



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6231

Introduced 2/11/2016, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

225 ILCS 5/3	from Ch. 111, par. 7603
225 ILCS 5/4	from Ch. 111, par. 7604
225 ILCS 5/16	from Ch. 111, par. 7616

Amends the Illinois Athletic Trainers Practice Act. Changes the definition of "licensed athletic trainer" to someone who, upon the direction of, on the prescription of, or in collaboration with a physician, provides therapeutic intervention and rehabilitation of injuries and medical conditions incurred by individuals as prescribed by the Board of Athletic Trainers and for which the athletic trainer has received appropriate education and training. Replaces specific duties of an athletic trainer with language allowing him or her to utilize emergency care and physical medicine and rehabilitation techniques as related to prevention, emergency care, clinical diagnosis, therapeutic intervention, rehabilitation, and reconditioning. Defines "referral" to mean the guidance and direction given by the physician, who shall maintain supervision of the individual (rather than the athlete). Defines "physician" as a physician licensed under the Medical Practice Act to practice medicine in all of its branches or a chiropractic physician. Removes specific titles and letters an individual can only use when licensed as an athletic trainer under the Act. Provides that abandonment of an individual (rather than an athlete) is grounds for discipline.

LRB099 19125 SMS 43514 b

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 Illinois Athletic Trainers Practice Act is
5 amended by changing Sections 3, 4, and 16 as follows:

6 (225 ILCS 5/3) (from Ch. 111, par. 7603)

7 (Section scheduled to be repealed on January 1, 2026)

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

9 (1) "Department" means the Department of Financial and
10 Professional Regulation.

11 (2) "Secretary" means the Secretary of Financial and
12 Professional Regulation.

13 (3) "Board" means the Illinois Board of Athletic Trainers
14 appointed by the Secretary.

15 (4) "Licensed athletic trainer" means a person licensed to
16 practice athletic training as defined in this Act and with the
17 specific qualifications set forth in Section 9 of this Act who,
18 upon the direction of, on the prescription of, or in
19 collaboration with a ~~his or her team~~ physician, provides
20 therapeutic intervention and rehabilitation of injuries and
21 medical conditions incurred by individuals as prescribed by the
22 Board of Athletic Trainers and for which the athletic trainer
23 has received appropriate education and training. The athletic

1 trainer is authorized to utilize emergency care and physical
2 medicine and rehabilitation techniques as related to
3 prevention, emergency care, clinical diagnosis, therapeutic
4 intervention, rehabilitation, and reconditioning. ~~or~~
5 ~~consulting physician, carries out the practice of~~
6 ~~prevention/emergency care or physical reconditioning of~~
7 ~~injuries incurred by athletes participating in an athletic~~
8 ~~program conducted by an educational institution, professional~~
9 ~~athletic organization, or sanctioned amateur athletic~~
10 ~~organization employing the athletic trainer; or a person who,~~
11 ~~under the direction of a physician, carries out comparable~~
12 ~~functions for a health organization based extramural program~~
13 ~~of athletic training services for athletes. Specific duties of~~
14 ~~the athletic trainer include but are not limited to:~~

15 ~~A. Supervision of the selection, fitting, and~~
16 ~~maintenance of protective equipment;~~

17 ~~B. Provision of assistance to the coaching staff in the~~
18 ~~development and implementation of conditioning programs;~~

19 ~~C. Counseling of athletes on nutrition and hygiene;~~

20 ~~D. Supervision of athletic training facility and~~
21 ~~inspection of playing facilities;~~

22 ~~E. Selection and maintenance of athletic training~~
23 ~~equipment and supplies;~~

24 ~~F. Instruction and supervision of student trainer~~
25 ~~staff;~~

26 ~~G. Coordination with a team physician to provide:~~

1 ~~(i) pre competition physical exam and health~~
2 ~~history updates,~~

3 ~~(ii) game coverage or phone access to a physician~~
4 ~~or paramedic,~~

5 ~~(iii) follow up injury care,~~

6 ~~(iv) reconditioning programs, and~~

7 ~~(v) assistance on all matters pertaining to the~~
8 ~~health and well being of athletes.~~

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

13 ~~I. With a physician, determination of when an athlete~~
14 ~~may safely return to full participation post injury; and~~

15 ~~J. Maintenance of complete and accurate records of all~~
16 ~~athletic injuries and treatments rendered.~~

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

21 (5) "Referral" means the guidance and direction given by
22 the physician, who shall maintain supervision of the individual
23 athlete.

