Introduced by Assembly Member Bonta

February 22, 2019

An act to amend, repeal, and add Sections 101 and 144 of, and to add and repeal Chapter 5.8 (commencing with Section 2697) of Division 2 of, the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL’S DIGEST

AB 1592, as amended, Bonta. Athletic trainers.
Existing law provides for the licensure and regulation of various professions and vocations by regulatory boards and entities within the Department of Consumer Affairs, including athlete agents.
This bill would state the intent of the Legislature to enact legislation relating to the licensure and regulation of athletic trainers. It would enact the Athletic Training Practice Act, which, until January 1, 2028, would establish the California Board of Athletic Training within the Department of Consumer Affairs to exercise licensing, regulatory, and disciplinary functions under the act. The bill would prohibit a person from practicing as an athletic trainer or using certain titles or terms without being licensed by the board. The bill would define the practice of athletic training, specify requirements for licensure as an athletic trainer, and would require a licensed athletic trainer to practice only under the supervision of a physician and surgeon. The bill would provide that an athletic trainer license would be valid for 2 years and subject to renewal, and would authorize the board to deny, suspend, or revoke a license and to discipline a licensee for specified reasons. The bill
would specify acts that constitute unprofessional conduct and would make it a misdemeanor for any person to violate the act.

The bill would establish the Athletic Trainers Fund for the deposit of application and renewal fees, as specified, and would make those fees available to the board for the purpose of implementing the act’s provisions upon appropriation by the Legislature. The bill would authorize the Director of Consumer Affairs to seek and receive donations from the California Athletic Trainers’ Association or any other private individual or entity for the initial costs of implementing the act, and would specify that, if private funds are unavailable, would specify that a general fund or special fund loan may be used and repaid with fee revenue.

The bill would repeal its provisions on January 1, 2028.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of the following:
(a) The Dental Board of California.
(b) The Medical Board of California.
(c) The State Board of Optometry.
(d) The California State Board of Pharmacy.
(e) The Veterinary Medical Board.
(f) The California Board of Accountancy.
(g) The California Architects Board.
(h) The State Board of Barbering and Cosmetology.
(i) The Board for Professional Engineers, Land Surveyors, and Geologists.
(j) The Contractors’ State License Board.
(k) The Bureau for Private Postsecondary Education.
(m) The Board of Registered Nursing.
(n) The Board of Behavioral Sciences.
(o) The State Athletic Commission.
(p) The Cemetery and Funeral Bureau.
(q) The Bureau of Security and Investigative Services.
(r) The Court Reporters Board of California.
(s) The Board of Vocational Nursing and Psychiatric Technicians.
(t) The Landscape Architects Technical Committee.
(u) The Division of Investigation.
(v) The Bureau of Automotive Repair.
(w) The Respiratory Care Board of California.
(x) The Acupuncture Board.
(y) The Board of Psychology.
(z) The California Board of Podiatric Medicine.
(aa) The Physical Therapy Board of California.
(ab) The Arbitration Review Program.
(ac) The Physician Assistant Board.
(ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(ae) The California Board of Occupational Therapy.
(af) The Osteopathic Medical Board of California.
(ag) The Naturopathic Medicine Committee.
(ah) The Dental Hygiene Board of California.
(ai) The Professional Fiduciaries Bureau.
(aj) The State Board of Chiropractic Examiners.
(ak) The Bureau of Real Estate Appraisers.
(al) The Structural Pest Control Board.
(am) The Bureau of Cannabis Control.
(an) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall become operative on July 1, 2018.

This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 2. Section 101 is added to the Business and Professions Code, to read:

