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LRB094 06459 RAS 42585 a

1 AMENDMENT TO HOUSE BILL 298

2 AMENDMENT NO. _____. Amend House Bill 298 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 ~~The Illinois Athletic Trainers Practice Act.~~

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following

1 Act is repealed on January 1, 2016:

2 The Illinois Athletic Trainers Practice Act.

3 Section 10. The Illinois Athletic Trainers Practice Act is
4 amended changing Sections 3, 4, 6, 9, 10, 13, 16, 17.5, and 34
5 and by adding Sections 34.1 and 34.2 as follows:

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

7 (Section scheduled to be repealed on January 1, 2006)

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

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

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

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

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 upon the direction of his or her team physician or consulting
19 physician, carries out the practice of prevention/emergency
20 care or physical reconditioning of injuries incurred by
21 athletes participating in an athletic program conducted by an
22 educational institution, professional athletic organization,
23 or sanctioned amateur athletic organization employing the
24 athletic trainer; or a person who, under the direction of a
25 physician, carries out comparable functions for a health
26 organization-based extramural program of athletic training
27 services for athletes. Specific duties of the athletic trainer
28 include but are not limited to:

29 A. Supervision of the selection, fitting, and
30 maintenance of protective equipment;

31 B. Provision of assistance to the coaching staff in the
32 development and implementation of conditioning programs;

- 1 C. Counseling of athletes on nutrition and hygiene;
- 2 D. Supervision of athletic training facility and
3 inspection of playing facilities;
- 4 E. Selection and maintenance of athletic training
5 equipment and supplies;
- 6 F. Instruction and supervision of student trainer
7 staff;
- 8 G. Coordination with a team physician to provide:
- 9 (i) pre-competition physical exam and health
10 history updates,
- 11 (ii) game coverage or phone access to a physician
12 or paramedic,
- 13 (iii) follow-up injury care,
- 14 (iv) reconditioning programs, and
- 15 (v) assistance on all matters pertaining to the
16 health and well-being of athletes.
- 17 H. Provision of on-site injury care and evaluation as
18 well as appropriate transportation, follow-up treatment
19 and rehabilitation as necessary for all injuries sustained
20 by athletes in the program;
- 21 I. With a physician, determination of when an athlete
22 may safely return to full participation post-injury; and
- 23 J. Maintenance of complete and accurate records of all
24 athletic injuries and treatments rendered.

25 To carry out these functions the athletic trainer is
26 authorized to utilize modalities, including, but not limited
27 to, such as heat, light, sound, cold, electricity, exercise, or
28 mechanical devices related to care and reconditioning.

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

32 (6) "Athletic trainer aide" means a person who has received
33 on-the-job training specific to the facility in which he or she
34 is employed, on either a paid or volunteer basis, but is not

1 enrolled in an accredited athletic training curriculum.

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

3 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

5 Sec. 4. Licensure requirement - Exempt activities. After
6 the effective date of this Act, no person shall provide any of
7 the services set forth in subsection (4) of Section 3 of this
8 Act, or use the title "athletic trainer" or "certified athletic
9 trainer" or "athletic trainer certified" or the letters "A.T.",
10 "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his name,
11 unless licensed under this Act.

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

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

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

21 (3) Any person pursuing a course of study leading to a
22 degree or certificate in athletic training at an accredited ~~or~~
23 ~~approved~~ educational program if such activities and services
24 constitute a part of a supervised course of study involving
25 daily personal or verbal contact at the site of supervision
26 between the athletic training student and the licensed athletic
27 trainer who plans, directs, advises, and evaluates the
28 student's athletic training clinical education. The
29 supervising licensed athletic trainer must be on-site where the
30 athletic training clinical education is being obtained. ~~and if~~
31 ~~such person is~~ A person meeting the criteria under this
32 paragraph (3) must be designated by a title which clearly
33 indicates his or her status as a student or trainee. ~~;~~

