

CHAPTER 61

(SB 125)

AN ACT relating to athletic trainers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 311.900 is amended to read as follows:

As used in KRS 311.900 to 311.928:

- (1) "Athlete" means an individual, referee, coach, or athletic staff member who participates in sports, games, or recreational activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina, ~~and who is associated with a sport, game, or recreational activity that is conducted in association with an educational institution or professional, amateur, or recreational sports club or organization;~~
- (2) "Athletic injury" means:
 - (a) An injury or condition, excluding medical conditions such as internal infections, internal injuries, fractures, and spinal cord injuries except in an acute situation sustained by an athlete that affects the individual's participation or performance in sports, games, or recreation; or
 - (b) An injury or condition that is within the scope of practice of an athletic trainer identified by a physician licensed under *this chapter* ~~[KRS Chapter 311]~~, a physical therapist licensed under KRS Chapter 327, an occupational therapist licensed under KRS Chapter 319A, or a chiropractor licensed under KRS Chapter 312 that is likely to benefit from athletic training services that have been approved by a physician supervising the athletic trainer;
- (3) "Athletic trainer" means a *healthcare provider* ~~person~~ with specific qualifications, as set forth in KRS 311.900 to 311.928, who is licensed to practice athletic training and who, upon the supervision of a physician licensed under *this chapter* ~~[KRS Chapter 311]~~, carries out the practice of preventing, recognizing, evaluating, managing, disposing, treating, reconditioning, or rehabilitating athletic injuries. In carrying out these functions, the licensed athletic trainer may use physical modalities, such as heat, light, sound, cold, or electricity, or mechanical devices. A licensed athletic trainer shall practice only in those areas in which he or she is competent by reason of his or her training, ~~or~~ experience, *and certifications, including treatment of an injury or condition that is within the scope of practice of an athletic trainer and approved by a physician licensed under this chapter;*
- (4) *"Board" means the Kentucky Board of Medical Licensure;*
- ~~(5) [(4)] "Council" means the Kentucky Athletic Trainers Advisory Council;~~
- ~~[(5) "Board" means the Kentucky Board of Medical Licensure;]~~
- (6) "Supervising physician" means a physician licensed by the board; and
- (7) "Supervision" means advising, consenting to, and directing the activities of an athletic trainer through written or oral orders by a physician licensed to practice under *this chapter* ~~[KRS Chapter 311]~~. Each team of physicians and athletic trainers shall ensure that the referral of athletic injuries is appropriate to the athletic trainer's level of training and experience.

➔Section 2. KRS 311.901 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensure and regulation of athletic trainers. The regulations shall include but shall not be limited to:
 - (a) The establishment of fees;
 - (b) *Procedures for eligibility and credentialing;*
 - (c) *Procedures for licensure renewal and reinstatement;*
 - (d) *Procedures for complaints and disciplinary actions;*
 - (e) *A code of ethical standards;*
 - (f) *Standards of practice;*

- (g) *The objectives of athletic training;*
 - (h) *Procedures for name and contact information changes;*
 - (i) *Procedures for licensure renewal and reinstatement of active duty military individuals;*
 - (j) *Procedures for documentation standards;*
 - (k) *Requirements for foreign-trained athletic trainers;*
 - (l) *Requirements for medication formularies;*
 - (m) *Requirements for invasive procedures;* and
 - (n) Continuing education requirements. ~~[- The board shall require, as a part of any continuing educational requirement, that persons licensed as athletic trainers complete an educational course on the transmission, control, treatment, and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome. The course on the human immunodeficiency virus shall be approved by the Cabinet for Health and Family Services.]~~
- (2) There is hereby created the Kentucky Athletic Trainers Advisory Council, composed of *ten (10)*~~nine (9)~~ members appointed by the Governor. The council shall review and make recommendations to the board regarding all matters relating to athletic trainers that come before the board, including but not limited to:
- (a) Applications for athletic training licensure;
 - (b) Licensure renewal requirements;
 - (c) Approval of supervising physicians;
 - (d) Disciplinary investigations or action, when specifically requested by one (1) of the board's panels established under KRS 311.591; and
 - (e) Promulgation of administrative regulations.
- (3) Except for initial appointments, members of the council shall be appointed by the board for four (4) year terms and shall consist of:
- (a) Five (5) practicing licensed athletic trainers who shall each be selected by the board from a list of three (3) licensed athletic trainers submitted by the Kentucky Athletic Trainers Society, Inc. for each vacancy;
 - (b) *Three (3)*~~Two (2)~~ supervising physicians *selected by the board from a list of three (3) physicians licensed by the board submitted by the Kentucky Medical Association for each vacancy;*
 - (c) One (1) *physician* member of the board; and
 - (d) One (1) citizen at large.
- (4) The chair of the council shall be elected by a majority vote of the council members and shall preside over meetings. The meetings shall be held quarterly *and may be held online or by telephone conference call*. Additional meetings may be held on the call of the chair or upon the written request of four (4) council members.
- (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a four (4) year term, two (2) members shall serve a three (3) year term, two (2) members shall serve a two (2) year term, and two (2) members shall serve a one (1) year term.
- (6) Members of the council shall not be compensated for their service but shall receive reimbursement for expenditures relating to attendance at committee meetings, consistent with state policies for the reimbursement of travel expenses for state employees.
- (7) A council member may be removed by the board for good cause or if he or she misses two (2) consecutive council meetings without good cause.
- (8) Upon the death, resignation, or removal of any member, the vacancy for the unexpired term shall be filled by the board in the same manner as the original appointment.
- (9) The quorum required for any meeting of the council shall be *six (6)*~~five (5)~~ members. No action by the council or its members shall have any effect unless a quorum of the council *approves the action*~~is present at the meeting where the action is taken~~.

