
SUBSTITUTE SENATE BILL 5503

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Marr, Keiser, Brown, Brandland,
Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe)

READ FIRST TIME 02/08/07.

1 AN ACT Relating to athletic trainers; amending RCW 18.130.040;
2 adding a new chapter to Title 18 RCW; creating a new section; and
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the purpose of this chapter to provide
6 for the licensure of persons offering athletic training services to the
7 public and to ensure standards of competence and professional conduct
8 on the part of athletic trainers.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Athlete" means a person who participates in exercise,
12 recreation, sport, or games requiring physical strength,
13 range-of-motion, flexibility, body awareness and control, speed,
14 stamina, or agility, and the exercise, recreation, sports, or games are
15 of a type conducted in association with an educational institution or
16 professional, amateur, or recreational sports club or organization.

17 (2) "Athletic injury" means an injury or condition sustained by an
18 athlete that affects the person's participation or performance in

1 exercise, recreation, sport, or games and the injury or condition is
2 within the professional preparation and education of an athletic
3 trainer.

4 (3) "Athletic trainer" means a person who is licensed under this
5 chapter. An athletic trainer can practice athletic training through
6 the consultation, referral, or service plan of a licensed health care
7 provider working within their scope of practice.

8 (4)(a) "Athletic training" means the application of the following
9 principles and methods as provided by a licensed athletic trainer:

10 (i) Risk management and prevention of athletic injuries through
11 preactivity screening and evaluation, educational programs, physical
12 conditioning and reconditioning programs, application of commercial
13 products, use of protective equipment, and reduction of environmental
14 risks;

15 (ii) Recognition, evaluation, and assessment of athletic injuries
16 by obtaining a history of the athletic injury, inspection and palpation
17 of the injured part and associated structures, and performance of
18 specific testing techniques related to stability and function to
19 determine the extent of an injury;

20 (iii) Immediate care of athletic injuries, including emergency
21 medical situations through the application of first-aid and emergency
22 procedures and techniques for nonlife-threatening or life-threatening
23 athletic injuries;

24 (iv) Treatment, rehabilitation, and reconditioning of athletic
25 injuries through the application of physical agents and modalities,
26 therapeutic activities and exercise, standard reassessment techniques
27 and procedures, commercial products, and educational programs;

28 (v) Administration and organization of services provided by an
29 athletic trainer to establish and implement policies and procedures for
30 the delivery of health care services, management of health care
31 facilities, complying with governmental and institutional standards,
32 and maintaining records to document services rendered;

33 (vi) Education of athletes regarding the roles and standards of the
34 practice of athletic training; and

35 (vii) Referral of an athlete to an appropriately licensed health
36 care provider if the athletic injury requires further definitive care
37 or the injury or condition is outside an athletic trainer's scope of
38 practice.

- 1 (b) "Athletic training" does not include:
- 2 (i) The use of spinal adjustment or manipulative mobilization of
- 3 the spine and its immediate articulations;
- 4 (ii) Orthotic or prosthetic services with the exception of
- 5 evaluation, measurement, fitting, and adjustment of temporary,
- 6 prefabricated or direct-formed orthosis as defined in chapter 18.200
- 7 RCW;
- 8 (iii) The practice of occupational therapy as defined in chapter
- 9 18.59 RCW;
- 10 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;
- 11 and
- 12 (v) Prescribing legend drugs or controlled substances, or surgery.
- 13 (5) "Committee" means the athletic training advisory committee.
- 14 (6) "Department" means the department of health.
- 15 (7) "Licensed health care provider" means a physician, physician
- 16 assistant, osteopathic physician, osteopathic physician assistant,
- 17 advanced registered nurse practitioner, naturopath, physical therapist,
- 18 chiropractor, dentist, massage practitioner, acupuncturist,
- 19 occupational therapist, or podiatric physician and surgeon.
- 20 (8) "Secretary" means the secretary of health or the secretary's
- 21 designee.
- 22 (9) "Service plan" means a written course of action developed in
- 23 collaboration with an athletic trainer and a licensed health care
- 24 provider working within their scope of practice.

25 NEW SECTION. **Sec. 3.** (1) In addition to any other authority

26 provided by law, the secretary may:

27 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to

28 implement this chapter;

29 (b) Establish all license, examination, and renewal fees in

30 accordance with RCW 43.70.250;

31 (c) Establish forms and procedures necessary to administer this

32 chapter;

33 (d) Establish administrative procedures, administrative

34 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.