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

5 (5) The practice of athletic training under the supervision
6 of a licensed athletic trainer by one who has applied in
7 writing to the Department for licensure and has complied with
8 all the provisions of Section 9 except the passing of the
9 examination to be eligible to receive such license. In no event
10 shall this exemption extend to any person for longer than 3
11 months. Anyone who has previously failed the examination, or
12 who fails the examination during this 3-month period, shall
13 immediately cease practice as an athletic trainer and shall not
14 engage in the practice of athletic training again until he or
15 she passes the examination. ~~† or~~

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

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

30 (8) The practice of athletic training by persons licensed
31 in another state who have applied in writing to the Department
32 for licensure by endorsement for no longer than 6 months or
33 until notification has been given that licensure has been
34 granted or denied, whichever period of time is lesser.

1 (9) The practice of athletic training by one who has
2 applied in writing to the Department for licensure and has
3 complied with all the provisions of Section 9 for no longer
4 than 6 months or until notification has been given that
5 licensure has been granted or denied, whichever period of time
6 is lesser.

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

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

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

24 (225 ILCS 5/6) (from Ch. 111, par. 7606)

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

26 Sec. 6. Athletic Training Board - Appointment - Membership
27 - Term - Duties. The Director shall appoint an Illinois Board
28 of Athletic Trainers as follows: 7 ~~6~~ persons who shall be
29 appointed by and shall serve in an advisory capacity to the
30 Director. Two members must be licensed physicians; 4 ~~3~~ members
31 must be licensed ~~registered~~ athletic trainers in good standing,
32 and actively engaged in the practice or teaching of athletic
33 training in this State; and 1 member must be a public member

1 who is not licensed ~~registered~~ under this Act, or a similar Act
2 of another jurisdiction, and is not a provider of athletic
3 health care service.

4 Members shall serve 4 year terms and until their successors
5 are appointed and qualified ~~except that of the initial~~
6 ~~appointments, 1 member shall be appointed to serve for one~~
7 ~~year, 2 shall be appointed to serve for 2 years, 2 shall be~~
8 ~~appointed to serve for 3 years, and the remaining one, who~~
9 ~~shall be the public member, shall be appointed to serve for 4~~
10 ~~years, and until their successors are appointed and qualified.~~

11 No member shall be reappointed to the Board for more than 2
12 terms. Appointments to fill vacancies shall be made in the same
13 manner as original appointments, for the unexpired portion of
14 the vacated term. ~~Initial terms shall begin upon the effective~~
15 ~~date of this Act.~~

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

18 The Director may terminate the appointment of any member
19 for cause which in the opinion of the Director reasonably
20 justifies such termination.

21 The Director shall consider the recommendation of the Board
22 on questions involving standards of professional conduct,
23 discipline, and qualifications of candidates and license
24 holders under this Act.

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

26 (225 ILCS 5/9) (from Ch. 111, par. 7609)

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

28 Sec. 9. Educational and Professional Requirements. A
29 person having the qualifications prescribed in this Section
30 shall be qualified to receive a license as an athletic trainer
31 if he or she:

32 (a) Has ~~has~~ graduated from a curriculum in athletic
33 training accredited ~~approved by the Department. In approving a~~

1 ~~curriculum in athletic training, the Department shall~~
 2 ~~consider, but not be bound by, accreditation~~ by the Joint
 3 Review Committee on Athletic Training (JRC-AT) of the
 4 Commission ~~Committee~~ on Accreditation of Allied Health
 5 Education Programs (CAAHEP) or its successor entity. ~~or~~

6 (b) Gives ~~gives~~ proof of current certification, on the date
 7 of application, in CPR/AED for the Healthcare Professional or
 8 its equivalent based on American Red Cross or American Heart
 9 Association standards and graduation from a 4 year accredited
 10 college or university. ~~and has met the following minimum~~
 11 ~~athletic training curriculum requirements established by the~~
 12 ~~Board:~~

