

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: SB 2268

SPONSOR: Senator Fasano

SUBJECT: Athletic Trainers

DATE: April 3, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HE	Favorable
2.	_____	_____	ED	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill revises the licensure and license renewal requirements for athletic trainers. The bill revises the violations and penalties relating to practicing athletic training so that it would be a misdemeanor of the first-degree for a person to practice athletic training without holding an active license to practice athletic training or an exemption to the athletic training practice act, irregardless of whether or not there is compensation. An exemption to the athletic training practice act for a person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46, F.S., is deleted.

The bill revises provisions that authorize a school district to establish and implement an athletic injuries prevention and treatment program, which includes specified employment classification and advancement schemes for a "first responder" and a "teacher athletic trainer," to delete references to first responders and "teacher athletic trainers." The school district employment classification and advancement scheme is revised to specify that to qualify as an "athletic trainer," rather than a "teacher athletic trainer," a person must be licensed as an athletic trainer and may possess a professional, temporary, part-time, adjunct, or substitute teaching certificate.

This bill substantially amends sections 468.707, 468.711, 468.717, 468.723, 1012.46, Florida Statutes.

II. Present Situation:

Part XIII, ch. 468, F.S., governs the regulation of athletic trainers by the Board of Athletic Training in the Department of Health (DOH). The part specifies licensure requirements to practice athletic training. To become a licensed athletic trainer an applicant must be at least 21 years of age; have obtained a baccalaureate degree from an accredited or board-approved

college or university; have completed specified coursework from a college as provided by board rule in health, human anatomy, kinesiology/biomechanics, human physiology, physiology of exercise, basic athletic training, and advanced athletic training; have current certification in standard first aid and cardiovascular pulmonary resuscitation (CPR) from the American Red Cross or an equivalent certification; have, within 2 of the preceding 5 years, attained a minimum of 800 hours of athletic training experience under the direct supervision of a licensed athletic trainer or an athletic trainer certified by the National Athletic Trainers' Association or comparable national athletic standards organization; and successfully pass a board-approved examination. Section 468.707, F.S., provided an alternative licensure route for persons who could demonstrate that they had practiced athletic training for at least 3 of the 5 years preceding application on or before October 1, 1996. That alternative licensure route to practice athletic training is now defunct.

Section 468.711, F.S., authorizes the Board of Athletic Training to prescribe continuing education requirements for license renewal, which include 4 hours in standard first aid and CPR training or equivalent training as determined by the board.

Section 468.717, F.S., makes a person who practices athletic training for compensation without holding an active license to practice athletic training liable for a first-degree misdemeanor, which is punishable by imprisonment of up to 1 year and the imposition of a fine of up to \$1,000.

Under s. 468.723, F.S., the athletic training practice act does not prevent or restrict: the professional practice of another health care practitioner licensed by DOH who is acting within the scope of such practice; a student acting under the direct supervision of a licensed athletic trainer, a person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46, F.S.; a person from administering standard first aid treatment to an athlete; a person licensed under ch. 548, F.S., which relates to pugilistic exhibitions; and a person providing personal training instruction if the person does not represent himself or herself as able to provide athletic trainer services and any recognition or treatment of injuries is limited to first aid.

Section 1012.46, F.S., specifies that school districts may establish and implement an athletic injuries prevention and treatment program. An integral part of such program should be the employment and availability of persons trained in the prevention and treatment of physical injuries that occur during athletic activities. The program should reflect opportunities for progressive advancement and compensation in employment and meet other standards developed by the Department of Education. The goal of the Legislature is to have school districts employ and have available a full-time teacher athletic trainer in each high school in Florida.

To the extent practicable, a school district program should include the following employment classification and advancement scheme:

- *First responder.* To qualify as a first responder, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.56, F.S., be certified in cardiopulmonary resuscitation, first aid, and have 15 semester hours in courses such as care and prevention of athletic injuries, anatomy, physiology, nutrition, counseling,

and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care; and

- *Teacher athletic trainer.* To qualify as a teacher athletic trainer, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.35, s. 1012.56, F.S., or s. 1012.57, F.S., and be licensed as required by pt. XIII, ch. 468, F.S.

III. Effect of Proposed Changes:

The bill revises the licensure requirements for athletic trainers to require applicants to complete an approved athletic training curriculum from an accredited college or university rather than specified coursework in certain areas as approved by the Board of Athletic Training. An applicant for athletic training licensure will need to show that he or she has a current CPR certification, but will no longer need to obtain certification in standard first aid. The licensure requirement for an applicant to show that he or she has obtained at least 800 hours of athletic training experience under the direct supervision of a licensed athletic trainer certified by the National Athletic Trainers' Association or comparable organization is deleted. The bill deletes an alternative licensure route for persons who could demonstrate that they had practiced athletic training for at least 3 of the 5 years preceding application on or before October 1, 1996. The alternative licensure route is defunct.

The bill revises the violations and penalties relating to practicing athletic training so that it would be a misdemeanor of the first degree for a person to practice athletic training without holding an active license to practice athletic training or an exemption to the athletic training practice act, irregardless of whether or not there is compensation. An exemption to the athletic training practice act for a person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46, F.S., is deleted.

The bill revises provisions that authorize a school district to establish and implement an athletic injuries prevention and treatment program, which includes specified employment classification and advancement schemes for a "first responder" and a "teacher athletic trainer," to delete references to first responders and "teacher athletic trainers." The school district employment classification and advancement scheme is revised to specify that to qualify as an "athletic trainer," rather than a "teacher athletic trainer," a person must be licensed as an athletic trainer and may possess a professional, temporary, part-time, adjunct, or substitute teaching certificate.

The bill provides an effective date upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who gratuitously perform comparable acts within the scope of practice of athletic training without holding an active license to practice athletic training or an exemption to the athletic training practice will incur costs associated with athletic training licensure.

Athletic trainer licensure and licensure renewal applicants may save costs associated with not having to get standard first aid training to meet the licensure requirements. School districts are authorized to hire athletic trainers who are not holders of a teaching certificate to work in the district's athletic injuries prevention and treatment program.

C. Government Sector Impact:

The Department of Health will incur costs for additional rulemaking to implement the bill and such costs should be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Persons who gratuitously perform comparable acts within the scope of practice of athletic training (such as little league baseball coaches) without holding an active license to practice athletic training or an exemption to the athletic training practice will be liable for a first degree misdemeanor which is punishable by imprisonment of up to 1 year and the imposition of a fine of up to \$1,000.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