101. The department is comprised of the following:

(a) The Dental Board of California.
(b) The Medical Board of California.
(c) The State Board of Optometry.
(d) The California State Board of Pharmacy.
(e) The Veterinary Medical Board.
(f) The California Board of Accountancy.
(g) The California Architects Board.
(h) The State Board of Barbering and Cosmetology.
(i) The Board for Professional Engineers, Land Surveyors, and Geologists.
(j) The Contractors’ State License Board.
(k) The Bureau for Private Postsecondary Education.
(m) The Board of Registered Nursing.
(n) The Board of Behavioral Sciences.
(o) The State Athletic Commission.
(p) The Cemetery and Funeral Bureau.
(q) The Bureau of Security and Investigative Services.
(r) The Court Reporters Board of California.
(s) The Board of Vocational Nursing and Psychiatric Technicians.
(t) The Landscape Architects Technical Committee.
(u) The Division of Investigation.
(v) The Bureau of Automotive Repair.
(w) The Respiratory Care Board of California.
(x) The Acupuncture Board.
(y) The Board of Psychology.
(z) The California Board of Podiatric Medicine.
(aa) The Physical Therapy Board of California.
(ab) The Arbitration Review Program.
(ac) The Physician Assistant Board.
(ad) The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(ae) The California Board of Occupational Therapy.
(af) The Osteopathic Medical Board of California.
(ag) The Naturopathic Medicine Committee.
(ah) The Dental Hygiene Board of California.
(ai) The Professional Fiduciaries Bureau.
(aj) The State Board of Chiropractic Examiners.
(ak) The Bureau of Real Estate Appraisers.
(ал) The Structural Pest Control Board.
(am) The Bureau of Cannabis Control.
(an) Any other boards, offices, or officers subject to its jurisdiction by law.

This section shall become operative on January 1, 2028.

SEC. 3. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

(1) California Board of Accountancy.
(2) State Athletic Commission.
(3) Board of Behavioral Sciences.
(4) Court Reporters Board of California.
(5) State Board of Guide Dogs for the Blind.
(6) California State Board of Pharmacy.
(7) Board of Registered Nursing.
(8) Veterinary Medical Board.
(9) Board of Vocational Nursing and Psychiatric Technicians.
(10) Respiratory Care Board of California.
(11) Physical Therapy Board of California.
(12) Physician Assistant Committee of the Medical Board of California.
(13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(14) Medical Board of California.
(15) State Board of Optometry.
(16) Acupuncture Board.
(17) Cemetery and Funeral Bureau.
(18) Bureau of Security and Investigative Services.
(19) Division of Investigation.
(20) Board of Psychology.
(21) California Board of Occupational Therapy.
(22) Structural Pest Control Board.
(23) Contractors’ State License Board.
(24) Naturopathic Medicine Committee.
(25) Professional Fiduciaries Bureau.
(26) Board for Professional Engineers, Land Surveyors, and Geologists.
(27) Bureau of Cannabis Control.
(28) California Board of Podiatric Medicine.
(29) Osteopathic Medical Board of California.
(30) The California Board of Athletic Training.

c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 4. Section 144 is added to the Business and Professions Code, to read:

144. (a) Notwithstanding any other law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:
(1) California Board of Accountancy.
(2) State Athletic Commission.
(3) Board of Behavioral Sciences.
(4) Court Reporters Board of California.
(5) State Board of Guide Dogs for the Blind.
(6) California State Board of Pharmacy.
(7) Board of Registered Nursing.
(8) Veterinary Medical Board.
(9) Board of Vocational Nursing and Psychiatric Technicians.
(10) Respiratory Care Board of California.
(11) Physical Therapy Board of California.
(12) Physician Assistant Committee of the Medical Board of California.
(13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(14) Medical Board of California.
(15) State Board of Optometry.
(16) Acupuncture Board.
(17) Cemetery and Funeral Bureau.
(18) Bureau of Security and Investigative Services.
(19) Division of Investigation.
(20) Board of Psychology.
(21) California Board of Occupational Therapy.
(22) Structural Pest Control Board.
(23) Contractors’ State License Board.
(24) Naturopathic Medicine Committee.
(25) Professional Fiduciaries Bureau.
(26) Board for Professional Engineers, Land Surveyors, and Geologists.
(27) Bureau of Cannabis Control.
(28) California Board of Podiatric Medicine.
(29) Osteopathic Medical Board of California.
(c) For purposes of paragraph (26) of subdivision (b), the term “applicant” shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.
(d) This section shall become operative on January 1, 2028.