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

- 14 ~~(1) Anatomy~~
- 15 ~~(2) Physiology~~
- 16 ~~(3) Physiology of Exercise~~
- 17 ~~(4) Applied Anatomy and Kinesiology~~
- 18 ~~(5) Psychology (2 courses)~~
- 19 ~~(6) First Aid and CPR or equivalent (American Red Cross~~
 20 ~~standards)~~
- 21 ~~(7) Nutrition~~
- 22 ~~(8) Remedial Exercise or Therapeutic Exercise~~
- 23 ~~(9) Personal, Community, and School Health~~
- 24 ~~(10) Techniques of Athletic Training (fundamentals)~~
- 25 ~~(11) Advanced Techniques of Athletic Training~~
 26 ~~(modalities, administration)~~
- 27 ~~(12) Clinical Experience (1500 hours) over a minimum of~~
 28 ~~a 2 year academic period within a 5 year calendar period.~~

29 (c) Has passed an examination approved by the Department to
 30 determine his or her fitness for practice as an athletic
 31 trainer, or is entitled to be licensed without examination as
 32 provided in Sections 7 and 8 of this Act.

33 The Department may request a personal interview of an
 34 applicant before the Board ~~committee~~ to further evaluate his or

1 her qualifications for a license.

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

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

8 (225 ILCS 5/10) (from Ch. 111, par. 7610)

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

10 Sec. 10. License expiration; renewal; continuing education
11 requirement. The expiration date of licenses issued under this
12 Act shall be set by rule. Licenses shall be renewed according
13 to procedures established by the Department and upon payment of
14 the renewal fee established herein and ~~notarized~~ proof of
15 completion ~~40 contact hours~~ of approved continuing education
16 relating to the performance and practice of athletic training.
17 The number of hours required and their composition shall be set
18 by rule.

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

20 (225 ILCS 5/13) (from Ch. 111, par. 7613)

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

22 Sec. 13. Endorsement. The Department may, at its
23 discretion, license as an athletic trainer, without
24 examination, on payment of the fee, an applicant for licensure
25 who is an athletic trainer registered or licensed under the
26 laws of another state if the requirements pertaining to
27 athletic trainers in such state were at the date of his or her
28 registration or licensure substantially equal to the
29 requirements in force in Illinois on that date. If the
30 requirements of that state are not substantially equal to the
31 Illinois requirements, or if at the time of application the
32 state in which the applicant has been practicing does not

1 regulate the practice of athletic training, and the applicant
2 began practice in that state prior to January 1, 2004, a person
3 having the qualifications prescribed in this Section shall be
4 qualified to receive a license as an athletic trainer if he or
5 she:

6 (1) has passed an examination approved by the
7 Department to determine his or her fitness for practice as
8 an athletic trainer; and

9 (2) gives proof of current certification, on the date
10 of application, in CPR/AED for the Healthcare Professional
11 or equivalent based on American Red Cross or American Heart
12 Association standards.

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

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

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

22 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

24 Sec. 16. Refusal to issue, suspension, or revocation of
25 license. The Department may refuse to issue or renew, or may
26 revoke, suspend, place on probation, reprimand, or take other
27 disciplinary action as the Department may deem proper,
28 including fines not to exceed \$5,000 ~~\$1,000~~ for each violation,
29 with regard to any licensee for any one or combination of the
30 following:

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

33 (B) Negligent or intentional disregard of this Act, or of

1 the rules or regulations promulgated hereunder;

2 (C) Conviction of any crime under the laws of the United
3 States or any state or territory thereof that is (i) a felony,
4 (ii) ~~or~~ a misdemeanor, ~~and~~ an essential element of which is
5 dishonesty, or (iii) of any crime that is directly related to
6 the practice of the profession;

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

9 (E) Professional incompetence;

10 (F) Malpractice;

11 (G) Aiding or assisting another person in violating any
12 provision of 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 unprofessional
16 conduct of a character likely to deceive, defraud or harm the
17 public;

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

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

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

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

30 (N) Abandonment of an athlete;

