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New York State Consolidated Laws

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Education

ARTICLE 162 ATHLETIC TRAINERS

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S 8350. Introduction. This article applies to the profession of athletic training. The general provisions of all professions contained in article one hundred thirty of this chapter shall apply to this article.

S 8351. Definition. As used in this article "athletic trainer" means any person who is duly certified in accordance with this article to perform athletic training under the supervision of a physician and limits his or her practice to secondary schools, institutions of postsecondary education, professional athletic organizations, or a person who, under the supervision of a physician, carries out comparable functions on orthopedic athletic injuries, excluding spinal cord injuries, in a health care organization. Supervision of an athletic trainer by a physician shall be continuous but shall not be construed as requiring the physical presence of the supervising physician at the time and place where such services are performed.

The scope of work described herein shall not be construed as authorizing the reconditioning of neurologic injuries, conditions or disease.

S 8352. Definition of practice of athletic training. The practice of the profession of athletic training is defined as the application of principles, methods and procedures for managing athletic injuries, which shall include the preconditioning, conditioning and reconditioning of an individual who has suffered an athletic injury through the use of appropriate preventative and supportive devices, under the supervision of a physician and recognizing illness and referring to the appropriate medical professional with implementation of treatment pursuant to physician's orders. Athletic training includes instruction to coaches, athletes, parents, medical personnel and communities in the area of care and prevention of athletic injuries.

The scope of work described herein shall not be construed as

authorizing the reconditioning of neurologic injuries, conditions or disease.

S 8353. Use of the title "certified athletic trainer". Only a person certified or otherwise authorized under this article shall use the title "certified athletic trainer".

S 8354. State committee for athletic trainers. A state committee for athletic trainers shall be appointed by the board of regents, upon the recommendation of the commissioner and shall assist on matters of certification and professional conduct in accordance with section six thousand five hundred eight of this title. The committee shall consist of five members who are athletic trainers certified in this state. The committee shall assist the state board for medicine in athletic training matters. Nominations and terms of office of the members of the state committee for athletic trainers shall conform to the corresponding provisions relating thereto for state boards under article one hundred thirty of this chapter. Notwithstanding the foregoing, the members of the first committee need not be certified prior to their appointment to the committee.

S 8355. Requirements and procedure for professional certification. For certification as a certified athletic trainer under this article, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have received an education including a bachelor's, its equivalent or higher degree in accordance with the commissioner's regulations;
3. Experience: have experience in accordance with the commissioner's regulations;
4. Examination: pass an examination in accordance with the commissioner's regulations;
5. Age: be at least twenty-one years of age; and
6. Fees: pay a fee for an initial certificate of one hundred dollars to the department; and a fee of fifty dollars for each triennial registration period.

S 8356. Special provisions. A person shall be certified without examination provided that, within three years from the effective date of regulations implementing the provisions of this article, the individual:

1. files an application and pays the appropriate fees to the department; and
2. meets the requirements of subdivisions two and five of section eight thousand three hundred fifty-five of this article and who in addition:
 - (a) has been actively engaged in the profession of athletic training for a minimum of four years during the seven years immediately preceding the effective date of this article; or
 - (b) is certified by a United States certifying body acceptable to the department.

S 8357. Non-liability of certified athletic trainers for first aid or emergency treatment. Notwithstanding any inconsistent provision of any general, special or local law, any certified athletic trainer who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency, outside a hospital, doctor's office or any other place having proper and necessary athletic training equipment, to a person who is

unconscious, ill or injured, shall not be liable for damages for injuries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such athletic trainer. Nothing in this section shall be deemed or construed to relieve a certified athletic trainer from liability for damages for injuries or death caused by an act or omission on the part of an athletic trainer while rendering professional services in the normal and ordinary course of his or her practice.

S 8358. Separability. If any section of this article, or part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of any other section or part thereof.

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AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Certified Athletic Trainers

Pursuant to sections 101, 207, 305 (1) and (2), 803 (5), 3204 (2), 8351 and 8352 of the Education Law

1. Paragraph (5) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended, effective July 10, 2003,

as follows:

(5) Facilities. Trustees and boards of education shall provide adequate indoor and outdoor facilities for the physical education program at all grade levels.

