

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2176 Session of
2009

INTRODUCED BY READSHAW, GERGELY, WAGNER, KORTZ, BELFANTI,
BRENNAN, CARROLL, DEASY, J. EVANS, FABRIZIO, HANNA, HORNAMAN,
SIPTROTH, K. SMITH AND STABACK, DECEMBER 15, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, DECEMBER 15,
2009

AN ACT

1 Amending the act of October 5, 1978 (P.L.1109, No.261), entitled
2 "An act requiring the licensing of practitioners of
3 osteopathic medicine and surgery; regulating their practice;
4 providing for certain funds and penalties for violations and
5 repeals," further providing for definitions and for athletic
6 trainers.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "athletic training services,"
10 "certified athletic trainer," "physically active person,"
11 "referral" and "written protocol" in section 2 of the act of
12 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
13 Medical Practice Act, added December 10, 2001 (P.L.859, No.92),
14 are amended and the section is amended by adding a definition to
15 read:

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall
18 have, unless the context clearly indicates otherwise, the
19 meanings given to them in this section:

1 * * *

2 "Athletic training services." The management and provision
3 of care of injuries to a physically active person as defined in
4 this act with the direction of a licensed physician. The term
5 includes the rendering of emergency care, development of injury
6 prevention programs and providing appropriate preventative and
7 supporting devices for the physically active person. The term
8 also includes the assessment, management, treatment,
9 rehabilitation and reconditioning of the physically active
10 person whose conditions are within the professional preparation
11 and education of a [certified] licensed athletic trainer. The
12 term also includes the use of modalities such as mechanical
13 stimulation, heat, cold, light, air, water, electricity, sound,
14 massage and the use of therapeutic exercises, reconditioning
15 exercise and fitness programs. Athletic training services shall
16 not include surgery, invasive procedures or prescription of any
17 controlled substance.

18 * * *

19 ["Certified athletic trainer." A person who is certified to
20 perform athletic training services by the State Board of
21 Medicine or the State Board of Osteopathic Medicine.]

22 * * *

23 "Licensed athletic trainer." A person who is certified to
24 perform athletic training services by the State Board of
25 Medicine or the State Board of Osteopathic Medicine.

26 * * *

27 "Physically active person." An individual designated by a
28 physician as physically active, including an individual who
29 participates in organized, individual or team sports, athletic
30 games or recreational sport activity or an individual who the

1 physician believes would benefit from athletic training.

2 * * *

3 "Referral." An order from a licensed physician, dentist or
4 podiatrist to [a certified] an athletic trainer for athletic
5 training services. An order may be written or oral, except that
6 an oral order must be reduced to writing within 72 hours of
7 issuance.

8 * * *

9 "Written protocol." A written agreement developed in
10 conjunction with one or more supervising physicians which
11 identifies and is signed by the supervising physician and the
12 [certified] licensed athletic trainer. It describes the manner
13 and frequency in which the [certified] licensed athletic trainer
14 regularly communicates with the supervising physician. It
15 includes standard operating procedures developed in agreement
16 with the supervising physician and [certified] licensed athletic
17 trainer that the [certified] licensed athletic trainer follows
18 when not directly supervised on site by the supervising
19 physician.

20 Section 2. Section 7.1(a), (b), (c), (d) and (f) of the act
21 are amended to read:

22 Section 7.1. Athletic trainers.

23 (a) An athletic trainer [certified] licensed by the board
24 may, under the direction of a physician, podiatrist or dentist,
25 provide athletic training services to a physically active person
26 under the care of a physician, dentist or podiatrist. An
27 athletic trainer [certified] licensed under this section shall
28 refer a physically active person with conditions outside the
29 scope of athletic training services to a physician, dentist or
30 podiatrist.

(b) Any athletic trainer who holds a valid certificate issued by the State Board of Physical Therapy under the act of October 10, 1975 (P.L.383, No.110), known as the "Physical Therapy Practice Act," relating to the practice of athletic training, prior to the effective date of this act shall, on and after the effective date hereof, be deemed to be [certified] licensed by the State Board of Medicine or State Board of Osteopathic Medicine as provided for in this act, unless his or her certification has expired or been revoked prior to the effective date of this act.

(c) An athletic trainer who meets the requirements of this section shall be [certified] licensed, may use the title "athletic trainer" or the abbreviation for the title, ["A.T.C.,"] "A.T.L.," and may perform athletic training services. A person who is not [certified] licensed under this section may not use the designation of [certified] licensed athletic trainer, athletic trainer or any of the listed abbreviations for that title, including ["C.A.T." or "A.T.C.,"] "L.A.T." or "A.T.L.," or any similar designation. This section shall not prohibit any person trained and registered, licensed or certified under any other law from engaging in the registered, licensed or certified practice in which the person is trained.

(d) The State Board of Osteopathic Medicine and the State Board of Medicine shall jointly promulgate regulations which:

(1) establish approved education and training programs for certification; and

(2) define the circumstances and protocol under which a certified athletic trainer may perform athletic training services.

1 [Until such regulations are promulgated by the State Board of
2 Osteopathic Medicine and the State Board of Medicine, the
3 athletic trainer shall be regulated by the regulations, duly
4 promulgated by the State Board of Physical Therapy prior to the
5 enactment of this amendatory act governing the activities of
6 certified athletic trainers, which are not inconsistent with
7 this act.] All references in the current regulations referencing
8 certification or certified athletic trainers shall be deemed to
9 be references to licensure or licensed athletic trainers after
10 the effective date of this act.

11 * * *

12 (f) The State Board of Osteopathic Medicine shall be
13 responsible for the [certification] licensure of athletic
14 trainers. Jurisdiction will be determined by the type of
15 physician who supervises and directs the [certified] licensed
16 athletic trainer. [Certified] Licensed athletic trainers
17 supervised by a doctor of osteopathy shall fall within the
18 jurisdiction of the State Board of Osteopathic Medicine.

19 Section 3. The board shall issue licenses in the course of
20 its normal biannual process. Any athletic trainers with a valid
21 certification prior to the effective date of this act may refer
22 to themselves as licensed athletic trainers upon the effective
23 date of this act, even though the board has not issued a license
24 in lieu of certification.

25 Section 4. This act shall take effect in 30 days.