

45:9-37.36

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 CHAPTER: 323

NJSA: 45:9-37.36 (Revises "Athletic Training Licensure Act.")

BILL NO: A3259 (Substituted for S2678)

SPONSOR(S) Caraballo and Others

DATE INTRODUCED: June 12, 2006

COMMITTEE: ASSEMBLY: Regulated Professions and Independent Authorities

 SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: June 21, 2007

 SENATE: January 7, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

A3259

[SPONSOR'S STATEMENT](#): (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY](#): [Yes](#)

[SENATE](#): [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

[FLOOR AMENDMENT STATEMENT](#): [Yes](#)

LEGISLATIVE FISCAL NOTE: No

S2678

[SPONSOR'S STATEMENT](#): (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: ASSEMBLY: No

[SENATE](#): [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH 6/5/08

P.L. 2007, CHAPTER 323, *approved January 13, 2008*
Assembly, No. 3259 (*Second Reprint*)

- 1 AN ACT concerning the licensure of athletic trainers, amending
2 P.L.1984, c.203, and repealing section 13 of P.L.1984, c.203.
3
- 4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6
- 7 1. Section 2 of P.L.1984, c.203 (C.45:9-37.36) is amended to
8 read as follows:
9 2. As used in this act:
10 a. "Advisory committee" means the Athletic Training Advisory
11 Committee established in section 5 of ¹**[this act]** P.L.1984, c.203
12 (C.45:9-37.39)¹;
13 b. **[**"Athlete" means an individual who participates in an
14 interscholastic, intercollegiate, or intramural athletic activity being
15 conducted by an educational institution licensed in this State or a
16 professional athletic activity;**]** ¹**[**(Deleted by amendment, P.L. __, c. __.)**]** "Athlete" means an individual who participates in strenuous
17 physical exercise, physical conditioning, or a sport;¹
18 c. "Athletic trainer" means a person who practices athletic
19 training **[**as an employee of a school, college, university or
20 professional team**]**;
21 d. "Athletic training" means and includes ¹**[**, at the direction of
22 a physician licensed in the State,**]**¹ the practice of **[**physical
23 conditioning and reconditioning of athletes and the prevention of
24 injuries incurred by athletes**]** ¹**[**prevention, evaluation, treatment,
25 management and rehabilitation of athletic related injuries or
26 conditions resulting from physical activity, or any comparable
27 injury preventing an individual from participating in physical
28 activities] physical conditioning and reconditioning of athletes and
29 the prevention of injuries incurred by athletes¹. Athletic training
30 shall also include ¹**[**, at the direction of a physician licensed in this
31 State,**]**¹ the application of physical treatment modalities**[,** ¹**[**and
32 therapeutic exercise techniques to individuals] to athletes under a
33 plan of care designed and overseen by a physician licensed in this
34 State,¹ as recommended by the advisory committee and defined in
35 regulation by the board**[**, to athletes**]**;
36 e. "Board" means the State Board of Medical Examiners¹;
37

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted May 10, 2007 .

²Assembly floor amendments adopted June 11, 2007.

1 f. "Supervision" means that a physician licensed in this State is
2 accessible to an athletic trainer, either on-site or through voice
3 communication, during athletic training¹.

4 (cf: P.L.1984, c.203, s.2)

5
6 ¹2. Section 3 of P.L.1984, c.203 (C.45:9-37.37) is amended to
7 read as follows:

8 3. a. No person shall practice or hold himself out as being able
9 to practice athletic training in this State unless licensed in
10 accordance with the provisions of **[this act]** P.L.1984, c.203
11 (C.45:9-37.35 et seq.).

12 b. A licensed athletic trainer may provide athletic training only:

13 (1) (a) to athletes engaged in interscholastic, intercollegiate, or
14 intramural athletic activities which are being conducted by an
15 educational institution licensed in this State; or (b) to professional
16 athletes; or

17 (2) to athletes in any setting when the athletic trainer is under the
18 supervision of a physician licensed in this State.

19 ²c. An athletic trainer shall immediately refer an athlete to an
20 appropriate health care professional licensed in this State if the
21 athletic trainer has reasonable cause to believe that athletic training
22 is contraindicated or symptoms or conditions are present that
23 require services outside the scope of an athletic trainer's practice.²

24 (cf: P.L.2001, c.156, s.2)¹

25
26 ¹**[2.] 3.**¹ Section 5 of P.L.1984, c.203 (C.45:9-37.39) is
27 amended to read as follows:

