

No. 2011-124

AN ACT

SB 967

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for definitions, for the State Board of Medicine and for athletic trainers.

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

Section 1. The definitions of "athletic training services," "board regulated practitioner," "certified athletic trainer," "direction," "referral" and "written protocol" in section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, amended or added December 10, 2001 (P.L.859, No.92) and July 4, 2008 (P.L.580, No.45), are amended and the section is amended by adding a definition to read:

Section 2. Definitions.

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

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

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"Board regulated practitioner." A medical doctor, midwife, physician assistant, respiratory therapist, **[certified] licensed** athletic trainer or drugless therapist or an applicant for a license or certificate the board may issue.

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

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

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

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

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

Section 2. Section 3(a) of the act, amended July 4, 2008 (P.L.580, No.45), is amended to read:

Section 3. State Board of Medicine.

(a) Establishment.—The State Board of Medicine shall consist of the commissioner or his designee, the Secretary of Health or his designee, two members appointed by the Governor who shall be persons representing the public at large and seven members appointed by the Governor, six of whom shall be medical doctors with unrestricted licenses to practice medicine and surgery in this Commonwealth for five years immediately preceding their appointment and one who shall be a nurse midwife, physician assistant, certified registered nurse practitioner, respiratory therapist, [certified] *licensed* athletic trainer or perfusionist licensed or certified under the laws of this Commonwealth. All professional and public members of the board shall be appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate.

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Section 3. Section 51.1 of the act, added December 10, 2001 (P.L.859, No.92), is amended to read:

Section 51.1. Athletic trainers.

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

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

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

(b.1) Transitional rule.—

(1) Any athletic trainer who holds a valid certificate issued by the board or the State Board of Osteopathic Medicine, relating to the practice of athletic training, prior to the effective date of this subsection shall, on or after the effective date of this subsection, be deemed to be licensed by the board or the State Board of Osteopathic Medicine as provided in this act.

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

(c) [Certification] Licensure, title and limitation on practice.—An athletic trainer who meets the requirements of this section shall be [certified] *licensed*, may use the title "athletic trainer" or the abbreviation for the title, ["A.T.C.,"] "*A.T.L.*," and may perform athletic training services. A person who is not [certified] *licensed* under this section may not use the designation of [certified] *licensed* athletic trainer, athletic trainer or any of the listed abbreviations for that title, including ["C.A.T." or "A.T.C.,"] "*L.A.T.*" or "*A.T.L.*," or any similar designation. This section shall not prohibit any person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(d) Regulations.—The State Board of Medicine and the State Board of Osteopathic Medicine shall jointly promulgate regulations which:

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

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

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

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

(f) Jurisdiction.—The State Board of Medicine shall be responsible for the [certification] *licensure* of athletic trainers. Jurisdiction will be

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

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

Section 5. This act shall take effect in 60 days.

APPROVED—The 22nd day of December, A.D. 2011

TOM CORBETT