



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3878

Introduced 2/14/2020, by Sen. John F. Curran

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Athletic Trainers Practice Act. Makes changes concerning definitions of terms used in the Act. Removes provision prohibiting a person not licensed under the Act from using the title "certified athletic trainer" or "athletic trainer certified" or certain letters after his or her name. Makes changes in provisions concerning exemptions from the Act and grounds for discipline, including by adding the following: failing to maintain complete and accurate records of all treatments rendered and failing to provide copies of medical records as required by law.

LRB101 18607 SPS 68062 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 as follows:

6 (225 ILCS 5/3) (from Ch. 111, par. 7603)

7 (Section scheduled to be repealed on January 1, 2026)

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

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

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

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

15 (4) "Licensed athletic trainer" means a person licensed to
16 practice athletic training as defined in this Act and with the
17 specific qualifications set forth in Section 9 of this Act who,
18 under the direction of a ~~upon the direction of his or her team~~
19 physician or in collaboration with a health care professional,
20 provides therapeutic intervention and rehabilitation of
21 injuries and medical conditions incurred by an individual, as
22 prescribed by the Board of Athletic Trainers and for which the
23 athletic trainer has received the required clinical education

1 and advanced certification or training. The athletic trainer is
2 responsible for maintaining complete and accurate records of
3 all treatments rendered. A referral back to the physician,
4 physician assistant, advanced practice registered nurse,
5 dentist, or podiatric physician shall be indicated if the
6 individual's condition at the time of evaluation or service is
7 determined to be beyond the scope of practice of the athletic
8 trainer. ~~or consulting physician, carries out the practice of~~
9 ~~prevention/emergency care or physical reconditioning of~~
10 ~~injuries incurred by athletes participating in an athletic~~
11 ~~program conducted by an educational institution, professional~~
12 ~~athletic organization, or sanctioned amateur athletic~~
13 ~~organization employing the athletic trainer; or a person who,~~
14 ~~under the direction of a physician, carries out comparable~~
15 ~~functions for a health organization-based extramural program~~
16 ~~of athletic training services for athletes. Specific duties of~~
17 ~~the athletic trainer include but are not limited to:~~

18 ~~A. Supervision of the selection, fitting, and~~
19 ~~maintenance of protective equipment;~~

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

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

23 ~~D. Supervision of athletic training facility and~~
24 ~~inspection of playing facilities;~~

25 ~~E. Selection and maintenance of athletic training~~
26 ~~equipment and supplies;~~

1 ~~F. Instruction and supervision of student trainer~~
2 ~~staff;~~

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

4 ~~(i) pre-competition physical exam and health~~
5 ~~history updates;~~

6 ~~(ii) game coverage or phone access to a physician~~
7 ~~or paramedic;~~

8 ~~(iii) follow up injury care;~~

9 ~~(iv) reconditioning programs, and~~

10 ~~(v) assistance on all matters pertaining to the~~
11 ~~health and well-being of athletes.~~

12 ~~H. Provision of on-site injury care and evaluation as~~
13 ~~well as appropriate transportation, follow-up treatment~~
14 ~~and rehabilitation as necessary for all injuries sustained~~
15 ~~by athletes in the program;~~

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

18 ~~J. Maintenance of complete and accurate records of all~~
19 ~~athletic injuries and treatments rendered.~~

20 (5) "Physician" means a physician licensed to practice
21 medicine in all of its branches under the Medical Practice Act
22 of 1987.

23 (6) "Advanced practice registered nurse" means an advanced
24 practice registered nurse licensed to practice under the
25 Illinois Nurse Practice Act.

26 (7) "Physician assistant" means a physician assistant

1 licensed to practice under the Physician Assistant Practice Act
2 of 1987.

3 (8) "Physical therapist" means a person who practices
4 physical therapy under the requirements of the Illinois
5 Physical Therapy Act.

6 (9) "Health care professional" means a dentist, podiatric
7 physician, advanced practice registered nurse, physician
8 assistant, or physical therapist.

9 (10) "Individual" means a person participating in physical
10 activity, which may include exercise, sports, recreation,
11 wellness, or employment activity.

