

Date of Hearing: April 4, 2018

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND  
INTERNET MEDIA

Kansen Chu, Chair

AB 3110 (Mullin) – As Introduced February 16, 2018

**SUBJECT:** Athletic trainers.

**SUMMARY:** Would establish the Athletic Training Practice Act (Act) for the purpose of licensing persons engaged in the profession of Athletic Trainer. Specifically, **this bill:**

- 1) Establishes the Athletic Trainer Licensing Committee (committee) within the California Board of Occupational Therapy to consist of seven members, as provided.

States that all committee appointments are for a term of four years and shall expire on June 30 of the year in which the term expires, and requires that vacancies shall be filled for any unexpired term.

- 2) Provides each member of the committee shall receive per diem and expenses, as specified.
- 3) Grants the committee the authority to:
  - a) Adopt, repeal, and amend regulations as may be necessary to enable it to administer this chapter, as provided.
  - b) Allows the committee to consult the professional standards issued by the National Athletic Trainers Association, the Board of Certification, Inc., the Commission on Accreditation of Athletic Training Education, or any other nationally recognized professional athletic training organization before adopting regulations.
  - c) Investigate each applicant, before a license is issued, in order to determine whether the applicant meets the qualifications required by this chapter.
- 4) Declares that the protection of the public shall be the highest priority for the committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.
- 5) Provides that, except as otherwise provided in this chapter, the committee shall issue an athletic training license to an applicant who meets all of the following requirements:
  - a) At the time of application, is over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of a license under Section 480.
  - b) Has submitted an application developed by the committee that includes evidence that the applicant has graduated from a professional degree program in athletic training accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors

- or successors, and approved by the committee, at an accredited postsecondary institution or institutions approved by the committee. The professional degree program shall consist of didactic, clinical, and research experiences in athletic training using critical thinking and weighing of evidence.
- c) Has passed an athletic training certification examination offered by the Board of Certification, Inc., its predecessors or successors, or another nationally accredited athletic trainer certification agency approved and recognized by the committee.
  - d) Has passed a criminal background check.
  - e) Has paid the application fee established by the committee.
- 6) Further provides notwithstanding Section 2697.4, (described in item 5 above), the committee shall issue an athletic training license to an applicant who did not graduate from an accredited athletic training education program described in subdivision (b), but who received athletic training via an internship, if the applicant meets all of the following requirements:
- a) At the time of application, is over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of a license under Section 480.
  - b) Furnishes evidence satisfactory to the committee of completion of a professional degree program at an accredited postsecondary institution that included instruction in basic sciences related to, and on the practice of, athletic training.
  - c) Passes the examination described in subdivision (b).
  - d) Completes at least 1,500 hours of clinical experience under an athletic trainer certified by a certification agency described in subdivision (b).
  - e) Has passed a criminal background check.
  - f) Has paid the application fee established by the committee.
- 7) The committee shall establish license application and renewal fees in an amount sufficient to cover the reasonable regulatory costs of administering this chapter.
- 8) Provides that a license valid for two years and thereafter is subject to the renewal requirements as follows:
- a) Pays the renewal fee as established by the committee.
  - b) Submits proof of all of the following:
    - i) Satisfactory completion of continuing education, as determined by the committee.
    - ii) Current athletic training certification from a certification body approved by the committee, including, but not limited to, the Board of Certification, Inc., or its predecessors or successors.

