

Date: 04/06/2011

Committee: House Finance

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0155,SD2(HSCR1045) RELATING TO ATHLETIC TRAINERS

Purpose of Bill: Creates registration requirements and qualifications for athletic trainers in this State; provides exemptions; prescribes penalties. Effective 7/1/2050.
(SD2)

Department's Position: The Department of Education (Department) supports SB 155, SD2 (HSCR1045). However, the Department asks that the word "treat" be inserted in the text (page 4, line 8; Definitions 2. (4)). The revised text should read, "treat, rehabilitate, and recondition athletic injuries." During the 2009-2010 school year, the Department's athletic trainers performed 211,120 treatments (for example, ice, heat, whirlpools, taping, first aid, and stretching) on 20,630 injuries. Not having the term, "treat" in the "practice of athletic training" will severely limit our athletic trainers in the functions they perform. Ultimately, our student athletes would suffer and their parents would have to seek treatment elsewhere, potentially creating a financial burden. The health and safety of our student athletes are of utmost importance therefore, the Department supports the registration of athletic trainers with the aforementioned proposal.



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

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

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

Wednesday, April 6, 2011
5:00 p.m.

**TESTIMONY ON SENATE BILL NO. 155, S.D. 2, RELATING TO ATHLETIC
TRAINERS.**

TO THE HONORABLE MARCUS R. OSHIRO, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division ("Division"), Department of Commerce and Consumer Affairs ("DCCA"). The Division appreciates the opportunity to present testimony on Senate Bill No. 155, S.D. 2, Relating to Athletic Trainers.

The bill proposes to regulate the practice of athletic training by requiring athletic trainers to be registered with the DCCA. Should this proposal advance in the Legislature, we would like to mention that the athletic trainers will bear the burden of subsidizing the program through fees, the cost of the DCCA's resources to start-up, to implement, and to maintain this new program. We have attached a Proposed H.D. 1 for

your Committee's consideration. The Proposed H.D. 1 contains placeholder provisions relating to additional manpower and funding that the department foresees it will need should the bill pass for DCCA to implement.

The Regulated Industries Complaints Office also has concerns about the bill as it lacks key provisions for a regulatory law and as is written, would be difficult to implement and enforce.

This bill also provides that this act shall take effect on July 1, 2050. We request that should this bill pass, the effective date be that of July 1, 2012, to allow us sufficient time to ensure a smooth and efficient transition for the regulation of athletic trainers. A one year delayed effective date has been consistently supported by the Legislature.

Thank you for the opportunity to testify on Senate Bill No. 155, S.D. 2.

A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

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

SECTION 2.

"§ -10 Fees; disposition. Application fees paid pursuant to this chapter shall not be refundable. Pursuant to section 26-9(1), the director shall establish registration, renewal, restoration, penalty and other fees relating to the administration of this chapter. Fees assessed pursuant to this chapter shall be used to defray costs incurred by the department in implementing this chapter.

§ -11 Renewal of registration; fees. Registrations shall be renewed, upon the payment of a renewal fee, triennially not earlier than ninety days before June 30. Failure to renew a registration shall result in a forfeiture of the registration. Registrations that have been forfeited may be restored within one year of the expiration date upon payment of renewal and restoration fees. Failure to restore a registration within one year of the date of its expiration shall result in the automatic termination of the registration and the person may be required

restoration fees shall be determined by the director."

SECTION 3. [~~This Act shall take effect on July 1, 2020.~~]

"§26H-4 Repeal dates for newly enacted professional and vocational regulatory programs. (a) Any professional or vocational regulatory program enacted after January 1, 1994, and listed in this section shall be repealed as specified in this section. The auditor shall perform an evaluation of the program, pursuant to section 26H-5, prior to its repeal date.

(b) Chapter (athletic trainers) shall be repealed on June 30, 2018."

SECTION 4. The department of commerce and consumer affairs may employ necessary personnel without regard to chapter 76, Hawaii Revised Statutes, to assist with the implementation and continuing functions of this chapter.

