

PROCEEDINGS  
of the  
NATIONAL ATHLETIC TRAINERS' ASSOCIATION

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Special Meeting

March 17, 1976  
O'Hare Hilton Hotel  
Chicago, Illinois

ERNEST W. BUSCH & ASSOCIATES

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NATIONAL ATHLETIC TRAINERS ASSOCIATION  
Wednesday Evening Session  
March 17, 1976

The meeting of the National Athletic Trainers Association convened at 7:10 o'clock in Room 5109 of the O'Hare Hilton Hotel, Chicago, Illinois, with Mr. Bob Behnke, Chairman, presiding.

The following were in attendance and were introduced: Mr. Davis, Mr. George, Mr. Hayes, Mr. Miller, Mr. Hoover, Dr. Bachman, Mr. Wood, Mr. Melhart, Mr. Rhea, Mr. Graham, Mr. Compton, Mr. Wilson and Mr. Morris.

MR. FRANK GEORGE: Bob is going to chair the meeting, but I would like to try to keep as narrow as we can in this meeting. I would like us to address the major problem and its solution and not stray too far because sometimes we get to do that.

As you know, there is a problem, and in many states there is existing legislation which reads or is interpreted as non-licensed person may not give treatments even under the supervision of a doctor. Could I say that again?

Yes, Dick, would you like to introduce your guest?

MR. DICK HOOVER: This is Dr. David Bachman, who is the Director of Northwestern Center for Sports Medicine.

MR. GEORGE: I will say that statement once again: "Non-licensed persons may not give treatments even under the supervision of a doctor."

That is how the law is interpreted in Rhode Island, in Massachusetts and New York, three very close states to me. I am sure that is the way it is

interpreted in many other states if someone wants to enforce it.

There is a solution to it as far as the athletic trainer goes, and that is we have to have a law in each state that will allow an athletic trainer to have a license to administer treatment as one of their daily duties.

Now in that solution, there are a number of problems, and that is in writing the law. The first problem I see is in defining an athletic trainer. What is an athletic trainer? How are we going to define that, because in every piece of legislation when we do define it, that more or less says what the athletic trainer can and cannot do.

The second thing is the qualifications. I would like to see the qualifications be very simple, that the athletic trainer must be certified. You cannot say NATA certified, and you cannot say certified by the National Association, but some place I would like the people who are getting these licenses to meet NATA qualifications for certification.

The third thing is I think we have to have some type of limit on what the athletic trainer can do or how he can be paid. By that I mean the athletic trainer must work for an educational institution, a professional club, an athletic team, and he must not be allowed to work on a private basis.

In other words, an athletic trainer cannot hang a shingle out and begin treating athletic injuries on a fee-for-service basis.

Those basically are the three problems for which I think we have to seek some solution. Hopefully, we can solve those problems tonight and begin writing a model piece of legislation which we will ask Bob to present to the Board of Directors in June. Hopefully, the Board will then approve it and then in turn we will have representatives in each state trying



to do something about this legislation.

In the definition of an athletic trainer, the first problem, that is where it states which duties he may perform or which types of modalities he may use. The more we include, the more opposition we can expect. I know you all understand what I am saying.

If we say he may use ultrasound and so on and so forth, then we are going to receive more opposition than if we just say he can use heat, light, and water, or as Illinois did, or something along those lines.

As I said before, I would like to see the qualifications remain as close to NATA certification as possible.

When we are all done with this, I would like to come up with some ideas from you people who have experienced it in the best way to get a piece of legislation passed, so that when we are done, Bob will present to the Board two separate things: one, a model piece of legislation and, two, suggestions on how to get legislation passed in any state in a general way.

Now I am going to turn it over to Bob and let him get started.

Otho wants to say something.

MR. OTHO DAVIS: Let me pass various pieces of literature out to you that we have collected for some of you have sent this in. Take one and pass them around.

(The literature was distributed.)

MR. ROY DON WILSON: While he is passing these out, let me ask a question. In what you just said there, number one, why can't you say: NATA certified trainer?

The second question is you say in most states



there is a law against the trainer using modalities in treatment. I can't understand this.

MR. GEORGE: Okay. I talked to Jim Hayes on this particular article that is coming around here, and I know you read it because it was in the Journal. The one bad thing about the article, Jim says, is that they are not lawyers, and they are doing exactly what they tell us not to do. They are giving legal advice.

In three-quarters of the states, if you don't have a license, then you are not allowed to do many of the things we do on a day-to-day basis. In a quarter of the states, as long as you don't call yourself a physical therapist, you can do those things, but that doesn't protect very many of our members. I think that is what we are looking for. We are not looking for a law to exclude anyone. We are looking for a law to protect our members.

Did I answer that part of your question? So I think in many states, if I go by my particular state and the two surrounding states, they have prohibitive so-called type legislation.

MR. WILSON: Is this prohibitive legislation written, say, in a physical therapy law?

MR. GEORGE: Yes.

MR. MILLER: Or general allied health law. It covers all allied health personnel.

MR. WILSON: Why can't you use NATA when you speak of certification?

MR. GEORGE: I know the federal government did not accept it when we went through that Helms bit with them. They would not accept the use of any so-called private association.

In talking with Bob today, the State of Illinois would not allow the name of NATA nor did he think

any legislature would allow the name of any private association to be put into a state law, and if you go by precedence, there is nothing that says AMA in any of the medical laws or APTA in any of the PT laws, but they infer it by saying you must graduate from an approved school. The only place you can get an approved school is in an APTA approved school.

It is kind of back door. Do you understand what I mean?

In other words, in the state of Rhode Island it says to get a license in the State of Rhode Island, you must be a graduate of an approved school of physical therapy therapy.

MR. WILSON: It doesn't say who approves them?

MR. GEORGE: Yet, Bob Glora says in the Illinois law it said that the Board approves the school, meaning the Board in Illinois, which I would rather see than APTA approve the schools.

MR. MILLER: That is why accreditation comes in with this. If we are the only accrediting body that approves schools, then we would have a lock-in on that, but anyone else can start something up.

MR. DAVIS: Would you check? If any of you have taken two of any copy, double check and send them on around because we only have just enough.

MR. GEORGE: I would like us, if we can, to stay away from the particular state problems and try to think of this on a general level.

CHAIRMAN BOB BEHNKE: We will address ourselves to the first point. I think one thing, though, we are going to have to relate to, and that is our own experiences with regard to states.

I would like to start off trying to come up with a definition.



MR. MILLER: I have a one-sentence definition all ready but that is not going to tell what a trainer does. We had it approved by the Board, but that is just a one-sentence definition. I don't think that is what you are looking for. You want to go further.

CHAIRMAN BEHNKE: You will have to excuse me for relating to my experience, but I think we are all going to do this to a degree.

Just as Frank pointed out earlier, the greater detail in which you spell this out, the greater opposition you are going to meet, and in our initial bill we had a much more broad definition of what an athletic trainer did and it met with great opposition from the Illinois Chapter of the Physical Therapy Association.

In sitting down and discussing this with their representative who spoke in opposition at the Senate Hearing Committee, they were appeased with the definition that you now have in front of you which is on the Illinois Bill, House Bill 366, I believe.

MR. HOOVER: Under Section 2, Bob?

CHAIRMAN BEHNKE: Yes, and that is basically the reason. We ran this by, and of course, I think if any of you have gone through the experience, the legislators prepare you for the worst. They tell you that you are not going to get by the first time. At least, that is what our people told us, and if you had any initiative at all, you would run it by them again, so we did.

The comment was that if we can put it in more broad terms, then you are pretty much left open to the same definition only you read between the lines.

The problem was, I think, you are all going to go through this, and I think every state that attempts this will go through this.

The very first thing that happened to us was



like everyone else. We took the Texas bill into our legislators. One was a Senator and one was a State Representative. We asked if we could go in a similar direction in the State of Illinois if the trainers in the State of Illinois chose to do so. The first move they did was to take it, in the case of Illinois, to Springfield, and submit it to what is called the Legislative Bureau.

What the Legislative Bureau did was to completely tear down the Texas bill item by item and rewrote it in line with existing legislation in the State of Illinois.

That is where we came up with some changes. That is where our initial changes were made simply because things that were said in the Texas bill were illegal in Illinois according to other statutes of the state.

So our redefinition to include exercise, heat and cold only without spelling it out was the simple fact that the initial definition paralleled almost exactly that of the definition of physical therapy as used in the Illinois Physical Therapy Act of 1969. We met opposition obviously there because the physical therapists thought that the athletic trainers would take their jobs away from them, to quote their representative.

Their organization, at least, through Chuck Kenney, who was their representative at our meeting, was appeased by the statement that now exists in front of you, so that was the definition used for an athletic trainer in the State of Illinois.

What I am asking is that if you read it, is it broad enough, is it inclusive enough? If we are to come up with model legislation, we have got to define what an athletic trainer does.

MR. LOGAN WOOD: I think if you will take the Texas bill and the definition "athletic trainer", you are going to find it will change from state to state.

It will change according to the laws, according to the whims of the medical association of that state and their lawyers, and the only suggestion I have is that you do the same thing that we did.

Of course, I negotiated with the Texas Medical Association for over three months just to get them to take a neutral stand and not oppose our piece of legislation. All they asked when the public hearings came was that their lawyer who represented them asked that they be able to sit down with us in subcommittee and rewrite definitions.

We had a different definition that appears here on this bill. The Texas Medical Association lawyer did help us rewrite this definition, and I think if you will take this definition, as a model, and then adjust it from state to state according to the people whom you have to have on your side.

MR. GEORGE: Logan, I think, is essentially telling us to put in as much as possible in the definition.

MR. WOOD: Yes, I would put in as much as is in the Texas piece of legislation and try to hold on to it, but you may have to make some accommodations from state to state according to existing laws and according to whatever you want to work out with the medical association in that state and possibly even with some of the paramedical associations if they have enough power to block your piece of legislation.

MR. GEORGE: Are we educating our people enough to take a stand and say that our people should use a physical modality such as heat, light, sound, cold, electricity and mechanical devices related to rehabilitation? Is that basically what is said in Texas?

MR. WOOD: Yes.

MR. MILLER: That is one of our weaker spots in our educational program in most all of our



curriculum when we talk about this type of thing is that we need more and more on modalities and follow-up with it as a continuing education type thing because I don't think we get as much. I mean, I would have a hard time to compare it with a physical therapy school. Once they get into electrotherapy, they have a whole course in electrotherapy and a whole course in hydrotherapy, and they go down the line.

I wouldn't want to get into a comparison of that type of thing with our educational program, to be honest with you, and to go outside of this area.

We do not get a lot of practice. We get a lot of practical experience, and we do require anybody that is going to have an approved curriculum, they have to have the modalities so the students can learn how to use them. We have required a certain number of different types of modalities in this type of thing.

We won't approve them unless they do have it, so we have it set up in our educational programs for modalities to be taught, but again, it gets caught up. There isn't a specific course. It has to come out of the athletic training courses, or you may have an athletic training course called modalities or therapeutic modalities and so forth, but again, you just don't spend as much time, if you wanted to get into a shouting match with the physical therapists or something like that. I wouldn't want to try to take that battle on because I wouldn't want to get into that argument at all because we would lose that one in a hurry.

MR. GEORGE: Would it be feasible for us to make it compulsory for there to be a modalities course?

MR. MILLER: That is one of the things that we require in our behavioral objectives is to have to learn up to a certain point about modalities, but again, I think we are deficient.

MR. WOOD: I wouldn't tie myself up with anything like that in a bill.



MR. MILLER: No.

MR. GEORGE: I stray like everything, Logan. You've got to keep me right on it.

MR. WOOD: You have got to leave to the discretion of the Board of that particular state the particulars to fulfill. You have got to just put in the qualifications such as a graduate of an approved school, and then the Board will set the standards for what is an approved school and an approved curriculum.

MR. JIM HAYES: How do you get that by the physical therapists?

MR. WOOD: You fight like hell.

MR. HAYES: We are catching it already from the physical therapists in Iowa on that very point.

MR. WOOD: We were lucky in a sense. I suggested we go to state licensing in NATA in 1968 in one of the committees I was on, and nobody took me up on it, so I decided maybe we would try it out in Texas first.

We started out in the summer of 1969 and got the bill passed in January of 1971 and it went into effect in September of '71. The physical therapists were also trying to get a bill through at that time. They spent ten years and fifty thousand dollars in various fees and lobbying bills to get their's through, and we spent a year and a half and maybe four or five hundred dollars, I don't know, but we had them tied up.

Our legislative people would not vote for their bill unless their's voted for ours, and we went down to the last day of the meeting of the legislature before either side gave, but it is difficult and that goes into the political part which I have down as step two and not the actual writing of the bill.

But if you leave yourself too weak in the bill, then all you are going to do is make it a hardship on the

people who want to be athletic trainers, and they are not going to have any benefit out of it. You strip yourself then. It is better maybe not to have the law unless you have to have the law in order to keep practicing as an athletic trainer.

MR. HAYES: How long did it take you in Texas from the time you first drafted your first bill until it was passed here in what, 1971?

MR. WOOD: Yes.

MR. HAYES: In '71.

MR. WOOD: I think, as I mentioned, I made the motion in July of '69 at our Southwest Trainers meeting and which passed, and we started looking at how we would write this thing up then, but we did not fully sit down until the summer of '70 with some people from the legislature, and it passed in '71.

There were some rewrites. There was legal help from the State of Texas' legal attorneys there that helped the legislators write up such bills, but that is about the length of time that it took.

MR. HAYES: Logan, do you have copies of your first proposals, the first definitions that you tried in all the stages you worked through things?

MR. WOOD: I probably do somewhere in my files, but I didn't bring those particular things with me.

MR. HAYES: Did it change very much?

MR. WOOD: It did not change too much except the grandfather clause was kicked around, and I have a list of things I would change on our bill. I will be glad to talk about that if you all so desire. I will be glad to go over the Texas bill and tell you everything that I feel is wrong with it and things that will make it a little bit better.



I have several things down here, but yes, it changed some, in some particular areas. Some of the basic things stayed the same throughout, but the only major change after we drafted the final copy was probably the definition.

MR. HAYES: It would just seem to me, Frank, that maybe Logan's experience might help us all anticipate for each one of the states what we might expect, and it might be a real beneficial thing for him to discuss at some time.

MR. MILLER: The only big difference is that that was the only state that didn't have physical therapy already with a licensure.

MR. WOOD: There were about five.

MR. MILLER: But it was the only one when you finally got through it, I think.

MR. WOOD: We went through at the same time.

MR. MILLER: So if that is going to be the opposition, it is there in New York State already against us. I don't know whether that is going to take a greater amount of time, but it is certainly a political thing that you are going to have to watch out for.

MR. WOOD: I have got a number of political things down here if you wish to discuss them, after we get through the piece of legislation that we ran through, that I'm sure everybody is going to run into.

CHAIRMAN BEHNKE: So it's your opinion that the definition should be as specific and detailed as possible?

MR. WOOD: I like the one we have, and I am not just saying it because we ended up with it, but it is one that we have been most happy with.

I will say that when you only put down "with



the advice and consent", then you will run into some opposition.

CHAIRMAN BEHNKE: When you do or you don't?

MR. WOOD: When you do, because in most PT bills, they have specified their prescription from the doctor to work on anyone instead of advice and consent.

CHAIRMAN BEHNKE: That is not true in Illinois.

MR. WOOD: It is true, I believe, in Texas in the PT bill that is passed around.

MR. HOOVER: You run into a variable there, too, because there is a variable in the PT bills.

MR. WOOD: So in some states you run into it when you say "advice and consent", but I like the wording, and I think it gives a little bit broader legal base.

But let me say this about legal bases and everything. You are going to find out that once some of these bills are passed and everything, no one is interested in really prosecuting. The PT's in Texas are not interested in prosecuting people. We are an exception in their Act, which you can see, on their bill, listed as an exception and pardon me. The only copy of it that I have, I had some notes scribbled on them and some of the things may be underlined, and everything, but I will go into that a little bit later about what are some of the things we found and some of the Attorney General's rulings that we have had, but that is getting a little ahead of the bill.

I can tell you, if you would like, how we would change the Texas bill, if you cared to go into that.

MR. HOOVER: Would you change the definition any in the Texas bill?

MR. WOOD: No, I would not change the definition.

MR. GEORGE: Let's stay with definition.

Does anyone else have anything that they would like to say on the definition?

MR. HOOVER: The only comment that I will make, after talking with the Illinois PT Association people today, and I did talk to Chuck Kenney, and I did talk with the people at Northwestern. I talked to Oxley, and I talked to the people at the PT school. Sally Pierce happened to be the president. There were a few hangups. The hangup in the definition of Texas, as Bob mentioned, would be the terminology of what they can do. I think the State of Illinois would play us tooth and toenail, I think, for anything other than a very broad sentence of exercise, heat and cold.

CHAIRMAN BEHNKE: That is why it is that way.

MR. HOOVER: If you got any more descriptive than that, you wouldn't have a snowball's chance.

MR. WOOD: And if you went in with this definition, what I am saying, there are a lot of states that it is going to pass and a lot of states where it is going to have to be adjusted, but if you go in with anything weaker, they still might want to adjust what you have gone in with which is weaker.

MR. HOOVER: Ours is the first adjustment, really.

MR. WOOD: You can put up a little bit of a fight and a hee-haw, and look like you are compromising. They feel like they have won a small battle by getting you to change the definition.

CHAIRMAN BEHNKE: I agree. In fact, from our first draft it was changed. You have got the latest.



Our first draft read very similar almost to yours, and that was by means of heat, light, sound, cold, exercise, electricity and mechanical devices.

MR. DAVIS: The chances of its passing the first time are probably nil.

MR. WOOD: Ours passed the first time.

MR. DAVIS: But there were changes made from that first time.

MR. WOOD: No, in this bill here, our changes were before we ever got into the legislature, and the changes were in definition in subcommittee.

MR. DAVIS: That is what I mean, from the inception on there are going to be some changes made, so what Logan is really saying is: Go for broke, and then let's cut back.

MR. HAYES: So what we are talking about is trying to hammer out a uniform bill, as comprehensive as possible, and then let the states adjust it, or whatever.

MR. DAVIS: Adjust the situation.

CHAIRMAN BEHNKE: Which has got to be made clear to the membership because the minute somebody in some particular state sees it written as rigidly as you have, they will back off. They should be made aware of the fact that we are going in strong, willing to step back. This is what we did.

We felt we met the opposition and appeased it by the definition we now have. We didn't really change the intent of the bill.

If anybody gets in an advisory role to a group that wants to initiate this kind of action, if we go ahead with model legislation and put teeth in it like that, we have to be prepared.



MR. WOOD: I think you have to include that, as I saw when Frank first commented. I broke it down into the original bill and politics, and I think in the politics section that you are going to have to send out as to how to do these things. The first thing you are going to have to say is: "Hey, you don't have to carry this piece in there and fight for it word for word."

We must educate whoever in that state, or even send committee members around from this committee or some other committee, to help some of the other states to show them that some of these things can be changed. You can still get a law through that will be effective.

CHAIRMAN BEHNKE: I think it is important along that line that we somehow present a piece of literature that says that this is a model legislation, and then separate to that there be guidelines, because if those guidelines were to fall in the hands of any so-called opposition, they will simply wait until you come down to their terms and negotiate with you, whereas we don't want that.

We are shooting for the moon, in a sense, with the initial model legislation. If we can get that, we are in really good shape.

We are willing to step back. "We have guidelines to help you step back, and still not lose the intent of the whole idea."

MR. WOOD: I don't think whatever you come up with should be sent around to every member or published in the magazine for publication.

CHAIRMAN BEHNKE: No, wait. The model legislation, yes; the guidelines, no. So we are talking about two separate instruments.

MR. WOOD: Right, that is the way I looked at it when Frank called.

CHAIRMAN BEHNKE: Possibly then these guidelines

could be kept within this group in the sense that if we were to continue on each individual act as an advisor to a group that would initiate action in their own state, we would go then and present these guidelines.

MR. WOOD: I sent stuff to Jerry Rhea. I noticed that the bill from George looked a little familiar, and some other people had been calling me, so I have sent some of this stuff out.

The legislature was meeting in Georgia at that time that Jerry called me, so I sent the stuff right up to him. So some of the states, I guess, have pretty well gotten started. A few have.

CHAIRMAN BEHNKE: Is it the concensus, then, that unless anyone else has got to say anything with regard to definiton, that we take it in strong, as they have in Texas, and leave it? Are we willing to accept the Texas definition of athletic trainer in regard to model legislation?

MR. HOOVER: Yes.

MR. LARRY GRAHAM: I only have one question, and that is does the word "team" modifying the word "physician" give anybody any problems?

Not being a trainer, I don't know. I was just curious if we will have situations where there would be a physician available, he will not be a team physician.

CHAIRMAN BEHNKE: That is conceivable in a high school situation, because if you are in a high school situation without one, and the boy sees his local physician.

(Mr. Jerry Rhea joined the meeting)

MR. WILSON: Going around is a bill that we wrote in Kentucky.

MR. GEORGE: We are talking about the defini-



tion of an athletic trainer and just how much we should include in that definition.

Jerry, we are talking on the definition of a trainer and just how much we should include, and Larry Graham, I think you had the floor. You had asked a question about a team physician. Should we say just physician or team physician.

MR. GRAHAM: I don't want to comment whether it should be either way. I think you gentlemen know a lot better than I do to answer the question. I just bring it up.

CHAIRMAN BEHNKE: At the high school level you are likely not to be working with them, and you may have a dozen different physicians feed in your program with various athletes, so I think if you consider that aspect, you can't say team physician.

MR. WILSON: Any doctor working with a team.

MR. HAYES: He still has to be authorized by somebody to report.

MR. WILSON: With my team I know I have fifteen to seventeen doctors in different specialties working with the team, and they are all team physicians.

MR. GEORGE: I don't look at it like that.

MR. WILSON: What happens if you have an ophthalmologist? I mean, I have a team ophthalmologist.

MR. DAVIS: What happens if you have a family physician?

CHAIRMAN BEHNKE: What happens if your athlete does go home for a period and sees the family physician and that family physician directs you to do something when he comes back?

MR. WILSON: He will see our doctor anyway,

when he comes back.

MR. HOOVER: You are going to have to talk about this on the high school level, though, where you have a physician covering a game who is a team physician for that night, but not a team physician per se, but the athlete is actually seen by his own private physician for any and all problems. Then again it is very difficult to define team physician.

MR. WOOD: I think you can just add and/or and put consulting physician after team physician.

CHAIRMAN BEHNKE: And/or, just strike "team" and add "consultant."

MR. WOOD: I would leave the team physician deal in because with advice and consent, this will note to people that there is going to be someone in most instances closely by with a medical degree. It is sort of supervision in most cases, we will say. It is closely related.

MR. GEORGE: Who upon the advice and consent of a physician carries out the practice and prevention.

MR. WOOD: Yes, it could.

MR. GEORGE: Would it weaken it any?

MR. WOOD: No, I don't see any problem with it.

MR. GEORGE: I think that is better because there are a lot of people who don't have team physicians. Myself, I don't think of my ophthalmologist as a team physician, and yet he calls me and tells me things to do.

Athletic trainer means a person with a specific qualification who, upon the advice and consent of a team physician.

MR. MILLER: I think we really have to look at



the high school level. I hate to say that our fellow physical therapists are against us, the trainers and so forth, but I think it is at the high school level where they are the biggest threat because, as you say, you are going back to your family physician, and all this type of thing, and that is where you are crossing over a lot of physicians in the community and they are coming back to you. That may mean business right there in that town. They are not going to get you at Brown University. You know that you are at Brown University taking care of athletes at Brown University.

The same way with most of us here. We are within a unit, and that is where you are at, but it is that high school. I will grant you that we don't have a great number of high school trainers, but it is still that is the area we hope to grow in, and I think that is where one of our biggest areas of objection is going to come in. I would just hope that it would read so that it doesn't cause any problem there.

I don't know if that physician by itself would cause a stir or not.

MR. GEORGE: Does anyone see it as being a problem?

MR. WOOD: Yes, it could be a problem with the PT's because they read that and they say, "Well, instead of Dr. Jones referring this boy over to me, he is going to be sent over to the school to be treated."

There are going to be some towns whose kids have been treated by a physical therapist probably and who do not presently have a trainer.

MR. DAVIS: By having "team physician" in there it might stimulate a school board to possibly have a team physician.

CHAIRMAN BEHNKE: Why not have a trainer? If they have got to have a team physician to have a trainer?

MR. DAVIS: If you write it out "team physician", and bring the attention of this title to this person.

MR. WOOD: This is what I was trying to denote before by putting in "team", and secondly, I don't think that this is going to be a point of contention with most people there. I mean, especially if you have got "team physician" in there.

MR. DAVIS: I think as we get further down the line in this thing, our position coming from the physical therapist, as far as cutting into their practice, this is what they are going to be concerned about.

MR. WOOD: That goes into the politics bit where you have to assure them that this is not going to be the case because these kids aren't going to go anywhere anyway. I mean, if it is not going to be seen by the trainer and treated by the trainer, most of them are just going to be dumped in the whirlpool by the coach anyway.

MR. HOOVER: Logan says in essence he has sixty team physicians, and you take a broad definition of a team physician. You don't think of one person, but you think of any person who sees that member of that team is a team physician.

MR. WOOD: We have got a list of consultants that is a legal page long.

MR. HAYES: It seems to me that not only in formulating the definition but also in selling the program, that we have to keep in mind the long-range goal of an integrated sports medicine concept, and that is getting away from these far-flung doctors from every volunteer source helping in schools and colleges and whatever, and a school having a team physician, whether it be the same one each week or not, but someone who is immediately responsible for sports medicine in that academic community.



