

JAN 18 2018

A BILL FOR AN ACT

RELATING TO ATHLETIC TRAINERS.

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

1 SECTION 1. The legislature finds that Act 198, Session
2 Laws of Hawaii 2012, enacted a regulatory scheme for athletic
3 trainers, codified as chapter 436H, Hawaii Revised Statutes, is
4 set to repeal on June 30, 2018.

5 The legislature further finds that Auditor Report No. 17-08
6 recommended that the current registration requirement for
7 athletic trainers should be made permanent. Specifically, the
8 Auditor's Report found that:

9 (1) Athletic trainers are healthcare professionals who
10 provide injury prevention, treatment and assessment of
11 injuries, and rehabilitation of injuries, among other
12 services. Athletic trainers also provide emergency
13 medical care and are involved in concussion monitoring
14 and education. The services that an athletic trainer
15 provides may affect the health and safety of athletes,
16 and the proficiencies required by the current



1 regulatory scheme are reasonably necessary to protect
2 athletes under an athletic trainer's care;

3 (2) The current regulation of athletic trainers does not
4 impose unreasonable restrictions on individuals
5 entering the profession and does not meaningfully
6 increase the cost of athletic trainer services; and

7 (3) The public interest requires that the profession of
8 athletic trainer continue to be regulated and the
9 program requiring athletic trainers to register with
10 the department of commerce and consumer affairs be
11 reenacted.

12 One area of concern for the Auditor was that the statutory
13 exemptions to the regulation of athletic trainers inadvertently
14 prevents California athletic trainers accompanying teams
15 visiting Hawaii from practicing temporarily as athletic trainers
16 while in Hawaii. The Auditor's Report noted that California is
17 the only state that does not regulate athletic trainers. The
18 Auditor urged consideration of a statutory amendment to
19 temporarily exempt from regulation athletic trainers traveling
20 to Hawaii with California teams.



1 The legislature further finds that the regulation of
2 athletic trainers should be made permanent in the interest of
3 public health and safety and that athletic trainers temporarily
4 accompanying teams from a state that does not regulate athletic
5 trainers should be exempted from regulation.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Make the requirements of chapter 436H, Hawaii Revised
8 Statutes, regulating athletic trainers, permanent; and
9 (2) Exempt from regulation athletic trainers temporarily
10 accompanying teams to Hawaii for an athletic or
11 sporting event from a state that does not regulate
12 athletic trainers.

13 SECTION 2. Section 26H-4, Hawaii Revised Statutes, is
14 amended to read as follows;

15 "**§26H-4 Repeal dates for newly enacted professional and**
16 **vocational regulatory programs.** (a) Any professional or
17 vocational regulatory program enacted after January 1, 1994, and
18 listed in this section shall be repealed as specified in this
19 section. The auditor shall perform an evaluation of the
20 program, pursuant to section 26H-5, prior to its repeal date.



1 ~~[(b) Chapter 436H (athletic trainers) shall be repealed on~~
2 ~~June 30, 2018.~~

3 ~~(e)]~~ (b) Chapter 465D (behavior analysts) shall be
4 repealed on June 30, 2021.

5 ~~[(d)]~~ (c) Chapter 466L (appraisal management companies)
6 shall be repealed on June 30, 2023."

7 SECTION 3. Section 436H-5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[§] §436H-5 [§]~~ **Exemptions.** This chapter is not intended
10 to restrict the practice of other licensed healthcare providers
11 practicing within their own recognized scopes of practice and
12 shall not apply to:

13 (1) An individual who possesses a valid license issued
14 under chapter 453, 457G, or 461J who, when acting
15 within the scope of practice allowable under the
16 individual's license, performs the same or similar
17 functions as an individual registered pursuant to this
18 chapter;

19 (2) Students in an educational program for athletic
20 trainers who participate in activities conducted as
21 part of the educational program under the supervision



- 1 and guidance of a registered athletic trainer
2 registered under this chapter;
- 3 (3) An individual serving in the armed forces of the
4 United States, the United States Public Health
5 Service, the Department of Veterans Affairs, or any
6 other federal agency who engages in activities
7 regulated under this chapter as a part of the
8 individual's employment;
- 9 (4) An individual who is invited to conduct a lecture,
10 clinic, or demonstration regarding the practice of
11 athletic training by a school, professional
12 association, professional society, or other similar
13 entity approved by the department by rule pursuant to
14 chapter 91; provided that the individual does not
15 establish a place of business or regularly engage in
16 the practice of athletic training within the State;
- 17 (5) An individual who possesses a valid license,
18 registration, or certification from another
19 jurisdiction who accompanies an athlete or team of
20 athletes into this State for a temporary period;
21 provided that the individual shall only attend to the



1 needs of that athlete or team of athletes and those
2 persons who travel with that athletic group or team in
3 a capacity other than as a spectator;

4 (6) An individual who possesses a valid license,
5 registration, or certification from another
6 jurisdiction who is invited to engage in the practice
7 of athletic training under the supervision and control
8 of a sponsoring entity for a limited time and solely
9 for a special event; [~~or~~]

10 (7) An individual who does not possess a valid license,
11 registration, or certification from another
12 jurisdiction because that jurisdiction does not
13 regulate athletic trainers; provided that the
14 individual accompanies a team of athletes from that
15 jurisdiction for a temporary period for an athletic or
16 sporting event in the State; or

17 [~~(7)~~] (8) An individual who is an athletic trainer and a
18 patient to himself or herself or gratuitous athletic
19 training by a friend or family member who does not
20 represent himself or herself to be an athletic
21 trainer.



S.B. NO. 2053

1 Nothing in this chapter shall be construed to limit or prohibit
 2 the administration of routine assistance or first aid by a
 3 person who is not a registered athletic trainer for injuries or
 4 illnesses sustained at an athletic event or program."

5 SECTION 4. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on June 29, 2018.

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S.B. NO. 2053

Report Title:

Athletic Trainers; Sunset Repeal; Exemptions

Description:

Makes permanent the regulation of athletic trainers. Clarifies that an individual who accompanies an athlete or team of athletes into this State for a temporary period is not required to possess a valid license, registration, or certification from another jurisdiction if that jurisdiction does not regulate athletic trainers.

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

