

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD [ 25 PA. CODE CH. 123 ] Corrective Amendment to 25 Pa. Code § 123.22

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 123.22 (relating to combustion units) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 150, May 1987), and as currently appearing in the *Pennsylvania Code*. The official text omitted the exponent “6” in the heading to the table in subsection (e)(5)(iii).

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 123.22. The corrective amendment to 25 Pa. Code § 123.22 is effective May 9, 1987, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 123.22(e) appears in Annex A, with ellipses referring to the existing text of the regulations.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 123. STANDARDS FOR CONTAMINANTS

#### SULFUR COMPOUND EMISSIONS

#### § 123.22. Combustion units.

\* \* \* \* \*

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

<i>Rated Capacity of Units in 10<sup>6</sup> Btus per hour</i>	<i>Inner Zone</i>	<i>Outer Zone</i>
Less than 250	1.0	1.2
Greater than or equal to 250	0.6	1.2

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

<i>Grades of Commercial Fuel Oil</i>	<i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i>	
	<i>Inner Zone</i>	<i>Outer Zone</i>
No. 2 and lighter (viscosity less than or equal to 5.82cSt)	0.2	0.3
No. 4, No. 5, No. 6 and Heavier (viscosity greater than 5.82cSt)	0.5	1.0

*Maximum Allowable Sulfur Content Beginning July 1, 2016,  
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>500 ppm</i>	<i>(0.05%)</i>
No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Noncommercial fuels.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from a combustion unit using a noncommercial fuel, in excess of the rate of 0.6 pound per million Btu of heat input in the inner zone or 1.2 pounds per million Btu of heat input in the outer zone.

(4) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(5) *Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO<sub>2</sub>, from any combustion unit in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

	<i>Rated Capacity of Unit in 10<sup>6</sup> Btus per Hour</i>	
	<i>Less than 250</i>	<i>Greater than or equal to 250</i>
Thirty-day running average not to be exceeded at any time		
Inner Zone	0.75	0.45
Outer Zone	0.90	0.90
Daily average not to be exceeded more than 2 days in any running 30-day period		
Inner Zone	1.00	0.60
Outer Zone	1.20	1.20
Daily average maximum not to be exceeded at any time		
Inner Zone	1.20	0.72
Outer Zone	1.44	1.44

(iv) A combustion unit not meeting the requirements of § 123.25 for installation and operation of continuous SO<sub>2</sub> emission monitoring equipment is subject to the provisions of paragraph (1).

\* \* \* \* \*

[Pa.B. Doc. No. 13-703. Filed for public inspection April 19, 2013, 9:00 a.m.]

# Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

## STATE BOARD OF MEDICINE [ 49 PA. CODE CHS. 16 AND 18 ] Athletic Trainers

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

### *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

### *Statutory Authority*

The final-omitted rulemaking is 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 regarding 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 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 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 defines the term “licensed athletic trainer” as defined in Act 124. Furthermore, section 4 of Act 124 provides that references in the current regulations referring to certification or certified athletic trainers are deemed to be references to licensure or licensed athletic trainers. Because the final-omitted rulemaking does not change or interpret the statutory language in any way, notice of proposed rulemaking is unnecessary. The Board is updating the regulations to be consistent with the act.

### *Background and Need for Amendment*

Act 124 amended the act by replacing references to “certified” athletic trainers with references to “licensed” athletic trainers. The Board is amending its regulations to conform to the act.

### *Description of Amendments*

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

The Board is adding “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 this section.

The remaining changes are to Chapter 18, Subchapter H (relating to athletic trainers). The Board is changing

“certification” to “licensure,” “certified” to “licensed” and “certificate” to “license” throughout the subchapter.

