

## House Bill No. 699

An act relating to athletic trainers; amending s. 468.701, F.S.; revising and removing definitions; amending s. 468.703, F.S.; replacing the Council of Athletic Training with a Board of Athletic Training; providing for appointment of board members and their successors; providing for staggering of terms; providing for applicability of other provisions of law relating to activities of regulatory boards; providing for the board's headquarters; amending ss. 468.705, 468.707, 468.709, 468.711, 468.719, and 468.721, F.S., relating to rulemaking authority, licensure by examination, fees, continuing education, disciplinary actions, and certain regulatory transition; transferring to the board certain duties of the Department of Health relating to regulation of athletic trainers; amending ss. 20.43, 232.435, 455.607, and 455.667, F.S.; correcting cross references, to conform; providing for termination of the council and the terms of council members; authorizing consideration of former council members for appointment to the board; providing an effective date.

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

Section 1. Section 468.701, Florida Statutes, 1998 Supplement, 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 athletic activity.
- (4) “Athletic trainer” means a person licensed under this part.
- (5) “Athletic training” means the recognition, prevention, and treatment of athletic injuries.
- (6) “Board Council” means the Board Council of Athletic Training.
- (7) “Department” means the Department of Health.
- (8) “Direct supervision” means the physical presence of the supervisor on the premises so that the supervisor is immediately available to the trainee when needed.
- (9) ~~“Secretary” means the Secretary of Health.~~

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

Section 2. Section 468.703, Florida Statutes, 1998 Supplement, is amended to read:

468.703 Board Council of Athletic Training.—

(1) The Board Council of Athletic Training is created within the department and shall consist of nine seven members to be appointed by the Governor and confirmed by the Senate secretary.

(2) Five Four members of the board must council shall be licensed athletic trainers. One member of the board must council shall be a physician licensed under chapter 458 or chapter 459. One member of the board must council shall be a physician licensed under chapter 460. Two members One member of the board shall be consumer members, each of whom must council shall be a resident of this state who has never worked as an athletic trainer, who has no financial interest in the practice of athletic training, and who has never been a licensed health care practitioner as defined in s. 455.501(4). Members of the council shall serve staggered 4-year terms as determined by rule of the department; however, no member may serve more than two consecutive terms.

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

- (a) Three members for terms of 2 years each.
- (b) Three members for terms of 3 years each.
- (c) Three members for terms of 4 years each.

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

(5) All provisions of part II of chapter 455 relating to activities of the board shall apply.

(6) The board shall maintain its official headquarters in Tallahassee.

~~(3) The council shall advise and assist the department in:~~

~~(a) Developing rules relating to licensure requirements, the licensure examination, continuing education requirements, fees, records and reports to be filed by licensees, and any other requirements necessary to regulate the practice of athletic training.~~

~~(b) Monitoring the practice of athletic training in other jurisdictions.~~

~~(c) Educating the public about the role of athletic trainers.~~

~~(d) Collecting and reviewing data regarding the licensed practice of athletic training.~~

~~(e) Addressing concerns and problems of athletic trainers in order to promote improved safety in the practice of athletic training.~~

~~(4) Members of the council shall be entitled to compensation and reimbursement for expenses in the same manner as board members are compensated and reimbursed under s. 455.534.~~

Section 3. Section 468.705, Florida Statutes, 1998 Supplement, is amended to read:

468.705 Rulemaking authority.—The board department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this part conferring duties upon it. The provisions of s. 455.534(5) shall apply to the board's activity. Such rules shall include, but not be limited to, the allowable scope of practice regarding the use of equipment, procedures, and medication and requirements for a written protocol between the athletic trainer and a supervising physician, 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.

Section 4. Section 468.707, Florida Statutes, 1998 Supplement, is amended to read:

468.707 Licensure by examination; requirements.—

(1) Any person desiring to be licensed as an athletic trainer shall apply to the department on a form approved by the department.

(a) The department shall license each applicant who:

1. Has completed the application form and remitted the required fees.
2. Is at least 21 years of age.
3. Has obtained a baccalaureate degree from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board department.
4. Has completed coursework from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, or approved by the board department, in each of the following areas, as provided by rule: health, human anatomy, kinesiology/biomechanics, human physiology, physiology of exercise, basic athletic training, and advanced athletic training.
5. Has current certification in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or an equivalent certification as determined by the board department.

6. Has, within 2 of the preceding 5 years, attained a minimum of 800 hours of athletic training experience under the direct supervision of a licensed athletic trainer or an athletic trainer certified by the National Athletic Trainers' Association or a comparable national athletic standards organization.

7. Has passed an examination administered or approved by the board department.

(b) The department shall also license each applicant who:

1. Has completed the application form and remitted the required fees no later than October 1, 1996.

2. Is at least 21 years of age.

3. Has current certification in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or an equivalent certification as determined by the board department.

4.a. Has practiced athletic training for at least 3 of the 5 years preceding application; or

b. Is currently certified by the National Athletic Trainers' Association or a comparable national athletic standards organization.

(2) Pursuant to the requirements of s. ~~455.607~~ 455.604, each applicant shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of initial licensure.