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

1 enrolled in an accredited athletic training curriculum.

2 (7) "Address of record" means the designated address
3 recorded by the Department in the applicant's or licensee's
4 application file or license file as maintained by the
5 Department's licensure maintenance unit. It is the duty of the
6 applicant or licensee to inform the Department of any change of
7 address, and those changes must be made either through the
8 Department's website or by contacting the Department.

9 (8) "Board of Certification" means the Board of
10 Certification for the Athletic Trainer.

11 (9) "Physician" means a physician licensed under the
12 Medical Practice Act to practice medicine in all of its
13 branches or a chiropractic physician.

14 (Source: P.A. 99-469, eff. 8-26-15.)

15 (225 ILCS 5/4) (from Ch. 111, par. 7604)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 4. Licensure; exempt activities. No person shall
18 provide any of the services set forth in subsection (4) of
19 Section 3 of this Act, or use the title "athletic trainer" or
20 "certified athletic trainer" ~~or "athletic trainer certified"~~
21 or "licensed athletic trainer" or the letters "A.T." or
22 ~~"C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L."~~ after his or her
23 name, unless licensed under this Act.

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

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

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

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

21 (4) (Blank).

22 (5) The practice of athletic training under the
23 supervision of a licensed athletic trainer by one who has
24 applied in writing to the Department for licensure and has
25 complied with all the provisions of Section 9 except the
26 passing of the examination to be eligible to receive such

1 license. This temporary right to act as an athletic trainer
2 shall expire 3 months after the filing of his or her
3 written application to the Department; when the applicant
4 has been notified of his or her failure to pass the
5 examination authorized by the Department; when the
6 applicant has withdrawn his or her application; when the
7 applicant has received a license from the Department after
8 successfully passing the examination authorized by the
9 Department; or when the applicant has been notified by the
10 Department to cease and desist from practicing, whichever
11 occurs first. This provision shall not apply to an
12 applicant who has previously failed the examination.

13 (6) Any person in a coaching position from rendering
14 emergency care on an as needed basis to the athletes under
15 his or her supervision when a licensed athletic trainer is
16 not available.

17 (7) Any person who is an athletic trainer from another
18 state or territory of the United States or another nation,
19 state, or territory acting as an athletic trainer while
20 performing his or her duties for his or her respective
21 non-Illinois based team or organization, so long as he or
22 she restricts his or her duties to his or her team or
23 organization during the course of his or her team's or
24 organization's stay in this State. For the purposes of this
25 Act, a team shall be considered based in Illinois if its
26 home contests are held in Illinois, regardless of the

1 location of the team's administrative offices.

2 (8) The practice of athletic training by persons
3 licensed in another state who have applied in writing to
4 the Department for licensure by endorsement. This
5 temporary right to act as an athletic trainer shall expire
6 6 months after the filing of his or her written application
7 to the Department; upon the withdrawal of the application
8 for licensure under this Act; upon delivery of a notice of
9 intent to deny the application from the Department; or upon
10 the denial of the application by the Department, whichever
11 occurs first.

12 (9) The practice of athletic training by one who has
13 applied in writing to the Department for licensure and has
14 complied with all the provisions of Section 9. This
15 temporary right to act as an athletic trainer shall expire
16 6 months after the filing of his or her written application
17 to the Department; upon the withdrawal of the application
18 for licensure under this Act; upon delivery of a notice of
19 intent to deny the application from the Department; or upon
20 the denial of the application by the Department, whichever
21 occurs first.

22 (10) The practice of athletic training by persons
23 actively licensed as an athletic trainer in another state
24 or territory of the United States or another country, or
25 currently certified by the Board of Certification, or its
26 successor entity, at a special athletic tournament or event

1 conducted by a sanctioned amateur athletic organization,
2 including, but not limited to, the Prairie State Games and
3 the Special Olympics, for no more than 14 days. This shall
4 not include contests or events that are part of a scheduled
5 series of regular season events.

