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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 822

02/06/2017 Authored by Franson, Davids, Albright, Freiberg, Kiel and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

A bill for an act

relating to health licensing; modifying the Minnesota Athletic Trainers Act; amending Minnesota Statutes 2016, sections 148.7802, subdivision 6, by adding subdivisions; 148.7803, subdivision 1; 148.7804; 148.7805, subdivisions 1, 3; 148.7806; 148.7808, subdivisions 1, 3; 148.7809; 148.7810; 148.7815; repealing Minnesota Statutes 2016, sections 148.7802, subdivisions 4, 5; 148.7808, subdivisions 4, 5.

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

Section 1. Minnesota Statutes 2016, section 148.7802, subdivision 6, is amended to read:

Subd. 6. Athletic trainer. "Athletic trainer" means a person who engages in athletic training under ~~section~~ sections 148.7802 and 148.7806 and is ~~registered~~ licensed under section 148.7808.

Sec. 2. Minnesota Statutes 2016, section 148.7802, is amended by adding a subdivision to read:

Subd. 6a. Athletic training. "Athletic training" means the provision of care for the prevention, recognition, evaluation, management, rehabilitation, and reconditioning of emergency, acute, and chronic injuries, and medical conditions associated with physical activity, or that limit the patient's or client's full return to functional physical activity and wellness. Athletic training does not include the practice of medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatric medicine as defined in section 153.01, the practice of occupational therapy as defined in section 148.6402, or the practice of physical therapy as defined in section 148.65.

2.1 Sec. 3. Minnesota Statutes 2016, section 148.7802, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 9a. **Physical activity.** "Physical activity" means any moderate or vigorous activity  
2.4 that requires physical strength, agility, range of motion, repetitive motion, speed, or stamina.

2.5 Sec. 4. Minnesota Statutes 2016, section 148.7803, subdivision 1, is amended to read:

2.6 Subdivision 1. **Designation.** A person shall not use in connection with the person's name  
2.7 the words or letters registered athletic trainer; licensed athletic trainer; Minnesota ~~registered~~  
2.8 licensed athletic trainer; athletic trainer; AT; ATR; ATC; LAT; or any words, letters,  
2.9 abbreviations, or insignia indicating or implying that the person is an athletic trainer, without  
2.10 a ~~certificate of registration~~ license as an athletic trainer issued under sections 148.7808 to  
2.11 148.7810. A student attending a college or university ~~athletic training~~ approved education  
2.12 program must be identified as an "athletic training student."

2.13 Sec. 5. Minnesota Statutes 2016, section 148.7804, is amended to read:

2.14 **148.7804 POWERS OF THE BOARD.**

2.15 The board, acting under the advice of the Athletic Trainers Advisory Council, shall issue  
2.16 all ~~registrations~~ licenses and shall exercise the following powers and duties:

2.17 (1) adopt rules necessary to implement sections 148.7801 to 148.7815;

2.18 (2) prescribe ~~registration~~ license application forms, certificate of ~~registration~~ license  
2.19 forms, protocol forms, and other necessary forms;

2.20 (3) approve a ~~registration~~ licensure examination;

2.21 (4) keep a complete record of ~~registered~~ licensed athletic trainers, prepare a current  
2.22 official listing of the names and addresses of ~~registered~~ licensed athletic trainers, and make  
2.23 a copy of the list available to any person requesting it upon payment of a copying fee  
2.24 established by the board;

2.25 (5) keep a permanent record of all its proceedings; and

2.26 (6) establish the duties of, and employ, clerical personnel.

2.27 Sec. 6. Minnesota Statutes 2016, section 148.7805, subdivision 1, is amended to read:

2.28 Subdivision 1. **Membership.** The Athletic Trainers Advisory Council is created and is  
2.29 composed of eight members appointed by the board. The advisory council consists of:

2.30 (1) two public members as defined in section 214.02;

3.1 (2) three members who are ~~registered~~ licensed athletic trainers, one being both a licensed  
 3.2 physical therapist and ~~registered~~ licensed athletic trainer as submitted by the Minnesota  
 3.3 American Physical Therapy Association, and two as submitted by the Minnesota Athletic  
 3.4 Trainers' Association;

3.5 (3) two members who are medical physicians licensed by the state and have experience  
 3.6 with athletic training and sports medicine; and

3.7 (4) one member who is a doctor of chiropractic licensed by the state and has experience  
 3.8 with athletic training and sports injuries.

