

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 599 Session of
1999

INTRODUCED BY TOMLINSON, JUBELIRER, MELLOW, BOSCOLA, HELFRICK,
THOMPSON, CONTI, MUSTO, GERLACH, FUMO, WAGNER, KUKOVICH,
WHITE, PUNT AND STOUT, MARCH 15, 1999

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
JUNE 12, 2000

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," providing for certification of athletic
10 trainers by the State Board of Medicine; and making repeals.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of December 20, 1985
14 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
15 amended by adding definitions to read:

16 Section 2. Definitions.

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

20 * * *

21 "ATHLETE." AN INDIVIDUAL WHO PARTICIPATES IN INDIVIDUAL OR

<—

1 TEAM SPORTS, ATHLETIC GAMES OR RECREATIONAL SPORT ACTIVITY.

2 "Athletic training services." The planning, coordination and
3 supervision of health care for ~~physically active persons~~ AN <—
4 ATHLETE OR OTHER PERSON with the direction of a licensed
5 physician. The term includes the rendering of emergency care,
6 development of injury prevention programs and providing
7 ~~assistive~~ APPROPRIATE PREVENTATIVE AND SUPPORTING devices for <—
8 the ~~physically active~~ ATHLETE OR OTHER person. The term also <—
9 includes the assessment, management, treatment, rehabilitation
10 and reconditioning of the physically active persons whose
11 conditions are within the professional preparation and education
12 of a certified athletic trainer, INCLUDING, BUT NOT LIMITED TO, <—
13 THE USE OF MODALITIES SUCH AS; MECHANICAL STIMULATION, HEAT,
14 COLD, LIGHT, AIR, WATER, ELECTRICITY, SOUND, MASSAGE, AND THE
15 USE OF THERAPEUTIC EXERCISES, RECONDITIONING EXERCISE, AND
16 FITNESS PROGRAMS. ATHLETIC TRAINING SERVICES SHALL NOT INCLUDE
17 SURGERY, INVASIVE PROCEDURES OR PRESCRIPTION OF ANY CONTROLLED
18 SUBSTANCE.

19 * * *

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

23 * * *

24 "Direction." Supervision over the actions of a certified
25 athletic trainer via referral by prescription to treat
26 conditions for a physically active person from a licensed
27 physician, dentist or podiatrist or written protocol approved by
28 a supervising physician, dentist or podiatrist, except that the
29 physical presence of the supervising physician, dentist or
30 podiatrist is not required if the supervising physician, dentist

1 or podiatrist is readily available for consultation by direct
2 communication, radio, telephone, facsimile, telecommunications
3 or via other electronic means.

4 * * *

5 ~~"Physically active person." An individual who exercises,~~ <—
6 ~~participates in individual or team sports, athletic games or~~
7 ~~recreational activity, which require any of the physical~~
8 ~~attributes of strength, power, agility, flexibility, speed or~~
9 ~~stamina or is identified by a licensed physician as benefiting~~
10 ~~from athletic training services.~~

11 * * *

12 ~~"Referral." A written or oral AN order from a licensed~~ <—
13 ~~physician, dentist or podiatrist to a certified athletic trainer~~
14 ~~for athletic training services FOR AN ATHLETE OR OTHER PERSON.~~ <—
15 ~~AN ORDER MAY BE WRITTEN OR ORAL, EXCEPT THAT AN ORAL ORDER MUST~~
16 ~~BE REDUCED TO WRITING WITHIN 72 HOURS OF ISSUANCE.~~

17 * * *

18 ~~"Written protocol." A written agreement FOR USE WITH AN~~ <—
19 ~~ATHLETE DEVELOPED IN CONJUNCTION with one or more supervising~~
20 ~~physicians which identifies and is signed by the supervising~~
21 ~~physician and the certified athletic trainer. It describes the~~
22 ~~manner and frequency in which the certified athletic trainer~~
23 ~~regularly communicates with the supervising physician. It~~
24 ~~includes standard operating procedures, developed in agreement~~
25 ~~with the supervising physician and certified athletic trainer,~~
26 ~~that the certified athletic trainer follows when not directly~~
27 ~~supervised on-site by the supervising physician.~~