It seems to me that we are reaching more and aiming more for our goal if we, too, talk about a team physician and placing the responsibility and having a doctor and a trainer together on this thing. If the trainer happens to be a physical therapist, fine. I think specializing in sports medicine has to be something that we are looking for over the long range. It is a very specialized area of medicine and ancillary parts of medicine.

MR. ROD COMPTON: If this was in effect, if the law was in effect with the words "team physician", and you were prosecuting a trainer, and he did not use his team physician or he used an ophthalmologist or something like that, could that be good grounds for saying that he was not?

MR. HAYES: If he didn't sure, but I think that it just helps us get closer to that whole concept. I think the school boards are just going to have to face up to this responsibility as these cases keep developing around the nation where kids just aren't receiving adequate diagnosis and treatment and therapy, and maybe we have to really take it to the school boards. Maybe that is where it has to be taken.

School boards are willing as everything to spend money in many instances on things and on property, and they haven't even thought about having a designated person as a physician or an athletic trainer, and maybe we need to take that initiative and start selling this concept.

MR. WILSON: In our bill here in Kentucky, we put "upon the advice and consent of a licensed physician". We didn't even mention team.

MR. GEORGE: Why did you change it?

MR. WILSON: I think because of just what we are saying. You may have a kid that is seen by a doctor who is maybe not a family doctor and not associated with the team.

MR. WOOD: Let me gather my thoughts here a minute. When we said in the Texas bill "who upon the advice and consent carries out the practice of," what we were saying was not that every kid had to be seen by the team physician before the trainer could treat him. We were saying that this doctor is aware that we are there and our services are available, and we are going to work out a program with him as to whom he sees and where he sees and everything else, and we were not restricting the trainer or that he could not take the orders of another doctor and carry them out.

What we were saying was that without a team doctor, if you did not have his consent to do this, then you can't do it. But we were not restricting it in saying that every kid had to see the team doctor or that you couldn't work on him.

CHAIRMAN BEHNKE: Can't we leave the phrase that was suggested by Larry in regard to team and/or consulting physician? Does that really throw it off by making that inclusion because that is all inclusive then, team and/or. When we are talking about broad, we are talking about model. That should cover a multitude of sins, so to speak. We are not limiting ourselves.

What about in Kentucky, would a phrase like that fall in line? When you say licensed, when we are talking about a team or consulting physician, obviously they are licensed. It's understood.

MR. WILSON: We put who is licensed by the State of Kentucky to practice athletic training upon the advice and consent of a licensed physician. Now we don't say that we have to have his consent on each athlete that we treat, but yes, our doctors know that we give ultrasound and know that we put them in the whirlpool, so he knows what we are doing.

CHAIRMAN BEHNKE: You didn't say team physician; you said a licensed physician?

MR. WILSON: We said licensed physician which



means licensed in the State of Kentucky.

CHAIRMAN BEHNKE: Then I think the point that we are trying to find out in our definition is: What are we going to accept with regard to physician?

MR. WOOD: I would just add "and/or a licensed physician" to the team physician.

MR. HOOVER: I would just leave it as it is, team physician.

MR. GEORGE: How does the doctor feel about it?

DR. DAVID BACHMAN: I feel that it should be left the way it is for two reasons. I think, one, you can consider team physician. If you don't have a team physician, every kid's doc is a consultant to your team, and I think you might as well leave it that way.

I think the other point, the one that Otho brought up, this tends to lead you towards what we think is an optimum situation where every team has a team physician. Someday it should be that, and I would hope in the near future, and I think this is one way to push it in this direction, but I think if you don't have one, then every doctor that treats a kid is a team physician.

CHAIRMAN BEHNKE: You would read it that way?

DR. BACHMAN: I would read it that way.

MR. GEORGE: From the lawyers, then, if we do treatment, because the kid's doctor tells us to, who is not the team physician, are we wrong? Are we breaking the law? Are we liable for doing something wrong because we have treated someone without a proper prescription?

DR. BACHMAN: If you have a team physician, then your trainer is going to consult with him and get his advice and consent. If some kid's doctor comes in

and says, "Put leeches on him," and you have a team physician, your trainer is not going to put leeches. He is going to go to the team physician and get his advice and consent.

CHAIRMAN BEHNKE: The problem, having worked at the high school level, you may have a team physician who attends a practice occasionally on heavy days and comes in to your football games and yet, when an athlete is injured, the parents say, "We want him to be seen by our doctor", and you get into a conflict.

What Frank is questioning is who do we listen to.

MR. DAVIS: I think that is something we have to work out within the situation.

MR. HAYES: Between the team physician and the consulting physician. I think they can work that out pretty easily.

MR. GEORGE: You don't see a legal problem then?

MR. HAYES: I think it is an administrative kind of thing.

CHAIRMAN BEHNKE: Can the trainer be asked by the individual physician to treat him one way, which is in opposition to the team physician, because the law reads the team physician advises?

MR. HAYES: I think if he goes to the personal physician over the team physician, sure he is going to be in trouble, but all he has to do is to check with the team physician and get his okay to go to the personal physician.

MR. WILSON: But your team physicians aren't going to want to say one way or the other without having seen the kid, but to get that kid in to see your team physician after he has seen his doctor.



MR. DAVIS: We are talking basically in high school situations.

MR. WILSON: That is what I am talking about.

I see a high school kid whose doctor has told him one thing. I say that I don't want to do that.

MR. DAVIS: I can't foresee that type conflict in a local community.

CHAIRMAN BEHNKE: I can. I can see parents who would say, "No way are you going to let that guy touch my son." I have been in it. They don't want him. They have had a bad personal experience somewhere in their family or close personal friends, and this man is your team physician, and yet they won't let their son be touched by that physician. They want their own physician.

MR. DAVIS: That is administrative.

CHAIRMAN BEHNKE: That is true, but yet you are still responsible for his health.

MR. DAVIS: In that case you just get the form and let the guy sign it, and then you are done with it.

MR. WILSON: Let what guy?

MR. DAVIS: The parents.

CHAIRMAN BEHNKE: What do you do? The parents can't sign away the rights for the kids? It's the law.

MR. WILSON: The kid can't sign it because he is not of age.

MR. HOOVER: I just direct a question to Logan if he was faced with that problem now in a high school situation.

MR. WOOD: Well, you handle it individually. There are a lot of doctors in Houston that know that the Houston School District has trainers, and they just send them back over there and say: "Do this," or half of them, if they have been operated on by some other orthopedist, one of our consultants says, you know, "Just go over there, they will rehabilitate you," and those are my instructions like that.

But there are some cases where there are some conflicts, and we treat them individually.

If their doctor says to do something, which is in conflict or something which I didn't believe in or something of this type, then I won't do it, and the outside physician can't force me to do it, and the school district is not legally bound to get it done.

I think it would be a good idea to add "and/or licensed physician" to your team physician, because some of the kids do come in and some of the people have different ideas about rehabilitation.

I have one doctor who wanted them to ride the bike for six weeks before they even pick up a weight, and if that is what their doctor wants them to do, fine, as long as it doesn't hurt them. It may not be the best thing in the world.

MR. WILSON: If you have team physician in there, you should have and/or.

I personally don't see why you have to have team physician in there.

MR. DAVIS: Don't get hung up on that one. Put it in.

CHAIRMAN BEHNKE: Which term, consulting or licensed?

MR. COMPTON: You already have licensed.



CHAIRMAN BEHNKE: You are talking physician now.

MR. WILSON: If you say licensed physician now, that is going to cut out your team physician who are chiropractors because you do have some of them.

MR. DAVIS: Team physician and/or consulting.

MR. WILSON: Licensed physician.

MR. GRAHAM: Either team physician or licensed physician, either one.

MR. GEORGE: I think consulting is better.

CHAIRMAN BEHNKE: Can we get an agreement or majority on it?

MR. GEORGE: Go around the table and ask them what they think is best.

MR. HAYES: I think it should stay team physician.

MR. MILLER: Team physician.

MR. HOOVER: Team physician.

DR. BACHMAN: Just leave it team.

MR. WOOD: I hate to go against what I have already written up here. I will vote for and/or licensed physician.

MR. DICK MELHART: Team physician.

MR. RHEA: Team.

MR. GRAHAM: I would say the consulting or licensed should go in there. Without prolonging the discussion. I just brought this up for two reasons. One, you may have a situation where there is no team

physician concept like in a high school in a rural area where there is not a team physician. If that concept doesn't exist, I can envision some liability being incurred, where there should be some protection for the trainer, and number two, the situation that Rod is talking about. If he is on the road, he needs to do something for an athlete. His team physician is perhaps not with him for some reason or other, and he can't reach him by phone, and he has to call a local physician in that community.

I really don't think that local physician becomes a team physician because of the advice he gives. So those are the two situations.

MR. GEORGE: So you would like it to be team and/or consulting physician? Rod?

MR. COMPTON: Team and/or.

MR. WILSON: I would go for that.

MR. DAVIS: As long as team comes first.

MR. GEORGE: We are about divided pretty even in it. Whenever I say we have a question like that, you can give the Board their choice as to how they want to finally say it, by putting "team and/or consulting physician." We will argue for two days on that in June, I am sure.

CHAIRMAN BEHNKE: I think the preference is for consulting, though, over licensed.

MR. DAVIS: At the same time, I feel very strongly about this team physician concept because if you bring out the attention in a law to school administrators that there is such a person, there is a need, and it is now in legislation, they are going to go out. They are going to say, "Hey, we don't have this man," and for a lot of reasons I strongly feel this and believe it. The reason a lot of schools don't have a team physician is because the school board has not gone



and asked the local physician to be their doctor. The doctor won't go to the school to ask to be the team physician because of his own peers in the community. He doesn't feel that he wants to be bad rapped and have them say that he is out hustling a client.

MR. WOOD: There is another problem, too. We have a lot of towns out in West Texas that don't have a doctor, and they are a long ways from it, some of them fifty miles and everything, and some of these towns play pretty good football, but they are not attractive to a physician.

MR. DAVIS: In that case you have got to have your consultant pick up the telephone.

CHAIRMAN BEHNKE: That is right.

MR. HAYES: I would just like to make two points. This is going to be taken up by the Board anyway, but number one, in putting together a bill, I think we are out for the optimum, the best that there is. We can start negotiating off later on, but we are out for the best, and number two, I think that half of the medical malpractice cases that go to court that are brought to the litigation stage are because nobody took charge. No one doctor took charge. It was all scattered around, and the patient ends up on the bottom.

I think that is kind of what we are looking at here is that we have got half a dozen doctors, but we don't have a doctor unless we say who it should be, and that is why I say that it should be team physician.

MR. WOOD: But there are a lot of school boards in this country because I have sent out mail to every school board in the State of Texas, and there is a bunch down there, and there are a lot of them that say, "You are not going to tell us what to do, buster."

CHAIRMAN BEHNKE: We would jeopardize the possibility of having this bill passed if we were going to force school systems. This is not a bill to force

anything. What we are saying is "If this bill is passed in your state, are you going to have to have a team physician?", and as you describe, that may be impossible. You may eliminate a football program somewhere.

MR. WOOD: I would like to say that if I had the chance to do it over again with some other changes, that would probably be one of them.

CHAIRMAN BEHNKE: This also could be a point in the guidelines that we could recommend.

MR. WOOD: Some people aren't going to be listed. Whoever does their orthopedic work may be fifty miles away. Brady, Texas, plays good football and their orthopedic man travels in once a week from San Antonio, and that would cover the situation in such cases.

A lot of the universities ship their players fifty miles away to a large medical center for knee surgery and that type of thing.

CHAIRMAN BEHNKE: Let's move to the other point that Frank brought up with regard to qualifications.

MR. GEORGE: We seem to have agreed on the definition to include as much as possible. Let each state water it down if they have to, to get it passed. That seems to be the general concensus.

Let's talk about qualifications. The big difference in the Illinois law and the Texas law was in qualifications.

Texas stuck moderately close to NATA procedures for certification. Illinois changed quite a bit. The reason they changed again was compromise, so that they could get the piece of legislation passed.

CHAIRMAN BEHNKE: The point in Illinois that I can make right off the bat is that you will note that it says "Have met the athletic training curriculum



requirements of a college or university approved by the Department." By definition on the first page, the Department is the Department of Registration and Education, and the way it is set up in Illinois, they determined what the requirements will be, what programs are approved and not approved, but in essence, the Department says that the Board makes that determination, so we were allowed. It is not written, though, but we were allowed to go along. This is written so that you can't tell it, but we would accept NATA requirements, but we can't say that.

A national organization such as the NATA cannot come in and tell the State of Illinois what they can do and cannot do.

MR. WOOD: That is right. You had better not bring it up in the individual states.

CHAIRMAN BEHNKE: There is not a state in the union that would allow that to happen.

MR. WILSON: Right. In Illinois does the Department license nurses?

CHAIRMAN BEHNKE: Nurses, physical therapists, chiropodists, hairdressers.

MR. WILSON: I don't know. Any states would have a department like this.

MR. WOOD: Our Board is under the Texas Department of Health Resources now and that was done under our request at the last meeting of the legislature. If you would like me to go over the Texas bill and the changes, I will do it. I keep saying I will do it in a minute, but whenever you get to the point that you would like me to go over some of this stuff that I have found, and the changes that we have made, I will, but we are under the Texas Department of Health Resources now. This is what I told Jerry when he called me on the phone to look for a department, and I believe that you may not realize how much trouble it is to start your own state

agency, but they said to me, "Here it is, Logan, and start implementing." You start your state agency from the ground up, and I was shuffled from room to room and given form to form, and this is the way you do it. They don't provide but the first form. You have got to print the rest yourself, and starting state agencies is not an easy thing to do. That would vary from state to state, too.

So my suggestion is, I think, that you are on the right track going under an established state department if you can do it and still hold your integrity and still have the major decisions made by athletic trainers on that board which is the way ours now reads, and we have gotten excellent cooperation.

I met with them a couple of weeks ago. I have been up there twice in the past two months, and they were thrilled to death to have us, and I am thrilled to death to be under them now because it takes somewhat of a burden off of us.

We have even got our own legal consultant now. There are nine in the Texas Department of health resources, and one of them has been assigned to us. In the past we would have had to hire our own.

Another thing is when you start a separate state agency, they are going to want to know if you are going to pay your own way or not. If you have got fifteen trainers in the state, you are going to have to charge them one heck of a fee to pay your own way for a state agency, and as many as we have got, and we have got quite a few, that was difficult to do.

MR. WILSON: What are some of the fees you have to pay?

MR. WOOD: We pay (and I don't know if it is on the bill) twenty dollars for the licensing test, twenty-five dollars for the initial licensing fee.

MR. WILSON: I am talking about the agency.



You said the agency would cost a bunch. What does it cost for the agency?

MR. WOOD: For instance, you have to have your own forms and everything printed. Everything you do comes out of your budget.

If you have to set up an office, you have to pay for your own office. If you want to have a secretary, you have to pay for it. If you want an executive secretary, you have to pay for it out of the funds that are allotted to you by the legislature in that state.

What I am saying is that they are going to ask you how much is coming in, and that is about how much they are going to give you to go out, unless they have an abundance of money in that state, unless they are willing to let general funds foot your bills.

MR. WILSON: You are talking about a state in Texas where you have how many trainers, 120?

MR. WOOD: Probably we will have 250 licensed at the end of May.

MR. WILSON: Kentucky has got eight.

MR. WOOD: That is what I am talking about.

MR. WILSON: We don't need a secretary and an executive secretary and a car and an office.

MR. WOOD: Yes, but in time you will and someone is going to have to do these little things, and someone is going to have to print up the forms and everything, and in the states that have more people than eight, and even with eight it is easier to go in under an established agency, as I said, if you can do it, with integrity.

CHAIRMAN BEHNKE: Logan, can I make a point back to the Illinois? But I think this is comprehensive

enough that it may be applicable everywhere.

Section 5 in our bill defines the powers and duties of the Department. This is the Department of Registration and Education. Anyone who does anything in the State of Illinois that requires a license is licensed by that Department.

There is no other agency, but then Section 6 is beautiful. This is the thing that was written in, and is as legal as can be. None of the powers and duties contained in Section 5 may be exercised by the Department except with the approval in writing of the majority of the Board, and the Board is us.

MR. GRAHAM: That is strong.

MR. WOOD: But you can get into a heck of a hassle there sometimes. If they don't want to do what you want to do, they don't have to do anything. They can sit on .

CHAIRMAN BEHNKE: There is a possibility that they can tie it up with all kinds of red tape.

MR. WOOD: So there are some drawbacks, but there are many advantages, and that is why we went under the Texas Department of Health resources. Our amendment has been passed around which puts us under there which does not change anything in our law. It merely makes us an advisory board. The board is created as a part of the State Department of Health and shall perform its duties as a board within the State Department of Health.

MR. GEORGE: Logan, you are actually saying that you had a choice which way you wanted to go, is that correct?

MR. WOOD: If I had a choice?

MR. GEORGE: No, you had a choice in Texas to go one of two ways. In Rhode Island we have no choice



at all. We have to go under a certain license.

MR. HAYES: Most states are that way.

MR. GEORGE: We have no choice at all.

MR. WOOD: You have to go under an existing department.

MR. GEORGE: Yes.

MR. WOOD: If you don't have any choice, you don't, but if you have a choice, then you must make a decision.

Can we write up a strong enough bill and be a subdivision that we can run ourselves? If so, that is the way to go. If you cannot do that, then you have got to write up your bill as we originally did creating your own state agency.

MR. HAYES: We are going to have to draft two alternative measures for the states.

MR. WILSON: Kentucky has none. The Nurse's Association licenses nurses. The KMA licenses doctors. The state has nothing to do with it.

MR. GEORGE: That is altogether different than us.

MR. WOOD: That is the nice thing. You can take this amendment here, if you want to go under with an existing department, and if you don't, you just take the Texas original law, and you create an agency of your own. So whatever is applicable to that individual state, you can do.

MR. WARREN MORRIS: Each tried to put them all under one and they couldn't, so they are back.

MR. WOOD: This was my suggestion to the legislature and they called it the Legislative Advisory Board

and the Budget Board and all this several years ago, and they have garnered in quite a few of the paramedical professionalists under the Department of Health.

Now the PT's in the state still have a separate state agency, but they have quite a few more people than we do.

MR. GEORGE: How is it in Carolina? Do you know?

MR. GRAHAM: The state licenses everybody.

MR. HOOVER: The state does? How about the PT's in Kentucky, do you know?

MR. WILSON: The PT's.

MR. WOOD: It's a separate state agency.

MR. WILSON: They have their own board.

MR. WOOD: But you create a state agency unless you state specifically that it is going in under some other department.

MR. GEORGE: And you recommend that it go in some other?

MR. WOOD: I recommend that it go into a department if they have a good Department of Health in that state and they are willing to cooperate with you and you can pass a bill that will leave it still in your hands but leave a lot of administrative duties and a lot of worries, and if it is of benefit to you and you have to determine that in your state, then I think that is the way to go.

If there is an established large Department of Health resources and they have lawyers, they have desks, they have the forms, you are on the Board. You travel somewhere. You just send the letter in to them. You don't have to do all those things yourself, and it



makes quite a difference.

Everybody in the state will respect the Department of Health probably of that state, whereas if they get a letter and they say "A letter from Logan Wood, he is the commissioner of what?", you know. "Athletic Trainers, oh, I have never heard of that", so in some instances it will just give you a more favorable position.

MR. GEORGE: How is it in Pennsylvania, do you know?

MR. MILLER: They have the physical therapy, but I think it is going through public health, which is where physical therapy could come under. That is what we are talking about. I think you have to keep away from the Department of Education as much as you can unless you have to go that way because that is where New York State gets in trouble. New York State says from the Education Department that you can't legally practice either medicine or dentistry, and they have not the legal right to make available to children irrespective of their values, their facilities or services which the Board is not authorized to provide. So you go that way. They can't treat anybody, and they even fine the physicians for treating in the school situation. They can do it outside in their own offices, but that one is a real detriment in New York State. It is a real detriment to them right now. They can't do anything because of what their education department has done to them, so the high school people can do prevention work. That is even like putting an open Gibney on. They consider that as treatment, so you can't use that taping procedure for a sprained ankle.

MR. DAVIS: It all comes down to the fact that you work your tail off to get something, and if the people want the prestige that goes with it, you may as well stop right there and say, "Forget the prestige that goes with all this. Just give it up. Just go with the personal satisfaction that you accomplish."

That is what it is going to come down to. You may as well decide that before you get started.

CHAIRMAN BEHNKE: With regard to this, are we talking about writing up guidelines for two different situations? One is an existing agency that you are mandated to go under.

MR. WILSON: Yes.

MR. WOOD: Either mandated or you choose to go under for advantages. There is going to have to be some careful inspection by the people in those individual states of that particular board or state agency as to how much cooperation they are going to get.

In other words, we went and visited with the people at the Texas State Department of Health Resources there beforehand, so that we could kind of get an idea.

Did the administration there want us? How cooperative would they be? What would they provide us with? How could we keep ourselves intact and keep our law intact, and this is the amendment that we came up with, and if those things are all favorable, but of course, you have to also consider that the complexion of that board will change from time to time and the administrators will change from time to time, but if it does look good, then I believe that is the way to go, especially in a case like yours. You have got eight people. No one is really going to want to start a separate state agency for eight people, I don't believe.

Maybe I am wrong, but in a lot of states, they are going to say, "You watch", but if you make it a subsection, just as like our emergency medical technicians now are not licensed, but their regulations and rules and everything do come under Department of Health Resources, and the nurses and some other people, too, so I do think it is an advantage, and if you write up something similar to this amendment, it is no jewel, but it did not cut us out.



It did not change the law. It did not change what the Board does. It just says the Board is created as a part of and shall perform, and we are required by state law to perform the duties as a Board within the State Department of Health, and they cannot keep us from performing our duties, and it is our money. Now that is something else. You have got to get into monies, but funding.

I will tell you, this is our first year under them. We have fifteen hundred dollars more this year than we did last year, being a separate state agency.

Here is another problem that you run into. A couple of years ago they decided in Texas they had a Senate Committee, and they said, "Man, we are getting too many state agencies around here. We have got to cut some of them out. We will cut this one out. Nobody knows what this is. We will cut this one out and this one out and this one out."

I said, "Why?"

They said, "Well, it is costing too much money."

I said, "Hey, we have to put two hundred or three hundred more in the pot than we took out," and nobody wanted to hear that or listen to it.

I mean, we were the world's smallest state agency. They could afford to get rid of us. No great political repercussions were going to come about it. This was one of the reasons that we went under the Texas Department of Health.

The law would have been appealed. We would just not have been funded for two years, and that is one reason we could have fought it, and we would probably have made a come-back, but if you are a very small state agency, you are going to get lost in the shuffle here and there, and the shuffle usually means money, so this is one of the points, if you are under a large depart-

ment, an item like forty-five hundred dollars or five thousand dollars or ten thousand dollars stuck under their appropriation does not look like a large thing, and nobody is going to jump up and fight it.

MR. HAYES: Don't you find that the advisory board is well accepted by the Department, Logan?

MR. WOOD: Oh yes, they have been super to us down there, and like I said, I have worked a whole day with the administrators up there four or five weeks ago. We are making a small transition, and they have just been bending over backwards.

The Chairman of the Department of Health invited me up for their last meeting and, as an Advisory member, I can sit there in their meetings. They wanted to give me more per diem than I am getting now and everything.

"That is not enough," and they were all for us.

We have talked about team physicians, and some of the people on that Board are doctors, and they said, "Yes, this is a great concept." They are going to help us, and those people on that Board are from all parts of the state. There are usually fifteen to twenty-five on boards of that type, and they are well respected people. They can help you.

With the exceptions of everything I have said, if you find it to your advantage, then do it.

CHAIRMAN BEHNKE: You are self-sustaining, aren't you?

MR. WOOD: We have been self-sustaining, yes.

CHAIRMAN BEHNKE: This was an important point with us.

MR. WOOD: It is always an important point when you are talking to representatives and senators.



I had to go up every year before the Senate and the House of Representatives Finance Committees and explain every fine little detail, and in Texas we have what is called zero based budgeting. The book on how to fill it out looks like a telephone book of a large city, and it took me a week to read that and a week to fix out my budget. Those things you run into with a separate state agency also, and I do that now.

I prepare the budget, but I have help from our financial advisor with the Department of Health.

MR. GEORGE: Logan, do you get paid anything?

MR. WOOD: Yes, I do, and that is one of the things I want to change on the bill, and if you will let me go through the bill, if you all want to take the time, I will be glad to point out some of the things that I have found that will be an advantage. That is one of the things that was not enacted in our bill when it first went through.

In fact, when we first were created, we were not funded. We got through on the last days, and so the first year I borrowed about five hundred dollars, and that is what we made out with.

So, no, I didn't get paid the first year.

On the Texas bill, there is an original bill, there is an amended bill which you have. There are some attorney general rulings that I would like to go over with you. There is a PT law in Texas, and I will go over some of those things.

On the original bill, we have already talked about the definition, and aside from that, what we discussed, I wouldn't want to change anything.

Per diem was left out of the original Texas bill for the Board members. I do suggest you put it in. I have got copies of mine.

MR. DAVIS: You are on?

MR. WOOD: I am on the Texas bill.

MR. DAVIS: 602?

MR. WOOD: I am on the original bill, not on the amendment.

I will tell you what section I am going to be in, but there is no section for per diem for the Board members. It's left out.

It should be under Compensation, Section 6, and it should be specific as to whatever is in line with Boards in your state, thirty dollars, fifty dollars or one hundred dollars per day, and it should read something of that type plus all actual travel expenses which is the way most of them read.

So I would certainly add that in, or your Board members are going to have trouble getting paid.

In the State of Texas, we have three members on that Board right now, and I have been the Chairman since its inception, and I keep getting elected to that grand office and I keep on doing the work, so I am the one that gets paid.

Now I don't put in a per diem for every day. I have never put in for all the work that I have done because we are on a budget which I have submitted and what is left over is for the Board members.