3.9 Sec. 7. Minnesota Statutes 2016, section 148.7805, subdivision 3, is amended to read:

3.10 Subd. 3. **Duties.** The advisory council shall:

3.11 (1) advise the board regarding standards for athletic trainers;

3.12 (2) distribute information regarding athletic trainer standards;

3.13 (3) advise the board on enforcement of sections 148.7801 to 148.7815;

3.14 (4) review ~~registration~~ licensing and ~~registration~~ license renewal applications and make  
 3.15 recommendations to the board;

3.16 (5) review complaints in accordance with sections 214.10 and 214.13, subdivision 6;

3.17 (6) review investigation reports of complaints and recommend to the board whether  
 3.18 disciplinary action should be taken;

3.19 (7) advise the board regarding evaluation and treatment protocols;

3.20 (8) advise the board regarding approval of continuing education programs; and

3.21 (9) perform other duties authorized for advisory councils under chapter 214, as directed  
 3.22 by the board.

3.23 Sec. 8. Minnesota Statutes 2016, section 148.7806, is amended to read:

3.24 **148.7806 ATHLETIC TRAINING.**

3.25 (a) Athletic training by a ~~registered~~ licensed athletic trainer under section 148.7808  
 3.26 includes the activities described in paragraphs ~~(a)~~ (b) to ~~(e)~~ (g).

3.27 ~~(a)~~ (b) An athletic trainer shall perform athletic training under the direction of or in  
 3.28 consultation with the primary physician:

3.29 ~~(1) prevent, recognize, and evaluate athletic injuries;~~

4.1 ~~(2) give emergency care and first aid;~~

4.2 ~~(3) manage and treat athletic injuries; and~~

4.3 ~~(4) rehabilitate and physically recondition athletic injuries.~~

4.4 (1) who is licensed in the state to practice medicine as defined in section 147.081; and

4.5 (2) whose license is in good standing.

4.6 (c) The athletic trainer may use modalities such as cold, heat, light, sound, electricity,  
4.7 exercise, and mechanical devices for treatment and rehabilitation of ~~athletic injuries to~~  
4.8 ~~athletes in the primary employment site~~ a patient or client.

4.9 ~~(b)~~ (d) The primary physician shall establish evaluation and treatment protocols to be  
4.10 used by the athletic trainer. The primary physician shall record the protocols on a form  
4.11 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's  
4.12 registration renewal time and kept on file by the athletic trainer.

4.13 ~~(e)~~ (e) ~~At the primary employment site, except in a corporate setting,~~ An athletic trainer  
4.14 may evaluate and treat an ~~athlete for an athletic injury~~ individual not previously diagnosed  
4.15 for not more than 30 days, ~~or a period of time as designated by the primary physician on~~  
4.16 ~~the protocol form,~~ from the date of the initial evaluation and treatment. ~~Preventative care~~  
4.17 ~~after resolution of the injury is~~ Prevention, wellness, education, exercise, and reconditioning  
4.18 are not considered treatment. This paragraph does not apply to a person who is referred for  
4.19 treatment by a person licensed in this state to practice medicine as defined in section 147.081,  
4.20 to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section  
4.21 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good  
4.22 standing.

4.23 ~~(d)~~ (f) An athletic trainer may:

4.24 (1) organize and administer an athletic training program including, but not limited to,  
4.25 educating and counseling ~~athletes~~ patients and clients;

4.26 (2) monitor the signs, symptoms, general behavior, and general physical response of ~~an~~  
4.27 ~~athlete~~ a patient to treatment and rehabilitation including, but not limited to, whether the  
4.28 signs, symptoms, reactions, behavior, or general response show abnormal characteristics  
4.29 requiring a change in the plan of care or referral; and

4.30 (3) make suggestions to the primary physician or other treating provider for a modification  
4.31 in the treatment and rehabilitation of ~~an injured athlete~~ a patient based on the indicators in  
4.32 clause (2).

5.1 ~~(e)~~ (g) In a clinical, corporate, and physical therapy setting, when the service provided  
 5.2 is, or is represented as being, physical therapy, an athletic trainer may work only under the  
 5.3 direct supervision of a physical therapist as defined in section 148.65.