Section 5. Section 468.709, Florida Statutes, is amended to read:

468.709 Fees.—

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

- (a) An application fee, not to exceed \$100.
- (b) An examination fee, not to exceed \$200.
- (c) An initial licensure fee, not to exceed \$200.
- (d) A biennial renewal fee, not to exceed \$200.
- (e) An inactive fee, not to exceed \$100.
- (f) A delinquent fee, not to exceed \$100.
- (g) A reactivation fee, not to exceed \$100.
- (h) A voluntary inactive fee, not to exceed \$100.

(2) The board department shall establish fees at a level, not to exceed the statutory fee cap, that is adequate to ensure the continued operation of the

regulatory program under this part. The board department shall neither set nor maintain the fees at a level that will substantially exceed this need.

Section 6. Subsections (2) and (3) of section 468.711, Florida Statutes, 1998 Supplement, are amended to read:

468.711 Renewal of license; continuing education.—

(2) The board department may, by rule, prescribe continuing education requirements, not to exceed 24 hours biennially. The criteria for continuing education shall be approved by the board department and shall include 4 hours in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or equivalent training as determined by board department.

(3) Pursuant to the requirements of s. ~~455.607~~ 455.604, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

Section 7. Subsection (2) of section 468.719, Florida Statutes, 1998 Supplement, is amended to read:

468.719 Disciplinary actions.—

(2) When the board department finds any person guilty of any of the acts set forth in subsection (1), the board department may enter an order imposing one or more of the penalties provided in s. 455.624.

Section 8. Section 468.721, Florida Statutes, is amended to read:

468.721 Saving clause.—

~~(1) An athletic trainer registration which is valid on October 1, 1995, shall become for all purposes an athletic trainer license as required by this part, subject to any disciplinary or administrative action pending on October 1, 1995, and shall be subject to all the same terms and conditions as athletic trainer licenses issued after October 1, 1995. The department shall retain jurisdiction to impose discipline for any violation of this part which occurred prior to October 1, 1995, but is discovered after October 1, 1995, under the terms of this part prior to October 1, 1995.~~

~~(2) No judicial or administrative proceeding pending on July 1, 1995, shall be abated as a result of enactment of any provision of this act.~~

(3) Rules adopted by the department relating to the regulation registration of athletic trainers under this part prior to October 1, 1999, shall remain in effect until the board department adopts rules relating to the regulation licensure of athletic trainers under this part which supersede such earlier rules.

Section 9. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, 1998 Supplement, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.
2. Health care services pools, as provided under s. 402.48.
3. The Board of Acupuncture, created under chapter 457.
4. The Board of Medicine, created under chapter 458.
5. The Board of Osteopathic Medicine, created under chapter 459.
6. The Board of Chiropractic Medicine, created under chapter 460.
7. The Board of Podiatric Medicine, created under chapter 461.
8. Naturopathy, as provided under chapter 462.
9. The Board of Optometry, created under chapter 463.
10. The Board of Nursing, created under chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
15. The Board of Nursing Home Administrators, created under part II of chapter 468.
16. The Board of Occupational Therapy, created under part III of chapter 468.
17. Respiratory therapy, as provided under part V of chapter 468.
18. Dietetics and nutrition practice, as provided under part X of chapter 468.
19. The Board of Athletic Training trainers, created as provided under part XIII of chapter 468.
20. The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.
21. Electrolysis, as provided under chapter 478.

22. The Board of Massage Therapy, created under chapter 480.
23. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.
24. Medical physicists, as provided under part IV of chapter 483.
25. The Board of Opticianry, created under part I of chapter 484.
26. The Board of Hearing Aid Specialists, created under part II of chapter 484.
27. The Board of Physical Therapy Practice, created under chapter 486.
28. The Board of Psychology, created under chapter 490.
29. School psychologists, as provided under chapter 490.
30. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 10. Paragraph (b) of subsection (3) of section 232.435, Florida Statutes, is amended to read:

232.435 Extracurricular athletic activities; athletic trainers.—

(3)

(b) If a school district uses the services of an athletic trainer who is not a teacher athletic trainer or a teacher apprentice trainer within the requirements of this section, such athletic trainer must be licensed as required by part ~~XIII~~ XIV of chapter 468.

Section 11. Subsection (1) of section 455.607, Florida Statutes, is amended to read:

455.607 Athletic trainers and massage therapists; requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) The board, or the department where there is no board, shall require each person licensed or certified under part ~~XIII~~ XIV of chapter 468 or chapter 480 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.

Section 12. Paragraph (f) of subsection (2) of section 455.667, Florida Statutes, 1998 Supplement, is amended to read:

455.667 Ownership and control of patient records; report or copies of records to be furnished.—

(2) As used in this section, the terms “records owner,” “health care practitioner,” and “health care practitioner’s employer” do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

(f) Athletic trainers licensed under part ~~XIII~~ XIV of chapter 468.

Section 13. The Council of Athletic Training and the terms of all council members are terminated on October 1, 1999. However, such termination in no way precludes the Governor from considering any former council member for appointment to the Board of Athletic Training created by this act.

Section 14. This act shall take effect October 1, 1999.

Approved by the Governor June 11, 1999.

Filed in Office Secretary of State June 11, 1999.