
SENATE CONCURRENT RESOLUTION

REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS.

1 WHEREAS, certified athletic trainers are health care
2 professionals who specialize in the prevention, assessment,
3 immediate care, treatment, referral, and rehabilitation of
4 injuries and illnesses sustained by athletes and others engaged
5 in physical activity; and
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7 WHEREAS, athletic trainers are certified by the National
8 Athletic Trainers Board of Certification, an independent
9 credentialing agency whose certifications are based upon
10 standards that provide protection to the public and indicate
11 that the athletic trainers have knowledge and skill in six
12 practice domains of athletic training; and
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14 WHEREAS, the Legislature has affirmed the value,
15 importance, and qualifications of certified athletic trainers in
16 the past by appropriating funds to place certified athletic
17 trainers in each of Hawaii's public secondary schools; and
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19 WHEREAS, in addition to the public secondary schools,
20 certified athletic trainers are employed in private secondary
21 schools, colleges and universities, physician offices,
22 hospitals, sports medicine clinics, the military, and fitness
23 centers; and
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25 WHEREAS, there are currently one hundred sixty-five
26 certified athletic trainers in the State of Hawaii; and
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28 WHEREAS, the University of Hawaii-Manoa has an accredited
29 athletic training curriculum; and
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31 WHEREAS, because the public has difficulty discerning the
32 difference between athletic trainers, personal trainers, and
33 boxing trainers, there is a risk that unqualified non-
34 credentialed persons will represent themselves as "trainers" and



1 mislead members of the public into believing that they are
2 receiving care from health care professionals; and
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4 WHEREAS, there is a risk that Hawaii's athletic population
5 could suffer consequences such as chronic pain, disability, or
6 loss of life if health care is received from unqualified
7 practitioners; and
8

9 WHEREAS, athletic trainers routinely work with children as
10 young as twelve but are one of the few types of medical
11 professionals not regulated in Hawaii; and
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13 WHEREAS, licensure would ensure that Hawaii's athletic
14 population receives specialized emergency care and appropriate
15 treatment and rehabilitation and meet appropriate criteria
16 before being returned to play; and
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18 WHEREAS, licensure would require and verify, as is now
19 required of other health care professions, demonstration of
20 minimum competency in the profession; and
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22 WHEREAS, licensure would provide a mechanism to report and
23 remedy malpractice and ethical violations, thereby reducing an
24 existing threat of harm to the public; and
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26 WHEREAS, as Hawaii is one of the few states without
27 licensure there is no one to whom the National Athletic Trainers
28 Association Board of Certification can report disciplinary
29 actions to ensure that appropriate action is taken to protect
30 the public; and
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32 WHEREAS, section 26H-6, Hawaii Revised Statutes, requires a
33 review by the Auditor before enactment of a measure that would
34 subject an unregulated profession or vocation to licensing or
35 other regulatory control; and
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37 WHEREAS, Senate Bill No. was introduced in the 2009
38 Regular Session and calls for the regulation of athletic
39 trainers through licensure; now, therefore,
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41 BE IT RESOLVED by the Senate of the Twenty-fifth
42 Legislature of the State of Hawaii, Regular Session of 2009, the
43 House of Representatives concurring, that the Auditor is



S.C.R. NO. 35

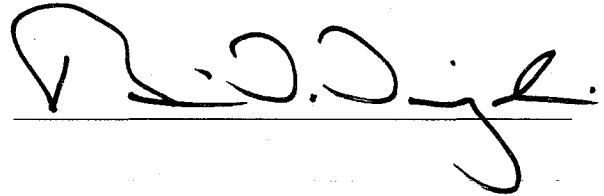
1 requested to perform a sunrise review regarding the licensure of
2 athletic trainers; and

3
4 BE IT FURTHER RESOLVED that the Auditor is requested to
5 submit findings and recommendations, including any proposed
6 amendments to new legislation containing the elements of Senate
7 Bill No. , to the Legislature not later than twenty days
8 before the convening of the Regular Session of 2010; and

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10 BE IT FURTHER RESOLVED that a certified copy of this
11 Concurrent Resolution be transmitted to the Auditor.

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13
14

OFFERED BY:



A handwritten signature in black ink, appearing to read "R. D. D. J. J.", is written over a horizontal line. The signature is stylized and cursive.





LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION of 2009

Wednesday, April 1, 2009
9:00 a.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 35, REQUESTING A
SUNRISE REVIEW OF ATHLETIC TRAINERS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Program Specialist of the Professional and Vocational
Licensing Division, Department of Commerce and Consumer Affairs ("Department").

The Department appreciates the opportunity to testify in support of S.C.R. No. 35,
requesting a sunrise review of athletic trainers.

S.C.R. No. 35 requests that the Auditor perform a sunrise review regarding the
licensure of athletic trainers. While the bill number is yet to be defined in the resolution,
the Auditor would perform an analysis of the regulation proposed in such measure. To

our knowledge, Senate Bill No. 1129 was the proposal on athletic trainers, as well as Senate Bill No. 1129, S.D. 1.

As section 26-H, HRS requires that the Auditor conduct a sunrise review before enactment of a measure that would subject an unregulated profession or vocation to regulation, we strongly support this measure. The Auditor's analysis would set forth the probable effects of the proposed regulatory measure, assess whether its enactment is consistent with the purposes of section 26H-2, HRS, and assess alternate forms of regulation.

Thank you for the opportunity to testify in support of S.C.R. No. 35.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Committee On Commerce and Consumer Protection
April 1, 2009, 9 a.m.
Conference Room 229

By
Virginia S. Hinshaw, Chancellor
and
Carl R. Clapp
Associate Director of Athletics
University of Hawai'i at Mānoa

SCR 35 – REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS

Chair Baker, Vice Chair Ige, and members of the Committee:

I am Carl Clapp, Associate Director of Athletics for the University of Hawai'i at Mānoa, and I am presenting testimony for the University of Hawai'i at Mānoa in support of SCR 35 relating to Athletic Trainers. We are aware that the National Athletic Trainers Association (NATA) and the Hawai'i Athletic Trainers Association support the licensing of athletic trainers and that approximately 33 states currently require licensing with several more considering requiring licensing of athletic trainers.

Our understanding is that the athletic trainers at the University of Hawai'i at Mānoa are compliance with the requirements of this bill. Athletic Trainers hired by the University of Hawai'i at Mānoa are required to have the qualifications listed in the Senate Bill including the following:

1. Have a bachelor's or advanced degree from an accredited four-year college or university,
2. Have successfully completed the NATA Board of Certification Examination, and
3. Be certified by the NATA.

With the significant participation in youth sports and the high participation in physical activity of our adult population in Hawai'i the risk for injury rises as well. That is where the Certified Athletic Trainer (AT) comes in. Whether it is an athlete of any age, a worker performing physical tasks or even an average citizen delving in to recreational activities, the AT can help.

ATs are highly qualified healthcare professionals educated in preventing, recognizing, managing and rehabilitating injuries that result from physical activity. ATs can help you avoid unnecessary medical treatment and disruption of normal daily life. If you're injured, they are trained to work with your healthcare provider to get you on the mend and keep you on the move.

Athletic training is recognized by the American Medical Association (AMA) as an allied healthcare profession, and the AMA recommends ATs in every high school to keep America's youth safe and healthy. Specifically, the Board of Certification Certified Athletic Trainer has demonstrated knowledge and skill in six practice areas or domains:

- Prevention
- Clinical Evaluation and Diagnosis
- Immediate Care
- Treatment, Rehabilitation and Reconditioning
- Organization and Administration
- Professional Responsibility

As part of a complete healthcare team, the AT works under the direction of a physician and in cooperation with other healthcare professionals, athletic administrators, coaches and parents. The AT gets to know each patient individually and can treat injuries more effectively.

It is important that we make sure that all of our athletic trainers in Hawai'i have the appropriate education, training and certification.

Thank you for the opportunity to testify.

TESTIMONY TO THE SENATE COMMITTEE ON CONSUMER PROTECTION,
ON
SCR35 REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS

The Hawaii Athletic Trainers Association supports SCR35 Requesting a Sunrise Review of Athletic Trainers. Certified Athletic Trainers are healthcare professionals who specialize in injury prevention, assessment, immediate care, treatment, referral and rehabilitation particularly in the orthopedic and musculoskeletal disciplines. Athletic Training has been recognized by the American Medical Association as an allied healthcare profession since 1990, an independent national credentialing agency, the Board of Certification Inc. certifies athletic trainers. The Hawaii State Legislature has affirmed the value, importance, and qualifications of certified athletic trainers in the past by appropriating funds to place certified athletic trainers in each of Hawaii's public secondary schools. In addition to the public secondary schools, Certified Athletic Trainers are employed in private secondary schools, Colleges and Universities, physician offices, hospitals, sports medicine clinics, the military, and fitness centers. There are currently 165 certified athletic trainers in the state of Hawaii. The University of Hawaii-Manoa has an accredited athletic training curriculum.

