

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 967 Session of
2011

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, MAY 24, 2011

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," further providing for definitions and
10 for athletic trainers.

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

13 Section 1. The definitions of "athletic training services,"
14 "certified athletic trainer," "direction," ~~"physically active~~ ←
15 ~~person,"~~ "referral" and "written protocol" in section 2 of the
16 act of December 20, 1985 (P.L.457, No.112), known as the Medical
17 Practice Act of 1985, added December 10, 2001 (P.L.859, No.92),
18 are amended and the section is amended by adding a definition to
19 read:

20 Section 2. Definitions.

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

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

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

24 * * *

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

1 podiatrist is not required if the supervising physician, dentist
2 or podiatrist is readily available for consultation by direct
3 communication, radio, telephone, facsimile, telecommunications
4 or via other electronic means.

5 * * *

6 "Licensed athletic trainer." A person who is licensed to
7 perform athletic training services by the State Board of
8 Medicine or the State Board of Osteopathic Medicine.

9 * * *

10 ~~"Physically active person." An individual designated by a~~ ←
11 ~~physician as physically active, including an individual who~~
12 ~~participates in organized, individual or team sports, athletic~~
13 ~~games or recreational sport activity or an individual who the~~
14 ~~physician believes would benefit from athletic training~~
15 ~~services.~~

16 * * *

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

22 * * *

23 "Written protocol." A written agreement developed in
24 conjunction with one or more supervising physicians which
25 identifies and is signed by the supervising physician and the
26 [certified] licensed athletic trainer. It describes the manner
27 and frequency in which the [certified] licensed athletic trainer
28 regularly communicates with the supervising physician. It
29 includes standard operating procedures developed in agreement
30 with the supervising physician and [certified] licensed athletic

1 trainer that the certified athletic trainer follows when not
2 directly supervised on site by the supervising physician.

3 Section 2. Section 51.1 of the act, added December 10, 2001
4 (P.L.859, No.92), is amended to read:

5 Section 51.1. Athletic trainers.

6 (a) General rule.--An athletic trainer [certified] licensed
7 by the board may, under the direction of a physician, podiatrist
8 or dentist, provide athletic training services to a physically
9 active person under the care of a physician, dentist or
10 podiatrist. An athletic trainer [certified] licensed under this
11 section shall refer a physically active person with conditions
12 outside the scope of athletic training services to a physician,
13 dentist or podiatrist.

14 (b) Temporary [certifications] licenses.--Any athletic
15 trainer who holds a valid certificate issued by the State Board
16 of Physical Therapy under the act of October 10, 1975 (P.L.383,
17 No.110), known as the Physical Therapy Practice Act, relating to
18 the practice of athletic training, prior to the effective date
19 of this act shall, on and after the effective date hereof, be
20 deemed to be [certified] licensed by the State Board of Medicine
21 or State Board of Osteopathic Medicine as provided for in this
22 act.

23 (b.1) Applicability.--Subsection (b) shall not apply in the
24 case of a certification that has expired or been revoked prior
25 to the effective date of this subsection.

26 (c) [Certification] Licensure, title and limitation on
27 practice.--An athletic trainer who meets the requirements of
28 this section shall be [certified] licensed, may use the title
29 "athletic trainer" or the abbreviation for the title,
30 ["A.T.C.,"] "A.T.L.," and may perform athletic training

1 services. A person who is not [certified] licensed under this
2 section may not use the designation of [certified] licensed
3 athletic trainer, athletic trainer or any of the listed
4 abbreviations for that title, including ["C.A.T." or "A.T.C.,"]
5 "L.A.T." or "A.T.L.," or any similar designation. This section
6 shall not prohibit any person trained and licensed or certified
7 under any other law from engaging in the licensed or certified
8 practice in which the person is trained.

9 (d) Regulations.--The State Board of Medicine and the State
10 Board of Osteopathic Medicine shall jointly promulgate
11 regulations which:

12 (1) establish approved education and training programs
13 for [certification] licensure; and

14 (2) define the circumstances and protocol under which a
15 [certified] licensed athletic trainer may perform athletic
16 training services.

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

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

30 (f) Jurisdiction.--The State Board of Medicine shall be

1 responsible for the [certification] licensure of athletic
2 trainers. Jurisdiction will be determined by the type of
3 physician who supervises and directs the [certified] licensed
4 athletic trainer. [Certified] Licensed athletic trainers
5 supervised by physicians regulated by the Medical Practice Act
6 of 1985 shall fall within the jurisdiction of the State Board of
7 Medicine.

8 Section 3. This act shall take effect in 60 days.