12 (11) "Athletic training" means the application of
13 principles, methods, and education in the areas of: injury and
14 illness prevention and wellness promotion, examination and
15 assessment, immediate and emergency care, and therapeutic
16 intervention. This includes the use of ~~To carry out these~~
17 ~~functions the athletic trainer is authorized to utilize~~
18 modalities, including, but not limited to, heat, light, sound,
19 cold, electricity, exercise, soft tissue mobilizations, or
20 mechanical devices related to care and reconditioning.
21 "Athletic training" does not include radiology,
22 electrosurgery, chiropractic techniques, acupuncture,
23 naprapathic techniques, or determination of a differential
24 diagnosis, provided the limitation on determining a
25 differential diagnosis shall not in any manner limit an
26 athletic trainer licensed under this Act from performing an

1 evaluation and establishing a treatment plan pursuant to such
2 license, or any such techniques that are within the educational
3 standards of the Commission on Accreditation of Athletic
4 Training Education or its successor agency.

5 (12) ~~(5)~~ "Referral" means the written or verbal
6 authorization ~~guidance and direction~~ given by the physician,
7 who shall maintain medical supervision of the individual. The
8 referral may also take the form of standing orders such as
9 protocols or plans of care ~~athlete.~~

10 (13) ~~(6)~~ "Athletic trainer aide" means a person who has
11 received on-the-job training specific to the facility in which
12 he or she is employed, on either a paid or volunteer basis, but
13 is not enrolled in an accredited athletic training professional
14 degree program ~~curriculum.~~

15 (14) ~~(7)~~ "Address of record" means the designated address
16 recorded by the Department in the applicant's or licensee's
17 application file or license file as maintained by the
18 Department's licensure maintenance unit. It is the duty of the
19 applicant or licensee to inform the Department of any change of
20 address, and those changes must be made either through the
21 Department's website or by contacting the Department.

22 (15) ~~(8)~~ "Board of Certification" means the Board of
23 Certification for the Athletic Trainer.

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

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

2 Sec. 4. Licensure; exempt activities. No person shall
3 provide any of the services set forth in subsection (11) ~~(4)~~ of
4 Section 3 of this Act, or use the title "athletic trainer" ~~or~~
5 ~~"certified athletic trainer" or "athletic trainer certified"~~
6 or "licensed athletic trainer" or the letters "L.A.T." or
7 ~~"A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L."~~ after his
8 or her name, unless licensed under this Act.

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

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

14 (2) Any person employed as an athletic trainer by the
15 Government of the United States, if such person provides
16 athletic training solely under the direction or control of
17 the organization by which he or she is employed.

18 (3) Any person pursuing a course of study leading to a
19 degree or certificate in athletic training at an accredited
20 educational program if such activities and services
21 constitute a part of a supervised course of study involving
22 daily personal or verbal contact at the site of supervision
23 between the athletic training student and the licensed
24 athletic trainer who plans, directs, advises, and
25 evaluates the student's athletic training clinical
26 education. The supervising licensed athletic trainer must

1 be on-site where the athletic training clinical education
2 is being obtained. A person meeting the criteria under this
3 paragraph (3) must be designated by a title which clearly
4 indicates his or her status as a student ~~or trainee~~.

5 (4) (Blank).

6 (5) The practice of athletic training under the
7 supervision of a licensed athletic trainer by one who has
8 applied in writing to the Department for licensure and has
9 complied with all the provisions of Section 9 except the
10 passing of the examination to be eligible to receive such
11 license. This temporary right to act as an athletic trainer
12 shall expire 3 months after the filing of his or her
13 written application to the Department; when the applicant
14 has been notified of his or her failure to pass the
15 examination authorized by the Department; when the
16 applicant has withdrawn his or her application; when the
17 applicant has received a license from the Department after
18 successfully passing the examination authorized by the
19 Department; or when the applicant has been notified by the
20 Department to cease and desist from practicing, whichever
21 occurs first. This provision shall not apply to an
22 applicant who has previously failed the examination.

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

1 (7) Any person who is an athletic trainer from another
2 state or territory of the United States or another nation,
3 state, or territory acting as an athletic trainer while
4 performing his or her duties for his or her respective
5 non-Illinois based team or organization, so long as he or
6 she restricts his or her duties to his or her team or
7 organization during the course of his or her team's or
8 organization's stay in this State. For the purposes of this
9 Act, a team shall be considered based in Illinois if its
10 home contests are held in Illinois, regardless of the
11 location of the team's administrative offices.

