

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 957** Session of  
2011

INTRODUCED BY TOMLINSON, ARGALL, ALLOWAY, M. WHITE, FARNESE,  
BOSCOLA AND FERLO, MAY 3, 2011

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 2011

## 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, for State Board  
6 of Osteopathic Medicine, for athletic trainers and for  
7 reasons for refusal, revocation or suspension of license.

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

10 Section 1. The definitions of "athletic training services,"  
11 "board-regulated practitioner," "certified athletic trainer,"  
12 "direction," "referral" and "written protocol" in section 2 of  
13 the act of October 5, 1978 (P.L.1109, No.261), known as the  
14 Osteopathic Medical Practice Act, amended or added December 10,  
15 2001 (P.L.863, No.93) and July 4, 2008 (P.L.589, No.46), are  
16 amended and the section is amended by adding a definition to  
17 read:

18 Section 2. Definitions.

19 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the  
2 meanings given to them in this section:

3 \* \* \*

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

20 \* \* \*

21 "Board-regulated practitioner." An osteopathic physician,  
22 physician assistant, respiratory therapist or [certified]  
23 licensed athletic trainer or an applicant for a license or  
24 certificate issued by the board.

25 \* \* \*

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

29 \* \* \*

30 "Direction." Supervision over the actions of a [certified]

1 licensed athletic trainer via referral by prescription to treat  
2 conditions for a physically active person from a licensed  
3 physician, dentist or podiatrist or written protocol approved by  
4 a supervising physician, dentist or podiatrist, except that the  
5 physical presence of the supervising physician, dentist or  
6 podiatrist is not required if the supervising physician, dentist  
7 or podiatrist is readily available for consultation by direct  
8 communication, radio, telephone, facsimile, telecommunications  
9 or via other electronic means.

10 \* \* \*

11 "Licensed athletic trainer." A person who is licensed to  
12 perform athletic training services by the State Board of  
13 Medicine or the State Board of Osteopathic Medicine.

14 \* \* \*

15 "Referral." An order from a licensed physician, dentist or  
16 podiatrist to a [certified] licensed athletic trainer for  
17 athletic training services. An order may be written or oral,  
18 except that an oral order must be reduced to writing within 72  
19 hours of issuance.

20 \* \* \*

21 "Written protocol." A written agreement developed in  
22 conjunction with one or more supervising physicians which  
23 identifies and is signed by the supervising physician and the  
24 [certified] licensed athletic trainer. It describes the manner  
25 and frequency in which the [certified] licensed athletic trainer  
26 regularly communicates with the supervising physician. It  
27 includes standard operating procedures developed in agreement  
28 with the supervising physician and [certified] licensed athletic  
29 trainer that the [certified] licensed athletic trainer follows  
30 when not directly supervised on site by the supervising

1 physician.

2 Section 2. Section 2.1(a) of the act, amended July 4, 2008  
3 (P.L.589, No.46), is amended to read:

4 Section 2.1. State Board of Osteopathic Medicine.

5 (a) The State Board of Osteopathic Medicine shall consist of  
6 the Commissioner of Professional and Occupational Affairs or his  
7 designee; the Secretary of Health or his designee; two members  
8 appointed by the Governor who shall be persons representing the  
9 public at large; one member appointed by the Governor who shall  
10 be a respiratory therapist, a perfusionist, a physician  
11 assistant or a [certified] licensed athletic trainer; and six  
12 members appointed by the Governor who shall be graduates of a  
13 legally incorporated and reputable college of osteopathic  
14 medicine and shall have been licensed to practice osteopathic  
15 medicine under the laws of this Commonwealth and shall have been  
16 engaged in the practice of osteopathy in this Commonwealth for a  
17 period of at least five years. All professional and public  
18 members of the board shall be appointed by the Governor with the  
19 advice and consent of a majority of the members elected to the  
20 Senate. The Governor shall assure that respiratory therapists,  
21 perfusionists, physician assistants and [certified] licensed  
22 athletic trainers are appointed to four-year terms on a rotating  
23 basis.

24 Section 3. Section 7.1 of the act, added December 10, 2001  
25 (P.L.863, No.93), is amended to read:

26 Section 7.1. Athletic trainers.

27 (a) An athletic trainer [certified] licensed by the board  
28 may, under the direction of a physician, podiatrist or dentist,  
29 provide athletic training services to a physically active person  
30 under the care of a physician, dentist or podiatrist. An

1 athletic trainer [certified] licensed under this section shall  
2 refer a physically active person with conditions outside the  
3 scope of athletic training services to a physician, dentist or  
4 podiatrist.

5 [(b) Any athletic trainer who holds a valid certificate  
6 issued by the State Board of Physical Therapy under the act of  
7 October 10, 1975 (P.L.383, No.110), known as the "Physical  
8 Therapy Practice Act," relating to the practice of athletic  
9 training, prior to the effective date of this act shall, on and  
10 after the effective date hereof, be deemed to be certified by  
11 the State Board of Medicine or State Board of Osteopathic  
12 Medicine as provided for in this act.]

13 (b.1) Transitional rule.--

14 (1) Any athletic trainer who holds a valid certificate  
15 issued by the board or the State Board of Medicine, relating  
16 to the practice of athletic training, prior to the effective  
17 date of this subsection shall, on or after the effective date  
18 of this subsection, be deemed to be licensed by the board or  
19 the State Board of Medicine as provided in this act.

