



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3020

by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

225 ILCS 5/3	from Ch. 111, par. 7603
225 ILCS 5/4	from Ch. 111, par. 7604
225 ILCS 5/15.5 new	
225 ILCS 5/16	from Ch. 111, par. 7616

Amends the Illinois Athletic Trainers Practice Act. Replaces references to "athletes" with references to "individuals". Defines "physician". Changes the definition of "licensed athletic trainer" to mean a person licensed to practice athletic training under the Act who, upon the direction of, on the prescription of, or in collaboration with a physician and as prescribed by the Board of Athletic Trainers, provides therapeutic intervention and rehabilitation of injuries and medical conditions incurred by individuals and for which the athletic trainer has received appropriate education and training. Removes specific duties of an athletic trainer. Allows athletic trainers to provide emergency care and certain physical medicine and rehabilitation techniques. In provisions concerning grounds for discipline, includes failing to maintain complete and accurate records of all treatments rendered.

LRB100 08454 SMS 18572 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Athletic Trainers Practice Act is  
5 amended by changing Sections 3, 4, and 16 and by adding Section  
6 15.5 as follows:

7 (225 ILCS 5/3) (from Ch. 111, par. 7603)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 3. Definitions. As used in this Act:

10 (1) "Department" means the Department of Financial and  
11 Professional Regulation.

12 (2) "Secretary" means the Secretary of Financial and  
13 Professional Regulation.

14 (3) "Board" means the Illinois Board of Athletic Trainers  
15 appointed by the Secretary.

16 (3.5) "Physician" has the meaning given to that term in the  
17 Medical Practice Act of 1987.

18 (4) "Licensed athletic trainer" means a person licensed to  
19 practice athletic training under ~~as defined~~ in this Act and  
20 with the specific qualifications set forth in Section 9 of this  
21 Act who, upon the direction of, on the prescription of, or in  
22 collaboration with a his or her team physician and as  
23 prescribed by the Board of Athletic Trainers, provides

1 therapeutic intervention and rehabilitation of injuries and  
2 medical conditions incurred by individuals and for which the  
3 athletic trainer has received appropriate education and  
4 training. ~~or consulting physician, carries out the practice of~~  
5 ~~prevention/emergency care or physical reconditioning of~~  
6 ~~injuries incurred by athletes participating in an athletic~~  
7 ~~program conducted by an educational institution, professional~~  
8 ~~athletic organization, or sanctioned amateur athletic~~  
9 ~~organization employing the athletic trainer; or a person who,~~  
10 ~~under the direction of a physician, carries out comparable~~  
11 ~~functions for a health organization based extramural program~~  
12 ~~of athletic training services for athletes. Specific duties of~~  
13 ~~the athletic trainer include but are not limited to:~~

14 ~~A. Supervision of the selection, fitting, and~~  
15 ~~maintenance of protective equipment;~~

16 ~~B. Provision of assistance to the coaching staff in the~~  
17 ~~development and implementation of conditioning programs;~~

18 ~~C. Counseling of athletes on nutrition and hygiene;~~

19 ~~D. Supervision of athletic training facility and~~  
20 ~~inspection of playing facilities;~~

21 ~~E. Selection and maintenance of athletic training~~  
22 ~~equipment and supplies;~~

23 ~~F. Instruction and supervision of student trainer~~  
24 ~~staff;~~

25 ~~G. Coordination with a team physician to provide:~~

26 ~~(i) pre competition physical exam and health~~

1 ~~history updates,~~  
2 ~~(ii) game coverage or phone access to a physician~~  
3 ~~or paramedic,~~  
4 ~~(iii) follow-up injury care,~~  
5 ~~(iv) reconditioning programs, and~~  
6 ~~(v) assistance on all matters pertaining to the~~  
7 ~~health and well being of athletes.~~

8 ~~H. Provision of on site injury care and evaluation as~~  
9 ~~well as appropriate transportation, follow up treatment~~  
10 ~~and rehabilitation as necessary for all injuries sustained~~  
11 ~~by athletes in the program;~~

12 ~~I. With a physician, determination of when an athlete~~  
13 ~~may safely return to full participation post injury; and~~

14 ~~J. Maintenance of complete and accurate records of all~~  
15 ~~athletic injuries and treatments rendered.~~

16 ~~To carry out these functions the athletic trainer is~~  
17 ~~authorized to utilize modalities, including, but not limited~~  
18 ~~to, heat, light, sound, cold, electricity, exercise, or~~  
19 ~~mechanical devices related to care and reconditioning.~~

20 (5) "Referral" means the guidance and direction given by  
21 the physician, who shall maintain supervision of the individual  
22 ~~athlete.~~

23 (6) "Athletic trainer aide" means a person who has received  
24 on-the-job training specific to the facility in which he or she  
25 is employed, on either a paid or volunteer basis, but is not  
26 enrolled in an accredited athletic training curriculum.

