

Testimony in Support of Raised SB 356: An Act Concerning Athletic Trainers

Thomas McCarthy, MS, ATC

John Gilmour, MS, ATC

Senator Gerratana, Representative Ritter, and honorable members of the Public Health Committee. We are writing today to testify in support of senate bill 356 An Act Concerning Athletic Trainers. John and I work as practicing athletic trainers in both the collegiate and secondary school settings. We also were co-chairs of the Connecticut Athletic Trainers Association legislative committee that attained initial licensure back in 2000 and subsequently enacted in 2006.

We would like to take this opportunity to present the public health committee with a brief historical perspective of the licensing of certified athletic trainers in the State of Connecticut.

Athletic trainers in the state moved from statutory recognition to licensure in 2006. Educating legislators about the profession of athletic training started in 1996. From 1996-2005 we explained that an athletic trainer is a highly qualified allied health care professional, who is educated and experienced in the prevention, recognition, and treatment of injuries. Athletic training is an Allied Health Care Profession recognized by the American Medical Association.

Athletic trainers are capable of making independent judgment and have the skill for making such judgments when evaluating, rehabilitating, and providing emergency care to athletes and individuals. The athletic trainers' ability in recognizing and evaluating on-site injury ensures that the individual receives immediate care and proper treatment. Early intervention can lessen the severity and reduce reoccurrence of the injuries. Minor injuries can be treated appropriately by the athletic trainer and reduce unnecessary and expensive hospital emergency room visits.

SB 356 would update the current athletic trainer practice act to reflect current practice, and allow athletic trainers in Connecticut to practice to the full extent of their education and knowledge. Athletic training is a relatively new profession that is evolving rapidly. While athletic trainers started out working primarily with sports teams in colleges and secondary schools, many athletic trainers have taken their unique skill set and expanded into other practice settings such as hospitals, industrial and corporate settings.

As rapidly as our profession is progressing, our standards of education are exceeding the pace. Educational competencies have significantly increased on a national level. This change in education and expectation level needs to be reflected in the state statutes. The ATCs scope of practice needs to state physically active individuals. Please note since the inception of this bill in 2000, education, expectations and demand for services have all increased. By expanding the scope of practice, athletic trainers will be able to meet the needs of all of the physically active citizens of Connecticut.

As an educator and employer of athletic trainers, we both see far too many competent athletic trainers leave the state. This update can have a positive impact on having young athletic trainers remain in Connecticut and gain employment due to limitations on individuals that can be treated. Ultimately, this leads to better health care for physically active individuals in our communities.

The current version of SB 356 is drafted and does not include the full intended content as discussed with the public health committee. The “Real” language version of the bill is attached to our testimony.

Thank you for your attention to this matter. Please feel free to contact myself or John Gilmour with further questions.

Sincerely,

Thomas McCarthy, MS, ATC
Central Connecticut State University
1615 Stanley Street
New Britain, CT 06050
(860) 832-3063
mccarthyt@ccsu.edu

John Gilmour, MS, ATC
Select Physical Therapy
29 North Main Street
West Hartford, CT 06107
(860) 561-2624
gilmourj@selectmedical.com

Proposed Changes_with edits_2016

Sec. 20-65f. Definitions. As used in this chapter:

(1) "Athletic training" means the application or provision, (A) with the consent and under the direction of a health care provider, of (I)CLINICAL EVALUATION AND

ASSESSMENT (ii) MANAGEMENT AND EMERGENCY CARE, TREATMENT, DISPOSITION, AND REHABILITATION OF ACUTE AND CHRONIC ATHLETIC INJURIES (III) THE APPLICATION OF PHYSICAL AGENTS OF HEAT, COLD, LIGHT, ELECTRIC STIMULATION, MANUAL THERAPY TECHNIQUES,

AQUATIC THERAPY, SOUND, THERAPEUTIC EXERCISE OR OTHER AGENTS AS PRESCRIBED BY A HEALTH CARE PROVIDER principles, methods and

procedures of evaluation, prevention, treatment and rehabilitation of athletic injuries sustained by athletes, (B) appropriate preventative and supportive devices, temporary splinting and bracing, physical modalities of heat, cold, light massage, water, electric stimulation, sound, exercise and exercise equipment,(B)ILLNESS RECOGNITION (i)