- 9) Establishes that the committee may deny a license or the renewal of a license for an applicant or licensee who is described by any of the following:
  - a) Does not meet the requirements of this chapter.
  - b) Has had an athletic training license, certification, or registration revoked or suspended by an accredited organization, state, or territory.
  - c) Has been convicted of a felony or any other crime that substantially relates to the functions or duties of an athletic trainer.
  - d) Has committed unprofessional conduct, as defined.
- 10) Provides that the committee may order any of the following actions relative to an athletic training license after a hearing for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, any regulation adopted by the committee pursuant to this chapter, and revocation or suspension of an athletic training license, certification, or registration by an accredited organization, state, or territory:
  - a) Issuance of the athletic training license subject to terms and conditions.
  - b) Suspension or revocation of the athletic training license.
  - c) Imposition of probationary conditions upon the athletic training license.
- 11) Declares that a person shall not engage in the practice of athletic training or use the title “athletic trainer,” “licensed athletic trainer,” “certified athletic trainer,” “athletic trainer certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.c.,” or any other variation of these terms, or any other similar terms indicating that the person is an athletic trainer, unless that person is licensed pursuant to this chapter.
- 12) Provides an exception period for a person who practiced athletic training in California for a period of 20 consecutive years prior to July 1, 2019, and is not eligible on that date for an athletic training license to engage in the practice of athletic training and use the title “athletic trainer” without being licensed by the committee. However, on and after January 1, 2021, a person shall not engage in the practice of athletic training or use the title “athletic trainer” unless he or she is licensed by the committee pursuant to this chapter.
- 13) Declares that the scope of practice of athletic training includes all of the following:
  - a) Risk management and injury or illness prevention through proactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks.
  - b) The clinical evaluation and assessment of an injury sustained or exacerbated while participating in the athletic activity or a condition exacerbated while participating in athletic activity, for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the

scope of practice of athletic training, by obtaining a history of the injury or condition, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury.

- c) The immediate care of an injury sustained or exacerbated while participating in physical activity or a condition exacerbated while participating in athletic activity or a condition exacerbated while participating in athletic activity, for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the scope of practice of athletic training, by the application of first-aid and emergency procedures, techniques and equipment for nonlife-threatening or life-threatening injuries or conditions.
- d) The rehabilitation and reconditioning from an injury or an illness sustained or exacerbated while participating in athletic activity and reconditioning from a condition, for which the athletic trainer has had formal training during his or her professional education program or advanced postprofessional study and falls within the scope of practice of athletic training, including, but not limited to, the application of physical agents and modalities, therapeutic exercise, manual therapy and massage, standard reassessment techniques and procedures, commercial products and durable medical equipment, and educational programs, in accordance with guidelines established with a healing arts licensee.
- e) Clarifies that the practice of athletic training does not include grade 5 spinal manipulations, the diagnosis of disease or the practice of medicine.
- f) Requires an athletic trainer to refer a patient to an appropriate licensed health care provider when the treatment or management of the injury or condition does not fall within the practice of athletic training.
- g) States that an athletic trainer shall not provide, offer to provide, or represent that he or she is qualified to provide any treatment that he or she is not qualified to perform by his or her professional education or advanced postprofessional study or does not fall within the scope of practice of athletic training.
- h) Declares that for purposes of this section, "athletic activity" means participation in activity requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility.
- i) Requires an athletic trainer to render treatment within his or her scope of practice under the direction of a physician and surgeon licensed by the Medical Board of California or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California. This direction shall be provided by verbal or written order by the directing physician and surgeon or osteopathic physician and surgeon or by athletic training treatment plans or protocols established by the physician and surgeon or osteopathic physician and surgeon.

- 14) Defines, for purposes of this section, “under the direction of a physician and surgeon” means that the physician and surgeon is available to the athletic trainer in person or via telehealth, as defined in paragraph (6) of subdivision (a) of Section 2290.5.
- 15) Allows, notwithstanding any other law, and consistent with this chapter, that the committee establish other alternative mechanisms for the adequate direction of an athletic trainer.
- 16) Clarifies practice of athletic training does not include any of the following:
  - a) The practice of occupational therapy, as defined in Chapter 5.6 (commencing with Section 2570).
  - b) The practice of physical therapy, as defined in Chapter 5.7 (commencing with Section 2600).
  - c) The practice of physician assistants, as defined in Chapter 7.7 (commencing with Section 3500).
  - d) The practice of medicine, as defined in Chapter 5 (commencing with Section 2000).
  - e) The practice of nursing, as defined in Chapter 6 (commencing with Section 2700).
  - f) The practice of chiropractic, as defined in Chapter 2 (commencing with Section 1000).
- 17) Provides the following exceptions from the licensure requirement of this chapter:
  - a) An athletic trainer licensed, certified, or registered in another state or country who is in California temporarily, traveling with a team or organization, to engage in the practice of athletic training for, among other things, an athletic or sporting event and only when this athletic trainer limits his or her scope of practice to the members of the team or organization or during an emergency.
  - b) An athletic trainer licensed, certified, or registered in another state or country who is invited by a sponsoring organization, such as the United States Olympic Committee, to temporarily provide athletic training services under his or her state’s scope of practice for athletic training.
  - c) A student enrolled in an athletic training education program, while participating in educational activities during the course of his or her educational rotations under the supervision and guidance of an athletic trainer licensed under this chapter, a physician and surgeon licensed by the Medical Board of California, an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California, or other licensed health care provider, when the student’s title clearly indicates student status.
  - d) A member or employee of the United States Armed Forces, licensed, certified, or registered in another state, as part of his or her temporary federal deployment or employment in California for a limited time.

