



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4629

Introduced 1/21/2022, by Rep. Kelly M. Burke

#### 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 in provisions concerning definitions, including changing the definition of "athletic trainer" and adding a definition of "athletic training". Provides that the Department of Financial and Professional Regulation may take disciplinary action against a licensee for failing to maintain complete and accurate records of all treatments rendered or failing to provide copies of medical records as required by law. Makes changes in provisions concerning titles that may be used only by licensees; exempt activities; and grounds for discipline.

LRB102 22345 SPS 31482 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7 (Section scheduled to be repealed on January 1, 2026)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  
18 who, under the direction of a ~~upon the direction of his or her~~  
19 ~~team~~ physician or health care professional, or in  
20 collaboration with a physical therapist, provides therapeutic  
21 intervention for and rehabilitation of injuries and medical  
22 conditions incurred by an individual as prescribed by the  
23 Board of Athletic Trainers and for which the athletic trainer

1 has received the required clinical education and advanced  
2 certification or training. The athletic trainer is responsible  
3 for maintaining complete and accurate records of all  
4 treatments rendered. A referral back to the physician or  
5 health care professional 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~~  
21 ~~the development and implementation of conditioning~~  
22 ~~programs;~~

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

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

26 ~~E. Selection and maintenance of athletic training~~

1 ~~equipment and supplies;~~

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

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

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

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

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

10 ~~(iv) reconditioning programs; and~~

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

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

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

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

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

25 (5) "Referral" means the written or verbal authorization  
26 guidance and direction given by the physician or health care

1 professional, who shall maintain supervision of the individual  
2 athlete. The referral may also take the form of standing  
3 orders such as protocols or plans of care.

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

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

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

18 (9) "Athletic training" means the application of  
19 principles, methods, and education in the areas of: injury and  
20 illness prevention and wellness promotion, examination and  
21 assessment, immediate and emergency care, and therapeutic  
22 intervention. "Athletic training" includes the use of  
23 modalities, including, but not limited to, heat, light, sound,  
24 cold, electricity, exercise, soft tissue mobilizations, or  
25 mechanical devices related to care and reconditioning.  
26 "Athletic training" does not include radiology,

1 electrosurgery, chiropractic technique, acupuncture,  
2 naprapathic techniques, or determination of a differential  
3 diagnosis; provided, however, the limitation on determining a  
4 differential diagnosis shall not in any manner limit an  
5 athletic trainer licensed under this Act from performing an  
6 evaluation and establishing a treatment plan pursuant to such  
7 license, or any such techniques that are within the  
8 educational standards of the Commission on Accreditation of  
9 Athletic Training Education or its successor agency.

10 (10) "Physician" means a physician licensed to practice  
11 medicine in all of its branches under the Medical Practice Act  
12 of 1987.

13 (11) "Advanced practice registered nurse" means an  
14 advanced practice registered nurse licensed to practice under  
15 the Nurse Practice Act.

16 (12) "Physician assistant" means a physician assistant  
17 licensed to practice under the Physician Assistant Practice  
18 Act of 1987.

19 (13) "Physical therapist" means a physical therapist  
20 licensed to practice under the Illinois Physical Therapy Act.

21 (14) "Health care professional" means a dentist, podiatric  
22 physician, advanced practice registered nurse, or a physician  
23 assistant

24 (15) "Individual" means a person participating in physical  
25 activity; which may include exercise, sports, recreation,  
26 wellness, or employment activity.

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

2 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

4 Sec. 4. Licensure; exempt activities. No person shall  
5 provide any of the services set forth in subsection (9) ~~(4)~~ of  
6 Section 3 of this Act, or use the title "athletic trainer" or  
7 ~~"certified athletic trainer" or "athletic trainer certified"~~  
8 ~~or~~ "licensed athletic trainer" or the letters "L.A.T." "A.T.",  
9 ~~"C.A.T."~~, ~~"A.T.C."~~, ~~"A.C.T."~~, or ~~"I.A.T.L."~~ after his or her  
10 name, unless licensed under this Act.

