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# A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

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

1           SECTION 1. The legislature finds that Hawaii is one of  
2 only three states that does not currently regulate the practice  
3 of athletic training. The legislature further finds that the  
4 continued lack of regulation creates the risk that individuals  
5 who have lost or are unable to obtain licensure in another state  
6 will move here to practice, thereby putting the public in danger  
7 and degrading the standards of the profession as a whole.

8           The legislature finds that there is a pressing and  
9 immediate need to regulate the profession of athletic training  
10 to protect public health, safety, and welfare. The legislature  
11 finds that this need is particularly important since athletic  
12 trainers often work with elementary and secondary school aged  
13 children. Regulation of athletic trainers will ensure that  
14 participants in athletic activities receive prompt, specialized  
15 emergency care as well as appropriate follow-up treatment and  
16 rehabilitation and meet appropriate criteria before being  
17 returned to play. Regulation will require that registrants  
18 demonstrate minimum competency in the field, as is required for



1 other health care professionals. Finally, regulation will  
 2 provide a means for members of the public, other members of the  
 3 profession, and the National Athletic Trainers Association Board  
 4 of Certification, Inc., to assist in maintaining quality  
 5 standards by reporting ethical violations or disciplinary action  
 6 to the State's regulatory agency.

7 The legislature finds that the requirements of section  
 8 26H-6, Hawaii Revised Statutes, were met by the passage of Act  
 9 108, Session Laws of Hawaii 2010, requesting that the auditor  
 10 perform a sunrise analysis of the regulatory measures contained  
 11 in this Act. Therefore, the legislature finds that there is no  
 12 procedural impediment to regulating the currently unregulated  
 13 industry of athletic trainers through passage of this Act.

14 SECTION 2. The Hawaii Revised Statutes is amended by  
 15 adding a new chapter to be appropriately designated and to read  
 16 as follows:

17 "CHAPTER

18 ATHLETIC TRAINERS

19 § -1 Title. This chapter shall be known as the Athletic  
 20 Trainer Registration Act.

21 § -2 Definitions. As used in this chapter:

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1 "Athlete" means a person who prepares for or participates  
2 in organized sports or sports-related activities, amateur or  
3 recreational sports involving athletic competition, performance  
4 arts, including interscholastic, intercollegiate, intramural,  
5 semiprofessional and/or professional sports activities.

6 "Athletic trainer" means an individual who is registered  
7 under this chapter and carries out the practice of athletic  
8 training.

9 "Department" means the department of commerce and consumer  
10 affairs.

11 "Director" means the director of commerce and consumer  
12 affairs.

13 "Practice of athletic training" means the application by a  
14 registered and certified athletic trainer of principles and  
15 methods to:

- 16 (1) Prevent athletic injuries;
- 17 (2) Recognize, diagnose, evaluate, and assess athletic  
18 injuries and conditions;
- 19 (3) Provide immediate care of athletic injuries, including  
20 common emergency medical situations;
- 21 (4) Treat, rehabilitate, and recondition athletic  
22 injuries;



1 (5) Administer athletic training services and  
2 organization; and

3 (6) Educate athletes.

4 "Treating physician" means a physician or osteopathic  
5 physician licensed under chapter 453 who, within the licensee's  
6 scope of practice and individual competency, is responsible for  
7 the athletic training services provided by an athletic trainer  
8 and oversees the practice of athletic training by an athletic  
9 trainer.

10 § -3 **Registration required; exemptions.** (a) No person  
11 shall represent, advertise, or announce oneself, either publicly  
12 or privately, as an athletic trainer, nor use in connection with  
13 the person's name or place of business the words "registered  
14 athletic trainer", "athletic trainer", "ATC", or any other  
15 words, letters, abbreviations, or insignia indicating or  
16 implying that the person is an athletic trainer unless the  
17 person meets the qualifications established by this chapter and  
18 has registered with the department of commerce and consumer  
19 affairs.