- 18) Declares that this chapter does not limit, impair, or otherwise apply to the practice of any person licensed and regulated under any other chapter of this Division or limit, impair, or require new or additional third-party reimbursement for services rendered by an individual licensed under this chapter.
- 19) Establishes the Athletic Trainers' Fund and declares that all fees collected pursuant to this chapter shall be paid into the fund and shall be available to the committee, upon appropriation by the Legislature, for expenditure by the committee to defray its expenses for administering this chapter.
- 20) Allows the Director of Consumer Affairs to seek and receive funds from the California Athletic Trainers Association for the initial costs of implementing this chapter, as specified.
- 21) Allows for delayed implementation of the act until sufficient funds are collected and deposited as specified.
- 22) Contains the following definitions:
  - a) "Athletic trainer" means a person who meets the requirements of this chapter, is licensed by the committee, and practices under the direction of a licensed physician or surgeon.  
  
States that an "athletic trainer" is a healing arts licensee.
  - b) "Board" means the California Board of Occupational Therapy.
  - c) "Committee" means the Athletic Trainer Licensing Committee.
  - d) "Director" means the Director of Consumer Affairs.
- 23) Declares that this chapter shall remain in effect only until January 1, 2026, and as of that date is repealed.
- 24) Make various legislative findings and declarations.

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) *Author and supporters stress unique role of athletic trainers, need for authentication of trained practitioners, and that California is the only state in the union which does not recognize this profession:* According to the author, "Athletic trainers are health care professionals who specialize in the prevention, recognition, treatment, and rehabilitation of injuries and conditions. California is the only state that does not regulate the profession of athletic training. Approximately 20% of individuals calling themselves athletic trainers in high schools have not completed a university level accredited athletic training education program or passed the national standard BOC athletic training certification examination. This puts student athletes at risk, since the mistakes of unlicensed athletic trainers can lead to serious, even life threatening issues. Further, in a growing number of states, including Utah, Texas, Hawaii, and Massachusetts, it is illegal for unregulated athletic trainers to practice in

those states for any period of time. Consequently, when California athletic trainers travel to these states with their teams, they risk violating those state laws, since athletic trainers are not regulated in California putting themselves and their employers at risk."

The University of Southern California adds in support, "Athletic training is a specific health care profession recognized by 49 states, the District of Columbia, the federal government, the American Medical Association and many other employers, organizations and associations. Athletic trainers must complete a challenging accredited athletic training education program and pass a national certification examination. Athletic trainers provide a continuum of care to physically active individuals that starts with injury and illness prevention, includes injury recognition and emergency management, and progresses through treatment, rehabilitation and return to activity. Yet, the lack of licensure in California allows any individual to self-identify as an athletic trainer, undermining the educational accomplishments of those who completed a professional degree program. Mistakes by unlicensed or non-certified athletic trainers could lead to serious issues, including permanent disability and death."

The California Athletic Trainers Association (CATA) echoes the author and supporter's rationale for the bill, and stresses in support, "The lack of licensure creates an environment that causes increased risk of liability for athletic trainers themselves, as well as employers of athletic trainers. ... Athletic trainers who travel to a number of states with their teams are practicing outside of (that state's) practice acts, solely because they aren't licensed in California - thus placing themselves and their employers at increased risk of liability."

