

By the Committee on Health Policy; and Senator Legg

588-02731-15

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1                                   A bill to be entitled  
2       An act relating to athletic trainers; amending s.  
3       468.70, F.S.; revising legislative intent; amending s.  
4       468.701, F.S.; revising definitions; amending s.  
5       468.703, F.S.; deleting the requirement for the  
6       Governor to appoint the initial members of the Board  
7       of Athletic Training; amending s. 468.705, F.S.;  
8       revising the board's authorization to adopt certain  
9       rules relating to communication between an athletic  
10      trainer and a supervising physician; amending s.  
11      468.707, F.S.; requiring certain applicants for  
12      licensure to submit fingerprints; revising  
13      requirements for licensure; authorizing the board to  
14      require a background screening for an applicant in  
15      certain circumstances; amending s. 468.709, F.S.;  
16      deleting the requirement for the board to establish an  
17      examination fee; amending s. 468.711, F.S.; revising  
18      continuing education requirements for license renewal;  
19      amending s. 468.713, F.S.; revising responsibilities  
20      of athletic trainers to include requirements that a  
21      trainer must practice under the direction of a  
22      physician; amending s. 468.715, F.S.; prohibiting  
23      sexual misconduct by an athletic trainer; amending s.  
24      468.717, F.S.; prohibiting unlicensed persons from  
25      practicing athletic training or representing  
26      themselves as athletic trainers; prohibiting an  
27      unlicensed person from using specified titles;  
28      amending s. 468.719, F.S.; revising grounds for  
29      disciplinary action; amending s. 468.723, F.S.;

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30 providing exemptions; amending s. 456.0135, F.S.;

31 revising general background screening provisions to

32 include athletic trainers; providing an effective

33 date.

34

35 Be It Enacted by the Legislature of the State of Florida:

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37 Section 1. Section 468.70, Florida Statutes, is amended to

38 read:

39 468.70 Legislative intent.—It is the intent of the

40 Legislature that athletic trainers practicing in this state meet

41 minimum requirements for safe practice and that an athletic

42 trainer who falls below minimum competency or who otherwise

43 presents a danger to the public be prohibited from practicing in

44 this state ~~athletes be assisted by persons adequately trained to~~

45 ~~recognize, prevent, and treat physical injuries sustained during~~

46 ~~athletic activities. Therefore,~~ It is the further intent of the

47 Legislature to protect the public by licensing and fully

48 regulating athletic trainers.

49 Section 2. Section 468.701, Florida Statutes, is amended to

50 read:

51 468.701 Definitions.—As used in this part, the term:

52 ~~(1) "Athlete" means a person who participates in an~~

53 ~~athletic activity.~~

54 ~~(2) "Athletic activity" means the participation in an~~

55 ~~activity, conducted by an educational institution, a~~

56 ~~professional athletic organization, or an amateur athletic~~

57 ~~organization, involving exercises, sports, games, or recreation~~

58 ~~requiring any of the physical attributes of strength, agility,~~

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59 ~~flexibility, range of motion, speed, and stamina.~~

60 ~~(3) "Athletic injury" means an injury sustained which~~  
61 ~~affects the athlete's ability to participate or perform in~~  
62 ~~athletic activity.~~

63 ~~(1)(4)~~ "Athletic trainer" means a person licensed under  
64 this part who has met the requirements under this part,  
65 including education requirements as set forth by the Commission  
66 on Accreditation of Athletic Training Education or its successor  
67 and necessary credentials from the Board of Certification. An  
68 individual who is licensed as an athletic trainer may not  
69 provide, offer to provide, or represent that he or she is  
70 qualified to provide any care or services that he or she lacks  
71 the education, training, or experience to provide, or that he or  
72 she is otherwise prohibited by law from providing.

73 ~~(2)(5)~~ "Athletic training" means service and care provided  
74 by an athletic trainer under the direction of a physician  
75 licensed as specified in s. 468.713. Such service and care must  
76 relate to the prevention, recognition, evaluation, management,  
77 disposition, treatment, or rehabilitation of a physically active  
78 person who sustained an injury, illness, or other condition  
79 involving exercise, sport, recreation, or related physical  
80 activity. For the provision of such care and services, an  
81 athletic trainer may use physical modalities, including, but not  
82 limited to, heat, light, sound, cold, electricity, and  
83 mechanical devices ~~the recognition, prevention, and treatment of~~  
84 ~~athletic injuries.~~

85 ~~(3)(6)~~ "Board" means the Board of Athletic Training.

