

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

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 20, 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 an athlete or other person with~~
4 ~~the direction of a licensed physician. The term includes the~~
5 ~~rendering of emergency care,~~

6 "ATHLETIC TRAINING SERVICES." THE MANAGEMENT AND PROVISION <—
7 OF CARE OF INJURIES TO A PHYSICALLY ACTIVE PERSON AS DEFINED IN
8 THIS ACT, WITH THE DIRECTION OF A LICENSED PHYSICIAN. THE TERM
9 INCLUDES THE RENDERING OF EMERGENCY CARE, development of injury

10 prevention programs and providing appropriate preventative and
11 supporting devices for the athlete or other PHYSICALLY ACTIVE <—
12 person. The term also includes the assessment, management,
13 treatment, rehabilitation and reconditioning of the physically
14 active persons whose conditions are within the professional
15 preparation and education of a certified athletic trainer.

16 ~~including, but not limited to,~~ THE TERM ALSO INCLUDES the use of <—
17 modalities such as; mechanical stimulation, heat, cold, light,
18 air, water, electricity, sound, massage, and the use of
19 therapeutic exercises, reconditioning exercise, and fitness
20 programs. Athletic training services shall not include surgery,
21 invasive procedures or prescription of any controlled substance.

22 * * *

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

26 * * *

27 "Direction." Supervision over the actions of a certified
28 athletic trainer via referral by prescription to treat
29 conditions for a physically active person from a licensed
30 physician, dentist or podiatrist or written protocol approved by

1 a supervising physician, dentist or podiatrist, except that the
2 physical presence of the supervising physician, dentist or
3 podiatrist is not required if the supervising physician, dentist
4 or podiatrist is readily available for consultation by direct
5 communication, radio, telephone, facsimile, telecommunications
6 or via other electronic means.

7 * * *

8 "PHYSICALLY ACTIVE PERSON." AN INDIVIDUAL WHO PARTICIPATES <—
9 IN ORGANIZED INDIVIDUAL OR TEAM SPORTS, ATHLETIC GAMES OR
10 RECREATIONAL SPORT ACTIVITY.

11 "Referral." An order from a licensed physician, dentist or <—
12 podiatrist, PODIATRIST OR PHYSICAL THERAPIST to a certified <—
13 athletic trainer for athletic training services. for an athlete <—
14 or other person. An order may be written or oral, except that an
15 oral order must be reduced to writing within 72 hours of
16 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 any person with health care problems outside the~~ <—
24 ~~scope of athletic training~~ SHALL REFER A PHYSICALLY ACTIVE <—
25 PERSON WITH CONDITIONS OUTSIDE THE SCOPE OF ATHLETIC TRAINING
26 services to a physician, dentist or podiatrist.

27 (b) Temporary certifications.--Any athletic trainer who
28 holds a valid certificate issued by the State Board of Physical
29 Therapy under the act of October 10, 1975 (P.L.383, No.110),
30 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 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

1 activities of athletic trainers to the same extent as physicians
2 regulated by the act of December 20, 1985 (P.L.457, No.112), <—
3 known as the Medical Practice Act of 1985 OCTOBER 5, 1978 <—
4 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC MEDICAL PRACTICE
5 ACT, may direct activities pursuant to this act.

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

16 Section 4. Nothing in this act shall be construed to prevent
17 a licensed physical therapist from any practice authorized by
18 the act of October 10, 1975 (P.L.383, No.110), known as the
19 Physical Therapy Practice Act.

20 SECTION 4. THE PRACTICE OF ATHLETIC TRAINING SHALL NOT <—
21 INCLUDE THE PRACTICE OF PHYSICAL THERAPY AS DEFINED BY THE ACT
22 OF OCTOBER 10, 1975 (P.L.383, NO.110), KNOWN AS THE PHYSICAL
23 THERAPY PRACTICE ACT, HOWEVER, THAT EXCLUSION SHALL NOT OPERATE
24 TO PROHIBIT THE RENDERING OF ATHLETIC TRAINING SERVICES AS
25 DEFINED IN THE ACT.

26 Section 5. The following acts and parts of acts are repealed
27 insofar as they are inconsistent with this act:

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

30 The act of October 5, 1978 (P.L.1109, No.261), known as the

1 Osteopathic Medical Practice Act.

2 Section 6. This act shall take effect in 60 days.