

HOUSE BILL NO. 665
INTRODUCED BY ARNTZEN

A BILL FOR AN ACT ENTITLED: "AN ACT LICENSING AND REGULATING ATHLETIC TRAINERS; ESTABLISHING A BOARD OF ATHLETIC TRAINERS; PROVIDING RULEMAKING AUTHORITY FOR THE BOARD; ESTABLISHING QUALIFICATIONS FOR LICENSURE; PROVIDING TERMS OF LICENSURE; AND PROVIDING VIOLATIONS AND PENALTIES."

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

NEW SECTION. **Section 1. Board of athletic trainers.** (1) There is a board of athletic trainers.

(2) The board is composed of five members appointed by the governor as follows:

(a) one member who is a physician licensed under Title 37, chapter 3, preferably with a background in the practice of sports medicine;

(b) three members who are athletic trainers who have been engaged in the practice of athletic training in the state for at least 2 years prior to being appointed. After the initial appointments are made to establish the board, each of the three members must be licensed as an athletic trainer under [sections 2 through 8]. Of these three members, at the time of appointment:

(i) one must be employed by or retired from employment with a postsecondary institution in Montana;

(ii) one must be employed in or retired from a secondary school in Montana; and

(iii) one must be employed by or retired from a health care facility or an athletic facility in Montana.

(c) one member of the public who is not engaged in or directly connected with the practice of athletic training.

(3) There may be no more than one retired athletic trainer serving on the board at anytime.

(4) A vacancy on the board must be filled for an unexpired term to maintain the representation provided in subsection (2).

(5) The board is attached for administrative purposes only, as prescribed in 2-15-121, to the department of labor and industry.

(6) Members must be compensated as provided in 2-18-501 through 2-18-503.

(7) Members shall serve 4-year, staggered terms. A member may be reappointed for one consecutive term. A member who is reappointed must be eligible under the same criteria as when first appointed.

(8) For the purposes of this section, an appointment to fill an unexpired term does not constitute a full term.

(9) The governor may remove a member from the board for neglect of duty, for incompetency, or for cause.

NEW SECTION. Section 2. Definitions. As used in [sections 2 through 8], the following definitions apply:

(1) "Athlete" means a person who participates in an athletic activity that involves exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed, or stamina and the exercises, sports, or games are of the type conducted in association with an educational institution or a professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means a physical injury received by an athlete.

(3) "Athletic trainer" means an individual who is licensed to practice athletic training.

(4) "Athletic training" means the practice of prevention, recognition, assessment, management, treatment, disposition, and reconditioning of athletic injuries. The term includes the following:

(a) the use of heat, light, sound, cold, electricity, exercise, reconditioning, or mechanical devices related to the care and conditioning of athletes; AND

~~(b) the organization and administration of athletic training programs and athletic facilities; and~~

~~(c)(B)~~ the education and counseling of the public on matters related to athletic training.

(5) "Board" means the board of athletic trainers provided for in [section 1].

(6) "Department" means the department of labor and industry provided for in 2-15-1701.

(7) "Licensee" means an individual licensed under [sections 2 through 8].

NEW SECTION. Section 3. Board duties -- rulemaking. (1) The board shall meet at least twice a year for the purposes provided in Title 37, chapter 1, and [sections 2 through 8].

(2) The board shall adopt rules necessary to implement the provisions of [sections 2 through 8].

NEW SECTION. Section 4. Qualifications -- temporary license -- exemption from examination. (1) Applicants for licensure as an athletic trainer shall:

(a) satisfactorily complete an application and an examination prescribed by the department in accordance with rules adopted by the board;

(b) pay application, examination, and licensure fees established by the board;

(c) provide documentation that the applicant has received at least a baccalaureate degree from a postsecondary institution that meets the academic standards for athletic trainers established by the national athletic trainers' association board of certification;

(d) provide the board with letters of recommendation from at least two clinical supervisors familiar with the applicant's clinical training and other documentation by which the board may determine that an applicant has not had a criminal conviction or disciplinary action taken against the applicant by a board or a licensing agency in another state or territory of the United States that may have a direct bearing on the applicant's ability to practice athletic training competently.

(2) (a) The board may issue a temporary license to an applicant who:

(i) meets the qualifications in subsections (1)(b) through (1)(d) but has not yet met the examination requirement in subsection (1)(a); or

(ii) has a valid license from another state or certification as provided in subsection (3)(a) or (3)(b).

