

4499--C

2015-2016 Regular Sessions

I N S E N A T E

March 25, 2015

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-- read twice and ordered printed, and when printed to be committed to
the Committee on Higher Education -- recommitted to the Committee on
Higher Education in accordance with Senate Rule 6, sec. 8 -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee -- reported
favorably from said committee and committed to the Committee on
Finance -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee

AN ACT to amend the education law, in relation to the licensure of
athletic trainers; and to repeal certain provisions of such law relat-
ing thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 8351 of the education law, as amended by chapter
2 658 of the laws of 1993, is amended to read as follows:
3 S 8351. Definition. As used in this article "athletic trainer" means
4 any person who is duly [certified] LICENSED in accordance with this
5 article to perform athletic training under the supervision of a physi-
6 cian [and limits his or her practice to secondary schools, institutions
7 of postsecondary education, professional athletic organizations, or a
8 person who, under the supervision of a physician, carries out comparable
9 functions on orthopedic athletic injuries, excluding spinal cord inju-
10 ries, in a health care organization. Supervision of an athletic trainer
11 by a physician shall be continuous but shall not be construed as requir-
12 ing the physical presence of the supervising physician at the time and
13 place where such services are performed.
14 The scope of work described herein shall not be construed as authoriz-
15 ing the reconditioning of neurologic injuries, conditions or disease].
16 THE PRACTICE OF THE PROFESSION OF ATHLETIC TRAINING IS PERFORMED BY

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD03316-13-6

1 ATHLETIC TRAINERS WHO ARE DEFINED AS HEALTH CARE PROFESSIONALS WHO
2 ENGAGE IN THE PREVENTION, RECOGNITION, EXAMINATION, EVALUATION, ASSESS-
3 MENT, MANAGEMENT, TREATMENT AND REHABILITATION OF NEUROMUSCULOSKELETAL
4 INJURIES THAT OCCUR IN ACTIVE INDIVIDUALS WITH TREATMENT IN ACCORDANCE
5 WITH THE SUPERVISING PHYSICIAN. THESE ACTIVE INDIVIDUALS ENGAGE IN
6 ACTIVITIES THAT REQUIRE A HIGH DEGREE OF PHYSICAL EXERTION, THAT
7 INVOLVES TRAINING AND WHERE INJURY OCCURS DURING SUCH TRAINING OR
8 ATHLETIC ENDEAVOR, INCLUDING BUT NOT LIMITED TO ATHLETIC INDIVIDUALS,
9 PERFORMING ARTISTS AND INDIVIDUALS INVOLVED IN PUBLIC PROTECTION OR
10 EMERGENCY SERVICES OR INDIVIDUALS INVOLVED IN ADAPTIVE ATHLETICS.
11 ATHLETIC TRAINERS RECOGNIZE, EVALUATE, AND ASSIST IN THE MANAGEMENT OF
12 SPORT-RELATED ILLNESSES AND MEDICAL CONDITIONS. THE PRACTICE OF ATHLETIC
13 TRAINING MAY INCLUDE USE OF VARIOUS THERAPEUTIC MODALITIES AND TECH-
14 Niques. SUPERVISION BY A PHYSICIAN SHALL BE CONTINUOUS BUT SHALL NOT BE
15 CONSTRUED AS REQUIRING THE PHYSICAL PRESENCE OF THE SUPERVISING PHYSI-
16 CIAN AT THE TIME AND PLACE WHERE SUCH SERVICES ARE PERFORMED.

17 THE SCOPE OF WORK DESCRIBED IN THIS SECTION SHALL NOT BE CONSTRUED AS
18 AUTHORIZING THE MANAGEMENT AND TREATMENT OF ACUTE, SUBACUTE, OR CHRONIC
19 NEUROLOGICAL PATHOLOGIES AND COMORBIDITIES OR NEUROLOGICAL DISEASE PROC-
20 ESSES WITH THE EXCEPTIONS OF MANAGEMENT AND TREATMENT OF EMERGENT NEURO-
21 LOGICAL CONDITIONS SUCH AS POTENTIAL CONCUSSIONS, SPINAL CORD INJURIES
22 OR NERVE INJURIES RESULTING FROM PARTICIPATION IN AN ATHLETIC ENDEAVOR,
23 WHILE TRAINING, OR IN INDIVIDUALS INVOLVED IN ADAPTIVE ATHLETICS.

24 S 2. Section 8352 of the education law is REPEALED.

25 S 3. Section 8353 of the education law, as added by chapter 798 of the
26 laws of 1992, is amended to read as follows:

27 S 8353. Use of the title "[certified] athletic trainer". Only a
28 person [certified] LICENSED or otherwise authorized under this article
29 shall PRACTICE ATHLETIC TRAINING OR use the title "[certified] athletic
30 trainer" OR THE ABBREVIATION "AT".