Section 18.502 (relating to definitions) is amended to replace the definition of “certified athletic trainer” with a definition of “licensed athletic trainer.” In § 18.503 (relating to licensure requirement), the abbreviations used by certified athletic trainers, “A.T.C” and “C.A.T.,” are replaced with those used by licensed athletic trainers, “A.T.L.” and “L.A.T.” In addition, § 18.503(c) is deleted because Act 124 deleted section 51.1(b) of the act, 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 licensure), the Board is deleting “certification” to refer simply to the Board of Certification, Inc. examination, which is the examination required for licensure.

When the regulations refer to athletic trainers in other states, “certified” and “licensed” are used because some states still use the term “certified” to refer to athletic trainers. Therefore, both terms appear in § 18.503(b)(1) because athletic trainers from other states may be in this Commonwealth 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 this Commonwealth working with an out-of-State team.

### *Fiscal Impact*

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

### *Paperwork Requirements*

This final-omitted 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, a sunset date has not been assigned.

### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to 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 regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

### *Additional Information*

For additional information about the final-omitted rulemaking, contact Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, tlazo@pa.gov. When requesting additional information, reference No. 16A-4936 (athletic trainers).

Findings

The Board finds that:

(1) Notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary due to the fact that this final-omitted rulemaking is limited to implementing statutory requirements and it does not interpret the act or make 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, 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.11, 16.13 and 18.501—18.511 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 A 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.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)

Fiscal Note: 16A-4936. No fiscal impact; (8) recommends adoption.

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.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
(2) Institutional license.
(3) Extraterritorial license.
(4) Graduate license.
(5) Temporary license.
(6) Interim limited license.

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

- (1) Nurse-midwife license.
(2) Nurse-midwife certificate of prescriptive authority.
(3) Physician assistant license.
(4) Acupuncturist license.
(5) Practitioner of Oriental medicine license.
(6) Behavior specialist license.
(7) Athletic trainer license.
(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
(2) Biennial registration of a license without restriction.
(3) Biennial registration of an extraterritorial license.
(4) Biennial registration of a midwife license.
(5) Biennial registration of a physician assistant license.
(6) Biennial registration of a drugless therapist license.
(7) Biennial registration of a limited license-permanent.
(8) Biennial registration of an acupuncturist license.
(9) Biennial registration of a practitioner of Oriental medicine license.
(10) Biennial registration of a behavior specialist license.
(11) Biennial registration of athletic trainer license.

§ 16.13. Licensure, certification, examination and registration fees

\* \* \* \* \*

(h) Athletic Trainer License:

Table with 2 columns: Fee type and Amount. Application: \$20, Biennial renewal: \$37

(i) Behavior Specialist License:

\* \* \* \* \*

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 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:

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

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

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.



(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 licensed athletic trainer.

(iii) 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 exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any medication or controlled substance.

**BOC**—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

**Direction**—Supervision over the actions of a 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.

**Physically active person**—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

**Referral**—An order from a licensed physician, dentist or podiatrist to a 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.

**Standing written prescription**—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

**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 licensed athletic trainer, and describes the manner and frequency in which the licensed athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and licensed athletic trainer, that the licensed athletic trainer follows when not directly supervised onsite by the supervising physician.

#### § 18.503. Licensure requirement.

(a) A person may not use the title “athletic trainer” or “licensed athletic trainer” or use any abbreviation including “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 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 licensed by the Board. This provision is not intended to prevent the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth only on a visiting basis, from providing athletic training services, provided the practice of the athletic trainer is limited to the members of the team or organization.

(3) An athletic training student practicing athletic training that is coincidental to required clinical education and is within the scope of the student’s education and training.

(c) Athletic trainers licensed by the State Board of Osteopathic Medicine are deemed licensed by the Board.

#### § 18.504. Application for licensure.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Verification of professional education in athletic training in accordance with § 18.505 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 18.506 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for 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 licensure shall comply with one of the following:

(1) Be a graduate of an approved athletic training education program.

(2) Hold and maintain current credentialing as a certified athletic trainer (ATC) from the BOC or another credentialing body approved by the Board.

