

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

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

(2) Agency Number: 16A
Identification Number: 16A-4936

IRRC Number: 2987

(3) PA Code Cite: 49 Pa. Code §§ 16.11, 16.13 and 18.501 – 18.511

(4) Short Title: **Athletic Trainer Licensure**

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: **Louis Lawrence Boyle, Assistant Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649 (phone 717-783-7200) (fax 787-0251) llboyle@pa.gov.**

Secondary Contact: **Teresa Lazo, Board Counsel, State Board of Medicine, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649 (phone 717-783-7200) (fax 787-0251) tlazo@pa.gov.**

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
 Final Regulation
 Final Omitted Regulation

- Emergency Certification Regulation;
 Certification by the Governor
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

Act 124 of 2011 replaced references in the act to "certified" athletic trainers with references to "licensed" athletic trainers. The Board now amends its regulations to conform to the act.

(8) State the statutory authority for the regulation. Include specific statutory citation.

The proposed amendments are required to implement the act of December 22, 2011 (P.L. 572, No. 124) (Act 124). Section 51.1(d) of the Medical Practice Act of 1985 (act) (63 P.S. § 422.51a(d)) authorizes the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations relating to athletic trainers. Additionally, section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt regulations reasonably necessary to carry out the purposes of the act.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is required to implement Act 124 of 2011.

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(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to conform the Board's regulations to the terminology used in the amended act.

(11) 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 regulations.

This rulemaking would not be more stringent and would not overlap or conflict with any federal requirements.

(12) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

This rulemaking implements the statutorily-mandated revisions to licensure and would not put Pennsylvania at a competitive disadvantage.

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

This rulemaking would not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Because this rulemaking is merely implementing a change in terminology from "certification" to "licensure" as required by Act 24 of 2011, the Board did not send an exposure draft of the proposed rulemaking or solicit input from interested parties. However, the Board discussed the proposed rulemaking at a public meeting of the Board held on April 24, 2012. Public meetings of the Board are routinely attended by members of the regulated community and their professional associations, including the Pennsylvania Athletic Trainers' Society, which sent a representative to the April 24 meeting. This association contains members that are small businesses.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

There are 2,630 athletic trainers licensed by the State Board of Medicine. According to the Pennsylvania Department of Labor and Industry, the majority of athletic trainers work in general medical and surgical hospitals (24.9%), colleges and universities (19.4%), offices of other health care practitioners (14.2%) and other amusement and recreation industries (10.3%). A minority of athletic trainers work in offices of physicians (5.1%), elementary and secondary schools (3.1%), and 1.7% are self-employed. Finally, athletic trainers also work in outpatient care centers and for spectator sports organizations.

According to the Pennsylvania Athletic Trainers Society, more than 50% of athletic trainers work outside of the traditional school athletic settings. For example, athletic trainers work in physician offices as physician extenders. They also work in rural and urban hospitals, hospital emergency rooms, urgent and ambulatory care centers, military hospitals, rehabilitation clinics, youth leagues, commercial settings and professional sports teams.

Although many of the athletic trainers work in small businesses, the impact on these businesses is neutral because the regulation is merely incorporating the statutory language which changes “certified” athletic trainers to “licensed” athletic trainers.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are 2,630 athletic trainers licensed by the State Board of Medicine, including those who work for small businesses and will be required to comply with the rulemaking.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The effect of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations is neutral because the regulation is merely incorporating the statutory language which changes “certified” athletic trainers to “licensed” athletic trainers.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

No adverse effects or costs have been associated with compliance with the rulemaking. The regulation is needed to conform the regulations to amendments made by Act 124 of 2011. Therefore, the benefits of the regulation outweigh any cost and adverse effects.

(19) 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. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance with the rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to the local governments associated with compliance with the rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with implementation of the rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

This rulemaking would not require any significant additional recordkeeping or other paperwork. The Board has changed language on application forms for athletic trainers from certification to licensure, but this change was minor and was statutorily mandated.

(23) 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:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) 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 Medicine	\$4,798,606.17	\$5,463,665.01	\$5,136,384.60	\$6,948,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The regulation will not have an adverse impact on small businesses (or any other size business for that matter) because the regulation is merely incorporating the statutory language which changes “certified” athletic trainers to “licensed” athletic trainers.

