

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5503**

60th Legislature  
2007 Regular Session

Passed by the Senate April 16, 2007  
YEAS 41 NAYS 4

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**President of the Senate**

Passed by the House April 5, 2007  
YEAS 91 NAYS 6

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5503** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5503**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

**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 48.43.045 and  
2 18.130.040; adding a new chapter to Title 18 RCW; creating new  
3 sections; and 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 guidelines 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, promotion of healthy behaviors,  
14 and reduction of environmental 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, in  
28 accordance with guidelines established with a licensed health care  
29 provider as provided in section 8 of this act; and

30 (v) Referral of an athlete to an appropriately licensed health care  
31 provider if the athletic injury requires further definitive care or the  
32 injury or condition is outside an athletic trainer's scope of practice,  
33 in accordance with section 8 of this act.

34 (b) "Athletic training" does not include:

35 (i) The use of spinal adjustment or manipulative mobilization of  
36 the spine and its immediate articulations;

37 (ii) Orthotic or prosthetic services with the exception of

1 evaluation, measurement, fitting, and adjustment of temporary,  
2 prefabricated or direct-formed orthosis as defined in chapter 18.200  
3 RCW;

4 (iii) The practice of occupational therapy as defined in chapter  
5 18.59 RCW;

6 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

7 (v) Any medical diagnosis; and

8 (vi) Prescribing legend drugs or controlled substances, or surgery.

9 (5) "Committee" means the athletic training advisory committee.

10 (6) "Department" means the department of health.

11 (7) "Licensed health care provider" means a physician, physician  
12 assistant, osteopathic physician, osteopathic physician assistant,  
13 advanced registered nurse practitioner, naturopath, physical therapist,  
14 chiropractor, dentist, massage practitioner, acupuncturist,  
15 occupational therapist, or podiatric physician and surgeon.

16 (8) "Secretary" means the secretary of health or the secretary's  
17 designee.

18 NEW SECTION. **Sec. 3.** (1) In addition to any other authority  
19 provided by law, the secretary may:

20 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to  
21 implement this chapter;

22 (b) Establish all license, examination, and renewal fees in  
23 accordance with RCW 43.70.250;

24 (c) Establish forms and procedures necessary to administer this  
25 chapter;

26 (d) Establish administrative procedures, administrative  
27 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
28 All fees collected under this section must be credited to the health  
29 professions account as required under RCW 43.70.320;

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

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

1 (g) In consultation with the committee, approve examinations  
2 prepared or administered by private testing agencies or organizations  
3 for use by an applicant in meeting the licensing requirements under  
4 section 7 of this act;

5 (h) Determine which states have credentialing requirements  
6 substantially equivalent to those of this state, and issue licenses to  
7 individuals credentialed in those states that have successfully  
8 fulfilled the requirements of section 9 of this act;

9 (i) Hire clerical, administrative, and investigative staff as  
10 needed to implement and administer this chapter;

11 (j) Maintain the official department record of all applicants and  
12 licensees; and

13 (k) Establish requirements and procedures for an inactive license.

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

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

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

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

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

31 (5) The committee, at the request of the secretary, may recommend  
32 rules in accordance with the administrative procedure act, chapter  
33 34.05 RCW, relating to standards for appropriateness of athletic  
34 training care.

35 (6) The committee must meet during the year as necessary to provide  
36 advice to the secretary. The committee may elect a chair and a

1 vice-chair. A majority of the members currently serving constitute a  
2 quorum.

3 (7) Each member of the committee must be reimbursed for travel  
4 expenses as authorized in RCW 43.03.050 and 43.03.060. In addition,  
5 members of the committee must be compensated in accordance with RCW  
6 43.03.240 when engaged in the authorized business of the committee.

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

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

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

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

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

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

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

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

35 (6) A personal trainer employed by an athletic club or fitness  
36 center.

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

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

7        (2) Have successfully completed an examination administered or  
8 approved by the secretary, in consultation with the committee; and

9        (3) Submit an application on forms prescribed by the secretary and  
10 pay the licensure fee required under this chapter.

11       NEW SECTION.    **Sec. 8.** (1) Except as necessary to provide emergency  
12 care of athletic injuries, an athletic trainer shall not provide  
13 treatment, rehabilitation, or reconditioning services to any person  
14 except as specified in guidelines established with a licensed health  
15 care provider who is licensed to perform the services provided in the  
16 guidelines.

17       (2) If there is no improvement in an athlete who has sustained an  
18 athletic injury within fifteen days of initiation of treatment,  
19 rehabilitation, or reconditioning, the athletic trainer must refer the  
20 athlete to a licensed health care provider that is appropriately  
21 licensed to assist the athlete.

22       (3) If an athletic injury requires treatment, rehabilitation, or  
23 reconditioning for more than forty-five days, the athletic trainer must  
24 consult with, or refer the athlete to a licensed health care provider.  
25 The athletic trainer shall document the action taken.

26       NEW SECTION.    **Sec. 9.** Each applicant and license holder must  
27 comply with administrative procedures, administrative requirements, and  
28 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a  
29 license to any person who applies and who has qualified under the  
30 provisions of this chapter.

31       NEW SECTION.    **Sec. 10.** Nothing in this chapter restricts the  
32 ability of athletic trainers to work in the practice setting of his or  
33 her choice.

1        NEW SECTION.    **Sec. 11.** Nothing in this chapter may be construed to  
2 require that a health carrier defined in RCW 48.43.005 contract with a  
3 person licensed as an athletic trainer under this chapter.