SEC. 5. Chapter 5.8 (commencing with Section 2697) is added to Division 2 of the Business and Professions Code, to read:

Chapter 5.8. Athletic Trainers

Article 1. Administration

2697. This chapter shall be known, and may be cited, as the Athletic Training Practice Act.

2697.1. For the purposes of this chapter, the following definitions apply:
(a) “Athlete” means a person who participates in an athletic activity.
(b) “Athletic activity” means participation in exercise, sport, game, recreation, wellness, fitness, performing arts, or employment activities that requires physical strength, range of motion, flexibility, body awareness and control, speed, stamina, or agility.
(c) “Athletic trainer” means a person who meets the requirements of this chapter, is licensed by the board, and practices under the supervision of a licensed physician or surgeon. An athletic trainer is a healing arts licensee.
(d) "Board" means the California Board of Athletic Training.
(e) "Director" means the Director of Consumer Affairs.

2697.2. (a) There is established the California Board of Athletic Training within the Department of Consumer Affairs.
(b) The board shall consist of seven members, all of whom shall be California residents, as follows:
(1) Three licensed athletic trainers, except that initially, the board shall include three athletic trainers certified by the Board of Certification, Inc. or another nationally accredited athletic trainer certification agency, who shall satisfy the remainder of the licensure requirements described in Section 2697.4 as soon as it is practically possible.
(2) Three public members.
(3) One physician and surgeon licensed by the Medical Board of California or one osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California.
(c) Subject to confirmation by the Senate, the Governor shall appoint the licensed athletic trainers, one of the public members, and the physician and surgeon or osteopathic physician and surgeon. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.
(1) The athletic trainers shall be appointed from the following:
(A) Two members shall be actively practicing athletic training and engaged primarily in direct patient care as an athletic trainer with at least five continuous years of experience.
(B) One member shall be active primarily as an educator or administrator in a program to educate athletic trainers.
(2) The physician and surgeon or osteopathic physician and surgeon shall be appointed from persons who have supervised or are currently supervising athletic trainers.
(3) Each public member shall satisfy all of the following:
(A) Chapter 6 (commencing with Section 450) of Division 1.
(B) Shall not be or have ever been an athletic trainer or in training to become an athletic trainer.
(C) Shall not be a current or former licensee of any board under this division or of any board referred to in Section 1000 or 3600.
(D) Shall not be an officer or faculty member of any college, school, or institution involved in athletic training, physical therapy, or occupational therapy education.
(E) Shall have no pecuniary interests in the provision of health care services.

(d) (1) All appointments shall be for a term of four years and shall expire on June 30 of the year in which the term expires. Appointees may be reappointed once. Vacancies shall be filled for any unexpired term.

(2) Notwithstanding paragraph (1), for initial appointments to the board, one public member appointed by the Governor, the physician and surgeon or osteopathic physician and surgeon, and one of the licensed athletic trainers shall serve terms of two years, and the remaining members shall serve terms of four years.

(e) Each of the board members shall receive per diem and expenses, except as otherwise specified in Section 103.

(f) The appointing power shall have the power to remove any member of the board from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

(g) No person may serve as a member of the board for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term.

(h) Annually, the board shall elect one of its members as president and one of its members as vice president.

(i) Subject to Sections 107 and 154, the board may employ an executive officer and other officers and employees.

2697.3. (a) (1) The board shall adopt, repeal, and amend regulations as may be necessary to administer and enforce this chapter.

(2) Before adopting regulations, the board may 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.

(b) The board shall confirm, to the extent practicable, the information provided in an application before issuing a license to an applicant pursuant to this chapter.

(c) The board shall give protection of the public the highest priority 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.
Article 2. Licensure

2697.4. Except as otherwise provided in this chapter, the board shall issue an athletic training license to an applicant who meets all of the following requirements:

(a) At the time of application, the applicant 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) The applicant has submitted an application developed by the board.

(c) The applicant 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 board.

(d) The applicant has passed a criminal background check.

(e) The applicant has paid the application fee established by the board.

2697.5. A license issued by the board pursuant to Section 2697.4 is valid for two years and thereafter is subject to the renewal requirements described in Sections 2697.7.

2697.7. The board shall renew a license if an applicant meets both of the following requirements:

(a) Pays the renewal fee as established by the board as described in Section 2697.20.

(b) Submits proof of both of the following:

(1) Subject to subdivision (c) of Section 2697.3, satisfactory completion of necessary continuing education, as determined by the board.

(2) Has a current athletic training certification from a certification body approved by the board, including, but not limited to, the Board of Certification, Inc., or its predecessors or successors.

2697.8. (a) The board may deny a license or discipline a licensee who is described by any of the following:

(1) Does not meet the requirements of this chapter.

