

Regulatory Analysis Form

This space for use by IRRC

(1) Agency
Department of State, Bureau of Professional and Occupational
Affairs, State Board of Physical Therapy

2008 FEB 27 AM 9:55

INDEPENDENT REGULATORY
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)
16A-6512

IRRC Number: 2679

(3) Short Title
Deletion of Athletic Trainer Regulations

(4) PA Code Cite
49 Pa. Code, Chapter 40
Subchapter B

(5) Agency Contacts & Telephone Numbers
Primary Contact: Beth Sender Michlovitz, Counsel
State Board of Physical Therapy
(717)783-7200
Secondary Contact: Joyce McKeever, Deputy Chief
Counsel, Regulatory Review
(717)783-7200

(6) Type of Rulemaking (check one)
 Proposed Rulemaking
 Final Order Adopting Regulation
 Final, Proposed Omitted

(7) Is a 120-Day Emergency Certification
Attached?
 No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The amendments delete in its entirety Subchapter B, §§ 40.71 – 40.75, 40.81 – 40.88, 40.101 – 40.103, 40.121 and 40.131 (relating to athletic trainers).

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The amendments are required due to the repeal of sections 10.1 and 10.2 of the Physical Therapy Practice Act (formerly 63 P.S. §§ 1310.1 and 1310.2) by Acts 92 and 93 of 2001.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The acts of December 10, 2001 (P.L. 859, No. 92) and (P.L. 863, No. 93) (Acts 92 and 93) repealed sections 10.1 and 10.2 of the Physical Therapy Practice Act. Acts 92 and 93 further provided that the regulations in Subchapter B (relating to athletic trainers) would continue to govern the activities of athletic trainers until the State Board of Medicine and State Board of Osteopathic Medicine adopted final regulations. Those regulations were published on July 14, 2007, at 37 Pa.B. 3230. Therefore, these regulations must now be deleted.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The State Board of Medicine and State Board of Osteopathic Medicine have adopted regulations governing the activities of athletic trainers pursuant to the mandate of Acts 92 and 93. The Board's regulations in Subchapter B must be deleted to avoid confusion within the regulated community of athletic trainers.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation would leave outdated regulations on the books and lead to confusion within the regulated community of athletic trainers.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The regulated community of athletic trainers and the general public will benefit in that outdated regulations will not continue to be found in the Pennsylvania Code and there will be less confusion.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

The Board has not identified anyone who will be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Athletic trainers will no longer be governed by these outdated regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Board did not elicit input from the public in that the deletion of outdated regulations which have been replaced by regulations of the State Board of Medicine and State Board of Osteopathic Medicine does not require public input. There was significant input in the new regulations by the regulated community through the Pennsylvania Athletic Trainers' Association (PATs).

Regulatory Analysis Form

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no costs or savings to the regulated community associated with the rulemaking. No legal, accounting or consulting procedures are implicated in the deletion of outdated/superseded regulations.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by the regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will not incur an increase in administrative costs by implementing the regulation.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue						

(20a) Explain how the cost estimates listed above were derived.

There are no costs, savings or revenue anticipated by the regulations.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
State Board of Physical Therapy	\$268,110.98	\$259,358.51	\$206,679.59	\$287,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The amendments to the existing regulations are required to delete outdated/superseded regulations from the Pennsylvania Code. There are no adverse effects or costs.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered because it is necessary to remove existing regulations from Chapter 40 that are outdated and have been superseded by regulations of the State Board of Medicine and State Board of Osteopathic Medicine.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

There are no federal licensure standards.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation will not put Pennsylvania licensees at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. The regulation is intended only to delete outdated regulations of the State Board of Physical Therapy.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews regulatory proposals at regularly scheduled public meetings. A list of scheduled Board meetings may be found at www.dos.state.pa.us.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No changes to reporting, record keeping, or other paperwork is required by this regulation.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication of Final Rulemaking in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The Board reviews the effectiveness of its regulations on an ongoing basis, however, because the Board is deleting these outdated regulations, there will be no need for continual review.