20 (b) Registration pursuant to this chapter shall not be  
21 required for:



- 1 (1) Students in an educational program for athletic  
2 trainers who participate in activities under the  
3 supervision and guidance of a registered athletic  
4 trainer that are conducted as part of the educational  
5 program;
- 6 (2) An individual serving in the armed forces of the  
7 United States, the United States Public Health  
8 Service, the Department of Veterans Affairs, or any  
9 other federal agency who engages in activities  
10 regulated under this chapter as a part of the  
11 individual's employment; provided that the individual  
12 holds a valid license to practice a regulated  
13 occupation or profession issued by another  
14 jurisdiction recognized by the department and the  
15 individual's activities are within the scope of the  
16 applicable license;
- 17 (3) An individual who is invited to conduct a lecture,  
18 clinic, or demonstration regarding the practice of  
19 athletic training by a school, professional  
20 association, professional society, or other similar  
21 entity approved by the department by rule pursuant to  
22 chapter 91; provided that the individual does not



1 establish a place of business or regularly engage in  
2 the practice of athletic training within the State;  
3 (4) An individual who possesses a valid license,  
4 registration, or certification from another  
5 jurisdiction who accompanies an athletic team or group  
6 into this State for a temporary period; provided that  
7 the individual shall only attend to the needs of that  
8 athletic group or team and those persons who travel  
9 with that athletic group or team in a capacity other  
10 than as a spectator; and

11 (5) An individual who possesses a valid license,  
12 registration, or certification from another  
13 jurisdiction who is invited to engage in the practice  
14 of athletic training under the supervision and control  
15 of a sponsoring entity for a limited time and solely  
16 for a special event; provided that the department  
17 determines that the needs of the special event exceed  
18 the capacity of State licensees.

19 **§ -4 Registration requirements.** (a) Athletic trainers  
20 shall:

21 (1) Register with the department by providing the athletic  
22 trainer's name, business address, and a current and



1 unencumbered certification from the National Athletic  
2 Trainers Association Board of Certification, Inc.;

3 (2) Renew the athletic trainer's registration every three  
4 years by providing the information required by  
5 paragraph (1); and

6 (3) Notify the department of any changes in registration  
7 information within thirty days of the change.

8 (b) The department shall maintain a current list of the  
9 names and business addresses of athletic trainers registered  
10 under subsection (a).

11 (c) Records of a registrant's certification from the  
12 National Athletic Trainers Association Board of Certification,  
13 Inc. shall be public record.

14 **§ -5 Duties of treating physician.** A treating physician  
15 shall provide supervision to an athletic trainer by verbal order  
16 when in the presence of the athletic trainer or by written order  
17 or written athletic training service plans or protocols when a  
18 treating physician is not present with the athletic trainer.

19 **§ -6 Qualifications of athletic trainers.** To be  
20 eligible for registration under section -4, an athletic  
21 trainer shall have completed the educational and certification



1 requirements of the National Athletic Trainers' Association  
2 Board of Certification, Inc.

3       **§ -7 Registration indicates permission to engage in the**  
4 **practice of athletic training.** A registration granted under  
5 this chapter shall mean that the registered person has met  
6 requirements that include minimum practice standards to provide  
7 protection to the public and is permitted to use the title of  
8 athletic trainer and to engage in the practice of athletic  
9 training. In the granting of permission to engage in the  
10 practice of athletic training, and consistent with the intent of  
11 chapter 436B, the definition of "license" under section 436B-2  
12 is inclusive of a registration issued under this chapter;  
13 therefore, an athletic trainer who is registered under this  
14 chapter shall be regarded as an athletic trainer who holds a  
15 license to practice the profession of athletic training.

16       **§ -8 Civil penalties.** Any person who violates any  
17 provision of this chapter or the rules of the department adopted  
18 pursuant to this chapter shall be subject to civil penalties  
19 under section 436B-26.5.

20       **§ -9 Prohibition against third party insurance**  
21 **reimbursement.** Nothing in this chapter shall be construed as





1 allowing athletic trainers to seek reimbursement for their  
2 services from third party insurance payers.

3       **§ -10 Rules.** The director shall adopt rules pursuant to  
4 chapter 91 to effectuate the purpose of this chapter."

5       SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Athletic Trainers; Registration

**Description:**

Creates registration requirements and qualifications for athletic trainers in this State; provides exemptions; prescribes penalties. Effective July 1, 2020. (HB337 D1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

