

January 29, 1998

HOUSE BILL No. 1102

DIGEST OF HB 1102 (Updated January 27, 1998 9:34 pm - DI 77)

Citations Affected: IC 25-1; IC 25-5.1; noncode.

Synopsis: Athletic trainers. Adds the Indiana physical therapy committee to general provisions concerning investigation of complaints and fee, license renewal, and examination requirements. Provides that athletic trainers must be licensed. (Current law requires athletic trainers to be certified.) Provides that rehabilitation techniques are considered athletic training. Requires the Indiana athletic trainers board to adopt continuing education standards that conform with the standards of the National Athletic Trainers Association. Requires an individual to be employed or reside in Indiana for at least 90 consecutive days before applying for an athletic trainer's license. Includes rehabilitation as a course that an individual must have completed to be licensed as an athletic trainer. Provides that a licensed athletic trainer may be directly reimbursed by a client. Excludes certain practices from the requirements for athletic trainer licensure. Licenses individuals who
(Continued next page)

Effective: July 1, 1998.

Dobis, Bales, Whetstone

January 6, 1998, read first time and referred to Committee on Public Health.
January 28, 1998, amended, reported — Do Pass.

HB 1102—LS 6554/DI 93



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Digest Continued

currently hold a valid athletic trainer's certificate. Makes conforming amendments.

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HB 1102—LS 6554/DI 93



January 29, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1102

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-5-3, AS AMENDED BY P.L.147-1997,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 3. (a) There is established the health professions
4 bureau. The bureau shall perform all administrative functions, duties,
5 and responsibilities assigned by law or rule to the executive director,
6 secretary, or other statutory administrator of the following:
7 (1) Board of chiropractic examiners (IC 25-10-1).
8 (2) State board of dental examiners (IC 25-14-1).
9 (3) Indiana state board of health facility administrators
10 (IC 25-19-1).
11 (4) Medical licensing board of Indiana (IC 25-22.5-2).
12 (5) Indiana state board of nursing (IC 25-23-1).
13 (6) Indiana optometry board (IC 25-24).
14 (7) Indiana board of pharmacy (IC 25-26).
15 (8) Board of podiatric medicine (IC 25-29-2-1).

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- 1 (9) Board of environmental health specialists (IC 25-32).
 2 (10) Speech-language pathology and audiology board
 3 (IC 25-35.6-2).
 4 (11) State psychology board (IC 25-33).
 5 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 6 (13) Controlled substances advisory committee (IC 35-48-2-1).
 7 (14) Committee of hearing aid dealer examiners (IC 25-20).
 8 (15) Indiana physical therapy committee (IC 25-27).
 9 (16) Respiratory care committee (IC 25-34.5).
 10 (17) Occupational therapy committee (IC 25-23.5).
 11 (18) Social worker, marriage and family therapist, and mental
 12 health counselor board (IC 25-23.6).
 13 (19) Physician assistant committee (IC 25-27.5).
 14 (20) Indiana athletic trainers certification board (IC 25-5.1-2-1).
 15 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
 16 (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- 17 (b) Nothing in this chapter may be construed to give the bureau
 18 policy making authority, which authority remains with each board.
- 19 SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
 20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 1998]: Sec. 1. As used in this chapter:
- 22 "Board" means the appropriate agency listed in the definition of
 23 regulated occupation in this section.
- 24 "Director" refers to the director of the division of consumer
 25 protection.
- 26 "Division" refers to the division of consumer protection, office of
 27 the attorney general.
- 28 "Licensee" means a person who is:
- 29 (1) licensed, certified, or registered by a board listed in this
 30 section; and
 31 (2) the subject of a complaint filed with the division.
- 32 "Person" means an individual, a partnership, a limited liability
 33 company, or a corporation.
- 34 "Regulated occupation" means an occupation in which a person is
 35 licensed, certified, or registered by one (1) of the following:
- 36 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 37 (2) Board of registration for architects (IC 25-4-1-2).
 38 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 39 (4) State board of barber examiners (IC 25-7-5-1).
 40 (5) State boxing commission (IC 25-9-1).
 41 (6) Board of chiropractic examiners (IC 25-10-1).
 42 (7) State board of cosmetology examiners (IC 25-8-3-1).