Finally the Board of Certification states in their support, "It is unfortunate that California is a safe haven for those who have never gone through the educational and training rigors of athletic training or, perhaps worse, lost their athletic training license in another state and/or lost their BOC certification. In the past decade, nearly 1,000 BOC Certified Athletic Trainers from California alone had their BOC certification expire or suspended and there is nothing stopping these uncertified individuals from continuing to practice athletic training in California – thereby putting patients, predominantly children and young adults, at risk. In addition, California's concussion act Ed. Code Section 49475, (CHAPTER 165, Statutes of 2014) identifies ATs as part of the implementation protocol: "... athletic trainers are required to remove any player from practice or competition if that player is exhibiting signs or symptoms of a concussion or head injury."

- 2) *Opposition questions need for legislation, expresses concern with overbroad scope of practice and suggests athletic trainers adopt title protections, not license:* The California Physical Therapy Association (CPTA) continues to oppose licensure for Athletic Trainers, and instead urges the legislature to move toward Title Protection for athletic trainers, if needed to protect the public. With regard to this specific legislation, CPTA writes, "Licensure is unnecessary. Title protection would be a more appropriate measure. The Legislature's Joint Committee on Boards, Commissions and Consumer Protection reviewed the issue of licensure for athletic trainers in 2005, and *unanimously recommended against licensing*. The argument that anyone could hold themselves out as an athletic trainer is easily addressed by 'title protection,' which would prohibit an individual from calling himself or herself a "certified athletic trainer" without being properly certified by an appropriate body identified in legislation. In fact, title protection legislation reached the Governor's desk in 2006 (SB 1397/Lowenthal), 2014 (AB 1890/Chau), and 2015 (AB 161/Chau). Unfortunately,

SB 1397 was vetoed by Gov. Schwarzenegger, and AB 1890 and AB 161 were both vetoed by Gov. Brown."

CPTA also believe that the scope of practice outlined in AB 3110 is expansive and not consistent with the education and training of athletic trainers, and is duplicative of similar allied health service providers, saying, "(C)urrently, athletic trainers primarily work with athletes in an athletic setting (i.e. sports team, university, etc.). Importantly, it is not clear how the scope of practice of the athletic trainer as outlined in the current bill would differ from the physical therapist or occupational therapist, professionals who are licensed to treat active individuals in any setting."

Finally, CPTA worries that the supervision of an athletic trainer as outlined in the bill is not sufficient, as "AB 3110 allows athletic trainers to follow written or verbal protocols established by a physician who need not be present. While this may be the current practice of athletic trainers in the athletic setting working with athletes, extending this level of supervision to persons outside of the athletic setting is highly problematic. ... The conditions of this bill will require and permit the athletic trainer to "assess and evaluate" an athlete's condition, then offer "treatment." Working by direction of a protocol when no physician is present will effectively require the athletic trainer to diagnose an individual's condition to correctly apply the correct treatment protocol. The ability to diagnose is well outside of the scope and training of an athletic trainer."

For the Occupational Therapy Association of California (OTAC) and the American Occupational Therapy Association (AOTA), "another significant objection to AB 3110 is the licensing scheme for athletic trainers that would fall under the California Board of Occupational Therapy via the Athletic Trainer Licensing Committee. We do not believe the Board of Occupational Therapy is the appropriate regulatory body to oversee athletic trainers, who receive very different training from OTs and perform services, though significant, that greatly differ from occupational therapy. Further, the number of licensed occupational therapy practitioners in California continues to increase. The Board's focused oversight on occupational therapy and the people it serves remains critically important. Additionally, the language in AB 3110 calls for written or verbal treatment protocols for an athletic trainer that are directed by a physician. Although there are significant concerns with the broad language outlining physician supervision, if such supervision is required, it logically follows that the California Medical Board might be best suited to oversee athletic trainers."

