

1 AN ACT relating to athletic trainers.

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

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

4 As used in KRS 311.900 to 311.928:

- 5 (1) "Athlete" means an individual, referee, coach, or athletic staff member who:
- 6 **(a)** Participates in sports, games, or ~~recreational~~ activities requiring physical
7 strength, agility, flexibility, range of motion, speed, or stamina; ~~and who~~
- 8 **(b)** Is associated with a sport, game, or recreational activity that is conducted in
9 association with an educational institution or professional, amateur, or
10 recreational sports club or organization; **or**
- 11 **(c) *Qualifies under both paragraphs (a) and (b) of this subsection;***
- 12 (2) "Athletic injury" means:
- 13 (a) An injury or condition, excluding medical conditions such as internal
14 infections, internal injuries, fractures, and spinal cord injuries except in an
15 acute situation sustained by an athlete that affects the individual's participation
16 or performance in sports, games, or recreation; or
- 17 (b) An injury or condition that is within the scope of practice of an athletic trainer
18 identified by a physician licensed under **this chapter** ~~[KRS Chapter 311]~~, a
19 physical therapist licensed under KRS Chapter 327, an occupational therapist
20 licensed under KRS Chapter 319A, or a chiropractor licensed under KRS
21 Chapter 312 that is likely to benefit from athletic training services that have
22 been approved by a physician supervising the athletic trainer;
- 23 (3) "Athletic trainer" means a **healthcare provider** ~~[person]~~ with specific qualifications,
24 as set forth in KRS 311.900 to 311.928, who is licensed to practice athletic training
25 and who, upon the supervision of a physician licensed under **this chapter** ~~[KRS~~
26 ~~Chapter 311]~~, carries out the practice of preventing, recognizing, evaluating,
27 managing, disposing, treating, reconditioning, or rehabilitating ~~[athletic]~~ injuries. In

1 carrying out these functions, the licensed athletic trainer may use physical
 2 modalities, such as heat, light, sound, cold, or electricity, or mechanical devices. A
 3 licensed athletic trainer shall practice only in those areas in which he or she is
 4 competent by reason of his or her training, ~~or~~ experience, **and certifications,**
 5 **including treatment of an injury or condition that is within the scope of practice**
 6 **of an athletic trainer and approved by a physician licensed under this chapter;**

7 **(4) "Board" means the Kentucky Board of Medical Licensure;**

8 ~~(5)(4)~~ "Council" means the Kentucky Athletic Trainers Advisory Council;

9 ~~[(5) "Board" means the Kentucky Board of Medical Licensure;]~~

10 (6) "Supervising physician" means a physician licensed by the board; and

11 (7) "Supervision" means advising, consenting to, and directing the activities of an
 12 athletic trainer through written or oral orders by a physician licensed to practice
 13 under **this chapter**~~[KRS Chapter 311]~~. Each team of physicians and athletic trainers
 14 shall ensure that the referral of **patients**~~[athletic injuries]~~ is appropriate to the
 15 athletic trainer's level of training and experience.

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

17 (1) The board shall promulgate administrative regulations in accordance with KRS
 18 Chapter 13A relating to the licensure and regulation of athletic trainers. The
 19 regulations shall include but shall not be limited to:

20 **(a) The establishment of fees;**

21 **(b) Procedures for eligibility and credentialing;**

22 **(c) Procedures for licensure renewal and reinstatement;**

23 **(d) Procedures for complaints and disciplinary actions;**

24 **(e) A code of ethical standards;**

25 **(f) Standards of practice;**

26 **(g) The objectives of athletic training;**

27 **(h) Procedures for name and contact information changes;**

1 (i) Procedures for licensure renewal and reinstatement of active duty military
 2 individuals;

3 (j) Procedures for documentation standards;

4 (k) Requirements for foreign-trained athletic trainers;

5 (l) Requirements for medication formularies;

6 (m) Requirements for invasive procedures; and

7 (n) Continuing education requirements. [The board shall require, as a part of any
 8 continuing educational requirement, that persons licensed as athletic trainers
 9 complete an educational course on the transmission, control, treatment, and
 10 prevention of the human immunodeficiency virus and acquired
 11 immunodeficiency syndrome. The course on the human immunodeficiency
 12 virus shall be approved by the Cabinet for Health and Family Services.]