4        **Sec. 12.** RCW 48.43.045 and 2006 c 25 s 7 are each amended to read  
5 as follows:

6        (1) Every health plan delivered, issued for delivery, or renewed by  
7 a health carrier on and after January 1, 1996, shall:

8        ~~((1))~~    (a) Permit every category of health care provider to  
9 provide health services or care for conditions included in the basic  
10 health plan services to the extent that:

11        ~~((a))~~    (i) The provision of such health services or care is within  
12 the health care providers' permitted scope of practice; and

13        ~~((b))~~    (ii) The providers agree to abide by standards related to:

14        ~~((i))~~    (A) Provision, utilization review, and cost containment of  
15 health services;

16        ~~((ii))~~    (B) Management and administrative procedures; and

17        ~~((iii))~~    (C) Provision of cost-effective and clinically  
18 efficacious health services.

19        ~~((2))~~    (b) Annually report the names and addresses of all  
20 officers, directors, or trustees of the health carrier during the  
21 preceding year, and the amount of wages, expense reimbursements, or  
22 other payments to such individuals, unless substantially similar  
23 information is filed with the commissioner or the national association  
24 of insurance commissioners. This requirement does not apply to a  
25 foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW  
26 that files a supplemental compensation exhibit in its annual statement  
27 as required by law.

28        (2) The requirements of subsection (1)(a) of this section do not  
29 apply to a licensed health care profession regulated under Title 18 RCW  
30 when the licensing statute for the profession states that such  
31 requirements do not apply.

32        **Sec. 13.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
33 as follows:

34        (1) This chapter applies only to the secretary and the boards and  
35 commissions having jurisdiction in relation to the professions licensed



1 under the chapters specified in this section. This chapter does not  
2 apply to any business or profession not licensed under the chapters  
3 specified in this section.

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

6 (i) Dispensing opticians licensed and designated apprentices under  
7 chapter 18.34 RCW;

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

9 (iii) Midwives licensed under chapter 18.50 RCW;

10 (iv) Ocularists licensed under chapter 18.55 RCW;

11 (v) Massage operators and businesses licensed under chapter 18.108  
12 RCW;

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

14 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

17 (ix) Respiratory care practitioners licensed under chapter 18.89  
18 RCW;

19 (x) Persons registered under chapter 18.19 RCW;

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

22 (xii) Persons registered as nursing pool operators under chapter  
23 18.52C RCW;

24 (xiii) Nursing assistants registered or certified under chapter  
25 18.88A RCW;

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

27 (xv) Dietitians and nutritionists certified under chapter 18.138  
28 RCW;

29 (xvi) Chemical dependency professionals certified under chapter  
30 18.205 RCW;

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

33 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
34 RCW 18.71.205;

35 (xix) Denturists licensed under chapter 18.30 RCW;

36 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

37 (xxi) Surgical technologists registered under chapter 18.215 RCW;

38 ((and))

1 (xxii) Recreational therapists; and  
2 (xxiii) Athletic trainers licensed under chapter 18.-- RCW  
3 (sections 1 through 11 of this act).

4 (b) The boards and commissions having authority under this chapter  
5 are as follows:

6 (i) The podiatric medical board as established in chapter 18.22  
7 RCW;

8 (ii) The chiropractic quality assurance commission as established  
9 in chapter 18.25 RCW;

10 (iii) The dental quality assurance commission as established in  
11 chapter 18.32 RCW;

12 (iv) The board of hearing and speech as established in chapter  
13 18.35 RCW;

14 (v) The board of examiners for nursing home administrators as  
15 established in chapter 18.52 RCW;

16 (vi) The optometry board as established in chapter 18.54 RCW  
17 governing licenses issued under chapter 18.53 RCW;

18 (vii) The board of osteopathic medicine and surgery as established  
19 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
20 18.57A RCW;

21 (viii) The board of pharmacy as established in chapter 18.64 RCW  
22 governing licenses issued under chapters 18.64 and 18.64A RCW;

23 (ix) The medical quality assurance commission as established in  
24 chapter 18.71 RCW governing licenses and registrations issued under  
25 chapters 18.71 and 18.71A RCW;

26 (x) The board of physical therapy as established in chapter 18.74  
27 RCW;

28 (xi) The board of occupational therapy practice as established in  
29 chapter 18.59 RCW;

30 (xii) The nursing care quality assurance commission as established  
31 in chapter 18.79 RCW governing licenses and registrations issued under  
32 that chapter;

33 (xiii) The examining board of psychology and its disciplinary  
34 committee as established in chapter 18.83 RCW; and

35 (xiv) The veterinary board of governors as established in chapter  
36 18.92 RCW.

37 (3) In addition to the authority to discipline license holders, the  
38 disciplining authority has the authority to grant or deny licenses

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

7 (4) All disciplining authorities shall adopt procedures to ensure  
8 substantially consistent application of this chapter, the Uniform  
9 Disciplinary Act, among the disciplining authorities listed in  
10 subsection (2) of this section.

11 NEW SECTION. **Sec. 14.** If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 15.** Sections 1 through 11 of this act  
16 constitute a new chapter in Title 18 RCW.

17 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2008.

18 NEW SECTION. **Sec. 17.** The secretary of health may take the  
19 necessary steps to ensure that this act is implemented on its effective  
20 date.

21 NEW SECTION. **Sec. 18.** If specific funding for the purposes of  
22 this act, referencing this act by bill or chapter number, is not  
23 provided by June 30, 2007, in the omnibus appropriations act, this act  
24 is null and void.

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