(2) Has had an athletic training license, certification, or registration revoked or suspended by an accredited organization or another state or country.
(3) Has been convicted of a crime that is substantially related to the functions or duties of an athletic trainer.

(4) Has committed unprofessional conduct, as described in Section 2697.10.

(b) The board may order any of the following actions regarding an athletic training license after notice and a hearing to determine unprofessional conduct:

(1) Placing the license on probation with terms and conditions.

(2) Suspending the license and the ability to practice athletic training for a period not to exceed one year.

(3) Revoking the license.

(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(5) Issuing an initial license on probation, with specific terms and conditions, to an applicant who has violated this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure.

(6) Taking any other action as the board, in its discretion, deems proper to protect the public health and safety pursuant to subdivision (c) of Section 2697.3.

(c) If a license is suspended, the holder may not practice as an athletic trainer during the term of suspension. Upon the expiration of the term of suspension, the license shall be reinstated and the holder entitled to resume practice under any remaining terms of the discipline, unless it is established to the satisfaction of the board that the holder of the license practiced in this state during the term of suspension. In this event, the board, after notice and a hearing on this issue alone, may revoke the license.

(d) The board shall retain jurisdiction to proceed with any investigation, action, or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

2697.9. (a) A holder of a license that has been revoked, suspended, or placed on probation, may petition the board for reinstatement or modification of a penalty, including reduction or termination of probation, after a period not less than the applicable following minimum period has elapsed from either the effective date of the decision ordering that disciplinary action, or, if the
order of the board or any portion of it was stayed, from the date
the disciplinary action was actually implemented in its entirety.
The minimum periods that shall elapse prior to a petition are as
follows:
(1) For a license that was revoked for any reason other than
mental or physical illness substantially related to the functions or
duties of an athletic trainer, at least three years.
(2) For early termination of probation scheduled for three or
more years, at least two years.
(3) For modification of a penalty, reinstatement of a license
revoked for mental or physical illness substantially related to the
functions or duties of an athletic trainer, or termination of
probation scheduled for less than three years, at least one year.
(b) The board may, in its discretion, specify in its disciplinary
order a lesser period of time, provided that the period shall not
be less than one year.
(c) The petition submitted shall contain any information required
by the board, which may include a current set of fingerprints
accompanied by the fingerprinting fee.
(d) The board shall give notice to the Attorney General of the
filing of the petition. The petitioner and the Attorney General shall
be given timely notice by letter of the time and place of the hearing
on the petition, and an opportunity to present both oral and
documentary evidence and argument to the board. The petitioner
shall at all times have the burden of proof to establish by clear
and convincing evidence that they are entitled to the relief sought
in the petition.
(e) The board, or the administrative law judge if one is
designated by the board, shall hear the petition and shall prepare
a written decision setting forth the reasons supporting the decision.
(f) The board may grant or deny the petition or may impose any
terms and conditions that it reasonably deems appropriate as a
condition of reinstatement or reduction of penalty.
(g) The board shall refuse to consider a petition while the
petitioner is under sentence for any criminal offense, including
any period during which the petitioner is on court-imposed
probation or parole or subject to an order of registration pursuant
to Section 290 of the Penal Code.
(h) No petition shall be considered while there is an accusation
or petition to revoke probation pending against the petitioner.
2697.10. For purposes of this chapter, unprofessional conduct includes, but is not limited to, the following:

(a) Incompetence, negligence, or gross negligence in carrying out usual athletic trainer functions.

(b) Repeated similar negligent acts in carrying out usual athletic trainer functions.

(c) A conviction for practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event a certified copy of the record of conviction shall be conclusive evidence thereof.

(d) The use of advertising relating to athletic training which violates Section 17500.

(e) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a licensee by another healing arts board under the department, another state or territory of the United States, or by any other government agency. A certified copy of the decision, order, or judgment shall be conclusive evidence thereof.

(f) Procuring a license by fraud, misrepresentation, or mistake.

(g) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter.

(h) Making or giving any false statement or information in connection with the application for issuance or renewal of a license.

(i) Conviction of a crime or of any offense substantially related to the qualifications, functions, or duties of a licensee, in which event the record of the conviction shall be conclusive evidence thereof.

(j) Impersonating an applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license.

