

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 ~~The Illinois Athletic Trainers Practice Act.~~

14 The Barber, Cosmetology, Esthetics, and Nail Technology
15 Act of 1985.

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following
24 Act is repealed on January 1, 2016:

25 The Illinois Athletic Trainers Practice Act.

26 Section 10. The Illinois Athletic Trainers Practice Act is
27 amended by changing Sections 3, 4, 6, 9, 10, 13, 16, 17.5, and
28 34 and by adding Section 34.1 as follows:

29 (225 ILCS 5/3) (from Ch. 111, par. 7603)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 3. Definitions. As used in this Act:

3 (1) "Department" means the Department of Professional
4 Regulation.

5 (2) "Director" means the Director of Professional
6 Regulation.

7 (3) "Board" means the Illinois Board of Athletic Trainers
8 appointed by the Director.

9 (4) "Licensed athletic trainer" means a person licensed to
10 practice athletic training as defined in this Act and with the
11 specific qualifications set forth in Section 9 of this Act who,
12 upon the direction of his or her team physician or consulting
13 physician, carries out the practice of prevention/emergency
14 care or physical reconditioning of injuries incurred by
15 athletes participating in an athletic program conducted by an
16 educational institution, professional athletic organization,
17 or sanctioned amateur athletic organization employing the
18 athletic trainer; or a person who, under the direction of a
19 physician, carries out comparable functions for a health
20 organization-based extramural program of athletic training
21 services for athletes. Specific duties of the athletic trainer
22 include but are not limited to:

23 A. Supervision of the selection, fitting, and
24 maintenance of protective equipment;

25 B. Provision of assistance to the coaching staff in the
26 development and implementation of conditioning programs;

27 C. Counseling of athletes on nutrition and hygiene;

28 D. Supervision of athletic training facility and
29 inspection of playing facilities;

30 E. Selection and maintenance of athletic training
31 equipment and supplies;

32 F. Instruction and supervision of student trainer
33 staff;

34 G. Coordination with a team physician to provide:

35 (i) pre-competition physical exam and health
36 history updates,

1 (ii) game coverage or phone access to a physician
2 or paramedic,
3 (iii) follow-up injury care,
4 (iv) reconditioning programs, and
5 (v) assistance on all matters pertaining to the
6 health and well-being of athletes.

7 H. Provision of on-site injury care and evaluation as
8 well as appropriate transportation, follow-up treatment
9 and rehabilitation as necessary for all injuries sustained
10 by athletes in the program;

11 I. With a physician, determination of when an athlete
12 may safely return to full participation post-injury; and

13 J. Maintenance of complete and accurate records of all
14 athletic injuries and treatments rendered.

15 To carry out these functions the athletic trainer is
16 authorized to utilize modalities, including, but not limited
17 to, such as heat, light, sound, cold, electricity, exercise, or
18 mechanical devices related to care and reconditioning.

19 (5) "Referral" means the guidance and ~~or~~ direction ~~to the~~
20 ~~athletic trainer~~ given by the physician, who shall maintain
21 supervision of the athlete.

22 (6) "Athletic trainer aide" means a person who has received
23 on-the-job training specific to the facility in which he or she
24 is employed, on either a paid or volunteer basis, but is not
25 enrolled in an accredited athletic training curriculum.

26 (Source: P.A. 91-357, eff. 7-29-99.)

27 (225 ILCS 5/4) (from Ch. 111, par. 7604)

28 (Section scheduled to be repealed on January 1, 2006)

29 Sec. 4. Licensure requirement - Exempt activities. After
30 the effective date of this Act, no person shall provide any of
31 the services set forth in subsection (4) of Section 3 of this
32 Act, or use the title "athletic trainer" or "certified athletic
33 trainer" or "athletic trainer certified" or the letters "A.T.",
34 "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his name,
35 unless licensed under this Act.