SECTION 5. Upon the issuance of a new registration and at each registration renewal period, each athletic trainer shall pay an additional fee (surcharge) of \$100, which shall be maintained in a separate account within the compliance resolution fund established pursuant to section 26-9(o), Hawaii Revised Statutes. At the end of each quarter, the moneys

contained in the separate account established pursuant to this section shall be transferred to the compliance resolution fund until such time that the total transferred amounts equal to the amount appropriated in section 6 of this Act. Thereafter, no surcharge shall be assessed, and any funds in excess of the amount appropriated in section 6 of this Act shall be deposited in the compliance resolution fund.

Section 6. There is appropriated out of the compliance resolution fund established pursuant to section 26-9(o), Hawaii Revised Statutes, the sum of \$40,000, or so much thereof as may be necessary for fiscal year 2011-2012, to implement the athletic trainers registration program.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

Section 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

Section 8. This Act shall take effect on July 1, 2012; provided that section 4 of this Act shall take effect on approval; and provided further that section 6 of this Act shall take effect on July 1, 2011.

Report Title:

Athletic Trainers; Registration

Description:

Creates registration requirements and qualifications for athletic trainers in this State; provides exemptions; prescribes penalties. Effective 7/1/2050. (SD2)

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



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REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2011

WEDNESDAY, APRIL 6, 2011
5:00 P.M.

TESTIMONY ON SENATE BILL NO. 155 S.D.2
RELATING TO ATHLETIC TRAINERS

TO THE HONORABLE MARCUS R. OSHIRO, CHAIR,
TO THE HONORABLE MARILYN B. LEE, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 155 S.D.2, Relating to Athletic Trainers. My name is Jo Ann Uchida of the Department's Regulated Industries Complaints Office ("RICO"). RICO does not support this bill in its current form and offers the following comments.

Senate Bill No. 155, S.D. 2, creates a new regulatory program for athletic trainers that is based solely on certification from the National Athletic Trainers' Association Board of Certification, Inc. ("BOC"). In other words, if the athletic

trainer meets BOC's certification and educational requirements, state registration would be granted. This regulatory framework is unlike any other in the Department. RICO has had an opportunity to review BOC's Standards of Professional Practice and the National Athletic Trainers' Association Code of Ethics and has obtained some background information about BOC's disciplinary procedures.

RICO recommends that additional language be included in this bill that provides, among other things, grounds for registration denial or restriction and disciplinary action, penalties for violations of the chapter, exemptions for routine first aid and for training by the patient, automatic forfeiture for failing to maintain BOC certification, a reporting requirement by employers, clarification of the supervision requirements of treating physicians, and the payment of fees to administer the program. This language will assist RICO in adequately enforcing the program's requirements and aid the Department in its oversight of the program.

RICO remains willing to work with the various stakeholders on language that would address its concerns and has forwarded draft language to the bill's proponents.

Thank you for this opportunity to testify on Senate Bill No. 155 S.D.2. I will be happy to answer any questions that the members of the Committee may have.



OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII

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

Testimony by:

Avis Sakata, OTR

SB 155sd2, Athletic Trainers

Hse FIN Hearing – Weds. April 6, 2011

Room 308 – 5:00 pm

Position: Support

Chair Oshiro, and Members of the Hse FIN Committee:

I am Avis Sakata, OTR and president of the Occupational Therapy Association of Hawaii, (OTAH), which represents 507 occupational therapists (OTs) licensed in Hawaii. OTs 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 is pleased to join in agreement with the Hawaii Athletic Trainers Association about SB 155sd2. We strongly support SB 155sd2 because as written, it provides consumer protection from unqualified practitioners and protects qualified practitioners' rights to provide services. We agree with HATA 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.

The inclusion of definitions for "athlete" and "athletic injury" clearly state that the specific population that benefits from the existing education and training requirements of certified and registered athletic trainers will be assured of appropriate treatment.

