

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 4163 (CS/SB 1258)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Hudson (Health Regulation; Benacquisto)	103 Y's	16 N's
COMPANION BILLS:	CS/SB 1258	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

House Bill 4163 passed the House on February 16, 2012 and subsequently passed the Senate on March 6, 2012. HB 4163 repeals s. 456.034, F.S., relating to requirements for Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) continuing education for Athletic Trainers and Massage Therapists.

Section 468.705, F.S., provides the Board of Athletic Training authority to promulgate rules regarding licensure and continuing education requirements for Athletic Trainers. The Board of Athletic Training has discretion to determine the topics to be included in continuing education courses. Therefore, the Board of Athletic Training has the discretion to include a course in HIV/AIDS training as part of its continuing education requirements.

Section 480.0415, F.S., provides the Board of Massage Therapy authority to promulgate rules regarding continuing education requirements for Massage Therapists. The Board of Massage Therapy has discretion to determine the topics to be included in continuing education courses. Therefore, the Board of Massage Therapy has the discretion to include a course in HIV/AIDS training as part of its continuing education requirements.

The bill does not appear to have a fiscal impact.

The bill was approved by the Governor on March 13, 2012, ch. 2012-115, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Athletic Trainers

Athletic training is the recognition, prevention, and treatment of athletic injuries.¹ An athletic injury is an injury sustained during an athletic activity which affects the athlete's ability to participate or perform.² An athletic activity includes the participation in an event that is conducted by an educational institution, a professional athletic organization, or an amateur athletic organization, involving exercises, sports, games, or recreation requiring any of the physical attributes of strength, agility, flexibility, range of motion, speed, and stamina.³

In 1994, the Legislature began fully regulating and licensing the practice of athletic training to protect the public and ensure that athletes are assisted by individuals adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities.⁴ Athletic Trainers are regulated by the Florida Department of Health, Division of Medical Quality Assurance and the Board of Athletic Training⁵, pursuant to part XIII of Ch. 468, F.S.

As of June 30, 2011, there were 1,488 active in-state licensed athletic trainers.⁶ Between July 1, 2010 and June 30, 2011, the department received 232 applications from individuals seeking initial licensure as athletic trainers.⁷

Applicants seeking licensure as an athletic trainer must:⁸

- Complete the application form and remit the required fees;
- Be at least 21 years of age;
- Possess a baccalaureate degree from a college or university accredited by the United States Department of Education (U.S. DOE), or the Commission on Recognition of Postsecondary Accreditation (Commission), or from a program approved by the board;
- Complete an approved athletic training curriculum from a college or university accredited by an accrediting agency recognized and approved by the U.S. DOE or the Commission, or approved by the board;
- Be certified in cardiovascular pulmonary resuscitation from the American Red Cross, the American Heart Association, or an equivalent certification entity as determined by the board;
- Submit proof of taking a two-hour course on the prevention of medical errors;
- Submit a certified copy of the National Athletic Trainers Association Board of Certification certificate or a notarized copy of examination results.⁹

¹ S. 468.701(5), F.S.

² S. 468.701(3), F.S.

³ S. 468.701(2), F.S.

⁴ Ch. 94-119, L.O.F. and S. 468.70, F.S.

⁵ The Board of Athletic Training is composed of nine members who are Governor appointed and confirmed by the Senate. Five of the members must be licensed athletic trainers, one must be a physician, and two are consumer-residents who are not affiliated with the industry or licensed health-care practice. See S. 768.703, F.S.

⁶ Florida Department of Health, Division of Medical Quality Assurance: Annual Report July 1, 2010 to June 30, 2011, *available at*: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed January 13, 2012).

⁷ *Id.*

⁸ S. 468.707, F.S.

⁹ Florida Department of Health, Division of Medical Quality Assurance, Athletic Training: Application & Licensure Requirements, *available at*: http://www.doh.state.fl.us/mqa/athtrain/at_lic_req.html (last viewed January 13, 2012).

