



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Dan Brady

SYNOPSIS AS INTRODUCED:

225 ILCS 5/3	from Ch. 111, par. 7603
225 ILCS 5/4	from Ch. 111, par. 7604
225 ILCS 5/6	from Ch. 111, par. 7606
225 ILCS 5/9	from Ch. 111, par. 7609
225 ILCS 5/10	from Ch. 111, par. 7610
225 ILCS 5/13	from Ch. 111, par. 7613
225 ILCS 5/16	from Ch. 111, par. 7616
225 ILCS 5/17.5	
225 ILCS 5/34.1 new	
225 ILCS 5/34.2 new	
225 ILCS 5/34 rep.	

Amends the Illinois Athletic Trainers Practice Act. Changes the definitions of the terms "licensed athletic trainer" and "referral". Provides a definition for the terms "athletic injury" and "athletic training aide". Makes changes in provisions concerning what activities are exempt from the application of the Act, educational and professional requirements, requirements for licensure by endorsement, and grounds for disciplinary action. Adds a licensed athletic trainer to the Athletic Training Board. Removes provisions concerning initial appointments to the Board. Corrects references to registration to reflect that athletic trainers are licensed. Provides that if any portion of the Act is held invalid, the invalidity of that portion shall not affect any other part of the the Act that can be given effect without the invalid portion. Provides that a licensed athletic trainer who provides emergency care without fee shall not be held liable for civil damages unless his or her acts constitute wilful or wanton misconduct. Makes other changes. Effective immediately.

LRB093 15758 AMC 41368 b

1 AN ACT concerning athletic trainers.

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, 6, 9, 10, 13, 16, and 17.5
6 and adding Sections 34.1 and 34.2 as follows:

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

8 (Section scheduled to be repealed on January 1, 2006)

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

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

12 (2) "Director" means the Director of Professional
13 Regulation.

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

16 (4) "Licensed athletic trainer" means a person licensed to
17 practice athletic training under ~~as defined in~~ this Act and
18 with the specific qualifications set forth in Section 9 of this
19 Act who, upon the direction or referral of a physician licensed
20 under the Medical Practice Act of 1987 limited to the issues of
21 the foot and ankle, carries out the practice of prevention,
22 recognition, evaluation, management, treatment, disposition,
23 and rehabilitation of athletic injuries. ~~of his or her team~~
24 ~~physician or consulting physician, carries out the practice of~~
25 ~~prevention/emergency care or physical reconditioning of~~
26 ~~injuries incurred by athletes participating in an athletic~~
27 ~~program conducted by an educational institution, professional~~
28 ~~athletic organization, or sanctioned amateur athletic~~
29 ~~organization employing the athletic trainer; or a person who,~~
30 ~~under the direction of a physician, carries out comparable~~
31 ~~functions for a health organization-based extramural program~~
32 ~~of athletic training services for athletes.~~ Specific duties of

1 the athletic trainer include but are not limited to:

2 A. supervision of the selection, fitting, and
3 maintenance of protective equipment;

4 B. provision of assistance to the coaching staff in the
5 development and implementation of conditioning programs;

6 C. counseling of athletes on nutrition and hygiene;

7 D. supervision of athletic training facility and
8 inspection of playing facilities;

9 E. selection and maintenance of athletic training
10 equipment and supplies;

11 F. instruction and supervision of student athletic
12 trainers and athletic training aides ~~trainer staff~~;

13 G. coordination with a team or consulting physician to
14 provide:

15 (i) pre-participation ~~pre-competition~~ physical
16 exam and health history updates,

17 (ii) game coverage or phone access to a physician
18 or paramedic,

19 (iii) follow-up injury care,

20 (iv) rehabilitation and reconditioning programs,

21 and

22 (v) assistance on all matters pertaining to the
23 health and well-being of athletes; ~~-~~

24 H. provision of on-site injury care and evaluation as
25 well as appropriate transportation, follow-up treatment
26 and rehabilitation as necessary for all injuries sustained
27 by athletes in the program;

