

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 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 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 and for athletic~~  
6 ~~trainers; and abrogating a regulation.~~

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

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 ~~Section 1. The definitions of "athletic training services," <--~~  
20 ~~"direction" and "physically active person" in section 2 of the~~  
21 ~~act of October 5, 1978 (P.L.1109, No.261), known as the~~  
22 ~~Osteopathic Medical Practice Act, are amended to read:~~

23 ~~Section 2. Definitions.~~

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

21 ~~\* \* \*~~

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

1 ~~facsimile, telecommunications or via other electronic means.~~

2 \* \* \*

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

6 \* \* \*

7 ~~Section 2. Section 7.1(a) of the act is amended to read:~~

8 ~~Section 7.1. Athletic trainers.~~

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

17 \* \* \*

18 ~~Section 3. The provisions of 49 Pa. Code Ch. 25 Subch. M are~~  
19 ~~abrogated insofar as they are inconsistent with the amendment of~~  
20 ~~sections 2 and 7.1(a) of the act.~~

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

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

26 SECTION 2. DEFINITIONS.

27 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
28 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
29 CONTEXT CLEARLY INDICATES OTHERWISE:

30 \* \* \*

1 "ATHLETIC TRAINING SERVICES."

2 (1) THE MANAGEMENT AND PROVISION OF CARE OF INJURIES TO  
3 A PHYSICALLY ACTIVE PERSON AS DEFINED IN THIS ACT WITH THE  
4 DIRECTION OF A LICENSED PHYSICIAN. THE TERM INCLUDES THE  
5 RENDERING OF EMERGENCY CARE, DEVELOPMENT OF INJURY PREVENTION  
6 PROGRAMS AND PROVIDING APPROPRIATE PREVENTATIVE AND  
7 SUPPORTING DEVICES FOR THE PHYSICALLY ACTIVE PERSON. THE TERM  
8 ALSO INCLUDES THE ASSESSMENT, MANAGEMENT, TREATMENT,  
9 REHABILITATION AND RECONDITIONING OF THE PHYSICALLY ACTIVE  
10 PERSON WHOSE CONDITIONS ARE WITHIN THE PROFESSIONAL  
11 PREPARATION AND EDUCATION OF A LICENSED ATHLETIC TRAINER. THE  
12 TERM ALSO INCLUDES THE USE OF MODALITIES SUCH AS MECHANICAL  
13 STIMULATION, HEAT, COLD, LIGHT, AIR, WATER, ELECTRICITY,  
14 SOUND, MASSAGE AND THE USE OF THERAPEUTIC EXERCISES,  
15 RECONDITIONING EXERCISE AND FITNESS PROGRAMS.

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

19 (I) SURGERY.

20 (II) PRESCRIPTION OF ANY CONTROLLED SUBSTANCE.

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

25 (A) RECTAL THERMOMETRY.

26 (B) INTRAMUSCULAR OR SUBCUTANEOUS MEDICATION  
27 ADMINISTRATION INJECTIONS.

28 (C) AIRWAY ADJUNCTS IN CONFORMITY WITH BASIC  
29 LIFE SUPPORT PROTOCOLS AND INSTRUMENTS.

30 (D) CAPILLARY FINGER STICKS FOR THE PURPOSE OF

1           TESTING BLOOD GLUCOSE LEVELS.

2           (E) NASAL PLUGS.

3           (F) BLISTER AND NAIL CARE.

4           (G) ADMINISTRATION OF NALOXONE.

5           (H) REMOVAL OF SUPERFICIAL FOREIGN BODIES.

6           (I) ANY OTHER PROCEDURES AUTHORIZED BY THE  
7           BOARD.

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

11           \* \* \*

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

19           \* \* \*

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

24           SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.