28 5. There is created in the Division of Consumer Affairs of the
29 Department of Law and Public Safety, under the State Board of
30 Medical Examiners, an Athletic Training Advisory Committee. The
31 committee shall consist of **[six]** seven members, three of whom
32 shall be licensed athletic trainers of this State having at least five
33 years experience in the practice of athletic training in this State
34 immediately prior to appointment and one of whom shall be a
35 licensed athletic trainer of this State having at least five years
36 experience in the practice of athletic training in a secondary school
37 in this State immediately prior to appointment. One member of the
38 advisory committee shall be a representative of the Department of
39 Education **[and]**, one member shall be a physician licensed in this
40 State and one member shall be a representative of the general
41 public. The members of the committee shall be appointed by the
42 Governor, with the advice and consent of the Senate, for terms of
43 three years, except in making the initial appointments the Governor
44 shall designate two members to serve three years, two members to
45 serve two years, and two members to serve one year. In the event
46 of death, incapacity, resignation or removal of any member, the
47 vacancy shall be filled for the unexpired portion of the term in the
48 same manner as the original appointment. Each member shall hold

1 office after the expiration of the term until a successor shall be
2 appointed and qualified. The committee shall meet at least twice a
3 year and shall also meet upon the call of the board or Attorney
4 General. The committee shall carry out the responsibilities
5 assigned to it under this act and any other matter the board may
6 require. The Attorney General shall provide the committee with
7 facilities and personnel required for the proper conduct of its
8 business. The board, with the approval of the Attorney General,
9 may authorize reimbursement of the members of the committee for
10 their actual expenses incurred in connection with the performance
11 of their duties as members of the committee.

12 The licensure requirements of this section shall only apply to
13 athletic trainers who are appointed to the committee after the
14 effective date of P.L.2001, c.156.
15 (cf: P.L.2001, c.156, s.3)

16

17 '[3.] 4.' Section 6 of P.L.1984, c.203 (C.45:9-37.40) is
18 amended to read as follows:

19 6. a. Beginning on the effective date of P.L.2001, c.156, it
20 shall be unlawful for any person, other than an athletic trainer
21 **[registered] licensed** pursuant to P.L.1984, c.203 (C.45:9-37.35 et
22 seq.) **[whose biennial registration has not expired,]** to practice
23 athletic training in this State unless licensed in accordance with the
24 provisions of this act. Nothing in this act, however, shall prohibit
25 any person licensed to practice in this State under any other law
26 from engaging in the practice for which he is licensed.

27 b. This act shall not prohibit: a candidate for licensure as an
28 athletic trainer from accumulating the mandated number of hours of
29 supervised clinical experience under the direction of a licensed
30 athletic trainer; a student enrolled in a school or educational
31 program of athletic training approved by the board from performing
32 acts of athletic training incidental to the course of study, if the
33 performance is under the direction of a licensed athletic trainer; a
34 student in any educational program in the healing arts approved or
35 accredited under the laws of this State from carrying out prescribed
36 courses of study; a person employed by any agency, bureau or
37 division of the federal government from discharging his official
38 duties; or a person in connection with employment as an athletic
39 trainer by a nonresident athlete, educational institution or
40 recognized athletic organization temporarily visiting in this State,
41 from practicing athletic training for a period not to exceed 90 days
42 in one calendar year provided he is lawfully permitted to work as an
43 athletic trainer in the state of residence of his employer.

44 c. The provisions of this act are not intended to limit the
45 activities of persons legitimately engaged in the administration of
46 nontherapeutic baths, massage and normal exercise.

47 (cf: P.L.2001, c.156, s.4)

1 '【4.】 5.' Section 9 of P.L.1984, c.203 (C.45:9-37.43) is
2 amended to read as follows:

3 9. An applicant who complies with the qualifications for
4 licensure shall successfully complete the examination administered
5 by the National Athletic Trainers' Association Board of
6 Certification, Inc., its successor organization, or a substantially
7 equivalent examination approved by the board. The examination
8 shall test the applicant's knowledge of the basic and clinical
9 sciences that are pertinent to athletic training, emergency care of the
10 injured **【athlete】** individual and principles of injury evaluation and
11 conditioning, including the use of various physical modalities and
12 exercise techniques. The examination shall be administered within
13 the State no less than once each year at a time and place the board
14 shall designate.

15 (cf: P.L.2001, c.156, s.6)

16

17 '【5.】 6.' Section 11 of P.L.1984, c.203 (C.45:9-37.45) is
18 amended to read as follows:

19 11. On payment to the board of the application fee as provided
20 in section 14 of this act, and upon approval of a written application
21 or application for renewal, as the case may be, on forms provided
22 by the board, the board shall issue, without examination, a license
23 to any person who:

24 a. (Deleted by amendment, P.L.2001, c.156).