(k) Impersonating a licensee, or permitting or allowing another unlicensed person to use a license.

(l) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licensee.

(m) Committing any act punishable as a sexually related crime, if that act is substantially related to the qualifications, functions,
or duties of a licensee, in which event a certified copy of the record
of conviction shall be conclusive evidence thereof.

(n) Using excessive force upon or mistreating or abusing any
patient. For purposes of this subdivision, “excessive force” means
force clearly in excess of that which would normally be applied
in similar clinical circumstances.

(o) Falsifying or making grossly incorrect, grossly inconsistent,
or unintelligible entries in a patient or hospital record or any other
record.

(p) Changing the prescription of a physician and surgeon or
falsifying verbal or written orders for treatment or a diagnostic
regime received, whether or not that action resulted in actual
patient harm.

(q) Failing to maintain confidentiality of patient medical
information, except as disclosure is otherwise permitted or required
by law.

(r) Delegating to an unlicensed employee or person a service
that requires the knowledge, skills, abilities, or judgment of a
licensee.

(s) Committing any act that would be grounds for denial of a
license under Section 480.

(t) Except for good cause, the knowing failure to protect patients
by failing to follow infection control guidelines of the committee,
thereby risking transmission of infectious diseases from licensee
to patient, from patient to patient, or from patient to licensee.

(u) As a licensee, obtaining, possessing, or prescribing a
controlled substance in violation of Division 10 (commencing with
Section 11000) of the Health and Safety Code or any dangerous
drug or dangerous device in violation of Chapter 9 (commencing
with Section 4000).

(v) As a licensee, using to an extent or in a manner dangerous
or injurious to themselves, to any other person, or to the public,
or that impairs their ability to conduct with safety to the public
the practice authorized by their license, of any of the following:

1. A controlled substance as defined in Division 10
   (commencing with Section 11000) of the Health and Safety Code.

2. A dangerous drug or dangerous device as defined in Section
   4022.

3. Alcoholic beverages.
(w) As a licensee, being convicted of a criminal offense involving
the prescription, consumption, or self-administration of any of the
substances described in paragraphs (1) and (2) of subdivision (v),
or the possession of, or falsification of a record pertaining to, the
substances described in paragraph (1) of subdivision (v), in which
event the record of the conviction is conclusive evidence thereof.
(x) As a licensee, being committed or confined by a court of
competent jurisdiction for intemperate use of any of the substances
described in paragraphs (1) and (2) of subdivision (v), in which
event the court order of commitment or confinement is prima facie
evidence of the commitment or confinement.
(y) As a licensee, falsifying, or making grossly incorrect, grossly
inconsistent, or unintelligible entries in any patient record, or any
other record.

Article 3. Athletic Training

2697.11. (a) A person shall not practice athletic training or
hold themselves out as an athletic trainer or as being able to
practice athletic training, or to render athletic training services
in this state unless the person is licensed as an athletic trainer
pursuant to this chapter.
(b) A person shall not use the title “athletic trainer,” “licensed
athletic trainer,” “certified athletic trainer,” “athletic trainer
certified,” “a.t.,” “a.t.l.,” “l.a.t.,” “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.
(c) A person who is currently using one of the titles listed under
subdivision (b) and is covered under a collective bargaining
agreement is not subject to the requirements of subdivision (b)
until the parties to that bargaining agreement renew that
agreement. At that time, a person shall not use the titles listed in
subdivision (b) if the individual does not meet the requirements of
this section. Those individuals may choose a different title to
describe their positions under the new collective bargaining
agreement.
(d) No employee whose title is changed in order to comply with
this section shall suffer any loss of employment status as a result
of the title change, including, but not limited to, layoff, demotion,
termination, reclassification, or loss of pay, seniority, benefits, or any other status or compensation related to the position.

2697.12. (a) The practice of athletic training includes all of the following:

(1) Risk management and injury or illness prevention through preparticipation 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.

(2) The clinical evaluation and assessment of an injury sustained or 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 a 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.

(3) The immediate care of an injury sustained or 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 a 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.

(4) The rehabilitation and reconditioning from an injury sustained or exacerbated while participating in athletic activity and reconditioning from a condition, for which the athletic trainer has had formal training during a 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.
(b) The practice of athletic training does not include grade 5 spinal manipulations, the diagnosis of disease, or the practice of medicine.