20 (2) Paragraph (1) shall not apply in the case of a  
21 certification that was expired or revoked prior to the  
22 effective date of this subsection.

23 (c) An athletic trainer who meets the requirements of this  
24 section shall be [certified] LICENSED, may use the title ←  
25 "athletic trainer" or the abbreviation for the title,  
26 ["A.T.C.,"] "A.T.L.," and may perform athletic training  
27 services. A person who is not [certified] licensed under this  
28 section may not use the designation of [certified] licensed  
29 athletic trainer, athletic trainer or any of the listed  
30 abbreviations for that title, including ["C.A.T." or "A.T.C.,"]

1 "L.A.T." or "A.T.L.," or any similar designation. This section  
2 shall not prohibit any person trained and licensed or certified  
3 under any other law from engaging in the licensed or certified  
4 practice in which the person is trained.

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

7 (1) establish approved education and training programs  
8 for [certification] licensure; and

9 (2) define the circumstances and protocol under which a  
10 [certified] licensed athletic trainer may perform athletic  
11 training services.

12 [Until such regulations are promulgated by the State Board of  
13 Osteopathic Medicine and the State Board of Medicine, the  
14 athletic trainer shall be regulated by the regulations, duly  
15 promulgated by the State Board of Physical Therapy prior to the  
16 enactment of this amendatory act governing the activities of  
17 certified athletic trainers, which are not inconsistent with  
18 this act.]

19 (e) Notwithstanding any provision of this act to the  
20 contrary, doctors of medicine may supervise and direct the  
21 activities of athletic trainers to the same extent as physicians  
22 regulated by this act.

23 (f) The State Board of Osteopathic Medicine shall be  
24 responsible for the [certification] licensure of athletic  
25 trainers. Jurisdiction will be determined by the type of  
26 physician who supervises and directs the [certified] licensed  
27 athletic trainer. [Certified] Licensed athletic trainers  
28 supervised by a doctor of osteopathy shall fall within the  
29 jurisdiction of the State Board of Osteopathic Medicine.

30 Section 4. Section 15(b) of the act, amended July 4, 2008

1 (P.L.589, No.46), is amended to read:

2 Section 15. Reasons for refusal, revocation or suspension of  
3 license.

4 \* \* \*

5 (b) The board shall have authority to refuse, revoke or  
6 suspend the license of a physician assistant [or], respiratory  
7 therapist, or [the certification of a certified] athletic  
8 trainer for any or all of the following reasons:

9 (1) Failing to demonstrate the qualification for  
10 licensure or certification contained in this act or  
11 regulations of the board.

12 (2) Making misleading, deceptive, untrue or fraudulent  
13 representations in his serving as a physician assistant;  
14 practicing fraud or deceit in obtaining a license to serve as  
15 a physician assistant; or making a false or deceptive  
16 biennial registration with the board.

17 (3) Conviction of a felony in this Commonwealth or any  
18 other state, territory or country. Conviction as used in this  
19 paragraph shall include a finding or verdict of guilt, an  
20 admission of guilt or a plea of nolo contendere, or receiving  
21 probation without verdict, disposition in lieu of trial, or  
22 an Accelerated Rehabilitative Disposition in the disposition  
23 of felony charges.

24 (4) Having his license to serve as a physician assistant  
25 revoked or suspended or having other disciplinary action  
26 taken, or his application for licensure refused, revoked or  
27 suspended by the proper certifying authority of another  
28 state, territory or country.

29 (5) Being unable to serve as a physician assistant with  
30 reasonable skill and safety to the physician's patients by

1 reason of illness, drunkenness, excessive use of drugs,  
2 narcotics, chemicals, or any other type of material, or as a  
3 result of any mental or physical condition.

4 (6) In enforcing paragraph (5), the board shall, upon  
5 probable cause, have authority to compel a physician  
6 assistant to submit to a mental or physical examination by  
7 physicians designated by it. Failure of a physician assistant  
8 to submit to such examination shall constitute an admission  
9 of the allegations against him unless the failure is due to  
10 circumstances beyond his control, consequent upon which a  
11 default and final order may be entered without the taking of  
12 testimony or presentation of evidence. A physician assistant  
13 affected under this paragraph shall at reasonable intervals  
14 be afforded an opportunity to demonstrate that he can resume  
15 the competent assistance of a physician in the physician's  
16 practice of medicine, with reasonable skill and safety to the  
17 physician's patients.

18 (7) Violating a lawful regulation promulgated by the  
19 board or violating a lawful order of the board, previously  
20 entered by the board in a disciplinary proceeding.

21 (8) Knowingly rendering medical care and services except  
22 under the supervision and direction of the supervising  
23 physician.

24 (9) Being guilty of immoral or unprofessional conduct  
25 shall include any departure from, or the failure to conform  
26 to, the standards of acceptable and prevailing practice for  
27 physician assistants, in which proceeding actual injury to a  
28 patient need not be established.

29 \* \* \*

30 Section 5. References to certification or certified athletic



1 trainers contained in regulations promulgated under this act and  
2 in effect on the effective date of this section shall be deemed  
3 to be references to licensure or licensed athletic trainers  
4 after the effective date of this section.

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