5.4 Sec. 9. Minnesota Statutes 2016, section 148.7808, subdivision 1, is amended to read:

5.5 Subdivision 1. **Registration Licensure.** The board may issue a ~~certificate of registration~~  
 5.6 license as an athletic trainer to applicants who meet the requirements under this section. An  
 5.7 applicant for ~~registration~~ a license as an athletic trainer shall pay a fee under section 148.7815  
 5.8 and file a written application on a form, provided by the board, that includes:

5.9 (1) the applicant's name, Social Security number, home address and telephone number,  
 5.10 business address and telephone number, and business setting;

5.11 (2) evidence satisfactory to the board of the successful completion of an education  
 5.12 program approved by the board;

5.13 (3) educational background;

5.14 (4) proof of a baccalaureate or master's degree from an accredited college or university;

5.15 (5) credentials held in other jurisdictions;

5.16 (6) a description of any other jurisdiction's refusal to credential the applicant;

5.17 (7) a description of all professional disciplinary actions initiated against the applicant  
 5.18 in any other jurisdiction;

5.19 (8) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

5.20 (9) evidence satisfactory to the board of a qualifying score on a credentialing examination;

5.21 (10) additional information as requested by the board;

5.22 (11) the applicant's signature on a statement that the information in the application is  
 5.23 true and correct to the best of the applicant's knowledge and belief; and

5.24 (12) the applicant's signature on a waiver authorizing the board to obtain access to the  
 5.25 applicant's records in this state or any other state in which the applicant has completed an  
 5.26 education program approved by the board or engaged in the practice of athletic training.

5.27 Sec. 10. Minnesota Statutes 2016, section 148.7808, subdivision 3, is amended to read:

5.28 Subd. 3. **Registration License by reciprocity.** ~~(a)~~ The board may ~~register~~ license by  
 5.29 reciprocity an applicant who:

6.1 (1) submits the application materials and fees required under subdivision 1, clauses (1)  
6.2 to (8) and (10) to (12);

6.3 (2) provides a verified copy of a current and unrestricted credential for the practice of  
6.4 athletic training in another jurisdiction that has credentialing requirements equivalent to or  
6.5 more stringent than the requirements under subdivision 1; and

6.6 (3) provides letters of verification from the credentialing body in each jurisdiction in  
6.7 which the applicant holds a credential. Each letter must include the applicant's name, date  
6.8 of birth, credential number, date of issuance of the credential, a statement regarding  
6.9 disciplinary actions taken against the applicant, and the terms under which the credential  
6.10 was issued.

6.11 ~~(b) An applicant for registration by reciprocity who has applied for registration under~~  
6.12 ~~subdivision 1 and meets the requirements of paragraph (a), clause (1), may apply to the~~  
6.13 ~~board for temporary registration under subdivision 4.~~

6.14 Sec. 11. Minnesota Statutes 2016, section 148.7809, is amended to read:

6.15 **148.7809 ~~REGISTRATION~~ LICENSE RENEWAL.**

6.16 Subdivision 1. **Requirements for ~~registration~~ license renewal.** A ~~registered~~ licensed  
6.17 athletic trainer shall apply to the board for a one-year extension of ~~registration~~ a license by  
6.18 paying a fee under section 148.7815 and filing an application on a form provided by the  
6.19 board that includes:

6.20 (1) the athletic trainer's name, Minnesota athletic trainer ~~registration~~ license number,  
6.21 home address and telephone number, business address and telephone number, and business  
6.22 setting;

6.23 (2) work history for the past year, including the average number of hours worked per  
6.24 week;

6.25 (3) a report of any change in status since initial registration or previous ~~registration~~  
6.26 license renewal;

6.27 (4) evidence satisfactory to the board of having met the continuing education requirements  
6.28 of section 148.7812;

6.29 (5) the athletic trainer's signature on a statement that a current copy of the protocol form  
6.30 is on file at the athletic trainer's primary employment site; and

6.31 (6) additional information as requested by the board.

7.1 Subd. 2. **Registration License renewal notice.** Before June 1 of each year, the board  
 7.2 shall send out a renewal notice to an athletic trainer's last known address on file with the  
 7.3 board. The notice shall include an application for ~~registration~~ license renewal and notice of  
 7.4 the fees required for renewal. An athletic trainer who does not receive a renewal notice must  
 7.5 still meet the requirements for ~~registration~~ license renewal under this section.

7.6 Subd. 3. **Renewal deadline.** (a) An application for license renewal ~~of registration~~ must  
 7.7 be postmarked on or before July 1 of each year. If the postmark is illegible, the application  
 7.8 is considered timely if received in the board office by the third working day after July 1.

7.9 (b) An application for license renewal ~~of registration~~ submitted after the deadline date  
 7.10 must include a late fee under section 148.7815.

7.11 Subd. 4. **Lapse of ~~registration-status~~ license.** (a) Except as provided in paragraph (b),  
 7.12 an athletic trainer whose ~~registration~~ license has lapsed must:

7.13 (1) apply for ~~registration~~ license renewal under this section; and

7.14 (2) submit evidence satisfactory to the board from a licensed medical physician verifying  
 7.15 employment in athletic training for eight weeks every three years during the time of the  
 7.16 lapse in ~~registration~~ license.