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

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

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

20 (3) Any person pursuing a course of study leading to a  
21 degree ~~or certificate~~ in athletic training at an  
22 accredited educational program if such activities and  
23 services constitute a part of a supervised course of study  
24 involving daily personal or verbal contact at the site of  
25 supervision between the athletic training student and the

1 licensed athletic trainer who plans, directs, advises, and  
2 evaluates the student's athletic training clinical  
3 education. The supervising licensed athletic trainer must  
4 be on-site where the athletic training clinical education  
5 is being obtained. A person meeting the criteria under  
6 this paragraph (3) must be designated by a title which  
7 clearly indicates his or her status as a student ~~or~~  
8 ~~trainee~~.

9 (4) (Blank).

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



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

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

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

26           (9) The practice of athletic training by one who has

1 applied in writing to the Department for licensure and has  
2 complied with all the provisions of Section 9. This  
3 temporary right to act as an athletic trainer shall expire  
4 6 months after the filing of his or her written  
5 application to the Department; upon the withdrawal of the  
6 application for licensure under this Act; upon delivery of  
7 a notice of intent to deny the application from the  
8 Department; or upon the denial of the application by the  
9 Department, whichever occurs first.

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

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

1 licensed athletic trainer.

2 (12) Persons or entities practicing the specified  
3 occupations set forth in subsection (a) of, and pursuant  
4 to a licensing exemption granted in subsection (b) or (d)  
5 of, Section 2105-350 of the Department of Professional  
6 Regulation Law of the Civil Administrative Code of  
7 Illinois, but only for so long as the 2016 Olympic and  
8 Paralympic Games Professional Licensure Exemption Law is  
9 operable.

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

11 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

13 Sec. 16. Grounds for discipline.

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

20 (A) Material misstatement in furnishing information to  
21 the Department;

22 (B) Violations of this Act, or of the rules or  
23 regulations promulgated hereunder;

24 (C) Conviction of or plea of guilty to any crime under  
25 the Criminal Code of 2012 or the laws of any jurisdiction

1 of the United States that is (i) a felony, (ii) a  
2 misdemeanor, an essential element of which is dishonesty,  
3 or (iii) of any crime that is directly related to the  
4 practice of the profession;

5 (D) Fraud or any misrepresentation in applying for or  
6 procuring a license under this Act, or in connection with  
7 applying for renewal of a license under this Act;

8 (E) Professional incompetence or gross negligence;

9 (F) Malpractice;

10 (G) Aiding or assisting another person, firm,  
11 partnership, or corporation in violating any provision of  
12 this Act or rules;

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

15 (I) Engaging in dishonorable, unethical, or  
16 unprofessional conduct of a character likely to deceive,  
17 defraud or harm the public;

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

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

1           (L) Directly or indirectly giving to or receiving from  
2           any person, firm, corporation, partnership, or association  
3           any fee, commission, rebate, or other form of compensation  
4           for any professional services not actually or personally  
5           rendered. Nothing in this subparagraph (L) affects any  
6           bona fide independent contractor or employment  
7           arrangements among health care professionals, health  
8           facilities, health care providers, or other entities,  
9           except as otherwise prohibited by law. Any employment  
10          arrangements may include provisions for compensation,  
11          health insurance, pension, or other employment benefits  
12          for the provision of services within the scope of the  
13          licensee's practice under this Act. Nothing in this  
14          subparagraph (L) shall be construed to require an  
15          employment arrangement to receive professional fees for  
16          services rendered;

17          (M) A finding by the Department that the licensee  
18          after having his or her license disciplined has violated  
19          the terms of probation;

20          (N) Abandonment of an individual under care ~~athlete~~;

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

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

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

5           (R) Solicitation of professional services other than  
6 by permitted institutional policy;