1 Nothing in this Act shall be construed as preventing or
2 restricting the practice, services, or activities of:

3 (1) Any person licensed or registered in this State by any
4 other law from engaging in the profession or occupation for
5 which he or she is licensed or registered.~~;~~ ~~or~~

6 (2) Any person employed as an athletic trainer by the
7 Government of the United States, if such person provides
8 athletic training solely under the direction or control of the
9 organization by which he or she is employed.~~;~~ ~~or~~

10 (3) Any person pursuing a course of study leading to a
11 degree or certificate in athletic training at an accredited ~~or~~
12 ~~approved~~ educational program if such activities and services
13 constitute a part of a supervised course of study involving
14 daily personal or verbal contact at the site of supervision
15 between the athletic training student and the licensed athletic
16 trainer who plans, directs, advises, and evaluates the
17 student's athletic training clinical education. The
18 supervising licensed athletic trainer must be on-site where the
19 athletic training clinical education is being obtained.~~;~~ ~~and if~~
20 ~~such person is~~ A person meeting the criteria under this
21 paragraph (3) must be designated by a title which clearly
22 indicates his or her status as a student or trainee.~~;~~ ~~or~~

23 (4) (Blank). ~~Any person fulfilling the supervised work~~
24 ~~experience requirements of Section 9 of this Act, if such~~
25 ~~activities and services constitute a part of the experience~~
26 ~~necessary to meet the requirements of that Section; or~~

27 (5) The practice of athletic training under the supervision
28 of a licensed athletic trainer by one who has applied in
29 writing to the Department for licensure and has complied with
30 all the provisions of Section 9 except the passing of the
31 examination to be eligible to receive such license. In no event
32 shall this exemption extend to any person for longer than 3
33 months. Anyone who has previously failed the examination, or
34 who fails the examination during this 3-month period, shall
35 immediately cease practice as an athletic trainer and shall not
36 engage in the practice of athletic training again until he or

1 she passes the examination. ~~or~~

2 (6) Any person in a coaching position from rendering
3 emergency care on an as needed basis to the athletes under his
4 or her supervision when a licensed athletic trainer is not
5 available. ~~or~~

6 (7) Any person who is an athletic trainer from another
7 nation, state, or territory acting as an athletic trainer while
8 performing his duties for his or her respective non-Illinois
9 based team or organization, so long as he or she restricts his
10 or her duties to his or her team or organization during the
11 course of his or her team's or organization's stay in this
12 State. For the purposes of this Act, a team shall be considered
13 based in Illinois if its home contests are held in Illinois,
14 regardless of the location of the team's administrative
15 offices.

16 (8) The practice of athletic training by persons licensed
17 in another state who have applied in writing to the Department
18 for licensure by endorsement for no longer than 6 months or
19 until notification has been given that licensure has been
20 granted or denied, whichever period of time is lesser.

21 (9) The practice of athletic training by one who has
22 applied in writing to the Department for licensure and has
23 complied with all the provisions of Section 9 for no longer
24 than 6 months or until notification has been given that
25 licensure has been granted or denied, whichever period of time
26 is lesser.

27 (10) The practice of athletic training by persons actively
28 licensed as an athletic trainer in another state, or currently
29 certified by the National Athletic Trainers Association Board
30 of Certification, Inc., or its successor entity, at a special
31 athletic tournament or event conducted by a sanctioned amateur
32 athletic organization, including, but not limited to, the
33 Prairie State Games and the Special Olympics, for no more than
34 14 days. This shall not include contests or events that are
35 part of a scheduled series of regular season events.

36 (11) Athletic trainer aides from performing patient care

1 activities under the on-site supervision of a licensed athletic
2 trainer. These patient care activities shall not include
3 interpretation of referrals or evaluation procedures, planning
4 or major modifications of patient programs, administration of
5 medication, or solo practice or event coverage without
6 immediate access to a licensed athletic trainer.

7 (Source: P.A. 89-216, eff. 1-1-96.)

8 (225 ILCS 5/6) (from Ch. 111, par. 7606)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 6. Athletic Training Board - Appointment - Membership
11 - Term - Duties. The Director shall appoint an Illinois Board
12 of Athletic Trainers as follows: 7 ~~6~~ persons who shall be
13 appointed by and shall serve in an advisory capacity to the
14 Director. Two members must be licensed physicians; 4 ~~3~~ members
15 must be licensed ~~registered~~ athletic trainers in good standing,
16 and actively engaged in the practice or teaching of athletic
17 training in this State; and 1 member must be a public member
18 who is not licensed ~~registered~~ under this Act, or a similar Act
19 of another jurisdiction, and is not a provider of athletic
20 health care service.

