

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1161 Session of 2022

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

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 21, 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 ~~abrogating an inconsistent regulation.~~

11 AMENDING THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), ENTITLED <--
12 "AN ACT REQUIRING THE LICENSING OF PRACTITIONERS OF
13 OSTEOPATHIC MEDICINE AND SURGERY; REGULATING THEIR PRACTICE;
14 PROVIDING FOR CERTAIN FUNDS AND PENALTIES FOR VIOLATIONS AND
15 REPEALS," FURTHER PROVIDING FOR DEFINITIONS; AND ABROGATING A
16 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 ~~and "physically active person" in section 2 of the act of~~
21 ~~December 20, 1985 (P.L.457, No.112), known as the Medical~~
22 ~~Practice Act of 1985, are amended to read:~~

23 ~~Section 2. Definitions.~~

24 ~~The following words and phrases when used in this act shall~~
25 ~~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.

27 SECTION 1. THE DEFINITIONS OF "ATHLETIC TRAINING SERVICES" <--  
28 AND "PHYSICALLY ACTIVE PERSON" IN SECTION 2 OF THE ACT OF  
29 OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC  
30 MEDICAL PRACTICE ACT, ARE AMENDED AND THE SECTION IS AMENDED BY

1 ADDING A DEFINITION TO READ:

2 SECTION 2. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
4 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
5 MEANINGS GIVEN TO THEM IN THIS SECTION:

6 \* \* \*

7 "ATHLETIC TRAINING SERVICES."

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

22 (2) ATHLETIC TRAINING SERVICES SHALL NOT INCLUDE  
23 [SURGERY, INVASIVE PROCEDURES OR PRESCRIPTION OF ANY  
24 CONTROLLED SUBSTANCE.] ANY OF THE FOLLOWING:

25 (I) SURGERY.

26 (II) PRESCRIPTION OF ANY CONTROLLED SUBSTANCE.

27 (III) INVASIVE PROCEDURES, EXCEPT AN ATHLETIC  
28 TRAINER LICENSED TO PRACTICE MAY, WITH THE DIRECTION OF A  
29 LICENSED PHYSICIAN, PERFORM THE FOLLOWING INVASIVE  
30 PROCEDURES PURSUANT TO A WRITTEN PROTOCOL:

- 1                   (A) RECTAL THERMOMETRY.
- 2                   (B) INTRAMUSCULAR OR SUBCUTANEOUS MEDICATION  
3                   ADMINISTRATION INJECTIONS.
- 4                   (C) AIRWAY ADJUNCTS IN CONFORMITY WITH BASIC  
5                   LIFE SUPPORT PROTOCOLS AND INSTRUMENTS.
- 6                   (D) CAPILLARY FINGER STICKS FOR THE PURPOSE OF  
7                   TESTING BLOOD GLUCOSE LEVELS.
- 8                   (E) NASAL PLUGS.
- 9                   (F) BLISTER AND NAIL CARE.
- 10                   (G) ADMINISTRATION OF NALOXONE.
- 11                   (H) REMOVAL OF SUPERFICIAL FOREIGN BODIES.
- 12                   (I) ANY OTHER PROCEDURES AUTHORIZED BY THE  
13                   BOARD.

14           (3) NOTHING IN THIS DEFINITION SHALL BE CONSTRUED TO  
15           REQUIRE A LICENSED PHYSICIAN TO AUTHORIZE A LICENSED ATHLETIC  
16           TRAINER TO PERFORM INVASIVE PROCEDURES.

17           \* \* \*

18           "INJURY." A MUSCULOSKELETAL OR ORTHOPEDIC INJURY OR OTHER  
19           MEDICAL CONDITION SUFFERED BY A PHYSICALLY ACTIVE PERSON WHERE  
20           PREVENTION, MAINTENANCE AND TREATMENT IS PROVIDED WITHIN THE  
21           ACCEPTABLE STANDARD OF CARE AND EDUCATION FOR AN ATHLETIC  
22           TRAINER.

23           \* \* \*

24           "PHYSICALLY ACTIVE PERSON." AN INDIVIDUAL WHO [PARTICIPATES  
25           IN ORGANIZED, INDIVIDUAL OR TEAM SPORTS, ATHLETIC GAMES OR  
26           RECREATIONAL SPORT ACTIVITY.] ENGAGES IN AN ACTIVITY ASSOCIATED  
27           WITH EXERCISE, SPORTS, RECREATION OR VOCATION THAT REQUIRES A  
28           LEVEL OF STRENGTH, ENDURANCE, FLEXIBILITY, RANGE OF MOTION,  
29           SPEED OR AGILITY.

30           \* \* \*

1 SECTION 2. THE PROVISIONS OF 49 PA. CODE CH. 25 SUBCH. M ARE  
2 ABROGATED INSOFAR AS THEY ARE INCONSISTENT WITH THE AMENDMENT OF  
3 SECTION 2 OF THE ACT.

4 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.