1           (7) "Address of record" means the designated address  
2 recorded by the Department in the applicant's or licensee's  
3 application file or license file as maintained by the  
4 Department's licensure maintenance unit. It is the duty of the  
5 applicant or licensee to inform the Department of any change of  
6 address, and those changes must be made either through the  
7 Department's website or by contacting the Department.

8           (8) "Board of Certification" means the Board of  
9 Certification for the Athletic Trainer.

10          (Source: P.A. 99-469, eff. 8-26-15.)

11           (225 ILCS 5/4) (from Ch. 111, par. 7604)

12           (Section scheduled to be repealed on January 1, 2026)

13           Sec. 4. Licensure; exempt activities. No person shall  
14 provide any of the services set forth in subsection (4) of  
15 Section 3 of this Act, or use the title "athletic trainer" or  
16 "certified athletic trainer" ~~or "athletic trainer certified"~~  
17 or "licensed athletic trainer" or the letters "A.T." or  
18 ~~"C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L."~~ after his or her  
19 name, unless licensed under this Act.

20           Nothing in this Act shall be construed as preventing or  
21 restricting the practice, services, or activities of:

22           (1) Any person licensed or registered in this State by  
23 any other law from engaging in the profession or occupation  
24 for which he or she is licensed or registered.

25           (2) Any person employed as an athletic trainer by the

1 Government of the United States, if such person provides  
2 athletic training solely under the direction or control of  
3 the organization by which he or she is employed.

4 (3) Any person pursuing a course of study leading to a  
5 degree or certificate in athletic training at an accredited  
6 educational program if such activities and services  
7 constitute a part of a supervised course of study involving  
8 daily personal or verbal contact at the site of supervision  
9 between the athletic training student and the licensed  
10 athletic trainer who plans, directs, advises, and  
11 evaluates the student's athletic training clinical  
12 education. The supervising licensed athletic trainer must  
13 be on-site where the athletic training clinical education  
14 is being obtained. A person meeting the criteria under this  
15 paragraph (3) must be designated by a title which clearly  
16 indicates his or her status as a student or trainee.

17 (4) (Blank).

18 (5) The practice of athletic training under the  
19 supervision of a licensed athletic trainer by one who has  
20 applied in writing to the Department for licensure and has  
21 complied with all the provisions of Section 9 except the  
22 passing of the examination to be eligible to receive such  
23 license. This temporary right to act as an athletic trainer  
24 shall expire 3 months after the filing of his or her  
25 written application to the Department; when the applicant  
26 has been notified of his or her failure to pass the

1 examination authorized by the Department; when the  
2 applicant has withdrawn his or her application; when the  
3 applicant has received a license from the Department after  
4 successfully passing the examination authorized by the  
5 Department; or when the applicant has been notified by the  
6 Department to cease and desist from practicing, whichever  
7 occurs first. This provision shall not apply to an  
8 applicant who has previously failed the examination.

9 (6) Any person in a coaching position from rendering  
10 emergency care on an as needed basis to the athletes under  
11 his or her supervision when a licensed athletic trainer is  
12 not available.

13 (7) Any person who is an athletic trainer from another  
14 state or territory of the United States or another nation,  
15 state, or territory acting as an athletic trainer while  
16 performing his or her duties for his or her respective  
17 non-Illinois based team or organization, so long as he or  
18 she restricts his or her duties to his or her team or  
19 organization during the course of his or her team's or  
20 organization's stay in this State. For the purposes of this  
21 Act, a team shall be considered based in Illinois if its  
22 home contests are held in Illinois, regardless of the  
23 location of the team's administrative offices.