- 1 (8) State board of dental examiners (IC 25-14-1).
 2 (9) State board of funeral and cemetery service (IC 25-15-9).
 3 (10) State board of registration for professional engineers
 4 (IC 25-31-1-3).
 5 (11) Indiana state board of health facility administrators
 6 (IC 25-19-1).
 7 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 8 (13) Indiana state board of nursing (IC 25-23-1).
 9 (14) Indiana optometry board (IC 25-24).
 10 (15) Indiana board of pharmacy (IC 25-26).
 11 (16) Indiana plumbing commission (IC 25-28.5-1-3).
 12 (17) Board of podiatric medicine (IC 25-29-2-1).
 13 (18) Board of environmental health specialists (IC 25-32-1).
 14 (19) State psychology board (IC 25-33).
 15 (20) Speech-language pathology and audiology board
 16 (IC 25-35.6-2).
 17 (21) Indiana real estate commission (IC 25-34.1-2).
 18 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 19 (23) Department of natural resources for purposes of licensing
 20 water well drillers under IC 25-39-3.
 21 (24) Respiratory care committee (IC 25-34.5).
 22 (25) Private detectives licensing board (IC 25-30-1-5.1).
 23 (26) Occupational therapy committee (IC 25-23.5).
 24 (27) Social worker, marriage and family therapist, and mental
 25 health counselor board (IC 25-23.6).
 26 (28) Real estate appraiser licensure and certification board
 27 (IC 25-34.1-8).
 28 (29) State board of registration for land surveyors
 29 (IC 25-21.5-2-1).
 30 (30) Physician assistant committee (IC 25-27.5).
 31 (31) Indiana athletic trainers ~~certification~~ board (IC 25-5.1-2-1).
 32 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
 33 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
 34 **(34) Indiana physical therapy committee (IC 25-27).**
 35 ~~(34)~~ **(35)** Any other occupational or professional agency created
 36 after June 30, 1981.

37 SECTION 3. IC 25-1-8-1, AS AMENDED BY P.L.147-1997,
 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
 40 the following:

- 41 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 42 (2) Board of registration for architects (IC 25-4-1-2).



- 1 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 2 (4) State board of barber examiners (IC 25-7-5-1).
 3 (5) State boxing commission (IC 25-9-1).
 4 (6) Board of chiropractic examiners (IC 25-10-1).
 5 (7) State board of cosmetology examiners (IC 25-8-3-1).
 6 (8) State board of dental examiners (IC 25-14-1).
 7 (9) State board of funeral and cemetery service (IC 25-15).
 8 (10) State board of registration for professional engineers
 9 (IC 25-31-1-3).
 10 (11) Indiana state board of health facility administrators
 11 (IC 25-19-1).
 12 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 13 (13) Mining board (IC 22-10-1.5-2).
 14 (14) Indiana state board of nursing (IC 25-23-1).
 15 (15) Indiana optometry board (IC 25-24).
 16 (16) Indiana board of pharmacy (IC 25-26).
 17 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 18 (18) Board of environmental health specialists (IC 25-32-1).
 19 (19) State psychology board (IC 25-33).
 20 (20) Speech-language pathology and audiology board
 21 (IC 25-35.6-2).
 22 (21) Indiana real estate commission (IC 25-34.1-2-1).
 23 ~~(22) Until July 1, 1996, Indiana state board of television and radio~~
 24 ~~service examiners (IC 25-36-1).~~
 25 ~~(23)~~ **(22)** Indiana board of veterinary medical examiners
 26 (IC 15-5-1.1-3).
 27 ~~(24)~~ **(23)** Department of insurance (IC 27-1).
 28 ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of
 29 certifying polygraph examiners under IC 25-30-2.
 30 ~~(26)~~ **(25)** Department of natural resources for purposes of
 31 licensing water well drillers under IC 25-39-3.
 32 ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
 33 ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).
 34 ~~(29)~~ **(28)** Social worker, marriage and family therapist, and
 35 mental health counselor board (IC 25-23.6-2-1).
 36 ~~(30)~~ **(29)** Real estate appraiser licensure and certification board
 37 (IC 25-34.1-8).
 38 ~~(31)~~ **(30)** State board of registration for land surveyors
 39 (IC 25-21.5-2-1).
 40 ~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).
 41 ~~(33)~~ **(32)** Indiana athletic trainers ~~certification~~ board
 42 (IC 25-5.1-2-1).



