

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Plasencia offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 468.70, Florida Statutes, is amended to
 8 read:

9 468.70 Legislative intent.—It is the intent of the
 10 Legislature that athletic trainers practicing in this state meet
 11 minimum requirements for safe practice and that an athletic
 12 trainer who falls below minimum competency or who otherwise
 13 presents a danger to the public be prohibited from practicing in
 14 this state ~~athletes be assisted by persons adequately trained to~~
 15 ~~recognize, prevent, and treat physical injuries sustained during~~
 16 ~~athletic activities. Therefore,~~ It is the further intent of the

Amendment No.

17 Legislature to protect the public by licensing and fully
18 regulating athletic trainers.

19 Section 2. Section 468.701, Florida Statutes, is amended
20 to read:

21 468.701 Definitions.—As used in this part, the term:

22 ~~(1) "Athlete" means a person who participates in an~~
23 ~~athletic activity.~~

24 ~~(2) "Athletic activity" means the participation in an~~
25 ~~activity, conducted by an educational institution, a~~
26 ~~professional athletic organization, or an amateur athletic~~
27 ~~organization, involving exercises, sports, games, or recreation~~
28 ~~requiring any of the physical attributes of strength, agility,~~
29 ~~flexibility, range of motion, speed, and stamina.~~

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

33 (1)(4) "Athletic trainer" means a person licensed under
34 this part who has met the requirements under this part,
35 including education requirements as set forth by the Commission
36 on Accreditation of Athletic Training Education or its successor
37 and necessary credentials from the Board of Certification. An
38 individual who is licensed as an athletic trainer may not
39 provide, offer to provide, or represent that he or she is
40 qualified to provide any care or services that he or she lacks
41 the education, training, or experience to provide, or that he or
42 she is otherwise prohibited by law from providing.

236671 - h0541-strike.docx

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Amendment No.

43 ~~(2)(5)~~ "Athletic training" means service and care provided
44 by an athletic trainer under the direction of a physician as
45 specified in s. 468.713. Such service and care must relate to
46 the prevention, recognition, evaluation, management,
47 disposition, treatment, or rehabilitation of a physically active
48 person who sustained an injury, illness, or other condition
49 involving exercise, sport, recreation, or related physical
50 activity. For the provision of such care and services, an
51 athletic trainer may use physical modalities, including, but not
52 limited to, heat, light, sound, cold, electricity, and
53 mechanical devices ~~the recognition, prevention, and treatment of~~
54 ~~athletic injuries.~~

55 ~~(3)(6)~~ "Board" means the Board of Athletic Training.

56 ~~(4)(7)~~ "Board of Certification" means the nationally
57 accredited certifying body for athletic trainers or its
58 successor agency.

59 ~~(5)(8)~~ "Department" means the Department of Health.

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

63 ~~(10)~~ "Supervision" means ~~the easy availability of the~~
64 ~~supervisor to the athletic trainer, which includes the ability~~
65 ~~to communicate by telecommunications.~~

66 Section 3. Section 468.703, Florida Statutes, is amended
67 to read:

68 468.703 Board of Athletic Training.—

Amendment No.

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

72 (2) Five members of the board must be licensed athletic
73 trainers, certified by the Board of Certification. One member of
74 the board must be a physician licensed under chapter 458 or
75 chapter 459. One member of the board must be a physician
76 licensed under chapter 460. Two members of the board shall be
77 consumer members, each of whom must be a resident of this state
78 who has never worked as an athletic trainer, who has no
79 financial interest in the practice of athletic training, and who
80 has never been a licensed health care practitioner as defined in
81 s. 456.001(4).

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

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

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

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

87 (3)~~(4)~~ As the terms of the members expire, the Governor
88 shall appoint successors for terms of 4 years and such members
89 shall serve until their successors are appointed.

90 (4)~~(5)~~ All provisions of chapter 456 relating to
91 activities of the board shall apply.

92 (5)~~(6)~~ The board shall maintain its official headquarters
93 in Tallahassee.

Amendment No.

94 Section 4. Section 468.705, Florida Statutes, is amended
95 to read:

96 468.705 Rulemaking authority.— The board is authorized to
97 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
98 provisions of this part conferring duties upon it. The
99 provisions of s. 456.011(5) shall apply to the board's activity.
100 Such rules shall include, but not be limited to, the allowable
101 scope of practice regarding the use of equipment, procedures,
102 and medication; mandatory requirements and guidelines for
103 communication between the athletic trainer and a physician,
104 including the reporting to the physician of new or recurring
105 injuries or conditions; ~~requirements for a written protocol~~
106 ~~between the athletic trainer and a supervising physician,~~
107 licensure requirements; ~~licensure examination;~~ continuing
108 education requirements; ~~fees;~~ records, ~~and reports to be filed~~
109 by licensees; ~~protocols;~~ and any other requirements necessary
110 to regulate the practice of athletic training.

