

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 439

(SENATE AUTHORS: KIFFMEYER)

DATE
01/28/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying the Minnesota Athletic Trainers Act; amending
1.3 Minnesota Statutes 2020, sections 148.7802, by adding a subdivision; 148.7806;
1.4 148.7807; repealing Minnesota Statutes 2020, section 148.7802, subdivisions 4,
1.5 5.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 148.7802, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 6a. **Athletic training.** (a) "Athletic training" means, for the purpose of emergent,
1.10 acute, and chronic injuries and nonorthopedic conditions within the scope of the athletic
1.11 trainer's education:

1.12 (1) prevention and wellness promotion;

1.13 (2) risk management;

1.14 (3) immediate and emergency care;

1.15 (4) examination, assessment, and diagnosis of a condition for which treatment is included
1.16 in the athletic trainer's scope of practice; and

1.17 (5) therapeutic intervention, rehabilitation, and reconditioning.

1.18 (b) Athletic training also includes making clinical decisions to determine if a consultation
1.19 or referral is necessary, health care administration, and maintaining professional
1.20 responsibility. An athletic trainer must not practice or claim to practice as a physician,
1.21 chiropractor, podiatrist, occupational therapist, physical therapist, acupuncturist, or any

2.1 other licensed or registered health care professional, unless the athletic trainer also holds
 2.2 the appropriate license or registration to practice that profession.

2.3 (c) Nothing in this subdivision restricts an athletic trainer's ability to provide physical
 2.4 therapy under the supervision of a licensed physical therapist in a clinical or corporate
 2.5 setting pursuant to section 148.7806, paragraph (f).

2.6 Sec. 2. Minnesota Statutes 2020, section 148.7806, is amended to read:

2.7 **148.7806 ATHLETIC TRAINING.**

2.8 ~~Athletic training by a licensed athletic trainer under section 148.7808 includes the~~
 2.9 ~~activities described in paragraphs (a) to (e).~~

2.10 (a) An athletic trainer shall:

2.11 ~~(1) prevent, recognize, and evaluate athletic injuries;~~

2.12 ~~(2) give emergency care and first aid;~~

2.13 ~~(3) manage and treat athletic injuries; and~~

2.14 ~~(4) rehabilitate and physically recondition athletic injuries.~~ perform athletic training
 2.15 under the direction of, on the prescription of, or in collaboration with a primary physician
 2.16 who is licensed in the state to practice medicine as defined in section 147.081 and whose
 2.17 license is in good standing.

2.18 ~~The (b) An~~ athletic trainer may use modalities such as cold, heat, light, sound, electricity,
 2.19 exercise, and mechanical devices for treatment and rehabilitation of ~~athletic injuries to~~
 2.20 ~~athletes in the primary employment site~~ a patient.

2.21 ~~(b) (c)~~ The primary physician shall establish evaluation and treatment protocols to be
 2.22 used by the athletic trainer. The primary physician shall record the protocols on a form
 2.23 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's
 2.24 license renewal time and kept on file by the athletic trainer.

2.25 ~~(e) At the primary employment site, except in a corporate setting,~~ (d) An athletic trainer
 2.26 may evaluate and treat ~~an athlete for an athletic injury~~ a patient not previously diagnosed
 2.27 for not more than 30 days, ~~or a period of time as designated by the primary physician on~~
 2.28 ~~the protocol form,~~ from the date of the initial evaluation and treatment. ~~Preventative care~~
 2.29 ~~after resolution of the injury is~~ Prevention, wellness, education, exercise, and reconditioning
 2.30 are not considered treatment. This paragraph does not apply to a person who is referred for
 2.31 treatment by a person licensed in this state to practice medicine as defined in section 147.081,
 2.32 to practice chiropractic as defined in section 148.01, to practice podiatry as defined in section

3.1 153.01, or to practice dentistry as defined in section 150A.05 and whose license is in good
3.2 standing.

3.3 ~~(d)~~ (e) An athletic trainer may:

3.4 (1) organize and administer an athletic training program including, but not limited to,
3.5 educating and counseling ~~athletes~~ patients;

3.6 (2) monitor the signs, symptoms, general behavior, and general physical response of an
3.7 ~~athlete~~ a patient to treatment and rehabilitation including, but not limited to, whether the
3.8 signs, symptoms, reactions, behavior, or general response show abnormal characteristics
3.9 requiring a change in the plan of care or referral; and

3.10 (3) make suggestions to the primary physician or other treating provider for a modification
3.11 in the treatment and rehabilitation of ~~an injured athlete~~ a patient based on the indicators in
3.12 clause (2).

3.13 ~~(e)~~ (f) In a clinical, corporate, and physical therapy setting, when the service provided
3.14 is, or is represented as being, physical therapy, an athletic trainer may work only under the
3.15 direct supervision of a physical therapist as defined in section 148.65.

3.16 Sec. 3. Minnesota Statutes 2020, section 148.7807, is amended to read:

3.17 **148.7807 LIMITATIONS ON PRACTICE.**

3.18 If an athletic trainer determines that a patient's medical condition is ~~beyond~~ outside the
3.19 scope of practice of that athletic trainer, the athletic trainer must refer the patient to a person
3.20 licensed in this state to practice medicine as defined in section 147.081, to practice
3.21 chiropractic as defined in section 148.01, to practice podiatry as defined in section 153.01,
3.22 or to practice dentistry as defined in section 150A.05 and whose license is in good standing
3.23 and in accordance with established evaluation and treatment protocols. An athletic trainer
3.24 shall modify or terminate treatment of a patient that is not beneficial to the patient, or that
3.25 is not tolerated by the patient.

3.26 Sec. 4. **REVISOR INSTRUCTION.**

3.27 The revisor of statutes shall change the terms "athlete" and "individual" to "patient"
3.28 wherever the terms appear in Minnesota Statutes, sections 148.7801 to 148.7815, and may
3.29 make any necessary changes to grammar or sentence structure to preserve the meaning of
3.30 the text.

4.1 Sec. 5. **REPEALER.**

4.2 Minnesota Statutes 2020, section 148.7802, subdivisions 4 and 5, are repealed.

APPENDIX
Repealed Minnesota Statutes: 21-02044

148.7802 DEFINITIONS.

Subd. 4. **Athlete.** "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. **Athletic injury.** "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.