

**Date:** 03/29/2010

**Committee:** House Finance

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Interim Superintendent of Education

**Title of Bill:** SB 2601, SD1, HD2 (HSCR850-10) Relating to Athletic Trainers

**Purpose of Bill:** Requires the Auditor to conduct a sunrise analysis of the licensure of athletic trainers. (SB2601 HD2)

**Department's Position:** The Department of Education (Department) supports SB 2601, SD1, HD2 (HSCR850-10). Currently, the Department has 76 positions for athletic trainers in 43 high schools and the Office of Curriculum, Instruction and Student Support. The Department is the largest employer (48%) of athletic trainers in the State of Hawaii. It would benefit the most by having its employees licensed to practice the art and science of athletic training. The Department's Office of Human Resources only verifies that an employee has met the minimum qualifications; it doesn't monitor if an athletic trainer has lost or has had his/her certification revoked.

The Department recommends inserting the following definitions for "athlete" and "athletic injury" as provided from National Athletic Trainers Association into Section 2. "Athlete" means a person who prepares for or participates in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, or performing arts including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities. "Athletic injury" means injuries and illnesses including those conditions in an individual for which athletic trainers, as the result of their education, training, and competency, are qualified to provide care. These definitions are currently used by other states in their practice acts. The health and safety of our student athletes

are of utmost importance therefore, the Department supports the creation of a new chapter in the Hawaii Revised Statutes to license athletic trainers through a sunrise analysis performed by the auditor.

Testimony by: Ann Frost, PT  
SB 2601sd1,hd2, Relating to Athletic Trainers  
House FIN, Monday, March 29, 2010  
Room 308, 6:00 pm



**Position: Support**

Chair Oshiro and Members of the Hse FIN Committee:

I am Ann Frost, P.T., President of the Hawaii Chapter – American Physical Therapy Association (HAPTA) and member of HAPTA’s Legislative Committee. HAPTA represents 250-300 physical therapists and physical therapist assistants employed in hospitals, nursing homes, the Armed Forces, the Department of Education and Department of Health (DOH) systems, and private clinics throughout our community. Physical therapists work with everyone, from infants to the elderly, to restore and improve function and quality of life. 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 supports the SB 2601hd2, which makes a policy statement that requires the auditor to perform a sunrise analysis of the licensure of athletic trainers. We support the concept of regulatory oversight to protect the public from practioners who may not meet minimum standards or face disciplinary action elsewhere.

We understand that the Hawaii Athletic Trainers Association believes that the word, “athlete” does not need to be defined since no other profession defines whom they can or cannot treat. However, athletic trainers’ education, unlike other professions, prepares them to work with a very specific type of population. The baseline educational background and clinical exposure required to sit for the national exam for certification as an athletic trainer prepare them to treat a very specific population of healthy athletes.

It is our understanding that the Legislative Auditor’s sunrise analysis will look at the education and training of athletic trainers and the corresponding treatment interface with consumers and other variables to determine if there is risk of harm to the consumer, and thus a need for regulatory oversight. The auditor would also recommend the level of regulatory oversight needed: licensure, registration or certification. **As such, it seems appropriate for the Legislature to request that the Auditor make recommendations for the definitions of “athlete” and “athletic injuries”.** We offer the following as a reference for the auditor’s consideration:

**“An athlete means a person who prepares for or participates in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, or performance arts including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities.**

**Athletic injury means an injury that affects the preparation for or participation in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, or performance arts including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities.”**

We appreciate the opportunity to express our concerns and to provide recommended language for consideration. I am available to respond to questions and can be reached at 382-2655.



**OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII**

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

Testimony by: Avis Sakata, OTR

SB 2601sd1, hd2, Athletic Trainers

House FIN Hearing – Monday, March 29, 2010

Room 308 – 6:00 pm

Position: Support

**Chair Oshiro, and Members of the House FIN Committee:**

I am Avis Sakata, OTR and president of the Occupational Therapy Association of Hawaii (OTAH). OTAH represents 507 occupational therapists (OTs) licensed in Hawaii. OT's work in many settings throughout the State, including hospitals, schools, prisons, skilled nursing to private facilities and community-based programs.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages, from infants to the elderly, to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational Therapists are recognized members of the Healthcare Rehabilitation team which is comprised also of physicians, nurses, physical therapists, speech therapists, social workers and others. As a healthcare provider, OTs provide, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focused on daily living skills (including self-care), work readiness, play or educational performance skills, 3) and interventions that include sensorimotor, neuromuscular functioning, cognitive or psychosocial components.

**OTAH supports SB 2601sd1,hd2** that requires the auditor to perform a sunrise analysis of the licensure of athletic trainers. Such an analysis will ascertain the need of consumer protection from unqualified practitioners and protects qualified practitioners' rights to provide services. We agree that there is the potential for athletic trainers who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide athletic trainer services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm.

**We appreciate the Hse CPN Committee's acknowledgement that the auditor's report shall include recommended definitions of "athlete" and "athletic injuries", as noted on page 2, Section 2. lines 8-12. These definitions are critical to assuring that consumers receive care from athletic trainers that are appropriate to the existing education and training requirements of certified and registered athletic trainers.** We believe that certified and registered athletic trainers meet the education and training requirements to treat and prepare bonafide athletes in competition, generally healthy individuals. The current education and training requirements do not extend to treatment of individuals with chronic or systemic health problems. It is important to note that on a national level, the National Athletic Trainers' Association is pursuing federal legislation, HR 1137, for Medicare reimbursement, a population that requires more than the existing athletic trainers' education and clinical training requirements.

I can be reached at 522-4602 if further information is needed. Thank you for the opportunity to submit testimony.

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE,  
ON  
SB2601 SD1 HD2 REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS

The Hawaii Athletic Trainers Association supports SB2601 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 over 165 certified athletic trainers in the state of Hawaii. The University of Hawaii-Manoa has an accredited Masters degree entry level 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 a Sunrise analysis must be completed prior to regulating any new profession 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 in the form of Registration 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 will 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. Because a nationally accredited Board of Certification already exists, Hawaii would not need to administer a separate examination. . Currently 46 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 perform a sunrise analysis of 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.

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