21 Members shall serve 4 year terms and until their successors
22 are appointed and qualified ~~except that of the initial~~
23 ~~appointments, 1 member shall be appointed to serve for one~~
24 ~~year, 2 shall be appointed to serve for 2 years, 2 shall be~~
25 ~~appointed to serve for 3 years, and the remaining one, who~~
26 ~~shall be the public member, shall be appointed to serve for 4~~
27 ~~years, and until their successors are appointed and qualified.~~
28 No member shall be reappointed to the Board for more than 2
29 terms. Appointments to fill vacancies shall be made in the same
30 manner as original appointments, for the unexpired portion of
31 the vacated term. ~~Initial terms shall begin upon the effective~~
32 ~~date of this Act.~~

33 The membership of the Board should reasonably reflect
34 representation from the geographic areas in this State.

35 The Director may terminate the appointment of any member

1 for cause which in the opinion of the Director reasonably
2 justifies such termination.

3 The Director shall consider the recommendation of the Board
4 on questions involving standards of professional conduct,
5 discipline, and qualifications of candidates and license
6 holders under this Act.

7 (Source: P.A. 91-827, eff. 6-13-00.)

8 (225 ILCS 5/9) (from Ch. 111, par. 7609)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 9. Educational and Professional Requirements. A
11 person having the qualifications prescribed in this Section
12 shall be qualified to receive a license as an athletic trainer
13 if he or she:

14 (a) Has ~~has~~ graduated from a curriculum in athletic
15 training accredited ~~approved by the Department. In approving a~~
16 ~~curriculum in athletic training, the Department shall~~
17 ~~consider, but not be bound by, accreditation by the Joint~~
18 ~~Review Committee on Athletic Training (JRC-AT) of the~~
19 Commission ~~Committee~~ on Accreditation of Allied Health
20 Education Programs (CAAHEP), ~~or~~ its successor entity, or its
21 equivalent, as approved by the Department. ~~or~~

22 (b) Gives ~~gives~~ proof of current certification, on the date
23 of application, in CPR/AED for the Healthcare Professional or
24 its equivalent based on American Red Cross or American Heart
25 Association standards and graduation from a 4 year accredited
26 college or university. ~~and has met the following minimum~~
27 ~~athletic training curriculum requirements established by the~~
28 ~~Board:~~

29 ~~Completion of the following specific course requirements:~~

30 ~~(1) Anatomy~~

31 ~~(2) Physiology~~

32 ~~(3) Physiology of Exercise~~

33 ~~(4) Applied Anatomy and Kinesiology~~

34 ~~(5) Psychology (2 courses)~~

35 ~~(6) First Aid and CPR or equivalent (American Red Cross~~

1 ~~standards)~~
2 ~~(7) Nutrition~~
3 ~~(8) Remedial Exercise or Therapeutic Exercise~~
4 ~~(9) Personal, Community, and School Health~~
5 ~~(10) Techniques of Athletic Training (fundamentals)~~
6 ~~(11) Advanced Techniques of Athletic Training~~
7 ~~(modalities, administration)~~
8 ~~(12) Clinical Experience (1500 hours) over a minimum of~~
9 ~~a 2 year academic period within a 5 year calendar period.~~

10 (c) Has passed an examination approved by the Department to
11 determine his or her fitness for practice as an athletic
12 trainer, or is entitled to be licensed without examination as
13 provided in Sections 7 and 8 of this Act.

14 The Department may request a personal interview of an
15 applicant before the Board ~~committee~~ to further evaluate his or
16 her qualifications for a license.

17 An applicant has 3 years from the date of his or her
18 application to complete the application process. If the process
19 has not been completed in 3 years, the application shall be
20 denied, the fee forfeited, and the applicant must reapply and
21 meet the requirements in effect at the time of reapplication.

22 (Source: P.A. 89-216, eff. 1-1-96.)

23 (225 ILCS 5/10) (from Ch. 111, par. 7610)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 10. License expiration; renewal; continuing education
26 requirement. The expiration date of licenses issued under this
27 Act shall be set by rule. Licenses shall be renewed according
28 to procedures established by the Department and upon payment of
29 the renewal fee established herein and ~~notarized~~ proof of
30 completion ~~40 contact hours~~ of approved continuing education
31 relating to the performance and practice of athletic training.
32 The number of hours required and their composition shall be set
33 by rule.

34 (Source: P.A. 89-216, eff. 1-1-96; 89-626, eff. 8-9-96.)