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

No special provisions are required to address any particular group.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Because the final-omitted rulemaking is merely incorporating the statutory language which changes “certified” athletic trainers to “licensed” athletic trainers, no alternative regulatory provisions would accomplish the goals of the regulations.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

There is no impact at all upon small businesses. There are no reporting requirements; no schedules or deadlines; no need to consolidate or simplify; no need to establish different standards for small businesses; and no need to exempt small businesses from compliance with the rulemaking. Because the final-omitted rulemaking is merely incorporating the statutory language which changes “certified” athletic trainers to “licensed” athletic trainers, no regulatory flexibility analysis was necessary.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

This rulemaking is not based upon any scientific data, studies, or references.

(29) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: N/A
- B. The date or dates on which public meetings or hearings will be held: N/A
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: Fall 2012
- D. The expected effective date of the final-form regulation: Fall 2012
- E. The date by which compliance with the final-form regulation will be required: Upon Publication
- F. The date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The remaining board meeting dates in 2012 are as follows: September 11, October 23 and December 5. More information can be found on the Board's website (http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_medicine/12512).

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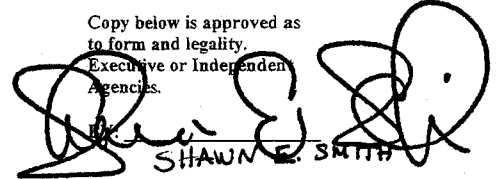
(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

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 or Independent Agencies.



SHAWN E. SMITH

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Medicine
(AGENCY)

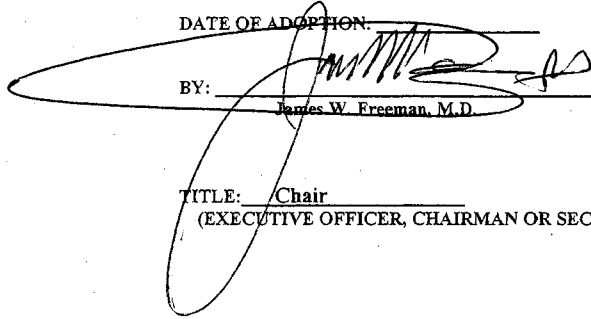
DOCUMENT/FISCAL NOTE NO. 16A-4936

NOV 09 2012

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL



BY: _____
James W. Freeman, M.D.

~~(Executive Deputy General Counsel
Strike inapplicable title)~~

TITLE: Chair
(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 RULEMAKING
(with PROPOSED RULEMAKING OMITTED)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

§§ 16.11, 16.13, 18.501-18.511

ATHLETIC TRAINERS

The State Board of Medicine (Board) hereby amends §§ 16.11, 16.13 and 18.501–18.511 to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final rulemaking in the Pennsylvania Bulletin.

Statutory Authority

The proposed amendments are required to implement the act of December 22, 2011 (P.L. 572, No. 124) (Act 124). Section 51.1(d) of the Medical Practice Act of 1985 (act) (63 P.S. § 422.51a(d)) authorizes the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations relating to athletic trainers. Additionally, section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt regulations reasonably necessary to carry out the purposes of the act.

Omission of Proposed Rulemaking

Under section 204 of the Commonwealth Documents Law (CDL) (45 P.S. § 1204), 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 specified procedures are impracticable, unnecessary or contrary to the public interest.

In this instance, the procedures for proposed rulemaking are unnecessary. The final-omitted rulemaking tracks the amendments in Act 124, changing “certified” to “licensed” athletic trainers and defining the term “licensed athletic trainer” as defined in Act 124. Furthermore, section 4 of Act 124 provides that all references in the current regulations referring to certification or certified athletic trainers shall be deemed to be references to licensure or licensed athletic trainers. Because the rulemakings will not change or interpret the statutory language in any way, notice of proposed rulemaking is unnecessary. The Board is merely updating the regulations to be consistent with the language of the act.

Background and Need for Amendment

Act 124 of 2011 amended the act by replacing references to “certified” athletic trainers with references to “licensed” athletic trainers. The Board now amends its regulations to conform to the act.

Description of Amendments

The Board adds “athletic trainer license” and “biennial registration of athletic trainer license” to the list of licenses it issues under § 16.11(b) and (c) (relating to licenses, certificates and registrations).