7.17 (b) The board shall not renew, reissue, reinstate, or restore a ~~registration~~ license that has  
 7.18 lapsed after June 30, 1999, and has not been renewed within two annual renewal cycles  
 7.19 starting July 1, 2001. An athletic trainer whose ~~registration~~ license is canceled for nonrenewal  
 7.20 must obtain a new ~~registration~~ license by applying for ~~registration~~ a license and fulfilling  
 7.21 all requirements then in existence for an initial ~~registration~~ license.

7.22 Sec. 12. Minnesota Statutes 2016, section 148.7810, is amended to read:

7.23 **148.7810 BOARD ACTION ON APPLICATIONS.**

7.24 Subdivision 1. **Verification of application information.** The board or advisory council,  
 7.25 with the approval of the board, may verify information provided by an applicant for  
 7.26 ~~registration~~ a license under section 148.7808 and ~~registration~~ license renewal under section  
 7.27 148.7809 to determine whether the information is accurate and complete.

7.28 Subd. 2. **Notification of board action.** Within 120 days of receipt of the application,  
 7.29 the board shall notify each applicant in writing of the action taken on the application.

7.30 Subd. 3. **Request for hearing by applicant denied ~~registration~~ license.** An applicant  
 7.31 denied ~~registration~~ a license shall be notified of the determination, and the grounds for it,  
 7.32 and may request a hearing on the determination under Minnesota Rules, part 5615.0300,

8.1 by filing a written statement of issues with the board within 20 days after receipt of the  
8.2 notice from the board. After the hearing, the board shall notify the applicant in writing of  
8.3 its decision.

8.4 Sec. 13. Minnesota Statutes 2016, section 148.7815, is amended to read:

8.5 **148.7815 FEES.**

8.6 Subdivision 1. **Fees.** The board shall establish fees as follows:

8.7 (1) application fee, \$50; and

8.8 (2) annual ~~registration~~ license fee, \$100;.

8.9 (3) ~~temporary registration~~, \$100; and

8.10 (4) ~~temporary permit~~, \$50.

8.11 Subd. 2. **Proration of fees.** The board may prorate the initial annual license fee ~~for~~  
8.12 ~~registration~~ under section 148.7808. Athletic trainers ~~registered~~ licensed under section  
8.13 148.7808 are required to pay the full fee upon ~~registration~~ license renewal.

8.14 Subd. 3. **Penalty for a late application for ~~registration~~ license renewal.** The penalty  
8.15 for late submission of a ~~registration~~ license renewal application under section 148.7809 is  
8.16 \$15.

8.17 Subd. 4. **Nonrefundable fees.** The fees in this section are nonrefundable.

8.18 Sec. 14. **REPEALER.**

8.19 Minnesota Statutes 2016, sections 148.7802, subdivisions 4 and 5; and 148.7808,  
8.20 subdivisions 4 and 5, are repealed.

8.21 Sec. 15. **EFFECTIVE DATE.**

8.22 Sections 1 to 14 are effective July 1, 2017. During the 2017 annual renewal cycle, athletic  
8.23 trainers' registrations shall be converted to licenses. For purposes of interpreting sections 1  
8.24 to 14 after July 1, 2017, but before a registration is converted to a license, a registration is  
8.25 equivalent to a license.



**148.7802 DEFINITIONS.**

Subd. 4. **Athlete.** "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. **Athletic injury.** "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

**148.7808 REGISTRATION; REQUIREMENTS.**

Subd. 4. **Temporary registration.** (a) The board may issue a temporary registration as an athletic trainer to qualified applicants. A temporary registration is issued for 120 days. An athletic trainer with a temporary registration may qualify for full registration after submission of verified documentation that the athletic trainer has achieved a qualifying score on a credentialing examination within 120 days after the date of the temporary registration. A temporary registration may not be renewed.

(b) Except as provided in subdivision 3, paragraph (a), clause (1), an applicant for a temporary registration must submit the application materials and fees for registration required under subdivision 1, clauses (1) to (8) and (10) to (12).

(c) An athletic trainer with a temporary registration shall work only under the direct supervision of an athletic trainer registered under this section. No more than two athletic trainers with temporary registrations shall work under the direction of a registered athletic trainer.

Subd. 5. **Temporary permit.** The board may issue a temporary permit to practice as an athletic trainer to an applicant eligible for registration under this section if the application for registration is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the athletic trainer's application for registration.