

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1160 Session of 2022

INTRODUCED BY BAKER, MUTH, FONTANA, SCHWANK, COLLETT, STEFANO, LAUGHLIN, COSTA AND PHILLIPS-HILL, APRIL 4, 2022

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 22, 2022

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; provided penalties;~~
9 ~~and making repeals," further providing for definitions and~~
10 ~~for athletic trainers; and abrogating a regulation.~~

11 AMENDING THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), <--
12 ENTITLED "AN ACT RELATING TO THE RIGHT TO PRACTICE MEDICINE
13 AND SURGERY AND THE RIGHT TO PRACTICE MEDICALLY RELATED ACTS;
14 REESTABLISHING THE STATE BOARD OF MEDICAL EDUCATION AND
15 LICENSURE AS THE STATE BOARD OF MEDICINE AND PROVIDING FOR
16 ITS COMPOSITION, POWERS AND DUTIES; PROVIDING FOR THE
17 ISSUANCE OF LICENSES AND CERTIFICATES AND THE SUSPENSION AND
18 REVOCATION OF LICENSES AND CERTIFICATES; PROVIDED PENALTIES;
19 AND MAKING REPEALS," FURTHER PROVIDING FOR DEFINITIONS; AND
20 ABROGATING AN INCONSISTENT REGULATION.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 ~~Section 1. The definitions of "athletic training services,"~~ <--
24 ~~"direction" and "physically active person" in section 2 of the~~
25 ~~act of December 20, 1985 (P.L.457, No.112), known as the Medical~~
26 ~~Practice Act of 1985, are amended to read:~~

1 ~~Section 2. Definitions.~~

2 ~~The following words and phrases when used in this act shall~~  
3 ~~have the meanings given to them in this section unless the~~  
4 ~~context clearly indicates otherwise:~~

5 ~~\* \* \*~~

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

23 ~~\* \* \*~~

24 ~~"Direction." Supervision over the actions of a licensed~~  
25 ~~athletic trainer via referral by prescription to treat~~  
26 ~~conditions for [a physically active person] an individual from a~~  
27 ~~licensed physician, dentist or podiatrist or written protocol~~  
28 ~~approved by a supervising physician, dentist or podiatrist,~~  
29 ~~except that the physical presence of the supervising physician,~~  
30 ~~dentist or podiatrist is not required if the supervising~~

1 ~~physician, dentist or podiatrist is readily available for~~  
2 ~~consultation by direct communication, radio, telephone,~~  
3 ~~facsimile, telecommunications or via other electronic means.~~

4 \* \* \*

5 ~~["Physically active person." An individual who participates~~  
6 ~~in organized, individual or team sports, athletic games or~~  
7 ~~recreational sport activity.]~~

8 \* \* \*

9 ~~Section 2. Section 51.1(a) of the act is amended to read:~~  
10 ~~Section 51.1. Athletic trainers.~~

11 ~~(a) General rule. An athletic trainer licensed by the board~~  
12 ~~may, under the direction of a physician, podiatrist or dentist,~~  
13 ~~provide athletic training services to [a physically active~~  
14 ~~person] an individual under the care of a physician, dentist or~~  
15 ~~podiatrist. An athletic trainer licensed under this section~~  
16 ~~shall refer [a physically active person] an individual with~~  
17 ~~conditions outside the scope of athletic training services to a~~  
18 ~~physician, dentist or podiatrist.~~

19 \* \* \*

20 ~~Section 3. The provisions of 49 Pa. Code Ch. 18 Subch. E are~~  
21 ~~abrogated insofar as they are inconsistent with amendment of~~  
22 ~~sections 2 and 51.1(a) of the act.~~

23 ~~Section 4. This act shall take effect immediately.~~

24 SECTION 1. THE DEFINITIONS OF "ATHLETIC TRAINING SERVICES" <--  
25 AND "PHYSICALLY ACTIVE PERSON" IN SECTION 2 OF THE ACT OF  
26 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL  
27 PRACTICE ACT OF 1985, ARE AMENDED TO READ:

28 SECTION 2. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
30 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 \* \* \*

3 "ATHLETIC TRAINING SERVICES."

