STATE OF ARIZONA
SENATE
FIFTY-FIFTH LEGISLATURE
SECOND REGULAR SESSION
2022

CHAPTER 46

SENATE BILL 1398

AN ACT

AMENDING SECTIONS 32-4101 AND 32-4153, ARIZONA REVISED STATUTES; RELATING TO ATHLETIC TRAINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:
Section 1. Section 32-4101, Arizona Revised Statutes, is amended to read:

32-4101. Definitions
In this chapter, unless the context otherwise requires:
1. "Athletic illness" means an illness that arises from, or a manifestation of an illness that occurs as a result of, a person's participation in or preparation for games or sports or participation in recreational activities or physical fitness activities.
2. "Athletic injury" means an injury sustained by a person as a result of that person's participation in or preparation for games or sports or participation in recreational activities or physical fitness activities, or any injury sustained by a person that is of the type that occurs during participation in or preparation for games or sports or participation in recreational activities or physical fitness activities, regardless of the circumstances under which the injury was sustained.
3. "Athletic trainer" means a person who is licensed pursuant to this chapter.
4. "Athletic training" includes the following performed under the direction of a licensed physician and for which the athletic trainer has received appropriate education and training as prescribed by the board:
   (a) The prevention, recognition, examination, evaluation, rehabilitation and management of athletic injuries.
   (b) The prevention, evaluation, immediate care and monitoring of athletic illnesses.
   (c) The referral of a person receiving athletic training services to appropriate health care professionals, as necessary.
   (d) The use of heat, cold, water, light, sound, electricity, passive or active exercise, massage, mechanical devices or any other therapeutic modality to prevent, treat, rehabilitate or recondition athletic injuries.
   (e) The planning, administration, evaluation, and modification of methods for prevention and risk management of athletic injuries and athletic illnesses.
   (f) Education and counseling related to all aspects of the practice of athletic training.
   (g) The use of topical pharmacological agents in conjunction with the administration of therapeutic modalities and pursuant to a prescription issued pursuant to the laws of this state and for which an athletic trainer has received appropriate education and training.
5. "Athletic training student" means a student who is currently enrolled in an athletic training education program that is accredited by an accrediting agency recognized by the board.
6. "Board" means the board of athletic training.
7. "Direct supervision" means that the supervising athletic trainer is present in the facility or on the campus where athletic training students are performing services, is immediately available to assist the person being supervised in the services being performed and maintains continued involvement in appropriate aspects of the services being performed.

8. "Direction of a licensed physician" means direction as prescribed by the board by rule pursuant to section 32-4103.

9. "D R Y N E E D L I N G" MEANS A SKILLED INTERVENTION THAT IS PERFORMED BY AN ATHLETIC TRAINER AND THAT USES A THIN FILIFORM NEEDLE TO PENETRATE THE SKIN AND STIMULATE UNDERLYING NEURAL, MUSCULAR AND CONNECTIVE TISSUES TO EVALUATE AND MANAGE NEUROMUSCULOSKELETAL CONDITIONS, PAIN AND MOVEMENT IMPAIRMENTS.

10. "Licensed physician" means a person who is licensed pursuant to chapter 13 or 17 of this title.

11. "Restricted license" means a license on which the board places restrictions or conditions, or both, as to the scope of practice, place of practice, supervision of practice, duration of license status or type or condition of a person to whom the licensee may provide services.

Sec. 2. Section 32-4153, Arizona Revised Statutes, is amended to read:

32-4153. Grounds for disciplinary action
The following are grounds for disciplinary action:
1. Practicing athletic training in violation of this chapter or rules adopted pursuant to this chapter.
2. Practicing or offering to practice beyond the scope of the practice of athletic training.
3. Obtaining or attempting to obtain a license by fraud or misrepresentation.
4. Engaging in the performance of substandard care by an athletic trainer due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the person cared for is established.
5. Failing to provide direct supervision in accordance with this chapter and rules adopted pursuant to this chapter.
6. Committing any felony or a misdemeanor involving moral turpitude. A conviction by a court of competent jurisdiction is conclusive evidence of the commission of the crime.
7. Practicing as an athletic trainer if the licensee's physical or mental abilities are impaired by the use of alcohol or any other substance that interferes with the ability to safely practice athletic training.
8. Having had a license or certificate revoked or suspended or any other disciplinary action taken or an application for licensure or certification refused, revoked or suspended by the proper authorities of another state, territory or country.
9. Engaging in sexual misconduct. For the purpose of this paragraph, "sexual misconduct" includes:
   (a) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a provider relationship exists.
   (b) Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with a person WHO IS treated by the athletic trainer.
   (c) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to treatment under current practice standards.
10. Failing to adhere to the recognized standards and ethics of the athletic training profession.
11. Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter.
12. Charging unreasonable or fraudulent fees for services performed or not performed.
13. Having been adjudged mentally incompetent by a court of competent jurisdiction.
14. Aiding or abetting a person who is not licensed in this state and who directly or indirectly performs activities requiring a license.
15. Failing to report to the board any act or omission of a licensee or applicant or any other person who violates this chapter.
16. Interfering with an investigation or disciplinary proceeding by wilful misrepresentation of WILFULLY MISREPRESENTING facts or by the use of USING threats or harassment against any person to prevent that person from providing evidence in a disciplinary proceeding or any legal action.
17. Failing to maintain confidentiality without prior written consent of the individual treated or unless otherwise required by law.
18. Failing to maintain adequate records regarding treatment. For the purposes of this paragraph, "adequate records" means legible records that contain at a minimum a determination of the nature of the injury and the referral and treatment required, the treatment plan, the treatment record, a final summary on conclusion of treatment and sufficient information to identify the person treated.
19. Promoting an unnecessary device, treatment or service for the financial gain of the athletic trainer or of a third party.
20. Providing unwarranted treatment or treatment beyond the point of reasonable benefit.
21. Providing athletic training services that are in any way linked to the financial gain of a referral source.
22. Violating this chapter, board rules or a written order of the board.

23. FAILING TO DEMONSTRATE PROFESSIONAL STANDARDS OF CARE AND TRAINING AND EDUCATION QUALIFICATIONS, AS ESTABLISHED BY THE BOARD IN RULE, FOR PERFORMING DRY NEEDLING WHEN PROVIDED AS A THERAPEUTIC MODALITY.
Sec. 3. Rulemaking; exemption

A. On or before September 30, 2022, the board of athletic training shall adopt rules establishing the professional standards of care and training and education qualifications for athletic trainers who perform dry needling for therapeutic purposes.

B. For the purposes of subsection A of this section, the board of athletic training is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, through September 30, 2022.

APPROVED BY THE GOVERNOR MARCH 23, 2022.