

Senate Engrossed

~~appropriation; Warner Street bridge~~  
(now: dry needling; athletic trainers)

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1398

AN ACT

AMENDING SECTIONS 32-4101 AND 32-4153, ARIZONA REVISED STATUTES; RELATING  
TO ATHLETIC TRAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-4101, Arizona Revised Statutes, is amended to  
3 read:

4 32-4101. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Athletic illness" means an illness that arises from, or a  
7 manifestation of an illness that occurs as a result of, a person's  
8 participation in or preparation for games or sports or participation in  
9 recreational activities or physical fitness activities.

10 2. "Athletic injury" means an injury sustained by a person as a  
11 result of that person's participation in or preparation for games or  
12 sports or participation in recreational activities or physical fitness  
13 activities, or any injury sustained by a person that is of the type that  
14 occurs during participation in or preparation for games or sports or  
15 participation in recreational activities or physical fitness activities,  
16 regardless of the circumstances under which the injury was sustained.

17 3. "Athletic trainer" means a person who is licensed pursuant to  
18 this chapter.

19 4. "Athletic training" includes the following performed under the  
20 direction of a licensed physician and for which the athletic trainer has  
21 received appropriate education and training as prescribed by the board:

22 (a) The prevention, recognition, examination, evaluation,  
23 rehabilitation and management of athletic injuries.

24 (b) The prevention, evaluation, immediate care and monitoring of  
25 athletic illnesses.

26 (c) The referral of a person receiving athletic training services  
27 to appropriate health care professionals, as necessary.

28 (d) The use of heat, cold, water, light, sound, electricity,  
29 passive or active exercise, massage, mechanical devices or any other  
30 therapeutic modality to prevent, treat, rehabilitate or recondition  
31 athletic injuries.

32 (e) The planning, administration, evaluation, and modification of  
33 methods for prevention and risk management of athletic injuries and  
34 athletic illnesses.

35 (f) Education and counseling related to all aspects of the practice  
36 of athletic training.

37 (g) The use of topical pharmacological agents in conjunction with  
38 the administration of therapeutic modalities and pursuant to a  
39 prescription issued pursuant to the laws of this state and for which an  
40 athletic trainer has received appropriate education and training.

41 5. "Athletic training student" means a student who is currently  
42 enrolled in an athletic training education program that is accredited by  
43 an accrediting agency recognized by the board.

44 6. "Board" means the board of athletic training.

1           7. "Direct supervision" means that the supervising athletic trainer  
2 is present in the facility or on the campus where athletic training  
3 students are performing services, is immediately available to assist the  
4 person being supervised in the services being performed and maintains  
5 continued involvement in appropriate aspects of the services being  
6 performed.

7           8. "Direction of a licensed physician" means direction as  
8 prescribed by the board by rule pursuant to section 32-4103.

9           9. "DRY NEEDLING" MEANS A SKILLED INTERVENTION THAT IS PERFORMED BY  
10 AN ATHLETIC TRAINER AND THAT USES A THIN FILIFORM NEEDLE TO PENETRATE THE  
11 SKIN AND STIMULATE UNDERLYING NEURAL, MUSCULAR AND CONNECTIVE TISSUES TO  
12 EVALUATE AND MANAGE NEUROMUSCULOSKELETAL CONDITIONS, PAIN AND MOVEMENT  
13 IMPAIRMENTS.

14           ~~9.~~ 10. "Licensed physician" means a person who is licensed  
15 pursuant to chapter 13 or 17 of this title.

16           ~~10.~~ 11. "Restricted license" means a license on which the board  
17 places restrictions or conditions, or both, as to the scope of practice,  
18 place of practice, supervision of practice, duration of license status or  
19 type or condition of a person to whom the licensee may provide services.

20           Sec. 2. Section 32-4153, Arizona Revised Statutes, is amended to  
21 read:

22           32-4153. Grounds for disciplinary action

23           The following are grounds for disciplinary action:

24           1. Practicing athletic training in violation of this chapter or  
25 rules adopted pursuant to this chapter.