(c) An athletic trainer shall refer a patient to an appropriate healing arts licensee when the management of the injury or condition does not fall within the practice of athletic training as defined in this section.

(d) An athletic trainer shall not provide, offer to provide, or represent that they are qualified to provide any treatment that they are not qualified to perform by their professional education or advanced postprofessional study or does not fall within the scope of practice of athletic training.

2697.13. (a) An athletic trainer shall only render athletic training services under the supervision 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.

(b) For purposes of this section, “supervision” means services are provided either under a verbal order by a physician and surgeon who is present when the services are provided or, if the physician is not present, under a written order, telecommunication, or an athletic training treatment plan or protocol that meets all of the following:

(1) The plan or protocol specifies the athletic training services, and referral requirements specific to the athletic trainer’s individual training and competence.

(2) The plan or protocol is established with and approved by the supervising physician and surgeon or osteopathic physician and surgeon.

(3) The plan or protocol accounts for the supervising physician and surgeon’s availability to the athletic trainer as determined by the supervising physician and surgeon.

2697.14. The 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).
The practice of medicine, as defined in Chapter 5 (commencing with Section 2000).

The practice of nursing, as defined in Chapter 6 (commencing with Section 2700).

The practice of chiropractic, as defined in Chapter 2 (commencing with Section 1000).

The requirements of this chapter do not apply to the following:

(a) An athletic trainer licensed, certified, or registered in another state or country who is in California temporarily, while 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 the athletic trainer limits their 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 the other state or country’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 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 any other healing arts licensee, 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 an athletic trainer, as part of temporary federal deployment or employment in California for a limited time.

An individual who provides instruction to an individual or group to improve physical conditioning, for the use of exercise equipment, or on the mechanics of activities of cycling, running, free weights, calisthenics, or other technical aspects of exercise is not engaging in athletic training.

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.
2697.18. This chapter does not require new or additional 
reimbursement by a health care service plan, health insurer, 
workers’ compensation insurance plan, employer, or state program 
for services rendered by an individual licensed under this chapter.

2697.19. Any person who violates this chapter shall be guilty 
of a misdemeanor punishable by imprisonment in the county jail 
not exceeding six months, or by a fine not exceeding one thousand 
dollars ($1,000), or by both.

Article 4. Revenue

2697.20. (a) The Athletic Trainers Fund is hereby established 
in the State Treasury. All fees collected pursuant to this chapter 
shall be paid into the fund. Moneys in the fund shall be available 
to the board, upon appropriation by the Legislature, for 
expenditure by the board to defray its expenses for administering 
this chapter.

(b) The board shall charge the following fees:

(1) An application fee of not more than one hundred dollars 
($100).

(2) An initial license fee, which shall be prorated and based on 
the biennial renewal fee.

(3) A renewal fee to be established by the board, not to exceed 
the costs of providing the regulatory administration of this chapter.

(4) A delinquency fee for late payment of the license renewal 
fee in the following amounts:

(A) If the license is renewed not more than two years from the 
date of its expiration, the delinquency fee shall be 50 percent of 
the renewal fee in effect at the time or renewal.

(B) If the license is renewed more than two years after date of 
expiration of the license, the delinquency fee shall be 100 percent 
of the renewal fee in effect at the time of renewal.

(5) A duplicate license fee, to replace one that is lost or 
destroyed, or in the event of a name change, of thirty-five dollars 
($35).

(6) An endorsement fee of not more fifty dollars ($50).

(7) A fee to collect fingerprints for criminal history record 
checks charged by the Department of Justice and the Federal 
Bureau of Investigation.
AB 1592

2697.21. Notwithstanding any other law, including Section
11005 of the Government Code, the director may seek and receive
funds from the California Athletic Trainers Association or any
other private individual or entity for the initial costs of
implementing this chapter. If private funds are unavailable to cover
the startup costs of implementing this act, a general fund or special
fund loan may be used and shall be repaid with fee revenue.

2697.22. This chapter shall remain in effect only until January
1, 2028, and as of that date is repealed.

SEC. 6. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of
the Government Code, or changes the definition of a crime within
the meaning of Section 6 of Article XIII B of the California
Constitution.

SECTION 1. It is the intent of the Legislature to enact
legislation that would provide for the licensure and regulation of
athletic trainers.