

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.
5 468.705, F.S.; deleting the Board of Athletic
6 Training's authorization to adopt certain rules;
7 amending s. 468.707, F.S.; requiring certain
8 applicants for licensure to submit fingerprints;
9 revising requirements for licensure; amending s.
10 468.709, F.S.; deleting the requirement for the board
11 to establish an examination fee; amending s. 468.711,
12 F.S.; revising continuing education requirements for
13 license renewal; amending s. 468.713, F.S.; revising
14 responsibilities of athletic trainers to include
15 requirement that trainer must practice under the
16 direction of a physician; amending s. 468.715, F.S.;
17 prohibiting sexual misconduct by an athletic trainer;
18 amending s. 468.717, F.S.; prohibiting unlicensed
19 persons from practicing athletic training or
20 representing themselves as an athletic trainer;
21 prohibiting an unlicensed person from using specified
22 titles; amending s. 468.719, F.S.; revising grounds
23 for disciplinary action; amending s. 468.723, F.S.;
24 providing exemptions; providing an effective date.

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

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

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

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

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

- (1) ~~"Athlete" means a person who participates in an athletic activity.~~
- (2) ~~"Athletic activity" means the participation in an activity, conducted by an educational institution, a professional athletic organization, or an amateur athletic organization, involving exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina.~~
- (3) ~~"Athletic injury" means an injury sustained which affects the athlete's ability to participate or perform in~~

53 ~~athletic activity.~~

54 (1)-(4) "Athletic trainer" means a person licensed under
55 this part who has met the requirements under this part,
56 including education requirements as set forth by the Commission
57 on Accreditation of Athletic Training Education or its successor
58 and necessary credentials from the Board of Certification. An
59 individual who is licensed as an athletic trainer may not
60 provide, offer to provide, or represent that he or she is
61 qualified to provide any care or services that he or she lacks
62 the education, training, or experience to provide, or that he or
63 she is otherwise prohibited by law from providing.

64 (2)-(5) "Athletic training" means service and care provided
65 by an athletic trainer under the direction of a physician
66 licensed as specified in s. 468.713. Such service and care
67 includes, but is not limited to, the prevention, recognition,
68 evaluation, management, disposition, treatment, or
69 rehabilitation of a physically active person who sustained an
70 injury, illness, or other condition while involved in exercise,
71 sport, recreation, or another physical activity. For the
72 provision of such care and services, an athletic trainer may use
73 physical modalities, including, but not limited to, heat, light,
74 sound, cold, electricity, and mechanical devices ~~the~~
75 ~~recognition, prevention, and treatment of athletic injuries.~~

76 (3)-(6) "Board" means the Board of Athletic Training.

77 (4)-(7) "Board of Certification" means the nationally
78 accredited certifying body for athletic trainers or its

79 successor agency.

80 (5)~~(8)~~ "Department" means the Department of Health.

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

84 ~~(10) "Supervision" means the easy availability of the~~
 85 ~~supervisor to the athletic trainer, which includes the ability~~
 86 ~~to communicate by telecommunications.~~

87 Section 3. Section 468.705, Florida Statutes, is amended
 88 to read:

89 468.705 Rulemaking authority.—The board is authorized to
 90 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 91 provisions of this part conferring duties upon it. The
 92 provisions of s. 456.011(5) shall apply to the board's activity.
 93 Such rules shall include, but not be limited to, the allowable
 94 scope of practice regarding the use of equipment, procedures,
 95 and medication;i~~r~~ requirements for a written protocol between the
 96 athletic trainer and a supervising physician~~r~~ licensure
 97 requirements;i~~r~~ licensure examination;i~~r~~ continuing education
 98 requirements;i~~r~~ fees;i~~r~~ records~~r~~ and reports to be filed by
 99 licensees;i~~r~~ protocols;i~~r~~ and any other requirements necessary to
 100 regulate the practice of athletic training.

101 Section 4. Section 468.707, Florida Statutes, is amended
 102 to read:

103 468.707 Licensure ~~by examination~~~~r~~ requirements.—Any person
 104 desiring to be licensed as an athletic trainer shall apply to

105 the department on a form approved by the department. An
106 applicant shall also provide records or other evidence, as
107 determined by the board, to prove he or she has met the
108 requirements of this section. The department shall license each
109 applicant who:

110 (1) Has completed the application form and remitted the
111 required fees.

112 (2) For a person who applies on or after July 1, 2015, has
113 submitted to the department a set of fingerprints on a form
114 pursuant to procedures established by the department and
115 submitted payment in an amount equal to the cost incurred by the
116 department for a criminal background check of the applicant. The
117 board may require a similar fingerprinting and background check
118 for an applicant whose license has expired or who is undergoing
119 disciplinary action ~~Is at least 21 years of age.~~

120 (3) Has obtained a baccalaureate degree or higher from a
121 college or university accredited by the Commission on
122 Accreditation of Athletic Training Education or its successor or
123 an accrediting agency recognized and approved by the United
124 States Department of Education or the Commission on Recognition
125 of Postsecondary Accreditation, approved by the board, or
126 recognized by the Board of Certification, and has passed the
127 national examination to be certified by the Board of
128 Certification.

129 (4) If graduated before ~~after~~ 2004, has a current
130 credential from ~~has completed an approved athletic training~~

131 ~~curriculum from a college or university accredited by a program~~
 132 ~~recognized by the Board of Certification.~~

133 (5) Has current certification in both cardiopulmonary
 134 ~~cardiovascular pulmonary~~ resuscitation and the use of an
 135 automated external defibrillator set forth in the continuing
 136 education requirements ~~with an automated external defibrillator~~
 137 ~~from the American Red Cross or the American Heart Association,~~
 138 ~~or an equivalent certification~~ as determined by the board
 139 pursuant to s. 468.711.