THAT IS ACCOMPANIED BY REFERRAL TO AND (ii) MANAGED AT THE DIRECTION OF A HEALTH CARE PROVIDER (C) THE APPLICATION OR

PROVISION OF APPROPRIATE PREVENTATIVE AND SUPPORTIVE DEVICES, TEMPORARY SPLINTING, BRACING AND CASTING (D) the organization and

administration of athletic training programs, (E) education and counseling to athletes, coaches, medical personnel and THE community in the area of the prevention and care

of athletic injuries. AND (F) INJURY PREVENTION AND WELLNESS CARE SERVICES THAT ARE DEVELOPED AND APPLIED TO ASYMPTOMATIC INDIVIDUALS.

For purposes of this subdivision, "health care provider" means a person licensed to practice medicine or surgery under chapter 370 of the general statutes, chiropractic under chapter 372 of the general statutes, podiatry under chapter 375 of the general statutes or naturopathy under chapter 373 of the general statutes;

(2) "Athletic injury" means any injury sustained as a result of (A) A PHYSICALLY ACTIVE INDIVIDUAL'S such athlete's participation in exercise, sports, games or recreational

ACTIVITIES, OR (B) A PHYSICALLY ACTIVE INDIVIDUAL WITH A COMPARABLE INJURY WHO HAS BEEN DETERMINED TO BE OTHERWISE HEALTHY AND ASYMPTOMATIC BY A HEALTH CARE PROVIDER . requiring strength, agility, flexibility, range of motion, speed or stamina, or any comparable injury that prevents such athlete from participating in any such activities;

(3) "Athlete" means any person who is a member of any professional, amateur, school or other sports team, or is a regular participant in sports or recreational activities, including, but not limited to, training and practice activities, that require strength, agility, flexibility, range of motion, speed or stamina. For purposes of this subdivision, "regular" means not less than three times per week;

(3) "ILLNESS MEANS ANY DISEASE, DISORDER, SICKNESS OR AFFLICTION (A) THAT ARISES FROM OR IS A MANIFESTATION OF A PHYSICALLY ACTIVE INDIVIDUAL'S PREPARATION FOR, PARTICIPATION IN, OR POST-RECOVERY IN EXERCISE, SPORTS GAMES OR RECREATIONAL ACTIVITIES, OR (B) OTHER

CONDITIONS THAT MAY REQUIRE IMMEDIATE INTERVENTION BY THE ATHLETIC

TRAINER DURING, PRIOR TO OR FOLLOWING A PHYSICALLY ACTIVE INDIVIDUAL'S

PARTICIPATION IN SUCH ACTIVITIES, UNDER THE CONSENT AND DIRECTION OF

A HEALTH CARE PROVIDER. SUCH CONDITIONS MAY INCLUDE, BUT ARE NOT LIMITED TO EMERGENT SITUATIONS RELATED TO CARDIORESPIRATORY,

THERMOREGULATION, MUSCULOSKELETAL, NEUROVASCULAR, AND ENDOCRINE SYSTEMS. ILLNESS DOES NOT INCLUDE ANY CONDITION THAT IS BEYOND THE SCOPE OF EDUCATION OF AN ATHLETIC TRAINER.

(4) "WELLNESS CARE' MEANS SERVICES RELATED TO RISK MANAGEMENT AND INJURY PREVENTION, INCLUDING BIOMECHANICS, CONDITIONING, FLEXIBILITY, NUTRITION, STRENGTH TRAINING AND FITNESS.

(5) "WITH THE CONSENT AND UNDER THE DIRECTION OF A HEALTH CARE

PROVIDER" MEANS (A) A WRITTEN PRESCRIPTION FROM A HEALTH PROVIDER FOR TREATMENT OF A SPECIFIC PHYSICALLY ACTIVE INDIVIDUAL, OR (B) THE

ISSUANCE OF WRITTEN STANDING ORDERS THAT ARE FOLLOWED IN THE PRACTICE OF ATHLETIC TRAINING WHILE UNDER THE OVERSIGHT AND DIRECTION OF A HEALTH CARE PROVIDER.