31 S 4. Section 8354 of the education law, as added by chapter 798 of the
32 laws of 1992, is amended to read as follows:

33 S 8354. State committee for athletic trainers. A state committee for
34 athletic trainers shall be appointed by the board of regents, upon the
35 recommendation of the commissioner and shall assist on matters of
36 [certification] PROFESSIONAL LICENSING and professional conduct in
37 accordance with section six thousand five hundred eight of this title.
38 The committee shall consist of [five] SIX members who are athletic
39 trainers [certified] LICENSED in this state AND ONE PUBLIC MEMBER THAT
40 IS A CONSUMER OF THE PROFESSION. The committee shall assist the state
41 board for medicine in athletic training matters. Nominations and terms
42 of office of the members of the state committee for athletic trainers
43 shall conform to the corresponding provisions relating thereto for state
44 boards under article one hundred thirty of this chapter. [Notwithstand-
45 ing the foregoing, the members of the first committee need not be certi-
46 fied prior to their appointment to the committee.]

47 S 5. Section 8355 of the education law, as added by chapter 798 of the
48 laws of 1992, is amended to read as follows:

49 S 8355. Requirements and procedure for professional [certification]
50 LICENSURE. [For certification as a certified] TO QUALIFY FOR A LICENSE
51 AS AN athletic trainer under this article, an applicant shall fulfill
52 the following requirements:

53 1. Application: file an application with the department;

54 2. Education: have received an education including a bachelor's, its
55 equivalent or higher degree in accordance with the commissioner's regu-
56 lations, PROVIDED HOWEVER, AS OF TWO THOUSAND TWENTY-FIVE, APPLICANTS

1 MUST HAVE RECEIVED A MASTER'S DEGREE, ITS EQUIVALENT OR HIGHER IN
2 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

3 3. Experience: have experience in accordance with the commissioner's
4 regulations;

5 4. Examination: pass an examination in accordance with the commission-
6 er's regulations;

7 5. Age: be at least twenty-one years of age; and

8 6. Fees: pay a fee for an initial [certificate] LICENSE of one hundred
9 dollars to the department; and a fee of fifty dollars for each triennial
10 registration period.

11 S 6. Section 8356 of the education law, as amended by chapter 658 of
12 the laws of 1993, is amended to read as follows:

13 S 8356. [Special provisions. A person shall be certified without exam-
14 ination provided that, within three years from the effective date of
15 regulations implementing the provisions of this article, the individual:

16 1. files an application and pays the appropriate fees to the depart-
17 ment; and

18 2. meets the requirements of subdivisions two and five of section
19 eight thousand three hundred fifty-five of this article and who in addi-
20 tion:

21 (a) has been actively engaged in the profession of athletic training
22 for a minimum of four years during the seven years immediately preceding
23 the effective date of this article; or

24 (b) is certified by a United States certifying body acceptable to the
25 department.] EXEMPT PERSONS. 1. NOTHING CONTAINED IN THIS ARTICLE SHALL
26 PROHIBIT:

27 (A) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL PART OF A
28 PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN ATHLETIC TRAINING PROGRAM
29 APPROVED BY THE DEPARTMENT. STUDENTS ENROLLED IN AN APPROVED ATHLETIC
30 TRAINING PROGRAM SHALL BE IDENTIFIED AS "ATHLETIC TRAINING STUDENTS" AND
31 SHALL ONLY PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND IMMEDIATE
32 SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY LICENSED UNDER THIS ARTI-
33 CLE. AN ATHLETIC TRAINING STUDENT SHALL NOT HOLD HIMSELF OR HERSELF OUT
34 AS A LICENSED ATHLETIC TRAINER; OR