RECEIVED

2008 FEB 27 AM 9:55

INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

#2679

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive of Independent Agencies

State Board of Physical Therapy
(AGENCY)

BY: Andrew C. Clark

BY: _____
(DEPUTY ATTORNEY GENERAL)

DOCUMENT/FISCAL NOTE NO. 16A-6512

JAN 16 2008

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

BY: Charles E. Meacci
Charles E. Meacci, PT

(Deputy General Counsel
~~Chief Counsel,~~
~~Independent Agency~~
~~Strike inapplicable~~
~~title~~)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable
Copy not approved.
Objections attached.
- Check if applicable. No Attorney
General approval or
objection within 30 day
after submission.

FINAL PROPOSED OMITTED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
49 PA. CODE, CHAPTER 40
SUBCHAPTER B.
DELETION OF ATHLETIC TRAINER REGULATIONS

The State Board of Physical Therapy (Board) hereby deletes Subchapter B, §§ 40.71 – 40.75, 40.81 – 40.88, 40.101 – 40.103, 40.121 and 40.131 (relating to athletic trainers).

Statutory authority

Prior to the adoption of the acts of December 10, 2001 (P.L. 859, No. 92) and (P.L. 863, No. 93) (Acts 92 and 93), the Board regulated athletic trainers under sections 10.1 and 10.2 of the Physical Therapy Practice Act (act) (formerly 63 P.S. § 1310.1 and 1310.2). Acts 92 and 93 repealed those provisions and placed the responsibility for the regulation of athletic trainers with the State Board of Medicine and State Board of Osteopathic Medicine (Boards). Acts 92 and 93 further provided that until those Boards adopted final-form regulations, the regulations in Subchapter B would continue to govern the activities of athletic trainers. On July 14, 2007, the Boards adopted final rulemaking governing athletic trainers. See 37 Pa.B. 3230. Therefore, the regulations of the Board at Subchapter B are no longer necessary and must be deleted in order to avoid confusion.

Omission of Proposed Rulemaking

Under section 204 of the Act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§1201 and 1202) if the Board finds that the criteria of section 204 are met.

Under authority of section 204(3) of the CDL (45 P.S. §1204(3)), proposed rulemaking has been omitted as unnecessary because the amendments are merely deleting outdated regulations that have been replaced by regulations of the State Board of Medicine and the State Board of Osteopathic Medicine adopted on July 14, 2007.

Description of the Amendments

The amendments delete in its entirety Subchapter B, §§ 40.71 – 40.75, 40.81 – 40.88, 40.101 – 40.103, 40.121 and 40.131 (relating to athletic trainers).

Fiscal impact and Paperwork Requirements

The amendment will not have a fiscal impact on, or create additional paperwork for, the regulated community or the political subdivisions of the Commonwealth.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (RRA) (71 P.S. §745.5a(c)), on February 27, 2008, the Board submitted copies of the final rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the Commission submitted a copy of the regulation to the Office of Attorney General under the Commonwealth Attorneys Act (71 P.S. §§732-101-732-506).

Under section 5.1(j.2) of the RRA (71 P.S. §745.5(j.2)), the final rulemaking was approved by the HPLC on _____, 2008, and deemed approved by the SCP/PLC on _____, 2008. Under section 5.1(e) of the RRA (71 P.S. § 745.5a(e)), IRRC met on _____, 2008, and approved the final rulemaking.

Additional Information

For additional information about the final rulemaking, submit inquiries to Beth Michlovitz, Counsel, State Board of Physical Therapy, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The Board finds that:

- (1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL (45 P.S. §§1201 and 1202) has been omitted under the authority of section 204 of the CDL (45 P.S. §1204), because public comment is unnecessary in that the amendment merely deleting outdated regulations that have been invalidated by Acts 92 and 93 of 2001 and regulations of the State Board of Medicine and the State Board of Osteopathic Medicine adopted on July 14, 2007 at 37 Pa.B. 3230.
- (2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the Physical Therapy Practice Act and Acts 92 and 93 of 2001.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board, 49 Pa. Code, Chapter 40, at Subchapter B., §§ 40.71 – 40.75, 40.81 – 40.88, 40.101 – 40.103, 40.121 and 40.131 (relating to athletic trainers) are deleted as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.
- (c) The Board shall certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

Charles E. Meacci, PT
Chairman

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter B. [ATHLETIC TRAINERS] (RESERVED)

[GENERAL PROVISIONS]

§ 40.71. [Purposes] (Reserved).

[The purpose of this subchapter is to implement sections 3(a) and 10.2 of the act (63 P.S. §§ 1303(a) and 1310.2) which were added by section 6 of the act of April 4, 1984 (P. L. 196, No. 41) to provide for the certification of athletic trainers.]

