

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.16)

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 Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Dental Practice Act.

The Professional Geologist Licensing Act.

~~The Illinois Athletic Trainers Practice Act.~~

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

The Collection Agency Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Physical Therapy Act.

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

(5 ILCS 80/4.26 new)

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 Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

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

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

(Section scheduled to be repealed on January 1, 2006)

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

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

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

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

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

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

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

C. Counseling of athletes on nutrition and hygiene;

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

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

F. Instruction and supervision of student trainer staff;

G. Coordination with a team physician to provide:

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

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

(iii) follow-up injury care,

(iv) reconditioning programs, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

she passes the examination. ~~or~~

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

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

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

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

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

(11) Athletic trainer aides from performing patient care

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

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

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

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

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

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

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

The Director may terminate the appointment of any member

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

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

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

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

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

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

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

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

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

- ~~(1) Anatomy~~
- ~~(2) Physiology~~
- ~~(3) Physiology of Exercise~~
- ~~(4) Applied Anatomy and Kinesiology~~
- ~~(5) Psychology (2 courses)~~
- ~~(6) First Aid and CPR or equivalent (American Red Cross~~

~~standards)~~

~~(7) Nutrition~~

~~(8) Remedial Exercise or Therapeutic Exercise~~

~~(9) Personal, Community, and School Health~~

~~(10) Techniques of Athletic Training (fundamentals)~~

~~(11) Advanced Techniques of Athletic Training
(modalities, administration)~~

~~(12) Clinical Experience (1500 hours) over a minimum of
a 2 year academic period within a 5 year calendar period.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Professional incompetence;

(F) Malpractice;

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

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

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

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

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

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

professional services not actually or personally rendered;

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

(N) Abandonment of an athlete;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 5/17.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 5/34.1 new)

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