

Senate Study Bill 3141 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act relating to the boards of athletic training and physical
2 and occupational therapy, providing penalties, and including
3 transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.13, subsections 6 and 20, Code 2020,
2 are amended to read as follows:

3 6. For physical therapy and occupational therapy, the board
4 of athletic training and physical and occupational therapy.

5 20. For athletic training, the board of athletic training
6 and physical and occupational therapy.

7 Sec. 2. Section 147.14, subsection 1, paragraph j, Code
8 2020, is amended to read as follows:

9 j. For athletic training, physical therapy, and occupational
10 therapy, ~~three members~~ two members licensed to practice
11 athletic training, one member licensed to practice physical
12 therapy, two members licensed to practice occupational therapy,
13 one member licensed to practice medicine and surgery, and ~~two~~
14 members one member who are is not licensed to practice athletic
15 training, physical therapy, or occupational therapy and who
16 shall represent the general public.

17 Sec. 3. Section 147.14, subsection 1, paragraph r, Code
18 2020, is amended by striking the paragraph.

19 Sec. 4. Section 147.74, subsection 21, Code 2020, is amended
20 to read as follows:

21 21. An athletic trainer licensed under chapter ~~152D~~ 148B and
22 this chapter may use the words "licensed athletic trainer" or
23 the letters "LAT" after the person's name.

24 Sec. 5. Section 148B.1, Code 2020, is amended to read as
25 follows:

26 **148B.1 Title and purpose.**

27 This chapter may be cited and referred to as the
28 ~~"Occupational~~ "Athletic Training and Occupational Therapy
29 Practice Act".

30 The purpose of this chapter is to provide for the regulation
31 of persons offering athletic training or occupational therapy
32 services to the public in order to safeguard the public health,
33 safety and welfare.

34 Sec. 6. Section 148B.2, Code 2020, is amended by adding the
35 following new subsections:

1 NEW SUBSECTION. 01. "*Athlete*" means a person who
2 participates in a sanctioned amateur or professional sport or
3 other recreational sports activity.

4 NEW SUBSECTION. 001. "*Athletic injury*" means any of the
5 following:

6 a. An injury or illness sustained by an athlete as a
7 result of the athlete's participation in sports, games, or
8 recreational sports activities.

9 b. An injury or illness that impedes or prevents an athlete
10 from participating in sports, games, or recreational sports
11 activities.

12 NEW SUBSECTION. 0001. "*Athletic trainer*" means a person
13 licensed under this chapter to practice athletic training under
14 the direction of a licensed physician.

15 NEW SUBSECTION. 00001. "*Athletic training*" means the
16 practice of prevention, recognition, assessment, physical
17 evaluation, management, treatment, disposition, and physical
18 reconditioning of athletic injuries that are within the
19 professional preparation and education of a licensed athletic
20 trainer and under the direction of a licensed physician.
21 The term "*athletic training*" includes the organization and
22 administration of educational programs and athletic facilities,
23 and the education and counseling of the public on matters
24 relating to athletic training.

25 Sec. 7. Section 148B.2, subsection 1, Code 2020, is amended
26 to read as follows:

27 1. "*Board*" means the board of athletic training and physical
28 and occupational therapy created under [chapter 147](#).

29 Sec. 8. Section 148B.3, Code 2020, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 6. Elementary or secondary school
32 teachers, coaches, or authorized volunteers who do not hold
33 themselves out to the public as athletic trainers.

34 NEW SUBSECTION. 7. Students of athletic training who
35 practice athletic training under the supervision of a

1 licensed athletic trainer in connection with the regular
2 course of instruction at a school providing athletic training
3 instruction.

4 NEW SUBSECTION. 8. An athletic trainer who is in this state
5 temporarily with an individual or group that is participating
6 in an athletic event and who is licensed, certified, or
7 registered by another state or country, or certified as an
8 athletic trainer by the board of certification of the national
9 athletic trainers association or its successor organization.

10 Sec. 9. Section 148B.3A, Code 2020, is amended to read as
11 follows:

12 **148B.3A Referral Orders and referrals.**

13 1. Occupational therapy may be provided by an occupational
14 therapist without referral from a physician, podiatric
15 physician, dentist, or chiropractor, except that a hospital may
16 require that occupational therapy provided in the hospital be
17 performed only following prior review by and authorization of
18 the performance of the occupational therapy by a member of the
19 hospital medical staff.