28 I. with a physician, determination of when an athlete
29 may safely return to full participation post-injury; and

30 J. maintenance of complete and accurate records of all
31 athletic injuries and treatments rendered.

32 To carry out these functions the athletic trainer is
33 authorized to utilize modalities including, but not limited to,
34 ~~such as~~ heat, light, sound, cold, electricity, exercise,
35 therapeutic massage, mobilization, application of topical
36 medications used in generally accepted rehabilitation

1 protocols when prescribed by a physician, or durable medical
2 equipment and mechanical devices related to treatment and
3 rehabilitation. An athletic trainer is not authorized to
4 utilize chiropractic techniques ~~care and reconditioning.~~

5 (5) "Referral" means the guidance and ~~or~~ ~~direction to the~~
6 ~~athletic trainer~~ given by the physician, who shall maintain
7 supervision of the athlete.

8 (6) "Athletic injury" means an injury sustained by an
9 individual that effects the individual's participation or
10 performance in sports, games, recreation, or exercise, or an
11 injury or condition identified by a licensed physician as
12 benefiting from athletic training services.

13 (7) "Athletic training aide" means a person who has
14 received on-the-job training specific to the facility in which
15 he or she is employed, but is not enrolled in an accredited
16 athletic training curriculum.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (225 ILCS 5/4) (from Ch. 111, par. 7604)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 4. Licensure requirement - Exempt activities. After
21 the effective date of this Act, no person shall provide any of
22 the services set forth in subsection (4) of Section 3 of this
23 Act, or use the title "athletic trainer" or "certified athletic
24 trainer" or "athletic trainer certified" or the letters "A.T.",
25 "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his name,
26 unless licensed under this Act.

27 Nothing in this Act shall be construed as preventing or
28 restricting any of the following practices ~~the practice,~~
29 services, or activities of:

30 (1) Any person licensed or registered in this State by any
31 other law from engaging in the profession or occupation for
32 which he or she is licensed or registered. ~~or~~

33 (2) Any person employed as an athletic trainer by the
34 Government of the United States, if such person provides
35 athletic training solely under the direction or control of the

1 organization by which he or she is employed.~~† or~~

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

17 (4) (Blank). ~~Any person fulfilling the supervised work~~
18 ~~experience requirements of Section 9 of this Act, if such~~
19 ~~activities and services constitute a part of the experience~~
20 ~~necessary to meet the requirements of that Section; or~~

21 (5) The practice of athletic training under the supervision
22 of a licensed athletic trainer by one who has applied in
23 writing to the Department for licensure and has complied with
24 all the provisions of Section 9 except the passing of the
25 examination to be eligible to receive such license. In no event
26 shall this exemption extend to any person for longer than 3
27 months. Anyone who has previously failed the examination or
28 fails the examination during this 3 months shall immediately
29 cease practice as an athletic trainer and shall not engage in
30 the practice of athletic training again until he or she passes
31 the examination.~~† or~~

32 (6) Any person in a coaching position from rendering
33 emergency care on an as needed basis to the athletes under his
34 or her supervision when a licensed athletic trainer is not
35 available.~~† or~~

36 (7) Any person who is an athletic trainer from another

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

10 (8) Athletic training by persons licensed in another state
11 who have applied in writing to the Department for licensure by
12 endorsement for no longer than 6 months or until such time that
13 notification has been given that licensure has been granted or
14 denied, whichever period of time is lesser.

15 (9) Athletic training by one who has applied in writing to
16 the Department for licensure and has complied with all the
17 provisions of Section 9 for no longer than 6 months or until
18 such time that notification has been given that licensure has
19 been granted or denied, whichever period of time is lesser.

20 (10) Athletic training by persons actively licensed as an
21 athletic trainer in another state or currently certified by the
22 National Athletic Trainers Association Board of Certification,
23 Inc., if the person's home state does not regulate the practice
24 of athletic training, under the supervision of an Illinois
25 licensed athletic trainer at a special athletic tournament or
26 event conducted by a sanctioned amateur athletic organization
27 (including, but not limited to, the Prairie State Games and the
28 Special Olympics) for no more than 4 days. This shall not
29 include contests or events that are part of a scheduled series
30 of regular season events.

