



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 263 (as enacted)
Sponsor: Senator Tory Rocca
Senate Committee: Regulatory Reform
House Committee: Regulatory Reform

PUBLIC ACT 26 of 2011

Date Completed: 4-10-12

RATIONALE

Public Act 54 of 2006 added Part 179 (Athletic Training) to the Public Health Code to prohibit a person from engaging in the practice of athletic training unless licensed under Part 179 beginning on the effective date of rules promulgated under Part 179. The rules regarding athletic trainer licensure took effect on February 4, 2010. Subsequently, it was pointed out that Public Act 54 did not make an exception to the licensure requirement for an athletic trainer who is temporarily in Michigan for an athletic event, such as an out-of-State professional or college sports team's trainer who treats his or her own team's players. Consequently, unless those athletic trainers secured a Michigan license, they technically were in violation of Michigan law. It was suggested that an exception to the licensure requirement be added to accommodate these situations.

CONTENT

The bill amended Part 179 (Athletic Training) of the Public Health Code to provide that Part 179 does not apply to a person who is present in Michigan for an event that uses the services of athletic trainers, who is in Michigan for not more than 30 consecutive days, and who is a Board of Certification-certified athletic trainer or is licensed as an athletic trainer in another state.

Part 179 prohibits an individual from engaging in the practice of athletic training unless he or she is licensed under that part. The licensure requirement does not prohibit an individual licensed under any other part

of the Code or any other act from performing activities that are considered the practice of athletic training, as long as those activities are within the individual's scope of practice and he or she does not use an athletic training title.

(Part 179 defines "practice of athletic training" as the treatment of an individual for risk management and injury prevention, the clinical evaluation and assessment of an individual for an injury or illness, or both, the immediate care and treatment of an individual for an injury or illness, or both, and the rehabilitation and reconditioning of an individual's injury or illness, or both, as long as those activities are within the rules promulgated under Part 179 and performed under the direction and supervision of a licensed physician.)

The bill took effect on May 16, 2011.

MCL 333.17902

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Professional and amateur sports teams often travel to Michigan from other states to participate in athletic events held in this State. It is unreasonable to expect an out-of-State team's athletic trainer to become licensed in Michigan for a one-time competition or short series of games. Given the Public Health Code's prohibition against

practicing as an athletic trainer without being licensed under Part 179, however, those athletic trainers were in violation of the law when they traveled to Michigan to provide athletic training services to their teams. Evidently, visiting teams' trainers were not securing a Michigan license, as was technically required.

Allowing an exception to the licensure requirement brings Michigan law into conformity with common practice and recognizes that athletic trainers who are Board-certified or licensed in another state need not be licensed in Michigan just to accompany and serve their out-of-State teams. The exception will not endanger anyone who receives athletic training services or compromise the professionalism or integrity of the athletic training practice in Michigan.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.