6 (11) Athletic trainer aides from performing patient
7 care activities under the on-site supervision of a licensed
8 athletic trainer. These patient care activities shall not
9 include interpretation of referrals or evaluation
10 procedures, planning or major modifications of patient
11 programs, administration of medication, or solo practice
12 or event coverage without immediate access to a licensed
13 athletic trainer.

14 (12) Persons or entities practicing the specified
15 occupations set forth in subsection (a) of, and pursuant to
16 a licensing exemption granted in subsection (b) or (d) of,
17 Section 2105-350 of the Department of Professional
18 Regulation Law of the Civil Administrative Code of
19 Illinois, but only for so long as the 2016 Olympic and
20 Paralympic Games Professional Licensure Exemption Law is
21 operable.

22 (Source: P.A. 99-469, eff. 8-26-15.)

23 (225 ILCS 5/16) (from Ch. 111, par. 7616)

24 (Section scheduled to be repealed on January 1, 2026)

25 Sec. 16. Grounds for discipline.

1 (1) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary action as the Department may deem proper,
4 including fines not to exceed \$10,000 for each violation, with
5 regard to any licensee for any one or combination of the
6 following:

7 (A) Material misstatement in furnishing information to
8 the Department;

9 (B) Violations of this Act, or of the rules or
10 regulations promulgated hereunder;

11 (C) Conviction of or plea of guilty to any crime under
12 the Criminal Code of 2012 or the laws of any jurisdiction
13 of the United States that is (i) a felony, (ii) a
14 misdemeanor, an essential element of which is dishonesty,
15 or (iii) of any crime that is directly related to the
16 practice of the profession;

17 (D) Fraud or any misrepresentation in applying for or
18 procuring a license under this Act, or in connection with
19 applying for renewal of a license under this Act;

20 (E) Professional incompetence or gross negligence;

21 (F) Malpractice;

22 (G) Aiding or assisting another person, firm,
23 partnership, or corporation in violating any provision of
24 this Act or rules;

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

1 (I) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public;

4 (J) Habitual or excessive use or abuse of drugs defined
5 in law as controlled substances, alcohol, or any other
6 substance that results in the inability to practice with
7 reasonable judgment, skill, or safety;

8 (K) Discipline by another state, unit of government,
9 government agency, the District of Columbia, territory, or
10 foreign nation, if at least one of the grounds for the
11 discipline is the same or substantially equivalent to those
12 set forth herein;

13 (L) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional services not actually or personally
17 rendered. Nothing in this subparagraph (L) affects any bona
18 fide independent contractor or employment arrangements
19 among health care professionals, health facilities, health
20 care providers, or other entities, except as otherwise
21 prohibited by law. Any employment arrangements may include
22 provisions for compensation, health insurance, pension, or
23 other employment benefits for the provision of services
24 within the scope of the licensee's practice under this Act.
25 Nothing in this subparagraph (L) shall be construed to
26 require an employment arrangement to receive professional

1 fees for services rendered;

2 (M) A finding by the Department that the licensee after
3 having his or her license disciplined has violated the
4 terms of probation;

5 (N) Abandonment of the individual under care ~~an~~
6 ~~athlete~~;

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

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

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

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

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

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

1 referral of a physician, podiatric physician, or dentist;

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

5 (V) Willfully violating or knowingly assisting in the
6 violation of any law of this State relating to the practice
7 of abortion;

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

10 (X) Being named as a perpetrator in an indicated report
11 by the Department of Children and Family Services pursuant
12 to the Abused and Neglected Child Reporting Act and upon
13 proof by clear and convincing evidence that the licensee
14 has caused a child to be an abused child or neglected child
15 as defined in the Abused and Neglected Child Reporting Act;

16 (Y) (Blank);

17 (Z) Failure to fulfill continuing education
18 requirements;

19 (AA) Allowing one's license under this Act to be used
20 by an unlicensed person in violation of this Act;

21 (BB) Practicing under a false or, except as provided by
22 law, assumed name;

23 (CC) Promotion of the sale of drugs, devices,
24 appliances, or goods provided in any manner to exploit the
25 client for the financial gain of the licensee;

26 (DD) Gross, willful, or continued overcharging for

1 professional services;

2 (EE) Mental illness or disability that results in the
3 inability to practice under this Act with reasonable
4 judgment, skill, or safety; or

5 (FF) Cheating on or attempting to subvert the licensing
6 examination administered under this Act.