31 (11) Athletic training aides from performing patient care
32 activities under the on-site supervision of a licensed athletic
33 trainer. These patient care activities shall not include
34 interpretation of referrals, evaluation procedures, the
35 planning of or major modifications to patient programs, or solo
36 practice or event coverage without immediate access to a

1 licensed athletic trainer.

2 (Source: P.A. 89-216, eff. 1-1-96.)

3 (225 ILCS 5/6) (from Ch. 111, par. 7606)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 6. Athletic Training Board; appointment; membership;
6 term; duties. The Director shall appoint an Illinois Board of
7 Athletic Trainers as follows: 7 ~~6~~ persons who shall be
8 appointed by and shall serve in an advisory capacity to the
9 Director. Two members must be licensed physicians; 4 ~~3~~ members
10 must be registered athletic trainers in good standing, and
11 actively engaged in the practice of or teaching of athletic
12 training in this State; and 1 member must be a public member
13 who is not registered under this Act, or a similar Act of
14 another jurisdiction, and is not a provider of athletic health
15 care service.

16 Members shall serve 4 year terms and until their successors
17 are appointed and qualified ~~except that of the initial~~
18 ~~appointments, 1 member shall be appointed to serve for one~~
19 ~~year, 2 shall be appointed to serve for 2 years, 2 shall be~~
20 ~~appointed to serve for 3 years, and the remaining one, who~~
21 ~~shall be the public member, shall be appointed to serve for 4~~
22 ~~years, and until their successors are appointed and qualified.~~

23 No member shall be reappointed to the Board for more than 2
24 terms. Appointments to fill vacancies shall be made in the same
25 manner as original appointments, for the unexpired portion of
26 the vacated term. ~~Initial terms shall begin upon the effective~~
27 ~~date of this Act.~~

28 The membership of the Board should reasonably reflect
29 representation from the geographic areas in this State.

30 The Director may terminate the appointment of any member
31 for cause which in the opinion of the Director reasonably
32 justifies such termination.

33 The Director shall consider the recommendation of the Board
34 on questions involving standards of professional conduct,
35 discipline, and qualifications of candidates and license

1 holders under this Act.

2 (Source: P.A. 91-827, eff. 6-13-00.)

3 (225 ILCS 5/9) (from Ch. 111, par. 7609)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 9. Educational and professional requirements. A
6 person having the qualifications prescribed in this Section
7 shall be qualified to receive a license as an athletic trainer
8 if he or she:

9 (a) has graduated from a curriculum in athletic training
10 accredited ~~approved by the Department. In approving a~~
11 ~~curriculum in athletic training, the Department shall~~
12 ~~consider, but not be bound by, accreditation~~ by the Joint
13 Review Committee on Athletic Training (JRC-AT) of the
14 Commission ~~Committee~~ on Accreditation of Allied Health
15 Education Programs (CAAHEP) or its successor entity; ~~or~~

16 (b) gives proof of certification, on the date of
17 application, in First Aid and CPR/AED or the equivalent based
18 on American Red Cross standards; and ~~graduation from a 4 year~~
19 ~~accredited college or university and has met the following~~
20 ~~minimum athletic training curriculum requirements established~~
21 ~~by the Board:~~

22 ~~Completion of the following specific course requirements:~~

23 ~~(1) Anatomy~~

24 ~~(2) Physiology~~

25 ~~(3) Physiology of Exercise~~

26 ~~(4) Applied Anatomy and Kinesiology~~

27 ~~(5) Psychology (2 courses)~~

28 ~~(6) First Aid and CPR or equivalent (American Red Cross~~
29 ~~standards)~~

30 ~~(7) Nutrition~~

31 ~~(8) Remedial Exercise or Therapeutic Exercise~~

32 ~~(9) Personal, Community, and School Health~~

33 ~~(10) Techniques of Athletic Training (fundamentals)~~

34 ~~(11) Advanced Techniques of Athletic Training~~
35 ~~(modalities, administration)~~

1 ~~(12) Clinical Experience (1500 hours) over a minimum of~~
2 ~~a 2 year academic period within a 5 year calendar period.~~

3 (c) has passed an examination approved by the Department to
4 determine his or her fitness for practice as an athletic
5 trainer, or is entitled to be licensed without examination as
6 provided in Sections 7 and 8 of this Act.

