

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 CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 19, 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," "referral" and
15 "written protocol" in section 2 of the act of December 20, 1985
16 (P.L.457, No.112), known as the Medical Practice Act of 1985,
17 added December 10, 2001 (P.L.859, No.92), are amended and the
18 section is amended by adding a definition to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

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

8 * * *

9 "Referral." An order from a licensed physician, dentist or
10 podiatrist to a [certified] licensed athletic trainer for
11 athletic training services. An order may be written or oral,
12 except that an oral order must be reduced to writing within 72
13 hours of issuance.

14 * * *

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

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

27 Section 51.1. Athletic trainers.

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

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

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

15 ~~(b.1) Applicability. Subsection (b) shall not apply in the ←
16 case of a certification that has expired or been revoked prior
17 to the effective date of this subsection. ←~~

18 (B.1) TRANSITIONAL RULE.-- ←

19 (1) ANY ATHLETIC TRAINER WHO HOLDS A VALID CERTIFICATE
20 ISSUED BY THE BOARD OR THE STATE BOARD OF OSTEOPATHIC
21 MEDICINE, RELATING TO THE PRACTICE OF ATHLETIC TRAINING,
22 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION SHALL, ON OR
23 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, BE DEEMED TO BE
24 LICENSED BY THE BOARD OR THE STATE BOARD OF OSTEOPATHIC
25 MEDICINE AS PROVIDED IN THIS ACT.

26 (2) PARAGRAPH (1) SHALL NOT APPLY IN THE CASE OF A
27 CERTIFICATION THAT WAS EXPIRED OR REVOKED PRIOR TO THE
28 EFFECTIVE DATE OF THIS SUBSECTION.

29 (c) [Certification] Licensure, title and limitation on
30 practice.--An athletic trainer who meets the requirements of

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

12 (d) Regulations.--The State Board of Medicine and the State
13 Board of Osteopathic Medicine shall jointly promulgate
14 regulations which:

15 (1) establish approved education and training programs
16 for [certification] licensure; and

17 (2) define the circumstances and protocol under which a
18 [certified] licensed athletic trainer may perform athletic
19 training services.

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

27 (e) Doctors of Osteopathic Medicine.--Notwithstanding any
28 provision of the act of October 5, 1978 (P.L.1109, No.261),
29 known as the Osteopathic Medical Practice Act, to the contrary,
30 doctors of osteopathic medicine may supervise and direct the

1 activities of athletic trainers to the same extent as physicians
2 regulated by this act.

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

11 SECTION 3. REFERENCES TO CERTIFICATION OR CERTIFIED ATHLETIC ←
12 TRAINERS CONTAINED IN REGULATIONS PROMULGATED UNDER THE ACT AND
13 IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED
14 TO BE REFERENCES TO LICENSURE OR LICENSED ATHLETIC TRAINERS
15 AFTER THE EFFECTIVE DATE OF THIS SECTION.

16 Section ~~3~~ 4. This act shall take effect in 60 days. ←