(6) "WRITTEN Standing orders" means written protocols, recommendations and OR guidelines for treatment and care OF A PHYSICALLY ACTIVE INDIVIDUALS PARTICIPATING IN PROFESSIONAL, AMATEUR, OR SCHOOL SPORTS OR RECREATIONAL ACTIVITIES

THAT ARE (A) furnished and signed by a health care provider specified under subdivision (1) of this section, to be (B) followed in the practice of athletic training BY AN ATHLETIC TRAINER WHILE UNDER THE CONSENT AND DIRECTION OF A HEALTH CARE PROVIDER, (C) ANNUALLY REVIEWED AND RENEWED BY THE HEALTH CARE PROVIDER AND ATHLETIC TRAINER TO ENSURE QUALITY PATIENT CARE, AND (D) PROVIDE FOR AVAILABILITY OF COMMUNICATION BETWEEN THE HEALTH CARE PROVIDER AND THE ATHLETIC TRAINER. WRITTEN STANDING ORDERS SHALL that may include, but ARE not be limited to, (i) DELINEATION OR A PREDETERMINED PLAN FOR EMERGENCY SITUATIONS, (ii) APPROPRIATE TREATMENTS FOR SPECIFIC INJURIES OR OTHER MEDICAL CONDITIONS, (iii) TREATMENT AND MANAGEMENT OF CONCUSSIONS, AND (iv) CONDITIONS NECESSITATING THE IMMEDIATE REFERRAL TO A HEALTH CARE PROVIDER OF A

PHYSICALLY ACTIVE INDIVIDUALS OR (v) ANY CONDITION THAT IS BEYOND THE ATHLETIC TRAINER'S SCOPE OF PRACTICE (A) appropriate treatments for specific athletic injuries, (B) athletic injuries or other conditions requiring immediate referral to a licensed health care provider, and (C) appropriate conditions for the immediate referral to a licensed health care provider of injured athletes of a specified age or age group.

(5) "Commissioner" means the Commissioner of Public Health.

Sec. 20-65g. License required for practice and use of title. (a) Except as provided in section 20-

65i, no person may practice athletic training unless such person is licensed pursuant to section 20-65j. (b) No person may use the title "licensed athletic trainer" or make use of any title,

words, letters or abbreviations indicating or implying that such person is licensed to practice athletic training unless such person is licensed pursuant to section 20-65k.

Sec. 20-65h. Referral to licensed health care provider. (a) Each person who practices athletic training under standing orders shall make a written or oral referral to a licensed health care provider of any athlete who has an athletic injury whose symptoms have not improved for a period of four days from the day of onset, or who has any physical or medical condition that would constitute a medical contraindication for athletic training or that may require evaluation or treatment beyond the scope of athletic training. The injuries or conditions requiring a referral under this subsection shall include, but not be limited to, suspected medical emergencies or illnesses, physical or mental illness and significant tissue or neurological pathologies.

(b) Each person who practices athletic training, but not under standing orders, may perform initial evaluation **SHALL BE LIMITED TO PROVIDING ACUTE MANAGEMENT AND EMERGENCY CARE** and temporary splinting and bracing of any athlete with an athletic injury. and shall, without delay, make a written or oral referral of such athlete to a licensed health care

provider. The limitations on the practice of athletic training set forth in this subsection shall not apply in the case of any **PHYSICALLY ACTIVE INDIVIDUAL** athlete that is referred to such person by a licensed health care provider, provided such practice shall be limited to the scope of such referral.

Sec. 20-65i. Exceptions to licensing requirement. A license to practice athletic training shall not be required of: (1) A practitioner who is licensed or certified by a state agency and is performing services within the scope of practice for which such person is licensed or certified; (2) a student intern or trainee pursuing a course of study in athletic training, provided the activities of such student intern or trainee are performed under the supervision of a person licensed to practice athletic training and the student intern or trainee is given the title of "athletic trainer intern", or similar designation; (3) a person employed or volunteering as a coach of amateur sports who

provides first aid for athletic injuries to athletes being coached by such person; (4) a person who furnishes assistance in an emergency; or (5) a person who acts as an athletic trainer in this state for less than thirty days per calendar year and who is licensed as an athletic trainer by another state or is certified by the Board of Certification, Inc., or its successor organization.