- 1 ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
 2 ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
 3 **(35) Indiana physical therapy committee (IC 25-27).**
 4 (36) Any other occupational or professional agency created after
 5 June 30, 1981.

6 SECTION 4. IC 25-1-9-1, AS AMENDED BY P.L.147-1997,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
 9 the following:

- 10 (1) Board of chiropractic examiners (IC 25-10-1).
 11 (2) State board of dental examiners (IC 25-14-1).
 12 (3) Indiana state board of health facility administrators
 13 (IC 25-19-1).
 14 (4) Medical licensing board of Indiana (IC 25-22.5-2).
 15 (5) Indiana state board of nursing (IC 25-23-1).
 16 (6) Indiana optometry board (IC 25-24).
 17 (7) Indiana board of pharmacy (IC 25-26).
 18 (8) Board of podiatric medicine (IC 25-29-2-1).
 19 (9) Board of environmental health specialists (IC 25-32).
 20 (10) Speech-language pathology and audiology board
 21 (IC 25-35.6-2).
 22 (11) State psychology board (IC 25-33).
 23 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 24 (13) Indiana physical therapy committee (IC 25-27-1).
 25 (14) Respiratory care committee (IC 25-34.5).
 26 (15) Occupational therapy committee (IC 25-23.5).
 27 (16) Social worker, marriage and family therapist, and mental
 28 health counselor board (IC 25-23.6).
 29 (17) Physician assistant committee (IC 25-27.5).
 30 (18) Indiana athletic trainers ~~certification~~ board (IC 25-5.1-2-1).
 31 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
 32 (20) Indiana hypnotist committee (IC 25-20.5-1-7).

33 SECTION 5. IC 25-5.1-1-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. "Athletic training"
 35 means the practice of prevention, recognition, assessment,
 36 management, treatment, disposition, and reconditioning of athletic
 37 injuries under the direction of a licensed ~~team medical doctor;~~
 38 **physician**, osteopath, podiatrist, or chiropractor. **However, in a clinic**
 39 **accessible to the general public, the term means practicing athletic**
 40 **training only upon the referral and order of a licensed physician,**
 41 **osteopath, podiatrist, or chiropractor.** The term includes the
 42 following:

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1 (1) Practice that may be conducted by an athletic trainer through
 2 the use of heat, light, sound, cold, electricity, exercise,
 3 **rehabilitation**, or mechanical devices related to the care and the
 4 conditioning of athletes.

5 (2) The organization and administration of educational programs
 6 and athletic facilities.

7 (3) The education and the counseling of the public on matters
 8 related to athletic training.

9 SECTION 6. IC 25-5.1-1-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. "Board" refers to the
 11 Indiana athletic trainers ~~certification~~ board established by
 12 IC 25-5.1-2-1.

13 SECTION 7. IC 25-5.1-2-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. The Indiana athletic
 15 trainers ~~certification~~ board is established.

16 SECTION 8. IC 25-5.1-2-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. The board shall do
 18 the following:

19 (1) Organize by electing a president, vice president, and secretary.

20 (2) Adopt rules under IC 4-22-2 to do the following:

21 (A) Provide for the ~~certification~~ **licensure** of athletic trainers.