13 (2) There is hereby created the Kentucky Athletic Trainers Advisory Council,
 14 composed of ten (10)~~nine (9)~~ members appointed by the Governor. The council
 15 shall review and make recommendations to the board regarding all matters relating
 16 to athletic trainers that come before the board, including but not limited to:

17 (a) Applications for athletic training licensure;

18 (b) Licensure renewal requirements;

19 (c) Approval of supervising physicians;

20 (d) Disciplinary investigations or action, when specifically requested by one (1) of
 21 the board's panels established under KRS 311.591; and

22 (e) Promulgation of administrative regulations.

23 (3) Except for initial appointments, members of the council shall be appointed by the
 24 board for four (4) year terms and shall consist of:

25 (a) Five (5) practicing licensed athletic trainers who shall each be selected by the
 26 board from a list of three (3) licensed athletic trainers submitted by the
 27 Kentucky Athletic Trainers Society, Inc. for each vacancy;

- 1 (b) **Three (3)**~~[Two (2)]~~ supervising physicians **selected by the board from a list**
2 **of three (3) physicians licensed by the board submitted by the Kentucky**
3 **Medical Association for each vacancy;**
- 4 (c) One (1) **physician** member of the board; and
- 5 (d) One (1) citizen at large.
- 6 (4) The chair of the council shall be elected by a majority vote of the council members
7 and shall preside over meetings. The meetings shall be held quarterly **and may be**
8 **held online or by telephone conference call.** Additional meetings may be held on
9 the call of the chair or upon the written request of four (4) council members.
- 10 (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a
11 four (4) year term, two (2) members shall serve a three (3) year term, two (2)
12 members shall serve a two (2) year term, and two (2) members shall serve a one (1)
13 year term.
- 14 (6) Members of the council shall not be compensated for their service but shall receive
15 reimbursement for expenditures relating to attendance at committee meetings,
16 consistent with state policies for the reimbursement of travel expenses for state
17 employees.
- 18 (7) A council member may be removed by the board for good cause or if he or she
19 misses two (2) consecutive council meetings without good cause.
- 20 (8) Upon the death, resignation, or removal of any member, the vacancy for the
21 unexpired term shall be filled by the board in the same manner as the original
22 appointment.
- 23 (9) The quorum required for any meeting of the council shall be **six (6)**~~[five (5)]~~
24 members. No action by the council or its members shall have any effect unless a
25 quorum of the council **approves the action**~~[is present at the meeting where the~~
26 ~~action is taken]~~.
- 27 (10) The board shall not be required to implement or adopt the recommendations of the

1 council.

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

3 A licensed athletic trainer:

- 4 (1) Shall not use spinal or pelvic manipulations or spinal or pelvic chiropractic
5 adjustments;
- 6 (2) May assist with the appropriate management and use of~~[dispense]~~, but shall not
7 prescribe, over-the-counter or prescription medications commonly used in the
8 practice of sports medicine, excluding any controlled substances,~~[only to an adult~~
9 ~~athlete and]~~ with the supervision of a physician licensed under this chapter~~[KRS~~
10 ~~Chapter 311]~~, and shall maintain accurate records identifying the medication, dose,
11 amount, directions, condition for which the medication is being used, identity of the
12 supervising physician, lot number, and expiration date;
- 13 (3) Shall not provide or administer~~[dispense]~~ over-the-counter or prescription
14 medications to a minor without express parental or guardian consent and
15 physician oversight~~[athlete]~~;
- 16 (4) The board shall promulgate administrative regulations, based upon
17 recommendations from the council and in accordance with KRS Chapter 13A, to
18 establish a formulary of legend medications that a licensed athletic trainer may
19 obtain, transport, provide, and administer when providing athletic training
20 services, limited to only those medications that are indicated and approved by the
21 board. This subsection shall not be interpreted to bestow prescriptive authority,
22 and the formulary shall not include Schedule II, III, IV, or V drugs as defined in
23 the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;
- 24 (5) Shall not perform invasive procedures, except for those invasive procedures that
25 the board, based on recommendations from the council, determines to be
26 permissible. Any procedures performed under this subsection shall be:
27 (a) Within the scope of practice for athletic trainers; and