Sec. 20-65j. Qualifications for licensure. Licensure by endorsement. a) Except as provided in subsections (b) and (c) of this section, an applicant for a license to practice athletic training shall have: (1) A baccalaureate **OR A GRADUATE** degree from a regionally accredited institution of higher education, or from an institution of higher learning located outside of the United States that is legally chartered to grant postsecondary degrees in the country in which

such institution is located; and (2) current certification as an athletic trainer by the Board of Certification, Inc. , or its successor organization.

(b) An applicant for licensure to practice athletic training by endorsement shall present evidence satisfactory to the commissioner (1) of licensure or certification as an athletic trainer, or as a person entitled to perform similar services under a different designation, in another state having requirements for practicing in such capacity that are substantially similar to or higher than the requirements in force in this state, and (2) that there is no disciplinary action or unresolved complaint pending against such applicant.

(c) Prior to April 30, 2007, the commissioner shall grant a license as an athletic trainer to any applicant who presents evidence satisfactory to the commissioner of (1) the continuous providing of services as an athletic trainer since October 1, 1979, or (2) certification as an athletic trainer by the Board of Certification, Inc. , or its successor organization.

Sec. 20-65k. License to practice athletic training. Fees. (a) The commissioner shall grant a license to practice athletic training to an applicant who presents evidence satisfactory to the commissioner of having met the requirements of section 20-65j. An application for such license shall be made on a form required by the commissioner. The fee for an initial license under this section shall be one hundred and ninety dollars.

(b) A license to practice athletic training may be renewed in accordance with the provisions of section 19a-88, as amended, provided any licensee applying for license renewal shall maintain certification as an athletic trainer by the Board of Certification, Inc., or its successor organization. The fee for such renewal shall be two hundred dollars.

(c) The department may, upon receipt of an application for athletic training licensure, accompanied by the licensure application fee of one hundred ninety dollars, issue a temporary permit to a person who has met the requirements of subsection (a) of section 20-65j, except that the applicant has not yet sat for or received the results of the athletic training certification examination administered by the Board of Certification, Inc., or its successor organization. Such temporary permit shall authorize the permittee to practice athletic training under the supervision of a person licensed pursuant to subsection (a) of this section. Such practice shall be limited to those settings where the licensed supervisor is physically present on the premises and is immediately available to render assistance and supervision, as needed, to the permittee. Such temporary permit shall be valid for a period not to exceed one hundred twenty calendar days

after the date of completion of the required course of study in athletic training and shall not be renewable. Such permit shall become void and shall not be reissued in the event that the permittee fails to pass the athletic training certification examination. No permit shall be issued to any person who has previously failed the athletic training certification examination or who is the subject of an unresolved complaint or pending professional disciplinary action. Violation of the restrictions on practice set forth in this section may constitute a basis for denial of licensure as an athletic trainer.

Sec. 20-65l. Regulations. Administration within available appropriations. The commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of this chapter. The commissioner shall administer the provisions of this chapter within available appropriations.

Sec. 20-65m. Disciplinary Action. Grounds. The Department of Public Health may take any action set forth in section 19a-17 of the general statutes if a person issued a license pursuant to section 20-65k of the general statutes, as amended by this act, fails to conform to the accepted standards of the athletic trainer profession, including, but not limited to, the following: Conviction of a felony; fraud or deceit in the practice of athletic training; illegal, negligent, incompetent or wrongful conduct in professional activities; emotional disorder or mental illness; physical illness including, but not limited to, deterioration through the aging process; abuse or excessive use of drugs, including alcohol, narcotics or chemicals; wilful falsification of entries into any patient record pertaining to athletic training; misrepresentation or concealment of a material fact in the obtaining or reinstatement of an athletic trainer license; or violation of any provisions of chapter 375a of the general statutes, or any regulation adopted under said chapter

375a. The Commissioner of Public Health may order a license holder to submit to a reasonable physical or mental examination if the license holder's physical or mental capacity to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17 of the general statutes. Notice of any contemplated action under said section 19a-17, the cause of the action and the date of a hearing on the action shall be given and an opportunity for hearing afforded in accordance with the provisions of chapter 54 of the general statutes.