86 ~~(4)(7)~~ "Board of Certification" means the nationally  
87 accredited certifying body for athletic trainers or its

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88 successor agency.

89 (5)~~(8)~~ "Department" means the Department of Health.

90 ~~(9) "Direct supervision" means the physical presence of the~~  
91 ~~supervisor on the premises so that the supervisor is immediately~~  
92 ~~available to the trainee when needed.~~

93 ~~(10) "Supervision" means the easy availability of the~~  
94 ~~supervisor to the athletic trainer, which includes the ability~~  
95 ~~to communicate by telecommunications.~~

96 Section 3. Section 468.703, Florida Statutes, is amended to  
97 read:

98 468.703 Board of Athletic Training.—

99 (1) The Board of Athletic Training is created within the  
100 department and shall consist of nine members appointed by the  
101 Governor and confirmed by the Senate.

102 (2) Five members of the board must be licensed athletic  
103 trainers, certified by the Board of Certification. One member of  
104 the board must be a physician licensed under chapter 458 or  
105 chapter 459. One member of the board must be a physician  
106 licensed under chapter 460. Two members of the board shall be  
107 consumer members, each of whom must be a resident of this state  
108 who has never worked as an athletic trainer, who has no  
109 financial interest in the practice of athletic training, and who  
110 has never been a licensed health care practitioner as defined in  
111 s. 456.001(4).

112 ~~(3) For the purpose of staggering terms, the Governor shall~~  
113 ~~appoint the initial members of the board as follows:~~

114 ~~(a) Three members for terms of 2 years each.~~

115 ~~(b) Three members for terms of 3 years each.~~

116 ~~(c) Three members for terms of 4 years each.~~

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117        (3)~~(4)~~ As the terms of the members expire, the Governor  
118 shall appoint successors for terms of 4 years and such members  
119 shall serve until their successors are appointed.

120        (4)~~(5)~~ All provisions of chapter 456 relating to activities  
121 of the board shall apply.

122        (5)~~(6)~~ The board shall maintain its official headquarters  
123 in Tallahassee.

124        Section 4. Section 468.705, Florida Statutes, is amended to  
125 read:

126        468.705 Rulemaking authority.— The board is authorized to  
127 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
128 provisions of this part conferring duties upon it. The  
129 provisions of s. 456.011(5) shall apply to the board's activity.  
130 Such rules shall include, but not be limited to, the allowable  
131 scope of practice regarding the use of equipment, procedures,  
132 and medication; mandatory requirements and guidelines for  
133 communication between the athletic trainer and a physician,  
134 including the reporting to the physician of new or recurring  
135 injuries or conditions;~~requirements for a written protocol~~  
136 ~~between the athletic trainer and a supervising physician,~~  
137 licensure requirements;;~~licensure examination;~~;~~continuing~~  
138 education requirements;;~~fees;~~;~~records,~~ and reports to be filed  
139 by licensees;;~~protocols;~~; and any other requirements necessary  
140 to regulate the practice of athletic training.

141        Section 5. Section 468.707, Florida Statutes, is amended to  
142 read:

143        468.707 Licensure ~~by examination,~~ requirements.—Any person  
144 desiring to be licensed as an athletic trainer shall apply to  
145 the department on a form approved by the department. An

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146 applicant shall also provide records or other evidence, as  
147 determined by the board, to prove he or she has met the  
148 requirements of this section. The department shall license each  
149 applicant who:

150 (1) Has completed the application form and remitted the  
151 required fees.

152 (2) For a person who applies on or after July 1, 2016, has  
153 submitted to background screening pursuant to s. 456.0135. The  
154 board may require a background screening for an applicant whose  
155 license has expired or who is undergoing disciplinary action ~~is~~  
156 ~~at least 21 years of age.~~

157 (3) Has obtained a baccalaureate degree or higher from a  
158 college or university professional athletic training degree  
159 program accredited by the Commission on Accreditation of  
160 Athletic Training Education or its successor ~~an accrediting~~  
161 ~~agency~~ recognized and approved by the United States Department  
162 of Education or the Commission on Recognition of Postsecondary  
163 Accreditation, approved by the board, or recognized by the Board  
164 of Certification, and has passed the national examination to be  
165 certified by the Board of Certification.