25 b. Is licensed, certified or registered as an athletic trainer in
26 any other state or territory of the United States or the District of
27 Columbia, if the requirements for licensure, certification or
28 registration were at the time of the applicant's licensure,
29 certification or registration equivalent to or in excess of the
30 requirements of this act at the date of application for the license as
31 shall be determined by the board in consultation with the
32 committee; or

33 c. Is employed in or is a resident of this State and presents
34 evidence of being certified by the National Athletic Trainers
35 Association Board of Certification, Inc., or its successor
36 organization, as an athletic trainer; or

37 d. Is **【registered】** licensed as an athletic trainer pursuant to the
38 provisions of P.L.1984, c.203 (C.45:9-37.35 et seq.) and makes a
39 timely application for renewal, as determined by the board, prior to
40 the expiration of his biennial **【registration】** license.

41 (cf: P.L.2001, c.156, s.8)

42

43 '【6.】 7.' Section 12 of P.L.1984, c.203 (C.45:9-37.46) is
44 amended to read as follows:

45 12. No person shall use the words "athletic trainer" or "licensed
46 athletic trainer" or the letters "AT" or "LAT" unless licensed
47 pursuant to this act.

48 (cf: P.L.2001, c.156, s.9)

1 '【7.】 8.' Section 14 of P.L.1984, c.203 (C.45:9-37.48) is
2 amended to read as follows:

3 14. Each initial application under this act shall be accompanied
4 by a fee as prescribed by the board. Licensure shall expire
5 biennially on January 31 and shall be renewed upon application and
6 payment of a fee as prescribed by the board. If the fee is not paid
7 by that date the license shall automatically expire. A license which
8 has expired may, within three years of its expiration date, be
9 renewed on payment to the board of the prescribed reinstatement
10 fee for each year or part thereof during which the license was
11 ineffective and a restoration fee as prescribed by the board. After
12 the three year period, the license may be renewed only by
13 complying with the provisions of this act regarding initial licensure
14 and presenting proof of current certification by the National
15 Athletic Trainers Association Board of Certification or its successor
16 organization.

17 (cf: P.L.2001, c.156, s.11)

18

19 '【8.】 9.' Section 13 of P.L.1984, c.203 (C.45:9-37.47) is
20 repealed.

21

22 '【9.】 10.' This act shall take effect on the 90th day after
23 enactment.

24

25

26

27

28 _____

Revises "Athletic Training Licensure Act."

ASSEMBLY, No. 3259

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Revises "Athletic Training Licensure Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2006)

A3259 CARABALLO, BIONDI

2

1 AN ACT concerning the licensure of athletic trainers, amending P.L.
2 1984, c.203, and repealing section 13 of P.L.1984, c.203.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1984, c.203 (C.45:9-37.36) is amended to
8 read as follows:

9 2. As used in this act:

10 a. "Advisory committee" means the Athletic Training Advisory
11 Committee established in section 5 of this act;

12 b. **["Athlete"** means an individual who participates in an
13 interscholastic, intercollegiate, or intramural athletic activity being
14 conducted by an educational institution licensed in this State or a
15 professional athletic activity;] (Deleted by amendment, P.L. , c. .)

16 c. "Athletic trainer" means a person who practices athletic
17 training **[as an employee of a school, college, university or**
18 **professional team];**

19 d. "Athletic training" means and includes, at the direction of a
20 physician licensed in the State, the practice of **[physical**
21 **conditioning and reconditioning of athletes and the prevention of**
22 **injuries incurred by athletes]** prevention, evaluation, treatment,
23 management and rehabilitation of athletic related injuries or
24 conditions resulting from physical activity, or any comparable
25 injury preventing an individual from participating in physical
26 activities. Athletic training shall also include, at the direction of a
27 physician licensed in this State, the application of physical
28 treatment modalities**[,]** and therapeutic exercise techniques to
29 individuals as recommended by the advisory committee and defined
30 in regulation by the board**[, to athletes];**

31 e. "Board" means the State Board of Medical Examiners.

32 (cf: P.L.1984, c. 203, s. 2)

33

34 2. Section 5 of 1984, c.203 (C.45:9-37.39) is amended to read as
35 follows:

36 5. There is created in the Division of Consumer Affairs of the
37 Department of Law and Public Safety, under the State Board of
38 Medical Examiners, an Athletic Training Advisory Committee. The
39 committee shall consist of **[six]** seven members, three of whom
40 shall be licensed athletic trainers of this State having at least five
41 years experience in the practice of athletic training in this State
42 immediately prior to appointment and one of whom shall be a
43 licensed athletic trainer of this State having at least five years
44 experience in the practice of athletic training in a secondary school

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in this State immediately prior to appointment. One member of the
2 advisory committee shall be a representative of the Department of
3 Education **[and]**, one member shall be a physician licensed in this
4 State and one member shall be a representative of the general
5 public. The members of the committee shall be appointed by the
6 Governor, with the advice and consent of the Senate, for terms of
7 three years, except in making the initial appointments the Governor
8 shall designate two members to serve three years, two members to
9 serve two years, and two members to serve one year. In the event
10 of death, incapacity, resignation or removal of any member, the
11 vacancy shall be filled for the unexpired portion of the term in the
12 same manner as the original appointment. Each member shall hold
13 office after the expiration of the term until a successor shall be
14 appointed and qualified. The committee shall meet at least twice a
15 year and shall also meet upon the call of the board or Attorney
16 General. The committee shall carry out the responsibilities
17 assigned to it under this act and any other matter the board may
18 require. The Attorney General shall provide the committee with
19 facilities and personnel required for the proper conduct of its
20 business. The board, with the approval of the Attorney General,
21 may authorize reimbursement of the members of the committee for
22 their actual expenses incurred in connection with the performance
23 of their duties as members of the committee.