Each applicant for licensure is required to complete a continuing education course on HIV/AIDS as part of initial licensure and one hour for biennial licensure renewal.¹⁰

Additionally, licensed athletic trainers are required to complete 24 hours of continuing education courses biannually. The courses must focus on the prevention of athletic injuries; recognition, evaluation, and immediate care of athletic injuries; rehabilitation and reconditioning of athletic injuries; health care administration; or professional development and responsibility of athletic trainers.¹¹

Massage Therapists

Massage is the manipulation of the soft tissues of the human body with the hand, foot, arm, elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.¹² Massage Therapists are regulated by the Florida Department of Health, Division of Medical Quality Assurance and the Board of Massage Therapy¹³, pursuant to Ch. 480, F.S. Currently, there are 30,323 individuals who hold an active in-state license as a massage therapist in Florida.¹⁴ All massage therapists are required to renew their licenses on or before August 31 of each biennial year.¹⁵

Currently, an individual is qualified for an active license as a massage therapist in Florida if the individual:¹⁶

- Completes the application form and remits the required fees;
- Is at least 18 years of age;
- Possess a high school diploma or graduate equivalency degree;
- Completes a course of study at a board approved massage school or completed an apprenticeship program that meets the standards adopted by the board;
- Receives a passing grade on national examination approved by the board;
- Completes the HIV/AIDS course requirement¹⁷;
- Completes a course relating to the prevention of medical errors¹⁸.

Each applicant for licensure is required to complete a continuing education course on HIV/AIDS as part of initial licensure and one hour for biennial licensure renewal.¹⁹

Additionally, licensed massage therapists are required to complete one continuing education hour for each month or part of a month that has elapsed since the issuance of the license for which renewal is sought, up to a maximum of 24 hours.²⁰ The courses must focus on massage therapy techniques, the prevention of medical errors, professional ethics and laws and rules of massage therapy.²¹ In addition

¹⁰ S. 456.034, F.S., and Rule 64B33-2.002, F.A.C.

¹¹ Rule 64B33-2.003, F.A.C

¹² S.480.033(3), F.S.

¹³ The Board of Massage Therapy is composed of 7 members appointed by the Governor and approved by the Senate. 5 members of the board must be licensed massage therapists and shall have been engaged in massage therapy for at least 5 consecutive years prior to the date of appointment, the other 2 members shall be lay persons. Each member must have a high school diploma or graduate equivalency diploma. –See S.480.035, F.S.

¹⁴ Department of Health, Division of Medical Quality Assurance, Annual Report for July 1, 2010 to June 30, 2011 *available at*: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed January 13, 2012).

¹⁵ Rule 64B7-28.001, F.A.C.

¹⁶ S. 480.041(1), F.S. and Rule 64B7-25.001, F.A.C

¹⁷ Rule 64B7-25.0012, F.A.C.;

¹⁸ S. 456.013(7), F.S.

¹⁹ S. 456.034, F.S. and ch. 64B33-2.003, F.A.C.

²⁰ Rule 64B7-28.009, F.A.C.

²¹ *Id.*

to the above-mentioned courses, massage therapists may select from the following courses, as needed, to meet their continuing education requirements.²²

- Communications with clients and other professionals;
- Insurance related to third party payment or reimbursement of services;
- Psychological dynamics of client–therapist relationship;
- Risk management, including charting, documentation and record keeping;
- Infection control (other than the HIV/AIDS course required by s. 456.034, F.S.); and
- Adult Cardiopulmonary Resuscitation (CPR).

Effect of Proposed Changes

The bill repeals s. 456.034, F.S., which requires each licensed Athletic Trainer and Massage Therapist to complete a continuing education course on HIV/AIDS as part of licensure renewal.

Section 468.705, F.S. provides the Board of Athletic Training authority to promulgate rules regarding licensure and continuing education requirements for Athletic Trainers. The Board of Athletic Training has discretion to determine the topics to be included in continuing education courses. Therefore, the Board of Athletic Training has the discretion to include a course in HIV/AIDS training as part of its continuing education requirements.

Section 480.0415, F.S. provides the Board of Massage Therapy authority to promulgate rules regarding continuing education requirements for Massage Therapists. The Board of Massage Therapy has discretion to determine the topics to be included in continuing education courses. Therefore, the Board of Massage Therapy has the discretion to include a course in HIV/AIDS training as part of its continuing education requirements.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

²² *Id.*

D. FISCAL COMMENTS:

None.