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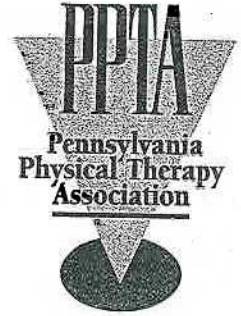
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INDEPENDENT REGULATORY
REVIEW COMMISSION

April 12, 2006

Beth Sender-Michlovitz, Board Counsel
State Board of Osteopathic Medicine
P.O. Box 2649
Harrisburg, PA 17105-2649



Re: Athletic Trainer Proposed Regulations

Dear Ms. Sender-Michlovitz:

I am President of the Pennsylvania Physical Therapy Association ("PPTA"). I am taking this opportunity to respond, on behalf of the PPTA, to the proposed regulations for athletic trainers that appeared in the Pennsylvania Bulletin, Vol. 36, No. 11, on March 18, 2006. While we believe the proposed regulations appear generally to be consistent with the Acts of December 10, 2001 (P.L. 869, No. 92) and (P.L. 863, No. 93) (the "Acts"), the PPTA offers the following comments and recommendations:

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Section 18.502 - Definitions - This section defines a "Standing Written Prescription" which conversely does not appear in the Acts. If this is understood, simply to be part of, or in conjunction with, the "Written Protocol" described in the Acts, as discussed in the proposed regulations, there would seem to be no issue. The issue, however, may be in the frequency that such Standing Prescription or Written Protocol is reviewed or communication takes place between the physician and the athletic trainer. While the Acts appear to leave the frequency up to the supervising physician, the proposed regulations in Section 18.509(c) states that the "Standing Written Prescription or Protocol" "shall" be obtained and reviewed only "annually". The PPTA believes that such review, depending on the level of care or services being rendered by the athletic trainer, should be reviewed more frequently than annually. The PPTA believes this should take place more frequently despite the standard of 18.509(a)(5) putting the burden on the athletic trainer to consult with the physician on a "new ailment or condition of the physically active person". The PPTA recommends that standards could be established on the frequency of the review by the physician based on the level of care delegated to the athletic trainers by the supervising physician. An annual review of the Standing Prescription or Protocol for all circumstances appears to be inconsistent with the Acts' intent of the prerogative of the physician to direct otherwise and could be problematic to the person receiving the care or services.

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Section 18.503 - Certification Requirement, Subsection (b)(2), while not having a specific basis in the Acts, this provision is reasonably set forth as an exception and permits out-of-state athletic trainers to provide their services only to the members of their team or organization participating in events within the Commonwealth. One recommendation, common in other jurisdictions, would be to have a required notice or registration provision to the State Board if the athletic trainer was required to be in the Commonwealth for an extended time period. There is no objection to 18.503.

Beth Sender-Michlovitz, Board Counsel

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Section 18.507 - Temporary Certification. The Acts set forth temporary certification only for current certified athletic trainers who were certified by the State Board of Physical Therapy on the Acts' effective date(s). While there is no objection to granting a temporary certificate to a graduate of an approved athletic trainer program and who has applied to take the certification examination, the proposed regulations allow for continuation up to a year of the temporary certificate presumably even if the athletic trainer fails the certification examination. The PPTA recommends that the temporary certificate should be revoked upon the failure of the athletic trainer to pass the examination. At the very least, if not revoked, standards should be established when and under what circumstances the temporary certification may be extended upon the failure of the examination.

Thank you for the opportunity to provide a response by the PPTA to the proposed athletic trainer regulations. We are available to answer any questions concerning the PPTA's response.

Sincerely,

PENNSYLVANIA PHYSICAL
THERAPY ASSOCIATION

By: *Geraldine M. Grzybek* / *Ar Ges*

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President

GMG:dms

c: PPTA Board of Directors
Legal Counsel

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