166 (4) If graduated before ~~after~~ 2004, has a current  
167 certification from ~~has completed an approved athletic training~~  
168 ~~curriculum from a college or university accredited by a program~~  
169 ~~recognized by the Board of Certification.~~

170 (5) Has current certification in both cardiopulmonary  
171 ~~cardiovascular pulmonary~~ resuscitation and the use of an  
172 automated external defibrillator set forth in the continuing  
173 education requirements ~~with an automated external defibrillator~~  
174 ~~from the American Red Cross or the American Heart Association,~~

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175 ~~or an equivalent certification~~ as determined by the board  
176 pursuant to s. 468.711.

177 (6) Has completed any other requirements as determined by  
178 the department and approved by the board ~~passed the examination~~  
179 ~~and is certified by the Board of Certification.~~

180 Section 6. Paragraph (b) of subsection (1) of section  
181 468.709, Florida Statutes, is amended to read:

182 468.709 Fees.—

183 (1) The board shall, by rule, establish fees for the  
184 following purposes:

185 ~~(b) An examination fee, not to exceed \$200.~~

186 Section 7. Subsection (2) of section 468.711, Florida  
187 Statutes, is amended to read:

188 468.711 Renewal of license; continuing education.—

189 (2) The board may, by rule, prescribe continuing education  
190 requirements, not to exceed 24 hours biennially. The criteria  
191 for continuing education shall be approved by the board and must  
192 include a current certification certificate in both  
193 cardiopulmonary cardiovascular pulmonary resuscitation and the  
194 use of with an automated external defibrillator as set forth in  
195 the continuing education requirements ~~from the American Red~~  
196 ~~Cross or the American Heart Association or an equivalent~~  
197 ~~training~~ as determined by the board.

198 Section 8. Section 468.713, Florida Statutes, is amended to  
199 read:

200 468.713 Responsibilities of athletic trainers.—An athletic  
201 trainer shall practice under the direction of ~~within a written~~  
202 ~~protocol established between the athletic trainer and a~~  
203 ~~supervising~~ physician licensed under chapter 458, chapter 459,

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204 chapter 460, or otherwise authorized by Florida law to practice  
205 medicine. The physician shall communicate his or her direction  
206 through oral or written prescription or protocols as deemed  
207 appropriate by the physician for the provision of services and  
208 care by the athletic trainer. An athletic trainer shall provide  
209 service or care in the manner dictated by the physician ~~or, at~~  
210 ~~an athletic event, pursuant to direction from a physician~~  
211 ~~licensed under chapter 458, chapter 459, chapter 460, or~~  
212 ~~otherwise authorized by Florida law to practice medicine. A~~  
213 ~~written protocol shall require that the athletic trainer notify~~  
214 ~~the supervising physician of new injuries as soon as~~  
215 ~~practicable.~~

216 Section 9. Section 468.715, Florida Statutes, is amended to  
217 read:

218 468.715 Sexual misconduct.—The athletic trainer-patient  
219 ~~trainer-athlete~~ relationship is founded on mutual trust. ~~Sexual~~  
220 ~~misconduct in the practice of athletic training means violation~~  
221 ~~of the athletic trainer-athlete relationship through which the~~  
222 ~~athletic trainer uses such relationship to induce or attempt to~~  
223 ~~induce the athlete to engage, or to engage or attempt to engage~~  
224 ~~the athlete, in sexual activity outside the scope of the~~  
225 ~~practice or the scope of generally accepted examination or~~  
226 ~~treatment of the athlete. Sexual misconduct in the practice of~~  
227 athletic training is prohibited under s. 456.063.

228 Section 10. Subsections (1) and (5) of section 468.717,  
229 Florida Statutes, are amended to read:

230 468.717 Violations and penalties.—Each of the following  
231 acts constitutes a misdemeanor of the first degree, punishable  
232 as provided in s. 775.082 or s. 775.083:



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233           (1) Practicing athletic training, representing oneself as  
234 an athletic trainer, or providing athletic trainer services to a  
235 patient without being licensed under this part ~~Practicing~~  
236 ~~athletic training for compensation without holding an active~~  
237 ~~license under this part.~~

238           (5) Using the title "athletic trainer" or "licensed  
239 athletic trainer," the abbreviation "AT" or "LAT," or a similar  
240 title or abbreviation that suggests licensure as an athletic  
241 trainer without being licensed under this part.

