

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 Judiciary Committee

BILL: SB 1176

INTRODUCER: Senator Ring

SUBJECT: High School Athletic Trainers

DATE: April 11, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	<u>Boland</u>	<u>Maclure</u>	<u>JU</u>	Pre-meeting
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

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

The bill codifies one of the current licensing requirements that 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, the bill creates a rebuttable presumption that a school district was 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 that 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, 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 Athletic trainers are required to be licensed and are eligible for licensure contingent upon:

- Completing 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 of the Department of Health;
- Holding a baccalaureate degree from an accredited college or university and current CPR certification; and
- Completing 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 an athletic trainer to operate under written protocol developed between the athletic trainer and a supervising physician, including a mandate that the athletic trainer timely notify the physician of new patient injuries.⁴

The Board of Athletic Training, Department of Health, is composed of nine members who are appointed by the Governor 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 prevention-and-treatment program, with a focus on employing and providing access to professionals trained in injury prevention and treatment.⁶ It is the stated goal of the Legislature that school districts employ and have available a full time athletic trainer in each high school in the state.⁷

National Athletic Trainers’ Association

The National Athletic Trainers’ Association (NATA) is a professional membership association for certified athletic trainers.⁸ Originating in 1950, today the NATA reports that it has more than 30,000 members internationally. The national Board of Certification (Board), established in

¹ Section 468.701(3), F.S.

² Section 468.707, F.S.

³ Section 468.717, F.S.

⁴ Section 468.713, F.S.

⁵ Section 468.703, F.S.

⁶ Section 1012.46(1), F.S.

⁷ *Id.*

⁸ National Athletic Trainers Association, *About the NATA*, <http://www.nata.org/aboutNATA> (last visited April 7, 2011).

1989, provides a certification program for entry-level athletic trainers. The Board began as a committee of NATA and then separately incorporated in 1989.⁹ Certification includes application, payment of a fee, and a passing grade on the exam. Under the Florida Department of Health application and licensure requirements for athletic trainers, applicants are required to submit a certified copy of a National Athletic Trainers Association Board of Certification certificate in order to obtain licensure in Florida.¹⁰

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 have 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 injuries to least injuries, as follows: football, wrestling, boys' soccer, girls' soccer, and girls' basketball.¹³

III. Effect of Proposed Changes:

Current law provides that school districts may establish and implement an athletic injuries prevention and treatment program.¹⁴ In connection with the program, this bill encourages school districts to employ at least one athletic trainer who is certified by the Board of Certification of the National Athletic Trainers' Association in each school that participates in sports. The bill amends current language in s. 1012.46, F.S. that simply encourages school districts to employ and have available a person trained in prevention and treatment of injuries in athletic activities, to encourage instead the use of such a person who is certified by the Board of Certification. Whereas current statutory language says that it is the goal of the Legislature to have trainers employed in each high school in the state, the bill adds language to specify that this is the goal of the Legislature only in regards to high schools that participate in sports.

⁹ Board of Certification for the Athletic Trainer, *What is NATA*, http://www.bocatac.org/index.php?option=com_content&view=article&id=28&Itemid=30 (last visited April 7, 2011).

¹⁰ Florida Dep't of Health, *Athletic Training and Licensure Requirements*, available at http://www.doh.state.fl.us/mqa/athtrain/at_lic_req.html, (last visited April 8, 2011).

¹¹ Center for Disease Control, *Sports-Related Injuries Among High School Athletes – United States 2005-06 School Year*, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5538a1.htm> (last visited April 7, 2011).

¹² *Id.*

¹³ *Id.*

¹⁴ Section 1012.46(1), F.S.

The bill incentivizes the employment of a certified athletic trainer by offering a rebuttable presumption in favor of the school district, in actions for negligence causing injury or death, arising out of a trainer's actions. This rebuttable presumption is only available to the school district, however, if the school district made a good faith effort to comply with, among other things, the provisions requiring certification.

This bill codifies the Department of Health's current practice of requiring a national certification from the Board of Certification of the National Athletic Trainers' Association in order to obtain licensure as an athletic trainer in Florida.

The bill sets forth a legislative intent to ensure a designated standard of care for the recognition, prevention, and rehabilitative treatment of high school athletic injuries in this state. To ensure compliance with this standard of care, the management and implementation of this program should be administered by an entity that has the ability to work with local facilities and school districts to coordinate the training, development, and placement of licensed athletic trainers who are certified by the Board of Certification.

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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 over the long-term.

C. Government Sector Impact:

To the extent that the availability of the rebuttable presumption may reduce lawsuits against the school districts and may increase the number of court rulings in favor of the school districts, the bill could have a positive fiscal impact on the school districts.

Conversely, school districts who choose to employ athletic trainers might incur costs related to the salary of those trainers.

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.