§ 40.72. [Definitions] (Reserved).

[The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Physical Therapy Practice Act (63 P. S. §§ 1301—1313).

Amateur athletic organization—An organization which meets the following criteria:

(i) Has officially designated coaches who have the responsibility for the athletic activities of the organization.

(ii) Has a regular schedule of practices or workouts which are supervised by the officially designated coaches.

(iii) Has an established schedule of competitive events or exhibitions.

(iv) Has a policy requiring documentation of having passed a preparticipation medical examination by a licensed physician as a condition for participation in the athletic activities of the organization, or documentation of having athletes who sustain injuries relating to an athletic event be examined by a physician.

Athletic trainer—A person who has been certified as an athletic trainer under § 40.83 or § 40.84 (relating to Class A certification; and previously issued Class B certificates), and who, under the direction of a licensed physician, dentist or podiatrist, provides athletic training services to athletes who participate in an athletic activity which is conducted by an educational institution, professional athletic organization or amateur athletic organization.

Athletic training—The prevention and management of injuries to athletes in accordance with the classification at which the athletic trainer is certified.

Board—The State Board of Physical Therapy.

CEU—Continuing Education Unit, whereby one unit is granted for every 10 hours of required study.

Class A certification examination—The certification examination prepared and administered by NATA, as revised after 1984.

Committee—The Athletic Trainer Advisory Committee created by section 10.1 of the act (63 P. S. § 1310.1).

Conditioning—Programs designed to enhance an athlete's physiological flexibility, muscle strength and endurance, neuromuscular coordination and cardio-respiratory endurance that will assist in improving performance specific to the sport in which the athlete participates.

Direction—The opportunity or ability of the physician to provide or exercise control over the actions of the athletic trainer except that physical presence of the physician is not required if the physician is readily available for consultation by direct communications, radio, telephone or telecommunications.

NATA—The National Athletic Trainer's Association, Inc.

NATABOC—National Athletic Trainers Board of Certification, Inc.

Physician—A medical doctor or doctor of osteopathy.]

* * * * *

§ 40.74. [Exceptions] (Reserved).

[Nothing in this subchapter shall be construed to prohibit the performance of acts of athletic training by an individual not certified under this subchapter so long as an individual does not represent oneself as a certified athletic trainer and the acts are not otherwise prohibited by law.]

§ 40.75. [Listing of Board-approved programs] (Reserved).

[A current listing of approved athletic training educational programs in this Commonwealth under § 40.83 (relating to Class A certification) will be maintained by the Board.]

[CERTIFICATION]

§ 40.81. [Certification of athletic trainers; practice; names] (Reserved).

(a) Athletic trainers in this Commonwealth will be certified by the Board as follows:

(1) By the issuance of a Class A certificate to an applicant who meets the requirements of certification under § 40.83 (relating to Class A certification).

(2) By the issuance of a temporary certificate to an applicant who meets the requirements under §§ 40.101—40.103 (relating to temporary certificates).

(b) No person may represent himself as a certified athletic trainer in this Commonwealth unless the person is certified by the Board under section 10.2 of the act (63 P. S. § 1310.2) and this subchapter.

(c) No person or business entity may utilize in connection with a business name or activity the words “certified athletic trainer” or “certified athletic training,” the letters “C.A.T” or similar words and related abbreviations which imply that certified athletic training services are being provided unless the services are provided by a certified athletic trainer under the act and this subchapter.]

§ 40.82. [Application for certification] (Reserved).

[The applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria:

- (1) Is at least 20 years of age.
- (2) Is of good moral character.
- (3) Is not addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.
- (4) Has the professional requirements for Class A certification under § 40.83 (relating to Class A certification).]

§ 40.83. [Class A certification] (Reserved).

[An applicant for Class A certification shall submit evidence of meeting one of the following groups of requirements:

- (1) The applicant has accomplished the following:
 - (i) Received a baccalaureate degree from a regionally accredited institution of higher education in the United States.
 - (ii) Has successfully completed the certification examination administered by the NATABOC.
 - (iii) Fulfilled either:

(A) The requirements of an educational program that meets the standards of the NATABOC.

(B) The requirements of an internship route for certification as delineated by the NATABOC.