111 Section 5. Section 468.707, Florida Statutes, is amended
112 to read:

113 468.707 Licensure ~~by examination;~~ requirements.—Any person
114 desiring to be licensed as an athletic trainer shall apply to
115 the department on a form approved by the department. An
116 applicant shall also provide records or other evidence, as
117 determined by the board, to prove he or she has met the
118 requirements of this section. The department shall license each
119 applicant who:

Amendment No.

120 (1) Has completed the application form and remitted the
121 required fees.

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

127 (3) Has obtained a baccalaureate degree or higher from a
128 college or university professional athletic training degree
129 program accredited by the Commission on Accreditation of
130 Athletic Training Education or its successor ~~an accrediting~~
131 ~~agency~~ recognized and approved by the United States Department
132 of Education or the Commission on Recognition of Postsecondary
133 Accreditation, approved by the board, or recognized by the Board
134 of Certification, and has passed the national examination to be
135 certified by the Board of Certification.

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

140 (5) Has current certification in both cardiopulmonary
141 ~~cardiovascular pulmonary resuscitation~~ and the use of an
142 automated external defibrillator set forth in the continuing
143 education requirements ~~with an automated external defibrillator~~
144 ~~from the American Red Cross or the American Heart Association,~~

Amendment No.

145 ~~or an equivalent certification~~ as determined by the board
146 pursuant to s. 468.711.

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

150 Section 6. Paragraph (b) of subsection (1) of section
151 468.709, Florida Statutes, is amended to read:

152 468.709 Fees.—

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

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

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

158 468.711 Renewal of license; continuing education.—

159 (2) The board may, by rule, prescribe continuing education
160 requirements, not to exceed 24 hours biennially. The criteria
161 for continuing education shall be approved by the board and must
162 include a current certification ~~certificate~~ in both
163 cardiopulmonary cardiovascular pulmonary resuscitation and the
164 use of with an automated external defibrillator as set forth in
165 the continuing education requirements from the American Red
166 ~~Cross or the American Heart Association or an equivalent~~
167 ~~training~~ as determined by the board.

168 Section 8. Section 468.713, Florida Statutes, is amended
169 to read:

Amendment No.

170 468.713 Responsibilities of athletic trainers.—An athletic
171 trainer shall practice under the direction of ~~within a written~~
172 ~~protocol established between the athletic trainer and a~~
173 ~~supervising~~ physician licensed under chapter 458, chapter 459,
174 chapter 460, or otherwise authorized by Florida law to practice
175 medicine. The physician shall communicate his or her direction
176 through oral or written prescription or protocols as deemed
177 appropriate by the physician for the provision of services and
178 care by the athletic trainer. An athletic trainer shall provide
179 service or care in the manner dictated by the physician or, at
180 an athletic event, pursuant to direction from a physician
181 licensed under chapter 458, chapter 459, chapter 460, or
182 otherwise authorized by Florida law to practice medicine. A
183 written protocol shall require that the athletic trainer notify
184 the supervising physician of new injuries as soon as
185 practicable.

186 Section 9. Section 468.715, Florida Statutes, is amended
187 to read:

188 468.715 Sexual misconduct.—The athletic trainer-patient
189 ~~trainer-athlete~~ relationship is founded on mutual trust. ~~Sexual~~
190 ~~misconduct in the practice of athletic training means violation~~
191 ~~of the athletic trainer-athlete relationship through which the~~
192 ~~athletic trainer uses such relationship to induce or attempt to~~
193 ~~induce the athlete to engage, or to engage or attempt to engage~~
194 ~~the athlete, in sexual activity outside the scope of the~~
195 ~~practice or the scope of generally accepted examination or~~

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Amendment No.

196 ~~treatment of the athlete.~~ Sexual misconduct in the practice of
197 athletic training is prohibited under s. 456.063.

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

200 468.717 Violations and penalties.—Each of the following
201 acts constitutes a misdemeanor of the first degree, punishable
202 as provided in s. 775.082 or s. 775.083:

203 (1) Practicing athletic training, representing oneself as
204 an athletic trainer, or providing athletic trainer services to a
205 patient without being licensed under this part ~~Practicing~~
206 ~~athletic training for compensation without holding an active~~
207 ~~license under this part.~~

208 (5) Using the title "athletic trainer" or "licensed
209 athletic trainer," the abbreviation "AT" or "LAT," or a similar
210 title or abbreviation that suggests licensure as an athletic
211 trainer without being licensed under this part.