But we had to have an executive secretary. We had to have a part-time secretary, and those people have to be paid.

Your license has to be printed up, and if you make a nice license, that costs money. So that is why the per diem.

Now I put in for about nine days in the last



nine months, I suppose but yes, that should be in there.

Another thing that was left out of the Texas bill was civil action. It should be so stated that the Board members are not liable for anything done by the Board. I don't know where I put my notes on exactly how that should read. It is in the PT bill for the State of Texas and you can read it in there.

No member of the Board should be liable for civil action for any act performed in good faith in the execution of his duties in this capacity, and that is found in the Texas PT bill, Section 2(e), and that was something that I found.

I have down the topic of funding, and our bill says: General appropriations Act, and each state will probably have to check on this as to how they will get their money back that they are putting in. This is sometimes a tricky deal in the states, and it should be very specific about that and about the amount and everything and how that works and what amounts you are working on and make sure that goes in, at the same time that your bill does because that is usually put as a separate item. That is separate like the state budget is voted on. The total amount of monies, and where it is going to go, and it may not have anything to do with your bill.

So you should make sure that this gets through or you will be like we were the first year without any money.

Prohibited Acts, Section 8. I would definitely change that. It so reads: "No person may hold himself out as an athletic trainer or perform for compensation any of the activities of an athletic trainer as defined in this act without first obtaining a license under this act," and I would change that.

I would change that to read: "No person may hold himself out as an athletic trainer or perform any of the activities," etc, etc. I would not leave in "for compensation."

MR. MILLER: Why?

MR. WOOD: I will go over the attorney general's ruling in a few minutes because we kind of goofed there in a way, but I will explain that to you in a minute.

Section 9, 3, where it reads on qualification: "Have completed at least four years beyond the secondary school level as an undergraduate or graduate student as an apprentice athletic trainer under the direct supervision of a licensed athletic trainer," these must be consecutive years of supervision.

I would change that to read something like this, that it must be under a licensed athletic trainer at the college which the apprentice or the student trainer (or however you want to word it) attends, and must receive a degree.

CHAIRMAN BEHNKE: We ran into a problem in that area with regard to the junior college transfer. What comes in from the program where he didn't work?

MR. WOOD: That is covered like if a junior college transfer comes out of Texas. You can make all kinds of Board rules because in the bill, the Board can make all kinds of rules and regulations consistent with the act, and what we did, since we don't have but one licensed trainer in any of the junior colleges is that we cut on the approved school. If they went to an approved school after they went to a junior college, then with the consent of the licensed athletic trainer at the approved school where they matriculated to, they could be eligible for licensing after two years of apprenticeship.

This four-year deal is different than an approved school. An apprenticeship deal is in here for someone.

Your Board says, "We are going to require that all the schools in the state, in order to be an approved



school, has a course in nutrition," and Holy Mackerel, sitting out here is Wright University with all the prestige in the world, and they don't have a course in nutrition. That way a person could come under this apprenticeship rule graduating from an approved school.

We know that there is a licensed trainer there. We know that they are going to be good trainers when they get out, they don't have this one course, and that is what this apprentice section was for.

But if you will narrow it down, then that means that John Doe can't work for some guy in some situation. Say he goes to a college in the morning, but then he goes out and works with a licensed trainer, all right, at one of the high schools instead of working at the college. In other words, we are narrowing it down where everything is controlled and handled and the educational requirements and the apprenticeship is done through the university which he attends which you could under this apprenticeship section here read it another way.

Did I make that clear, or have I just muddied up the water there as to why I would change that section?

CHAIRMAN BEHNKE: If an individual went to junior college for two years and he came to a school that didn't have an approved program but worked for a licensed athletic trainer for two years?

MR. WOOD: In our state, he could not be licensed. He would have to go from a junior college to an approved school.

MR. GEORGE: But could he be NATA certified if he did that?

CHAIRMAN BEHNKE: Sure, if he accrued eighteen hundred hours.

MR. GEORGE: But still couldn't get licensed.

Then I certainly wouldn't like to see that stay in.

MR. RHEA: There is nobody licensed but you. What if he came from Oklahoma?

MR. WOOD: I have Board rules and regulations. You see, whoever sits on this Board, once this thing is passed has got to pass a bunch of rules and regulations, and you have to read all this stuff. It is not all black and white and clear, and you come up with these things. Okay?

We have had to come up with one, so what we said was that if you came from out of state, as it says in the bill, you must fulfill one of these three deals. Your apprenticeship or what consists of an approved school outside the State of Texas means one whom the Board approves and has an NATA certified trainer for these people to work their apprenticeship under, and that goes in the Board rules and regulations and does not have to be spelled out in the law.

Limit yourself. Set up a law which is going to make the Board work, and the law legal, and all that stuff, and leave the rest up to the Board to set up as situations come up.

MR. GEORGE: But I would certainly like to see us stick as close to NATA qualifications as possible. We are talking about Section 9 qualifications now. I would like to see us stick as close to NATA certification policies as possible. Is it impossible, Logan?

MR. WOOD: Yes, it might be. For instance, Rice University will never be an NATA approved school and some of the others won't either, and Texas Southern University won't. It is a predominately black school, and if we don't start putting out some people over there, more people, we are going to be in trouble because we need that, but we have about twenty schools approved in the State of Texas.

At our next Board meeting I am having all the



colleges send us their undergraduate catalogs, and we are going to go over our curriculum rather closely. We are going to upgrade our curriculum requirements, but right now we are only putting out about twenty to thirty people a year. We have got twenty approved colleges which I think is good because we have had about that many job openings every year.

Nobody is going without a job right now, but those are all the job openings we are getting each year.

If you limit it too much to two or three schools in a large state, then you are really handicapping the kids because, like in our state, there it is so spread out, most of these kids aren't going to get scholarships to be student trainers. The thing they can do that helps them out is to go to the state school in their town and pay for their books and tuition and maybe live at home for a year or two.

MR. GEORGE: But do they get any practical experience under these certified trainers at that school?

MR. WOOD: Yes.

MR. GEORGE: So that is really what Section 2 is in procedures for certification.

MR. WOOD: They have to. They have to work at least a minimum of three years under the licensed athletic trainer at the college which they attend.

MR. GEORGE: So they meet the apprenticeship section, NATA Section 2 on certification says you must work 1800 hours. They meet that qualification, so we are really not harming them any if we say they must do it that way rather than calling all of these schools approved schools.

In other words, I would like to see us use approved curriculums for just the NATA approved curriculums. Anybody else who is applying will apply under the apprenticeship section which is eighteen hundred

hours under a certified athletic trainer and a college degree.

MR. WOOD: I think any of our people who are qualified for licensing, of course, fall under that category.

CHAIRMAN BEHNKE: Can a physical therapist in Texas be licensed if they are not a teacher?

MR. WOOD: Physical therapist. Hold a degree in physical therapy or corrective therapy with at least a minor in physical education or health which included a basic athletic training course, hold a valid teaching certificate for the State of Texas, and have spent at least two academic years under the direct supervision of a licensed athletic trainer.

CHAIRMAN BEHNKE: So you have to be a teacher.

MR. WOOD: You have to have a certificate.

CHAIRMAN BEHNKE: That was the big point, the biggest of all the big battles in Illinois, because what about the physical therapist at the hospital who has the athletes in the local school systems sent to them for treatment, and on Friday nights goes to the ball game and works as an athletic trainer? They can't be licensed in the State of Texas.

MR. WOOD: I don't think they probably need to be licensed. We probably wouldn't prosecute them unless they went around calling themselves an athletic trainer.

CHAIRMAN BEHNKE: They serve as an athletic trainer for the local high school.

MR. DAVIS: It depends on your definition for an athletic trainer.

MR. GEORGE: In the NATA procedures for certification, the physical therapist does not need to have



a valid teaching certificate.

CHAIRMAN BEHNKE: The point I am making, if we come up with a model, do they want to account for this individual?

MR. WOOD: When you say you are working on model legislation, if you want to mark out "hold a valid teaching certificate", I don't see what difference it makes.

CHAIRMAN BEHNKE: It does because we have a whole new category of individuals whom we are talking about now.

MR. MILLER: We may get another one, too. Those are the school nurses. The school nurses are getting active into this area now, too. So that may be another one that will be coming along besides the physical therapists. I have been approached by them by so many letters from different areas. The school nurses want to become athletic trainers.

They want to become educated, but they are not going to be teaching. They are there for another purpose within the school, but they think that they have the background and could meet everything else without getting the teaching license. They are willing to take all the other course work.

MR. DAVIS: Once they get in there, they are not willing to spend the hours.

MR. WOOD: I will tell you. It is hard enough to get jobs nowadays.

MR. MILLER: That is what is coming. That is just a push from other people, though.

MR. GEORGE: Let me say something. When I started and when I have talked to any other groups on this, they said, "We are not trying to rule out anybody, the nurse, the PT or anybody. All I am trying to

do is to protect the people who do not have PT licenses who are certified members of our association. That is our goal right now, to protect my assistants and protect anybody in our association who does not have a PT license to allow them to do those treatments.

Let's not try to rule. I don't care -- I do care. If I were going to write it and get it passed in every state, they would have to go to an approved NATA school, pass the NATA examination, and that is it. Those are the best trainers. But all I want to do is to protect the people we have in the association and protect the kids who are coming into it.

I am really not trying to rule out anybody. That is my opinion of it. Now does the Board feel any differently?

CHAIRMAN BEHNKE: You can't call for legislation that will deny the physical therapist the opportunity to perform his job?

MR. GEORGE: That is what I am saying.

CHAIRMAN BEHNKE: If he wants to function as an athletic trainer.

MR. WOOD: It does, and I think you are into semantics now. He already has a license to do these things.

MR. GEORGE: He can do these things. The only other point is taping and things of this type which aren't covered by this law anyhow. Anybody in the state is still going to be able to tape and hand out bandaids and things of that type. So it doesn't preclude him from doing his job.

MR. DICK MELHART: The physical therapist doesn't have probation to work in the hospital and then take the field on Friday night because by rights he can't administer without direct orders of, and in many instances, he is not going to have direct orders of, and



that is the sticky wicket. I agree with what we are saying as to who we are going to protect, but still at the same time, if I am Joe Blow working in a hospital, you are disallowing me that opportunity.

MR. GEORGE: To do what?

MR. MELHART: To handle the Friday night games unless I have a teacher's background or license.

MR. GEORGE: Not according to NATA certification procedures.

MR. MELHART: But according to what I am reading, they are.

MR. WILSON: That is why in ours we just simply went right without our NATA. We said, "An applicant must be a certified member of the National Athletic Trainers Association."

The NATA has their own certification. If they are certified trainers, why does the state have to redo what the NATA has done?

MR. GEORGE: Because I know in my state, that would never get by.

MR. HAYES: I think in ninety percent of the states it won't get by excepting a private national organization.

MR. DAVIS: You are writing a piece of legislation for a national organization. You can't do it.

MR. HAYES: You can't do it.

MR. MELHART: Would they buy this as you have the Illinois bill written out?

CHAIRMAN BEHNKE: Yes, because we haven't excluded them. The biggest objection for them was, of course, the statement of eighteen hundred hours. You see,

the problem was that many of them now are functioning as physical therapists in clinics, hospitals, and they do treat high school students and serve as trainers for those high schools, and they want to be. If they are going to be athletic trainers, they want to be licensed as athletic trainers.

I suppose they would be covered by a grandfather clause, but the problem is they don't want to see a conflict in the requirements that would require a physical therapist, because the way the NATA spells it out, they are qualified for certification.

Now if we are going to say, "All right, if you are going to be licensed in the State of Illinois, you must meet NATA certification requirements, but if you are a physical therapist you have also got to," no, they don't want that, and I agree with them. I agree with them.

What we are saying is, "If you have met one of three categories in the NATA, you can be certified in Illinois, but if you have gone the physical therapy route, we are going to lump eighteen hundred hours on top of that, and they refuse to go back and do that. It is just not feasible for them once they are out on the job.

MR. HOOVER: The comment to me today was: "You are looking at us in the same eyes as any non-professional person trying to go back for professional person. You don't realize that we already have a professional status."

That was an exact quote today.

CHAIRMAN BEHNKE: That was the reason it was struck in the revision. Notice that we recommended that that paragraph be omitted which our legal counsel said by omitting you don't have to worry about it.

MR. WOOD: I want to bring something up.



I am not trying to tell the NATA what to do. I am going to make a couple of suggestions that I have found in our situation.

When we first got this thing passed, you could go the Southwest Athletic Trainers meeting here and say, "I am Joe Blow. I am the trainer from so and so." Now he is probably one of the assistant football coaches, but he can join NATA.

You are going to run into some problems there if you start talking NATA and state licensing. You have got to convince your people first of all that this is state licensing, and once it goes through, it is going to be handled by the state, and especially if you are under another department, and it has nothing whatsoever to do with the national association. Just as Frank was making the point that I have to be licensed by your state to be a doctor, and then you might be a member of the Texas Medical Association and the AMA, but the AMA and the Texas Medical Association do not have anything to do with licensing doctors in the state.

The NATA is not going to have anything to do with licensing the people in these individual states. That's number one.

Number two, we had better clear up some of these confusing things that we have like letting anybody join the NATA and what is our second classification? Calling themselves associate members or something like that.

MR. GEORGE: Associate membership.

MR. WOOD: If they know that the state licensing is going to come through and everything, they are going to try and get under the grandfather clause, so you have to write that grandfather clause pretty tight. You have got to make some rules and regulations concerning it there.

You know, six hundred coaches could join

tomorrow as an associate member of the NATA and say, "Why won't you license me under the grandfather clause. I am a member of the NATA."

MR. DAVIS: Every one of them would say it.

MR. WOOD: That is right. If we hadn't been real careful down there, we have had 999 high schools playing football last year. We would probably have had at least 950 of those playing when our bill went through. If we hadn't worded it carefully and if we had taken everybody as an associate member of NATA, we would have 1400 trainers down there for 300 jobs.

MR. DAVIS: That is one of the reasons - I think I am right on this, Logan - that Texas went to the licensing because funds were being appropriated to hire athletic trainers in various schools, and they hired a coach. He coached the B team or he coached the line backers, and he said, "You are also our athletic trainer."

He did nothing whatsoever as far as trainer, but the school had a trainer.

MR. WOOD: And he could be an associate member of the NATA, and I am suggesting to you to bring it up to the Board that now every state is going to go for licensing, to cut that thing out.

The only people that we want to be NATA certified are the people who have gone to college and worked under somebody or who have gone to an approved school and have passed the test.

MR. MILLER: Actually, if we had fifty states with licensure, we wouldn't need certification because it would all be controlled by the states, and there would be reciprocity between the states.

MR. WOOD: But you can't cut it out now.

MR. MILLER: I am saying if you were to have



fifty states.

MR. DAVIS: It just goes back to what I said a few minutes ago, that as an association you are just going to have to suck it up and say, "Say, we are going to have to lose part of our glory."

MR. WOOD: I firmly believe that we are letting too many people in, and we had that problem down there, too. Then the distinction between NATA came up and the state licensing, and I am the bad guy in the State of Texas. For the first few years my name was mud, and it was not only mud with the people who didn't get licensed, but it was mud with the university interscholastic league and the PT's and everything else. So you have got to look at this thing in its broad plans.

I will bring up another change right now that may shock you since I am from Texas. I would suggest a name change. Most of the people in your state and mine don't know what an athletic trainer is. They understand the word "therapist".

You might not be able to get it passed, but if you can, you can save yourself a lot of trouble if the name was athletic therapist, because you go to these legislatures. With some of ours in West Texas I would have to sit down and explain exactly what I did and all this type of stuff. They do not understand this.

Now I know that the guy I worked for, whom you probably all know, John Wilson at the University of Houston, will probably kick my rear end around my shoulders for saying that, but I am going to tell you that when it gets down to the nitty-gritty and you have got to explain to these people what you do and you are looking for some publicity. I will tell you, the people at the Health Department have already asked me why didn't we change our name, and would we like to. A lot of people are changing their names nowadays, but I don't think that athletic therapist is out of line.

I am just throwing it out as a suggestion. If

I had it to do over again, and if I could get enough support in Texas, that is the way I would have tried it because people can understand that and people can relate to that. Athletic trainer. I am a trainer. If you leave out the athletic part, they are going to ask you dogs, horses or what, and I am not knocking it.

I have been in this a long time and have done a lot of work for the Association, and I am not ashamed of my name or anything. I am just telling you that it would be easier in the long run and people would understand more what you are doing, and you can get more community support, so I am making two suggestions. Change the classifications, and if you want to in your state, or if the National wanted to, to change their name.

MR. COMPTON: How about the name sports paramedic? It is a little bit easier than therapist.

MR. WOOD: I don't want to get into arguing about names. You could call us a whole bunch of stuff. I just suggested athletic therapist.

I think when you get into paramedic, somebody is going to think that you are an emergency medical technician, and they don't have to do anything except take so many courses and they are out.

MR. GEORGE: In Rhode Island the people who work at the university where I live in the state budget are listed as athletic therapists, so that they could get a higher salary from when they were athletic trainers. In other words, they reached the maximum. They couldn't pay them any more. They changed their name to athletic therapists, and they all got raises.

MR. WOOD: I hope we can change ours.

MR. GEORGE: You are talking about a major concept on a national level.

MR. WOOD: This licensing is, too, and was



a few years ago, and you have got to start someplace. So I am throwing it out now.

MR. HAYES: It would be a good time to do it if you are going to do it. If you are going to have a model act and everything.

MR. GEORGE: Do you see much opposition from the therapists? Do you see much opposition from therapists if we start calling them athletic therapists?

MR. HOOVER: I don't think so really. I don't know. I think at your initial shock, yes, but I think you would have to be pretty explicit and do a little educating, but I think the broad definition of athletic therapists, no. It is not a new concept to any of us.

We want to do it, and we haven't been able to identify ourselves since I have been in the Association.

I spend more time telling people what I am than doing it.

MR. GEORGE: About ten years Pinky sent the questionnaires around what we wanted to call ourselves, athletic trainers or therapists. I don't remember whether there were any other choices on that, and I think the overwhelming association feeling was to leave the name athletic training.

MR. WOOD: It was, but I think if it is carefully presented.

MR. GEORGE: As you know, Logan, your particular area and Warren, you had better say something, your particular area, that is where we are going to get the opposition from. In New England and that part of the country they are going to go for it.

MR. HOOVER: We will get opposition.

CHAIRMAN BEHNKE: I know we will in Illinois.

MR. HOOVER: I would fight the battle.

MR. GEORGE: I am talking about opposition from within the association. We are way off the beam now.

MR. WOOD: If the public relations end is handled and explained as to why and how and explained that when you have to go up before the Senate Finance Committees and things of this type that you have to have something that these people can relate to, and I think it could be done and I believe I could even convince a few folks down my way.

I am not saying that it would be easy. I am saying that in the long run I think it would be best, and it would be best for these people trying to get these bills passed.

MR. RHEA: I would have to have some people die in the Southeast first. I wouldn't dare tell them.

MR. WOOD: This goes back to the old deal that the therapists are trying to take over the Association, and you have got to convince these people that, no, this doesn't mean because we are having a name change that we are all going to have to be PT's and everything, that this has something to do with the licensing and public relations and people understanding what we are doing.

If we are going to get anyplace, this is one of the things that we are going to have to do. That, along with, I think, change up our classifications and stop letting all these folks in.

So I am just throwing that out, and that is related to the licensing bill is the only reason that I am bringing it up.

CHAIRMAN BEHNKE: It is appropriate to move on it. We are going back up in the definition.



MR. WOOD: I have found these things to be true, and I came here to relate to you what I found to be true.

CHAIRMAN BEHNKE: We could go back to the definition of athletic trainer in the bill. It could be an athletic therapist bill as opposed to the athletic trainer bill.

MR. WOOD: It doesn't necessarily mean that NATA has to change their name. Maybe some states can get athletic therapists through, and it would be to their advantage, I think, but I would assume that we should all do it, and I am going to try to ask for an amendment to our bill.

MR. GEORGE: It is going to take some major thought on the Board level, really.

MR. MORRIS: And time.

MR. GEORGE: I would like you to kind of write up your feelings on that. I would like to send it to each one of the Board members and have them get back because you know where the opposition is going to come from. I can tell you right now. It is going to be six and nine and three.

MR. WOOD: Six was a new representative coming on. Six was two years my junior at the University of Houston, so I will have to kick him in the fanny.

MR. GRAHAM: It's not going to make any difference either.

CHAIRMAN BEHNKE: Can we get back to the subject at hand -- qualifications?

We have talked around it. Let's lay down some specifics as far as qualifications.

I think we are all in agreement that the obvious one is: Have met the athletic training curriculum

requirements of a college or university approved by the Board and give approval for graduation. That stands. I think that is accepted. No one objects to that.

When you say "approved by the Board", that is exactly what we had to do because, again, for the NATA to approve a school meant nothing to the State of Illinois.

MR. WOOD: Right.

CHAIRMAN BEHNKE: But the Board, in turn, had the power to accept the NATA approved list, so that was no concern of ours.

So I think we accept that point.

Now from there we differ because we have fought to take care of the individual now who did not graduate from an approved curriculum. Who are those people?

MR. WOOD: Those are really going to be the people who fall into your apprenticeship section.

CHAIRMAN BEHNKE: And the physical therapists.

MR. WOOD: And the physical therapists.

CHAIRMAN BEHNKE: I have a note on my original that says: The heck with the PT's and the CT's, but that was not my comment. That was somebody else's.

MR. WOOD: I believe that was the feeling when we were fighting for this thing because they were going to exclude us.

CHAIRMAN BEHNKE: Our comment was if you were a physician and cared to be a hairdresser also, if you met the requirements for licensing of a hairdresser, you are welcome to be both. The comment here was, of course, if you want to be a physical therapist and an athletic trainer, fine, license yourself by qualifying in both



areas.

MR. WOOD: That is the way we felt.

It is just like you get a license from a state to be a doctor or a lawyer or whatever. Even if you don't practice, you get to keep your license, and that is the way it is in our state with our athletic trainers' license.

What you are relating is the way we felt about it.

I don't think that because a person is qualified as a PT means that they are going to do a jim dandy job of taping.

They may have never seen the injuries out in the field, and they may not have any emergency training whatsoever.

So we just went about it the way we did, and fortunately, it worked out. But it may not work out in your state because we had them in a bind, and they had us in a bind. It was a compromise agreement. In states where they already passed and they have some political power, this may not be true. You may have to compromise on that point.

I would leave it in there and compromise as it came along and as it had to be done.

CHAIRMAN BEHNKE: We have got the approved curriculum graduate, and we have got the graduate of an apprentice program.

MR. WOOD: I would certainly change that as I mentioned a while ago, that it must be done at the college that he attends, and he must work under the licensed athletic trainer employed at that school. In other words, even if he was an apprentice and everything, he has to work under this licensed trainer at that school.

Say that Otho wants to take a high school kid in Philadelphia. Okay, he goes to some college there during the day. He has no relationship with their athletic department whatsoever. He takes whatever courses that he might want to take, but he works for Otho in the afternoon.

CHAIRMAN BEHNKE: And gets eighteen hundred hours.

MR. WOOD: If he gets four years or eighteen hundred hours, whatever standard you want to set up, then he would be eligible to take your licensing exam if you don't change this. We changed it by Board rule. It would be easier to change it now.

CHAIRMAN BEHNKE: He has to be licensed by the state.

MR. WOOD: He can't do it in Texas.

CHAIRMAN BEHNKE: A certified trainer would mean nothing to your law unless he was licensed by the state.

MR. WOOD: It would mean nothing, and the boy could not go over there and work and pass this apprenticeship.

CHAIRMAN BEHNKE: He could, and then become a certified athletic trainer and meet your standards for licensing.

MR. GEORGE: You would like to see it changed, Logan?

MR. WOOD: You might as well change Section 9(3) right now and it would save the Board from making rules and regulations concerning it and then interpreting it, and the way I have it is I just added: And the apprenticeship must be under the licensed athletic trainer at the college that the student attends, and he must receive a degree.



MR. GEORGE: Then, Logan, I misunderstood it. I thought you wanted to change that.

MR. WOOD: I wanted to add this: And the apprenticeship must be under, etc., etc.

MR. GEORGE: I have a question for you. A kid goes to Rice. If he goes and works under Jim Dodson in the afternoon for four years or gets eighteen hundred hours, is he eligible to take your examination and get a license?

MR. WOOD: No, he is not.

MR. GEORGE: I think he should be.

MR. WOOD: No, I do not agree because there are over two hundred high school athletic trainers in Texas, and each one of them could have somebody. Each one that was in a city where there was a college could have a couple college kids working for them in the afternoon plus our college program. They would not be regulated there whatsoever by the college that they go to or the trainer that works at that college. They would go out and work under Dodson who cannot control and regulate those two hundred people out there as to what kind of program they are going to be putting in, and I think all of your graduates that are eligible to take the tests should come from the colleges that have licensed trainers.

I mean, you know, a kid could go out and work for the Astro's trainer there and work nothing but baseball. He could work nothing but football working for the Oilers and the Cowboys.

He could work for a guy who was licensed and hired by some soccer team. He would not get all the experience in all the sports.

If he goes to a particular high school there, I mean, he is working for this high school guy like, for instance, take me. I have got twenty-some high schools

in Houston there. We could put on a bunch of these folks. We could flood the market, number one.

Number two, they would never have the experience of traveling with a team, working closely with the team physician.

There are a lot of disadvantages to doing that.

MR. MORRIS: Could they pass the test, though?

MR. GEORGE: That is the thing. If your test is any good, it will weed out the person who doesn't have the experience.

MR. WOOD: Why disappoint all these people there? I mean, you are talking about people that could be working in Texas. It would be big, and I think it should be controlled at college institutions.