20 2. The practice of physical reconditioning by an athletic
21 trainer shall be carried out under the oral or written
22 orders of a physician or physician assistant. A physician or
23 physician assistant who issues an oral order shall provide
24 the order in writing and provide a copy of the order to the
25 athletic trainer within thirty days of the oral order.

26 Sec. 10. NEW SECTION. **148B.5A Requirements for licensure —**
27 **athletic training.**

28 1. An applicant for a license to practice athletic training
29 shall:

30 a. Be a graduate of an accredited college or university
31 and comply with the minimum athletic training curriculum
32 requirements established by the board.

33 b. Have successfully completed an examination prepared or
34 selected by the board.

35 2. Application and renewal procedures, fees, and reciprocal

1 agreements shall be provided in accordance with rules adopted
2 by the board pursuant to chapter 17A.

3 Sec. 11. Section 148B.7, Code 2020, is amended to read as
4 follows:

5 **148B.7 Board of athletic training and physical and
6 occupational therapy — powers and duties.**

7 The board shall adopt rules relating to professional
8 conduct to carry out the policy of **this chapter**, including
9 but not limited to rules relating to professional licensing
10 and to the establishment of ethical standards of practice for
11 persons holding a license to practice athletic training and
12 occupational therapy in this state.

13 Sec. 12. Section 148B.8, Code 2020, is amended by adding the
14 following new subsection:

15 **NEW SUBSECTION.** 4. It is unlawful for a person to engage in
16 the practice of athletic training, provide athletic training
17 services, hold oneself out as an athletic trainer, or as being
18 able to practice athletic training in this state unless the
19 person is licensed under this chapter.

20 Sec. 13. Section 148B.9, Code 2020, is amended to read as
21 follows:

22 **148B.9 False use of titles prohibited.**

23 A person or business entity, including the employees,
24 agents, or representatives of the business entity, shall
25 not use in connection with that person or business entity's
26 business activity, the words "athletic training", "athletic
27 trainer", "licensed athletic trainer", "registered athletic
28 trainer", "occupational therapy", "occupational therapist",
29 "licensed occupational therapist", "doctor of occupational
30 therapy", "occupational therapy assistant", "licensed
31 occupational therapy assistant", or the letters "AT",
32 "AT,C", "LAT", "ATC/L", "ATC-L", "O.T.", "O.T./L.", "O.T.D.",
33 "O.T.A.", "O.T.A./L.", or any words, abbreviations, or insignia
34 indicating or implying that athletic training or occupational
35 therapy is provided or supplied unless such services are

1 provided by or under the direction and supervision of an
2 athletic trainer occupational therapist, as applicable,
3 licensed pursuant to [this chapter](#).

4 Sec. 14. NEW SECTION. **148B.10 License suspension and**
5 **revocation.**

6 A license issued by the board under the provisions of this
7 chapter may be suspended or revoked, or renewal denied by
8 the board, for violation of any provision of this chapter or
9 section 147.55, section 272C.10, or rules adopted by the board.

10 Sec. 15. NEW SECTION. **148B.11 Penalty.**

11 A person who violates a provision of this chapter is guilty
12 of a serious misdemeanor.

13 Sec. 16. Section 272.2, subsection 10, Code 2020, is amended
14 to read as follows:

15 10. Issue statements of professional recognition to
16 school service personnel who have attained a minimum of
17 a baccalaureate degree and who are licensed by another
18 professional licensing board, including but not limited to
19 athletic trainers licensed under [chapter ~~152D~~ 148B](#).

20 Sec. 17. Section 272C.1, subsection 6, paragraph aa, Code
21 2020, is amended to read as follows:

22 *aa.* The board of athletic training and physical and
23 occupational therapy in licensing athletic trainers pursuant to
24 chapter ~~152D~~ 148B.