22 (B) Fix application fees, examination fees, and ~~certification~~
 23 **licensure** fees.

24 (C) Establish standards for the practice of athletic training
 25 under this article.

26 **(D) Establish standards for continuing education that**
 27 **conform with the standards of NATA.**

28 ~~(E)~~ **(E)** Otherwise implement this article.

29 (3) Prescribe the application forms to be furnished to all persons
 30 seeking to be ~~certified~~ **licensed** under this article.

31 (4) Prescribe the form and design of the ~~certificate~~ **license** to be
 32 issued under this article.

33 (5) Conduct hearings, keep records of proceedings, and do all
 34 things necessary to properly administer and enforce this article.

35 (6) Publish and make available the following upon request and for
 36 a fee not to exceed the actual cost of printing and mailing:

37 (A) Requirements for issuance of an athletic trainer's
 38 ~~certificate~~ **license** under this article.

39 (B) Rules adopted under this article.

40 (7) Maintain and make available as required by IC 4-1-6 and
 41 IC 5-14-3 a register of each ~~certified~~ **licensed** athletic trainer in
 42 Indiana, including each ~~certified~~ **licensed** athletic trainer's last

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1 known address and the expiration date and identification number
2 of the ~~certified licensed~~ athletic trainer's ~~certificate~~ **license**.

3 (8) Contract with the NATA board of certification to prepare,
4 conduct, and score NATA's current professional examination as
5 the qualifying examination for athletic trainers under this article.

6 SECTION 9. IC 25-5.1-3-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) To qualify for a
8 ~~certificate license~~ under this article, an individual must satisfy the
9 following requirements:

10 (1) Satisfactorily complete an application for ~~certification~~
11 ~~licensure~~ in accordance with the rules adopted by the board.

12 (2) Pay the application fees, examination fees, and ~~certification~~
13 ~~licensure~~ fees established by the board.

14 (3) Be a resident of **or employed in Indiana for at least ninety**
15 **(90) consecutive days before the date of application.**

16 (4) Not have been convicted of a crime that has a direct bearing
17 on the applicant's ability to practice competently as determined by
18 the board.

19 (5) Not have had disciplinary action taken against the applicant or
20 the applicant's ~~certificate license~~ by the board or by the licensing
21 agency of another state or jurisdiction by reason of the applicant's
22 inability to safely practice athletic training with those reasons for
23 discipline still being valid as determined by the board.

24 (6) Show to the satisfaction of the board that the applicant has
25 received at least a baccalaureate degree from an institution of
26 higher education that meets the academic standards for athletic
27 trainers established by NATA and described in subsection (b).

28 (7) Except to the extent that section 6 of this chapter applies,
29 successfully pass the qualifying examination adopted by the board
30 as described in IC 25-5.1-2-6(8).

31 (b) The minimum academic standards for athletic trainers ~~certified~~
32 ~~licensed~~ under this article as required under subsection (a)(6) include
33 the satisfactory completion of an academic program that includes at
34 least the following accredited courses:

35 (1) Human anatomy.

36 (2) Human physiology.

37 (3) Physiology of exercise.

38 (4) Kinesiology.

39 (5) Personal health.

40 (6) Basic athletic training.

41 (7) Advanced athletic training.

42 (8) Clinical experience as prescribed by the board.

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1 (9) Therapeutic ~~exercise and~~ modalities.

2 **(10) Rehabilitation.**

3 (c) The examination described in subsection (a)(7) shall be offered
4 two (2) times during each calendar year.

5 SECTION 10. IC 25-5.1-3-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. Except as provided
7 in section 3 of this chapter, the board shall issue a **certificate license** to
8 an individual who:

- 9 (1) meets the conditions set out in section 1 of this chapter; and
10 (2) is otherwise qualified for ~~certification~~ **licensure** under this
11 article.

