

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 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, FOR
10 THE STATE BOARD OF MEDICINE and 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 1. THE DEFINITIONS OF "ATHLETIC TRAINING SERVICES,"
20 "BOARD REGULATED PRACTITIONER," "CERTIFIED ATHLETIC TRAINER,"
21 "DIRECTION," "REFERRAL" AND "WRITTEN PROTOCOL" IN SECTION 2 OF



1 THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE
2 MEDICAL PRACTICE ACT OF 1985, AMENDED OR ADDED DECEMBER 10, 2001
3 (P.L.859, NO.92) AND JULY 4, 2008 (P.L.580, NO.45), ARE AMENDED
4 AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

5 Section 2. Definitions.

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

9 * * *

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

26 * * *

27 "BOARD REGULATED PRACTITIONER." A MEDICAL DOCTOR, MIDWIFE, ←
28 PHYSICIAN ASSISTANT, RESPIRATORY THERAPIST, [CERTIFIED] LICENSED
29 ATHLETIC TRAINER OR DRUGLESS THERAPIST OR AN APPLICANT FOR A
30 LICENSE OR CERTIFICATE THE BOARD MAY ISSUE.

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

4 * * *

5 "Direction." Supervision over the actions of a [certified]
6 licensed athletic trainer via referral by prescription to treat
7 conditions for a physically active person from a licensed
8 physician, dentist or podiatrist or written protocol approved by
9 a supervising physician, dentist or podiatrist, except that the
10 physical presence of the supervising physician, dentist or
11 podiatrist is not required if the supervising physician, dentist
12 or podiatrist is readily available for consultation by direct
13 communication, radio, telephone, facsimile, telecommunications
14 or via other electronic means.

15 * * *

16 "Licensed athletic trainer." A person who is licensed to
17 perform athletic training services by the State Board of
18 Medicine or the State Board of Osteopathic Medicine.

19 * * *

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

25 * * *

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

1 regularly communicates with the supervising physician. It
2 includes standard operating procedures developed in agreement
3 with the supervising physician and [certified] licensed athletic
4 trainer that the [certified] LICENSED athletic trainer follows ←
5 when not directly supervised on site by the supervising
6 physician.

7 SECTION 2. SECTION 3(A) OF THE ACT, AMENDED JULY 4, 2008 ←
8 (P.L.580, NO.45), IS AMENDED TO READ:

9 SECTION 3. STATE BOARD OF MEDICINE.

10 (A) ESTABLISHMENT.--THE STATE BOARD OF MEDICINE SHALL
11 CONSIST OF THE COMMISSIONER OR HIS DESIGNEE, THE SECRETARY OF
12 HEALTH OR HIS DESIGNEE, TWO MEMBERS APPOINTED BY THE GOVERNOR
13 WHO SHALL BE PERSONS REPRESENTING THE PUBLIC AT LARGE AND SEVEN
14 MEMBERS APPOINTED BY THE GOVERNOR, SIX OF WHOM SHALL BE MEDICAL
15 DOCTORS WITH UNRESTRICTED LICENSES TO PRACTICE MEDICINE AND
16 SURGERY IN THIS COMMONWEALTH FOR FIVE YEARS IMMEDIATELY
17 PRECEDING THEIR APPOINTMENT AND ONE WHO SHALL BE A NURSE
18 MIDWIFE, PHYSICIAN ASSISTANT, CERTIFIED REGISTERED NURSE
19 PRACTITIONER, RESPIRATORY THERAPIST, [CERTIFIED] LICENSED
20 ATHLETIC TRAINER OR PERFUSIONIST LICENSED OR CERTIFIED UNDER THE
21 LAWS OF THIS COMMONWEALTH. ALL PROFESSIONAL AND PUBLIC MEMBERS
22 OF THE BOARD SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE
23 AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.

24 Section ~~2~~ 3. Section 51.1 of the act, added December 10, ←
25 2001 (P.L.859, No.92), is amended to read:
26 Section 51.1. Athletic trainers.

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

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

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

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

24 (c) [Certification] Licensure, title and limitation on
25 practice.--An athletic trainer who meets the requirements of
26 this section shall be [certified] licensed, may use the title
27 "athletic trainer" or the abbreviation for the title,
28 ["A.T.C.,"] "A.T.L.," and may perform athletic training
29 services. A person who is not [certified] licensed under this
30 section may not use the designation of [certified] licensed

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

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

10 (1) establish approved education and training programs
11 for [certification] licensure; and

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

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

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

28 (f) Jurisdiction.--The State Board of Medicine shall be
29 responsible for the [certification] licensure of athletic
30 trainers. Jurisdiction will be determined by the type of

1 physician who supervises and directs the [certified] licensed
2 athletic trainer. [Certified] Licensed athletic trainers
3 supervised by physicians regulated by the Medical Practice Act
4 of 1985 shall fall within the jurisdiction of the State Board of
5 Medicine.

6 Section ~~3~~ 4. References to certification or certified ←
7 athletic trainers contained in regulations promulgated under the
8 act and in effect on the effective date of this section shall be
9 deemed to be references to licensure or licensed athletic
10 trainers after the effective date of this section.

11 Section ~~4~~ 5. This act shall take effect in 60 days. ←