12 (8) The practice of athletic training by persons
13 licensed in another state who have applied in writing to
14 the Department for licensure by endorsement. This
15 temporary right to act as an athletic trainer shall expire
16 6 months after the filing of his or her written application
17 to the Department; upon the withdrawal of the application
18 for licensure under this Act; upon delivery of a notice of
19 intent to deny the application from the Department; or upon
20 the denial of the application by the Department, whichever
21 occurs first.

22 (9) The practice of athletic training by one who has
23 applied in writing to the Department for licensure and has
24 complied with all the provisions of Section 9. This
25 temporary right to act as an athletic trainer shall expire
26 6 months after the filing of his or her written application

1 to the Department; upon the withdrawal of the application
2 for licensure under this Act; upon delivery of a notice of
3 intent to deny the application from the Department; or upon
4 the denial of the application by the Department, whichever
5 occurs first.

6 (10) The practice of athletic training by persons
7 actively licensed as an athletic trainer in another state
8 or territory of the United States or another country, or
9 currently certified by the Board of Certification, or its
10 successor entity, at a special athletic tournament or event
11 conducted by a sanctioned amateur athletic organization,
12 ~~including, but not limited to, the Prairie State Games and~~
13 ~~the Special Olympics,~~ for no more than 14 days. This shall
14 not include contests or events that are part of a scheduled
15 series of regular season events.

16 (11) Athletic trainer aides from performing patient
17 care activities under the on-site supervision of a licensed
18 athletic trainer. These patient care activities shall not
19 include interpretation of referrals or evaluation
20 procedures, planning or major modifications of patient
21 programs, administration of medication, or solo practice
22 or event coverage without immediate access to a licensed
23 athletic trainer.

24 (12) Persons or entities practicing the specified
25 occupations set forth in subsection (a) of, and pursuant to
26 a licensing exemption granted in subsection (b) or (d) of,

1 Section 2105-350 of the Department of Professional
2 Regulation Law of the Civil Administrative Code of
3 Illinois, but only for so long as the 2016 Olympic and
4 Paralympic Games Professional Licensure Exemption Law is
5 operable.

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

7 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

9 Sec. 16. Grounds for discipline.

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

16 (A) Material misstatement in furnishing information to
17 the Department;

18 (B) Violations of this Act, or of the rules or
19 regulations promulgated hereunder;

20 (C) Conviction of or plea of guilty to any crime under
21 the Criminal Code of 2012 or the laws of any jurisdiction
22 of the United States that is (i) a felony, (ii) a
23 misdemeanor, an essential element of which is dishonesty,
24 or (iii) of any crime that is directly related to the
25 practice of the profession;

1 (D) Fraud or any misrepresentation in applying for or
2 procuring a license under this Act, or in connection with
3 applying for renewal of a license under this Act;

4 (E) Professional incompetence or gross negligence;

5 (F) Malpractice;

6 (G) Aiding or assisting another person, firm,
7 partnership, or corporation in violating any provision of
8 this Act or rules;

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

11 (I) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public;

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

18 (K) Discipline by another state, unit of government,
19 government agency, the District of Columbia, territory, or
20 foreign nation, if at least one of the grounds for the
21 discipline is the same or substantially equivalent to those
22 set forth herein;

23 (L) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate, or other form of compensation
26 for any professional services not actually or personally

1 rendered. Nothing in this subparagraph (L) affects any bona
2 fide independent contractor or employment arrangements
3 among health care professionals, health facilities, health
4 care providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this subparagraph (L) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered;

12 (M) A finding by the Department that the licensee after
13 having his or her license disciplined has violated the
14 terms of probation;

15 (N) Abandonment of the individual under care ~~an~~
16 ~~athlete~~;

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

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

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

1 (R) Solicitation of professional services other than
2 by permitted institutional policy;

3 (S) The use of any words, abbreviations, figures or
4 letters with the intention of indicating practice as an
5 athletic trainer without a valid license as an athletic
6 trainer under this Act;

7 (T) The evaluation or treatment of ailments of human
8 beings other than by the practice of athletic training as
9 defined in this Act or the treatment of injuries of
10 individuals ~~athletes~~ by a licensed athletic trainer except
11 by the referral of a physician, or other qualified health
12 care professional ~~pediatric physician, or dentist;~~