12 SECTION 11. IC 25-5.1-3-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. The board may
14 refuse to issue a **certificate license** to an applicant for ~~certification~~
15 **licensure** under section 1 of this chapter if:

- 16 (1) the board determines during the application process that the
17 applicant committed an act that would have subjected the
18 applicant to disciplinary sanction under section 1(a)(5) of this
19 chapter if the applicant had been:

20 (A) certified **before July 1, 1998; or**

21 (B) **licensed after June 30, 1998;**

22 in Indiana when the act occurred; or

- 23 (2) the applicant has had a:

24 (A) certificate revoked under IC 25-1-1.1 **before July 1, 1998;**

25 **or**

26 (B) **license revoked under IC 25-1-1.1 after June 30, 1998.**

27 SECTION 12. IC 25-5.1-3-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A **certificate**
29 **license** issued by the board expires on a date established by the bureau
30 under IC 25-1-5-4 in each even-numbered year.

31 (b) An individual may renew a **certificate license** by paying a
32 renewal fee not later than the expiration date of the ~~certificate.~~ **license.**

33 (c) If an individual fails to timely pay a renewal fee as required by
34 subsection (b), the individual's **certificate license** becomes invalid
35 without any action being taken by the board.

36 SECTION 13. IC 25-5.1-3-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) Except as
38 provided in subsection (b), an individual whose **certificate license** has
39 expired may have the **certificate license** renewed for not more than
40 three (3) years after the date of expiration upon:

- 41 (1) payment of all past due fees and a penalty fee set by the board;
42 **and**

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(2) submission of proof to the board that the individual has completed the number of hours of continuing education during the expired period that are required under standards adopted under IC 25-5.1-2-6(2)(D).

(b) If an individual's ~~certificate~~ **license** has been expired for more than three (3) years, the individual must file a new application.

SECTION 14. IC 25-5.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. If an individual who applies for a ~~certificate~~ **license** under this article meets any of the following conditions, the individual may be exempted from the examination requirement under section 1(a)(7) of this chapter by action of the board:

(1) The individual is ~~certified~~ **licensed** to practice athletic training in another state if the other state's standards for ~~certification~~ **licensure** are at least equal to the standards for ~~certification~~ **licensure** in Indiana.

(2) The individual is certified by NATA and is otherwise qualified for ~~certification~~ **licensure** under this article.

(3) The individual is certified by an organization recognized by the National Commission on Competency Assurance and is otherwise qualified for ~~certification~~ **licensure** under this article.

SECTION 15. IC 25-5.1-3-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 7. This article does not prohibit the following:**

(1) The practice of an occupation or profession for which an individual is licensed, certified, or registered in Indiana by a state agency.

(2) The practice of a health care occupation or profession by an individual who is practicing within the individual's education and experience.

(3) The performance of a first aid procedure incidental to an individual's employment or volunteer duties.

(4) The performance of an emergency first aid procedure by an individual.

SECTION 16. IC 25-5.1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. An individual may not use the title "~~certified~~ **licensed** athletic trainer" unless the individual is ~~certified~~ **licensed** under this article.

SECTION 17. [EFFECTIVE JULY 1, 1998] **(a) Notwithstanding IC 25-5.1, as amended by this act, an individual who holds a valid athletic trainer's certificate on June 30, 1998, is considered to hold**

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1 a valid athletic trainer's license under IC 25-5.1, as amended by
2 this act, after June 30, 1998. The individual need not reapply for a
3 replacement license under IC 25-5.1, as amended by this act, and
4 the certificate shall be treated as a valid license issued under
5 IC 25-5.1, as amended by this act, until the certificate's expiration
6 date.
7 (b) An athletic trainer's license described in subsection (a)
8 expires on the date the athletic trainer's certificate would have
9 expired if the amendments to IC 25-5.1 by this act had not been
10 enacted.
11 (c) This SECTION expires July 1, 2000.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1102 as introduced.)

C. BROWN, Chair

Committee Vote: yeas 15, nays 0.

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