25 Sec. 18. REPEAL. Chapter 152D, Code 2020, is repealed.

26 Sec. 19. EMERGENCY RULES. The board of physical and
27 occupational therapy, board of athletic training, and board
28 of athletic training and physical and occupational therapy
29 may adopt emergency rules under section 17A.4, subsection 3,
30 and section 17A.5, subsection 2, paragraph "b", to implement
31 the provisions of this Act and the rules shall be effective
32 immediately upon filing unless a later date is specified in the
33 rules. Any rules adopted in accordance with this section shall
34 also be published as a notice of intended action as provided
35 in section 17A.4.

1 Sec. 20. TRANSITION PROVISIONS.

2 1. a. The merger of the boards of athletic training and
3 physical and occupational therapy in this Act shall not affect
4 the appointment or any term of office of a member of either
5 board prior to the effective date of this Act. A member of
6 the board of athletic training or the board of physical and
7 occupational therapy shall continue to serve until the member's
8 term expires or the member ceases to hold office, whichever
9 first occurs.

10 b. The initial membership of the board of athletic training
11 and physical and occupational therapy shall consist of all
12 members of the boards of athletic training and physical and
13 occupational therapy serving on the effective date of this Act.

14 2. A rule adopted by the board of athletic training or
15 board of physical and occupational therapy that is in force
16 and effect immediately prior to the effective date of this Act
17 shall continue in full force and effect until the earlier of
18 the following:

19 a. The rule is amended, rescinded, or supplemented by
20 the affirmative action of the board of athletic training and
21 physical and occupational therapy.

22 b. The rule expires by its own terms.

23 3. Any license or permit issued by the board of athletic
24 training or board of physical and occupational therapy in
25 effect on the effective date of this Act shall continue in full
26 force and effect until expiration or renewal.

27 4. Any funds in any account or fund of the board of athletic
28 training or board of physical and occupational therapy shall be
29 transferred to the control of the board of athletic training
30 and physical and occupational therapy.

31 5. Any cause of action, statute of limitation, or
32 administrative action relating to or initiated by the board of
33 athletic training or board of physical and occupational therapy
34 shall not be affected as a result of this Act and shall apply to
35 the board of athletic training and physical and occupational

1 therapy.

2 6. All client and organizational files in the possession
3 of the board of athletic training or board of physical and
4 occupational therapy shall become the property of the board of
5 athletic training and physical and occupational therapy.

6 7. Any personnel in the state merit system of employment
7 who are mandatorily transferred due to the effect of this Act
8 shall be so transferred without any loss in salary, benefits,
9 or accrued years of service.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to the boards of athletic training and
14 physical and occupational therapy. The bill merges the
15 boards into the board of athletic training and physical and
16 occupational therapy under Code chapter 148B, consisting of two
17 members who are licensed athletic trainers, two members who are
18 licensed occupational therapists, one member who is a licensed
19 physical therapist, one member who is licensed to practice
20 medicine and surgery, and one member who is not licensed to
21 practice athletic training, physical therapy, or occupational
22 therapy who represents the general public.

23 The bill repeals Code chapter 152D, regulating athletic
24 training, but preserves current Code provisions regulating
25 athletic training, by transferring them to Code chapter 148B.
26 The bill allows the board of athletic training and physical
27 and occupational therapy to suspend or revoke a license or
28 deny renewal of a license, if a person violates a provision of
29 the Code chapter, a rule of the board, or for certain other
30 enumerated reasons. The bill also makes a violation of Code
31 chapter 148B a serious misdemeanor. A serious misdemeanor is
32 punishable by confinement for no more than one year and a fine
33 of at least \$315 but not more than \$1,875.

34 The bill includes transition provisions. The bill allows
35 the board of athletic training, the board of physical and

1 occupational therapy, and the board of athletic training and
2 physical and occupational therapy to adopt emergency rules
3 to implement the provisions of the bill. The membership
4 of the initial board of athletic training and physical and
5 occupational therapy shall consist of all of the members
6 currently serving on the board of athletic training and the
7 board of physical and occupational therapy, who shall serve
8 until their terms are set to expire. The bill also provides
9 other transition provisions including but not limited to the
10 transfer of property in the position of the board of athletic
11 training or the board of physical and occupational therapy to
12 the possession of the board of athletic training and physical
13 and occupational therapy.