### 3) *Background:*

- a) *Sunrise process.* As part of legislation, SB 2036 (McCorquodale), Chapter 908, Statutes of 1994, subjecting the various regulatory boards to the sunset review process and creating the Joint Legislative Sunset Review Committee, the Legislature established a requirement that prior to consideration of any legislation creating a new state board or a new category of licensed professional, a plan for the establishment and operation of the proposed board or category of licensee had to be developed by the author or sponsor of



the legislation. To meet this requirement, the author or sponsor of such legislation usually responds to a "sunrise questionnaire," that can be obtained from the Department of Consumer Affairs or the Senate Business and Professions Committee.

- b) *Athletic trainers*. The following comes from the Senate Business and Professions Committee analysis of AB 161 (Chau), of 2015 (please see comment 6 below): In compliance with the sunrise process, CATA completed and submitted an extensive "sunrise questionnaire" in December 2011 in support of its proposal for licensure (at the time, a bill proposing licensure was moving through the Legislative process). According to information contained in the sunrise questionnaire, athletic trainers are allied healthcare professionals recognized by the American Medical Association, the American Medical Society of Sports Medicine and others. Athletic trainers work in collaboration with a physician and their education is predicated upon a formalized relationship with a physician, working under established guidelines. According to the sunrise questionnaire, athletic trainers evaluate injuries and determine a patient's disposition, respond to emergencies and make "split second decisions" regarding the management of an injury as well as making decisions regarding the course of rehabilitation. Athletic trainers also make "immediate decisions regarding serious conditions such as concussion, spinal cord injury, heat illness and sudden cardiac arrest without the intervention or advice of other health care professionals" in situations where an incorrect decision could lead to a catastrophic or fatal outcome.

An individual can become an athletic trainer by graduating with a minimum of a bachelor's degree from an accredited athletic training education program and by passing a national certification examination offered by Board of Certification, Inc. (BOC). According to the sunrise questionnaire, 70 % of athletic trainers practicing today hold a master's degree or higher. Athletic trainers, like other health care professionals, take science based courses in anatomy, physiology, chemistry and physics and must understand all systems of the body and their normal and pathological functions, including biochemical functions. Athletic training education also includes didactic instruction and clinical training in risk management and injury prevention, orthopedic clinical assessment and diagnosis, medical conditions and disabilities, acute care of injuries and illness, therapeutic modalities and conditioning and rehabilitative exercise, psychosocial intervention and referral, nutritional aspects of injuries and illness, health care administration and professional development. Although there are currently 16 accredited athletic training programs in California, no person in California is required to obtain a degree or to become certified to work as an athletic trainer.

Currently, there are approximately 2,500 certified athletic trainers practicing in California. Athletic trainers specialize in the prevention, evaluation, immediate care, treatment and rehabilitation of injuries and activity related conditions in a wide range of people engaged in physical activities from professional and amateur athletes to industrial workers and entertainers. Athletic trainers are employed by professional sports teams, colleges and universities, high schools, outpatient rehabilitation clinics, hospitals, industry/corporations, performing arts groups, physicians, the military and other institutions. Nearly 40 % of athletic trainers in California work with non-athletes from a variety of backgrounds because they may reduce employee injuries and subsequent worker's compensation costs. Information provided in the sunset questionnaire highlighted cost savings of around \$7 million annually by a large manufacturing firm

with over 3000 employees as a result of the firm hiring five athletic trainers to work in an injury preventive role.

Information provided in the sunrise questionnaire found more than 60 cases of harm as the result of improper care provided by non-certified “athletic trainers.” Of 760 respondents who took part in a CATA survey for the sunrise questionnaire, 400 reported instances of harm as the result of improper care due to certified and non-certified athletic trainers. According to the U.S. Department of Labor Division of Practitioner Data Banks, a voluntary reporting repository for sanctions made by state boards, there were 469 reports of sanctions to athletic trainers – both certified and uncertified – from 2000 to 2010. These sanctions were based upon misconduct including incompetent practice/harm, practicing beyond the scope of practice, and sexual misconduct. BOC reported over 2,700 violations of professional practice standards in five years (2005-10) with nearly 300 violations in California, including three sexual offenses, and in some cases included those practicing without a valid certification or practice by those who had lost their licensure in other states.