24 The licensure requirements of this section shall only apply to
25 athletic trainers who are appointed to the committee after the
26 effective date of P.L.2001, c.156.

27 (cf: P.L.2001, c.156, s.3)

28

29 3. Section 6 of P.L.1984, c.203 (C.45:9-37.40) is amended to
30 read as follows:

31 6. a. Beginning on the effective date of P.L.2001, c.156, it shall
32 be unlawful for any person, other than an athletic trainer
33 **[registered]** licensed pursuant to P.L.1984, c.203 (C.45:9-37.35 et
34 seq.) **[whose biennial registration has not expired,]** to practice
35 athletic training in this State unless licensed in accordance with the
36 provisions of this act. Nothing in this act, however, shall prohibit
37 any person licensed to practice in this State under any other law
38 from engaging in the practice for which he is licensed.

39 b. This act shall not prohibit: a candidate for licensure as an
40 athletic trainer from accumulating the mandated number of hours of
41 supervised clinical experience under the direction of a licensed
42 athletic trainer; a student enrolled in a school or educational
43 program of athletic training approved by the board from performing
44 acts of athletic training incidental to the course of study, if the
45 performance is under the direction of a licensed athletic trainer; a
46 student in any educational program in the healing arts approved or
47 accredited under the laws of this State from carrying out prescribed
48 courses of study; a person employed by any agency, bureau or

1 division of the federal government from discharging his official
2 duties; or a person in connection with employment as an athletic
3 trainer by a nonresident athlete, educational institution or
4 recognized athletic organization temporarily visiting in this State,
5 from practicing athletic training for a period not to exceed 90 days
6 in one calendar year provided he is lawfully permitted to work as an
7 athletic trainer in the state of residence of his employer.

8 c. The provisions of this act are not intended to limit the
9 activities of persons legitimately engaged in the administration of
10 nontherapeutic baths, massage and normal exercise.

11 (cf: P.L.2001, c.156, s.4)

12

13 4. Section 9 of P.L.1984, c.203 (C.45:9-37.43) is amended to
14 read as follows:

15 9. An applicant who complies with the qualifications for
16 licensure shall successfully complete the examination administered
17 by the National Athletic Trainers' Association Board of
18 Certification, Inc., its successor organization, or a substantially
19 equivalent examination approved by the board. The examination
20 shall test the applicant's knowledge of the basic and clinical
21 sciences that are pertinent to athletic training, emergency care of the
22 injured **[athlete]** individual and principles of injury evaluation and
23 conditioning, including the use of various physical modalities and
24 exercise techniques. The examination shall be administered within
25 the State no less than once each year at a time and place the board
26 shall designate.

27 (cf: P.L.2001, c.156, s.6)

28

29 5. Section 11 of 1984, c.203 (C.45:9-37.45) is amended to read
30 as follows:

31 11. On payment to the board of the application fee as provided
32 in section 14 of this act, and upon approval of a written application
33 or application for renewal, as the case may be, on forms provided
34 by the board, the board shall issue, without examination, a license
35 to any person who:

36 a. (Deleted by amendment, P.L.2001, c.156).

37 b. Is licensed, certified or registered as an athletic trainer in any
38 other state or territory of the United States or the District of
39 Columbia, if the requirements for licensure, certification or
40 registration were at the time of the applicant's licensure,
41 certification or registration equivalent to or in excess of the
42 requirements of this act at the date of application for the license as
43 shall be determined by the board in consultation with the
44 committee; or

45 c. Is employed in or is a resident of this State and presents
46 evidence of being certified by the National Athletic Trainers
47 Association Board of Certification, Inc., or its successor
48 organization, as an athletic trainer; or

1 d. Is **registered** licensed as an athletic trainer pursuant to the
2 provisions of P.L.1984, c.203 (C.45:9-37.35 et seq.) and makes a
3 timely application for renewal, as determined by the board, prior to
4 the expiration of his biennial **registration** license.

5 (cf: P.L.2001, c.156, s.8)

6
7 6. Section 12 of P.L.1984, c.203 (C.45:9-37.46) is amended to
8 read as follows:

9 12. No person shall use the words "athletic trainer" or "licensed
10 athletic trainer" or the letters "AT" or "LAT" unless licensed
11 pursuant to this act.