(10) The board shall not be required to implement or adopt the recommendations of the council.

➔Section 3. KRS 311.903 is amended to read as follows:

A licensed athletic trainer:

- (1) Shall not use spinal or pelvic manipulations or spinal or pelvic chiropractic adjustments;
- (2) May *assist with the appropriate management and use of* ~~dispense~~, but shall not prescribe, over-the-counter or prescription medications *commonly used in the practice of sports medicine, excluding any controlled substances,* ~~only to an adult athlete and~~ with the supervision of a physician licensed under *this chapter* ~~KRS Chapter 311~~, and shall maintain accurate records identifying the medication, dose, amount, directions, condition for which the medication is being used, identity of the supervising physician, lot number, and expiration date;
- (3) Shall not *provide or administer* ~~dispense~~ over-the-counter or prescription medications to a minor *without express parental or guardian consent and physician oversight* ~~athlete~~;
- (4) *The board shall promulgate administrative regulations, based upon recommendations from the council and in accordance with KRS Chapter 13A, to establish a formulary of legend medications that a licensed athletic trainer may obtain, transport, provide, and administer when providing athletic training services, limited to only those medications that are indicated and approved by the board. This subsection shall not be interpreted to bestow prescriptive authority, and the formulary shall not include Schedule II, III, IV, or V drugs as defined in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;*
- (5) Shall not perform invasive procedures, *except for those invasive procedures that the board, based on recommendations from the council, determines to be permissible. Any procedures performed under this subsection shall be:*
 - (a) *Within the scope of practice for athletic trainers; and*
 - (b) *Approved by the supervising physician;*
- ~~{(5) Shall conform to the standard of care required of an ordinary competent and careful licensed athletic trainer in exercising reasonable care for the health and safety of the athlete;}~~
- (6) *May provide athletic training services, notwithstanding any other provision of KRS 311.900 to 311.928, for employment injuries if the athletic training services for employment injuries are provided within the scope of practice for athletic trainers and under the supervision of a physician licensed under this chapter,* ~~{Shall not work in an industrial setting, except in the capacity of screening injuries and referring patients to}~~ an occupational therapist licensed under KRS Chapter 319A, a physical therapist licensed under KRS Chapter 327, *or* a chiropractor licensed under KRS Chapter 312, ~~{or a physician licensed under KRS Chapter 311}~~;
- (7) Shall not seek reimbursement from the federal government for physical therapy services performed by an athletic trainer;
- (8) Shall not seek reimbursement from the federal government for occupational therapy services performed by an athletic trainer;
- (9) Shall not seek reimbursement from the federal government for chiropractic services performed by an athletic trainer;
- (10) Shall not prescribe medications, including controlled substances; ~~{and}~~
- (11) Shall *only seek third-party reimbursement for services as permitted under national standards and within the scope of practice of athletic training and when prescribed by a physician licensed under this chapter; and*
- (12) *Shall not practice as an athletic trainer before completing a standardized form for athletic trainers and their supervising physicians that establishes the athletic trainer's authorized practice activities while under the physician's supervision. This form shall be developed and provided by the board* ~~{not independently bill any patient or other payer for services rendered by the athletic trainer}~~.

➔Section 4. This Act takes effect January 1, 2021.

Signed by Governor March 27, 2020.