#### § 18.506. Examination requirement.

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

#### § 18.507. Temporary licensure.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the examination may be granted a temporary license to practice athletic training under the onsite direct supervision of a licensed athletic trainer. The temporary license expires 1 year from issuance or upon licensure as an athletic trainer by the Board, whichever comes first, and may not be renewed.

#### § 18.508. Renewal of license.

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

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

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

(d) When a 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 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 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.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers 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.

(c) An athletic trainer shall obtain the standing written prescription or protocol annually from the supervising physician and review it at least annually. The standing

written prescription or written protocol shall be retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a standing written prescription or written protocol.

**§ 18.510. Refusal, suspension or revocation of license.**

(a) The Board may refuse to issue a license, and after notice and hearing, may suspend or revoke the 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 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.**

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

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

(c) Proof of completion of the required continuing education shall be retained for at least 2 years after completion.

[Pa.B. Doc. No. 13-704. Filed for public inspection April 19, 2013, 9:00 a.m.]

**STATE BOARD OF MEDICINE  
[ 49 PA. CODE CH. 18 ]  
Certified Registered Nurse Practitioners**

The State Board of Medicine (Board) rescinds Chapter 18, Subchapter C to read as set forth in Annex A.

*Effective Date*

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

The amendments are authorized under section 8 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.8) and sections 2.1(k) and (l) and 8.1—8.3 of The Professional Nursing Law (nursing act) (63 P. S. §§ 212.1(k) and (l) and 218.1—218.3).

*Background and Purpose*

The Board and the State Board of Nursing jointly promulgated regulations regarding certified registered nurse practitioner (CRNP) practice at 30 Pa.B. 5943 (November 18, 2000) under section 15 of the act (63 P. S. § 422.15) that provided for joint regulation of CRNPs by the Board and the State Board of Nursing. Section 15 of

the act was repealed by the act of December 9, 2002 (P. L. 1567, No. 206) (Act 206). The nursing act was amended by Act 206 to provide that the State Board of Nursing would have exclusive jurisdiction over the regulation of CRNPs. The nursing act was further amended by the act of July 20, 2007 (P. L. 318, No. 48) (Act 48). The State Board of Nursing's final-form rulemaking implementing Act 206 and Act 48 was published at 39 Pa.B. 6994 (December 12, 2009).

Because the statutory authority under which the Board regulated the practice of CRNPs was repealed and the State Board of Nursing has adopted regulations which take the place of the jointly promulgated regulations, the Board is rescinding the regulations related to CRNPs.

#### *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 in section of the CDL are met.

The Board's regulations were jointly promulgated under statutory authority that has been repealed to specifically provide that the State Board of Nursing has the sole authority to regulate the practice of CRNPs. Under authority of section 204(3) of the CDL, the Board finds that proposed rulemaking may be omitted as unnecessary because these amendments merely conform the Board's regulations to the applicable statutes by deleting outdated regulations.

#### *Description of Amendments*

The Board is rescinding Chapter 18, Subchapter C.

#### *Fiscal Impact*

The final-omitted rulemaking will not have fiscal impact on the Board, its licensees, the private sector, the general public or political subdivisions.

#### *Paperwork Requirements*

The final-omitted rulemaking will not create additional paperwork for the Board, its licensees, the private sector, the general public or political subdivisions.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to 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 regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

#### *Additional Information*

For additional information about the final-omitted rulemaking, submit inquiries to Teresa Lazo, Counsel, State Board of Medicine, 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 has been omitted under the authority of section 204 of the CDL because public comment is unnecessary in that individuals are not adversely affected by this final-omitted rulemaking that deletes regulations promulgated under the authority of a repealed statute.

