

# MAINE STATE LEGISLATURE

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R.S.

L.D. 957

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DATE: 5/22/95 (Filing No. H-282 )

**BUSINESS AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 699, L.D. 957, Bill, "An Act to Require Licensure for Use of the Title Athletic Trainer"

Amend the bill in section 1 in that part designated "~~§14353.~~" in subsection 6 in the 9th line (page 3, line 9 in L.D.) by striking out the following: "and license fees"

Further amend the bill in section 1 in that part designated "~~§14359.~~" in the 2nd paragraph in the first line (page 6, line 35 in L.D.) by striking out the following: "Each" and inserting in its place the following: 'For the purposes of satisfying the continuing education requirements each'

Further amend the bill by inserting after section 2 the following:

**Sec. 3. Working capital advance.** The State Controller is authorized to advance to the Department of Professional and Financial Regulation, Division of Licensing and Enforcement, up to \$7,630 in fiscal year 1995-96 from the General Fund unappropriated surplus for the operating costs of licensing athletic trainers. These funds will be used to provide the working capital advance necessary to cover the operating expenses of licensing athletic trainers until receipt of licensing fees as other special revenue. Funds advanced for this purpose must be returned to the General Fund unappropriated surplus no later than June 30, 1996.

**Sec. 4. Allocation.** The following funds are allocated from the Other Special Revenue fund to carry out the purposes of this Act.

**COMMITTEE AMENDMENT**

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2 1995-96 1996-97

4 PROFESSIONAL AND FINANCIAL  
6 REGULATION, DEPARTMENT OF

8 Division of Licensing and  
Enforcement

10 All Other \$7,630 \$5,700

12 Allocates funds to establish  
14 the licensure of athletic  
trainers.'

16 Further amend the bill by inserting at the end before the  
18 statement of fact the following:

20 FISCAL NOTE

22 1995-96 1996-97

24 APPROPRIATIONS/ALLOCATIONS

26 Other funds \$7,630 \$5,700

28 REVENUES

30 Other funds \$8,250 \$6,500

32  
34 The Department of Professional and Financial Regulation will  
36 require allocations of new dedicated revenue totaling \$7,630 in  
fiscal year 1995-96 and \$5,700 in fiscal year 1996-97 for the  
costs of licensing athletic trainers.

38 The licensure of athletic trainers will increase dedicated  
40 revenue to the Department of Professional and Financial  
42 Regulation by \$8,250 and \$6,500 in fiscal years 1995-96 and  
44 1996-97, respectively. Due to the timing of the receipt of  
dedicated revenue in fiscal year 1995-96, a General Fund working  
capital advance to the department is authorized for the initial  
start-up costs.

46 This bill may increase prosecutions for Class E crimes. If  
48 a jail sentence is imposed, the additional costs to the counties  
are estimated to be \$83.22 per day per prisoner. These costs are  
not reimbursed by the State. The number of prosecutions that may

result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

### STATEMENT OF FACT

The bill licenses the title "athletic trainer." The bill establishes an advisory council to consult with the Department of Professional and Financial Regulation. Rather than establishing a new regulatory board, the bill establishes the department as the regulatory authority. The bill requires that the department consult with this council on the matter of licensing fees. This amendment eliminates that provision.

As a condition of license renewal, the bill requires current National Athletic Trainers Association certification. This amendment states that the purposes of this requirement is fulfillment of the continuing education requirement for license renewal.

The Joint Standing Committee on Business and Economic Development has elected to make as part of the Statement of Fact the report required by the Maine Revised Statutes, Title 5, section 12015, subsection 3 when a profession is first recommended for regulation. The report follows:

Q. The nature of the potential harm to the public if the occupation or activity is not regulated and the extent to which there is a threat to the public health or safety.

A. The potential harm to the public is multifold: improper and/or inadequate advice to athletes, parents and coaches; unnecessary or even harmful treatment of athletic injuries sustained; incorrect decision-making pertaining to physician referral, return to participation, rehabilitation or education; or simply misleading public perception.

Q. The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation.

A. To our knowledge, there are no existing legal remedies in the State of Maine that encompass the previously stated domains of athletic training to prevent potential harm to

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COMMITTEE AMENDMENT "A" to H.P. 699, L.D. 957

2 the public. Presently, individuals may present themselves  
3 as athletic trainers. They can be hired by schools,  
4 hospitals or private clinics or be self-employed and  
5 contract to schools and athletic events. If anything were  
6 to occur that may lead to litigation, there is no  
7 accountability to the individual, only to the employing  
8 party.

9 Q. The extent to which the public is guided in selecting  
10 competent practitioners by private certifications,  
11 membership in professional or occupational associations or  
12 academic credentials.

13 A. If this bill is enacted, a public member who may wish to  
14 seek the services of a licensed athletic trainer will be  
15 assured that the trainer has met at least the following:

16 1. Is an American Medical Association-recognized allied  
17 health care professional who has at the least a  
18 bachelors degree from a college or university;

19 2. Has fulfilled the requirements for national  
20 certification as established by the National Athletic  
21 Trainers Board of Certification (NATABOC);

22 3. Maintains high professional standing through mandatory  
23 continuing education units; and

24 4. Is certified nationally and licensed by the State of  
25 Maine.

26 When an athletic trainer is licensed by the State of Maine,  
27 that individual has met these requirements. The title of  
28 licensed athletic trainer will be protected by state law and  
29 may not be misrepresented in any way.

30 Q. The extent to which the occupation or profession has made  
31 efforts to regulate itself by adoption of standards of  
32 performance, a code of ethics or methods of resolving  
33 disputes with consumers of services.

34 A. The National Athletic Trainers Association (NATA) has made  
35 tremendous efforts to protect the public by  
36 self-regulation. The NATA has adopted high standards of  
37 performance. We believe it clearly answers the questions of  
38 high standards, requirements, testing, scope of practice and  
39 other points of interest. The NATA has also adopted a  
40 standard code of ethics that is enforced by the NATA Ethics  
41 Committee. The advisory council established in the bill and  
42 the Department of Professional and Financial Regulation can

work together to construct a method for resolving disputes, answering questions and addressing concerns at the state level, as there is a system already in place at the national level through the NATA.

Q. The nature of the standards proposed for granting a license, as compared with the standards adopted in other jurisdictions, and the authority of the proposed regulatory board to amend those standards or establish new standards.

A. The nature of the standards proposed for granting a license is consistent with those in other jurisdictions throughout the country. The standards are centered around the NATA and uphold the stringent demands for certification and continuing education. These include passing the NATABOC examination, maintaining professional continuing educational units requirement and abiding by state and national guidelines for retention of certification and licensure. There is no proposed regulatory board.

Q. The qualifications of members of the proposed regulatory board.

A. There is no regulatory board proposed.

Q. The extent to which the harms expected to result from continued nonregulation may reasonably be expected to be reduced by the program of regulation proposed.

A. The potential harm to the public is quite high, as was outlined in response to the first statement of this review. It is impossible to go through existing medical files of individuals to assess how, what, when and why injury was sustained. It is not possible to gather data from the State because there is no existing regulation to monitor this type of information. We can not, therefore, give statistics and numbers.

If this bill becomes law, the State automatically produces a "checks and balances" system. Licensed athletic trainers have a defined scope of practice, have met high professional and academic standards, must maintain professional continuing educational units and will be held accountable for their actions. Currently, none of this exists.