MR. DAVIS: You could take one year, and you could deplete your entire job market in one year's time.

MR. MILLER: You are defeating the purpose of a curriculum. We are trying to slow down the curriculum development now. We really shouldn't be doing that. We should be getting rid of some of these other ways that people are getting into the profession, really.

That is one of our biggest gripes in the Professional Education Committee. We are getting kids now that come through our curriculum and can't go out and get a job. That happens in every profession. They are getting more and more and more, and then we have all these other routes that a person can become a certified trainer, and we are cutting our own heads off, really.

MR. WOOD: That is what I say. We need a change in classifications and all because we have got to cut down on the ways and sort of get unified here on



how people will become trainers. If you don't get unified there, I don't think you have anything. If you don't do it at the college level, you are not going to be recognized academically anyplace, and we are going to be putting on so many people out in the field, and there were a lot of our people that were grandfathered in that I don't consider that would be good teachers. I think they would be putting out some inferior products if, by chance, they did pass the test.

I don't see why we should delude these people and lead them on to believing that they could become a licensed athletic trainer, and you have got to have the hassle of them taking the tests, flunking the tests, retaking the tests and then waiting a year and taking the test again until they run out their routes of getting in, and then they might bring up some legal hassle too. I don't know.

They might say the test is prejudiced because they are an American Indian or something. There are all kinds of ramifications that you can get into on those grounds.

So I agree with Bud. I think that we have got to stick with our colleges, and you could get to the point where we are putting people out like mad, and the job market is not going to grow that fast.

I don't think we could get the recognition for the academic work if we do it this other way. I don't think it would be good.

We have got it. We can't do it down there. The people in the individual states are going to have to decide their problem and how they are going to do it.

MR. GEORGE: The people in Texas aren't happy about that, Logan. Jim Dodson, Eddie Lane, people like that, they are very unhappy about that particular situation.

MR. WOOD: I would say that was fair to assume

that. Yes, they are, but I don't agree with them. I don't think it can be done that way, and it happens to open a whole bag of worms.

Every licensed trainer in the state could then be putting out apprenticed trainers.

You get up to the point where you have two hundred licensed trainers in the state, and they are working with two kids. Then four years from that date that they started, you are going to have four hundred people take the test.

CHAIRMAN BEHNKE: Logan, am I right in assuming that before we can sit down and write model legislation or a model act with regard to the area of qualifications, you are suggesting that if we are going to keep this legislation in line with the NATA, should we change the requirements for certification in the NATA prior to this?

MR. WOOD: Yes.

CHAIRMAN BEHNKE: Before you can present a model act to the Board in June, we are not going to decide that there are only one or two alternatives to become certified, are we?

MR. DAVIS: You go ahead and write it up the way you want it.

CHAIRMAN BEHNKE: No, no, the way we want it.

MR. DAVIS: That is what I mean, and we will work on these other avenues.

MR. GEORGE: There is a move now in NATA to bring it down to one method of qualification. Graduate from an approved school. That is a long ways off yet.

MR. MELHART: I was going to say I don't think that the Board would go for that. The Board would probably now vote that down very considerably.



MR. WOOD: But if you hold it down to approved schools plus the apprenticeship under a certified athletic trainer, those two methods, and you only have one classification, certified, then I think you have come a long way and it solves a lot of problems.

MR. GEORGE: I agree. We are going to have to discuss these things and make a decision on them. It looks now like we may be down to three methods. We have basically four methods of becoming certified. The first two that we are talking about, approved curriculums, apprenticeships, PT graduates, and essentially a PT graduate is an apprenticeship because he needs two years' experience. That is something we have to change because one place it says eighteen hundred hours and another place it says two years.

MR. MILLER: It says two years for the PT. It has never said eighteen hundred hours. That is the only one place where you don't have clock hours. It never has had clock hours. Two years is all it says.

MR. GEORGE: So we have to change that or make it different.

MR. MILLER: I will tell you right there that one may change very soon because we have got people now in PT schools that are talking about offering our curriculum to PT's, and they are getting all the course work. They are getting trainers in there and physical therapists to teach the physical education aspects in the athletic department.

We have got people now that are coming to us to set up a program, and I like that. That is a much better approach than going through this way of setting up a procedure of certification, to tell you the truth.

CHAIRMAN BEHNKE: Should our organization of athletic trainers be concerned about the physical therapist? I mean by that, why should we have that clause as an alternative to certification? Why do we take that profession and single it out?

We know why, because a lot of people are doing both.

MR. MILLER: It started a long time ago.

CHAIRMAN BEHNKE: That is what I mean. It could be struck as far as I am concerned. If you want to be a physical therapist, go ahead and be one. If you want to be an athletic trainer, go ahead and be one.

MR. WOOD: There is nothing in the nursing laws in any state that say and/or you can go this way or you can be an athletic trainer too, or something like that.

CHAIRMAN BEHNKE: This is my point.

MR. WOOD: And some of these people are talking about we have to go back. If you want to be a doctor in a particular state, they don't say you have got a license over in this related field. We will skip that part. We will give you a license.

If you want to be a lawyer, you have got to go back. I mean, if you are a plumber now, you have got to go back to school. There are no alternate routes.

DR. BACHMAN: I don't think it is necessary.

MR. GEORGE: It isn't necessary because we have the apprenticeship. We tell the PT graduate that he has to do the same thing that an apprentice has to do.

MR. MILLER: Not really. You have got that two years and eighteen hundred hours.

He could go in there five days every two years and if somebody signs for him, he could take the certification exam.

MR. MORRIS: If he can pass the exam -- it all goes back to that.



MR. MILLER: Because you don't really hold him to clock hours. We have argued that thing in professional education over and over. What corresponds to clock hours and years and all that kind of stuff and what is corresponding. That is a tough nut.

But actually, if somebody came in and they came in and admitted to you that they had spent one hour of each of two years under a certified trainer, they are qualified because they spent two years with that person. You don't spell it out.

There is no place that it is spelled out that that person will sign for it.

MR. DAVIS: They have been around them for two years.

MR. GEORGE: Have we got any instances like that?

MR. MILLER: I don't know.

MR. GEORGE: I don't think so.

MR. MILLER: I don't go around checking up on it. We don't police that. It could be, though. I have heard some things out in California, but I'm not taking any pot shots at it.

MR. HOOVER: The exams are still left. As long as we keep that as our strength, no matter what avenue they are going, the exams have got to be the final test, the final measure.

MR. MORRIS: The guy who signs for them to be on the certification board would give the test.

MR. WILSON: You look at some of the kids that are graduating from these programs, these approved programs, and in a lot of cases they are not as well qualified as some kids that just went through a school and worked as a student trainer where they don't have a

program.

MR. MILLER: That is right. I admit that.

MR. WILSON: I think we put too much emphasis on these programs.

MR. GEORGE: But now you see we are trying to get away from where we argue about these three days every Board meeting, and I agree.

MR. WILSON: Logan is saying that you have to be a graduate of a program. I don't agree with that.

MR. MILLER: It will be in the future. It will the way in the future, but not now. I will admit there are exceptions to the rule. There will be many places.

MR. WILSON: Let's wait until we get them there.

MR. WOOD: Roy, don't get Texas in approved schools. If you got a physical education department with enough of certain courses and all of them do at this point, and you have got a licensed athletic trainer, you can become an approved school in the State of Texas. So there are plenty of opportunities for these guys.

CHAIRMAN BEHNKE: Approved by the Board.

MR. DAVIS: Approved by the Board in Texas.

CHAIRMAN BEHNKE: You could. You undoubtedly will probably approve an NATA approved school, but there are others approved above and beyond. The NATA may not see fit to approach them.

MR. DAVIS: The NATA has what? It has five in Texas, and you had twenty-some.

CHAIRMAN BEHNKE: That is the loophole in all the legislation. It relates back to the Board determin-



ing what is approved and what is not approved.

MR. HAYES: Can't we let the State Board wrestle with the physical therapists, too, under sub one and just leave it out of the model act?

Is there any reason that it has to be in the model act?

CHAIRMAN BEHNKE: When we come up with a model act, are we then going to use as a guideline for qualifications NATA recommendations for certification?

MR. WOOD: You can use NATA, what I have sort of suggested. You can use an approved school. That means approved by the Board in that state, not by the NATA, plus the apprenticeship section with the changes that I have offered. You could just leave out this physical therapy part.

MR. HAYES: Just take out Section 2 of the Texas act?

MR. WOOD: You could very well do that.

CHAIRMAN BEHNKE: So what you are very well saying is that they would have to hold a teaching license.

MR. WOOD: No, if you take that out, they would have had to have met the training curriculum requirements of a college approved by the Board or they would have had to have had this apprenticeship under Section 3.

Now our people do not have to have under those two qualifications a Texas teacher's certificate, but I don't know where they are going to get in high school without it.

CHAIRMAN BEHNKE: Can I have you turn to the Illinois law real quick. Just when we ran into this type of hassle that we are going through right now, we

said basically what you have said. Section 8, page 3, in 1 and 2.

All right, we have got an approved curriculum, approved by the Department which, in turn, is the Board as we read before. Two was in regard to the apprenticeship program.

Then we made the recommendation that we put in the following statements. Instead of the above paragraph, it read: Show proof acceptable to the Board of Education and experience of equal caliber to Item 1. You see, by just putting one and that statement as two, you have covered yourself.

In one you talk about an approved curriculum by you, and in two, you simply have them show proof. If they don't have proof of an approved curriculum of experience of equal caliber, then you have wiped the whole thing out, and you are sitting there as a Board saying you are approved, and you are not approved; you are approved and you are not approved.

That is a very blanket statement, but it was accepted by our state because it covered us for every situation because the Board sat in judgment.

Of course, there are statements beyond how the Board acts in judgment.

MR. DAVIS: You don't need this teaching certificate at all.

CHAIRMAN BEHNKE: No, if we have number one, have met the athletic training curriculum requirements.

MR. DAVIS: The requirements within the state are going to take care of that for you. If you are going to teach in a school, your state education is going to declare whether you can or cannot teach.

CHAIRMAN BEHNKE: So from the sense of a model act, we are talking about an approved curriculum or



approved of an equal caliber experience.

Now that goes in opposition to what we did at the beginning because that is a broad statement, and it encompasses about everything, and yet we started out this evening by talking about a definition and making it very, very specific.

MR. WOOD: The definition can be specific, but the Board can narrow down any of the loopholes through one section in there that says they have the right to make the rules and regulations consistent with this act.

CHAIRMAN BEHNKE: Is there opposition to this? Does anyone feel that we should spell it out more clearly than just those two statements?

MR. GEORGE: The Certification Committee has asked me to say that we should strongly spell it out. That is what they oppose about the Illinois bill. It was so general.

CHAIRMAN BEHNKE: I know we talked about it before. That is why that statement was put in there.

MR. WOOD: I don't think it meant the athletic training curriculum requirements of a college or university approved as they read by the departments, and yet approved by graduation, in general.

The Board has to set up the curriculum. You cannot set a curriculum up in this bill, especially in model legislation. Curriculum is going to vary. Some schools are going to have this and some schools are going to have that.

MR. DAVIS: Some schools will let you teach with a temporary certificate, and some will have no degree whatsoever.

MR. MILLER: We have enough variances in our national NATA because we go by behavioral objectives,

and so some people don't have a certain course, if you are talking about nutrition, maybe in the athletic training course or whatever else. So it's just the behavioral objectives now.

MR. WOOD: People in that state can say what is an approved school and what is not an approved school.

CHAIRMAN BEHNKE: You say that isn't true of the Illinois act?

MR. WOOD: No, I say you have taken care of that number one. I don't consider that general or anything.

CHAIRMAN BEHNKE: The Department approves the school's curriculum. The school can have a curriculum in athletic training. The Board doesn't have to approve it.

MR. WOOD: The only thing I think you could throw in there to make it stronger is if you wanted to throw in an approved school must be one that has a licensed athletic trainer.

I mean, we would not approve a school in Texas that did not have a licensed athletic trainer. If you want to tighten it up a little bit there, I don't see anything wrong with that.

The Board would probably have that as a requirement to be an approved school anyway. I don't see how a young man could go to some college and become an athletic trainer when the college didn't have an athletic trainer.

CHAIRMAN BEHNKE: Then to go to the second alternative besides the approved curriculum, if we simply say: show proof of people of equal caliber of education and experience, that is in conflict with what Frank indicates our Certification Committee wants.

How do you feel about that education?



MR. MILLER: We are opposite of the Certification Committee.

MR. DAVIS: They are going to have to realize that this could completely abolish that committee.

MR. MILLER: Right.

MR. DAVIS: The sooner they realize it, we are going to be a lot better off.

MR. WILSON: Repeat that.

MR. DAVIS: As soon as the Certification Committee realizes that they could be abolished by state licensure.

MR. MILLER: That certification is getting to be a monster because they are doing the whole thing for the whole country now. You have fifty states spreading this work out which is another thing. I don't see how they get all that work done.

MR. DAVIS: So a person works several years and he builds up a good working committee. He just loses that prestige. That is just something he is just going to have to do.

CHAIRMAN BEHNKE: It is a job well accomplished and move on.

MR. DAVIS: He can't sit there and do it forever.

MR. MILLER: They used to have a national registry in physical therapy which is no longer.

MR. DAVIS: That has been abolished.

MR. GEORGE: Georgia stuck pretty close to what Texas did as opposed to what Illinois did. Why?

MR. RHEA: We had a copy of the Texas bill.

MR. GEORGE: You did not see the Illinois bill? How do you feel about what they are talking about now?

MR. RHEA: We didn't have any trouble with anything that people had been talking about. We had trouble with other things. Time was the worst.

MR. MORRIS: One question was brought up. They wanted to know where the approved school was in the state, and we don't have one.

MR. GEORGE: You see, because you are talking about a different approval.

CHAIRMAN BEHNKE: You are talking about NATA.

MR. GEORGE: You are talking about NATA.

MR. RHEA: We are going to have three technically.

MR. MORRIS: And then they want to know why the Board is so powerful.

MR. RHEA: We had trouble with the word "subpoena". That was twenty years ago. That was the dirtiest word. That and the word "license".

Let me show you just for instance, if I can find it now.

This came out in the Sunday paper going into the last week that we are trying to get the thing out of both houses. (Demonstrating with paper)

There was one guy in the house that made such a joke out of it. He proposed that they license legislators. He made a big joke out of it.

When we were called into the committee in the house, they said, "Why do you want the power of subpoena?" You weren't there, and I didn't know.  
(Laughter)



From there it was all downhill.

MR. WOOD: For instance if you set up an Ethics Committee and you make some bylaws on ethics and somebody violates them, you've got to have some way of getting them.

MR. RHEA: Nobody in this state has the power of subpoena. I mean, they were adamant. I don't know if the Governor can subpoena or not.

Really, that was the biggest thing. I don't know if it was nit-picking. It was the first word that they saw that they could understand. But they were going to write it out of the House bill if it got that far.

MR. HAYES: I don't think it could hurt a great deal.

MR. RHEA: It got through the Senate but it never got to the floor of the House.

CHAIRMAN BEHNKE: We are all agreed to the approved curriculum idea by the State Board. All right. Are we going to spell it out any more than just simply saying the alternative is equal caliber acceptable to the Board? Do we want to do that, or do we want to accept that term? If we want to accept that term, we are through with the point.

If we don't, we have to spell things out more.

MR. WOOD: I don't see anything wrong with this apprenticeship section as we put it in if you make the changes that I suggested there. That assures that they are going to do this apprenticeship at the college level and under a college licensed athletic trainer.

CHAIRMAN BEHNKE: Can we go around again?

MR. GEORGE: If you look back, and Roy just handed me this from Kentucky, and we know it is true in

every state. The only way you can become a PT is to be a graduate of an approved curriculum. We are hoping someday that is here to stay with us. Do you want to put that in here, or is it too soon for that?

MR. MELHART: I think as long as the Board could approve various schools in a state, you are establishing it right from the word go. I don't know why we couldn't put just that much.

MR. RHEA: You could, but you may have to start at a basic minimum of curriculum requirements in order to get a lot of the schools in, so it may take you two, three or four years, depending on how willing the colleges are to put in more courses to meet this approved college curriculum, and then in some cases you might be throwing some schools out in the cold forever. Some schools may not want to ever offer some of the courses. Rice isn't big on PE measures, probably some of the other institutions aren't either.

CHAIRMAN BEHNKE: I think we need to think about the alternative as far as your apprenticeship program. What if an individual fulfills all the requirements under your apprenticeship program in Illinois and graduates and takes a position in Texas? Did your Texas Board approve that Illinois curriculum or that Illinois experience?

MR. WOOD: If he had the curriculum requirements plus he worked under a certified athletic trainer or if you have licensing, a licensed athletic trainer, then we would.

CHAIRMAN BEHNKE: You would accept reciprocity as far as an Illinois license?

MR. WOOD: If it was for four years as ours states.

CHAIRMAN BEHNKE: This is going to be a whole other problem if we are not uniform in our thinking from state to state.



MR. MILLER: The physical therapists don't have uniform reciprocity. There are states like California and New York that have so many people coming out that they are very tough. They just don't accept reciprocity, and there are other states that you have to meet their requirements.

MR. WOOD: That is right.

MR. HAYES: Would it be possible under subsection 1 to just add the words, in line 2, after "university", "or an apprenticeship program", and strike 2 and 3?

MR. WOOD: I think you have got to tie your apprenticeship program down pretty firm if you are going to have it in there. I think you have to tie it down. It has to be done while the young man is in college, while working under the licensed trainer at that college and getting a degree.

MR. HAYES: But I mean, could the Board handle that sort of thing for our model purposes?

MR. WOOD: Yes, but the pledge that the Board takes, they could change that up. They could change their rules and regulations over a period of time.

MR. HAYES: You want to keep it close to what the NATA has done so far.

MR. HOOVER: Do you think NATA is too general, too broad, to do as the Illinois Act stands with the recommended change? In other words, have met the athletic training curriculum requirements, etcetera, and recommend that the paragraph be amended to say: Show proof acceptable to the Board in education and experience of equal caliber to that in one?

MR. GEORGE: What do you think about that, Logan?

MR. HOOVER: With respect to the general

statement again. I think there are going to be so many individual differences. We are talking about state to state. That is going to have to be up to the various jurisdictions of the licensing department to make those adjustments.

CHAIRMAN BEHNKE: It is the statement.

MR. HOOVER: Yes, right. That is what I say.

MR. MORRIS: It may come down to being in the committee. You may not even get it. You may have to accept what that committee wants to do.

MR. WOOD: For every section you are going to write up in a piece of legislation there, it could all be changed as it goes through.

MR. HOOVER: I am thinking of Georgia, for example, with the non-approved school situation that you are going to have to get down to be the state licensing board, department or whatever it is called. The athletic trainer makes these adjustments.

MR. MORRIS: Every state is in the same boat.

MR. GEORGE: In Texas could you live with that statement?

MR. WOOD: Which one now?

MR. GEORGE: Do you have page three of the Illinois act? It has been recommended that the above paragraph be amended to read: Show proof acceptable to the Board of Education and experience of equal caliber to that in number one.

MR. HOOVER: It just means that Logan is going to have to write into his Board policy, as he has in the present act, if the state wanted to go that direction, right, Logan?

MR. WOOD: We would have to take it on



an individual thing that way. We couldn't have just an open agreement. You take our licensed people; we will take yours.

We would have to see what this equal meant because under ours, an out-of-state graduate must have done the same thing as an in-state graduate, so they would have to come under one of our three qualifications. So if it was from an Illinois approved school, we would have to say: Is their approved school sort of equal to our approved school, and that type of thing. It wouldn't be just an open exchange. It would have to be an individual license.

We would have to examine what he did back then.

MR. DAVIS: If you don't, you will get everybody going to the weak siser.

MR. MILLER: I will tell you, in looking at some of these programs, in a couple of states, I wouldn't know how they are going to approve programs because if you just talk about physical education, I looked at one state where there are two physical education programs, and in neither one of those schools do they have to have a course in anatomy, believe it or not, in physical education. And I don't see how in the world they are going to learn that way something about the body.

MR. GEORGE: They will certainly never pass the exam. If they don't take an anatomy course, they will never pass the exam.

MR. MILLER: I just don't know how they are going to have approved schools. It's none of the states here, but primarily, it could be a problem.

MR. GEORGE: There may be a board that tells these schools, "Look, if you want to be approved, you have to include an anatomy course."

How does the medical profession look on something like that? The medical profession would say that you must graduate from an approved curriculum. How do you look upon another method for one of your allied professions, doctor?

DR. BACHMAN: I think realistically now you have to include something like this amendment that Bob is suggesting because so many people are now qualifying under the NATA guidelines, and some day you are going to hope to bring it down to just the approved school graduates, but that is not possible in the foreseeable future, at least not in the next few years, and I would be in favor of this amendment as you suggested and let the individual states then decide who they are going to accept, and when it comes to reciprocity, you are going to have to then go back and say, "What have you got, and we'll retake you."

The State Board of Education and Registration here, even though you are licensed in another state, makes you take another exam before you can get licensed as a physician here. You may get reciprocity. You don't have to take the whole exam, but you have to take the reciprocity exam.

MR. MILLER: There is one thing you have to think about, too. I am not trying to take shots at different states approving curriculums.

When we talk about accreditation -- and accreditation going national is another thing -- that is basically for our curriculums, and that is like the physical therapy has. That is one way they can have uniformity to have nationally approved curriculums around the country, and then you accept people who are graduates from those curriculums into the programs, and that is another thing that you have to look or think about, too, is are we going to continue on toward national accreditation? If you do that and become a national accrediting agency, accrediting your institutions that are going to put out your trainers, then you are going to have to follow that rule of national accreditation.



MR. MILLER: I don't know whether all the states are going to be able to do that. Of course, all the states don't have that in physical therapy in all the states that offer physical therapy, either.

MR. WOOD: I don't think you have any problem with just putting: Having met the athletic training curriculum requirements of a college or university approved by the Board and give proof of graduation. That is it.

MR. WILSON: What if your state doesn't have a school that offers this curriculum?

MR. GEORGE: My state doesn't have one in physical therapy.

MR. WOOD: Their curriculum will be set by the state board. If the curriculum is nothing but eighteen hours of PE and a licensed athletic trainer, you can set the lowest minimum standards you want to start out with, but just make sure that they have a licensed athletic trainer to start with, and that they do have a course in anatomy and that sort of thing, and most all schools do, and most all schools have physical education courses, so you are covering a broad ground right there. Then as you move up, the Board can raise some standards as more schools come up, to meet these things, and add more courses and everything.

It doesn't have to mean that they have got to take 156 hours at a school that has got every course from how to treat fungus of the skin to nutrition or something like that. Those wouldn't be included for a long time. They are not included in Texas right now.

CHAIRMAN BEHNKE: The State Board, such as in Kentucky, could simply say, according to your Section 9, Number 2, if a kid appears before your Board with a minor in physical education, a valid teaching license, has had an athletic training course and two years experience under somebody, you approve that curriculum. If somebody promises that as evidence in their program,

you say, "All right, we will approve the people that come out of that program." Am I correct? In other words, that Board can then incorporate what you have suggested without ever having put it down.

MR. WOOD: Right. All you have to do is be sure to get on the Board.

CHAIRMAN BEHNKE: That will change also.

MR. GRAHAM: It seems to me everybody is in agreement on Paragraph A, and there seems to be disagreement as to whether to put in the Illinois amendment or include the apprentice program.

What about leaving "A" in, and putting suggested alternatives as appropriate and then include the other two paragraphs?

Since we are talking about model legislation, the people using it would have the benefit of the ideas here, and they could decide whether they wanted it or not.

MR. WOOD: I think it might be able to go into the political suggestion section that we are going to be making up and leave it out of the model legislation.

CHAIRMAN BEHNKE: The model legislation is going to be left at just a degree from an approved program.

MR. WOOD: I think that is what we are going to be working for.

CHAIRMAN BEHNKE: Are we in agreement with that?

MR. WOOD: You can't become a doctor or a nurse or a lawyer or anything else that requires a license.

MR. GRAHAM: But you could to begin with.



MR. WOOD: You could to begin with but most of these people that are already actively engaged, and that is going to be another big battle in a few minutes, will be covered under the grandfather clause.

MR. HAYES: Logan, then for the model act, what you are saying is just take basically your paragraph one and that is it, period.

MR. WOOD: Yes, I think that is the way I would do it, if I had to do it again.

MR. HAYES: We are talking about an optimum bill.

MR. GEORGE: If you were going to do it again, that is what you would do; if you had to do it again, that is what you would do?

MR. WOOD: Yes.

MR. GEORGE: Just paragraph one. That is good enough for me.

CHAIRMAN BEHNKE: Is there opposition to that?

Then we are in basic agreement that we will stand with just the approved curriculum, whatever the particular State Board indicates is approved.

Then our guidelines will include the apprenticeship program and a clause to indicate equal caliber experience and education.

MR. WILSON: They have to take a test, though, right?

MR. GEORGE: Yes, we are going to come to that.

MR. WOOD: It is covered in ours under Section 10.

If you are through with that, the other thing

I would change in ours is Section 15, which is penalties.

I would make it stronger than that and probably go to Section 18 of the PT bill. They had a little more time to put their bill together. They had ten years.

Theirs reads a little stronger than ours.

For notes you can just put that I would change Section 15 of the Texas bill to Section 18 of the Texas PT bill which is worded, I think, well.

CHAIRMAN BEHNKE: You have to be careful there because you are going to get into a definition of what you consider within your own state as to the types of offense. You see, in Illinois we couldn't spell it out that specific. We had to define it as a petty offense. The judge is going to set the fine.

MR. RHEA: I think you can make note of this there in the political section. You can use this wording, and if it doesn't fit, then they will know.

CHAIRMAN BEHNKE: That is a step back. That is an alternative.

MR. GEORGE: That will be different in your state. In my state it might be a misdemeanor. In your state it might be a petty offense.

