

LICENSING RULES FOR ATHLETIC TRAINERS AND BEHAVIOR TECHNICIANS

Phone: (517) 373-8080
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Senate Bill 184 (H-3) as reported from House committee
Sponsor: Sen. Curtis S. VanderWall
1st House Committee: Regulatory Reform
2nd House Committee: Ways and Means
Senate Committee: Regulatory Reform
Complete to 12-11-19

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 19 of 2020)

SUMMARY:

Senate Bill 184 would amend Part 179 (Athletic Training) of the Public Health Code to amend the licensing rules for athletic trainers. It would remove reference to a three-year licensing cycle. The bill would also amend Part 182A (Applied Behavior Analysis) to add conditions under which a person could not act as a behavior technician in Michigan.

Athletic Trainers

The bill would remove reference to a three-year licensing cycle in the licensing rules for athletic trainers. The bill would also remove a requirement that 75 hours of continuing education be completed during that cycle¹ and replace it with a more general requirement that the Department of Licensing and Regulatory Affairs (LARA), in consultation with the Michigan Athletic Trainer Board, establish continuing education requirements for athletic trainers. The rules would have to adopt by reference the continuing education standards for athletic trainers issued by the Board of Certification, Inc., that are in existence when the bill takes effect. LARA, in consultation with the Michigan Athletic Trainer Board, could adopt any updates or amendments to those standards by rule.

Beginning in the license cycle after the rules established by LARA take effect, a person would have to meet those requirements and furnish acceptable evidence of completion to LARA and the board.

The bill would also remove a stipulation that, in addition to continuing education requirements, an athletic trainer submit proof of completed courses in first aid and cardiopulmonary resuscitation (CPR) training participation and certification.

Behavior Technicians

Under current law, an individual cannot act as a behavior technician in Michigan unless he or she has had a criminal history check conducted that does not contain any criminal history information for the individual and, beginning April 3, 2020, he or she has completed a training program specified in the code.

¹ House Fiscal Agency analysis for HB 4263/2015 PA 166: <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4263-4A33920F.pdf>

The bill would retain the training program requirement but remove the requirement for a criminal history check. Instead, under the bill, an individual could not act as a behavior technician under any of the following conditions:

- At the time the individual is to deliver applied behavior analysis services, sanctions are in force that were imposed against the individual by a licensure, registration, or certification board of another state, another country, the military, or the federal government based on grounds substantially similar to Part 182A or rules promulgated under Part 182A.
- He or she has been convicted of any of a list of crimes specified in the bill, including among others crimes that involve cruelty or torture, the use of threat or violence, criminal sexual conduct, abuse or neglect, diversion or adulteration of medication, use of a firearm or dangerous weapon, or embezzlement, larceny, theft, or fraud, as well as the crimes that exclude individuals and entities from participation in Medicare under 42 USC 1320a-7(a).
- He or she is subject to an order or disposition involving a finding of not guilty by reason of insanity under state law.
- He or she engages in conduct that becomes the subject of a substantiated finding of neglect, abuse, or misappropriation of property under an investigation conducted in accordance with 42 USC 1395i-3 or 1396r (concerning nursing facilities).

MCL 333.17904 et seq.

HOUSE COMMITTEE ACTION:

The House Committee on Ways and Means reported an H-3 substitute for the bill. The substitute added provisions that would require the continuing education rules for athletic trainers to adopt by reference the standards of the Board of Certification, Inc., and would allow LARA to update or amend the rules in consultation with the Michigan Athletic Trainer Board. The substitute also added the amendments to Part 182A, concerning behavior technicians, as described above.

BACKGROUND:

The current rules for Michigan athletic trainer licensing may be found here:

https://www.michigan.gov/documents/lara/Athletic_Trainer_Licensing_Guide_9-2017_601586_7.pdf

BRIEF DISCUSSION:

According to House committee testimony, the bill would move rule promulgation for athletic trainers from statute to the Administrative Rules. Those rules would still receive legislative oversight, as they would go before the Joint Committee on Administrative Rules (JCAR)—comprising five senators and five representatives—but changes would be streamlined and could be made with greater ease.

FISCAL IMPACT:

Senate Bill 184 would not have an appreciable fiscal impact on LARA or on any other unit of state or local government.

POSITIONS:

A representative of the Michigan Athletic Trainers Society testified in support of the bill. (9-3-19)

The following entities indicated support for the bill (12-10-19):

Great Lakes Center for Autism Research
Michigan Assisted Living Association
Autism Centers of Michigan

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.