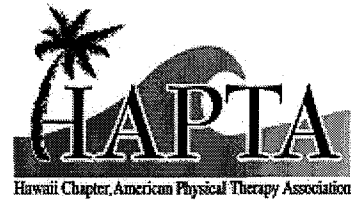


**SCR 35**

**Testimony by:  
Ann Frost, PT**



**SCR 35sd1, Requesting A Sunrise Review of Athletic Trainers  
Sen WAM, April 08, 2009  
Room 211, 9:00 am  
Position: Support**

Chair Mercado Kim and Members of the Sen WAM 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.



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**OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII**

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

**Testimony by:**

**Virginia Tully, OTR, MBA**

**SCR 35sd1, Requesting A Sunrise Review of Athletic Trainers**

**Sen WAM Hearing – Weds. April 08, 2009**

**Room 211 – 9:00 am**

**Position: Support**

Chair Mercado Kim, and Members of the Senate WAM 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 a 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.

TESTIMONY TO THE SENATE WAYS AND MEANS COMMITTEE  
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.

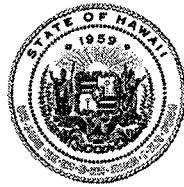
Our association is well aware that there is only one purpose in regulating and licensing professions and vocations, that purpose is public or consumer protection. We are concerned that there have been incidents that place the public at risk and hope that the legislature will require the State Auditor’s 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



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

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RONALD BOYER  
DEPUTY DIRECTOR

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

TO THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION of 2009

Wednesday, April 8, 2009  
9:00 a.m.

**WRITTEN COMMENTS ON SENATE CONCURRENT RESOLUTION NO. 35, S.D. 1,  
REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS.**

TO THE HONORABLE DONNA MERCADO KIM, 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 present comments in support of S.C.R.  
No. 35, S.D. 1, requesting a sunrise review of athletic trainers.

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

Testimony on S.C.R. No. 35, S.D. 1  
April 8, 2009  
Page 2

consistent with the purposes of section 26H-2, HRS, and assess alternate forms of regulation.

Thank you for the opportunity to submit comments in support of S.C.R. No. 35, S.D. 1.