

ALVIN C. BUSH, CHAIRMAN
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JOHN R. MCGINLEY, JR., ESQ.
JOHN F. MIZNER, ESQ.
KIM KAUFMAN, EXECUTIVE DIRECTOR
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417
FAX: (717) 783-2664
irrc@irrc.state.pa.us
<http://www.irrc.state.pa.us>

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 17, 2006

Charles D. Hummer, Jr., M.D., Chairman
State Board of Medicine
2601 North 3rd Street
Harrisburg, PA 17110

Re: Regulation #16A-4915 (IRRC #2527)
State Board of Medicine
Athletic Trainers

Dear Chairman Hummer:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
Honorable Pedro A. Cortes, Secretary, Department of State
Honorable Oliver C. Bullock, Chairman, State Board of Osteopathic Medicine

Comments of the Independent Regulatory Review Commission

on

State Board of Medicine and State Board of Osteopathic Medicine Joint Regulation #16A-4915 (IRRC #2527)

Athletic Trainers

May 17, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the March 18, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Medicine and the State Board of Osteopathic Medicine (Boards) to respond to all comments received from us or any other source.

1. Consistency between regulations. – Reasonableness; Clarity.

The House Professional Licensure Committee (Committee) noted in its comments that there are a number of language inconsistencies between the regulations of the State Board of Medicine and the State Board of Osteopathic Medicine. The Boards should correct these inconsistencies in the final-form regulation.

2. Section 18.503. Certification requirement. – Reasonableness; Clarity.

The Committee recommended that the Board rewrite this section to clarify its intentions. We agree.

More specifically, the Board should amend Subsection (b) to state “Subsection (a) does not preclude.” The Board should then also insert the word “from” between “student” and “practicing” in Subsection (b)(3). This suggestion also applies to Section 25.703.

3. Section 18.504. Application for certification. – Reasonableness; Clarity.

Subsection (b) and Section 25.704(b) state that “To qualify for certification, an applicant... may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.” How will the Board determine that an applicant meets this requirement?

4. Section 18.505. Educational requirements. – Clarity.

Subsection (1)

Subsections 18.505(1) and 25.705(1) contain the phrase “an accredited educational program for athletic trainers” (Emphasis added). Section 25.707 uses the phrase “an accredited education program.” The defined term is “Approved athletic training education programs.”

We have two concerns.

First, the final-form regulation should use the defined term throughout the regulation.

Second, it is unclear who is responsible for accrediting these programs. Which agencies are approved by the Board to accredit these programs?

Subsection (2)

This subsection contains the phrase “Hold or maintain current credentialing... from the BOC or another credentialing body approved by the Board.” The Board indicates that the only current credentialing body approved by the Board is the Board of Certification (BOC). How will applicants be informed if other credentialing bodies become approved by the Board in the future? A similar question applies to Section 25.705.

5. Section 18.507. Temporary certification. – Reasonableness; Clarity.

The Pennsylvania Athletic Trainers Society (PATS) indicated that the reference to CAAHEP is outdated and should be deleted. PATS also indicated that it would be the new accrediting body. The Board should delete the phrase “accredited by the Commission for Accreditation of Allied Health Education Programs (CAAHEP).” The Board should use the defined term “Approved athletic training education programs.”

6. Section 18.508. Renewal of certification. – Reasonableness; Clarity.

Subsection (d)

This subsection establishes a \$5 charge for every month beyond the renewal date to be added to the renewal fee. The Board has indicated that this is a standard fee that is routinely charged under the Fee Act (63 P.S. § 1401-225). A cross-reference to the appropriate section of the Fee Act should be added to the final-form regulation.

We also note that this fee is not included in corresponding Section 25.708 in the State Board of Osteopathic Medicine’s regulations. To be consistent, it should be added along with the appropriate cross-reference to the Fee Act.

Subsection (e)

This subsection and all of the subparagraphs under it deal with continuing education requirements and not “Renewal of certification.” These provisions would be clearer if included in a separate section entitled “Continuing education requirements.” The comparable requirements in Section 25.708 (b) should also be included in a separate section.

7. Section 18.509. Practice standards for athletic trainers. – Reasonableness; Clarity.

Subsection (a)(3)

This subsection requires a review of the medical exam by a licensed physician. The Committee questions whether this provision should also reference dentists and podiatrists since they may also refer patients. We agree, and note that the corresponding section in Chapter 25 incorporates dentists and podiatrists.

Subsection (c)

The Pennsylvania Physical Therapists Association recommends that the review of the “written protocol” should occur more frequently than annually. How did the Board determine that an annual review is appropriate? A similar concern applies to Section 25.709(c).

Facsimile Cover Sheet

Kristine M. Shomper
Administrative Officer



Phone: (717) 783-5419
Fax #: (717) 783-2664
E-mail: kriss@irrc.state.pa.us
Website: www.irrc.state.pa.us

INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

To: *Cynthia Montgomery*
~~Suzanne Hoy~~
Agency: Department of State
Licensing Boards and Commissions
Phone: 7-2628
Fax: 7-0251
Date: **May 17, 2006**
Pages: **4**

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Medicine regulation #16A-4915 (IRRC #2527). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:

Cynthia K. Montgomery

Date:

5/17/06