(b) A temporary license issued under this section is valid after the date of issuance for 90 days or until the board acts on the person's license application, whichever is earlier.

(3) An applicant may be exempted from the examination requirement in subsection (1)(a) if the applicant:

(a) has a current, valid license to practice athletic training in another state and that state's standards, as determined by the board, are at least equal to the standards for licensure in this state; or

(b) is certified as an athletic trainer by an organization recognized by the national commission for certifying agencies.

NEW SECTION. Section 5. License -- revocation. (1) Except as provided in subsection (2), a license issued under [sections 2 through 8] is valid for 3 years.

(2) The board may revoke a license if a licensee knowingly:

(a) provided fraudulent information on the application or documentation required in [section 4];

(b) violated standards of conduct as prescribed by the board; or

(c) engaged in practices beyond the scope and limitation of the person's training and education as determined by the board.

NEW SECTION. Section 6. Representation to public -- practice -- exemptions. (1) (a) Except as provided in subsection (2), an individual may not practice athletic training ~~or advertise or use the titles listed in~~

subsection (1)(b) without a license.

(b) Upon issuance of a license in accordance with [sections 2 through 8], a licensee may use the title "licensed athletic trainer" or "certified athletic trainer" and may use the abbreviations "LAT" or "AT" indicating that the individual is licensed in the practice of athletic training. A PERSON WHO IS NOT LICENSED MAY NOT USE THE TITLES LISTED IN THIS SUBSECTION (1)(B). EXCEPT FOR AN INDIVIDUAL LISTED IN SUBSECTION (2)(A), AN INDIVIDUAL WHO IS NOT CERTIFIED OR LICENSED AS AN ATHLETIC TRAINER MAY NOT ADVERTISE FOR ATHLETIC TRAINING SERVICES.

(2) This section does not prohibit:

(a) a health care professional licensed under Title 37, chapter 3, 6, 8, 11, 12, 20, 24, or 26, from practicing an occupation or profession for which the health care professional is licensed or from practicing ~~athletic training~~ ON AN ATHLETE;

(b) an educator or an information specialist from providing general information regarding prevention of athletic injuries;

(c) an individual from providing a first aid procedure incidental to the individual's employment or volunteer duties;

(d) an intern or student trainee studying a course of athletic training at an accredited postsecondary institution from providing athletic training under qualified supervision as part of the intern or student trainee's course of study. The intern or student trainee shall use the title "athletic training student" while carrying out athletic training activities.

(e) a personal trainer from providing personal training services; ~~OR~~

(F) A MESSAGE THERAPIST FROM PROVIDING MESSAGE; OR

(G) A COACH, PHYSICAL EDUCATION TEACHER, ATHLETIC DIRECTOR, OTHER SCHOOL EMPLOYEE, OR SUPERVISED VOLUNTEER FROM PROVIDING FIRST AID, PREVENTATIVE CARE, OR CONTINUOUS FOLLOWUP CARE OF ATHLETES AND ATHLETIC INJURIES IN A SCHOOL SETTING.

NEW SECTION. Section 7. Application and administration of topical medications. (1) A licensed athletic trainer may apply or administer topical medications by:

(a) direct application;

(b) iontophoresis, a process by which topical medications are applied through the use of electricity; or

(c) phonophoresis, a process by which topical medications are applied through the use of ultrasound.

(2) A licensed athletic trainer may apply or administer the following topical medications:

(a) bactericidal agents;

- (b) debriding agents;
- (c) anesthetic agents;
- (d) anti-inflammatory agents;
- (e) antispasmodic agents; and
- (f) adrenocorticosteroids.

(3) Topical medications applied or administered by a licensed athletic trainer must be prescribed on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical medications and must be purchased from a pharmacy certified under 37-7-321. Topical medications dispensed under this section must comply with packaging and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.

(4) Appropriate recordkeeping is required of a licensed athletic trainer who applies or administers topical medications as authorized in this section.

NEW SECTION. Section 8. Violation -- penalties. A person who knowingly violates any provision of [sections 2 through 8] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50 or more than \$500, by imprisonment in the county jail for a term of not less than 30 days or more than 6 months, or by both fine and imprisonment.

NEW SECTION. Section 9. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 17, and the provisions of Title 2, chapter 15, part 17, apply to [section 1].

(2) [Sections 2 through 8] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 2 through 8].

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