24 (8) The practice of athletic training by persons  
25 licensed in another state who have applied in writing to  
26 the Department for licensure by endorsement. This

1 temporary right to act as an athletic trainer shall expire  
2 6 months after the filing of his or her written application  
3 to the Department; upon the withdrawal of the application  
4 for licensure under this Act; upon delivery of a notice of  
5 intent to deny the application from the Department; or upon  
6 the denial of the application by the Department, whichever  
7 occurs first.

8 (9) The practice of athletic training by one who has  
9 applied in writing to the Department for licensure and has  
10 complied with all the provisions of Section 9. This  
11 temporary right to act as an athletic trainer shall expire  
12 6 months after the filing of his or her written application  
13 to the Department; upon the withdrawal of the application  
14 for licensure under this Act; upon delivery of a notice of  
15 intent to deny the application from the Department; or upon  
16 the denial of the application by the Department, whichever  
17 occurs first.

18 (10) The practice of athletic training by persons  
19 actively licensed as an athletic trainer in another state  
20 or territory of the United States or another country, or  
21 currently certified by the Board of Certification, or its  
22 successor entity, at a special athletic tournament or event  
23 conducted by a sanctioned amateur athletic organization,  
24 including, but not limited to, the Prairie State Games and  
25 the Special Olympics, for no more than 14 days. This shall  
26 not include contests or events that are part of a scheduled



1 series of regular season events.

2 (11) Athletic trainer aides from performing patient  
3 care activities under the on-site supervision of a licensed  
4 athletic trainer. These patient care activities shall not  
5 include interpretation of referrals or evaluation  
6 procedures, planning or major modifications of patient  
7 programs, administration of medication, or solo practice  
8 or event coverage without immediate access to a licensed  
9 athletic trainer.

10 (12) Persons or entities practicing the specified  
11 occupations set forth in subsection (a) of, and pursuant to  
12 a licensing exemption granted in subsection (b) or (d) of,  
13 Section 2105-350 of the Department of Professional  
14 Regulation Law of the Civil Administrative Code of  
15 Illinois, but only for so long as the 2016 Olympic and  
16 Paralympic Games Professional Licensure Exemption Law is  
17 operable.

18 (Source: P.A. 99-469, eff. 8-26-15.)

19 (225 ILCS 5/15.5 new)

20 Sec. 15.5. Permissible activities of athletic trainers.  
21 The athletic trainer may utilize emergency care and physical  
22 medicine and rehabilitation techniques related to prevention,  
23 emergency care, clinical diagnosis, therapeutic intervention,  
24 rehabilitation, and reconditioning.

1 (225 ILCS 5/16) (from Ch. 111, par. 7616)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 16. Grounds for discipline.

4 (1) The Department may refuse to issue or renew, or may  
5 revoke, suspend, place on probation, reprimand, or take other  
6 disciplinary action as the Department may deem proper,  
7 including fines not to exceed \$10,000 for each violation, with  
8 regard to any licensee for any one or combination of the  
9 following:

10 (A) Material misstatement in furnishing information to  
11 the Department;

12 (B) Violations of this Act, or of the rules or  
13 regulations promulgated hereunder;

14 (C) Conviction of or plea of guilty to any crime under  
15 the Criminal Code of 2012 or the laws of any jurisdiction  
16 of the United States that is (i) a felony, (ii) a  
17 misdemeanor, an essential element of which is dishonesty,  
18 or (iii) of any crime that is directly related to the  
19 practice of the profession;

20 (D) Fraud or any misrepresentation in applying for or  
21 procuring a license under this Act, or in connection with  
22 applying for renewal of a license under this Act;

23 (E) Professional incompetence or gross negligence;

24 (F) Malpractice;

25 (G) Aiding or assisting another person, firm,  
26 partnership, or corporation in violating any provision of

1           this Act or rules;

2           (H) Failing, within 60 days, to provide information in  
3 response to a written request made by the Department;

4           (I) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud or harm the public;

7           (J) Habitual or excessive use or abuse of drugs defined  
8 in law as controlled substances, alcohol, or any other  
9 substance that results in the inability to practice with  
10 reasonable judgment, skill, or safety;

11           (K) Discipline by another state, unit of government,  
12 government agency, the District of Columbia, territory, or  
13 foreign nation, if at least one of the grounds for the  
14 discipline is the same or substantially equivalent to those  
15 set forth herein;