Further, much appreciation is expressed for the language on page 7, lines 9-13, which provides clarity that the practice of athletic training does not include the provision of occupational therapy services as defined in section 457G-1 or physical therapy or physical therapy services as defined in 461J-1.

Your support of SB155sd2 is urged. I can be reached at 522-4602 if further information is needed. Thank you for the opportunity to submit testimony.

Testimony of Cindy Clivio on behalf of the Hawaii Association of Athletic Trainers (HATA) in strong support of SB 155 SD2

To: Chairmen Marcus Oshiro and Members of the House Finance Committee,

My name is Cindy Clivio and I am testifying for the members of the Hawaii Association of Athletic Trainers (HATA) in **strong support** of SB 155 SD2

The Hawaii Athletic Trainers Association (HATA) is the professional membership association for Certified Athletic Trainers in our state. Certified Athletic Trainers are health care providers who specialize in the prevention, assessment, treatment and rehabilitation of injuries and illnesses of athletes participating in various athletic events in Hawaii. The University of Hawaii-Manoa offers a graduate entry level degree in Athletic Training. Athletic Trainers are employed in most of Hawaii's public schools, some private schools, colleges, Universities, hospitals, physician offices, clinics, and by the military. Hawaii is considered a leader in providing healthcare at the Secondary School level as the legislature provided funds to place a certified athletic trainer in all of Hawaii's public schools.

HATA feels that the language in SB 155 SD2 addresses the concerns by other groups that were raised on HB 337 and the earlier version of SB 155. Our association has been in talks with DCCA and RICO to further clarify and strengthen the language of the bill in terms of the regulatory scheme and fee payment schedule as well as enforcement issues. A suggested draft for an HD 2 was submitted to the chair for his review and that we support the changes that are in the suggested draft if the committee decides to adopt those changes. HATA did include one amendment in the section entitled "Practice of athletic training" line 4 currently reads

(4) Rehabilitate, and recondition athletic injuries;

We ask that it be amended to say

(4) Treat, Rehabilitate, and recondition athletic injuries;

The word treat was inadvertently left out of the practice of athletic training and is not opposed by any other groups.

SB 155 was designed to be a simple registration bill that would provide public protection by providing title protection, a scope of practice, and the ability for a state agency to levy sanctions to those who may be in violation. It would ensure that all patients would receive the same level of appropriate care by competent practioners. We urge you to pass this bill.

Thank you for the opportunity to testify on behalf of the members of HATA.

Testimony by:
Ann Frost, PT
SB 155sd2, Relating to Athletic Trainers
Hse FIN Hearing – Agenda 4, Weds, April 6, 2011
Room 308, 5:00 pm



Position: Support

Chair Oshiro, and Members of the House Finance 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 1400 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. Physical therapy services are a vital part of restoring optimum function from neuromusculoskeletal injuries and impairments, improving wellness, and teaching prevention.

HAPTA, HATA (Hawaii Athletic Trainers Association) and OTHA (Occupational Therapy Association of Hawaii) have discussed this issue since the 2010 Session. We understand that all three organizations are in support of SB 155sd2.

HAPTA appreciates the inclusion of definitions for “athlete” and “athletic injury”. These definitions recognize the specific population that certified athletic trainers are educated and trained to work with, primarily people who are preparing for or participating in competitive sports activities. While these definitions may seem superfluous, they are necessary since without the definition of who and what athletic trainers treat, there may be lack of understanding of their scope of practice. Since they have clearly indicated on a national level that they intend to expand their scope of practice, and because their current educational requirements prepare them to treat only athletes with athletic injuries, this language will help protect the public.

HAPTA appreciates the language on page 7, (6) lines 9-13, which clearly delineates the practices of physical therapists, occupational therapists and athletic trainers.

Ultimately, the physical therapy community is committed to health care provided by health care practitioners within their scope of education and training. We support regulation of allied health professionals’ scope of practice based on a national, standardized training curriculum to ensure that the consumers are receiving appropriate and safe care.

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