- 1 **(b) Approved by the supervising physician;**
- 2 ~~[(5) Shall conform to the standard of care required of an ordinary competent and careful~~
- 3 ~~licensed athletic trainer in exercising reasonable care for the health and safety of the~~
- 4 ~~athlete;]~~
- 5 (6) **May provide athletic training services, notwithstanding any other provision of**
- 6 **KRS 311.900 to 311.928, for employment injuries if the athletic training services**
- 7 **for employment injuries are provided within the scope of practice for athletic**
- 8 **trainers and under the supervision of a physician licensed under this**
- 9 **chapter,**~~[Shall not work in an industrial setting, except in the capacity of screening~~
- 10 ~~injuries and referring patients to]~~ an occupational therapist licensed under KRS
- 11 Chapter 319A, a physical therapist licensed under KRS Chapter 327, **or** a
- 12 chiropractor licensed under KRS Chapter 312~~], or a physician licensed under KRS~~
- 13 ~~Chapter 311];~~
- 14 (7) Shall not seek reimbursement from the federal government for physical therapy
- 15 services performed by an athletic trainer;
- 16 (8) Shall not seek reimbursement from the federal government for occupational therapy
- 17 services performed by an athletic trainer;
- 18 (9) Shall not seek reimbursement from the federal government for chiropractic services
- 19 performed by an athletic trainer;
- 20 (10) Shall not prescribe medications, including controlled substances;~~[and]~~
- 21 (11) Shall **only seek third-party reimbursement for services as permitted under**
- 22 **national standards and within the scope of practice of athletic training and when**
- 23 **prescribed by a physician licensed under this chapter; and**
- 24 **(12) Shall not practice as an athletic trainer before completing a standardized form**
- 25 **for athletic trainers and their supervising physicians that establishes the athletic**
- 26 **trainer's authorized practice activities while under the physician's supervision.**
- 27 **This form shall be developed and provided by the board**~~[not independently bill any~~

1 ~~patient or other payer for services rendered by the athletic trainer}.~~

2 ➔Section 4. KRS 311.905 is amended to read as follows:

- 3 (1) To be licensed by the board as an athletic trainer, an applicant shall:
- 4 (a) Submit a completed application form with the required fee on a form
- 5 prescribed by the board;
- 6 (b) Be of good character and reputation; and
- 7 (c) 1. Be certified and in good standing as an athletic trainer by the National
- 8 Athletic Trainers Association Board of Certification, Inc., or its
- 9 successor; or
- 10 2. Be authorized to practice as an athletic trainer in another state and be in
- 11 good standing in that state, if that state has standards equivalent to those
- 12 of this Commonwealth.
- 13 (2) Any person who is issued initial licensure as an athletic trainer shall be registered
- 14 for three (3) years, or for the completion of the current three (3) year cycle. The
- 15 person shall then apply to the board for triennial renewal and shall submit all
- 16 information requested by the board and pay a renewal fee as prescribed by the
- 17 board.
- 18 (3) No person shall hold himself or herself out as an athletic trainer or perform any of
- 19 the activities of an athletic trainer as prescribed in KRS 311.900 to 311.928, without
- 20 first obtaining a license under KRS 311.900 to 311.928.
- 21 (4) Nothing in this section shall be construed to limit:
- 22 (a) The activities, services, and use of title on the part of a person in the employ
- 23 of the federal government, to the extent the person is operating within the
- 24 specific parameters of that employment; or
- 25 (b) The activities or services of a student athletic trainer or someone in a similar
- 26 educational position, if the service is not for compensation and is carried out
- 27 under the supervision of a physician and a licensed athletic trainer licensed

1 under KRS 311.900 to 311.928.

2 (5) Upon petition to the board, licensed athletic trainers may be granted inactive status
3 for a period of time not to exceed three (3) years. Licensed athletic trainers shall not
4 practice athletic training while under inactive status. Inactive athletic trainers may
5 apply for an active license after paying a fee as prescribed in administrative
6 regulations promulgated by the board.

7 (6) Persons who are certified by the board and are in good standing as athletic trainers
8 on July 12, 2006, shall be automatically licensed under KRS 311.900 to 311.928
9 without meeting the requirements of subsection (1) of this section.

10 **(7) The board shall within thirty (30) days of the effective date of this Act, in**
11 **consultation with the Board of Physical Therapy, the Board of Licensure for**
12 **Occupational Therapy, and the Board of Chiropractic Examiners, promulgate**
13 **administrative regulations for the scope of practice limitations for licensed**
14 **athletic trainers related to the following medical conditions and disorders:**

15 **(a) Geriatric conditions;**

16 **(b) Psychosocial disorders;**

17 **(c) Developmental disabilities;**

18 **(d) Complex medical conditions;**

19 **(e) Degenerative movement disorders;**

20 **(f) Joint replacement conditions;**

21 **(g) Malignant conditions;**

22 **(h) Postoperative conditions;**

23 **(i) Mental health disorders;**

24 **(j) Significant neurological conditions; and**

25 **(k) Any other condition deemed necessary by the board.**

26 ➔Section 5. This Act takes effect January 1, 2021.