16           (L) Directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership, or association  
18 any fee, commission, rebate, or other form of compensation  
19 for any professional services not actually or personally  
20 rendered. Nothing in this subparagraph (L) affects any bona  
21 fide independent contractor or employment arrangements  
22 among health care professionals, health facilities, health  
23 care providers, or other entities, except as otherwise  
24 prohibited by law. Any employment arrangements may include  
25 provisions for compensation, health insurance, pension, or  
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this Act.  
2 Nothing in this subparagraph (L) shall be construed to  
3 require an employment arrangement to receive professional  
4 fees for services rendered;

5 (M) A finding by the Department that the licensee after  
6 having his or her license disciplined has violated the  
7 terms of probation;

8 (N) Abandonment of the individual under care ~~an~~  
9 ~~athlete~~;

10 (O) Willfully making or filing false records or reports  
11 in his or her practice, including but not limited to false  
12 records filed with State agencies or departments;

13 (P) Willfully failing to report an instance of  
14 suspected child abuse or neglect as required by the Abused  
15 and Neglected Child Reporting Act;

16 (Q) Physical illness, including but not limited to  
17 deterioration through the aging process, or loss of motor  
18 skill that results in the inability to practice the  
19 profession with reasonable judgment, skill, or safety;

20 (R) Solicitation of professional services other than  
21 by permitted institutional policy;

22 (S) The use of any words, abbreviations, figures or  
23 letters with the intention of indicating practice as an  
24 athletic trainer without a valid license as an athletic  
25 trainer under this Act;

26 (T) The evaluation or treatment of ailments of human

1 beings other than by the practice of athletic training as  
2 defined in this Act or the treatment of injuries of  
3 athletes by a licensed athletic trainer except by the  
4 referral of a physician, podiatric physician, or dentist;

5 (U) Willfully violating or knowingly assisting in the  
6 violation of any law of this State relating to the use of  
7 habit-forming drugs;

8 (V) Willfully violating or knowingly assisting in the  
9 violation of any law of this State relating to the practice  
10 of abortion;

11 (W) Continued practice by a person knowingly having an  
12 infectious communicable or contagious disease;

13 (X) Being named as a perpetrator in an indicated report  
14 by the Department of Children and Family Services pursuant  
15 to the Abused and Neglected Child Reporting Act and upon  
16 proof by clear and convincing evidence that the licensee  
17 has caused a child to be an abused child or neglected child  
18 as defined in the Abused and Neglected Child Reporting Act;

19 (Y) (Blank);

20 (Z) Failure to fulfill continuing education  
21 requirements;

22 (AA) Allowing one's license under this Act to be used  
23 by an unlicensed person in violation of this Act;

24 (BB) Practicing under a false or, except as provided by  
25 law, assumed name;

26 (CC) Promotion of the sale of drugs, devices,

1 appliances, or goods provided in any manner to exploit the  
2 client for the financial gain of the licensee;

3 (DD) Gross, willful, or continued overcharging for  
4 professional services;

5 (EE) Mental illness or disability that results in the  
6 inability to practice under this Act with reasonable  
7 judgment, skill, or safety; or

8 (FF) Cheating on or attempting to subvert the licensing  
9 examination administered under this Act.

10 (GG) Failing to maintain complete and accurate records  
11 of all treatments rendered.

12 All fines imposed under this Section shall be paid within  
13 60 days after the effective date of the order imposing the fine  
14 or in accordance with the terms set forth in the order imposing  
15 the fine.

16 (2) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code operates as an automatic suspension. Such suspension will  
20 end only upon a finding by a court that the licensee is no  
21 longer subject to involuntary admission or judicial admission  
22 and issuance of an order so finding and discharging the  
23 licensee.

24 (3) The Department may refuse to issue or may suspend  
25 without hearing, as provided for in the Code of Civil  
26 Procedure, the license of any person who fails to file a

1 return, to pay the tax, penalty, or interest shown in a filed  
2 return, or to pay any final assessment of tax, penalty, or  
3 interest as required by any tax Act administered by the  
4 Illinois Department of Revenue, until such time as the  
5 requirements of any such tax Act are satisfied in accordance  
6 with subsection (a) of Section 2105-15 of the Department of  
7 Professional Regulation Law of the Civil Administrative Code of  
8 Illinois.