MR. WOOD: Ours reads twenty-five and more than two hundred.

MR. MORRIS: Logan, have you had to use it?

MR. WOOD: Not at this particular time, but it has been for a number of reasons, but yes, we are getting ready to test it out.

What we are going to do first to some people, we are going to send them advice from our counsel. We



are going to send them a letter saying to cease and desist calling themselves athletic trainers, acting as athletic trainers, performing the duties thereof, and if we don't get any results out of that, then yes, we are going to file on some people this spring. It's a mere handful.

MR. MORRIS: High school?

MR. WOOD: No, two are colleges. One is a very small college, and one is a particularly hard case. I am sure what we will just let the man do there, he happens to be a black man that has been at this particular school for years and years, and he has been everything. I know the guy, but he has been reported to our Board, and they have him in the college bluebook, so we are going to have to get that changed because it has been reported, and we are going to have to act upon it.

The other is in another college, and it happens to be someone who flunked our test about five times, I think. The other is in a high school, and we have one that we have caught that we are going to be nice enough to allow him to take the examination since he does really qualify.

MR. MORRIS: The Board just does this. You don't have to report back to your membership about the actions?

MR. WOOD: We don't have any membership.

MR. MORRIS: Or the licensees.

MR. WOOD: That is one of the big differences in being an organization for the promotion of the athletic training and being a state licensing board.

Now this took a long hard time for people to get used to down there, and I put out through the state an updated information letter which seems to help some of the people in the spring when they don't have much to

do, and the natives get restless and want some action or something. It kind of keeps them informed and everything, but you don't have that problem.

You proceed by laws. If a violation is reported to you, you must investigate it and take appropriate action as required by the law. That only has to do with our Board and what the law says.

CHAIRMAN BEHNKE: And the individuals involved. It is not anybody else's business, really.

MR. WOOD: If they are reported to us, regardless of who reports it, we are obligated to check it out. We don't have to proceed with it ourselves. We could dump it on the attorney in the county that they are practicing in or accused of practicing in, but we don't intend to do it that way. Our lawyers will proceed to the attorney general of the state, I believe, and we will try it that way.

CHAIRMAN BEHNKE: You gave us two points, the definition and the qualifications.

MR. GEORGE: I think one thing in the qualifications we had to make the membership understand, is that when we say approved curriculum, it is not NATA approved anymore. It is approved by the State Board. That is a big difference.

MR. MILLER: That is another thing. As I mentioned again, we wouldn't be going toward national accreditation.

MR. GEORGE: The next thing we shall talk about is examination and then the grandfather clause.

MR. DAVIS: What was that again?

MR. MILLER: If we have approved curriculums through the states, we would not have national accreditation. We can't go through national accreditation.



MR. GEORGE: We cannot?

CHAIRMAN BEHNKE: Why not? The organization can.

MR. MILLER: You have to have a national body.

CHAIRMAN BEHNKE: The organization can. The organization really has nothing to do with the individual states.

MR. MILLER: That part of it, but if you are looking for your people who are coming out of your programs.

MR. WOOD: I think when you first get started, I have suggested some changes of names and classifications. At first you might have to go to saying people can be certified members of the NATA if they are licensed in their state, if their state has a licensing law, and approve it that way and all other states will be approved this way through the NATA guidelines, and if it comes to the point where all fifty states are licensed, then you are going to just about have to keep the licensing procedures from that state.

MR. MILLER: The educational institutions are different from licensures. They are usually two separate things.

MR. WOOD: It is true, but the State Boards are going to be setting state curriculum requirements and are you going to have to have dual curriculum requirements?

MR. GEORGE: In the PT law it says the schools must be approved by the PT associations.

MR. MILLER: By the AMA.

MR. GEORGE: Yes, and by the APTA Association.

Roy, you have it right in front of you. You

can read that.

MR. MILLER: It has to be from a national accrediting body. That is what I say. We have to either go one way or the other because otherwise I think if a national group does not approve your curriculums, then you just can't apply for national accreditation.

MR. DAVIS: Now we have got national accreditation. We have got approved schools and they are honored through this accreditation.

Now the State of Pennsylvania says all right, we are going to put in our own curriculum. The state approves it. That guy can work in that state.

MR. MILLER: Oh yes, he can do that. That is what I am saying. You can do that.

MR. DAVIS: You can do that in medicine, law or anything else as long as the state approves it and he practices within the boundaries of that state.

MR. MILLER: But you can't go anywhere else.

MR. DAVIS: You can't go anywhere else.

MR. WOOD: The PT bill in Texas doesn't say anything about the association approving anything, I don't believe.

MR. GEORGE: Let's take a look at that.

MR. WOOD: Produce evidence satisfactory to the Board that he is of good moral character, has completed an accredited curriculum in physical therapy education which has provided adequate instruction in the basic sciences, etc., and procedures as determined by the Board.

CHAIRMAN BEHNKE: I have got both the Illinois and Indiana Physical Therapy Acts and both say



approved by the Department.

MR. GEORGE: They don't say anything about the PT Association.

MR. WOOD: Neither does the Texas bill.

MR. WILSON: Ours says accredited or approved by the Council on Medical Education of the American Medical Association or the American Physical Therapy Association.

MR. RHEA: Georgia doesn't have it.

MR. WOOD: There are a lot of states that are going to say, we are not going to have a lot of people telling us what to do. There are a lot of legislators like that.

MR. GEORGE: If the other states can say that I would think we could. But, you know, it's in Georgia, Illinois and Indiana.

CHAIRMAN BEHNKE: Indiana says: We meet the standards of the Board and the Council of Medical Education of the American Medical Association in collaboration with the American Therapy Association, but it doesn't say this in Illinois.

MR. MILLER: I am not raising the question. I am just talking about accreditation. I don't think they would accept us unless you have a national board. It is national in scope, and so if everybody had different requirements, which they would have different requirements for approving the programs, because we know we have different degrees for programs in different states. It is probably the wrong time to raise it. I am just pointing this out because we have this going on at the same time we are talking about this, and you mentioned at the start that these are two things that we are working toward. I am just pointing it out because I am sure we would not get passed by HEW because we are not a national program. I am not arguing which way is the best way. I

am just pointing it out.

MR. DAVIS: Let's assume that we get acceptance by the HEW as the accrediting agency for athletic training approved schools.

MR. MILLER: They have to keep reviewing us too, then if we don't fulfill what we are talking about. I just bring that point out.

MR. GEORGE: Under qualifications we should have two separate sections, one for approved curriculums and one for apprenticeship.

MR. HAYES: You would have two alternatives, the State Board or national accreditation.

CHAIRMAN BEHNKE: Won't the State Board accept national accreditation? Is there any state that would accept anything less than national accreditation?

DR. BACHMAN: Licensing and accreditation are different things. It goes back to the same thing in medicine. The medical schools are accredited by the American Association of Medical Colleges and people can't graduate from some other school and go take a state board license somewhere, but the state still individually licenses doctors. They don't accept National Board licenses.

There is a National Board and almost no state will accept that without giving their own licensing test. It may not be very much of a test once they have passed that, but I think you are talking about two different things. I think you want to strive for national accreditation, and this is still going to apply and then the approved training curriculum will be one that is approved by the NATA.

CHAIRMAN BEHNKE: You think we are working against ourselves in this respect if we go with state?

MR. MILLER: In some states I don't think you



are going to be able to meet NATA curriculum requirements to tell you the truth.

CHAIRMAN BEHNKE: For relicensure, you mean.

MR. MILLER: We only have twenty-six of the fifty states that have approved curriculums.

CHAIRMAN BEHNKE: But you don't have to be a graduate of the state-approved curriculum.

MR. MILLER: But we would certainly hope your own state would be able to.

CHAIRMAN BEHNKE: True, we would like to see Illinois trainers train in Illinois. You would like to have that opportunity available to them if they wish to.

MR. WOOD: You know, the American Medical Association or the dentists or anybody else, if you are licensed in your state, you are approved to join that association.

DR. BACHMAN: You can join without being licensed.

MR. WOOD: Right, but most of the people are probably licensed physicians from their state, and they join the AMA.

Why can't we have licensed trainers from those states that join the NATA? I mean, what Bud is saying is that he's afraid that the curriculum won't be good enough in some states.

MR. MILLER: Yes, we have been looking at them.

MR. WOOD: I mean, what significance is this in reality to the National Athletic Trainers Association? Does it have something to do with Health, Education and Welfare, is that it?

MR. MILLER: It would come back to the accreditation process.

MR. WOOD: What would that do for the NATA though? I mean, what is this going to mean in the long run?

MR. MILLER: It is just making it national. All accreditation is going to do actually is to accredit your universities. That is the only thing it involves. So many people add so many things to what accreditation is going to do. The only thing it is going to do is approval for your curriculums, really.

MR. WOOD: Rather than to stymie the licensing deal and get hung up on some of those other things, I would rather that each state have a licensing law.

DR. BACHMAN: They are going to anyway.

MR. WOOD: They are either going to have it for or against you.

MR. MILLER: I am not really bringing up an argument. I am just bringing up the point that we talked about accreditation. It may affect you. I don't know.

CHAIRMAN BEHNKE: It will not affect, but it is more important that the state licensure feels that curriculum is approved. In other words, the Board feels that curriculum is approved. So what if the National approves it. I mean, when you really get down to cutting it fine, what is more important?

MR. HAYES: That is right. There are going to be a lot of people who, on those grounds, if they have to do two things, aren't going to be members of NATA. They are going to say, "I have got my license in this state."

CHAIRMAN BEHNKE: I can practice the profession of athletic training.



MR. HAYES: I have got a good job. I am not going to be moving." The majority of them won't be, so why join the NATA?

CHAIRMAN BEHNKE: It is like saying: "I am a licensed physician. Why do I have to belong to the AMA?"

A lot of them don't.

MR. WOOD: A lot of them don't. We should make it attractive to join the NATA.

If we are not having double standards, what we can do in the meantime is to change the deal up there. Accept you as a certified member of the NATA if you are licensed by the state in which you practice and/or if your state does not have licensing laws, then you must qualify under these NATA guidelines, and if the time comes where we have got fifty states, then that second clause be deleted.

CHAIRMAN BEHNKE: I would like to hear your comment on that, Frank.

MR. GEORGE: There are many people that you would probably license that we wouldn't accept for certification.

MR. WOOD: I am sure there is going to be that in every state. There are going to be people grandfathered into this thing. And if you want them to become members of the NATA, they are going to have to be grandfathered into the NATA under some type of clause like that, or you are going to be missing out. I don't like to think of the numbers.

CHAIRMAN BEHNKE: It goes the other way, though. There are people that the NATA will accept that we won't.

MR. DAVIS: There are the ones who were grandfathered in for certification that shouldn't be

right now.

MR. WOOD: That is right. There are a lot of people from out of state that are NATA certified that can't get licenses in our state, and a lot of it has to do with apprenticeship or working under a licensed athletic trainer. There are a lot of people that have gotten certified that we have run across that have little or no apprenticeship, and that is why we are coming back to the thing about making some changes now.

MR. GEORGE: I think we are bogged down really on Section A which we all seemed to agree with at first, approved curriculum. Now we are talking about who is going to do the approving, NATA or the State Board.

MR. WOOD: I am just trying to make suggestions as to ways that we should go.

I think the approved schools is the state approved schools and the NATA should take those people who are licensed in their state as certified athletic trainers, and there is no other classification until every state does become licensed. Then you have the other clause, and once fifty states become licensed, then you wipe out the NATA requirements there and just have the one thing.

If you are licensed by your state to practice, you are eligible to be a full member in this association.

CHAIRMAN BEHNKE: That is important. We should have both, but if it really boils down to go into one or the other for the protection of the man on the job, he is going to want to be licensed by his state. So the NATA should come around as opposed to the opposite way, and we ought to have a two-way street open.

MR. WOOD: The way it could go, everybody could get their licensing deal and say, "We don't need you any more."

Now we haven't done that in Texas. We have a



good membership. We have kept the membership up. We have emphasized that it is important to belong to the NATA.

We have a large contingent always and a vocal contingent always at the meetings and everything, and the majority of our people are NATA, but we have a certain amount. I mean, they are even qualified to take the NATA examination but right now they are saying, "I will wait on it. I don't think I am going to move," and that is what I am trying to avoid.

I think we need an NATA, but it could go down the hill pretty fast if we don't work something out.

CHAIRMAN BEHNKE: What we need is an NATA Advisory Council or Committee with regard to setting up state licensure so that there are guidelines that NATA would recommend. These are not mandatory or anything else. The state should want to fall in line with the national association's recommendations, and so the NATA should act in an advisory capacity to the states.

MR. MORRIS: To the states.

MR. DAVIS: But at the same time now it goes back to what we said earlier. NATA has got to be able to accept this.

MR. WOOD: There has got to be a lot of flexibility on both sides.

MR. GEORGE: What are some of the lawyer's thoughts on this qualification? Larry, what is the best way to do it.

MR. GRAHAM: I thought you had already settled it. I was satisfied that you had moved on to another area, and it seems that we have come back around to it, but just from what you have said here in the last few moments, and I think Otho probably really underscored it, the NATA, I think, just from what you have said, is sort of going to assume a new role. Right now you are

assuming leadership in helping the states getting this licensing.

As you do, NATA certification is not going to be the thing anymore. It is not as important. I think your leadership is going to have to be an assist in the states, and I think maybe it is difficult for some people to accept the fact that NATA certification as such is not what it once was, but it is giving way to state certification and licensing. But I think the qualifications you have set up are fine.

MR. HAYES: I think that we have handled the licensing aspect of it quite adequately by adopting that one paragraph. I kind of look at the NATA certification much as Board certification in medicine. I mean, I put that in a parallel fashion. It is going to take an awful lot of work on the part of the NATA to get to that professional status, but it is. It is like being a fellow in the American College of Surgeons or whatever. We should strive toward that sort of thing as doctors have in medicine on a different plane of licensure.

MR. GEORGE: Then the next thing I would like to get on to is the examination.

The examination that we recommend for these people to take, should it be the PES examination, Logan, or do you have your own exam?

MR. WOOD: No, we developed our own.

MR. GEORGE: You did? Okay.

MR. MORRIS: How much did it cost you to set it up?

MR. WOOD: Just the scratch pad that I was writing it out on, just all the books I got all the questions out of.

The state Board is empowered in the bill to develop and give the examination, and we did just that.



We developed our own examination. We did not have outside help or anything like that.

MR. GEORGE: Seventy-five percent of the states that give physical therapy examinations use one exam, the PES exam, the exam which was developed by the association.

We have the exam for trainers, and I think that is the exam that we ought to strive that the states use. I think it is a good exam. I think it is a tough exam. I think it has some validity to it, more than each state making up its separate exam.

A number of people have taken that particular exam. We have spent a lot of money on revising the questions. Fifty dollars a question. We have spent a lot of money on the validity of each question of the one hundred questions, which ones are good and which ones are bad. I think we have put a lot into the exam, and I would like to see the continuation of that exam and a continuation of a revision of that exam.

MR. DAVIS: You cannot tell a state what exam to use.

MR. WOOD: There is another problem here.

MR. GEORGE: I agree that we cannot tell them, but we can recommend.

MR. GEORGE: That is one of our roles, to recommend. I think we can recommend to them that they use the PES exam which has been developed for athletic trainers.

MR. HOOVER: This would also be of benefit in easing our reciprocity problems as they come along, too, if you have some instrument that has some true universal status, even though each state might strive to take individual different levels of performance on PES which PT. does, but still it is the same instrument.

MR. GEORGE: In Florida you need a much higher score than you do in Rhode Island.

CHAIRMAN BEHNKE: You can also make additions and deletions if you care to.

MR. WOOD: You would have to for this reason. Different states are going to have different curriculums, and your tests must reflect what your curriculum is asking the young man to learn. If there is a bunch of questions about pharmacology on that test and that state does not require him to take a pharmacology course, then the test is invalid. The same thing goes for nutrition.

CHAIRMAN BEHNKE: But it goes back to emphasizing the advisory capacity of NATA.

MR. WOOD: You can recommend.

CHAIRMAN BEHNKE: Sure, you can recommend, but they don't have to follow it.

MR. DAVIS: You can go another avenue and let each state develop their own. If a state wants reciprocity or an individual wants reciprocity, he has to have taken the national exam to qualify.

MR. MILLER: That is what happened with the PT. Most of the states went out and made their own exam, and they are all coming back now to one national exam.

MR. GEORGE: To over seventy-five percent now.

MR. HOOVER: That was Logan's question. If you have certain categories that you are not covering in your various curricula, these are the reasons you have different levels of competency that you approve people on. You can just write those questions off that particular exam so that you would accept an individual on that percentile.

MR. WOOD: You can take or delete from the



exam. As I said, it is only a suggestion that they use that examination. I like our examination.

Much of what we do is based on our apprenticeship, and we like to reflect that in the test, and in practical application and things of this type, although I think we have a good written test.

MR. GEORGE: Is there any oral practical part of your exam?

MR. WOOD: Yes, and a lot of the people who have taken the NATA have told us that our oral practical is tougher than the NATA, but your written test is a little bit harder.

We would like to think of our examination as sort of a learning situation at the same time.

A lot of these people who are going to be high school trainers, you start popping some questions to them about growth joint injuries and what would you do with this and that, and a simple question like: If circulation is stopped in the lower leg, what are you going to do? It is a simple thing, you know. The kid has had a terrific knee injury there. You take the pulse down at the ankle. You don't get anything. You holler, doctor, doctor, the first thing you are going to do is to rush him off.

So we try to put some situations in there that have arisen in different people's careers, we will say, different case history type deals that might be unusual. It happens once in a thousand times, but we would like these people to be aware. It won't cause them to flunk the test because they don't know something unusual, but it might inspire them to go back home and read the book again or ask some questions because a lot of people aren't covering a lot of these unusual situations here because they don't see them very often at the college, but we like our test to reflect that.

We also like to change our test somewhat every

time we give it so that people cannot be memorizing the test, and so that it appears a little different to them and it may be rearranging questions. It may be adding some and deleting some, things of that type.

So I would not myself want to give a test that was sent to me. Here it is, "and just mark the IBM scores."

I might draw from it, but I would add and delete as reflected in that statement and by different people.

You can get a test committee of whomever you want in that state and see what their experiences are.

MR. GEORGE: Which you get as a prerogative of each state to do.

MR. MORRIS: How would the NATA feel about giving this test outside of the State of Georgia to use?

MR. GEORGE: You would have to talk to the PES about that and how it is done.

MR. WOOD: They were not too thrilled when I asked for it. That is why we worked on our own.

MR. GEORGE: We are not going to give it, but they could buy it.

MR. MORRIS: I don't know whether you could.

CHAIRMAN BEHNKE: Yes, you can, because the State of Illinois does that with the physical therapy exam, with the nurse's examination, and they told us they would purchase the PES.

MR. HAYES: But this is a point of contention. How much is it going to cost you and how much do you have budgeted?

MR. GEORGE: We might have to change our



contract with PES.

MR. WOOD: You might not have the monies to buy it. We didn't.

MR. RHEA: How much is it?

MR. GEORGE: How much do you charge for the exam?

MR. WOOD: We charged twenty dollars.

MR. GEORGE: That would not buy the PES examination. Now it costs twenty-five, I think. For each exam that we give it costs twenty-five dollars. That is what we have to pay PES.

MR. MORRIS: You ought to charge fifty dollars because we don't have that many.

MR. WOOD: In some states you might not be talking about more than two or three graduates a year.

I think if you have got some licensed trainers in the state with experience, our test has been developed by doctors and myself and professors at the various universities there that we have consulted with, and so it comes from a broad base and it covers a lot of things.

CHAIRMAN BEHNKE: Yet, if you do that and you have made the recommendation earlier, that a trainer licensed by a particular state be approved for certification by the NATA, you get a conflict because if they are in a state that doesn't possess a licensure law, they are required for certification to take the PES exam. You are open to criticism there unless you can stand on your own two feet and feel that the caliber of your exam is equivalent to PES, and then what does the NATA think of that?

MR. GEORGE: One of the biggest things we got from HEW was that you really have to separate the people that are teaching from the people who are certifying or

giving the license. That really has to be separate. The people who are teaching should really not know what is in that examination because there is really a conflict of interest there.

MR. WOOD: That is right. That is why I say if you have people on the Board like myself, I am a high school trainer. I'm not going to be teaching any of these people who are going to take the exam. I think that is best. I don't think there is any doubt about it. I don't think if you help make up the examination, and you knew basically what was on it there, that you could help from probably going over, and maybe you would emphasize, without telling them, you know, and say, "We are going to go with this a little bit more than we have in the past," whereas what you will want to set up is the thing that we have set up.

If you are going to a separate state agency, you can be filling these out for the rest of your life if you are going to satisfy the state.

What I have developed here is called an agency program structure summary. It tells what you do, and one of the things that we want it to do, and which we will have money for in the future, is to have some pre-testing clinics, for instance, for juniors and seniors in college where we will go around and hold clinics generally about what is going to be on the test. We will be working closer with the institutions there. We are already getting requests to do that because some of the people are flunking the examination, and they are not getting what they should and what our curriculum and apprenticeship should show up in the test. So you have to go around working with the people at the institution.

So I think you are right in that respect, but we have been able to set up an examination which I think is a good test and reflects what they will be called upon to do. It does have questions about physical therapy modalities, what not to do with them and what to do with them, and it also is reflective even about



articles that come out in the various magazines which we should be reading. That is where we get some of our test questions, too, aside from being in the curriculum. We expect them to read these, and we sent out a list of books to all the student trainers which we feel would be helpful to them.

CHAIRMAN BEHNKE: What do you think the NATA Certification Committee would think of certifying individuals who did not take the PES exam? They wouldn't.

MR. GEORGE: I don't think that we would think of that. I don't think that we would consider that.

MR. HOOVER: It is two different things.

CHAIRMAN BEHNKE: Yes, it is two different things, but what I am saying is again in our model legislation.

MR. DAVIS: If he could be licensed by the state and certified.

MR. WOOD: What we are going to have is a lot of people who are going to pass their state license examination who don't want to go and take the exam for the NATA.

MR. DAVIS: For them to have reciprocity from state to state they have to take the certification exam.

CHAIRMAN BEHNKE: Based on whose say-so, though? Based on the next state. If the next state accepts Illinois, nobody cares about the NATA.

MR. WOOD: If he is on the Board of Illinois and I am on the Board of Texas there, we may work something out.

MR. GEORGE: They are only looking for something to recommend to the states as to what to use for an examination. That is what I want to know. Should we tell each state to write their own examination or

should we tell each state to use the PES exam?

MR. WOOD: I think you should leave it up to the states.

MR. GEORGE: Logan, everything we do is going to be left up to the states, but I think we should recommend something. They don't have to.

CHAIRMAN BEHNKE: Illinois says: Satisfactorily completes the examination administered by the Department.

Now that is for model legislation. For guidelines do your own thing or PES or whatever.

MR. GEORGE: Or whatever.

MR. COMPTON: Can a given state board find out from the NATA what score the individual got on a test in order to know where he was placed?

MR. GEORGE: Yes.

MR. MILLER: No.

MR. COMPTON: So they could set their standards?

MR. GEORGE: In MPTA they can.

MR. DAVIS: In MPTA?

MR. GEORGE: Sure.

MR. DAVIS: I thought you were talking about NATA.

MR. GEORGE: Why would it be any different?

MR. DAVIS: It is a different organization.

MR. HOOVER: They have a contract with the PES. It depends on what you allow PES to do. If you allow



them to report back to your membership, yes. If not, no.

MR. MILLER: All it says now is just whether you passed. We are trying to get the information about the professional.

MR. HOOVER: You can't find out from the PES about their percentile.

MR. GEORGE: The state knows your score, but you cannot find out individually.

MR. COMPTON: If we said in North Carolina, for example, that we will take somebody that meets such and such a percentile on the PES, it might not be the same thing as the NATA standard.

MR. GEORGE: That is right. That is exactly right, which is how they all do it. Like Rhode Island is a much lower score than Florida. It is the same exam but to get your license in Rhode Island, you don't need as high a score as in Florida, so the states know what score you got, but you will never find out, I guess.

CHAIRMAN BEHNKE: You are pointing out on examinations, leave it to the Board or the Department at the state level.

MR. GEORGE: Do we recommend that they use the PES exam?

CHAIRMAN BEHNKE: I think in our guidelines, we not only will make that recommendation but suggest our own above or beyond in place of, as you have done in Texas.

MR. HOOVER: It is just a little foggy because it has been a few years since the PES, but in addition, too, didn't we have to sign some type of a paper that our score would be kept on record and allowed to be given out to other states as far as physical therapy, as

far as PES?

MR. GEORGE: Only if you so desired.

MR. HOOVER: Right. You had to sign it at the time of completion of examination to authorize that transfer?

MR. GEORGE: No. If I want to transfer, if I want to come over here to Illinois and get it, then I have to sign that form that says: Send my score to Illinois.

MR. HOOVER: Each time?

MR. GEORGE: Yes.

MR. HOOVER: Again it goes back to what we said before. The individual would have to show action to transfer his score from one state to the next, to some state agency. You as a state agency could not get that from PES without the individual releasing it?

MR. GEORGE: You do that when applying for the license in a new state. That is how it is done.

MR. HOOVER: Right.

CHAIRMAN BEHNKE: I think we are in agreement on the examination.

Your last point was the grandfather clause.

MR. GEORGE: The grandfather clause. Almost every license here has the same grandfather clause, and it is a pretty strong grandfather clause. I think it should be a pretty strong grandfather clause.

CHAIRMAN BEHNKE: Five out of the last ten years actively engaged.

MR. GEORGE: You said you had some changes in the grandfather clause that you would make, Logan?