7 The Department may request a personal interview of an
8 applicant before the Board ~~committee~~ to further evaluate his or
9 her qualifications for a license.

10 An applicant has 3 years from the date of his or her
11 application to complete the application process. If the process
12 has not been completed in 3 years, the application shall be
13 denied, the fee forfeited, and the applicant must reapply and
14 meet the requirements in effect at the time of reapplication.

15 (Source: P.A. 89-216, eff. 1-1-96.)

16 (225 ILCS 5/10) (from Ch. 111, par. 7610)

17 (Section scheduled to be repealed on January 1, 2006)

18 Sec. 10. License expiration; renewal; continuing education
19 requirement. The expiration date of licenses issued under this
20 Act shall be set by rule. Licenses shall be renewed according
21 to procedures established by the Department and upon payment of
22 the renewal fee established herein and ~~notarized~~ proof of
23 completion ~~40 contact hours~~ of approved continuing education
24 relating to the performance and practice of athletic training.
25 The number of hours required and their composition shall be set
26 by rule.

27 (Source: P.A. 89-216, eff. 1-1-96; 89-626, eff. 8-9-96.)

28 (225 ILCS 5/13) (from Ch. 111, par. 7613)

29 (Section scheduled to be repealed on January 1, 2006)

30 Sec. 13. Endorsement. The Department may, at its
31 discretion, license as an athletic trainer, without
32 examination, on payment of the fee, an applicant for licensure
33 who is an athletic trainer registered or licensed under the
34 laws of another state if the requirements pertaining to

1 athletic trainers in such state were at the date of his or her
2 registration or licensure substantially equal to the
3 requirements in force in Illinois on that date. If the
4 requirements of that state are not substantially equal to the
5 Illinois requirements or, if at the time of application, the
6 state in which the applicant has been practicing does not
7 regulate the practice of athletic training, and the applicant
8 began practice in that state prior to January 1, 2004, a person
9 having the qualifications prescribed in this Section shall be
10 qualified to receive a license as an athletic trainer if he or
11 she:

12 (1) has passed an examination approved by the
13 Department to determine his or her fitness for practice as
14 an athletic trainer;

15 (2) gives proof of certification on the date of
16 application in First Aid and CPR/AED or the equivalent
17 based on American Red Cross standards; and

18 (3) (A) has graduated from a curriculum in athletic
19 training approved by the Department. In approving a
20 curriculum in athletic training, the Department shall
21 consider, but not be bound by, accreditation by the
22 Joint Review Committee on Athletic Training (JRC-AT)
23 of the Commission on Accreditation of Allied Health
24 Education Programs (CAAHEP) or its successor entity;
25 or

26 (B) gives proof of graduation from a 4-year
27 accredited college or university and has met the
28 following minimum athletic training curriculum
29 requirements established by the Board, which shall
30 include completion of all of the following specific
31 course requirements:

32 (i) Anatomy.

33 (ii) Physiology.

34 (iii) Physiology of exercise.

35 (iv) Applied anatomy and kinesiology.

36 (v) Psychology (2 courses).

1 (vi) Nutrition.

2 (vii) Remedial exercise or therapeutic
3 exercise.

4 (viii) Personal, Community, and School Health.

5 (ix) Techniques of athletic training
6 (fundamentals).

7 (x) Advanced techniques of athletic training
8 (modalities and administration).

9 (xi) Clinical experience (1500 hours) over a
10 minimum of a 2-year academic period within a 5 year
11 calendar period.

12 The Department may request a personal interview of an
13 applicant before the Board to further evaluate his or her
14 qualifications for license.

15 Applicants have 3 years from the date of application to
16 complete the application process. If the process has not been
17 completed in 3 years, the application shall be denied, the fee
18 forfeited and the applicant must reapply and meet the
19 requirements in effect at the time of reapplication.

20 (Source: P.A. 89-216, eff. 1-1-96.)