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

143 Section 5. Paragraph (b) of subsection (1) of section
 144 468.709, Florida Statutes, is amended to read:

145 468.709 Fees.—

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

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

149 Section 6. Subsection (2) of section 468.711, Florida
 150 Statutes, is amended to read:

151 468.711 Renewal of license; continuing education.—

152 (2) The board may, by rule, prescribe continuing education
 153 requirements, not to exceed 24 hours biennially. The criteria
 154 for continuing education shall be approved by the board and must
 155 include a current certification ~~certificate~~ in both
 156 cardiopulmonary ~~cardiovascular pulmonary~~ resuscitation and the

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157 use of ~~with~~ an automated external defibrillator as set forth in
 158 the continuing education requirements ~~from the American Red~~
 159 ~~Cross or the American Heart Association or an equivalent~~
 160 ~~training~~ as determined by the board.

161 Section 7. Section 468.713, Florida Statutes, is amended
 162 to read:

163 468.713 Responsibilities of athletic trainers.—An athletic
 164 trainer shall practice under the direction of ~~within a written~~
 165 ~~protocol established between the athletic trainer and a~~
 166 ~~supervising~~ physician licensed under chapter 458, chapter 459,
 167 chapter 460, or otherwise authorized by Florida law to practice
 168 medicine. The physician shall communicate his or her direction
 169 through advice, referral, oral or written prescription, or
 170 protocols as deemed appropriate by the physician for the
 171 provision of services and care by the athletic trainer. An
 172 athletic trainer shall provide service or care in the manner
 173 dictated by the communicating physician ~~or, at an athletic~~
 174 ~~event, pursuant to direction from a physician licensed under~~
 175 ~~chapter 458, chapter 459, chapter 460, or otherwise authorized~~
 176 ~~by Florida law to practice medicine. A written protocol shall~~
 177 ~~require that the athletic trainer notify the supervising~~
 178 ~~physician of new injuries as soon as practicable.~~

179 Section 8. Section 468.715, Florida Statutes, is amended
 180 to read:

181 468.715 Sexual misconduct.—The athletic trainer-client
 182 ~~trainer-athlete~~ relationship is founded on mutual trust. ~~Sexual~~

183 ~~misconduct in the practice of athletic training means violation~~
 184 ~~of the athletic trainer-athlete relationship through which the~~
 185 ~~athletic trainer uses such relationship to induce or attempt to~~
 186 ~~induce the athlete to engage, or to engage or attempt to engage~~
 187 ~~the athlete, in sexual activity outside the scope of the~~
 188 ~~practice or the scope of generally accepted examination or~~
 189 ~~treatment of the athlete.~~ Sexual misconduct in the practice of
 190 athletic training is prohibited under s. 456.063.

191 Section 9. Subsections (1) and (5) of section 468.717,
 192 Florida Statutes, are amended to read:

193 468.717 Violations and penalties.—Each of the following
 194 acts constitutes a misdemeanor of the first degree, punishable
 195 as provided in s. 775.082 or s. 775.083:

196 (1) Practicing athletic training, representing oneself as
 197 an athletic trainer, or providing athletic trainer services to a
 198 client without being licensed under this part ~~Practicing~~
 199 ~~athletic training for compensation without holding an active~~
 200 ~~license under this part.~~

201 (5) Using the title "athletic trainer" or "licensed
 202 athletic trainer," the abbreviation "AT" or "LAT," or a similar
 203 title or abbreviation that suggests licensure as an athletic
 204 trainer without being licensed under this part.

205 Section 10. Subsection (1) of section 468.719, Florida
 206 Statutes, is amended to read:

207 468.719 Disciplinary actions.—

208 (1) The following acts constitute grounds for denial of a

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209 license or disciplinary action, as specified in s. 456.072(2):

210 ~~(a) Failing to include the athletic trainer's name and~~
211 ~~license number in any advertising, including, but not limited~~
212 ~~to, business cards and letterhead, related to the practice of~~
213 ~~athletic training. Advertising shall not include clothing or~~
214 ~~other novelty items.~~

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

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

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

221 (d)~~(e)~~ ~~While practicing athletic training,~~ Being unable to
222 practice athletic training with reasonable skill and safety
223 because of a mental or physical condition or to athletes by
224 reason of illness, or the use of alcohol, or controlled
225 substances, or any other substance that impairs one's ability to
226 practice drugs or as a result of any mental or physical
227 condition.

228 (e)~~(f)~~ Violating any provision of this chapter or chapter
229 456, or any rules adopted pursuant thereto.

230 Section 11. Section 468.723, Florida Statutes, is amended
231 to read:

232 468.723 Exemptions.—This part does not prevent or
233 restrict:

234 (1) A person licensed in this state under another chapter

235 from engaging in the practice for which he or she is licensed
236 and ~~The professional practice of a licensee of the department~~
237 ~~who is~~ acting within the scope of such practice.

238 (2) An athletic training student acting under the direct
239 supervision of a licensed athletic trainer. For purposes of this
240 subsection, "direct supervision" means the physical presence of
241 an athletic trainer so that the athletic trainer is immediately
242 available to the athletic training student and able to intervene
243 on behalf of the athletic training student in accordance with
244 the standards set forth by the Commission on Accreditation of
245 Athletic Training Education or its successor.

246 (3) A person from administering standard first aid
247 treatment to a client ~~an athlete~~.

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

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

260 (6) Third party payors from reimbursing employers of

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261 | athletic trainers for covered services rendered by a licensed
262 | athletic trainer.

263 | Section 12. This act shall take effect July 1, 2015.