1 (225 ILCS 5/13) (from Ch. 111, par. 7613)

2 (Section scheduled to be repealed on January 1, 2006)

3 Sec. 13. Endorsement. The Department may, at its
4 discretion, license as an athletic trainer, without
5 examination, on payment of the fee, an applicant for licensure
6 who is an athletic trainer registered or licensed under the
7 laws of another state if the requirements pertaining to
8 athletic trainers in such state were at the date of his or her
9 registration or licensure substantially equal to the
10 requirements in force in Illinois on that date. If the
11 requirements of that state are not substantially equal to the
12 Illinois requirements, or if at the time of application the
13 state in which the applicant has been practicing does not
14 regulate the practice of athletic training, and the applicant
15 began practice in that state prior to January 1, 2004, a person
16 having the qualifications prescribed in this Section may be
17 qualified to receive a license as an athletic trainer if he or
18 she:

19 (1) has passed an examination approved by the
20 Department to determine his or her fitness for practice as
21 an athletic trainer; and

22 (2) gives proof of current certification, on the date
23 of application, in CPR/AED for the Healthcare Professional
24 or equivalent based on American Red Cross or American Heart
25 Association standards.

26 The Department may request a personal interview of an
27 applicant before the Board to further evaluate his or her
28 qualifications for a license.

29 Applicants have 3 years from the date of application to
30 complete the application process. If the process has not been
31 completed in 3 years, the application shall be denied, the fee
32 forfeited and the applicant must reapply and meet the
33 requirements in effect at the time of reapplication.

34 (Source: P.A. 89-216, eff. 1-1-96.)

35 (225 ILCS 5/16) (from Ch. 111, par. 7616)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 16. Refusal to issue, suspension, or revocation of
3 license. The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand, or take other
5 disciplinary action as the Department may deem proper,
6 including fines not to exceed \$5,000 ~~\$1,000~~ for each violation,
7 with regard to any licensee for any one or combination of the
8 following:

9 (A) Material misstatement in furnishing information to the
10 Department;

11 (B) Negligent or intentional disregard of this Act, or of
12 the rules or regulations promulgated hereunder;

13 (C) Conviction of any crime under the laws of the United
14 States or any state or territory thereof that is (i) a felony,
15 (ii) ~~or~~ a misdemeanor, ~~and~~ an essential element of which is
16 dishonesty, or (iii) of any crime that is directly related to
17 the practice of the profession;

18 (D) Making any misrepresentation for the purpose of
19 obtaining registration, or violating any provision of this Act;

20 (E) Professional incompetence;

21 (F) Malpractice;

22 (G) Aiding or assisting another person in violating any
23 provision of this Act or rules;

24 (H) Failing, within 60 days, to provide information in
25 response to a written request made by the Department;

26 (I) Engaging in dishonorable, unethical, or unprofessional
27 conduct of a character likely to deceive, defraud or harm the
28 public;

29 (J) Habitual intoxication or addiction to the use of drugs;

30 (K) Discipline by another state, District of Columbia,
31 territory, or foreign nation, if at least one of the grounds
32 for the discipline is the same or substantially equivalent to
33 those set forth herein;

34 (L) Directly or indirectly giving to or receiving from any
35 person, firm, corporation, partnership, or association any
36 fee, commission, rebate, or other form of compensation for any

1 professional services not actually or personally rendered;

2 (M) A finding that the licensee after having his or her
3 license placed on probationary status has violated the terms of
4 probation;

5 (N) Abandonment of an athlete;

6 (O) Willfully making or filing false records or reports in
7 his or her practice, including but not limited to false records
8 filed with State agencies or departments;

9 (P) Willfully failing to report an instance of suspected
10 child abuse or neglect as required by the Abused and Neglected
11 Child Reporting Act;

12 (Q) Physical illness, including but not limited to
13 deterioration through the aging process, or loss of motor skill
14 that results in the inability to practice the profession with
15 reasonable judgment, skill, or safety;

16 (R) Solicitation of professional services other than by
17 permitted institutional policy;

18 (S) The use of any words, abbreviations, figures or letters
19 with the intention of indicating practice as an athletic
20 trainer without a valid license as an athletic trainer under
21 this Act;

22 (T) The evaluation or treatment of ailments of human beings
23 other than by the practice of athletic training as defined in
24 this Act or the ~~The~~ treatment of injuries of athletes by a
25 licensed athletic trainer except by the referral of a
26 physician, podiatrist, or dentist;

27 (U) Willfully violating or knowingly assisting in the
28 violation of any law of this State relating to the use of
29 habit-forming drugs;