MR. WOOD: I just thought it would be worth while to discuss the grandfather clause. I don't know about this five out of the ten without leaving something open legally. I mean, you can't legislate someone out of a job, and what if they have only been in it for a year?

I think where you have to tighten this up is like we have Section 16 A and B. I think it is B that has to be very specific. I don't know. Maybe some of the legal people here can tell me if that is legal to do that five out of the last ten years. What if a guy has been in it one year, two years? What do you have to do?

I can tell you what we did with the people in Texas, but I don't know whether it was legal or not. We made them take the examination, and boy, was that a rip roaring time.

MR. GEORGE: That is what we did in NATA when we put in certification, if you hadn't been a trainer for five years.

MR. WOOD: Yes. I am not arguing with the section. That is fine with me. What I am saying is what if somebody has been in a year and you make him take the examination. Is that legal, too, if he flunks the examination and he takes you to court that you put him out of work? What are the legal implications there?

MR. HAYES: What the court finds reasonable, I guess. I don't know.

CHAIRMAN BEHNKE: If the individual is a certified NATA trainer from an approved curriculum and he is in his second year on the job here in Illinois, and this becomes a law, and Illinois uses the PES exam, the same one that he took to become a certified trainer after he graduated from college, what do you do with them?

MR. GEORGE: The trainers in Rhode Island

discussed that. It is easy. We have seven of us. We can discuss it. And we have said that if you are certified, you will get a license under the grandfather clause. If you are not certified, you will not get a license under the grandfather clause.

MR. WOOD: I don't think you can do that. I really don't. I think most anybody could take you to court.

CHAIRMAN BEHNKE: That is a national certification. That doesn't meet the state requirements.

MR. WOOD: If you are actively engaged, that is where you have got to tie this thing up. Actively engaged.

MR. HAYES: Prospective.

MR. WOODS: You cannot tie it up on five out of the last ten years. What we did to avoid problems was, number one, if you were on the job for one year, but you had been an athletic trainer for four years in college, we gave you credit for it. That is fine. You didn't have to take the examination because I would probably be testing until now on some of them and I would have to have roped them to get them there.

Then I had the bone of contention with the people who had not had any apprenticeship in college. Maybe they had been out for four years working, but they didn't have any apprenticeship in college. Those were the people that gave us fits, but they all ended up taking the examination. So we gave everybody that was actively engaged a chance to take the examination, and we went by this five-year thing, because it was put in there.

I don't think that legally now I would leave that five-year thing in there. What I would do is to tie up "actively engaged" a little bit tighter, and what we had to do to tie it up was to make board rules and regulations, or we would have had one thousand assistant



coaches, who called themselves the first aid coach, apply under the grandfather clause if we hadn't.

DR. BACHMAN: You don't have to let anybody in under the grandfather clause if you don't want to.

MR. GEORGE: You don't have to? I thought you had to.

DR. BACHMAN: You don't have to. To license somebody to do something, you can make them take the exam. You don't have to let anybody in.

MR. GEORGE: Here is what the PT's did in Rhode Island. They did it back maybe about ten years ago or maybe twelve years. In other words, there were a lot of PT's in Rhode Island that don't have degrees, who are not graduates of approved schools or anything, and they tell me that is because they had to give those people a license because they had been practicing physical therapy in the hospitals and in private offices.

DR. BACHMAN: You don't have to license people.

MR. MILLER: I would keep away from that because that same thing happened in Indiana. When they came in with a licensure there with grandfathering, it was too lenient and there was a gal -- I knew this situation because I worked in the department at the time -- that was an aide. I think you had to have a doctor or two doctors or somebody to sign for it. Maybe it was three, who had to sign for you, and that was all you had to do was to have somebody sign for you, and then she took over as the head of the department just like that.

MR. WOOD: I will tell you what the PT's did in our state. They said: On the effective date of this act, any person who is practicing physical therapy or engaged as a physical therapist assistant in this state shall be issued a license without examination upon application to the Board, proof that he meets the qualifications for licensure set out in Section 8 or 9 of this

act, and payment of a thirty dollar license fee.

So they made their grandfather clause people qualify under the things that they had just set out in this act. You can do that.

MR. MILLER: That is a good way of doing it.

MR. HAYES: I don't know. I would really be concerned, I guess, about making the act apply to everybody who has been practicing, to make them take the examination.

I like what you have done here in Texas. It just makes it in force a lot more smoothly, it would seem to me. You are going to fight less people.

MR. WOOD: A section of the PT bill did the same thing. People who did not qualify under their first section but who were actively engaging in the practice of physical therapy got to take the examination.

MR. WILSON: What if this guy is practicing as a trainer and he is not certified, and so under the grandfather clause you say, "You have got to take the examination", and he can't pass it.

MR. WOOD: We didn't say in Texas that they had to be certified. We just said actively engaged. We used this statement "actively engaged", and we made some Board rulings that, number one, if you are a full-time football coach, you could not be actively engaged as an athletic trainer. It is not your major responsibility.

MR. WILSON: I am asking if the guy is a trainer. That is his job. You say, "You don't qualify, but we will let you take the exam".

What if he doesn't pass the exam?

MR. WOOD: You give a real easy exam the first time out because that way you sidestep the legal implica-



tions of putting this guy out of a job, if you are going to do it that way.

MR. WILSON: Do you want to change your standards for him?

MR. WOOD: No, when we gave our first exam, we were kind of hard up for a test, so it was fairly easy. We didn't have much time to write it either.

If you think your law is going to be passed there, you had better have some of these wheels already set in motion like we are doing for some of the states right now.

MR. WILSON: You made that first test easy, and then as time went on you changed it?

MR. WOOD: That is right. We felt like we had to do this because as you step up your curriculum requirements and everything, it has to reflect that, so it gets a little bit harder as you set your standards up and up.

MR. HOOVER: Even if you use the PES-NATA exam, you can do the same thing. You can accept everybody on a ten percentile the first year if you want to.

MR. WOOD: We weren't trying to cop out on anything. We felt that legally if you were actively engaged as a major part of your responsibility as an athletic trainer on the date that passed, that you had to get your license, because I know in the State of Texas when you take it to court there and say, "They put me out of a job", the job and the man is going to come first down there.

They are not going to let you legislate people out of a job.

MR. HAYES: Yes, I think the most important thing about the bill is that you are talking about the people who are going to start qualifying tomorrow and

in the years and days ahead, and then you can go back and start pulling in the old timers that have been around for a while and trying to qualify them as much as possible. Really, that is what we are saying. We are talking about a prospective application, and let's not force somebody to sue us the first day out of the chute.

MR. WOOD: If you will just tie "actively engaged" so that you can't get every football coach in the state qualified or everybody who says, "I am the trainer over here." Well, he is not the trainer, not as we think of a man being the trainer. He is this, or he is that, or he is the tennis coach and teaches this.

You have to really have some hard board rulings, and of course, that brings on a lot of hard feelings, too, from the people who didn't qualify.

MR. RHEA: Do you think you ought to leave this five-year bit because we have a question in the committee about that? Why five years? That seems an awful long time.

MR. WOOD: When I wrote it, it was three, and when I turned around, it got changed to five. I thought with three years it would cover a lot of ground, and we could make a Board ruling that those three years could have been if you were an apprenticed athletic trainer under someone, that this would qualify you.

Then we had to make the rules about the football coaches and all that in there, so I don't see any reason. I would say that if you were actively engaged on the date and you submit an application and you pay your money, then you have got to get your license. The tricky part comes in the four rulings down here on who is actively engaged as a major responsibility of his employment.

CHAIRMAN BEHNKE: Couldn't you go back to your examination, and, as we mentioned before, satisfactorily complete examination administered by the Department.



What we do at Indiana State right now is to require every graduate student to take the GRE and satisfactorily complete it.

Do you know what that means? Nothing. They just had to take it.

MR. MORRIS: It doesn't mean that you have to pass it.

CHAIRMAN BEHNKE: Satisfactorily completes may mean sign your name, but what I am saying is that we could do that with the PES, as Dick suggests.

MR. WOOD: If each individual state recognizes that they don't have to pass it.

CHAIRMAN BEHNKE: You don't have to say that. All you have to say is that they satisfactorily complete it.

MR. WOOD: I said don't set any standards for it. I said you could do that, and so long as these people get their license and they don't put up a big legal fuss about being forced out.

CHAIRMAN BEHNKE: Once they are taken care of, then you start to raise your standards.

MR. WOOD: The only point that I am trying to make on the grandfather clause is, one, the legal point, and I don't think you can force these people out and say five years. The second one is that I think you should tie the thing up as tight as you can and spell it out about major responsibility and then make suggestions in your political guide to the individual states about these other things.

I think you should be very specific, though, that coaches, if they are coaching full time or something like that, that they are not athletic trainers.

You are going to pull in a lot of people into

these things, and it is not going to mean much for years and years because you might get five hundred people licensed right off the bat under the grandfather clause.

CHAIRMAN BEHNKE: When you say "actively engaged", then you have to define that.

Do you accept our definition in the last page, five, in Illinois, when we talk about actively engaged, and we go on and talk about employed by various organizations or institutions that perform duties involving responsibilities in the following areas, any or all? Is that being more definitive than what you have done, or should it be stronger than that?

DR. BACHMAN: That doesn't leave out a coach who might wrap a kid's ankle.

CHAIRMAN BEHNKE: It does if he is not called a trainer.

DR. BACHMAN: That coach might be called a trainer.

MR. WOODS: A lot of coaches were called a trainer down in Texas that we had to exclude.

MR. RHEA: What are we doing now, Logan?

MR. WOOD: Once your grandfather clause closes out, you don't have any problem there.

MR. RHEA: No, but I am saying in schools where they don't have trainers, and the coach is still doing all that. As long as he calls himself a coach, you don't press them.

MR. WOOD: I have got fifteen minutes here to explain two attorney general's rulings if you would care to hear them. If you want to get through with this beforehand, I will explain that to you as best as I understand it legally.



CHAIRMAN BEHNKE: The issue on the table now is the grandfather clause.

MR. HOOVER: Do the PT's in Illinois ask for any change of that statement?

CHAIRMAN BEHNKE: That didn't come up in the discussion.

MR. HOOVER: I was just curious.

CHAIRMAN BEHNKE: I think one of the things in Illinois, the Legislative Liaison whom we worked with rather closely from the Department of Registration and Education, said this was a routine statement in practically every licensure law in the State of Illinois as far as the grandfather clause is concerned, the five out of ten, so it was accepted without any question because it was routine.

MR. WOOD: Yes, it probably is. It was in our case, too.

MR. GEORGE: Logan, are you leaving tonight?

MR. WOOD: I am leaving in the morning.

MR. GEORGE: We are talking about the grandfather clause, and we have to make some decision. Who are we going to let in on the grandfather clause?

CHAIRMAN BEHNKE: Is there objection to the way it reads, five out of ten? But in addition to that, should we include the exam or submit proof?

MR. GRAHAM: What do you do if he fails the exam?

CHAIRMAN BEHNKE: There isn't going to be anybody failing it.

MR. GRAHAM: Say that he fails it anyway.

DR. BACHMAN: You said satisfactorily

completes. If he can carry it to the desk.

CHAIRMAN BEHNKE: Satisfactorily completes. We didn't set standards. On ours it says "satisfactorily completes". We may accept his signature as satisfactory completion.

MR. GEORGE: Are you going to make everybody take the examination?

CHAIRMAN BEHNKE: Yes, or show proof of. They may already have taken the examination and be certified by the NATA. We would have that information available to us if the NATA allowed the PES to release it to us.

MR. DAVIS: You would put: Have to complete or have to take the exam in there. I think you are going to scare a lot of people off.

CHAIRMAN BEHNKE: We want to.

MR. DAVIS: Who will be coming to you and say, "Hey, I want to be in this thing." They say, "I have to take an exam. I don't want anything to do with this," so they eliminate themselves.

MR. MILLER: That is right.

MR. WOOD: I have a point here on yours where it says involving responsibilities in the area of athletic training. I think that is leaving yourself open for whatever coach or teacher on the staff wants to get in.

I would really rather see, as far as model legislation goes, when it comes down to the bottom line: and performs the duties of an athletic trainer as a major responsibility of his employment.

In that way the Board can interpret individual applications as they come in.

CHAIRMAN BEHNKE: I have an objection to that,



major responsibility. On the high school level they are employed as teachers first and then they are given an additional amount of money to serve as a trainer. Excuse me, I may be talking to you, and I don't know what I'm talking about, but in the State of Illinois high school trainers are, first and foremost, as the teachers are, teachers.

MR. WOOD: Right.

CHAIRMAN BEHNKE: So you can't say "major responsibility".

MR. WOOD: They are every place there, but I think that is again semantics there. You are talking about a major responsibility of his employment. We are not talking about teaching or anything. It is almost understood without being written there that these high school people are going to be teachers, and they are on teachers' contracts. But they are hiring him not just to be the teacher. One of his major responsibilities will be the trainer, and we are talking about the grandfather clause. We know they are teachers, and we know the coaches are teachers too, but we are talking about an area of major responsibility.

The teacher's major responsibility is coaching. We are just wording this to eliminate people.

CHAIRMAN BEHNKE: When you say "A", then we are all right instead of saying "the", and I think probably when the Illinois one was written, the thought in mind was to get away from the question of major responsibility because the teaching is the major responsibility.

MR. WOOD: Ours is worded as a major responsibility, and the Board has to weed those applications out. Again it goes back to the Board.

CHAIRMAN BEHNKE: Is it "the" major responsibility? We wanted to get away from the responsibility because it is not in most cases.

MR. WOOD: We did, too, and this way we were able by Board rule and regulation, and another thing I would do that we did not do, I would set a time limit that people may apply under the grandfather clause.

CHAIRMAN BEHNKE: That was in our original when it was a year.

MR. RHEA: In the bill or in the Board?

MR. WOOD: I would go ahead and put it in the bill and make up your mind whether you want to have it ninety days or a year. If you are going to leave it open for a year, you are going to have people straggling in from everywhere. Our physical therapists left it open for ninety days. They didn't advertise it, and they didn't tell anybody about it because they knew that a lot of us who were athletic trainers would be eligible to get that license at that time because the way their grandfather clause read, we were engaging in physical therapy activities, so a bunch of people could have qualified even without the exam, and some people could have taken the exam and passed it.

MR. HAYES: So we are talking about the Texas grandfather plus the successful completion of his examination.

MR. WOOD: I am only advocating that we use Section 16 of the Texas deal. If you want to go further and say that you must have an examination, if you don't have the five years' experience, or if you want to spell the five year experiences out, I think that would be up to you.

CHAIRMAN BEHNKE: Can I call for the major points on that? One, time. Not for application, but his five of ten years' experience. Is everybody in agreement with that?

MR. WOOD: We worked it out.

CHAIRMAN BEHNKE: Is everyone here in



agreement with that?

MR. GRAHAM: I don't know what Jim says, but it looks to me like you run afoul of the due process clause if someone were to sue, that you are depriving him of his employment without due process.

MR. HAYES: I wouldn't mess with it.

MR. GRAHAM: You may be inviting trouble. It may never be challenged, but if it is.

MR. WOOD: That is all I was trying to bring up a while ago. I don't know what the legal implication is.

MR. GEORGE: So what may you say in its place?

MR. HAYES: Just take the time out. Any person actively engaged as an athletic trainer at the effective date of this Act.

MR. GEORGE: Shall be assured a license.

MR. HAYES: And then leave it up to the Board and up to the definition of actively engaged.

CHAIRMAN BEHNKE: You don't want to include proof of or satisfactorily completing the exam?

MR. WOOD: They will have to submit an application, and I have got an old application now that we used. Of course, they had to send in a notarized statement from their present employment, and if they hadn't been there for five years, from their past experience, and things of that type, and that was on our original application for the grandfather clause.

CHAIRMAN BEHNKE: Then if we accept the statement that was just made with regard to the fact that they have ninety days to apply and pay the fees, I will accept that if we will all sit down and you will

all draw me specifics as to what is actively engaged in.

MR. WOOD: It is not easy, and you will be called a lot of names if you happen to be one of the guys that are on the Board, and across our wide state there my name was mentioned a few times in vain, but the Board has to make that decision as best they can on this as a major responsibility.

MR. GEORGE: There are some people about whom there is no question if they are actively engaged, the full-time athletic trainer, the man who is teaching athletic training in the approved curriculum, the people who may be working in research in athletic training of which we have how many, about two, maybe in the whole United States?

MR. MILLER: Probably.

MR. GEORGE: So there are people about whom there is no question, and there are other people about whom still there are no questions, the coach who we know is a coach, who is not an athletic trainer, but who wants to get in. Those are little questions.

MR. WOOD: Those are borderline, and sometimes you have to investigate. Here is a for instance. The guy is a trainer for the football team, so to speak. He does not coach football, but he is the basketball coach or the track coach.

What happens to those people? Are they to come under the grandfather clause?

MR. GEORGE: If he were just a teacher in that school with a trainer for just football and not basketball or anything else, would he be considered a trainer?

MR. WOOD: Yes.

MR. GEORGE: What if he just worked football,



which is how it is in many schools in our area. They are just paid for football.

MR. WOOD: Yes, that is right. Just like the man if he was the trainer for the soccer team at the time this went through and worked for the soccer season that ran for ten weeks out of the year he could also apply under this, unless he worked at the factory or something like that and just get this at night as a part time deal. You would have to take that under consideration but in all likelihood, yes, he would qualify under this deal.

There are not going to be that many, and like somebody brought up a while ago, we are setting up educational requirements for the future, and you don't have to worry that much about who is coming in except to close it off so that you don't have three thousand guys applying there.

I am just talking about cutting off the people who are coaches. That is what I am talking about. I am not talking about if a man does most of his work as a trainer and coaches the swim team or the tennis team as a sideline or something like that.

We even let one guy in under the grandfather clause who was a track coach, but he was the trainer for every sport. Football, that was all he did. Basketball, that was all he did. He took care of the baseball team when they got hurt and all the other teams, but he did coach track and we felt that he did enough of the training there and everything to qualify..

MR. GEORGE: There are a number of people in the Association who are certified like that that coach sports.

CHAIRMAN BEHNKE: My question then is if we go before the membership with a model act that says effective, whatever date the Act may become effective, those who are actively engaged in the profession of athletic training, you have ninety days to comply, to

qualify under the grandfather clause. The first question they are all going to ask is the Board definition of "actively engaged", and we need to spell that out. If we don't spell it out in our model act, we have to spell it out in the guidelines.

MR. WOOD: I think that is a Board decision. A Board decision has to be made.

CHAIRMAN BEHNKE: Do you want me to recommend that in the guidelines?

MR. WOOD: That has to be brought up as individual cases in individual states, and only tied down to the fact if you have this as a major responsibility. What I don't want to see is other states having a license deal coming in and 2,000 coaches qualifying for it, and then calling Texas or Georgia or whoever that didn't happen to and say, "We want an agreement with you."

CHAIRMAN BEHNKE: That is the problem. You see, if you leave it up to each individual state, and your Board, however they are selected by popularity or politics or what have you, could throw this whole thing into an uproar from state to state because rather than argue a point, "oh, let him in."

MR. WOOD: That is true. This is one of the reasons we had a lot of things going on down there. You mentioned that Mr. Dodson didn't particularly like the way I was doing a few things. I am not talking about James. I have known James for a long time. He is a friend of mine. I have visited in his house and all that.

He didn't like to hurt anybody's feelings. All of us Texas people have this funny drawl and say, "oh, he is a good old boy. We are going to let him in, and that is exactly what happened down there."

So then when the Board started making some of these hard and fast decisions, saying, "no, we are not going to let him in. This is no longer a case where you have to be just a good old boy and you can be an



athletic trainer. You are going to have to be qualified to be an athletic trainer."

When that happened, I started losing friends right and left across the state.

Now things have changed in the last couple of years, but the first few years, it wasn't all that pleasant.

MR. HAYES: Here we are back to the state prerogative of licensure again, to the individual state, to decide.

I think "actively engaged" is a subject matter of rule and regulation, and let that Board wrestle with these people that are coming in under the grandfather clause.

I think it has got to be defined that way and as long as it is reasonable to everybody that is a body of that class, then it is going to be okay.

MR. WOOD: Yes, I think when you have "as a major responsibility" there, I don't know how many people could interpret that to mean that this man is a full-time football coach, is the Assistant Basketball Coach and coaches track and takes care of injuries, I don't see how you could call taking care of injuries a major part of his responsibilities, but I don't see anything wrong with adding to it a little bit, if you think it is necessary.

CHAIRMAN BEHNKE: Then for the purpose of this point, can we say that for purpose of qualification under the grandfather clause, the term "actively engaged" is to be determined by the State Board? And let each one of them determine it. Then we should make guideline recommendations.

MR. WOOD: I would leave this section in as we have it here as far as Section 16B which explains the best we could what is actively engaged, and I would

point out in my recommendations to the people that we felt like "as a major responsibility of his employment was, indeed, the most important section of this Act, and this did not include people who were full-time coaches."

CHAIRMAN BEHNKE: We are striking "A"?

MR. WOOD: Yes, I would strike it to read:

"Any person actively engaged on the date of this shall be issued a license if he submits an application and pays his license fee," and you could add "and approved by the Board" because many of these things will have to be investigated as to whether they are truly employed. It is going to be a phone call here, a letter here on this guy and things of that sort.

CHAIRMAN BEHNKE: We are leaving B stand. You are recommending "B" stand as it is and "A" should be changed one more time?

MR. WOOD: Where it says "shall be issued a license if he submits an application, pays his license fee and is approved by the Board," which would only mean that you found out that he was actively engaged and was not a football coach or a janitor or something of that type.

CHAIRMAN BEHNKE: Then a third paragraph should be added, and that would be in reference to the purpose of qualifying under the grandfather clause. What, a ninety-day grace period?

MR. WOOD: Yes, we did not have that, and we had to set that by a Board rule. You can either recommend a ninety-day or a year or whatever.

MR. HOOVER: Applications for a license under this subsection must be made within blank days from the effective date of this Act.

CHAIRMAN BEHNKE: All right, then not defining



in the act itself the term "actively engaged, and then on our guidelines we will.

MR. WOOD: I would not go any further than what it says here is actively engaged, and that is employed on a salary basis by such and such and as a major responsibility.

CHAIRMAN BEHNKE: As determined by the Board.

MR. HAYES: Section 5 takes care of it. The Board may make rules and regulations consistent with this Act which are necessary for the performance of his duties. That covers it.

MR. WOOD: They have that in there and then you also have it in the first section, "and approved by the Board."

CHAIRMAN BEHNKE: Does everybody understand that point on the grandfather clause?

There are three points. I think it is necessary that we do include it. The limits on time to apply for the grandfather clause.

MR. WOOD: It is better to have it in there than to have to do it by Board rule because your Board may not be able to get together right on September the 1st when this thing goes into effect to do some of these things.

CHAIRMAN BEHNKE: Are there any other additions or comments on that, or is everybody wanting to live with those recommendations?

MR. GEORGE: We fought "actively engaged" for a thousand years, and that is about what we have come up with every time.

CHAIRMAN BEHNKE: Of course, there is an appeal route. If you don't consider an individual

actively engaged, he has a right to appeal your ruling as is written in.

MR. GEORGE: Did you want to say something about the Attorney General?

MR. WOOD: I do because it was in this article that came out in the NATA, and it kind of left people wondering a little bit about the coach's situation and things of that type.

The first opinion I asked for was in December of '71. I asked the question:

Is an athletic coach authorized to utilize physical modalities such as what legal steps may be taken against a person who holds himself out as an athletic trainer, performs for compensation activities of an athletic trainer without first obtaining a license?

We will cut some of this down to the summary.

Those persons who do not hold themselves out to the public as athletic trainers and whose profession or occupation is that of an athletic coach and who are not compensated -- and this is the reason I recommended leaving compensation out of that section a while ago -- to perform the activities of an athletic trainer are exempted from the provisions of this bill and may use physical modalities on athletes as a necessary activity in the performance of their duties of an athletic coach.

Then they have something here about how to file on people which isn't too interesting.

In 1974 I asked the question: Are persons employed and compensated by an independent school district as uncertified trainers, who perform some or most of the duties of athletic trainers who are not licensed by the Texas Board of Athletic Trainers and who are not coaches, acting in violation of this law?

The second question: May coaches, athletic



trainers and uncertified trainers use physical modalities such as diathermy? I am trying to get this in again, and I will explain it to you.

Summary: Persons who are not athletic coaches who are employed by an independent school district as uncertified trainers, who perform some or most of the duties of athletic trainers and who are not licensed by the Texas Board of Athletic Trainers, are acting in violation of Article IV 512(d) which is the Texas Bill, and they are not authorized to use physical modalities such as, etc., etc.

What we have come down to then is that no, under our law coaches cannot be prosecuted for using physical therapy modalities, but this does not mean that they can use them legally as the Attorney General here has indicated, and the reason he could not indicate otherwise is that I could not get the Chairman of the Physical Therapy Board to ask for an opinion on this. I fought him hand, tooth and nail, and the Attorney General told me that they could not make a ruling on that under the other law unless they got a request from the PTs which they have not gotten and may never get, but under the PT bill it is clearly against the law for anyone who is not licensed in the state to do that because they have a very broad definition of what physical therapy means, and it says that it means the care of any bodily condition of any person by the use of heat, light, water, electricity. I mean, they could crash into your bathroom and get you for soaking a sore rear-end in the tub. I mean, this is pretty broad, and they are prohibited acts.

No person may practice or hold himself out as able to practice physical therapy or act or hold himself out as being a physical therapist unless he has first received a license.

You can cut a lot of that out, and that person may practice or hold himself out as being able to practice physical therapy, and that is all there is to it.

There is no "for compensation" like there

was in our bill. That means that coaches in the State of Texas cannot use modalities, and a lot of them have cut it out because of legal implications.