12 (cf: P.L.2001, c.156, s.9)

13
14 7. Section 14 of P.L.1984, c.203 (C.45:9-37.48) is amended to
15 read as follows:

16 14. Each initial application under this act shall be accompanied
17 by a fee as prescribed by the board. Licensure shall expire
18 biennially on January 31 and shall be renewed upon application and
19 payment of a fee as prescribed by the board. If the fee is not paid
20 by that date the license shall automatically expire. A license which
21 has expired may, within three years of its expiration date, be
22 renewed on payment to the board of the prescribed reinstatement
23 fee for each year or part thereof during which the license was
24 ineffective and a restoration fee as prescribed by the board. After
25 the three year period, the license may be renewed only by
26 complying with the provisions of this act regarding initial licensure
27 and presenting proof of current certification by the National
28 Athletic Trainers Association Board of Certification or its successor
29 organization.

30 (cf: 2001, c.156, s.11)

31
32 8. Section 13 of P.L.1984, c.203 (C.45:9-37.47) is repealed.

33
34 9. This act shall take effect on the 90th day after enactment.

35
36
37 STATEMENT

38
39 This bill revises the "Athletic Training Licensure Act," by
40 expanding the definition of "athletic training" to include the
41 practice of prevention, evaluation, treatment, management and
42 rehabilitation of athletic related injuries or conditions resulting from
43 physical activity, or any comparable injury preventing an individual
44 from participating in physical activities. The bill also expands the
45 membership of the Athletic Training Advisory Committee from six
46 to seven members to include a representative of the general public.

A3259 CARABALLO, BIONDI

6

1 The bill repeals section 13 of P.L.1984, c.203 (C.45:9-37.47),
2 which currently permits the State Board of Medical Examiners to
3 issue a temporary athletic training license to licensure applicants.

4 The bill does not alter the current requirements for licensure
5 providing that an applicant for licensure as an athletic trainer must
6 submit evidence to the State Board of Medical Examiners that the
7 applicant: 1) is 18 years of age or older; 2) is of good moral
8 character; 3) is a graduate from a high school approved by the
9 Department of Education or has obtained equivalent education
10 acceptable to the board; and 4) has met the athletic training
11 curriculum requirements of a college or university approved by the
12 board and provides proof of graduation or has successfully
13 completed a program of baccalaureate education and training and
14 experience approved by the board and provide proof of its
15 completion.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3259

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Assembly Regulated Professions and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3259.

As amended, this bill revises the "Athletic Training Licensure Act," by amending the definition of "athlete" to include an individual who participates in strenuous physical exercise, physical conditioning, or a sport.

The bill also sets parameters on when a licensed athletic trainer may provide athletic training. The bill provides that a licensed athletic trainer may provide athletic training only: 1) to athletes engaged in interscholastic, intercollegiate, or intramural athletic activities which are being conducted by an educational institution licensed in this State; or to professional athletes; or 2) to athletes in any setting when the athletic trainer is under the supervision of a physician licensed in this State. The bill also adds a definition of "supervision," relative to this setting which means that a physician licensed in this State must be accessible to an athletic trainer, either on-site or through voice communication during athletic training.

The bill also expands the membership of the Athletic Training Advisory Committee from six to seven members to include a representative of the general public.

The bill repeals section 13 of P.L.1984, c.203 (C.45:9-37.47), which currently permits the State Board of Medical Examiners to issue a temporary athletic training license to licensure applicants.

The bill does not alter the current requirements for licensure, providing that an applicant for licensure as an athletic trainer must submit evidence to the State Board of Medical Examiners that the applicant: 1) is 18 years of age or older; 2) is of good moral character; 3) is a graduate from a high school approved by the Department of Education or has obtained equivalent education acceptable to the board; and 4) has met the athletic training curriculum requirements of a college or university approved by the board and provides proof of graduation or has successfully completed

a program of baccalaureate education and training and experience approved by the board and provide proof of its completion.

COMMITTEE AMENDMENTS

The committee amended the bill to include definitions of “athlete” and “supervision.” The original definition of athlete under the existing law was deleted by the original bill. The committee amended the bill to add a new definition of athlete. The committee also amended the existing definitions of “athletic trainer,” to conform with the revised definition of “athlete;” and “athletic training,” to clarify that physical treatment modalities may only be applied under a plan of care designed and overseen by a licensed physician.

The committee also amended the bill to set parameters on when a licensed athletic trainer may provide athletic training. The amended bill provides that a licensed athletic trainer may provide athletic training only: 1) to athletes engaged in interscholastic, intercollegiate, or intramural athletic activities which are being conducted by an educational institution licensed in this State; or to professional athletes; or 2) to athletes in any setting when the athletic trainer is under the supervision of a physician licensed in this State.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3259

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Commerce Committee reports favorably Assembly Bill No. 3259 (2R).