35 (B) THE PRACTICE OF ATHLETIC TRAINING BY ANY PERSON WHO IS LICENSED
36 AND IN GOOD STANDING TO PRACTICE ATHLETIC TRAINING IN ANOTHER STATE FROM
37 ACTING AS AN ATHLETIC TRAINER WITHOUT A NEW YORK STATE LICENSE SOLELY
38 FOR THE FOLLOWING PURPOSES: (I) CLINICAL EDUCATION, PRACTICE DEMON-
39 STRATIONS OR CLINICAL RESEARCH THAT IS WITHIN THE PRACTICE OF ATHLETIC
40 TRAINING IN CONNECTION WITH A PROGRAM OF BASIC CLINICAL EDUCATION, GRAD-
41 UATE EDUCATION, OR POST-GRADUATE EDUCATION IN AN APPROVED SCHOOL OF
42 ATHLETIC TRAINING, OR IN A CLINICAL FACILITY, OR A HEALTH CARE AGENCY,
43 OR CONTINUING EDUCATION; OR (II) PERFORMING DUTIES WITH HIS OR HER TEAM
44 OR ORGANIZATION, SO LONG AS DUTIES ARE RESTRICTED TO THAT TEAM OR ORGAN-
45 IZATION DURING THE COURSE OF THAT TEAM'S OR ORGANIZATION'S STAY IN NEW
46 YORK STATE FOR NO MORE THAN SIXTY DAYS IN A CALENDAR YEAR; OR (III)
47 ASSISTING IN THE CARE OF ATHLETES IN A SPECIFIC SANCTIONED ATHLETIC
48 EVENT; OR (IV) ASSISTING A NEW YORK STATE LICENSED ATHLETIC TRAINER IN
49 THE CASE OF AN EMERGENCY SITUATION TO ANOTHER TEAM'S PLAYER. ANY PERSON
50 PRACTICING ATHLETIC TRAINING IN NEW YORK STATE PURSUANT TO THIS SUBDIVI-
51 SION SHALL BE SUBJECT TO PERSONAL AND SUBJECT MATTER JURISDICTION AND
52 THE DISCIPLINARY AND REGULATORY AUTHORITY OF THE BOARD OF REGENTS AS IF
53 HE OR SHE IS A LICENSEE AND AS IF THE EXEMPTION PURSUANT TO THIS SUBDI-
54 VISION IS A LICENSE. SUCH INDIVIDUALS SHALL CONSENT TO THE APPOINTMENT
55 OF THE SECRETARY OF STATE OR OTHER PUBLIC OFFICIAL ACCEPTABLE TO THE
56 DEPARTMENT, IN SUCH ATHLETIC TRAINERS' STATES OF LICENSURE AS THE

1 ATHLETIC TRAINERS' AGENTS UPON WHOM PROCESS MAY BE SERVED IN ANY ACTIONS
2 OR PROCEEDINGS BY THE DEPARTMENT AGAINST SUCH ATHLETIC TRAINERS. SUCH
3 INDIVIDUALS SHALL COMPLY WITH THE PROVISIONS OF THIS ARTICLE, THE RULES
4 OF THE BOARD OF REGENTS AND THE REGULATIONS OF THE COMMISSIONER RELATING
5 TO PROFESSIONAL MISCONDUCT, DISCIPLINARY PROCEEDINGS AND PENALTIES FOR
6 PROFESSIONAL MISCONDUCT; OR

7 (C) THE PRACTICE OF ATHLETIC TRAINING BY ANY PERSON WHO IS OTHERWISE
8 AUTHORIZED AND IN GOOD STANDING TO PRACTICE ATHLETIC TRAINING OR ATHLET-
9 IC THERAPY IN ANOTHER COUNTRY, STATE, OR TERRITORY THAT IMPOSES THE SAME
10 REQUIREMENTS SET FORTH IN SECTION EIGHTY-THREE HUNDRED FIFTY-FIVE OF
11 THIS ARTICLE. ANY PERSON PRACTICING ATHLETIC TRAINING IN NEW YORK STATE
12 PURSUANT TO THIS SUBDIVISION SHALL BE SUBJECT TO PERSONAL AND SUBJECT
13 MATTER JURISDICTION AND THE DISCIPLINARY AND REGULATORY AUTHORITY OF THE
14 BOARD OF REGENTS AS IF HE OR SHE IS A LICENSEE AND AS IF THE EXEMPTION
15 PURSUANT TO THIS SUBDIVISION IS A LICENSE. SUCH INDIVIDUALS SHALL
16 CONSENT TO THE APPOINTMENT OF THE SECRETARY OF STATE OR OTHER PUBLIC
17 OFFICIAL ACCEPTABLE TO THE DEPARTMENT, IN SUCH ATHLETIC TRAINERS' STATES
18 OF LICENSURE AS THE ATHLETIC TRAINERS' AGENTS UPON WHOM PROCESS MAY BE
19 SERVED IN ANY ACTIONS OR PROCEEDINGS BY THE DEPARTMENT AGAINST SUCH
20 ATHLETIC TRAINERS. SUCH INDIVIDUALS SHALL COMPLY WITH THE PROVISIONS OF
21 THIS ARTICLE, THE RULES OF THE BOARD OF REGENTS AND THE REGULATIONS OF
22 THE COMMISSIONER RELATING TO PROFESSIONAL MISCONDUCT, DISCIPLINARY
23 PROCEEDINGS AND PENALTIES FOR PROFESSIONAL MISCONDUCT.

24 2. THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT QUALIFIED MEMBERS
25 OF OTHER LICENSED OR LEGALLY RECOGNIZED PROFESSIONS FROM PERFORMING WORK
26 INCIDENTAL TO THE PRACTICE OF THEIR PROFESSION, EXCEPT THAT SUCH PERSONS
27 MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE ATHLETIC TRAINER OR AS
28 PERFORMING ATHLETIC TRAINING.