The Board adds the word “license” to § 16.13(h) (relating to licensure, certification, examination and registration fees) and amends the reference to “application for certification” to “application” to conform subsection (h) to the format of § 16.13.

The remaining changes are to Subchapter H (relating to athletic trainers). First, the Board changes the word “certification” to “licensure,” the word “certified” to “licensed” and the word “certificate” to “license” throughout the Subchapter.

The Board also amends § 18.502 (relating to definitions) to replace the definition of “certified athletic trainer” with a definition for “licensed athletic trainer.” In § 18.503 (relating to certification requirement), the Board is replacing the abbreviations used by certified athletic trainers, “A.T.C” and “C.A.T.,” with those used by licensed athletic trainers, “A.T.L.” and “L.A.T.” In addition, the Board is deleting § 18.503(c), because Act 124 deleted section 51.1(b) of the act (63 P.S. § 422.51a (b)) which provided a transitional rule for athletic trainers formerly licensed under the Physical Therapy Practice Act (63 P.S. §§ 1301 – 1313).

In §§ 18.506 and 18.507 (relating to examination requirement; and temporary certification), the Board deletes the word “certification” to refer simply to the BOC examination, which is the examination required for licensure.

Where the regulations refer to athletic trainers in other states, the Board uses both terms, “certified” and “licensed” because some states still use the term “certified” to refer to athletic trainers. It is for this reason that both terms appear in § 18.503(b)(1) because athletic trainers from other states may be in Pennsylvania on a visiting basis. Likewise, in § 18.509(a) and (b) (relating to practice standards for athletic trainers), athletic trainers from other states may be in Pennsylvania working with an out-of-state team.

Fiscal Impact

This final rulemaking will not have any fiscal impact on the Commonwealth, the general public or political subdivisions.

Paperwork Requirements

This final rulemaking does not create additional paperwork for the Board, the Board’s licensees or the general public.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (RRA) (71 P.S. § 745.5a(c)), on March 4, 2013, 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 Board 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. § 745.5a(j.2)), the final rulemaking was approved by the HPLC on _____, and deemed approved by the SCP/PLC on _____. Under section 5.1(e) of the RRA (71 P.S. § 745.5a(e)), IRRC met on _____, and approved the final rulemaking.

Additional Information

For additional information about the final rulemaking, interested parties may contact Teresa Lazo, Board Counsel, State Board of Medicine, by mail at P.O. Box 2649, Harrisburg, PA 17105-2649, or by email at tlazo@pa.gov or by telephone at (717) 783-7200. Please reference No. 16A-4936 (athletic trainers), when requesting additional information.

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 due to the fact that this regulation is limited to implementing the statutory requirements, and it does not interpret the statute or make any other changes not authorized under the act.
- (2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

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

- (a) The regulations of the Board at 49 Pa. Code §§ 16.11, 16.13 and 18.501 – 18.511 are amended to read 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*.

James W. Freeman, M.D.
Chair

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE – GENERAL PROVISIONS

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND
REGISTRATION PROVISIONS**

§ 16.11. Licenses, certificates and registrations.

* * * * *

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

* * * * *

(7) Athletic trainer license.

* * * * *

(c) The following registrations are issued by the Board:

* * * * *

(11) Biennial registration of athletic trainer license.

* * * * *

§ 16.13. Licensure, certification, examination and registration fees

* * * * *

(h) *Athletic Trainer License:*

Application [for certification]\$20

* * * * *

**CHAPTER 18. STATE BOARD OF MEDICINE – PRACTITIONERS OTHER THAN
MEDICAL DOCTORS**

Subchapter H. ATHLETIC TRAINERS

§ 18.501. Purpose.

This subchapter implements section 51.1 of the act (63 P. S. § 422.51a) to provide for the [certification] licensure and practice standards of athletic trainers.

§ 18.502. Definitions.

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

* * * * *

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

* * * * *

(ii) 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.

* * * * *

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

Direction—Supervision over the actions of a [certified] licensed athletic trainer by means of 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, 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 by other electronic means.

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

* * * * *

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.

* * * * *

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the [certified] licensed athletic trainer, and describes the manner and frequency in which the [certified] licensed athletic trainer regularly communicates with the supervising physician and 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 onsite by the supervising physician.