7           (S) The use of any words, abbreviations, figures or  
8 letters with the intention of indicating practice as an  
9 athletic trainer without a valid license as an athletic  
10 trainer under this Act;

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

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

20           (V) Willfully violating or knowingly assisting in the  
21 violation of any law of this State relating to the  
22 practice of abortion;

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

25           (X) Being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1 pursuant to the Abused and Neglected Child Reporting Act  
2 and upon proof by clear and convincing evidence that the  
3 licensee has caused a child to be an abused child or  
4 neglected child as defined in the Abused and Neglected  
5 Child Reporting Act;

6 (Y) (Blank);

7 (Z) Failure to fulfill continuing education  
8 requirements;

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

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

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

16 (DD) Gross, willful, or continued overcharging for  
17 professional services;

18 (EE) Mental illness or disability that results in the  
19 inability to practice under this Act with reasonable  
20 judgment, skill, or safety; ~~or~~

21 (FF) Cheating on or attempting to subvert the  
22 licensing examination administered under this Act; ~~or~~

23 (GG) Failing to maintain complete and accurate records  
24 of all treatments rendered; or

25 (HH) Failing to provide copies of medical records as  
26 required by law.

1 All fines imposed under this Section shall be paid within  
2 60 days after the effective date of the order imposing the fine  
3 or in accordance with the terms set forth in the order imposing  
4 the fine.

5 (2) The determination by a circuit court that a licensee  
6 is subject to involuntary admission or judicial admission as  
7 provided in the Mental Health and Developmental Disabilities  
8 Code operates as an automatic suspension. Such suspension will  
9 end only upon a finding by a court that the licensee is no  
10 longer subject to involuntary admission or judicial admission  
11 and issuance of an order so finding and discharging the  
12 licensee.

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

24 (4) In enforcing this Section, the Department, upon a  
25 showing of a possible violation, may compel any individual who  
26 is licensed under this Act or any individual who has applied



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

23 The Department may order the examining physician or any  
24 member of the multidisciplinary team to provide to the  
25 Department any and all records, including business records,  
26 that relate to the examination and evaluation, including any

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

20 Failure of any individual to submit to a mental or  
21 physical examination or evaluation, or both, when directed,  
22 shall result in an automatic suspension without hearing, until  
23 such time as the individual submits to the examination. If the  
24 Department finds a licensee unable to practice because of the  
25 reasons set forth in this Section, the Department shall  
26 require the licensee to submit to care, counseling, or

1 treatment by physicians approved or designated by the  
2 Department as a condition for continued, reinstated, or  
3 renewed licensure.

4 When the Secretary immediately suspends a license under  
5 this Section, a hearing upon such person's license must be  
6 convened by the Department within 15 days after the suspension  
7 and completed without appreciable delay. The Department shall  
8 have the authority to review the licensee's record of  
9 treatment and counseling regarding the impairment to the  
10 extent permitted by applicable federal statutes and  
11 regulations safeguarding the confidentiality of medical  
12 records.

13 Individuals licensed under this Act who are affected under  
14 this Section shall be afforded an opportunity to demonstrate  
15 to the Department that they can resume practice in compliance  
16 with acceptable and prevailing standards under the provisions  
17 of their license.

18 (5) (Blank).

19 (6) In cases where the Department of Healthcare and Family  
20 Services has previously determined a licensee or a potential  
21 licensee is more than 30 days delinquent in the payment of  
22 child support and has subsequently certified the delinquency  
23 to the Department, the Department may refuse to issue or renew  
24 or may revoke or suspend that person's license or may take  
25 other disciplinary action against that person based solely  
26 upon the certification of delinquency made by the Department

1 of Healthcare and Family Services in accordance with paragraph  
2 (5) of subsection (a) of Section 2105-15 of the Department of  
3 Professional Regulation Law of the Civil Administrative Code  
4 of Illinois.

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