28 Section 2. Section 3(a) of the act, amended July 2, 1993
29 (P.L.424, No.60), is amended to read:

30 Section 3. State Board of Medicine.

1 (a) Establishment.--The State Board of Medicine shall
2 consist of the commissioner or his designee, the Secretary of
3 Health or his designee, two members appointed by the Governor
4 who shall be persons representing the public at large and seven
5 members appointed by the Governor, six of whom shall be medical
6 doctors with unrestricted licenses to practice medicine and
7 surgery in this Commonwealth for five years immediately
8 preceding their appointment and one who shall be a nurse
9 midwife, physician assistant, certified registered nurse
10 practitioner [or], respiratory care practitioner or certified
11 athletic trainer licensed or certified under the laws of this
12 Commonwealth. All professional and public members of the board
13 shall be appointed by the Governor, with the advice and consent
14 of a majority of the members elected to the Senate.

15 * * *

16 Section 3. The act is amended by adding a section to read:
17 Section 51.1. Athletic trainers.

18 (a) General rule.--An athletic trainer certified by the
19 board may, under the direction of a physician, podiatrist or
20 dentist, provide athletic training services to a physically
21 active person under the care of a physician, dentist or
22 podiatrist. An athletic trainer certified under this section
23 shall refer a ~~physically active~~ ANY person with conditions <—
24 HEALTH CARE PROBLEMS outside the scope of athletic training <—
25 services to a physician, dentist or podiatrist.

26 (b) Temporary certifications.--Any athletic trainer who
27 holds a valid certificate issued by the State Board of Physical
28 Therapy under the act of October 10, 1975 (P.L.383, No.110),
29 known as the Physical Therapy Practice Act, relating to the
30 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 by the State Board of Medicine or State Board of Osteopathic Medicine as provided for in this act.

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

(d) Regulations.--The State Board of Medicine and State Board of Osteopathic Medicine shall promulgate regulations which define the circumstances and protocol under which a certified athletic trainer may perform athletic training services. Until such regulations are promulgated by the State Board of Medicine and State Board of Osteopathic Medicine, the athletic trainer shall be regulated by the regulations, duly promulgated by the State Board of Physical Therapy prior to the enactment of this amendatory act governing the activities of certified athletic trainers, which are not inconsistent with this act.

(e) Doctors of Osteopathic Medicine.--Notwithstanding any provision of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, to the contrary, doctors of osteopathic medicine may supervise and direct the activities of athletic trainers to the same extent as physicians

1 regulated by the act of December 20, 1985 (P.L.457, No.112),
2 known as the Medical Practice Act of 1985, may direct activities
3 pursuant to this act.

4 (f) Jurisdiction.--The State Board of Medicine and the State
5 Board of Osteopathic Medicine shall be responsible for the
6 certification of all athletic trainers. Jurisdiction will be
7 determined by the type of physician who supervises and directs
8 the certified athletic trainer. Certified athletic trainers
9 supervised by physicians regulated by the Medical Practice Act
10 of 1985 shall fall within the jurisdiction of the State Board of
11 Medicine. Certified athletic trainers supervised by a doctor of
12 osteopathy shall fall within the jurisdiction of the State Board
13 of Osteopathic Medicine.

14 SECTION 4. NOTHING IN THIS ACT SHALL BE CONSTRUED TO PREVENT <—
15 A LICENSED PHYSICAL THERAPIST FROM ANY PRACTICE AUTHORIZED BY
16 THE ACT OF OCTOBER 10, 1975 (P.L.383, NO.110), KNOWN AS THE
17 PHYSICAL THERAPY PRACTICE ACT.

18 Section 4 5. The following acts and parts of acts are <—
19 repealed insofar as they are inconsistent with this act:

20 The act of October 10, 1975 (P.L.383, No.110), known as the
21 Physical Therapy Practice Act.

22 The act of October 5, 1978 (P.L.1109, No.261), known as the
23 Osteopathic Medical Practice Act.

24 Section 5 6. This act shall take effect in 60 days. <—