7 All fines imposed under this Section shall be paid within
8 60 days after the effective date of the order imposing the fine
9 or in accordance with the terms set forth in the order imposing
10 the fine.

11 (2) The determination by a circuit court that a licensee is
12 subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. Such suspension will
15 end only upon a finding by a court that the licensee is no
16 longer subject to involuntary admission or judicial admission
17 and issuance of an order so finding and discharging the
18 licensee.

19 (3) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license of any person who fails to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (4) In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel any individual who
6 is licensed under this Act or any individual who has applied
7 for licensure to submit to a mental or physical examination or
8 evaluation, or both, which may include a substance abuse or
9 sexual offender evaluation, at the expense of the Department.
10 The Department shall specifically designate the examining
11 physician licensed to practice medicine in all of its branches
12 or, if applicable, the multidisciplinary team involved in
13 providing the mental or physical examination and evaluation.
14 The multidisciplinary team shall be led by a physician licensed
15 to practice medicine in all of its branches and may consist of
16 one or more or a combination of physicians licensed to practice
17 medicine in all of its branches, licensed chiropractic
18 physicians, licensed clinical psychologists, licensed clinical
19 social workers, licensed clinical professional counselors, and
20 other professional and administrative staff. Any examining
21 physician or member of the multidisciplinary team may require
22 any person ordered to submit to an examination and evaluation
23 pursuant to this Section to submit to any additional
24 supplemental testing deemed necessary to complete any
25 examination or evaluation process, including, but not limited
26 to, blood testing, urinalysis, psychological testing, or

1 neuropsychological testing.

2 The Department may order the examining physician or any
3 member of the multidisciplinary team to provide to the
4 Department any and all records, including business records,
5 that relate to the examination and evaluation, including any
6 supplemental testing performed. The Department may order the
7 examining physician or any member of the multidisciplinary team
8 to present testimony concerning this examination and
9 evaluation of the licensee or applicant, including testimony
10 concerning any supplemental testing or documents relating to
11 the examination and evaluation. No information, report,
12 record, or other documents in any way related to the
13 examination and evaluation shall be excluded by reason of any
14 common law or statutory privilege relating to communication
15 between the licensee or applicant and the examining physician
16 or any member of the multidisciplinary team. No authorization
17 is necessary from the licensee or applicant ordered to undergo
18 an evaluation and examination for the examining physician or
19 any member of the multidisciplinary team to provide
20 information, reports, records, or other documents or to provide
21 any testimony regarding the examination and evaluation. The
22 individual to be examined may have, at his or her own expense,
23 another physician of his or her choice present during all
24 aspects of the examination.

25 Failure of any individual to submit to a mental or physical
26 examination or evaluation, or both, when directed, shall result

1 in an automatic suspension without hearing, until such time as
2 the individual submits to the examination. If the Department
3 finds a licensee unable to practice because of the reasons set
4 forth in this Section, the Department shall require the
5 licensee to submit to care, counseling, or treatment by
6 physicians approved or designated by the Department as a
7 condition for continued, reinstated, or renewed licensure.

8 When the Secretary immediately suspends a license under
9 this Section, a hearing upon such person's license must be
10 convened by the Department within 15 days after the suspension
11 and completed without appreciable delay. The Department shall
12 have the authority to review the licensee's record of treatment
13 and counseling regarding the impairment to the extent permitted
14 by applicable federal statutes and regulations safeguarding
15 the confidentiality of medical records.

16 Individuals licensed under this Act who are affected under
17 this Section shall be afforded an opportunity to demonstrate to
18 the Department that they can resume practice in compliance with
19 acceptable and prevailing standards under the provisions of
20 their license.

21 (5) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with paragraph (5) of
26 subsection (a) of Section 2105-15 of the Department of

1 Professional Regulation Law of the Civil Administrative Code of
2 Illinois.

3 (6) In cases where the Department of Healthcare and Family
4 Services has previously determined a licensee or a potential
5 licensee is more than 30 days delinquent in the payment of
6 child support and has subsequently certified the delinquency to
7 the Department, the Department may refuse to issue or renew or
8 may revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services in accordance with paragraph (5)
12 of subsection (a) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois.

15 (Source: P.A. 98-214, eff. 8-9-13; 99-469, eff. 8-26-15.)