
A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by
3 adding a new chapter to be appropriately designated and to read
4 as follows:

5 "CHAPTER

6 ATHLETIC TRAINERS

7 § -1 Title. This chapter is known as the "Athletic
8 Trainer Registration Act."

9 § -2 Definitions. As used in this chapter, unless the
10 context indicates otherwise:

11 "Athletic trainer" means an individual who is registered
12 under this chapter and carries out the practice of athletic
13 training.

14 "Department" means the department of commerce and consumer
15 affairs.

16 "Director" means the director of commerce and consumer
17 affairs.



1 "Practice of athletic training" means the application by a
2 registered and certified athletic trainer of principles and
3 methods of:

- 4 (1) Prevention;
- 5 (2) Clinical evaluation and diagnosis;
- 6 (3) Immediate care;
- 7 (4) Treatment, rehabilitation, and reconditioning;
- 8 (5) Organization and administration;
- 9 (6) Professional responsibility; and
- 10 (7) Education.

11 "Treating physician" means a physician or surgeon or an
12 osteopathic physician or surgeon licensed under chapter 453,
13 who, within the licensee's scope of practice and individual
14 competency, is responsible for the athletic training services
15 provided by the athletic trainer and oversees the practice of
16 athletic training by the athletic trainer, as established by
17 rule.

18 § -3 **Registration required.** (a) No person shall
19 represent, advertise, or announce oneself either publicly or
20 privately as an athletic trainer, nor use in connection with the
21 person's name or place of business the words "registered
22 athletic trainer," "athletic trainer," "ATC," or any other



1 words, letters, abbreviations, or insignia indicating or
2 implying that the person is an athletic trainer unless the
3 person has registered with the department of commerce and
4 consumer affairs and meets certain qualifications pursuant to
5 section -6.

6 (b) Nothing in this chapter shall be construed to
7 prohibit:

8 (1) Students in an educational program for athletic
9 trainers from participating in activities that are
10 conducted as part of the educational program and are
11 under the supervision and guidance of a registered
12 athletic trainer;

13 (2) An individual serving in the armed forces of the
14 United States, the United States Public Health
15 Service, United States Department of Veterans Affairs,
16 or any other federal agency, from engaging in
17 activities regulated under this chapter as a part of
18 employment with that federal agency, if the individual
19 holds a valid license to practice a regulated
20 occupation or profession issued by any other state or
21 jurisdiction recognized by the division;



1 (3) An individual who is invited by a recognized school,
2 association, society, or other body approved by the
3 division, from conducting a lecture, clinic, or
4 demonstration of the practice of a regulated
5 occupation or profession, if the individual does not
6 establish a place of business or regularly engage in
7 the practice of the regulated occupation or profession
8 in the state;

9 (4) An individual licensed, registered, or certified, in
10 another state or country, from coming to the state to
11 temporarily attend to the needs of an athletic team or
12 group, except that the practitioner may only attend to
13 the needs of the athletic team or group, including all
14 individuals who travel with the team or group in any
15 capacity except as a spectator;

16 (5) An individual licensed, registered, or certified and
17 in good standing in another state, from coming to the
18 state:

19 (A) Under the invitation and control of a sponsoring
20 entity;

21 (B) For a reason associated with a special purpose
22 event, based on needs that may exceed the ability



1 of the State to address through its licensees, as
2 determined by the division; and

3 (C) For a limited period of time not to exceed the
4 duration of the special purpose event.

5 § -4 **Registration requirements.** (a) Athletic trainers
6 shall:

7 (1) Register with the department by providing the athletic
8 trainer's name, business address, and a current and
9 unencumbered certification from the National Athletic
10 Trainers' Association Board of Certification, Inc.;

11 (2) Renew the athletic trainer's registration every three
12 years by providing the information required by
13 paragraph (1); and

14 (3) Notify the department of any changes in registration
15 information within thirty days.

16 (b) The department shall maintain a current list of the
17 names and business addresses of athletic trainers registered
18 under subsection (a). The registrant's copy of its
19 certification from the National Athletic Trainers' Association
20 Board of Certification, Inc., shall be a public record.

21 § -5 **Duties of treating physician.** A treating physician
22 shall provide direction to an athletic trainer by verbal order



1 when in the presence of the athletic trainer, or by written
2 order, written athletic training service plans, or protocols,
3 when a treating physician is not present with the athletic
4 trainer.

5 § -6 **Qualifications of athletic trainers.** Athletic
6 trainers shall have completed the educational and certification
7 requirements of the National Athletic Trainers' Association
8 Board of Certification, Inc.

9 § -7 **Civil penalties.** Any person who violates any
10 provision of this chapter shall be subject to civil penalties
11 pursuant to section 436B-26.5."

12 PART II

13 SECTION 2. The legislature finds that athletic trainers
14 routinely work with children as young as twelve but are one of
15 the few types of medical professionals not regulated in Hawaii.
16 Licensure would:

- 17 (1) Ensure that Hawaii's athletic population receives
18 specialized emergency care and appropriate treatment
19 and rehabilitation and meet appropriate criteria
20 before being returned to play;



1 (2) Require and verify, as is now required of other health
2 care professions, demonstration of minimum competency
3 in the profession; and

4 (3) Provide a mechanism to report and remedy malpractice
5 and ethical violations, thereby reducing an existing
6 threat of harm to the public.

7 As Hawaii is one of the few states without licensure
8 requirements for athletic trainers, there is no entity to which
9 the National Athletic Trainers' Association Board of
10 Certification, Inc., can report disciplinary actions to ensure
11 that appropriate action is taken to protect the public.

12 SECTION 3. The auditor shall perform a sunrise analysis of
13 the licensure of athletic trainers.

14 The auditor shall submit findings and recommendations,
15 including any proposed legislation, to the legislature no later
16 than twenty days prior to the convening of the regular session
17 of 2010.

18 PART III

19 SECTION 4. This Act shall take effect on July 1, 2009.



Report Title:

Athletic Trainers; Registration; Licensing

Description:

Requires athletic trainers to register with the Department of Commerce and Consumer Affairs. Requires the State Auditor to perform a sunrise analysis of the licensure of athletic trainers. (SB1129 HD1)