A concurrent resolution was first passed in 2005 asking the State Auditor's Office to perform a "Sunrise Analysis" of regulating the profession of athletic training. That analysis has not yet been done. Our association understands that state law requires an analysis to be completed prior to enacting this legislation and we firmly support that requirement.

We feel that our profession should be regulated to safeguard the public.

1. There is risk that Hawaii's athletic population could suffer consequences such as chronic pain, disability, or loss of life if health care is received from unqualified practitioners. Regulation would ensure that Hawaii's athletic population receives specialized emergency care and appropriate treatment and rehabilitation, and meet appropriate criteria before being returned to play.
2. Regulation would require and verify, as is now required of other health care professions demonstration of minimum competency in the profession by verifying the educational and certification requirements of the Board of Certification Inc..
3. It would provide a mechanism to report any malpractice or ethical violations. At present that does not exist placing the public at risk.
4. Currently there is no agency that monitors whether the certification of athletic trainers remains in good standing. A person could conceivably become certified and fail to maintain his/her certification. This can happen by failing to meet continuing education requirements or certification can be suspended or revoked by the National Athletic Trainers Association Board of Certification for ethical or legal violations. Again at present there is no one to whom the national organization can report disciplinary actions.
5. As one of the few states nationwide without licensure, Hawaii could become a dumping ground for those who have had disciplinary restrictions from other states.
6. There is title confusion. The public has trouble discerning the differences between certified athletic trainers, personal trainers, boxing trainers, special education skills trainers etc. There is

risk that unqualified, non-credentialed people can represent themselves as “trainers” and the public be misled into thinking they are receiving care from health care professionals.

7. The standard of appropriate care has risen. Because all of Hawaii’s public high schools and many private high schools have certified athletic trainers on staff, parents of secondary school age athletes expect their children will be cared for by qualified and competent healthcare professionals. Nearly all colleges and universities nationwide employ certified athletic trainers. When college and university athletes travel to Hawaii they expect to be treated by Certified Athletic Trainers.
8. Regulating Athletic Trainers would better define the scope of practice. Currently the only regulation of athletic trainers falls within a vague exemption in the Physical Therapy Practice Act (HRS 461-J) .This exemption simply states that NATA Certified Athletic Trainers may perform within the scope of such certification. While this is in some ways beneficial to our association at times our own membership is confused as to what is acceptable practice.
8. Because a nationally accredited Board of Certification already exists, Hawaii would not need to administer a separate examination. Adopting the process which is already in place would decrease the cost of creating a Board of Athletic Trainers. Currently 43 states recognize BOC requirements as the standard for eligibility and regulation of the practice of athletic trainers.

The potential for risk of harm exists. Athletic Trainers have extended and sometimes intimate contact with the athletic population. Athletic trainers routinely work with children as young as 12. It is one of the few medical professions that is unregulated in Hawaii.

There is evidence of risk of harm to the public. In recent years there have been incidents where unqualified individuals have claimed to be athletic trainers or certified athletic trainers when they were not. There is evidence of harm to students. No investigations have ever been done due to the lack of an agency for which to file a complaint.

There is a case in which an individual was under a federal and state criminal investigation in another state and was hired by a Hawaii state institution. Although the employer completed a background check the investigation was not complete therefore not reportable. Had there been a state regulatory agency there would have been a report of an ongoing investigation. The individual later had his certification suspended for “risk of public harm”. Recently there was an individual working in a private high school who claimed to be a certified athletic trainer when he in fact had never met the requirements for certification. His co worker and supervisor believed that he was an NATABOC certified athletic trainer but never verified it. Another individual was a full time athletic trainer at a public high school who was arrested for shoplifting at a department store. His employment was terminated and when school staff assumed control of the high school’s athletic training room they found bottles of alcohol inside water coolers. A massage therapist was hired at a private high school to provide athletic training services, when one of our certified athletic trainer members questioned the athletic director he told her “he thought it was alright because she was taking athletic training classes”. She was not enrolled in the University of Hawaii-Manoa Athletic Training Curriculum which is the only accredited athletic training education program in Hawaii.

