

PROPOSED
SENATE AMENDMENTS TO S.B. 1398
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 sports
12 or participation in recreational activities or physical fitness activities,
13 or any injury sustained by a person that is of the type that occurs during
14 participation in or preparation for games or sports or participation in
15 recreational activities or physical fitness activities, regardless of the
16 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.

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

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

6 (e) The planning, administration, evaluation, and modification of
7 methods for prevention and risk management of athletic injuries and
8 athletic illnesses.

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

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

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

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

19 7. "Direct supervision" means that the supervising athletic trainer
20 is present in the facility or on the campus where athletic training
21 students are performing services, is immediately available to assist the
22 person being supervised in the services being performed and maintains
23 continued involvement in appropriate aspects of the services being
24 performed.

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

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

1 ~~9.~~ 10. "Licensed physician" means a person who is licensed pursuant
2 to chapter 13 or 17 of this title.

3 ~~10.~~ 11. "Restricted license" means a license on which the board
4 places restrictions or conditions, or both, as to the scope of practice,
5 place of practice, supervision of practice, duration of license status or
6 type or condition of a person to whom the licensee may provide services.

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

9 32-4153. Grounds for disciplinary action

10 The following are grounds for disciplinary action:

11 1. Practicing athletic training in violation of this chapter or
12 rules adopted pursuant to this chapter.

13 2. Practicing or offering to practice beyond the scope of the
14 practice of athletic training.

15 3. Obtaining or attempting to obtain a license by fraud or
16 misrepresentation.

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

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

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

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

28 8. Having ~~had~~ a license or certificate revoked or suspended or any
29 other disciplinary action taken or an application for licensure or
30 certification refused, revoked or suspended by the proper authorities of
31 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 patient
9 in the course of treatment if the viewing is not related to treatment under
10 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 licensee
22 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 of~~
25 USING threats or harassment against any person to prevent that person from
26 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

1 record, a final summary on conclusion of treatment and sufficient
2 information to identify the person treated.

3 19. Promoting an unnecessary device, treatment or service for the
4 financial gain of the athletic trainer or of a third party.

5 20. Providing unwarranted treatment or treatment beyond the point of
6 reasonable benefit.

7 21. Providing athletic training services that are in any way linked
8 to the financial gain of a referral source.

9 22. Violating this chapter, board rules or a written order of the
10 board.

11 23. FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND
12 TRAINING AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD IN RULE,
13 FOR PERFORMING DRY NEEDLING WHEN PROVIDED AS A THERAPEUTIC MODALITY.

14 Sec. 3. Rulemaking; exemption

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

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

22 Amend title to conform

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C: MH