This bill revises the "Athletic Training Licensure Act," by amending the definition of "athlete" to mean an individual who participates in strenuous physical exercise, physical conditioning, or a sport.

The bill also sets parameters on when a licensed athletic trainer may provide athletic training. The bill provides that a licensed athletic trainer may provide athletic training only: 1) to athletes engaged in interscholastic, intercollegiate, or intramural athletic activities which are being conducted by an educational institution licensed in this State; or to professional athletes; or 2) to athletes in any setting when the athletic trainer is under the supervision of a physician licensed in this State. The bill also adds a definition of "supervision," relative to this setting which means that a physician licensed in this State must be accessible to an athletic trainer, either on-site or through voice communication during athletic training.

The bill also expands the membership of the Athletic Training Advisory Committee from six to seven members to include a representative of the general public.

The bill repeals section 13 of P.L.1984, c.203 (C.45:9-37.47), which currently permits the State Board of Medical Examiners to issue a temporary athletic training license to licensure applicants.

The bill does not alter the current requirements for licensure, providing that an applicant for licensure as an athletic trainer must submit evidence to the State Board of Medical Examiners that the applicant: 1) is 18 years of age or older; 2) is of good moral character; 3) is a graduate from a high school approved by the Department of Education or has obtained equivalent education acceptable to the board; and 4) has met the athletic training curriculum requirements of a college or university approved by the board and provides proof of graduation or has successfully completed a program of baccalaureate education and training and experience approved by the board and provide proof of its completion.

Finally, the bill provides that an athletic trainer must immediately refer an athlete to an appropriate health care professional licensed in this State if the athletic trainer has reasonable cause to believe that athletic training is contraindicated or there are symptoms or conditions present that require services outside the scope of an athletic trainer's practice.

This bill is identical to Senate Bill No. 2678 (1R), as amended and reported by the committee today.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3259

with Assembly Floor Amendments
(Proposed By Assemblyman CARABALLO)

ADOPTED: JUNE 11, 2007

This Assembly amendment provides that an athletic trainer must immediately refer an athlete to an appropriate health care professional licensed in this State if the athletic trainer has reasonable cause to believe that athletic training is contraindicated or there are symptoms or conditions present that require services outside the scope of an athletic trainer's practice.

SENATE, No. 2678

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 14, 2007

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator GERALD CARDINALE

District 39 (Bergen)

SYNOPSIS

Revises "Athletic Training Licensure Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/22/2007)

1 AN ACT concerning the licensure of athletic trainers, amending P.L.
2 1984, c.203, and repealing section 13 of P.L.1984, c.203.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1984, c.203 (C.45:9-37.36) is amended to
8 read as follows:

9 2. As used in this act:

10 a. "Advisory committee" means the Athletic Training Advisory
11 Committee established in section 5 of this act;

12 b. **["Athlete"** means an individual who participates in an
13 interscholastic, intercollegiate, or intramural athletic activity being
14 conducted by an educational institution licensed in this State or a
15 professional athletic activity;] (Deleted by amendment, P.L. , c. .)

16 c. "Athletic trainer" means a person who practices athletic
17 training **[as an employee of a school, college, university or**
18 **professional team];**

19 d. "Athletic training" means and includes, at the direction of a
20 physician licensed in the State, the practice of **[physical**
21 **conditioning and reconditioning of athletes and the prevention of**
22 **injuries incurred by athletes]** prevention, evaluation, treatment,
23 management and rehabilitation of athletic related injuries or
24 conditions resulting from physical activity, or any comparable
25 injury preventing an individual from participating in physical
26 activities. Athletic training shall also include, at the direction of a
27 physician licensed in this State, the application of physical
28 treatment modalities**[,]** and therapeutic exercise techniques to
29 individuals as recommended by the advisory committee and defined
30 in regulation by the board**[, to athletes];**

31 e. "Board" means the State Board of Medical Examiners.

32 (cf: P.L.1984, c.203, s.2)

33

34 2. Section 5 of 1984, c.203 (C.45:9-37.39) is amended to read as
35 follows:

36 5. There is created in the Division of Consumer Affairs of the
37 Department of Law and Public Safety, under the State Board of
38 Medical Examiners, an Athletic Training Advisory Committee. The
39 committee shall consist of **[six]** seven members, three of whom
40 shall be licensed athletic trainers of this State having at least five
41 years experience in the practice of athletic training in this State
42 immediately prior to appointment and one of whom shall be a
43 licensed athletic trainer of this State having at least five years
44 experience in the practice of athletic training in a secondary school