26           2. Practicing or offering to practice beyond the scope of the  
27 practice of athletic training.

28           3. Obtaining or attempting to obtain a license by fraud or  
29 misrepresentation.

30           4. Engaging in the performance of substandard care by an athletic  
31 trainer due to a deliberate or negligent act or failure to act, regardless  
32 of whether actual injury to the person cared for is established.

33           5. Failing to provide direct supervision in accordance with this  
34 chapter and rules adopted pursuant to this chapter.

35           6. Committing any felony or a misdemeanor involving moral  
36 turpitude. A conviction by a court of competent jurisdiction is conclusive  
37 evidence of the commission of the crime.

38           7. Practicing as an athletic trainer if the licensee's physical or  
39 mental abilities are impaired by the use of alcohol or any other substance  
40 that interferes with the ability to safely practice athletic training.

41           8. Having ~~had~~ a license or certificate revoked or suspended or any  
42 other disciplinary action taken or an application for licensure or  
43 certification refused, revoked or suspended by the proper authorities of  
44 another state, territory or country.

- 1           9. Engaging in sexual misconduct. For the purpose of this  
2 paragraph, "sexual misconduct" includes:
- 3           (a) Engaging in or soliciting sexual relationships, whether  
4 consensual or nonconsensual, while a provider relationship exists.
- 5           (b) Making sexual advances, requesting sexual favors or engaging in  
6 other verbal conduct or physical contact of a sexual nature with a person  
7 WHO IS treated by the athletic trainer.
- 8           (c) Intentionally viewing a completely or partially disrobed  
9 patient in the course of treatment if the viewing is not related to  
10 treatment under current practice standards.
- 11          10. Failing to adhere to the recognized standards and ethics of the  
12 athletic training profession.
- 13          11. Making misleading, deceptive, untrue or fraudulent  
14 representations in violation of this chapter.
- 15          12. Charging unreasonable or fraudulent fees for services performed  
16 or not performed.
- 17          13. Having been adjudged mentally incompetent by a court of  
18 competent jurisdiction.
- 19          14. Aiding or abetting a person who is not licensed in this state  
20 and who directly or indirectly performs activities requiring a license.
- 21          15. Failing to report to the board any act or omission of a  
22 licensee or applicant or any other person who violates this chapter.
- 23          16. Interfering with an investigation or disciplinary proceeding by  
24 ~~wilful misrepresentation of~~ WILFULLY MISREPRESENTING facts or by ~~the use~~  
25 ~~of~~ USING threats or harassment against any person to prevent that person  
26 from providing evidence in a disciplinary proceeding or any legal action.
- 27          17. Failing to maintain confidentiality without prior written  
28 consent of the individual treated or unless otherwise required by law.
- 29          18. Failing to maintain adequate records regarding treatment. For  
30 the purposes of this paragraph, "adequate records" means legible records  
31 that contain at a minimum a determination of the nature of the injury and  
32 the referral and treatment required, the treatment plan, the treatment  
33 record, a final summary on conclusion of treatment and sufficient  
34 information to identify the person treated.
- 35          19. Promoting an unnecessary device, treatment or service for the  
36 financial gain of the athletic trainer or of a third party.
- 37          20. Providing unwarranted treatment or treatment beyond the point  
38 of reasonable benefit.
- 39          21. Providing athletic training services that are in any way linked  
40 to the financial gain of a referral source.
- 41          22. Violating this chapter, board rules or a written order of the  
42 board.
- 43          23. FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND  
44 TRAINING AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD IN  
45 RULE, FOR PERFORMING DRY NEEDLING WHEN PROVIDED AS A THERAPEUTIC MODALITY.

1           Sec. 3. Rulemaking: exemption

2           A. On or before September 30, 2022, the board of athletic training  
3 shall adopt rules establishing the professional standards of care and  
4 training and education qualifications for athletic trainers who perform  
5 dry needling for therapeutic purposes.

6           B. For the purposes of subsection A of this section, the board of  
7 athletic training is exempt from the rulemaking requirements of title 41,  
8 chapter 6, Arizona Revised Statutes, through September 30, 2022.