9 (4) In enforcing this Section, the Department, upon a  
10 showing of a possible violation, may compel any individual who  
11 is licensed under this Act or any individual who has applied  
12 for licensure to submit to a mental or physical examination or  
13 evaluation, or both, which may include a substance abuse or  
14 sexual offender evaluation, at the expense of the Department.  
15 The Department shall specifically designate the examining  
16 physician licensed to practice medicine in all of its branches  
17 or, if applicable, the multidisciplinary team involved in  
18 providing the mental or physical examination and evaluation.  
19 The multidisciplinary team shall be led by a physician licensed  
20 to practice medicine in all of its branches and may consist of  
21 one or more or a combination of physicians licensed to practice  
22 medicine in all of its branches, licensed chiropractic  
23 physicians, licensed clinical psychologists, licensed clinical  
24 social workers, licensed clinical professional counselors, and  
25 other professional and administrative staff. Any examining  
26 physician or member of the multidisciplinary team may require

1 any person ordered to submit to an examination and evaluation  
2 pursuant to this Section to submit to any additional  
3 supplemental testing deemed necessary to complete any  
4 examination or evaluation process, including, but not limited  
5 to, blood testing, urinalysis, psychological testing, or  
6 neuropsychological testing.

7 The Department may order the examining physician or any  
8 member of the multidisciplinary team to provide to the  
9 Department any and all records, including business records,  
10 that relate to the examination and evaluation, including any  
11 supplemental testing performed. The Department may order the  
12 examining physician or any member of the multidisciplinary team  
13 to present testimony concerning this examination and  
14 evaluation of the licensee or applicant, including testimony  
15 concerning any supplemental testing or documents relating to  
16 the examination and evaluation. No information, report,  
17 record, or other documents in any way related to the  
18 examination and evaluation shall be excluded by reason of any  
19 common law or statutory privilege relating to communication  
20 between the licensee or applicant and the examining physician  
21 or any member of the multidisciplinary team. No authorization  
22 is necessary from the licensee or applicant ordered to undergo  
23 an evaluation and examination for the examining physician or  
24 any member of the multidisciplinary team to provide  
25 information, reports, records, or other documents or to provide  
26 any testimony regarding the examination and evaluation. The



1 individual to be examined may have, at his or her own expense,  
2 another physician of his or her choice present during all  
3 aspects of the examination.

4 Failure of any individual to submit to a mental or physical  
5 examination or evaluation, or both, when directed, shall result  
6 in an automatic suspension without hearing, until such time as  
7 the individual submits to the examination. If the Department  
8 finds a licensee unable to practice because of the reasons set  
9 forth in this Section, the Department shall require the  
10 licensee to submit to care, counseling, or treatment by  
11 physicians approved or designated by the Department as a  
12 condition for continued, reinstated, or renewed licensure.

13 When the Secretary immediately suspends a license under  
14 this Section, a hearing upon such person's license must be  
15 convened by the Department within 15 days after the suspension  
16 and completed without appreciable delay. The Department shall  
17 have the authority to review the licensee's record of treatment  
18 and counseling regarding the impairment to the extent permitted  
19 by applicable federal statutes and regulations safeguarding  
20 the confidentiality of medical records.

21 Individuals licensed under this Act who are affected under  
22 this Section shall be afforded an opportunity to demonstrate to  
23 the Department that they can resume practice in compliance with  
24 acceptable and prevailing standards under the provisions of  
25 their license.

26 (5) The Department shall deny a license or renewal

1 authorized by this Act to a person who has defaulted on an  
2 educational loan or scholarship provided or guaranteed by the  
3 Illinois Student Assistance Commission or any governmental  
4 agency of this State in accordance with paragraph (5) of  
5 subsection (a) of Section 2105-15 of the Department of  
6 Professional Regulation Law of the Civil Administrative Code of  
7 Illinois.

8 (6) In cases where the Department of Healthcare and Family  
9 Services has previously determined a licensee or a potential  
10 licensee is more than 30 days delinquent in the payment of  
11 child support and has subsequently certified the delinquency to  
12 the Department, the Department may refuse to issue or renew or  
13 may revoke or suspend that person's license or may take other  
14 disciplinary action against that person based solely upon the  
15 certification of delinquency made by the Department of  
16 Healthcare and Family Services in accordance with paragraph (5)  
17 of subsection (a) of Section 2105-15 of the Department of  
18 Professional Regulation Law of the Civil Administrative Code of  
19 Illinois.

20 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)