



September 21, 2021

To the Members of the Health and Welfare Committee:

APTA-KY would first like to send condolences to all of you on the loss of Sen. Tom Buford. He was a great asset here in our Capital and will be remembered as one who worked hard to bring people to common ground.

Regarding the KBML filing of regulations pertaining to the practice of Athletic Trainers, its statement of consideration and today's hearing, we would like to make a statement on behalf of the American Physical Therapy Association – Kentucky Chapter on record regarding the promulgation of these regulations.

Unfortunately, as we sit here today, we have been presented with a very different document than what was expected throughout the process of collaboration between associations, beginning with the statutes passed last session and continuing to these regulations. While working with Sen. Buford and Sen. Alvarado on this legislation, we were assured that specifics would be spelled out in regulation given the lack of detail in the statutes. Those specifics however, do not appear to be included in the regulations presented today.

In these regulations, the KBML has abdicated the writing of specific requirements for standards of practice to the national professional organization (NATA and its BOC). Also, on several items of concern related to protection of the public, the KBML states that they do not have the statutory authority to provide this regulation, even though previous discussions included assurances that this would be handled in regulation. Specifically, we refer to types of physicians allowed to supervise athletic trainers.

The regulations being discussed today are not at all what was discussed in meetings with Senators Alvarado and Buford; nor are they what was testified to in committee when the statutes were discussed. Testimony provided during the legislative process by representatives of KBML, including Dr. Phillip Hurley of the KBML Athletic Trainer Advisory Council, stated that the KBML would not allow expansion in scope of practice of Athletic Trainers, and would continue to tightly regulate athletic trainer activities. Specifically, on February 27, KBML Executive Director Mike Rodman stated during committee testimony that the KBML "would be very strict in making determination" on what they (ATs) could and could not do and that they (KBML) are "concerned about expanding scope and would be very careful about what they would allow ATs to do."

APTA Kentucky

1024 Capital Center Dr., Ste. 205 / Frankfort, KY 40601 / (859) 977-7451 / www.apтакты.org / info@apтакты.org

In response to committee questioning by Senator Danny Carroll about an athletic trainer treating a patient with a developmental disability, Dr. Hurley said he could not imagine that the “Council would ever approve working with that population.” He added that they want the bill written broadly so the Council can determine treatments that are appropriate as technologies change over time rather than going back to the Legislature each time to expand scope. As a result of this testimony and discussions with KMBL leadership, Senate Bill 125 was amended to remove detailed language regarding individuals with vulnerable health conditions so that the Board could address these issues in regulation. This proposed regulation does not do that as it transfers authority over practice perimeters to the national association, whose role is to promote the profession, not to protect the public.

For your information, we have included the letter sent to KBML about our concerns when the regulations were posted.

We wish the Athletic Trainers much success with their new statute and regulations; however, we still have significant concerns about the protection of the public given how the proposed regulations are written.

Sincerely,

Charlie Workman, MSPT, MBA
President, APTA-KY