CATA asserts that there are “currently no other unregulated professions that are providing services similar to those of athletic trainers.”

- 4) *Title Act vs. Practice Act Protection.* It is important to note the distinction between “title act” and certification or registration regulation, which the opposition proposes, versus “practice act” and licensing regulation that is offered in AB 3110. A practice act along with licensure confers the exclusive right to practice a given profession on practitioners who meet specified criteria related to education, experience, and examination, and often is embodied in a statutory licensing act (i.e., those who are not licensed cannot lawfully practice the profession). A practice act is the highest and most restrictive form of professional regulation, and is intended to avert severe harm to the public health, safety or welfare that could be caused by unlicensed practitioners.

A title act and a certification or registration program, on the other hand, reserves the use of a particular professional (named) designation to practitioners who have demonstrated specified education, experience or other criteria such as certification by another organization. A title act typically does not restrict the practice of a profession or occupation and allows others to practice within that profession; it merely differentiates between practitioners who meet the specified criteria, and are authorized by law to represent themselves accordingly (usually by a specified title) and those who do not. Some title acts also include a state certification or registration program, or reliance on a national certification or registration program, so that those who use the specified title, and hold themselves out to the public, have been certified or registered by a state created or national entity as having met the specified requirements. This entity may also regulate to some extent the activities of the particular profession by setting standards for the profession to follow, and to also provide oversight of the practice of the profession by reporting unfair business practices or violations of the law and either denying or revoking a certification or registration if necessary.

- 5) *Governor's vetoes: we have been down this road before, what is different?* Last session two separate bills reached the Governor's desk which would have provided BOC-certified ATs with title protection, (discussed in comment 7 below). Each was vetoed, with essentially the same message:

"This bill prohibits a person from using the title of athletic trainer unless they have received a bachelor's degree and are certified by a national certification body. I vetoed a nearly identical measure last year and continue to believe that the conditions set forth in this bill impose unnecessary burdens on athletic trainers without sufficient evidence that changes are needed."

When this committee asked the author what was done differently to address the Governor's concern, or what is the change in circumstances which might justify a signature, the author offered the following.

First, the supporters point out that it is they, the ATs who are requesting the regulatory oversight, and do not consider it to be a burden but rather a necessary element to their ability to engage in their chosen profession. On this point they draw the committee's attention to the fact that California is a unique outlier in the failure to regulate this profession, given that all 49 other states provide some sort of license, certification or registration system in law. This is an issue of concern when one is employed by an athletic program which travels out of state with their team for competition, (such as NFL, NBA, NHL, MLB, MLS teams and their affiliates, Universities in the Pac 12, Western Athletic Conference and Big West Conference, even the USA Olympic teams which train here in California). As a letter sent by the NCAA in support of AT licensure states, "an increasing number of states, including Arizona, Arkansas, Alaska, Hawaii, Massachusetts, Texas, Utah and Virginia have made it illegal for an unregulated athletic trainer to practice for any period of time in the state." This leaves only California trainers and their clients as engaging in technically illegal conduct when ATs perform training services in one of these jurisdictions, subjecting them to various penalties which range from civil fines to misdemeanor criminal charges.

The second distinction the author offers is that existing board, the Board of Occupational Therapy under the DCA, has agreed to provide oversight of ATs, and the bill contains a system to assess fees from ATs which will pay for the costs of their oversight. This is in contrast to the prior licensing effort which would have made the Board of Physical Therapy responsible for regulating ATs, who strongly opposed the concept. The author believes that the proposed license process will not create new burdens on the state, and that any costs associated with the expanded administrative duties of the board caused by the new license will be borne by the ATs who will be regulated and not taxpayers.