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

16 (V) Willfully violating or knowingly assisting in the
17 violation of any law of this State relating to the practice
18 of abortion;

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

21 (X) Being named as a perpetrator in an indicated report
22 by the Department of Children and Family Services pursuant
23 to the Abused and Neglected Child Reporting Act and upon
24 proof by clear and convincing evidence that the licensee
25 has caused a child to be an abused child or neglected child
26 as defined in the Abused and Neglected Child Reporting Act;

1 (Y) (Blank);

2 (Z) Failure to fulfill continuing education
3 requirements;

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

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

8 (CC) Promotion of the sale of drugs, devices,
9 appliances, or goods provided in any manner to exploit the
10 client for the financial gain of the licensee;

11 (DD) Gross, willful, or continued overcharging for
12 professional services;

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

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

18 (GG) Failing to maintain complete and accurate records
19 of all treatments rendered.

20 (HH) Failing to provide copies of medical records as
21 required by law.

22 All fines imposed under this Section shall be paid within
23 60 days after the effective date of the order imposing the fine
24 or in accordance with the terms set forth in the order imposing
25 the fine.

26 (2) The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission as
2 provided in the Mental Health and Developmental Disabilities
3 Code operates as an automatic suspension. Such suspension will
4 end only upon a finding by a court that the licensee is no
5 longer subject to involuntary admission or judicial admission
6 and issuance of an order so finding and discharging the
7 licensee.

8 (3) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, to pay the tax, penalty, or interest shown in a filed
12 return, or to pay any final assessment of tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (4) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual who
21 is licensed under this Act or any individual who has applied
22 for licensure to submit to a mental or physical examination or
23 evaluation, or both, which may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

1 or, if applicable, the multidisciplinary team involved in
2 providing the mental or physical examination and evaluation.
3 The multidisciplinary team shall be led by a physician licensed
4 to practice medicine in all of its branches and may consist of
5 one or more or a combination of physicians licensed to practice
6 medicine in all of its branches, licensed chiropractic
7 physicians, licensed clinical psychologists, licensed clinical
8 social workers, licensed clinical professional counselors, and
9 other professional and administrative staff. Any examining
10 physician or member of the multidisciplinary team may require
11 any person ordered to submit to an examination and evaluation
12 pursuant to this Section to submit to any additional
13 supplemental testing deemed necessary to complete any
14 examination or evaluation process, including, but not limited
15 to, blood testing, urinalysis, psychological testing, or
16 neuropsychological testing.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the licensee or applicant, including testimony
25 concerning any supplemental testing or documents relating to
26 the examination and evaluation. No information, report,

1 record, or other documents in any way related to the
2 examination and evaluation shall be excluded by reason of any
3 common law or statutory privilege relating to communication
4 between the licensee or applicant and the examining physician
5 or any member of the multidisciplinary team. No authorization
6 is necessary from the licensee or applicant ordered to undergo
7 an evaluation and examination for the examining physician or
8 any member of the multidisciplinary team to provide
9 information, reports, records, or other documents or to provide
10 any testimony regarding the examination and evaluation. The
11 individual to be examined may have, at his or her own expense,
12 another physician of his or her choice present during all
13 aspects of the examination.

14 Failure of any individual to submit to a mental or physical
15 examination or evaluation, or both, when directed, shall result
16 in an automatic suspension without hearing, until such time as
17 the individual submits to the examination. If the Department
18 finds a licensee unable to practice because of the reasons set
19 forth in this Section, the Department shall require the
20 licensee to submit to care, counseling, or treatment by
21 physicians approved or designated by the Department as a
22 condition for continued, reinstated, or renewed licensure.

23 When the Secretary immediately suspends a license under
24 this Section, a hearing upon such person's license must be
25 convened by the Department within 15 days after the suspension
26 and completed without appreciable delay. The Department shall

1 have the authority to review the licensee's record of treatment
2 and counseling regarding the impairment to the extent permitted
3 by applicable federal statutes and regulations safeguarding
4 the confidentiality of medical records.

5 Individuals licensed under this Act who are affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department that they can resume practice in compliance with
8 acceptable and prevailing standards under the provisions of
9 their license.

10 (5) (Blank).

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

23 (Source: P.A. 99-469, eff. 8-26-15; 100-872, eff. 8-14-18.)