29 S 7. The education law is amended by adding two new sections 8356-a
30 and 8356-b to read as follows:

31 S 8356-A. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED ATHLET-
32 IC TRAINER REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
33 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
34 THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVI-
35 SION TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C)
36 OF THIS SUBDIVISION. LICENSED ATHLETIC TRAINERS WHO DO NOT SATISFY THE
37 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL
38 THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRA-
39 TION CERTIFICATE, EXCEPT THAT A LICENSED ATHLETIC TRAINER MAY PRACTICE
40 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
41 TIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF THIS
42 SECTION.

43 (B) EACH LICENSED ATHLETIC TRAINER SHALL BE EXEMPT FROM THE MANDATORY
44 CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD
45 DURING WHICH HE OR SHE IS FIRST LICENSED. IN ACCORDANCE WITH THE INTENT
46 OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION
47 REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH
48 CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED
49 ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER
50 GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

51 (C) A LICENSED ATHLETIC TRAINER NOT ENGAGED IN PRACTICE, AS DETERMINED
52 BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCA-
53 TION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT
54 DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF
55 ATHLETIC TRAINING DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY
56 THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH

1 MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
2 OF THE COMMISSIONER.

3 2. DURING EACH TRIENNIAL REGISTRATION PERIOD, AN APPLICANT FOR REGIS-
4 TRATION AS A LICENSED ATHLETIC TRAINER SHALL COMPLETE A MINIMUM OF
5 FORTY-FIVE HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, AS SPECIFIED
6 IN SUBDIVISION FOUR OF THIS SECTION. ANY LICENSED ATHLETIC TRAINER WHOSE
7 FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION
8 OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER
9 JANUARY FIRST, TWO THOUSAND EIGHTEEN, SHALL COMPLETE CONTINUING EDUCA-
10 TION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE
11 PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND EIGHTEEN AND THEN FIFTEEN
12 HOURS PER YEAR UNTIL HIS OR HER FIRST REGISTRATION DATE THEREAFTER. A
13 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION
14 REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY
15 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL
16 REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE
17 OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM
18 MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

19 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
20 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
21 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
22 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
23 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
24 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
25 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
26 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
27 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
28 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
29 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO
30 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
31 THIS TITLE.

32 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE FORMAL
33 EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO
34 PROFESSIONAL PRACTICE IN ATHLETIC TRAINING AND WHICH MEET THE STANDARDS
35 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF
36 LEARNING SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT
37 AND NON-CREDIT COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL
38 SESSIONS OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS,
39 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO
40 THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO
41 CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE
42 COMPLETION OF CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS TO
43 FULFILL THIS MANDATORY CONTINUING EDUCATION REQUIREMENT. CONTINUING
44 EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER APPROVED BY THE DEPART-
45 MENT, BASED UPON AN APPLICATION AND FEE PURSUANT TO THE REGULATIONS OF
46 THE COMMISSIONER.

47 5. A LICENSED ATHLETIC TRAINER SHALL MAINTAIN ADEQUATE DOCUMENTATION
48 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL
49 PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO
50 PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE
51 AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
52 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

53 6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE PAYABLE ON OR
54 BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE
55 PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION
56 EIGHTY-THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE.

1 S 8356-B. SPECIAL PROVISIONS. ANY PERSON WHO IS LICENSED AS A CERTI-
2 FIED ATHLETIC TRAINER BY THE DEPARTMENT ON THE EFFECTIVE DATE OF THIS
3 SECTION SHALL BE LICENSED AS AN ATHLETIC TRAINER WITHOUT MEETING ANY
4 ADDITIONAL REQUIREMENTS.

5 S 8. Section 8357 of the education law, as added by chapter 798 of the
6 laws of 1992, is amended to read as follows:

7 S 8357. Non-liability of [certified] LICENSED athletic trainers for
8 first aid or emergency treatment. Notwithstanding any inconsistent
9 provision of any general, special or local law, any [certified] LICENSED
10 athletic trainer who voluntarily and without the expectation of monetary
11 compensation renders first aid or emergency treatment at the scene of an
12 accident or other emergency, outside a hospital, doctor's office or any
13 other place having proper and necessary athletic training equipment, to
14 a person who is unconscious, ill or injured, shall not be liable for
15 damages for injuries alleged to have been sustained by such person or
16 for damages for the death of such person alleged to have occurred by
17 reason of an act or omission in the rendering of such first aid or emer-
18 gency treatment unless it is established that such injuries were or such
19 death was caused by gross negligence on the part of such LICENSED
20 athletic trainer. Nothing in this section shall be deemed or construed
21 to relieve a [certified] LICENSED athletic trainer from liability for
22 damages for injuries or death caused by an act or omission on the part
23 of an athletic trainer while rendering professional services in the
24 normal and ordinary course of his or her practice.

25 S 9. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law.