Our association is well aware that there is only one purpose in regulating and licensing professions and vocations, that purpose is public or consumer protection. We are concerned that there have been

incidents that place the public at risk and hope that the legislature will require the State Auditor's office to analyze SB1129 to make a recommendation for regulating our profession. We hope this will happen before someone is seriously harmed.

The Hawaii Athletic Trainers' Association thanks you for your time in considering this measure and encourages its passage. We would request that the language of the measure references the specific bill to be analyzed SB1129

Darryl Funai, A.T.C. President Hawaii Athletic Trainers Association

and

Cindy Clivio, A.T.C. Hawaii Athletic Trainers' Association Governmental Affairs Chair



**Testimony by:
Ann Frost, PT**

**SCR 35, Requesting A Sunrise Review of Athletic Trainers
Sen CPN, April 01, 2009
Room 229, 9:00 am
Position: Support**

Chair Baker and Members of the Sen CPN Committee:

I am Ann Frost, P.T., President of the Hawaii Chapter – American Physical Therapy Association (HAPTA) and member of HAPTA’s Legislative Committee. The HAPTA is comprised of 300 member physical therapists and physical therapist assistants employed in hospitals and health care facilities, the Department of Education and Department of Health systems, and private practice. Our members represent Hawaii at the national American Physical Therapy Association and are delegates for Pediatrics, Women’s Health, Parkinson’s Disease and other issue sections. We are part of the spectrum of care for Hawaii, and provide rehabilitative services for infants and children, youth, adults and the elderly. Rehabilitative services are a vital part of restoring optimum function from neuromusculoskeletal injuries and impairments.

HAPTA is committed to ensuring that consumers receive health care services by qualified health care professionals. Nationwide, there is a growing acknowledgement of the health benefits of physical activity, particularly among our school-aged children. Organized sports activities are a wonderful way for our youth to begin healthy, active lifestyles. Most certainly, the certified athletic trainers play an important role in a healthy individual’s participation in sports.

This measure is supported because the Legislative Auditor’s review and analysis regarding the licensure of athletic trainers will help clarify the role, qualifications of the professional Athletic Trainer and where and when they are qualified to practice.

We understand that the sunrise review will address the following questions, which will then be the basis for recommendation of licensure or other regulatory oversight:

- 1) Does the unregulated practice harm the public? and
- (2) Is the harm due to incompetent practice? and
- (3) Is the public unprotected?

I can be reached at 382-2655 if you have any questions. Thank you for the opportunity to testify.



OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII

1360 S. Beretania St., Suite 301, Honolulu, Hawaii 96814

Testimony by:

Virginia Tully, OTR, MBA

SCR 35, Requesting A Sunrise Review of Athletic Trainers

Sen CPN Hearing – Weds. April 01, 2009

Room 229 – 9:00 am

Position: Support

Chair Baker, and Members of the Senate CPN Committee:

I am Virginia Tully, OTR, and past-president of the Occupational Therapy Association of Hawaii, (OTAH), which represents 507 occupational therapists (OTs) licensed in Hawaii. OT's work in many settings throughout the State, including hospitals, schools, and prisons, to private facilities and community programs. We work with very young children, ages 0-3, as well as school aged children, adults, and the elderly, seeking to restore or develop social-emotional, physical, cognitive, communication and adaptive behavior challenges.

Through understanding of the effect of the consumer's disability, illness and impairment, the occupational therapist develops a program that will promote development and establish needed skills to be independent in daily living activities. Daily living skills include self-care such as bathing, dressing, and skills required for learning, work or social interaction. Often times, OTs must design/fabricate special devices or suggest modification to the home environment.

We support this resolution as it fulfills the requirements of HRS 26H-6 for a review by the Legislative Auditor before a measure to regulate a profession is legislated. This study may confirm the need for regulation and determine the risk to public safety from non-certified athletic trainers who provide services in settings beyond their academic training. The Legislative Auditor will also recommend the need for registration or licensure.

OTAH supports efforts that ensure qualified and trained health professionals are providing care to the consumer. I can be reached at 544-3336 if further information is needed. Thank you for the opportunity to provide testimony.