242           Section 11. Subsection (1) of section 468.719, Florida  
243 Statutes, is amended to read:

244           468.719 Disciplinary actions.—

245           (1) The following acts constitute grounds for denial of a  
246 license or disciplinary action, as specified in s. 456.072(2):

247           ~~(a) Failing to include the athletic trainer's name and~~  
248 ~~license number in any advertising, including, but not limited~~  
249 ~~to, business cards and letterhead, related to the practice of~~  
250 ~~athletic training. Advertising shall not include clothing or~~  
251 ~~other novelty items.~~

252           (a)~~(b)~~ Committing incompetency or misconduct in the  
253 practice of athletic training.

254           (b)~~(e)~~ Committing fraud or deceit in the practice of  
255 athletic training.

256           (c)~~(d)~~ Committing negligence, gross negligence, or repeated  
257 negligence in the practice of athletic training.

258           (d)~~(e)~~ ~~While practicing athletic training,~~ Being unable to  
259 practice athletic training with reasonable skill and safety  
260 because of a mental or physical condition or ~~to athletes by~~  
261 ~~reason of illness,~~ or the use of alcohol, controlled substances,

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262 or any other substance that impairs one's ability to practice or  
263 drugs or as a result of any mental or physical condition.

264 (e)(f) Violating any provision of this chapter or chapter  
265 456, or any rules adopted pursuant thereto.

266 Section 12. Section 468.723, Florida Statutes, is amended  
267 to read:

268 468.723 Exemptions.—This part does not prevent or restrict:

269 (1) A person licensed in this state under another chapter  
270 from engaging in the practice for which he or she is licensed  
271 and ~~The professional practice of a licensee of the department~~  
272 ~~who is~~ acting within the scope of such practice.

273 (2) An athletic training student acting under the direct  
274 supervision of a licensed athletic trainer. For purposes of this  
275 subsection, "direct supervision" means the physical presence of  
276 an athletic trainer so that the athletic trainer is immediately  
277 available to the athletic training student and able to intervene  
278 on behalf of the athletic training student in accordance with  
279 the standards set forth by the Commission on Accreditation of  
280 Athletic Training Education or its successor.

281 (3) A person from administering standard first aid  
282 treatment to another person ~~an athlete~~.

283 (4) A person authorized to practice athletic training in  
284 another state when such person is employed by or a volunteer for  
285 an out-of-state secondary or postsecondary educational  
286 institution, or a recreational, competitive, or professional  
287 organization that is temporarily present in this state ~~A person~~  
288 ~~licensed under chapter 548, provided such person is acting~~  
289 ~~within the scope of such license.~~

290 (5) A person providing personal training instruction for

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291 exercise, aerobics, or weightlifting, if the person does not  
292 represent himself or herself as an athletic trainer or as able  
293 to provide "athletic trainer" services and if any recognition or  
294 treatment of injuries is limited to the provision of first aid.

295 (6) Third-party payors from reimbursing employers of  
296 athletic trainers for covered services rendered by a licensed  
297 athletic trainer.

298 Section 13. Subsection (1) of section 456.0135, Florida  
299 Statutes, is amended to read:

300 456.0135 General background screening provisions.—

301 (1) An application for initial licensure received on or  
302 after January 1, 2013, under chapter 458, chapter 459, chapter  
303 460, chapter 461, chapter 464, s. 465.022, part XIII of chapter  
304 468, or chapter 480 shall include fingerprints pursuant to  
305 procedures established by the department through a vendor  
306 approved by the Department of Law Enforcement and fees imposed  
307 for the initial screening and retention of fingerprints.  
308 Fingerprints must be submitted electronically to the Department  
309 of Law Enforcement for state processing, and the Department of  
310 Law Enforcement shall forward the fingerprints to the Federal  
311 Bureau of Investigation for national processing. Each board, or  
312 the department if there is no board, shall screen the results to  
313 determine if an applicant meets licensure requirements. For any  
314 subsequent renewal of the applicant's license that requires a  
315 national criminal history check, the department shall request  
316 the Department of Law Enforcement to forward the retained  
317 fingerprints of the applicant to the Federal Bureau of  
318 Investigation unless the fingerprints are enrolled in the  
319 national retained print arrest notification program.

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Section 14. This act shall take effect January 1, 2016.