21 (225 ILCS 5/16) (from Ch. 111, par. 7616)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 16. Refusal to issue, suspension, or revocation of
24 license. The Department may refuse to issue or renew, or may
25 revoke, suspend, place on probation, reprimand, or take other
26 disciplinary action as the Department may deem proper,
27 including fines not to exceed \$1,000 for each violation, with
28 regard to any licensee for any one or combination of the
29 following:

30 (A) Material misstatement in furnishing information to the
31 Department;

32 (B) Negligent or intentional disregard of this Act, or of
33 the rules or regulations promulgated hereunder;

34 (C) Conviction of any crime under the laws of the United
35 States or any state or territory thereof that is (i) a felony,

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

4 (D) Making any misrepresentation for the purpose of
5 obtaining registration, or violating any provision of this Act;

6 (E) Professional incompetence;

7 (F) Malpractice;

8 (G) Aiding or assisting another person in violating any
9 provision of this Act or rules;

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

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

15 (J) Habitual intoxication or addiction to the use of drugs;

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

20 (L) Directly or indirectly giving to or receiving from any
21 person, firm, corporation, partnership, or association any
22 fee, commission, rebate, or other form of compensation for any
23 professional services not actually or personally rendered;

24 (M) A finding that the licensee after having his or her
25 license placed on probationary status has violated the terms of
26 probation;

27 (N) Abandonment of an athlete;

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

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

34 (Q) Physical illness, including but not limited to
35 deterioration through the aging process, or loss of motor skill
36 that results in the inability to practice the profession with

1 reasonable judgment, skill, or safety;

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

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

8 (T) The treatment of injuries of athletes by a licensed
9 athletic trainer except by the referral of a physician,
10 podiatrist, or dentist;

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

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

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

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

25 (Y) Failure to file a return, or to pay the tax, penalty,
26 or interest shown in a filed return, or to pay any final
27 assessment of tax, penalty, or interest, as required by any tax
28 Act administered by the Illinois Department of Revenue, until
29 such time as the requirements of any such tax Act are
30 satisfied; or

31 (Z) Failure to fulfill continuing education requirements
32 as prescribed in Section 10 of this Act.

33 The determination by a circuit court that a licensee is
34 subject to involuntary admission or judicial admission as
35 provided in the Mental Health and Developmental Disabilities
36 Code operates as an automatic suspension. Such suspension will

1 end only upon a finding by a court that the athletic trainer is
2 no longer subject to involuntary admission or judicial
3 admission and issues an order so finding and discharging the
4 athlete; and upon the recommendation of the Board to the
5 Director that the licensee be allowed to resume his or her
6 practice.

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 (225 ILCS 5/17.5)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 17.5. Unlicensed ~~Unregistered~~ practice; violation;
11 civil penalty.

12 (a) Any person who practices, offers to practice, attempts
13 to practice, or holds oneself out to practice as a licensed
14 ~~registered~~ athletic trainer without being licensed ~~registered~~
15 under this Act shall, in addition to any other penalty provided
16 by law, pay a civil penalty to the Department in an amount not
17 to exceed \$5,000 for each offense as determined by the
18 Department. The civil penalty shall be assessed by the
19 Department after a hearing is held in accordance with the
20 provisions set forth in this Act regarding the provision of a
21 hearing for the discipline of a licensee.

22 (b) The Department has the authority and power to
23 investigate any and all unlicensed activity.

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty. The
26 order shall constitute a judgment and may be filed and
27 execution had thereon in the same manner as any judgment from
28 any court of record.

29 (Source: P.A. 89-474, eff. 6-18-96.)

30 (225 ILCS 5/34.1 new)

31 (Section scheduled to be repealed on January 1, 2006)

32 Sec. 34.1. Partial invalidity. If any portion of this Act
33 is held invalid, the invalidity of that portion shall not
34 affect any other portion of this Act that can be given effect

1 without the invalid portion.

2 (225 ILCS 5/34.2 new)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 34.2. Emergency care without fee; liability. Any
5 licensed athletic trainer, as defined in Section 3 of this Act,
6 who in good faith provides emergency care without fee to any
7 person, shall not, as a result of his acts or omissions, except
8 willful and wanton misconduct on the part of such person in
9 providing such care, be liable for civil damages to a person to
10 whom such care is provided.

11 (225 ILCS 5/34 rep.)

12 Section 10. The Illinois Athletic Trainers Practice Act is
13 amended by repealing Section 34.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.