30 (V) Willfully violating or knowingly assisting in the
31 violation of any law of this State relating to the practice of
32 abortion;

33 (W) Continued practice by a person knowingly having an
34 infectious communicable or contagious disease;

35 (X) Being named as a perpetrator in an indicated report by
36 the Department of Children and Family Services pursuant to the

1 Abused and Neglected Child Reporting Act and upon proof by
2 clear and convincing evidence that the licensee has caused a
3 child to be an abused child or neglected child as defined in
4 the Abused and Neglected Child Reporting Act;

5 (Y) Failure to file a return, or to pay the tax, penalty,
6 or interest shown in a filed return, or to pay any final
7 assessment of tax, penalty, or interest, as required by any tax
8 Act administered by the Illinois Department of Revenue, until
9 such time as the requirements of any such tax Act are
10 satisfied; or

11 (Z) Failure to fulfill continuing education requirements
12 as prescribed in Section 10 of this Act.

13 The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code operates as an automatic suspension. Such suspension will
17 end only upon a finding by a court that the athletic trainer is
18 no longer subject to involuntary admission or judicial
19 admission and issues an order so finding and discharging the
20 athlete; and upon the recommendation of the Board to the
21 Director that the licensee be allowed to resume his or her
22 practice.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24 (225 ILCS 5/17.5)

25 (Section scheduled to be repealed on January 1, 2006)

26 Sec. 17.5. Unlicensed ~~Unregistered~~ practice; violation;
27 civil penalty.

28 (a) Any person who practices, offers to practice, attempts
29 to practice, or holds oneself out to practice as a licensed
30 ~~registered~~ athletic trainer without being licensed ~~registered~~
31 under this Act shall, in addition to any other penalty provided
32 by law, pay a civil penalty to the Department in an amount not
33 to exceed \$5,000 for each offense as determined by the
34 Department. The civil penalty shall be assessed by the
35 Department after a hearing is held in accordance with the

1 provisions set forth in this Act regarding the provision of a
2 hearing for the discipline of a licensee.

3 (b) The Department has the authority and power to
4 investigate any and all unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty. The
7 order shall constitute a judgment and may be filed and
8 execution had thereon in the same manner as any judgment from
9 any court of record.

10 (Source: P.A. 89-474, eff. 6-18-96.)

11 (225 ILCS 5/34) (from Ch. 111, par. 7634)

12 (Section scheduled to be repealed on January 1, 2006)

13 Sec. 34. Persons currently practicing. Any person
14 currently holding an active Illinois license as an athletic
15 trainer on the effective date of this amendatory Act of the
16 94th General Assembly shall be considered licensed under this
17 Act. ~~Any person actively engaged as an athletic trainer on the~~
18 ~~effective date of this Act will be considered licensed under~~
19 ~~this Act if he or she submits an application, pays the license~~
20 ~~fee required by this Act and upon evaluation of his or her~~
21 ~~qualifications by the Department is found to have a level of~~
22 ~~competence equal to that of one possessing the educational~~
23 ~~qualifications set forth in Section 9 of this Act. In its~~
24 ~~evaluation, the Department shall accept the applicant's having~~
25 ~~certification by the National Athletic Trainers Association as~~
26 ~~being the required level of competence. For applicants not~~
27 ~~having such certification, the Department shall, with the~~
28 ~~advice of the Board, establish rules for examination and~~
29 ~~evaluation which shall take into account the applicant's~~
30 ~~education, training, and experience qualifications.~~

31 ~~For the purpose of this Section a person is actively~~
32 ~~engaged as an athletic trainer if he or she is employed on a~~
33 ~~salary basis by an educational institution, health care~~
34 ~~organization, professional athletic organization, or~~
35 ~~sanctioned amateur athletic organization for the duration of~~

1 ~~the institution's school year, or the length of the athletic~~
2 ~~organization's season, and performs the duties of athletic~~
3 ~~trainer as a major responsibility of his or her employment.~~

4 Applications for a license under this Section must be made
5 within 180 days from the effective date of this Act.

6 (Source: P.A. 89-216, eff. 1-1-96.)

7 (225 ILCS 5/34.1 new)

8 Sec. 34.1. Partial invalidity. If any portion of this Act
9 is held invalid, such invalidity shall not affect any other
10 part of this Act, which can be given effect without the invalid
11 portion.