTITLE.**

1 **(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF AN EVALUATION AND**
2 **TREATMENT PROTOCOL IS PENDING, ON RECEIPT OF A TEMPORARY PRACTICE**
3 **LETTER FROM THE BOARD, AN ATHLETIC TRAINER MAY PRACTICE THE SPECIALIZED**
4 **TASK IF:**

5 **(1) THE PRIMARY SUPERVISING PHYSICIAN PREVIOUSLY HAS BEEN**
6 **APPROVED TO SUPERVISE ONE OR MORE ATHLETIC TRAINERS IN THE**
7 **PERFORMANCE OF THE SPECIALIZED TASK; AND**

8 **(2) THE ATHLETIC TRAINER PREVIOUSLY HAS BEEN APPROVED BY**
9 **THE BOARD TO PERFORM THE SPECIALIZED TASK.**

10 **(D) IF THE BOARD DENIES THE PENDING EVALUATION AND TREATMENT**
11 **PROTOCOL OR A SPECIALIZED TASK UNDER THE PROTOCOL, THE BOARD SHALL**
12 **PROVIDE THE PRIMARY SUPERVISING PHYSICIAN AND THE ATHLETIC TRAINER WITH**
13 **WRITTEN NOTICE OF THE DISAPPROVAL.**

14 **(E) AN ATHLETIC TRAINER WHO RECEIVES NOTICE THAT THE BOARD HAS**
15 **DISAPPROVED AN EVALUATION AND TREATMENT PROTOCOL OR A SPECIALIZED**
16 **TASK UNDER THE EVALUATION AND TREATMENT PROTOCOL IMMEDIATELY SHALL**
17 **CEASE:**

18 **(1) TO PRACTICE UNDER THE PROTOCOL; OR**

19 **(2) TO PERFORM THE SPECIALIZED TASK.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.