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

214 468.719 Disciplinary actions.—

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

217 ~~(a) Failing to include the athletic trainer's name and~~
218 ~~license number in any advertising, including, but not limited~~
219 ~~to, business cards and letterhead, related to the practice of~~
220 ~~athletic training. Advertising shall not include clothing or~~
221 ~~other novelty items.~~

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Amendment No.

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

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

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

228 (d)~~(e)~~ ~~While practicing athletic training,~~ Being unable to
229 practice athletic training with reasonable skill and safety
230 because of a mental or physical condition or to athletes by
231 reason of illness, or the use of alcohol, controlled substances,
232 or any other substance that impairs one's ability to practice ~~or~~
233 ~~drugs or as a result of any mental or physical condition.~~

234 (e)~~(f)~~ Violating any provision of this chapter or chapter
235 456, or any rules adopted pursuant thereto.

236 Section 12. Section 468.723, Florida Statutes, is amended
237 to read:

238 468.723 Exemptions.—This part does not prevent or
239 restrict:

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

244 (2) An athletic training student acting under the direct
245 supervision of a licensed athletic trainer. For purposes of this
246 subsection, "direct supervision" means the physical presence of
247 an athletic trainer so that the athletic trainer is immediately

Amendment No.

248 available to the athletic training student and able to intervene
249 on behalf of the athletic training student in accordance with
250 the standards set forth by the Commission on Accreditation of
251 Athletic Training Education or its successor.

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

254 (4) A person authorized to practice athletic training in
255 another state when such person is employed by or a volunteer for
256 an out-of-state secondary or postsecondary educational
257 institution, or a recreational, competitive, or professional
258 organization that is temporarily present in this state ~~A person~~
259 ~~licensed under chapter 548, provided such person is acting~~
260 ~~within the scope of such license.~~

261 (5) A person providing personal training instruction for
262 exercise, aerobics, or weightlifting, if the person does not
263 represent himself or herself as an athletic trainer or as able
264 to provide "athletic trainer" services and if any recognition or
265 treatment of injuries is limited to the provision of first aid.

266 (6) Third-party payors from reimbursing employers of
267 athletic trainers for covered services rendered by a licensed
268 athletic trainer.

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

271 456.0135 General background screening provisions.—

272 (1) An application for initial licensure received on or
273 after January 1, 2013, under chapter 458, chapter 459, chapter

Amendment No.

274 460, chapter 461, chapter 464, s. 465.022, part XIII of chapter
275 468, or chapter 480 shall include fingerprints pursuant to
276 procedures established by the department through a vendor
277 approved by the Department of Law Enforcement and fees imposed
278 for the initial screening and retention of fingerprints.
279 Fingerprints must be submitted electronically to the Department
280 of Law Enforcement for state processing, and the Department of
281 Law Enforcement shall forward the fingerprints to the Federal
282 Bureau of Investigation for national processing. Each board, or
283 the department if there is no board, shall screen the results to
284 determine if an applicant meets licensure requirements. For any
285 subsequent renewal of the applicant's license that requires a
286 national criminal history check, the department shall request
287 the Department of Law Enforcement to forward the retained
288 fingerprints of the applicant to the Federal Bureau of
289 Investigation unless the fingerprints are enrolled in the
290 national retained print arrest notification program.

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

292
293 -----
294 **T I T L E A M E N D M E N T**

295 Remove everything before the enacting clause and insert:
296 An act relating to athletic trainers; amending s. 468.70, F.S.;
297 revising legislative intent; amending s. 468.701, F.S.; revising
298 definitions; amending s. 468.703, F.S.; deleting the requirement
299 for the Governor to appoint the initial members of the Board of

Amendment No.

300 Athletic Training; amending s. 468.705, F.S.; revising the
301 board's authorization to adopt certain rules relating to
302 communication between an athletic trainer and a supervising
303 physician; amending s. 468.707, F.S.; requiring certain
304 applicants for licensure to submit fingerprints; revising
305 requirements for licensure; authorizing the board to require a
306 background screening for an applicant in certain circumstances;
307 amending s. 468.709, F.S.; deleting the requirement for the
308 board to establish an examination fee; amending s. 468.711,
309 F.S.; revising continuing education requirements for license
310 renewal; amending s. 468.713, F.S.; revising responsibilities of
311 athletic trainers to include requirements that a trainer must
312 practice under the direction of a physician; amending s.
313 468.715, F.S.; prohibiting sexual misconduct by an athletic
314 trainer; amending s. 468.717, F.S.; prohibiting unlicensed
315 persons from practicing athletic training or representing
316 themselves as athletic trainers; prohibiting an unlicensed
317 person from using specified titles; amending s. 468.719, F.S.;
318 revising grounds for disciplinary action; amending s. 468.723,
319 F.S.; providing exemptions; amending s. 456.0135, F.S.; revising
320 general background screening provisions to include athletic
321 trainers; providing an effective date.