If I am not mistaken, if they were negligent in their treatments, or something of this type, the minute they walked into court with a civil suit against them and they found out that they were not licensed to use these modalities, they would probably lose that suit right then and there, and you wouldn't have to go much further.

So they are not, as is indicated in the article here, able to really use these modalities under this bill.

The reason that it has not been cleared up has been between myself and the PTs and the Interscholastic League. However, that was sort of a boon to us in a way because under our bill we would have eliminated the coaches altogether from doing this type of activity, and being there are about 10,000 coaches down there to 250 trainers, we would have had a hostile body, you know, up in arms against us, I believe, and did for a while when they thought it was us, and I thought our bill eliminated them, too. That is why I asked. I wanted to have it very clear, but anyway, yes, in the State of Texas in order to give the treatment, you have to be one of the people who it says in either one of these bills can give treatment and coaches are not exempt, so someone could file in Texas on coaches who were doing physical therapy work, I would assume, aside from this minor stuff. I don't know if anybody could prove, for instance, if they were just using a whirlpool or a bucket of ice or something like that, but any of these other things, I think they could file on. Our bill does not; their bill does.

MR. MORRIS: Has there ever been a suit?

MR. WOOD: There has not been a suit as yet. In fact, any suits that have been brought up have



been negligence or equipment or something of that type.

I think we have the first suit against the State of Texas Trainers; it will be coming up before long for civil action.

MR. WILSON: What about a student trainer using these modalities?

MR. WOOD: As long as they are, under this apprenticeship, I don't think anyone would, of course, say that they were breaking the law, but as far as liability goes, they would be subject if they made a mistake, just as I would, whether I was licensed or not. The school might be leaving themselves open, yes, if the student trainer, of course, was negligent and really bunged somebody up, and so might the individual.

In the State of Texas it does not. Just because I work for an independent school district doesn't mean that I can't be sued as an individual. I can be. And so can the coach or anybody else for that matter.

MR. WILSON: Really you are taking a chance letting your students do this.

MR. WOOD: You had better supervise them pretty closely and make sure that they don't mess it up.

MR. RHEA: What happens if they have a whirlpool back at your school and they don't come in your training room, do you have control technically of a guy, say, at one of the high schools that runs a whirlpool? Is he under your supervision?

MR. WOOD: As long as they have followed the rules and regulations that I have laid down for using the whirlpool.

If they do not follow those rules and regulations, which I give them every year at our in-service training, then I am not responsible for his negligence. I have given them the instructions specifically.

MR. GEORGE: Do we all seem to have agreed on what the model piece of legislation is going to be and the guidelines for it?

Does anybody want to make any comments on that before we go on to the next step?

You all seem to think that it is pretty good.

MR. WILSON: Let me ask you a question to go back over it, if I could. What did we decide on the testing?

I know we have been around and around and around. What was the final?

MR. GEORGE: We are going to recommend that they use the PES exam but that each state may establish their own examination if they so wish.

MR. WILSON: Is NAPA going to?

MR. GEORGE: We will have to go through PES and see what the contract says. Right now the contract says no. We will have to change the contract.

MR. WILSON: It is going to be in there, but you are going to try to change it?

MR. GEORGE: Right now nobody can have it but us, NATA.

CHAIRMAN BEHNKE: In our guidelines we are going to make that recommendation.

MR. GEORGE: And that recommendation depends on a Board decision.

The next thing I think we would like to get to is we have the model piece of legislation. How do we get it passed? So Larry or Jim, if you had a piece of legislation that you wanted to get passed, what is your first through the twentieth steps or through the second



step or how do you get any piece of legislation passed?

MR. MORRIS: This will be a best seller.

MR. HAYES: Yes, this will be great.

I think you have a perfect opportunity for preparing it and presenting it in your convention in June. If you haven't already established a program, I think a lot of the program should be devoted to seminars with your people explaining the proposal very thoroughly, explaining how we arrived at it, explaining the various states that have had the experience, explaining what the guidelines are, explaining what battle fronts we might find out in the various areas of the nation, some alternative routes in case you are cut off of one front and you have to turn around and go a different direction. I really do think that it is a real fine opportunity for you to get it kicked off.

Of course, the very most important thing is that it is drafted clearly, lucidly, precisely and all so that it is a saleable piece of proposed legislation. Then after that, or perhaps as a part of the presentation to your membership, is to follow up on what you have suggested through the seminars or whatever. Call back committees. I guess the routine way of going through the legislature with a piece of legislation. Set up your key people who are going to contact legislators within the state, and organization within an organization of each state, and see that it is well followed up and that people are very well instructed on the purposes of the bill.

I think that some sort of written explanation should be a part of this, too, so that if backed up against the wall the person trying to sell the legislation to their particular legislator has something to utilize as ammunition.

These are some of my thoughts on it.

MR. WILSON: One thing I ran into in Kentucky --

it may not be this way in other places -- but in order to talk to a legislator about proposing a bill, you have to register as a lobbyist.

MR. MORRIS: You don't have to.

You are supposed to.

MR. WILSON: You have to. It is the state law.

MR. GRAHAM: It is not on a one-to-one basis.

MR. WILSON: It is in Kentucky.

MR. MORRIS: It gets you in the door faster.

MR. GRAHAM: Just go and say "I favor a particular piece of legislation," any voter can go. He is an elected official. Any voter is entitled to go to him and say, "I favor this piece of legislation."

MR. WILSON: But to take that piece of legislation to him.

MR. GRAHAM: I think we can propose legislation to him.

He can throw it out. It's our thought to start with the jocks in the legislature.

We have got a halfback in North Carolina that played at the University of North Carolina. He was the Captain of the team. I think he will probably maybe quarterback the show here and point out the others, as a nucleus and then work out from there.

CHAIRMAN BEHNKE: We want another booster whose daughter we were taking care of.

MR. GEORGE: So first I go to a friend



is what you are telling me.

MR. WOOD: First you have to find a champion for your cause in any legislation.

MR. COMPTON: What is your feeling on having a trainer association in the state to give it more backing before you approach the legislature?

MR. WOOD: I think that is good because the people there assume that when we said "Southwest Trainer's Association" we were talking about trainers in Texas and everything. Actually, it encompasses Arkansas, too, for the one trainer that is in Arkansas.

MR. MORRIS: Do you need a non-profit charter for this state group? Do you think it's necessary?

MR. HAYES: I can only speak from the State of Iowa. You wouldn't there. However, once you become an association, you would have to register as a lobbyist, or anytime you make any expenditures. Anytime you are working and moving as a group on a regular basis in the legislature, you have to sign up. That means more than one or two contacts with the legislator. A person or persons have to sign up as a lobbyist, but you just have to check each state. That is 50 different determinations to see how you are going to comply with that sort of requirement as far as lobbying goes and how you present it to the lobby, but before you ever get to the body, we are talking about finding champions for the cause and all that sort of thing.

Your question about an association, yes, I think it is very important.

MR. COMPTON: Should that go before?

MR. HAYES: I think that goes after your people come back from the convention and they know all about the bill, is get together your selling association

or your salesmanship group of all your trainers who are very articulate and well spoken, who know people within the community, know all the jocks in the community that might be in the legislature and that sort of thing and can take it and can effectively present it to those particular legislators and really get the point across. That is the start of the thing.

Then it takes just a heck of a lot of work after that to keep it before their eyes.

MR. COMPTON: Is there anything legally wrong; suppose from this meeting we develop a piece of legislation and we take this and mail it out to all the certified trainers across North Carolina and have them contact their local political contacts to talk to legislators. Is there anything wrong with that?

MR. HAYES: No, but I have found in pieces of legislation that I have been associated with that you get it out to them early. You get it out to them uniformly at the same time for impact. They are all talking about it at the same time. You get people out on the street at the same time riding in a car with a legislator, whatever it might be, and they are all talking about it at the same time. So when we talk in the legislature one guy doesn't have it January 10th and another guy the 15th of March and somebody else later on. I mean, it needs to be done in very closely guarded stages and follow up.

MR. WOOD: That is very important.

MR. GEORGE: You still have to have one man introduce it, though, Jim, don't you? Or, am I wrong?

MR. HAYES: Or a group of ten, fifteen or twenty. The more people you can get to sign on the thing, the better.

MR. WOOD: We had a former All-American who was a good friend of the Governor at the time from the same town.



MR. HAYES: If you have twenty on it, then you are not going to get them bargained off quite so easily because you have twenty different interests in it, you see.

MR. GEORGE: So get as many people as you can to introduce the piece of legislation, not just a back-up.

MR. HAYES: Oh sure, Republicans, Democrats, Independents, whatever. Get them all on it.

MR. WOOD: Like he said, present this thing as a uniform group and have a steering committee or someone to answer their questions so that they are not getting fifty different answers from fifty different trainers as to the purpose of who is behind this and all that type of stuff.

You need to set that up definitely so that things don't get confused and different trainers are saying, "we are setting it up to eliminate so and so. We are setting it up for this," so that everybody gives them the same answer or they go to the Steering Committee for these answers.

We are setting this up for educational requirements.

MR. GEORGE: We are moving kind of fast, so I just want to make sure that we are getting this stuff. First of all, we write the piece of legislation clearly to make it saleable, a good product. We talked to our membership on it at the convention. Then the states are probably going to have to form their own associations to get this carried out. Once they do, they have to find a friend or many friends, the jocks, the people we are treating, things like that, to introduce it and to back it once it gets on to the floor.

MR. MORRIS: Some of the most important people in the legislature, you want to seek them out, whether it's through secretaries or friends that know who

that is. You may have an All-American, but if he doesn't have any influence on that body he is not the one you want to see.

MR. WOOD: That is right. You have to select the person, too, and we made many trips to the State Capitol where we might not even have appointments to see those people that day, but we would go around the first thing in the morning and make appointments. We might be there all day. We would catch them any time we could. We spoke to the Speaker of the House, the Chairman of this, the Chairman of that, and in that particular Capitol, the trainer from the University of Texas works on half the state legislators, and I toted him around with me even though Frank doesn't like to go that much, but this was a big factor like if you have got a trainer at a University or something in that State Capitol there, he probably knows a lot of those people, and he can get you some doors opened right there.

MR. HAYES: Then you are going to have the bill assigned to a committee, and then you have fifteen people to deal with, and then you can really start zeroing in on those fifteen people to see.

MR. WOOD: Those aren't the only people that you want to be working with either. Your state medical association would be most important that you work with them, that you go to them early, that you explain what you are trying to do and solicit their support. Any medical group in the state.

Our state has a team physician society and the Texas Medical Association probably like most associations has an Athletic Committee. Those are the people that you need to contact and talk to and have these doctors put some words in for you.

Every medical association has a lobby, has lawyers in the capitol that is helping them out. They can help you out, and without the approval of the state medical association, you might go down the tube.



MR. GEORGE: Have we registered yet as a lobbyist?

Is that premature?

MR. HAYES: That will be done in each state as the bill is introduced. You have to make sure that you are registered, if necessary, in that state before you walk in and start talking to somebody.

Say that Rod is going to go down. He is going to be the representative of his state association. Before he walks into the chamber, just to protect himself PR wise or everything else so that he doesn't end up on the front page for violating the lobbyist law, he wants to be registered, but that is a happy year off from now.

I think the real service that the NATA can provide, after the convention, when you are getting out of these sessions hopefully, broken down by region or area, however you do it, feed back to you before you leave the convention. Then after, you send them home with the proposed bill, and you have got a committee that works on nothing but this model piece of legislation and periodically you sit down and you ruminate about it and you see questions and answers. You think of every possible answer that some legislator out there in Iowa might ask the Trainer, and you write that stuff down and you send it out to your people so that when they go out to the legislator, they will have their answers there. I think it is really important.

MR. GEORGE: Why do we want the power of subpoena?

MR. MORRIS: They need to know.

MR. GEORGE: Why do we?

MR. RHEA: We don't.

MR. WOOD: Well, you can say if you can't

get it, you don't want it, or if it is going to bring up a problem, but most state agencies have the power.

In Texas you have the power to subpoena people because if you are going to suspend someone's license, and you have to have a cause and everything and some witnesses may say, "hey, I am not going to come. I am not going to show up," and you may lose proof and things of this type and records. If you set up a Code of Ethics, and someone violates it. I mean, it's reported. You have got to get the witnesses there, or at least the affidavits and statements and things of that type, and that gives you the power to do it. Otherwise you may be left out in the cold. Unless somebody runs out in the middle of the field and does something with 50,000 witnesses or something, you might be left without the power to revoke their licenses.

MR. MILLER: I think another thing we should do when we talk about friends is to find out about the enemies.

Find out why they really are an enemy, too, because it may be that they are against the bill for some reason that is completely out in left field that you can clear up for them, and maybe gain them at least from the enemy aspects to a neutral position or something like that.

MR. WOOD: We didn't even find out who all our friends were. The chiropractors were for us and we didn't even know it up until the last, and then they kind of swung a few people our way.

MR. MORRIS: Do you ask for publicity?

MR. WOOD: I would not ask for that much publicity. Maybe from your steering committee and certain newspapers and things, but when you start bringing this up to the public, what you are inviting is more opposition really. The legislators are not going to be that much impressed by stories in newspapers. What they will be impressed by is if their doctor writes them, if the medical association okay's you, if they have cards



and letters from their constituents, and we put a big letter writing campaign on them. We try to flood them. We got trainers to get their students' parents to write, different things of that type.

Another source of help is that most big colleges and universities have a lobbyist and this is a source of help. They have contacts, and many of these people helped us out.

I mean, the University of Houston lobbyist ran back to Tom and said "hey, are you for or against this thing?" Tom said "yes, I am for it." If he had said "I am against it and opposed to it," and the University lobbyist went against it, we would probably have been killed because those people know a lot of people and have a lot of influence, and those are people that you can utilize.

You have to find out who you can use and who you can trust and do a lot of these things.

MR. GEORGE: Do you go to PTAs and things like that for support?

MR. WOOD: Sure. Letter writing, especially from the people where these folks were elected, in the districts from which they were elected.

That influences them. That and hard facts and figures, and yet has got to be concise. They don't want to waste more than five minutes. They want it all down nice and neat and picked out. They don't want a big long bill.

DR. BACHMAN: I would think that you ought to take this to the AMA Council on the Medical Aspects of Sports. I think you probably also ought to take it to the American Physical Therapy Association. It would be nice to have their backing instead of their opposition. If it is explained to them, you might be able to get it.

MR. GEORGE: Phil Donnelly wrote this letter to us. Phil represented us in Washington

yesterday. He could not make it here today, and this is what he has come to agree with with the Pennsylvania State Physical Therapy Association. Bud tells me they are going to meet Saturday.

MR. GEORGE: If you want me to read it to you, it is a little long, I read fast.

The profession of PT recognizes the need for high quality health care for those individuals participating in school athletics and professional sports. It recognizes the profession of athletic training as the art and science of preventing and treating athletic injuries at every level of competition.

It recognizes the vital role played by the Certified Athletic Trainer in the prevention, initial, emergency care and treatment of athletic injuries provided the Athletic Trainer is certified by the NATA and is under the direction of a licensed physician and provides injury management to only those persons involved as athletes in the organization of his employment, that athletic trainer is not in violation of the Physical Therapy Practice Act. Athletic training treatments provided to non-athletes, non-team members such as faculty, staff families, friends and alumni by the Athletic Trainer or Certified Trainer not licensed in the State as a limited individual practitioner, meaning a PT, shall be in violation of the Physical Therapy law of the state. No fee may be charged for athletic training treatments unless they are provided by a licensed practitioner in the states. Athletic training treatment shall not be referred to as physical therapy or PT treatments. Athletic training treatments may include those forms of cryotherapy, electrotherapy, thermaltherapy, massage, and actinotherapy, hydrotherapy and ultrasound as approved by the directing physician. If we limit ourselves to the use of the term "certified athletic trainers" it gives us some binding power in schools to hire a certified trainer. Other athletic trainers would not be approved for treatments and would be in violation of this agreement.

This may be better than federal legislation,



also would buy us time to gear up for state laws. We would suggest such a proposal to the state PT Board as a basis for statement by the State Board of Education.

So I guess Phil is going to do that Saturday. Is that right?

MR. MILLER: Yes.

MR. GEORGE: If they agree with this, then I don't think they will oppose. As I say, each state is going to have to do something like that.

We probably stand now to start with Warren and go around the table and get everyone's comments or non-comments on anything more that we should do. Warren, some of your experience.

MR. MORRIS: I would like to ask some questions. One is, how do you approach your opposition, someone who may be against licensing. He doesn't want any Board in the State, period. And, he is a very influential person. Do you just try and get certified votes against him?

MR. WOOD: Yes. I think if they are completely unapproachable, I think the best you can try to do is to go in and explain to them the sincerity of your position and the desire that this is not to handle anyone or any profession what is set up basically for educational requirements for those people who will be handling athletic injuries, and you have to go in, too, on the basis that school districts, individual high schools, cannot afford today's high medical costs. They are not going to send these kids, they have not been sending the majority of these kids to physical therapists, a lot of them not even to doctors, or there has been no follow-up care, and convince these people of what you are doing, and the approach that we took was that this would most directly benefit the student athletes. We emphasized the student part, the student athletes of the state.

MR. MORRIS: Along that same line, it was

suggested by one of the representatives that we ask the Speaker of the House, or whoever is in charge, to select a committee, and then have this committee visit the university and see what an Athletic Trainer does. Is that good?

MR. WOOD: Yes, everytime we went to a committee, we passed out a brochure on what an athletic trainer is, and everytime we got the opportunity, we left one, and it was short and concise. It would have exactly what you might be involved in, and this is where we had a little up, too, because like I said, many, many of the legislators had been over to the University of Texas for the usual steam room type stuff. A lot of them go to the games and things of that sort.

MR. MORRIS: If you run into a block type thing like the black vote is against you, the Republicans are against you because the Democrats are presenting the bill and it looks like most of the Democrats are all from the university and most of them went to law school there, first, how do you combat that? Do you just try to do the best you can?

MR. WOOD: You do try to do the best you can on the basis that I explained a while ago, that you are doing this not for your benefit. It is not so much for our benefit or anything like that, but it will enhance the quality of the students that you are dealing with, that they are entitled to this program, that they are entitled to proper medical care and supervision and when you do run into something absolutely like this, all I can say is antagonize them the least possible.

CHAIRMAN BEHNKE: Warren, what our people did was to find someone on the other side of the aisle that owed them a favor.

MR. MORRIS: We have sure done this.

MR. WOOD: Some of your blocks are going to be financed you know.



MR. RHEA: One block they couldn't get passed through the Rules Committee. It got passed through that first committee and we thought we were home free, and the rules got it, and we couldn't get it to the floor.

MR. WOOD: Like you were talking about getting a group to do this, such as a sponsor or something. It doesn't matter so much if you have one or if you have twenty sponsoring it. It is where those people are on various committees, and if your champion is a friend of the Rules Committee Chairman, if he is a friend of such and such, it depends on what committee these people are on.

You may need their vote in the overall when it comes up for the final vote that is true, but most legislatures are run by committees, and if the Chairman won't recommend you to get out of the committee, or he is not going to vote for you, you are not going to make it, so you have to look for some key people that your bill might go through, the Chairman of this Committee, the Chairman of that Committee, and the Speaker of the House who in our state is a powerful guy.

MR. MORRIS: Okay now, when you set up your state group, did you work out a budget, to work out who was going to go to lobby and how much the lobby fee costs? Parking fee costs, maybe some meals, mileage. How did you work that out?

MR. WOOD: Everybody paid their own way.

MR. MORRIS: And it was really only the local people. You couldn't bring a lot of people in.

MR. WOOD: No, we brought people in from all over, West Texas.

MR. MORRIS: But someone in the Capitol area really has to keep an eye on this?

MR. WOOD: Yes, it really helps. Someone has to keep you informed.

The main man sponsoring our legislation, of course, had his secretary call me everytime something came up like, "you know Logan, we have got a block with this team", and so they would call and I would start working on it. A phone call, some letters, negotiating with these people and maybe the best that I could get out of them was a neutral stand, but if you can get some of these people to take a neutral stand, it is just as good as if they take a stand for you.

Some of these people that I mentioned can kill you right off the bat. One of them is your state medical association.

MR. MORRIS: We thought that we had the key to that with very influential people. We didn't contact everyone. My doctor had been on the Board for many years. We took his work for it and Dr. Ahlman's and so forth, and we went along well on that, but we didn't have time when we started working to really lay much groundwork.

MR. WOOD: You may send him a copy of the bill. We were already in session, I think, and like I said, we started working on it.

MR. GEORGE: Roy, do you have anything?

MR. WILSON: I have one question. You said to give them statistics and things like that of what?

MR. WOOD: We used a lot of injury statistics for one thing, or the number of children participating in your state in athletics who are not covered by any type of rehabilitation, things of this type, plus you need to sort of forecast maybe how many people this will affect and how many trainers you think you can develop in the future, or how you are going to finance yourself so that you won't be a burden to the state.

You have to emphasize probably to these people that you are not going to be a burden to the state,



that you are going to be self-sustaining. This is always a powerful influence because all the legislators now cut back. They cut back on new taxes and things of this type.

MR. GEORGE: Rod.

MR. COMPTON: No.

MR. GEORGE: Do you want to tell us about your experiences there?

MR. COMPTON: We are just developing right now. What we are planning on doing is to take the changes and recommendations that we get here with the ones that we have started developing. We have a meeting next week with a representative of the school administrators, a trainer physical therapist and myself and Larry.

In North Carolina we are a little bit different in that in the State Department of Public Instruction we have the Sports Medicine Division already developed to try to coordinate medical coverage for especially the secondary high school system. So a lot of that groundwork has already been developed, and try to develop a working model of a law and distribute among the certified trainers throughout the state and go from there. Dear friends, this type of thing.

MR. GEORGE: Larry.

MR. GRAHAM: I would just like to get some assistance here as to what the other states will do. It seems that we have skirted this problem a little bit, and that is the situation where it is the teacher trainer in the high schools. Right now the ones that are working are going to be grandfathered in, as I see it, for the most part, but what about after the law is passed in the next five years? They are still going to be teacher trainers. They are going to be outlaws just like they are now, and they are not going to be able to meet the standards that we have set up as a matter of practice.

As a matter of theory, I think it would be wonderful if all the high schools had them, but I know that in North Carolina the money is just not there. They are not going to be able to hire someone perhaps in a position. They are going to have to use teacher trainers who don't have any training at all other than whatever they have picked up somewhere, and we are looking for possibilities of coming up with a secondary school athletic trainer license where his functions will be limited. He can only perform certain things, and we are going to set out what they are and make sure that he goes through at least some training because we feel like if we don't do that, he is going to do it anyway just like they are doing right now out there today of taping ankles and giving other types of athletic training advice.

So our thought is to perhaps pull them in because if we tell the high schools, "you are going to have to have a graduate of a college as a trainer," the school boards are going to say "you are crazy". You are not even going to pass the main legislation. They would block that if they thought they had to finance that type of position. So I am just curious. Are we going to continue with this outlaw type situation after the law is passed, or what are we going to do with these people?

MR. MILLER: We do a faculty re-instructional program which is kind of an experimental thing right now, at least, but certainly that is what we have developed in NATA. We are hoping that it would work. I don't know whether it is going to work. We haven't had the first graduate from that type of thing, but at least, it is a much better thing than people who are just working out there, but that could be accepted by the states, by whoever is putting on the program, and the amount of time that is spent by it. It is not just a workshop or anything like that. It is something that is over three summers.

MR. GEORGE: The person that you are talking about, Larry, is he a college graduate?



MR. GRAHAM: Yes, he will be a teacher. Probably what they will say, "we will give you \$200 if you will come down and tape some ankles."

MR. GEORGE: Right now there is a procedure for him to be certified if he has done it for five years or will do it.

MR. RHEA: But what does he do during that five years to make him legal?

MR. COMPTON: What we are doing is this Sports Medicine Division, the State Department of Public Instruction, has offered for the last three years, and this will be the fourth, course that he can take in the evenings. For example, for as much as eleven weeks they go for one night a week for three to five hours, for instruction by a certified athletic trainer who are the only ones that participate in the instruction, plus the team physicians throughout the state had videotapes, and they will be required to show progress.

MR. RHEA: That takes money.

MR. GEORGE: My initial reaction is to say that those people should not have a license.

MR. RHEA: But should he be able to work?

MR. GRAHAM: I don't think that they should have the kind of license that we are talking about. I am thinking of a step-down license, something that says: you can do these things, and at least encourage him to stay within the guidelines of the license that he is offered rather than to let him go as an outlaw which is what he is doing now and he is probably going to continue to do it because the money won't allow him to do anything else.

MR. HOOVER: And it is more detrimental to the situation by putting on half a trainer rather than three-fourths or a percentage of a trainer, and making some type of routes for this individual to become

competent because what we are saying then is that we are developing levels of competency which I don't think we can do. This would be a dangerous situation.

MR. GEORGE: We are into that in NATA now with the Associate Membership and we are getting strong requests to do away with the Associate Membership, not just what you have heard here, but at the last Board Meeting and so forth, and for years we have fought to upgrade to get to where we are now, and I think rather than to take any steps back now, we would rather do without.

MR. GRAHAM: What we would do would be to just let the fellow operate and hope that nobody would bring him up.

MR. GEORGE: That is what I am going to ask Logan now. Do you have any people who do not have a license who are acting as trainers?

MR. WOOD: Those are the ones that we are preparing to file on now.

MR. GRAHAM: You have only two or three in the state who are doing that?

MR. WOOD: That we have been informed of, yes.

MR. GRAHAM: You are bound to have several hundred of them doing it, but nobody has reported them.

MR. WOOD: They fall under a different category and we cannot prosecute them if they are coaches using modalities there.

MR. GRAHAM: How about a teacher trainer who has not been grandfathered in?

MR. WOOD: No, I don't think we have that.

