

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 1176

INTRODUCER: Senator Ring

SUBJECT: High School Athletic Trainers

DATE: March 25, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill encourages the use and employment of athletic trainers by school districts for schools that participate in sports.

In addition to the current licensing requirement, athletic trainers must be certified by the Board of Certification, of the National Athletic Trainers' Association.

In civil actions against a school district for negligence by an athletic trainer leading to injury or death, a rebuttable presumption is created that a school district is not negligent in wrongful hiring if the school district made a good faith effort to comply with the law on athletic trainers.

This bill encourages the use of an entity who can coordinate placement of licensed, certified athletic trainers to provide a standard of care to prevent and rehabilitate high school sports-related injuries.

This bill substantially amends section 1012.46 of the Florida Statutes.

II. Present Situation:

Statutory Authority on Athletic Trainers

The term "athletic training" is defined as the recognition, prevention and treatment of sports-related injuries.¹

¹ s. 468.701(3), F.S.

Athletic trainers are required to be licensed and are eligible for licensure contingent upon:

- Completion of the application and payment of fees;
- Having reached at least 21 years of age;
- Having passed an exam administered or approved by the Board of Athletic Training, Department of Health;
- Holding a baccalaureate degree from an accredited college or university and current CPR certification; and
- Completion of an approved athletic training curriculum and a continuing education course on HIV/AIDS.²

Practicing athletic training without a license constitutes a first degree misdemeanor, punishable by up to one year in jail and up to a \$1,000 fine.³

State law requires athletic trainers to operate under written protocol developed between the athletic trainer and a supervising physician, including a mandate that athletic trainers timely notify the physician of new patient injuries.⁴

The Board of Athletic Training, Department of Health, is composed of nine members who are Governor appointed and confirmed by the Senate. Five of the members are required to be licensed athletic trainers, one must be a physician, and two are consumer-residents who are not affiliated with the industry or licensed health-care practice.⁵

School districts are authorized to implement an athletic injuries treatment and prevention program, with a focus on employing and providing access to professionals trained in injury prevention and treatment.⁶

National Athletic Trainers' Association

The National Athletic Trainers' Association (NATA) is a professional membership association for certified athletic trainers.⁷ Originating in 1950, today the NATA boasts greater than 30,000 members internationally. The national Board of Certification (Board), established in 1989, provides a certification program for entry-level athletic trainers. The Board began as a committee of NATA, and then separately incorporated in 1989.⁸ Certification includes application, payment of a fee, and a passing grade on the exam. National certification may suffice for state licensing purposes.⁹ This is the case in Florida.¹⁰

² s. 468.707, F.S.

³ s. 468.717, F.S.

⁴ s. 468.713, F.S.

⁵ s. 468.703, F.S.

⁶ s. 1012.46(1), F.S.

⁷ <http://www.nata.org/aboutNATA>

⁸ Available on the Board of Certification website, at: http://www.bocatc.org/index.php?option=com_content&view=article&id=28&Itemid=30; Last checked March 24, 2011.

⁹ Available on the Board of Certification website, at: http://www.bocatc.org/index.php?option=com_content&view=article&id=57&Itemid=60; Last checked March 24, 2011.

¹⁰ Available at: http://www.doh.state.fl.us/mqa/athtrain/at_lic_req.html; Last checked March 24, 2011.

Sports Related Injuries

According to the Centers for Disease Control and Prevention (CDC),¹¹ high school sports participation has increased from about 4 million student-athletes during the 1971-72 school year to approximately 7.2 million in 2005-06. An increased number of injuries has accompanied the growth in participation as follows:

High school athletes account for an estimated 2 million injuries, 500,000 doctor visits, and 30,000 hospitalizations annually....During the 2005-06 school year, researchers at a children's hospital in Ohio used an Internet-based data-collection tool to pilot an injury surveillance system...from a representative national sample of U.S. high schools...which indicated that participation in high school sports resulted in an estimated 1.4 million injuries at a rate of 2.4 injuries per 1,000 athlete exposures (i.e., practices or competitions....¹²

The CDC reports the highest occurrence of injuries by sport, from most to least as football, wrestling, boys soccer, girls soccer and girls basketball.¹³

III. Effect of Proposed Changes:

This bill encourages, but does not require, school districts to employ athletic trainers through the availability of a rebuttable presumption for the school district to use in wrongful hiring cases.

This bill codifies the Department of Health's current practice of satisfying the exam requirement for licensure through national certification from the Board of Certification, National Athletic Trainers' Association.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹¹ Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5538a1.htm>; Last checked March 24, 2011.

¹² *Id.* at 1.

¹³ *Id.* at 2.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Encouraging greater availability of athletic trainers may result in a reduction in injuries and faster rehabilitation, therefore bringing down medical costs long-term, and possibly reducing lost wages for parents of injured children.

C. Government Sector Impact:

The availability of the rebuttable presumption may have a deterrent effect on lawsuits against the districts, and may increase judicial findings of non-negligence, thereby having a positive fiscal impact on school districts. It is unknown, however, how many claims are made against districts for negligence related to trainers. School districts who employ athletic trainers would incur costs related to salary, but this is an optional provision.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.