35 All fees collected under this section must be credited to the health

36 professions account as required under RCW 43.70.320;

1 (e) Develop and administer, or approve, or both, examinations to
2 applicants for a license under this chapter;

3 (f) Issue a license to any applicant who has met the education,
4 training, and examination requirements for licensure and deny a license
5 to applicants who do not meet the minimum qualifications for licensure.
6 However, denial of licenses based on unprofessional conduct or impaired
7 practice is governed by the uniform disciplinary act, chapter 18.130
8 RCW;

9 (g) Determine which states have credentialing requirements
10 substantially equivalent to those of this state, and issue licenses to
11 individuals credentialed in those states that have successfully
12 fulfilled the requirements of section 8 of this act;

13 (h) Hire clerical, administrative, and investigative staff as
14 needed to implement and administer this chapter;

15 (i) Maintain the official department record of all applicants and
16 licensees; and

17 (j) Establish requirements and procedures for an inactive license.

18 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
19 unlicensed practice, the issuance and denial of licenses, and the
20 discipline of licensees under this chapter.

21 NEW SECTION. **Sec. 4.** (1) The athletic training advisory committee
22 is formed to further the purposes of this chapter.

23 (2) The committee consists of five members. Four members of the
24 committee must be athletic trainers licensed under this chapter and
25 residing in this state, must have not less than five years' experience
26 in the practice of athletic training, and must be actively engaged in
27 practice within two years of appointment. The fifth member must be
28 appointed from the public at large, and have an interest in the rights
29 of consumers of health services.

30 (3) The committee may provide advice on matters specifically
31 identified and requested by the secretary, such as applications for
32 licenses.

33 (4) The committee may be requested by the secretary to approve an
34 examination required for licensure under this chapter.

35 (5) The committee, at the request of the secretary, may recommend
36 rules in accordance with the administrative procedure act, chapter

1 34.05 RCW, relating to standards for appropriateness of athletic
2 training care.

3 (6) The committee must meet during the year as necessary to provide
4 advice to the secretary. The committee may elect a chair and a
5 vice-chair. A majority of the members currently serving constitute a
6 quorum.

7 (7) Each member of the committee must be reimbursed for travel
8 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,
9 members of the committee must be compensated in accordance with RCW
10 43.03.240 when engaged in the authorized business of the committee.

11 (8) The secretary, members of the committee, or individuals acting
12 on their behalf are immune from suit in any action, civil or criminal,
13 based on any credentialing or disciplinary proceedings or other
14 official acts performed in the course of their duties.

15 NEW SECTION. **Sec. 5.** It is unlawful for any person to practice or
16 offer to practice as an athletic trainer, or to represent themselves or
17 other persons to be legally able to provide services as an athletic
18 trainer, unless the person is licensed under the provisions of this
19 chapter.

20 NEW SECTION. **Sec. 6.** Nothing in this chapter may prohibit,
21 restrict, or require licensure of:

22 (1) Any person licensed, certified, or registered in this state and
23 performing services within the authorized scope of practice;

24 (2) The practice by an individual employed by the government of the
25 United States as an athletic trainer while engaged in the performance
26 of duties prescribed by the laws of the United States;

27 (3) Any person pursuing a supervised course of study in an
28 accredited athletic training educational program, if the person is
29 designated by a title that clearly indicates a student or trainee
30 status;

31 (4) An athletic trainer from another state for purposes of
32 continuing education, consulting, or performing athletic training
33 services while accompanying his or her group, individual, or
34 representatives into Washington state on a temporary basis for no more
35 than ninety days in a calendar year;

1 (5) Any elementary, secondary, or postsecondary school teacher,
2 educator, coach, or authorized volunteer who does not represent
3 themselves to the public as an athletic trainer; or

4 (6) A personal trainer employed by an athletic club or fitness
5 center.

6 NEW SECTION. **Sec. 7.** An applicant for an athletic trainer license
7 must:

8 (1) Have received a bachelor's or advanced degree from an
9 accredited four-year college or university that meets the academic
10 standards of athletic training, accepted by the secretary, as advised
11 by the committee;

12 (2) Have earned a credential as an athletic trainer from the
13 national athletic trainers' association board of certification or its
14 successor organization, accepted by the secretary, as advised by the
15 committee;

16 (3) Be in good standing with and provide documentation of current
17 certification by the national athletic trainers' association board of
18 certification or its successor organization, accepted by the secretary,
19 as advised by the committee; and

20 (4) Submit an application on forms prescribed by the secretary and
21 pay the licensure fee required under this chapter.