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 in this State immediately prior to appointment. One member of the
2 advisory committee shall be a representative of the Department of
3 Education **[and]**, one member shall be a physician licensed in this
4 State and one member shall be a representative of the general
5 public. The members of the committee shall be appointed by the
6 Governor, with the advice and consent of the Senate, for terms of
7 three years, except in making the initial appointments the Governor
8 shall designate two members to serve three years, two members to
9 serve two years, and two members to serve one year. In the event
10 of death, incapacity, resignation or removal of any member, the
11 vacancy shall be filled for the unexpired portion of the term in the
12 same manner as the original appointment. Each member shall hold
13 office after the expiration of the term until a successor shall be
14 appointed and qualified. The committee shall meet at least twice a
15 year and shall also meet upon the call of the board or Attorney
16 General. The committee shall carry out the responsibilities
17 assigned to it under this act and any other matter the board may
18 require. The Attorney General shall provide the committee with
19 facilities and personnel required for the proper conduct of its
20 business. The board, with the approval of the Attorney General,
21 may authorize reimbursement of the members of the committee for
22 their actual expenses incurred in connection with the performance
23 of their duties as members of the committee.

24 The licensure requirements of this section shall only apply to
25 athletic trainers who are appointed to the committee after the
26 effective date of P.L.2001, c.156.

27 (cf: P.L.2001, c.156, s.3)

28

29 3. Section 6 of P.L.1984, c.203 (C.45:9-37.40) is amended to
30 read as follows:

31 6. a. Beginning on the effective date of P.L.2001, c.156, it shall
32 be unlawful for any person, other than an athletic trainer
33 **[registered]** licensed pursuant to P.L.1984, c.203 (C.45:9-37.35 et
34 seq.) **[whose biennial registration has not expired,]** to practice
35 athletic training in this State unless licensed in accordance with the
36 provisions of this act. Nothing in this act, however, shall prohibit
37 any person licensed to practice in this State under any other law
38 from engaging in the practice for which he is licensed.

39 b. This act shall not prohibit: a candidate for licensure as an
40 athletic trainer from accumulating the mandated number of hours of
41 supervised clinical experience under the direction of a licensed
42 athletic trainer; a student enrolled in a school or educational
43 program of athletic training approved by the board from performing
44 acts of athletic training incidental to the course of study, if the
45 performance is under the direction of a licensed athletic trainer; a
46 student in any educational program in the healing arts approved or
47 accredited under the laws of this State from carrying out prescribed
48 courses of study; a person employed by any agency, bureau or

1 division of the federal government from discharging his official
2 duties; or a person in connection with employment as an athletic
3 trainer by a nonresident athlete, educational institution or
4 recognized athletic organization temporarily visiting in this State,
5 from practicing athletic training for a period not to exceed 90 days
6 in one calendar year provided he is lawfully permitted to work as an
7 athletic trainer in the state of residence of his employer.

8 c. The provisions of this act are not intended to limit the
9 activities of persons legitimately engaged in the administration of
10 nontherapeutic baths, massage and normal exercise.

11 (cf: P.L.2001, c.156, s.4)

12

13 4. Section 9 of P.L.1984, c.203 (C.45:9-37.43) is amended to
14 read as follows:

15 9. An applicant who complies with the qualifications for
16 licensure shall successfully complete the examination administered
17 by the National Athletic Trainers' Association Board of
18 Certification, Inc., its successor organization, or a substantially
19 equivalent examination approved by the board. The examination
20 shall test the applicant's knowledge of the basic and clinical
21 sciences that are pertinent to athletic training, emergency care of the
22 injured **[athlete]** individual and principles of injury evaluation and
23 conditioning, including the use of various physical modalities and
24 exercise techniques. The examination shall be administered within
25 the State no less than once each year at a time and place the board
26 shall designate.

27 (cf: P.L.2001, c.156, s.6)

28

29 5. Section 11 of 1984, c.203 (C.45:9-37.45) is amended to read
30 as follows:

31 11. On payment to the board of the application fee as provided
32 in section 14 of this act, and upon approval of a written application
33 or application for renewal, as the case may be, on forms provided
34 by the board, the board shall issue, without examination, a license
35 to any person who:

36 a. (Deleted by amendment, P.L.2001, c.156).

37 b. Is licensed, certified or registered as an athletic trainer in any
38 other state or territory of the United States or the District of
39 Columbia, if the requirements for licensure, certification or
40 registration were at the time of the applicant's licensure,
41 certification or registration equivalent to or in excess of the
42 requirements of this act at the date of application for the license as
43 shall be determined by the board in consultation with the
44 committee; or

45 c. Is employed in or is a resident of this State and presents
46 evidence of being certified by the National Athletic Trainers
47 Association Board of Certification, Inc., or its successor
48 organization, as an athletic trainer; or

1 d. Is **[registered]** licensed as an athletic trainer pursuant to the
2 provisions of P.L.1984, c.203 (C.45:9-37.35 et seq.) and makes a
3 timely application for renewal, as determined by the board, prior to
4 the expiration of his biennial **[registration]** license.