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

34 (P) Willfully failing to report an instance of suspected

1 child abuse or neglect as required by the Abused and Neglected
2 Child Reporting Act;

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

7 (R) Solicitation of professional services other than by
8 permitted institutional policy;

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

13 (T) The evaluation or treatment of ailments of human beings
14 other than by the practice of athletic training as defined in
15 this Act or the ~~The~~ treatment of injuries of athletes by a
16 licensed athletic trainer except by the referral of a
17 physician, podiatrist, or dentist;

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

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

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

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

32 (Y) Failure to file a return, or to pay the tax, penalty,
33 or interest shown in a filed return, or to pay any final
34 assessment of tax, penalty, or interest, as required by any tax

1 Act administered by the Illinois Department of Revenue, until
2 such time as the requirements of any such tax Act are
3 satisfied; or

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

6 The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code operates as an automatic suspension. Such suspension will
10 end only upon a finding by a court that the athletic trainer is
11 no longer subject to involuntary admission or judicial
12 admission and issues an order so finding and discharging the
13 athlete; and upon the recommendation of the Board to the
14 Director that the licensee be allowed to resume his or her
15 practice.

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

17 (225 ILCS 5/17.5)

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

19 Sec. 17.5. Unlicensed ~~Unregistered~~ practice; violation;
20 civil penalty.

21 (a) Any person who practices, offers to practice, attempts
22 to practice, or holds oneself out to practice as a licensed
23 ~~registered~~ athletic trainer without being licensed ~~registered~~
24 under this Act shall, in addition to any other penalty provided
25 by law, pay a civil penalty to the Department in an amount not
26 to exceed \$5,000 for each offense as determined by the
27 Department. The civil penalty shall be assessed by the
28 Department after a hearing is held in accordance with the
29 provisions set forth in this Act regarding the provision of a
30 hearing for the discipline of a licensee.

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

33 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty. The
2 order shall constitute a judgment and may be filed and
3 execution had thereon in the same manner as any judgment from
4 any court of record.

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

6 (225 ILCS 5/34) (from Ch. 111, par. 7634)

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

8 Sec. 34. Persons currently practicing. Any person
9 currently holding an active Illinois license as an athletic
10 trainer on the effective date of this amendatory Act of the
11 94th General Assembly shall be considered licensed under this
12 Act. ~~Any person actively engaged as an athletic trainer on the~~
13 ~~effective date of this Act will be considered licensed under~~
14 ~~this Act if he or she submits an application, pays the license~~
15 ~~fee required by this Act and upon evaluation of his or her~~
16 ~~qualifications by the Department is found to have a level of~~
17 ~~competence equal to that of one possessing the educational~~
18 ~~qualifications set forth in Section 9 of this Act. In its~~
19 ~~evaluation, the Department shall accept the applicant's having~~
20 ~~certification by the National Athletic Trainers Association as~~
21 ~~being the required level of competence. For applicants not~~
22 ~~having such certification, the Department shall, with the~~
23 ~~advice of the Board, establish rules for examination and~~
24 ~~evaluation which shall take into account the applicant's~~
25 ~~education, training, and experience qualifications.~~

26 ~~For the purpose of this Section a person is actively~~
27 ~~engaged as an athletic trainer if he or she is employed on a~~
28 ~~salary basis by an educational institution, health care~~
29 ~~organization, professional athletic organization, or~~
30 ~~sanctioned amateur athletic organization for the duration of~~
31 ~~the institution's school year, or the length of the athletic~~
32 ~~organization's season, and performs the duties of athletic~~
33 ~~trainer as a major responsibility of his or her employment.~~

1 Applications for a license under this Section must be made
2 within 180 days from the effective date of this Act.

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

4 (225 ILCS 5/34.1 new)

5 Sec. 34.1. Partial invalidity. If any portion of this Act
6 is held invalid, such invalidity shall not affect any other
7 part of this Act, which can be given effect without the invalid
8 portion.

9 (225 ILCS 5/34.2 new)

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.".