22 NEW SECTION. **Sec. 8.** Each applicant and license holder must
23 comply with administrative procedures, administrative requirements, and
24 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a
25 license to any person who applies and who has qualified under the
26 provisions of this chapter.

27 NEW SECTION. **Sec. 9.** Nothing in this chapter restricts the
28 ability of athletic trainers to work in the practice setting of his or
29 her choice.

30 NEW SECTION. **Sec. 10.** Nothing in this chapter may be construed to
31 require that individual or group policies or contracts of an insurance
32 carrier, health care service contractor, or health maintenance
33 organization provide benefits or coverage for services and supplies
34 provided by a person licensed under this chapter.

1 **Sec. 11.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
2 as follows:

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

8 (2)(a) The secretary has authority under this chapter in relation
9 to the following professions:

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

12 (ii) Naturopaths licensed under chapter 18.36A RCW;

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

17 (vi) Dental hygienists licensed under chapter 18.29 RCW;

18 (vii) Acupuncturists licensed under chapter 18.06 RCW;

19 (viii) Radiologic technologists certified and X-ray technicians
20 registered under chapter 18.84 RCW;

21 (ix) Respiratory care practitioners licensed under chapter 18.89
22 RCW;

23 (x) Persons registered under chapter 18.19 RCW;

24 (xi) Persons licensed as mental health counselors, marriage and
25 family therapists, and social workers under chapter 18.225 RCW;

26 (xii) Persons registered as nursing pool operators under chapter
27 18.52C RCW;

28 (xiii) Nursing assistants registered or certified under chapter
29 18.88A RCW;

30 (xiv) Health care assistants certified under chapter 18.135 RCW;

31 (xv) Dietitians and nutritionists certified under chapter 18.138
32 RCW;

33 (xvi) Chemical dependency professionals certified under chapter
34 18.205 RCW;

35 (xvii) Sex offender treatment providers and certified affiliate sex
36 offender treatment providers certified under chapter 18.155 RCW;

37 (xviii) Persons licensed and certified under chapter 18.73 RCW or
38 RCW 18.71.205;

1 (xix) Denturists licensed under chapter 18.30 RCW;
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;
4 (~~and~~)
5 (xxii) Recreational therapists; and
6 (xxiii) Athletic trainers licensed under chapter 18.-- RCW
7 (sections 1 through 10 of this act).
8 (b) The boards and commissions having authority under this chapter
9 are as follows:
10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;
12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;
14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW;
16 (iv) The board of hearing and speech as established in chapter
17 18.35 RCW;
18 (v) The board of examiners for nursing home administrators as
19 established in chapter 18.52 RCW;
20 (vi) The optometry board as established in chapter 18.54 RCW
21 governing licenses issued under chapter 18.53 RCW;
22 (vii) The board of osteopathic medicine and surgery as established
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
24 18.57A RCW;
25 (viii) The board of pharmacy as established in chapter 18.64 RCW
26 governing licenses issued under chapters 18.64 and 18.64A RCW;
27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;
30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;
32 (xi) The board of occupational therapy practice as established in
33 chapter 18.59 RCW;
34 (xii) The nursing care quality assurance commission as established
35 in chapter 18.79 RCW governing licenses and registrations issued under
36 that chapter;
37 (xiii) The examining board of psychology and its disciplinary
38 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplining authority has the authority to grant or deny licenses
5 based on the conditions and criteria established in this chapter and
6 the chapters specified in subsection (2) of this section. This chapter
7 also governs any investigation, hearing, or proceeding relating to
8 denial of licensure or issuance of a license conditioned on the
9 applicant's compliance with an order entered pursuant to RCW 18.130.160
10 by the disciplining authority.

11 (4) All disciplining authorities shall adopt procedures to ensure
12 substantially consistent application of this chapter, the Uniform
13 Disciplinary Act, among the disciplining authorities listed in
14 subsection (2) of this section.

15 NEW SECTION. **Sec. 12.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 13.** Sections 1 through 10 of this act
20 constitute a new chapter in Title 18 RCW.

21 NEW SECTION. **Sec. 14.** This act takes effect September 1, 2007.

22 NEW SECTION. **Sec. 15.** The secretary of health may take the
23 necessary steps to ensure that this act is implemented on its effective
24 date.

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