5 (cf: P.L.2001, c.156, s.8)

6
7 6. Section 12 of P.L.1984, c.203 (C.45:9-37.46) is amended to
8 read as follows:

9 12. No person shall use the words "athletic trainer" or "licensed
10 athletic trainer" or the letters "AT" or "LAT" unless licensed
11 pursuant to this act.

12 (cf: P.L.2001, c.156, s.9)

13
14 7. Section 14 of P.L.1984, c.203 (C.45:9-37.48) is amended to
15 read as follows:

16 14. Each initial application under this act shall be accompanied
17 by a fee as prescribed by the board. Licensure shall expire
18 biennially on January 31 and shall be renewed upon application and
19 payment of a fee as prescribed by the board. If the fee is not paid
20 by that date the license shall automatically expire. A license which
21 has expired may, within three years of its expiration date, be
22 renewed on payment to the board of the prescribed reinstatement
23 fee for each year or part thereof during which the license was
24 ineffective and a restoration fee as prescribed by the board. After
25 the three year period, the license may be renewed only by
26 complying with the provisions of this act regarding initial licensure
27 and presenting proof of current certification by the National
28 Athletic Trainers Association Board of Certification or its successor
29 organization.

30 (cf: 2001, c.156, s.11)

31
32 8. Section 13 of P.L.1984, c.203 (C.45:9-37.47) is repealed.

33
34 9. This act shall take effect on the 90th day after enactment.

35
36
37 STATEMENT

38
39 This bill revises the "Athletic Training Licensure Act," by
40 expanding the definition of "athletic training" to include the
41 practice of prevention, evaluation, treatment, management and
42 rehabilitation of athletic related injuries or conditions resulting from
43 physical activity, or any comparable injury preventing an individual
44 from participating in physical activities. The bill also expands the
45 membership of the Athletic Training Advisory Committee from six
46 to seven members to include a representative of the general public.

S2678 LESNIAK, CARDINALE

6

1 The bill repeals section 13 of P.L.1984, c.203 (C.45:9-37.47),
2 which currently permits the State Board of Medical Examiners to
3 issue a temporary athletic training license to licensure applicants.

4 The bill does not alter the current requirements for licensure
5 providing that an applicant for licensure as an athletic trainer must
6 submit evidence to the State Board of Medical Examiners that the
7 applicant: 1) is 18 years of age or older; 2) is of good moral
8 character; 3) is a graduate from a high school approved by the
9 Department of Education or has obtained equivalent education
10 acceptable to the board; and 4) has met the athletic training
11 curriculum requirements of a college or university approved by the
12 board and provides proof of graduation or has successfully
13 completed a program of baccalaureate education and training and
14 experience approved by the board and provide proof of its
15 completion.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2678

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2678.

As amended, the bill revises the "Athletic Training Licensure Act," by amending the definition of "athlete" to mean an individual who participates in strenuous physical exercise, physical conditioning, or a sport.

The bill also sets parameters on when a licensed athletic trainer may provide athletic training. The bill provides that a licensed athletic trainer may provide athletic training only: 1) to athletes engaged in interscholastic, intercollegiate, or intramural athletic activities which are being conducted by an educational institution licensed in this State; or to professional athletes; or 2) to athletes in any setting when the athletic trainer is under the supervision of a physician licensed in this State. The bill also adds a definition of "supervision," relative to this setting which means that a physician licensed in this State must be accessible to an athletic trainer, either on-site or through voice communication during athletic training.

The bill also expands the membership of the Athletic Training Advisory Committee from six to seven members to include a representative of the general public.

The bill repeals section 13 of P.L.1984, c.203 (C.45:9-37.47), which currently permits the State Board of Medical Examiners to issue a temporary athletic training license to licensure applicants.

The bill does not alter the current requirements for licensure, providing that an applicant for licensure as an athletic trainer must submit evidence to the State Board of Medical Examiners that the applicant: 1) is 18 years of age or older; 2) is of good moral character; 3) is a graduate from a high school approved by the Department of Education or has obtained equivalent education acceptable to the board; and 4) has met the athletic training curriculum requirements of a college or university approved by the board and provides proof of graduation or has successfully completed a program of baccalaureate education and training and experience approved by the board and provide proof of its completion.

Finally, the bill provides that an athletic trainer must immediately refer an athlete to an appropriate health care professional licensed in this State if the athletic trainer has reasonable cause to believe that athletic training is contraindicated or there are symptoms or conditions present that require services outside the scope of an athletic trainer's practice.

As amended this bill is identical to Assembly Bill No. 3259 (2R), also reported by the committee today.