- 6) *Committee note:* **This measure is substantially similar to AB 1510 (Dababneh)**, of this session, which the committee adopted on a 5-0 vote last year. AB 1510 was held in the Assembly Business and Professions Committee for procedural reasons. The current author has accepted and incorporated the suggested amendments of the committee as reflected in the analysis of our hearing on April 18, 2017, in the Introduced version of AB 3110 currently under consideration.
- 7) *Prior and related legislation:*
  - a) AB 1510 (Dababneh), of 2017, was substantially similar to the measure currently under consideration. (Status: *Held in Assembly Business and Professions Committee for procedural reasons.*)

- b) AB 161 (Chau) of 2015 would have established certification and training requirements for athletic trainers and prohibit individuals from calling themselves athletic trainers unless they meet those requirements. (Status: *The bill was vetoed by Governor Brown who wrote in his veto message that the conditions set forth in the bill “impose unnecessary burdens on athletic trainers without sufficient evidence that they are really needed.”*)
- c) AB 1890 (Chau) of 2014 was substantially similar to AB 161. (Status: *The bill was vetoed by Governor Brown who wrote in his veto message that the conditions set forth in the bill “impose unnecessary burdens on athletic trainers without sufficient evidence that they are really needed.”*)
- d) AB 864 (Skinner) of 2013 would have established the licensure and regulation of athletic trainers through the creation of an Athletic Trainer Licensing Committee under the Physical Therapy Board of California. (Status: *The bill was held in the Assembly Committee on Appropriations.*)
- e) SB 1273 (Lowenthal) of 2012 was substantially similar to AB 864. (Status: *The bill failed passage in Senate Business and Professions Committee.*)
- f) AB 374 (Hayashi) of 2011 as introduced would have established the Athletic Trainer Licensing Committee within the Medical Board of California to license and regulate athletic trainers commencing January 1, 2013, with a sunset date of January 1, 2018. The bill was later amended to provide title protection for athletic trainers. (Status: *The bill was later amended to become a bill by Assemblymember Hill that dealt with funeral embalmers and signed by the Governor.*)
- g) AB 1647 (Hayashi) of 2010 would have established certification and training requirements for athletic trainers and prohibited individuals from calling themselves athletic trainers unless they meet those requirements. (Status: *The bill was vetoed by Governor Schwarzenegger.*)
- h) SB 284 (Lowenthal) of 2007 would have enacted the Athletic Trainers Registration Act prohibiting a person from representing himself or herself as a “certified athletic trainer,” unless he or she is registered by an athletic training organization. (Status: *The bill was vetoed by Governor Schwarzenegger.*)
- i) SB 1397 (Lowenthal) of 2006 would have enacted the Athletic Trainers Certification Act, prohibiting a person from representing him or herself as an athletic trainer unless he or she is certified as an athletic trainer by an athletic training organization, as defined. (Status: *The bill was vetoed by Governor Schwarzenegger.*)
- j) AB 614 (Lowenthal) of 2003 would have required the DCA to submit a recommendation to the Legislature as to whether the state should license and regulate athletic trainers by January 1, 2006, if the DCA is provided with an occupational analysis of persons providing athletic trainer services by July 1, 2005. (Status: *This bill was held in Senate Business and Professions Committee to allow JCBCCP to examine whether athletic trainers should be licensed as part of the “sunrise” process.*)

k) AB 2789 (Lowenthal) of 2002 would have required the Department of Consumer Affairs to review the need for licensing of athletic trainers and undertake an occupational analysis. (Status: *This bill was held under submission in the Assembly Committee on Appropriations.*)

8) *Double-referral*: Should this bill pass out of this committee, it will be re-referred to the Assembly Committee on Business and Professions.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of Independent California Colleges and Universities  
Board of Certification, Inc.  
California Association for Health, Physical Education, Recreation and Dance  
California Athletic Trainers' Association  
California Community College Athletic Trainers Association  
California Interscholastic Federation  
National Athletic Trainers Association  
National Collegiate Athletic Association  
The American Orthopedic Society for Sports Medicine  
University of California, San Francisco Play Safe Program  
University of Southern California

The Committee received a spreadsheet representing 1166 individual supporters

**Opposition**

California Physical Therapy Association  
Occupational Therapy Association of California  
The American Occupational Therapy Association, Inc.

**Analysis Prepared by:** Dana Mitchell / A.,E.,S.,T., & I.M. / (916) 319-3450