4 (1) THE MANAGEMENT AND PROVISION OF CARE OF INJURIES TO  
5 A PHYSICALLY ACTIVE PERSON AS DEFINED IN THIS ACT WITH THE  
6 DIRECTION OF A LICENSED PHYSICIAN. THE TERM INCLUDES THE  
7 RENDERING OF EMERGENCY CARE, DEVELOPMENT OF INJURY PREVENTION  
8 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  
13 PREPARATION AND EDUCATION OF A LICENSED ATHLETIC TRAINER. THE  
14 TERM ALSO INCLUDES THE USE OF MODALITIES SUCH AS MECHANICAL  
15 STIMULATION, HEAT, COLD, LIGHT, AIR, WATER, ELECTRICITY,  
16 SOUND, MASSAGE AND THE USE OF THERAPEUTIC EXERCISES,  
17 RECONDITIONING EXERCISE AND FITNESS PROGRAMS.

18 (2) ATHLETIC TRAINING SERVICES SHALL NOT INCLUDE  
19 [SURGERY, INVASIVE PROCEDURES OR PRESCRIPTION OF ANY  
20 CONTROLLED SUBSTANCE] ANY OF THE FOLLOWING:

21 (I) SURGERY.

22 (II) PRESCRIPTION OF ANY CONTROLLED SUBSTANCE.

23 (III) INVASIVE PROCEDURES, EXCEPT AN ATHLETIC  
24 TRAINER LICENSED TO PRACTICE MAY, WITH THE DIRECTION OF A  
25 LICENSED PHYSICIAN, PERFORM THE FOLLOWING INVASIVE  
26 PROCEDURES PURSUANT TO A WRITTEN PROTOCOL:

27 (A) RECTAL THERMOMETRY.

28 (B) INTRAMUSCULAR OR SUBCUTANEOUS MEDICATION  
29 ADMINISTRATION INJECTIONS.

30 (C) AIRWAY ADJUNCTS IN CONFORMITY WITH BASIC

1 LIFE SUPPORT PROTOCOLS AND INSTRUMENTS.

2 (D) CAPILLARY FINGER STICKS FOR THE PURPOSE OF  
3 TESTING BLOOD GLUCOSE LEVELS.

4 (E) NASAL PLUGS.

5 (F) BLISTER AND NAIL CARE.

6 (G) ADMINISTRATION OF NALOXONE.

7 (H) REMOVAL OF SUPERFICIAL FOREIGN BODIES.

8 (I) ANY OTHER PROCEDURES AUTHORIZED BY THE  
9 BOARD.

10 (3) NOTHING IN THIS DEFINITION SHALL BE CONSTRUED TO  
11 REQUIRE A LICENSED PHYSICIAN TO AUTHORIZE A LICENSED ATHLETIC  
12 TRAINER TO PERFORM INVASIVE PROCEDURES.

13 \* \* \*

14 "PHYSICALLY ACTIVE PERSON." AN INDIVIDUAL WHO [PARTICIPATES  
15 IN ORGANIZED, INDIVIDUAL OR TEAM SPORTS, ATHLETIC GAMES OR  
16 RECREATIONAL SPORT ACTIVITY.] ENGAGES IN AN ACTIVITY THAT MAY BE  
17 ASSOCIATED WITH ANY INJURY, DISORDER OR MEDICAL CONDITION WHICH  
18 REQUIRES A LEVEL OF STRENGTH, ENDURANCE, FLEXIBILITY, RANGE OF  
19 MOTION, SPEED OR AGILITY OR COULD RESULT FROM EXERCISE, SPORTS,  
20 RECREATION, WELLNESS OR EMPLOYMENT.

21 \* \* \*

22 SECTION 2. THE PROVISIONS OF 49 PA. CODE CH. 18 SUBCH. E ARE  
23 ABROGATED INsofar AS THEY ARE INCONSISTENT WITH THE AMENDMENT OF  
24 THE DEFINITIONS OF "ATHLETIC TRAINING SERVICES" AND "PHYSICALLY  
25 ACTIVE PERSON" IN SECTION 2 OF THE ACT.

26 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.