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COMMITTEE REPORT

March 7, 2019

**H. 3621**

Introduced by Reps. V.S. Moss, D.C. Moss, Erickson and W. Cox

S. Printed 3/7/19--H.

Read the first time January 16, 2019.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3621) to amend Section 44‑75‑20, Code of Laws of South Carolina, 1976, relating to terms defined in the Athletic Trainers’ Act of South Carolina, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 16, 2019**

**State Expenditure**

This bill amends the definition of athletic trainer by specifying that an athletic trainer must be an allied health professional. The American Institute of Medical Sciences & Education defines allied health as health professions that fall outside the traditional rubric for doctors, nurses, pharmacists, and dentists. By this definition, athletic trainers are considered allied health professionals. Under current law, an individual must meet the curriculum requirements for a college or university athletic training program, thus satisfying the definition of allied health professional.

This bill also makes a technical correction to the name of the examination required for certification of athletic trainers, but does not alter the requirements for certification. This bill does not materially alter the oversight or regulatory activities of DHEC. Therefore, this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**State Revenue**

This bill codifies current regulation that allows DHEC to impose civil monetary penalties for violations of the provisions set forth in the Athletic Trainers’ Act of South Carolina. Therefore, this bill will have no revenue impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑75‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE ATHLETIC TRAINERS’ ACT OF SOUTH CAROLINA, SO AS TO CHANGE THE DEFINITION OF “ATHLETIC TRAINER”; TO AMEND SECTION 44‑75‑50, RELATING TO CERTIFICATION OF ATHLETIC TRAINERS, SO AS TO REVISE THE NAME OF THE REQUIRED EXAMINATION; TO AMEND SECTION 44‑75‑100, RELATING TO EMPLOYEES OF ORGANIZATIONS THAT ARE CONSIDERED ATHLETIC TRAINERS, SO AS TO ADD CERTAIN ORGANIZATIONS; AND TO AMEND SECTION 44‑75‑120, RELATING TO PENALTIES FOR VIOLATING A PROVISION OF THE ACT, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TAKE CERTAIN DISCIPLINARY ACTIONS, INCLUDING THE IMPOSITION OF MONETARY PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑75‑20(a) of the 1976 Code is amended to read:

“(a) ‘Athletic trainer’ means ~~a person~~ an allied health professional with specific qualifications as set forth in Section 44‑75‑50 who, upon the advice and consent of a licensed physician, carries out the practice of care, prevention, and physical rehabilitation of athletic injuries, and who, in carrying out these functions, may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment.”

SECTION 2. Section 44‑75‑50 of the 1976 Code is amended to read:

“Section 44‑75‑50. An applicant for an athletic trainer certification must pass the ~~National Athletic Trainers’ Association~~ Board of Certification, Inc., (BOC) examination and have met the athletic training curriculum requirements of a college or university and give proof by means of a certified transcript.”

SECTION 3. Section 44‑75‑100 of the 1976 Code is amended to read:

“Section 44‑75‑100. For purposes of this chapter, a person is engaged as an athletic trainer if the person is employed on a salary or contractual basis by an educational institution, a hospital, a rehabilitation clinic, a physician’s office, an industry, a performing arts group, a professional athletic organization, the military, a governmental agency, or other bona fide ~~athletic~~ organization which employs or serves a physically active population and performs the duties of athletic trainer as a major responsibility of this employment.”

SECTION 4. Section 44‑75‑120 of the 1976 Code is amended to read:

“Section 44‑75‑120. The department is authorized to suspend, deny, or revoke an athletic trainer’s certificate, and impose a civil monetary penalty, against any person for a violation of a regulation promulgated pursuant to this chapter. Any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction must be punished by a fine of not less than twenty‑five nor more than two hundred dollars.”

SECTION 5. This act takes effect upon approval by the Governor.

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