

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 Committee on Health Policy

BILL: SB 226

INTRODUCER: Senator Harrell

SUBJECT: Athletic Trainers

DATE: October 21, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Pre-meeting
2.	_____	_____	AP	_____
3.	_____	_____	RC	_____

I. Summary:

SB 226 requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure.

The bill has an effective date of July 1, 2020.

II. Present Situation:

Athletic Trainers

Section 468.073, F.S., establishes the BOAT within the Department of Health (DOH) to license and regulate the practice of athletic trainers in Florida. Applicants for licensure as an athletic trainer are required to:

- Submit to a background screening;
- Have a baccalaureate or higher degree from a college or university in professional athletic training accredited by the Commission on Accreditation of Athletic Training Education, and have passed the national examination to be certified by the Board of Certification (BOC)¹ for athletic trainers;

¹ The Board of Certification, Inc. (BOC) was incorporated in 1989 as a not-for-profit credentialing agency to provide a certification program for the entry level athletic training profession. The BOC establishes both the standards for the practice of athletic training and the continuing education requirements for BOC Certified Athletic Trainers (ATs). The BOC also works with state regulatory agencies to provide credential information, professional conduct guidelines and regulatory standards on certification issues. The BOC also has the only accredited certification program for ATs in the United States and has mutual recognition agreements with Canada and Ireland. *See* Board of Certification for the Athletic Trainer, *What is the BOC?* available at: <http://www.bocatc.org/about-us#what-is-the-boc> (last visited Oct. 4, 2019).

- Have a current certification from the BOC, if they graduated before 2004;² and
- Have current certifications in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED).³

An athletic trainer must practice under the direction of an allopathic, osteopathic or chiropractic physician licensed under chs. 458, 459, or 460, F.S., or otherwise authorized by Florida law. The physician must communicate his or her direction through oral or written prescriptions or protocols for the provision of services and care by the athletic trainer, and the athletic trainer must provide service or care as dictated by the physician.⁴

The services an athletic trainer is authorized to provide relate to the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of a physically active person who sustained an injury, illness, or other condition involving exercise, sport, recreation, or related physical activity. In providing care and services, an athletic trainer may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, and mechanical devices.⁵

The BOAT is authorized to adopt rules to implement the provisions of part XIII, ch. 468, F.S. Such rules must include, but are not limited to:

- The allowable scope of practice regarding the use of equipment, procedures, and medication;
- Mandatory requirements and guidelines for communication between the athletic trainer and a physician, including the reporting to the physician of new or recurring injuries or conditions;
- Licensure requirements;
- Licensure examination;
- Continuing education requirements;
- Fees;
- Records and reports to be filed by licensees;
- Protocols; and,
- Any other requirements necessary to regulate the practice of athletic training.⁶

At renewal, licensed athletic trainers must demonstrate a current BOC certification; however, there is no requirement for that certification to be held without lapse and in good standing.⁷

III. Effect of Proposed Changes:

The bill amends the definition of an “athletic trainer” in s. 468.701, F.S, to add the following substantive provisions to the definition:

- An athletic trainer must practice within his or her scope of practice as established in rules adopted by the BOAT; and,

² *Supra* note 1, at 4. Prior to 2004, and the inception of athletic training programs, athletic trainers obtained training through a BOC internship program to obtain licensure in Florida. Current law does not automatically allow athletic trainers who obtained training through the BOC internship program to become licensed in Florida.

³ Section 468.707, F.S.

⁴ Section 468.713, F.S.

⁵ Section 468.701, F.S.

⁶ Section 468.705, F.S.

⁷ Section 468.711, F.S.

- An individual licensed as an athletic trainer is prohibited from providing, offering to provide, or representing that he or she is qualified to provide any care or services beyond his or her scope of practice.

The bill amends s. 468.707, F.S., the licensure requirements for an athletic trainer, to create a new licensure pathway for applicants who hold a bachelor's degree, have completed the BOC internship program, and hold a current certification from the BOC to become licensed in Florida.

The bill amends licensure renewal requirements in s. 468.711, F.S., to require an athletic trainer to maintain his or her BOC certification in good standing and without lapse. Licensees will need to demonstrate continuous good standing of his or her BOC certification at the time of renewal.

The bill amends s. 468.723, F.S., delineating the circumstances to which part XIII, ch. 468, F.S., does not apply, as follows:

- Gives the BOAT rulemaking authority to further define the direct supervision between an athletic training student and a licensed athletic trainer, rather than relying on standards set by the Commission on Accreditation of Athletic Training Education;
- Does not prevent or restrict a person from administering emergency care to another person; and
- Does not prevent or restrict a third-party payor from reimbursing individual licensed athletic trainers for covered services.

The bill has an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 226 has an insignificant negative impact on state revenues and expenditures. The DOH will experience an insignificant increase in workload associated with rulemaking activities required in the bill. These costs can be absorbed within existing resources of the DOH.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.701, 468.707, 468.711, and 468.723.

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

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

None.

B. Amendments:

None.