Most of our people are taking care of injuries at schools that do not have licensed Athletic Trainers



or coaches, and as I explained to you, under the Attorney General's rulings we can't prosecute them, but they could be prosecuted under the PT bill. We are not pressing that at the moment because of political reasons and the fact that we don't have that many trainers yet.

MR. COMPTON: We foresee the problem of not getting the legislation passed without something like this because in North Carolina, for example, in order to be a coach, you have to be a teacher first, and if you remain a teacher for three years, you become tenured. But they may because of a poor coaching record end up terminating your position as a coach, but you can stay on as a teacher, and therefore, the jobs that could normally be there for trainers are filled now by forcibly retired coaches.

Therefore, if we were to say to a school system you have to have indirectly a certified athletic trainer or a licensed trainer, we are probably going to have to ask for funds for the state to give to these schools in order to have them. If we say, "you are going to have to have a trainer," they are going to say "where are we going to get the money?"

They will say that they don't have the money right now.

MR. WOOD: The thing for you to do is to write it in for X years in the future. Then you will have to have a certified trainer in your system.

MR. WILSON: What you are doing is lowering your standards.

MR. WOOD: Is that coming through your educational agency for that particular state?

MR. COMPTON: Yes.

MR. WOOD: Are they willing to do that?

MR. COMPTON: Yes, right.

MR. WOOD: That is amazing.

MR. GRAHAM: They want to provide the trainer.

MR. GEORGE: Right now that is a different thought than what we are trying to do here. You are trying to make legislation that says that the school has to have a trainer. Am I right in saying that?

MR. GRAHAM: It is just like yours I am saying, but indirectly what you are saying is that if a school has a man out there doing it, they are in violation of the law, just like they are right now.

MR. WILSON: Compare that to a doctor if he is not licensed. You know, it is the same thing.

MR. GRAHAM: Most of the trainers are not licensed right now. They are operating outside of the law.

MR. WILSON: There is no law.

MR. GRAHAM: There is nothing in North Carolina.

MR. WOOD: If he is a teacher and he is not doing any of the coaching or anything, he is going to fall under your grandfather clause.

MR. GRAHAM: That is right now, but what about three years from now or five years from now there are still going to be people coming into these positions.

MR. WOOD: How can they come into the positions if you have a law against it?

MR. GRAHAM: I'm saying that the law says that they can't and practice says that they have to.

MR. WOOD: If these people are grandfathered



in, most of the jobs will be filled, and then you are going to be starting to put out licensed people to fill the other jobs.

MR. GRAHAM: I can't agree with you because the school boards can't hire those people.

MR. WOOD: These people are teachers.

MR. GRAHAM: Let's say that they need a math teacher. They hire a math teacher. But they are going to give him \$200 during the football season to be a trainer but it is against the law for him to do that. There is no provision in the law, but yet they have to have this trainer. Or the job is open. Is he going to turn down the money?

He is not turning it down right now. Roy Compton is getting paid, and he is not operating outside the law in North Carolina.

Every trainer in North Carolina is operating outside of the law.

MR. DAVIS: I will bet you if you put it in, they won't drop one program.

MR. GRAHAM: Oh, I don't think they will either.

MR. DAVIS: You say, "we are going to drop football."

There is not one school that will drop football.

MR. COMPTON: What you are liable to get is to get the school superintendents liable. They will say, "we just don't have the funds to do this," or if they do, the states will have to provide the funds to hire the people.

MR. WOOD: There is nothing in the bill that

says that you have to have a licensed athletic trainer.

In our state this has worked out where the coaches take care of the first aid and taping and things like that where they cannot have the trainer. I don't go along with the feeling that they cannot afford one. If they are paying the math teacher to do it, they can work something out. That is just a standards school district way of copping out, and you are just leaving the door open for them to cop out.

I know what you are saying there, and it is a practical problem, and it will be a problem for many years, but I myself wouldn't want to leave the door open that way.

MR. WILSON: I don't think the schools can afford not to have a trainer.

MR. RHEA: Where are they going to get them? If they made a law right now in Kentucky and said, "all right, you have to have a licensed trainer under these qualifications in every high school, where are you going to come up with them?"

They had a good start in Texas when they started.

MR. GEORGE: But we are not talking about that, Jerry. We have never said that.

MR. WILSON: We are talking about that athlete.

MR. RHEA: Somebody has to take care of that athlete some way or another.

MR. GEORGE: All we are saying is that the person who does it should be qualified.

MR. WILSON: If there isn't a trainer there, you have to go to a doctor.



MR. WILSON: How many cases do you know of some kids that were mistreated or not treated that could if they knew or wanted to go back and sue the state for the way they were treated?

MR. RHEA: I don't know.

MR. WILSON: There are a bunch of them if they wanted to.

MR. RHEA: No, we have one certified high school trainer in the state of Georgia. When we called him to get his opinion on whether we should go for legislation, he says, "am I covered?"

"Yes, you can be grandfathered because you are certified right now." He says, "I have been trying to get high school trainers hired. I finally got them to hire one guy at another high school here in Columbus. He has no background at all other than he just came in and did it. He is trying to learn the best he can. What happens to him is he going to be out of work?"

He says, "We will call him something else." Well, he doesn't coach anything. He is a teacher.

Why doesn't he have background?

Because they hire all the people with PE background as coaches and put them in PE. He has to teach math, English, and something else.

All right, this is the only guy now who is fighting the cause within our state right now, and he wants an answer. Can he work toward being licensed later? Now he can be certified later if he has no background at all, right?

MR. GEORGE: Yes.

MR. RHEA: Can this guy be licensed later and if so, what happens to him in the meantime?

MR. GEORGE: That probably won't be true, Jerry.

MR. RHEA: What does he do in the meantime while he is working toward that? Is he in violation of the law because he uses a whirlpool?

We have rewritten ours because of the problem. If you look on the Georgia bill, it is almost like Texas except in Section 8 it says: Under the Act provided that nothing in this Act shall be construed to prevent any person from performing as a student trainer, assistant trainer, teacher trainer or any similar position if such service is not primarily for compensation and is carried out under the supervision of a coach, physician and licensed trainer.

MR. GEORGE: I have a question. I didn't understand that at all. Does that mean that he is not getting paid?

MR. RHEA: No, he is getting paid, but it is not the primary part of his compensation. In other words, he is a teacher making \$8,000 to teach. He is making \$500 for a trainer.

MR. GEORGE: I don't go along with that, Jerry.

MR. RHEA: To get it through the legislature, the question is: are you going to stop care, of what care they are getting now in high schools?

MR. GEORGE: Yes.

MR. RHEA: Are you going to put the people out of there?

MR. GEORGE: Yes, Jerry, because I have seen those people do more harm than good, and I am not afraid to say that in front of everybody. I have seen some of these trainers do more harm than good. They don't



know what the hell they are doing, half of them. They really don't. They are putting them in heat the day of the injury. They are not treating cuts properly at all.

Yes, sometimes nobody there is better than doing it wrong.

MR. WOOD: Because if they are seriously hurt, they will at least attempt to get them to a physician instead of trying to save money by letting Joe Blow take care of them and then three weeks later find out: Oh, I goofed, and now I hand them over to the doctor with a torn ligament, and they should have been operated on last week.

MR. GEORGE: I disagree, Jerry.

MR. RHEA: Okay, if you couldn't get your bill through because of this, would you sacrifice the bill for that?

MR. GEORGE: I don't know. Probably not.

But you can't tell me that that one person in Columbus, Georgia, is going to screw up that bill. No way.

MR. RHEA: But the people there in the legislature are asking, "who are you going to put out of work?"

MR. COMPTON: We have more than that, though. We have a couple of hundred.

MR. RHEA: This guy in Columbus will be grandfathered in.

MR. GEORGE: Nobody really knows the competence of those people.

MR. COMPTON: They do to a certain extent because for the last three years they have had to take this course in the spring and they have been tested

each time that they have taken it. We have an evaluation of them.

There are some that would be immediately disqualified. We only have three of that group that do not have a college degree. Obviously, they need to go on further with their education.

MR. GEORGE: Sometime you have to cut off some people, and you have to be a hard character.

Ask Logan Wood. You have to be, and now is the time.

MR. WOOD: I don't see how you can get any recognition as a paramedical profession when you leave yourself open like that. Nobody else does it that has gained any recognition.

MR. HAYES: Logan, how much trouble did you have from the same people that Larry and Rod are talking about as potential trouble makers?

MR. COMPTON: School superintendents and that type.

MR. HAYES: School Board Chairmen, that type of people.

MR. WOOD: We didn't meet with a lot of opposition because we weren't requiring them to have someone. We were just saying, "if you do hire someone, they must meet these requirements".

MR. WILSON: You can't show them with the competency of health care?

MR. RHEA: They were more concerned about who you were going to put out of work, more than anything.

MR. WOOD: If you can only tell them, "we are not going to put anybody, that is actively engaged, out of work. We are going to license some people that



are actively engaged. This is an educational requirement set up for people in the future."

I don't see how these school districts there can protect themselves from liability suits when they are hiring people who are not qualified.

MR. WILSON: We have a suit right now over in Richmond, Kentucky, a high school kid where, if there had been a trainer in the high school, this kid would not have been playing football, but because there was no trainer, the coach had him playing, and he broke his neck. There is a \$7 million suit against the coach, the coaching staff, the principle and the school.

The state said that they can't afford to hire a trainer but, you know you get a couple of those suits and you can't afford to have schools.

MR. GEORGE: What is an athletic trainer? He can't be somebody to just call himself an athletic trainer.

MR. HAYES: I think as far as the ammunition for staving off these people you are talking about, Larry, is that they need to be aware that this is part of selling that bill, too. They need to be made aware of the New Jersey Case and the California Case and the Florida Case. You know, the quadroplegic case, the mistreatment case and that sort of stuff, and just see how much more money they are going to be spending by a couple of malpractice suits than on trainers.

You don't have to get pushy about it, but I think they need to be made aware of the potential that people just aren't going to put up with mistreatment for their kids anymore. People aren't doing it. Everybody wants to sue anymore. They might as well know about it. I am suing school districts all the time, and the University of Northern Iowa and Iowa State University, because I don't think that an athlete more than anybody else has to put up with mistreatment in medicine or training or whatever it might be.

I think that the school districts need to

know that they can just as well spend money for trainers as they can on a new school bus. It is just every bit as important to their school community, but that is a selling program, too.

MR. DAVIS: There is another case coming up very shortly in Knoxville, Tennessee, back injury.

MR. WOOD: I don't see how in the world you can train people properly for this profession, and they are going to have to be trained even moreso in the future because of these suits and this feeling, how you can train these people in the summer and show them pictures and give them lectures and everything. They are not out there getting any practical experience.

They are not going to see a dislocated elbow in the classroom. They are not going to put a team out on the field and do the taping and schedule things.

MR. DAVIS: The guy talks about the program he has. They have 120 people in it, but you have only 13 in the State of Carolina who are Associate Members, so there can't be a great deal of interest there. The program has been going on for three years.

MR. COMPTON: Well, I'm not saying necessarily that that is true either. Maybe the people don't know the importance of or see the significance of NATA. I don't know. That may be a problem.

MR. WILSON: You mean they are not members?

MR. COMPTON: At least, the areas that I have taught and most of the certified trainers that I am associated with down there have told them about it and they even have application forms for them at the meeting.

MR. GEORGE: Dick, do you have anything that you think you would like to add?

MR. MELHART: I am concerned a little bit



that in the State of Washington we just have seventeen certified members. There is one thing I would like to know. I suppose the fellows here that are PTs would fight hard for license. My question would be: The PTs that are licensed in the State of Washington, I just wonder, without ever having asked them, if they would really go to that and really fight for license. They have already got a license. They can just go on doing what they are doing. They don't have to fight or spend any money or do anything else.

I wonder in Texas did you have that situation, where you had PTs who weren't licensed at the time?

MR. WOOD: No, we went through it at the same time.

MR. MELHART: I just don't know. Unfortunately, I guess most of these PTs are at the biggest school in the State, and by far the most influential as far as Olympia is concerned, the State Capitol, and the fellows that are the trainers for the professional teams are PTs.

MR. GEORGE: I talked with Bob Behnke about this because they just had some little opposition on theirs from people in the Association. It depends on the person. That is really what it amounts to.

I think you should approach them. Buddy Miller is going to go for you, and I am, and Dick Malacrae. You've got to get the right person.

MR. MELHART: And I think like was said, you have to have a state association, and it has to be a pretty strong one. I think if half are for it and half not maybe, I don't think you could make a go of it.

MR. HOOVER: Maybe I can answer that by asking another question. Bob, don't you think we would have had less opposition in the State of Illinois if we had in some way gotten the proper cooperation through the

PTs in an earlier phase and let them become a part of this sooner than they did?

We tried. I know it was tried, but as far as the State Association itself, because they are the ones that came at the 12th hour, so to speak.

CHAIRMAN BEHNKE: It was interesting to note that the majority of our people at our initial meeting did not care even though two of the four people on the ad hoc committee were physical therapists. The group implied that that was another area that we weren't concerned about. We were concerned about athletic training and to attack it from just that approach, and the two physical therapists on the committee went along with that. So in essence, we ignored the profession of physical therapy until it passed unanimously in the House, and when it went to committee in the Senate, we met the opposition.

MR. HOOVER: But looking back, and as a recommendation to other people, don't you think that the PT people should be involved, as many as possible, early in the game.

CHAIRMAN BEHNKE: It makes it a lot easier.

MR. HOOVER: They have some clout that is going to help.

MR. GEORGE: Doctor, do you have anything that you would like to add to it or take away from it?

DR. BACHMAN: No.

MR. GEORGE: Dick.

MR. HOOVER: The only comment that I will make is that we might be biting the bullet, so to speak, but the Northwestern Medical Experience Center for Sports Medicine is going to kick off this summer with the due blessings, we hope, of the NATA and everything else of what we consider to be a model program. as far as the



athletic training program, and we have not at any time said that this is strictly a summer program. It just happens to be when our lecture is going to be taking place, and our laboratory type experimental type teaching is going to be done. But during the school year there will be supervision of our students back on a job training type situation by the teaching faculty, and we are following NATA guidelines 100 percent on this effort, and I think it has been termed as an experimental program, and I think that we are all going into it with optimism and still at the same time we have questions, and we will watch it as it goes along.

As far as I know, we will be the only one to actually have a practicing on-going type program. We feel that within the Metropolitan area of Chicago, and to go back and to answer that question about North Carolina, there is no way we can require or even strongly suggest high schools in the inter-city or even some of the suburban areas to hire an athletic trainer. The only thing that we can hope to do is to take somebody on that faculty who has interest and to make them competent in this area, and I don't mean a secondary competency. I mean the competency level of the rest of us in this room who are athletic trainers, and it is going to be very, very difficult.

MR. GEORGE: Competent enough to pass a certification examination.

MR. HOOVER: Yes, sir. If they can't pass it, they don't deserve to be in the profession, and we don't deserve to have an educational program if we can't get up to that level.

MR. GEORGE: Bud.

MR. MILLER: Of course, I agree with all of the things on the educational aspects. Of course, the legislation or the licensure aspect of it here is not going to guarantee jobs for any more people or anything like this, but it is how qualified the person is going to be, and I think what he will be trying to do here is

to stimulate a job position. Those kinds of things will come up. I was very, very much against it, but I bumped my head against the wall trying to get the people to create the position which is the hardest thing in the world. I think to get all these cop-outs that we have heard here already are the big thing, and I think if we get the position created in the school somewhere along the line and then making sure that they replace that person with a qualified person is what I am looking for and I am willing to bargain on some of these people that you are talking about getting them in there the first time and then replacing that person. Once they have the job, once they have the position there, then it is easier to sell that person. Even if it is a math teacher trainer in that high school, they have had somebody there in the past, and they know that now they have to look for somebody with that kind of double qualification and go to your state schools or whoever else nearby that is putting out the trainer or even a good school that has the apprenticeship program or whatever it is that has a good trainer coming out. So, I think there are two things that are parallel, although not the same, when we are talking about licensure.

So I think that licensure certainly helps to protect the individual and helps to protect all of us in the field right now from attacks from other people or whatever else may come along.

MR. GEORGE: How do you feel about the state so-called approving curriculums? I am concerned about that.

MR. MILLER: You will have different qualifications.

I didn't mean to bring up that accreditation thing, to throw in this whole discussion, but the only thing that you would have to look at, and you just have to decide, is again whether you want to have national accreditation. If you want national accreditation, when you have states doing different things and different qualifications, they will say, "fine, you are not a



national. You don't have a national accrediting program for your schools," if they are going to approve the schools and the curriculums.

MR. GEORGE: But yet that is not so with the PTs or the AMA or anybody else.

MR. MILLER: They have a national group.

You have to pass that AMA Medical Council.

You have to be accredited nationally.

CHAIRMAN BEHNKE: You have to be licensed by the State?

MR. MILLER: No, no, no. That has nothing to do with licensure. He is asking the question about when the states approve the schools. You have to have some kind of a national accreditation, and that is all I am bringing up to you and you don't have to go one way or the other and don't let me get you confused with it when we are talking about licensure because licensure is completely different, but it will affect accreditation, I'm pretty sure. I have been going back looking through my book on accreditation. It would affect our applying for national accreditation is all that I am trying to say when you have a state setting up their own approval of the state curriculum, what is an approved curriculum, and if you have a wide variance, they will say, "you don't have a national standard, so why, for national accreditation? Go for a state accreditation."

That is all I am talking about, so don't let me get you completely off or confuse you with the whole thing. It has nothing to do with licensure except how licensure would affect the accreditation. That is all.

MR. MORRIS: He has a good point. In one state it will be easier to get your license in, and possibly you could go and work someplace else later with

this thing. You could go and get your Master's Degree at Peabody just to say that you had your Master's or your Ph.D.

MR. HAYES: You know, if everybody does their job right, it is going to be a lot like the practice of medicine. Correct me if I am wrong, Doctor. Not all states follow the national boards. They all have their own licensing procedure, but yet, you can take generally a GP in Iowa or Florida or Illinois, and there are certain minimum standards of medical practice that apply everywhere, like recognizing septicemia or a brain abscess or whatever it might be, that any doctor that completes a course of instruction in a given state is going to recognize and be able to treat. There may be some variations in levels of competency, that sort of thing, but you are going to have certain minimum standards in the practice of athletic training as well as we have in other professions, and I think we will get over that hump, over those variations after a time, but I think this is really a heck of a start right now.

MR. MELHART: It appears that the role of the NATA is in for a drastic change in education, certifyingwise.

MR. GEORGE: I still see them as being the educational leader, but certifying I can see going with state licensure, but don't forget. Do you know how long it took the PTs? Thirty-something years. So you are going to be dead by then. You know, 37 years, that is a long way off.

Okay, before I get to Bob, Logan, did you have anything else?

MR. WOOD: No.

MR. GEORGE: Bob, do you want to summarize?

CHAIRMAN BEHNKE: Yes.

MR. MILLER: Just for a second, when it comes



right down to it, for the protection of the trainer, state licensure is important. National certification is not.

MR. MELHART: I wasn't being critical.

CHAIRMAN BEHNKE: The point I make is that you mentioned thirty years. To me, if it were to boil down to that, there is no question in my mind that state license is number 1 as far as our responsibility is concerned.

MR. WOOD: Number one, I said I didn't have anything to say but I think you have a very good point there, and if you have to ignore some people who are breaking this law, I think that you can afford to ignore them for a while because it will be of great benefit to the people who are licensed athletic trainers to get this passed to protect them and to protect the others who will come on after them.

If you have to ignore the guy out in the boondocks, the man teacher who is doing this for \$200, then you can ignore him for the long run overall good that this is going to do our profession and the individuals in it and eventually the student athletes.

MR. DAVIS: This guy out there that you are ignoring, he is not going to better himself anyway, and no-one else is going to hire him, so he is not going to take the job away from anybody.

MR. WOOD: This thing spreads. We have got a licensed athletic trainer over here for this school district. What are you doing?

Well, there is a school district close to Houston that didn't have one that had a boy break his neck out there this past year. They had the trainer from the opposing team who had to take care of him. They kept him alive until the ambulance got there. They didn't have any provisions for ambulance services. Their

team physician was not present. If the trainer hadn't been there, it would have been all over, and that was the visiting trainer.

They hired them a couple of trainers this year, and that was the school district that couldn't afford them and didn't think they needed them. The people raised cane and now they have all these things sort of set up, and it is not a perfect program, but it was a good start for them, and these things do spread.

We are getting top openings like I said. We are putting through 20 to 30 kids a year and getting about that many job openings each year.

CHAIRMAN BEHNKE: It is amazing to me how we can continue to act as educators and to prepare people for a profession that you are going to turn them into where they have no protection from the law, and that to me is the most vital point that we have to strive for right now. It is just unbelievable. If you are not a physical therapist, how can you serve as a trainer? What protection do you have from the law, even if you act reasonably prudent.

These people that you are talking about are going to be in trouble if the case comes up. Of course, this is a case for licensure. We want to promote it because it is amazing. If the laws of the states were to be upheld to the utmost today, ninety percent of the people in athletic training would be in jail or paying healthy fines. We can't let that exist. We can't let that continue.

MR. WOOD: I would like to make one other point too. I have sort of been talking around but I am against over saturation and the easy way to get there and getting too many people in. There are a couple of hundred thousand people with teachers' degrees that can't find jobs around this country right now. I am not saying that every school that can afford it doesn't deserve an athletic trainer. I think if you approach it slowly enough, then it will work out right. If you



approach it where you are going to be putting out hundreds of these people through easier routes, you are going to over saturate the market, and we are locked in here. We are not doctors or nurses. There are just about always jobs open at big hospitals for nurses. Doctors can set up private practices, but we are locked in. If we over saturate to any extent, then we will be no better off than we are now because they can hire anybody at any salary and say, "you have to teach five classes a day", and set up any type of standard for these people, so that is why I am opposed to some of this over saturation or these two easy programs.

MR. GEORGE: Logan, we missed kind of a big point, and you brought it to mind when you just said that private practice. At no place in the Texas Bill does it say that you can't set up a private practice.

MR. WOOD: That is right.

MR. GEORGE: I think we should say that. How do you feel about it, Bob? Lawyers, do you understand what I am saying? At no place in that Texas bill does it say this.

MR. MORRIS: They are really not actively engaged.

MR. GEORGE: It has nothing to do with qualifications.

MR. WOOD: We had a trainer who went in with some orthopedic men and everything and set up a clinic. You know, if the doctor is working.

MR. GEORGE: And that is allowed under the Texas license?

MR. HAYES: What are you going to do about it? If a university or a college wants to be prohibitive, I think that is their business to keep their people from engaging in private practice. But I don't know if you

can do that on a high school. I don't know if you can prohibit it.

MR. GEORGE: Can he still be a trainer?

MR. GRAHAM: I think you had better remain silent on it.

MR. HAYES: I would leave it out.

CHAIRMAN BEHNKE: Where does that individual qualify, under your Section 16, when you say: employed on a salary basis by an educational institution, professional athletic group?

MR. WOOD: That was under the grandfather clause. Once you get your license, it doesn't have anything to do with anything?

CHAIRMAN BEHNKE: But you don't have anything written in there where they can be in private practice?

MR. WOOD: No, we don't, but we don't have it written that he can't.

MR. RHEA: That would be the County Medical Society.

MR. WOOD: That would be up to someone else to contest that and not our Board. But he is not doing it now.

He is not doing it now because they were not making any money, and I think they were soliciting, too.

CHAIRMAN BEHNKE: I would like to make one last point. The last handout that was sent around is simply a resume before I left Illinois to our members as to what we did over a period of three years, just what we were talking about, the last issue that Frank brought up as to how to introduce legislation, and for what it is worth, I wanted you to have it to see how we followed



through from the last contact with the legislator through the legislative bureaus, through the legislative liaison with the Registration and Education Department and on up through the Senate and what have you.

MR. MORRIS: Where is it now? Do you start all over?

CHAIRMAN BEHNKE: I can't really say. The people who are in charge of it now told me just two weeks ago that before they reintroduced, they were going to wait and see what comes out of this body.

MR. RHEA: Are you all out of session now or are you still in session?

CHAIRMAN BEHNKE: They are in session now, but the way they operate in Illinois, when it is even years or odd years, they deal with money matters, the budgetary matters.

MR. HOOVER: We will get it reintroduced next year.

MR. RHEA: You find out what your long suit is and we didn't know ours until it was real late, and ours was the University of Georgia because most every legislator that is a lawyer went to school at Georgia and is a Bulldog.

Warren came over with about three days left and had a little stick on his lapel thing that had a Georgia Bulldog Helmet on it, and in the heat of the battle with Rome burning he had both Senators and legislators looking for him wanting that little thing and they called back the next day for him to bring some more over, and we got more votes with that probably than anything else.

MR. MORRIS: If we had had one more day to get on the floor, we would have had our bill.

MR. RHEA: It was uncanny. They were looking

him up.

MR. WILSON: It is his pleasing personality.

MR. MILLER: Let me ask one question before we finish off. Since we do have something that is in the national legislation in the Athletic Care Act, the Athletic Care Act as such with the licensure, there would have to be some changes there with what we have come up with with model legislation for the states, or would that be just dropped?

MR. GEORGE: It would probably be dropped.

MR. MILLER: That is what I was wondering.

MR. COMPTON: Where is it now?

MR. DAVIS: If the states don't do it, the federal might. Where is it now? Where do we stand?

MR. MILLER: It is waiting for the Forsythe Amendment, the national study.

MR. COMPTON: The HEW thing.

MR. GEORGE: I thank you all for coming. I thank you all for your time and effort. Bob is going to write up what we have done here. He is going to present it to the Board in June and present it in two separate packages, one, the model piece of legislation and two, the political aspects or how to get a piece of legislation passed.

If any of you have any recent developments in your states, please contact Bob or Otho or myself.

...The meeting was adjourned at 12:15 o'clock...

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