(2) The applicant holds a valid license, certificate or registration to practice athletic training in another state or territory of the United States or the District of Columbia if:

(i) The requirements for licensure, certification or registration in that jurisdiction were, on the date of issuance, substantially equal to the requirements in paragraph (1).

(ii) The jurisdiction accords similar privileges to persons certified in this Commonwealth.]

§ 40.84. [Previously issued Class B certificates] (Reserved).

[(a) A certified Class B athletic trainer who desires to become a Class A certified athletic trainer who meets the qualifications in § 40.83 (relating to Class A certification) may submit an application to the Board.

(b) Previously issued Class B certificates will remain valid and will be renewable in accordance with § 40.131 (relating to renewal of certificate.)]

§ 40.85. [Class A certification examination] (Reserved).

[(a) *Application procedure.* An applicant applying for Class A certification by examination shall take the Class A certification examination. The applicant shall complete the appropriate application on forms provided by the Board, which will include

an authorization signed by the applicant for the NATA, Board of Certification and the examination service to release scores of the examination to the Board. The appropriate fee in the form of a check or money order shall accompany the application.

(b) *Passing grade.* An applicant shall achieve a passing grade established by the Board on the Class A certification examination.

(c) *Failure and reexamination.* The NATA Board of Certification's policies regarding reexamination will be adopted by the Board.]

* * * * *

§ 40.87. [Scope of duties] (Reserved).

[(a) *Class A certification.* A person holding Class A certification for athletic training may, under the direction of a physician, podiatrist or dentist, provide therapeutic care to injured athletes by utilizing modalities such as heat, light, sound, cold, electricity or mechanical devices; may provide therapeutic exercise; and may:

(1) Prevent injuries to athletes through the administration of conditioning and assessment procedures which determine physical capacity for participation in athletic activities.

(2) Provide emergency care including care of foot and oral trauma within the scope of training and education of the athletic trainer.

(3) Perform tests and measurements within the scope of athletic training necessary to evaluate injuries to athletes.

(4) Provide physical support for athletic activity by utilizing conventions such as braces or tape.

(5) Administer normal exercise for reconditioning an athlete.

(b) *Class B certification.* A person holding Class B certification for athletic training may, under the direction of a physician, podiatrist or dentist, provide the following services:

(1) Prevent injuries to athletes through the administration of conditioning and assessment procedures which determine physical capacity for participation in athletic activities.

(2) Provide emergency care including care of foot and oral trauma within the scope of training and education of the athletic trainer.

(3) Perform tests and measurements within the scope of athletic training necessary to evaluate injuries to athletes.

(4) Provide physical support for athletic activity by utilizing conventions such as braces or tape.

(5) Administer normal exercise for reconditioning an athlete.

(6) Apply cold or superficial heat in the prevention or treatment of injuries.]

§ 40.88. [Direction and standard operating procedures] (Reserved).

[(a) A certified athletic trainer may provide athletic training services only under the direction of a physician, a dentist or a podiatrist for the treatment of conditions that are within the scope of duties of athletic training.

(b) An athletic trainer shall practice in accordance with standard operating procedures developed in agreement with a physician, dentist or podiatrist and an athletic trainer.]

[TEMPORARY CERTIFICATES]

§ 40.101. [Temporary certificates; applicants for examination] (Reserved).

[(a) The Board will issue temporary certificates to applicants who have applied to take the certification examination under § 40.83 (relating to Class A certification), if the applications for temporary certification are made on forms supplied by the Board and if the applicant meets the following requirements:

(1) Fulfills, to the satisfaction of the Board, the requirements to take the examination under § 40.85(a) (relating to Class A certification examination).

(2) Works only under the direct supervision of an athletic trainer who is certified at Class A after receiving a temporary certificate. For the purposes of this paragraph, the term “direct supervision” means the opportunity or ability of the athletic trainer to exercise control over the actions of the temporary certificate holder.

(b) Temporary certificates issued under this section shall expire and be surrendered to the Board immediately upon failure of the first examination. An extension until the

release of the results of the second examination may be granted at the Board's discretion.]

§ 40.102. [Temporary certificates issued at the Board's discretion] (Reserved).

[The Board may issue a temporary certificate to an individual who has applied to be certified under § 40.83 (relating to Class A certification) but whose employment within this Commonwealth begins prior to the time of approval of the endorsement application. A temporary certificate issued under this section will expire 120 days after the date of issuance unless the Board, in its discretion, grants an extension.]