2. Clause (d) of subparagraph (i) of paragraph (7) of subdivision (c) of section 135.4 of the Regulations of the Commissioner of Education is amended, effective July 10, 2003, as follows:

(d) to determine the need for an athletic trainer and to permit individuals to serve as athletic trainers for interschool athletic teams, intramural teams or physical education classes only in accordance with the following:

(1) Qualifications. Persons serving as an athletic trainer shall possess a valid license as a Certified Athletic Trainer from the State of New York issued pursuant to Article 162 of the Education Law and, commencing July 10, 2003 and thereafter, shall have successfully completed training pursuant to Public Health Law section 3000-b(3)(a) in the operation and use of an automated external defibrillator, provided that persons already serving as athletic trainers on July 10, 2003 shall successfully complete such training no later than December 31, 2003.

(2) Scope of duties and responsibilities. The practice of the profession of athletic training shall be as defined in Education Law section 8352.

Consistent with Education Law section 8352, the services provided by an athletic trainer shall include, but not be limited to, the following:

(i) prevention of athletic injuries, including assessment of an athlete's physical readiness to participate;

(ii) [provide school personnel and students with advice and services on physical conditioning programs, training methods, screening procedures, injury prevention and use of safety equipment for sports participation; and] management of athletic injuries;

- (iii) reconditioning to minimize the risk of re-injury and to return the athlete to activity as soon as possible, excluding the reconditioning of neurologic injuries, conditions or disease;
- (iv) health care administration, including medical record keeping, documentation and reporting of injuries, writing policies and procedures, budgeting and referral of injured athletes to appropriate authorized health care professionals when indicated;
- (v) education and counseling of coaches, parents, student athletic trainers and athletes;
- (vi) risk management and injury prevention, including:
- (A) assisting in the arrangement of pre-participation examinations;
 - (B) assisting in the proper selection and fitting of protective equipment, including the application of wraps, braces, tape and pads;
 - (C) assisting in the inspection of fields and playing surfaces for safety;
 - (D) advising on weather-related conditions and care for their specific injuries/illnesses;
 - (E) advising on designing and implementation of fitness and conditioning programs for athletes;
 - (F) advising students on the maintenance and attainment of optimal body weight and physical conditioning to prevent and avoid athletic injury;
- and
- (G) advising the athlete in avoidance of substance abuse;
- (vii) management of athletic injuries, including:
- (A) recognizing the various types of musculoskeletal and nervous system injuries that may occur in athletes;
 - (B) understanding the various phases of healing and promoting an environment that assists in the healing process;
 - (C) referring the athlete for further evaluation and accurate diagnosis after the initial management of an injury; and
 - (D) accessing local health services, including social support services available to the athlete;
- (viii) immediate care of athletic injury and physical conditions, including responsibility for:
- (A) the initial on-the-field injury assessment of acute injuries;
 - (B) administering appropriate first aid and emergency care to the injured athlete including, as necessary, the use of an automatic external defibrillator, and deciding on the management of acute injuries, provided that nothing herein shall authorize the use of an automatic external defibrillator by an athletic trainer who has not successfully completed training in the use of such equipment pursuant to Public Health Law section 3000-b(3)(a); and
 - (C) the recognition and evaluation of potentially serious, life threatening injuries;
- (ix) treatment and reconditioning of athletic injuries, including responsibility for:

(A) under the supervision of a physician, designing reconditioning programs that make use of appropriate therapeutic exercise, reconditioning equipment or therapeutic modalities in relation to athletic injuries;

(B) overseeing the reconditioning process and returning the athlete to full activity;

(C) designing and supervising an athletic injury reconditioning program and modifying that program based on the healing process;

(D) using appropriate therapeutic exercise techniques;

(E) designing a series of sport related activities that allow the athlete to gradually progress to complete functional ability; and

(F) assisting in social support of an injured athlete, with regards to pain threshold, compliance, competitiveness, and the ability to adjust to

injury;

(x) organization and administration, including:

(A) responsibility for maintaining an athletic training room facility;

(B) maintaining detailed injury reports, treatment records, and reconditioning programs;

(C) responsibility for ordering equipment and supplies;

(D) establishing rules and policies for the daily operation of the athletic training room; and

(E) educating student athletic trainers by providing a quality environment consistent with all rules and regulations to develop professionally;

(xi) professional development and responsibilities, including:

(A) attending continuing education programs offered at state, district or national meetings;

(B) consulting and reviewing professional journals and textbooks;

(C) educating the community of health care professionals as to the role of the certified athletic trainer; and

(D) informing parents, coaches and athletes as to the importance of quality health care for the physically active.