

CHAPTER 2015-116

Committee Substitute for House Bill No. 541

An act relating to athletic trainers; amending s. 468.70, F.S.; revising legislative intent; amending s. 468.701, F.S.; revising definitions; amending s. 468.703, F.S.; deleting the requirement for the Governor to appoint the initial members of the Board of Athletic Training; amending s. 468.705, F.S.; revising the board's authorization to adopt certain rules relating to communication between an athletic trainer and a supervising physician; amending s. 468.707, F.S.; revising requirements for licensure; authorizing the board to require a background screening for an applicant in certain circumstances; amending s. 468.709, F.S.; deleting the requirement for the board to establish an examination fee; amending s. 468.711, F.S.; revising continuing education requirements for license renewal; amending s. 468.713, F.S.; revising responsibilities of athletic trainers to include requirements that a trainer must practice under the direction of a physician; amending s. 468.715, F.S.; prohibiting sexual misconduct by an athletic trainer; amending s. 468.717, F.S.; prohibiting unlicensed persons from practicing athletic training or representing themselves as athletic trainers; prohibiting an unlicensed person from using specified titles; amending s. 468.719, F.S.; revising grounds for disciplinary action; amending s. 468.723, F.S.; providing exemptions; amending s. 456.0135, F.S.; revising general background screening provisions to include athletic trainers; providing an effective date.

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

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 athletic activity.~~

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

~~(2)(5) “Athletic training” means service and care provided by an athletic trainer under the direction of a physician as specified in s. 468.713. Such service and care must 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. For the provision of such care and services, an athletic trainer may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, and mechanical devices the recognition, prevention, and treatment of athletic injuries.~~

~~(3)(6) “Board” means the Board of Athletic Training.~~

~~(4)(7) “Board of Certification” means the nationally accredited certifying body for athletic trainers or its successor agency.~~

~~(5)(8) “Department” means the Department of Health.~~

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

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

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

468.703 Board of Athletic Training.—

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

(2) Five members of the board must be licensed athletic trainers, certified by the Board of Certification. One member of the board must be a physician licensed under chapter 458 or chapter 459. One member of the board must be

a physician licensed under chapter 460. Two members of the board shall be consumer members, each of whom must 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. 456.001(4).

~~(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.~~

~~(3)(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.

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

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

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

468.705 Rulemaking authority.—The board 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. 456.011(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; 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; ~~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 5. Section 468.707, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

468.709 Fees.—

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

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

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

468.711 Renewal of license; continuing education.—

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

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

468.713 Responsibilities of athletic trainers.—An athletic trainer shall practice under the direction of within a written protocol established between the athletic trainer and a supervising physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine. The physician shall communicate his or her direction through oral or written prescriptions or protocols as deemed appropriate by the physician for the provision of services and care by the athletic trainer. An athletic trainer shall provide service or care in the manner dictated by the physician or, at an athletic event, pursuant to direction from a physician licensed under chapter 458, chapter 459, chapter 460, or otherwise authorized by Florida law to practice medicine. A written protocol shall require that the athletic trainer notify the supervising physician of new injuries as soon as practicable.

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

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

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

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

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

(5) Using the title “athletic trainer” or “licensed athletic trainer,” the abbreviation “AT” or “LAT,” or a similar title or abbreviation that suggests licensure as an athletic trainer without being licensed under this part.

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

468.719 Disciplinary actions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) A person providing personal training instruction for exercise, aerobics, or weightlifting, if the person does not represent himself or herself as an

athletic trainer or as able to provide “athletic trainer” services and if any recognition or treatment of injuries is limited to the provision of first aid.

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

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

456.0135 General background screening provisions.—

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

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

Approved by the Governor June 10, 2015.

Filed in Office Secretary of State June 10, 2015.