§ 40.103. [Expiration of temporary certificates] (Reserved).

[Upon the expiration of a temporary certificate or upon termination of athletic training activity in this Commonwealth, whichever occurs first, an individual holding a temporary certificate shall immediately return the certificate to the Board.]

[DISCIPLINE]

§ 40.121. [Refusal, suspension or revocation of certificate] (Reserved).

[(a) Under section 10.2(c) of the act (63 P. S. § 1310.2(c)), the Board may refuse to issue a certificate, and after notice and hearing, under subsection (b), may suspend or revoke the certificate of a person who has:

- (1) Exceeded the scope of the duties under § 40.87 (relating to scope of duties).
- (2) Attempted to obtain or obtained certification by fraud or misrepresentation.

(3) Committed an act of gross negligence or gross incompetence or repeated acts of negligence or incompetence in the providing of certified athletic training services.

(4) Been convicted of a felony or of a misdemeanor which relates to the person's suitability for certification as an athletic trainer in a Federal, State, territorial or foreign court of competent jurisdiction. Conviction, as used in this paragraph, includes a finding or verdict of guilt, an admission of guilt or a plea of *nolo contendere*.

(5) Become addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination, if dependence upon the alcohol or drugs continues.

(6) Been found guilty of unprofessional conduct which includes departure from or failure to conform to generally accepted minimum standards of conduct for athletic trainers.

(7) Had a certificate, license or registration to practice athletic training revoked, suspended or refused, or otherwise been subjected to other disciplinary action taken by another state, territory or country, or by the District of Columbia.

(8) Made misleading, deceptive, untrue or fraudulent representations in violation of the act or otherwise in the rendering of certified athletic training services.

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).]

[MAINTENANCE OF CERTIFICATION]

§ 40.131. [Renewal of certificate] (Reserved).

[A certificate other than a temporary certificate issued under this subchapter shall be renewed biennially. The application will be mailed to the most recent address of the certificate holder as it appears on the records of the Board. The certificate holder shall complete the renewal application and return it to the Board with a renewal fee before December 31 of the year in which the application was received. Certificates other than temporary certificates issued under this subchapter shall expire on December 31 of each even-numbered year. Upon receipt of an application and renewal fee, the Board will verify the accuracy of the application and issue to the applicant a certificate of renewal for the next certification period.]

* * * * *

DATE: December 7, 2007

SUBJECT: Final Rulemaking (with Proposed Omitted)
State Board of Physical Therapy
16A-6512: Deletion of Athletic Trainer Regulations

TO: Andrew C. Clark, Deputy General Counsel
Office of General Counsel

FROM: 
Cynthia K. Montgomery, Regulatory Counsel
Department of State

There are no significant legal and policy issues presented by this regulation which amends Chapter 40 to delete Subchapter B relating to Athletic Trainers.

I certify that I have reviewed this regulation for form and legality, that I have discussed any legal and policy issues with the administrative officers responsible for the program, and that all information contained in the Preamble and Annex is correct and accurate.

CKM/pah

PUBLIC COMMENTATORS FOR 16A-6512

There were no public comments received relating to Regulation 16A-6512.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7134

February 27, 2008

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Physical Therapy
16A-6512: Deletion of Athletic Trainer Regulations

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Physical Therapy pertaining to 16A-6512: Deletion of Athletic Trainer Regulations.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Charles E. Meacci

Charles E. Meacci, Chairperson
State Board of Physical Therapy

CEM/BSM:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel & Senior Counsel in Charge
Department of State
Beth Sender Michlovitz, Counsel
State Board of Physical Therapy
State Board of Physical Therapy

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 16A-6512
SUBJECT: DELETION OF ATHLETIC TRAINER REGULATIONS
AGENCY: DEPARTMENT OF STATE
STATE BOARD OF PHYSICAL THERAPY

TYPE OF REGULATION

- Proposed Regulation
Final Regulation
X Final Regulation with Notice of Proposed Rulemaking Omitted
120-day Emergency Certification of the Attorney General
120-day Emergency Certification of the Governor
Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 FEB 27 AM 9:55

RECEIVED

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2/27/08	<u>Susan</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Mike Sturba</u>
2/27/08	<u>Mary Walmer</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert Tomlinson</u>
2/27/08	<u>Kathy Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
2-27-08	<u>M. Mummet</u>	ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)