§ 18.503. [Certification] Licensure requirement.

(a) A person may not use the title “athletic trainer” or [“certified athletic trainer”] “licensed athletic trainer” or use any abbreviation including “A.T.,” [“A.T.C.” or “C.A.T.”] “A.T.L.” or “L.A.T.” or any similar designation to indicate that the person is an athletic trainer unless that person has been [certified] licensed by the Board.

(b) Except as otherwise provided in this subsection, a person may not perform the duties of an athletic trainer unless that person is [certified] licensed by the Board. This provision is not intended to prevent the following:

* * * * *

(c) [Former athletic training certificateholders certified under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313) prior to July 14, 2007, are deemed certified by the Board.

(d) Athletic training certificateholders certified] Athletic trainers licensed by the State Board of Osteopathic Medicine are deemed [certified] licensed by the Board.

§ 18.504. Application for [certification] licensure.

* * * * *

(b) To qualify for [certification] licensure, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 18.505. Educational requirements.

An applicant for [certification] licensure shall comply with one of the following:

* * * * *

§ 18.506. Examination requirement.

An applicant for a [certificate] license to practice as a [certified] licensed athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC [certification] examination for athletic trainers, or its equivalent as determined by the Board.

§ 18.507. Temporary [certification] licensure.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the [certification] examination may be granted a temporary [certificate]

license to practice athletic training under the onsite direct supervision of a [certified] licensed athletic trainer. The temporary [certification] license expires 1 year from issuance or upon [certification] licensure as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 18.508. Renewal of [certificate] license.

(a) A [certification] license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

* * * * *

(c) To retain the right to engage in practice, the [certificateholder] licensee shall renew [certification] licensure in the manner prescribed by the Board and pay the required fee prior to the expiration of the next biennium.

(d) When a [certification] license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401 - 225).

(e) As a condition of renewal, a [certificateholder] licensee shall comply with the continuing education requirements in § 18.511 (relating to continuing education).

§ 18.509. Practice standards for athletic trainers.

(a) Athletic trainers [certified] licensed by the Board or certified or licensed by the proper licensing authority of another state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or prescription from a licensed physician, dentist or podiatrist or is subject to a written protocol for treatment by a licensed or certified athletic trainer from a licensed physician.

* * * * *

(b) Athletic trainers [certified] licensed by the Board or certified or licensed by the proper licensing authority of another state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, or the standing written prescription or written protocol.

* * * * *

§ 18.510. Refusal, suspension or revocation of [certificate] license.

(a) The Board may refuse to issue a [certificate] license, and after notice and hearing, may suspend or revoke the [certificate] license of a person who is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41) as set forth in § 16.61 (relating to unprofessional and immoral conduct).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a [certificate] license 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).

§ 18.511. Continuing education

* * * * *

(b) Applicants for renewal of a [certificate] license shall provide a signed statement verifying that the continuing education requirement has been met.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1400

March 4, 2013

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Omitted Regulation
State Board of Medicine
16A-4936: Athletic Trainers

Dear Chairman Lutkewitte:

Enclosed is a copy of a final omitted rulemaking package of the State Board of Medicine pertaining to Athletic Trainers.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Behnke".

for
Andrew J. Behnke, M.D., Chairperson
State Board of Medicine

SJG/TL:ld

Enclosure

cc: Katie True, Commissioner
Bureau of Professional and Occupational Affairs
Rebecca Oyler, Director of Policy, Department of State
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Teresa Lazo, Counsel
State Board of Medicine
State Board of Medicine

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-4936
 SUBJECT: ATHLETIC TRAINERS
 AGENCY: DEPARTMENT OF STATE
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
 STATE BOARD OF MEDICINE

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

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
_____	_____	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/4/13	<i>Michele Warren</i>	MAJORITY CHAIR <u>Julie Harhart</u>
_____	_____	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/4/13	<i>May Walmer</i>	MAJORITY CHAIR <u>Robt. M. Tomlinson</u>
3/4/13	<i>X Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
3-4-13	<i>M. Mument</i>	ATTORNEY GENERAL (for Final Omitted only)
_____	_____	LEGISLATIVE REFERENCE BUREAU (for Proposed only)