(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, 49 Pa. Code Chapter 18, are amended by deleting §§ 18.21, 18.22, 18.31, 18.41, 18.42, 18.51—18.57, 18.61—18.64, 18.71, 18.81, 18.91, 18.101 and 18.111 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 A 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.,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)*

**Fiscal Note:** 16A-4938. No fiscal impact; (8) recommends adoption.

#### **Annex A**

#### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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

#### **Subchapter C. (Reserved)**

Sec.	
18.21.	(Reserved).
18.22.	(Reserved).
18.31.	(Reserved).
18.41.	(Reserved).
18.42.	(Reserved).
18.51—18.57.	(Reserved).
18.61—18.64.	(Reserved).
18.71.	(Reserved).
18.81.	(Reserved).
18.91.	(Reserved).
18.101.	(Reserved).
18.111.	(Reserved).

[Pa.B. Doc. No. 13-705. Filed for public inspection April 19, 2013, 9:00 a.m.]



**STATE BOARD OF OSTEOPATHIC MEDICINE**  
**[ 49 PA. CODE CH. 25 ]**  
**Athletic Trainers**

The State Board of Osteopathic Medicine (Board) amends §§ 25.1, 25.231 and 25.701—25.711 to read as set forth in Annex A. This final-omitted rulemaking conforms the Board's regulations to the amendments to the Osteopathic Medical Practice Act (act) (63 P.S. §§ 271.1—271.18) under the act of December 22, 2011 (P.L. 567, No. 123) (Act 123).

*Effective Date*

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

This final-omitted rulemaking is mandated by the Act 123 amendments to sections 2 and 7.1 of the act (63 P.S. §§ 271.2 and 271.7a). Furthermore, section 16 of the act (63 P.S. § 271.16) authorizes the Board to adopt and revise regulations reasonably necessary to carry out the purposes of the act.

*Omission of Proposed Rulemaking*

Under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL), the Board may omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Board for good cause finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board finds for good cause that publication of this rulemaking as proposed is unnecessary because the regulations are limited to implementing the statutory requirements. This rulemaking does not interpret the act or make changes not contained in Act 123. The Board is required to promulgate these regulations. Therefore, the procedures for making comments are unnecessary.

*Background and Need for Final-Omitted Rulemaking*

Act 123 amended the act to delete references to “certified” athletic trainers and replace them with “licensed” athletic trainers. Furthermore, Act 123 defined the term “licensed athletic trainer,” which appears in § 25.702 (relating to definitions).

The significance of changing “certified” to “licensed” is explained on the web site of the National Athletic Trainer Association Board of Certification, Inc. (BOC). In addition to the information provided in the definition of “BOC” in § 25.702, the BOC was incorporated in 1989 to provide a certification program for entry-level athletic trainers. The BOC establishes and regularly reviews both the standards for the practice of athletic training and the continuing education requirements for BOC certified athletic trainers. The BOC has the only accredited certification program for athletic trainers in the United States and also administers the BOC certification examination for athletic trainers. On the BOC's web site, [www.bocatc.org](http://www.bocatc.org), the BOC defines and distinguishes between “licensure” and “certification” under frequently asked questions about state regulation. The BOC defines “licensure” as “the most restrictive form of professional and occupational regulation. Licensure is often referred to as right-to-practice. Under licensure laws, it is illegal for a person to practice a profession without first meeting state standards.” The BOC defines “certification” as the status under which “the state grants title protection (right-to-title) to persons meeting predetermined standards. Those

without certification may perform the duties of the occupation, but may not use the title.” In this Commonwealth, “licensure” is the appropriate term applying to athletic trainers.

*Description of Final-Omitted Rulemaking*

“Board-regulated practitioner” is defined in section 2 of the act. As with other definitions, Act 123 changed “certified” to “licensed” in this definition. Although the definition of “Board-regulated practitioner” is in section 2 of the act, it was not previously in § 25.1 (relating to definitions). Because the definition of “Board-regulated practitioner” makes reference to an osteopathic physician, a physician assistant, a respiratory therapist and an athletic trainer as well as an applicant for a license or certificate issued by the Board, this definition is added to § 25.1 because its application to various licensees applies to many regulations in Chapter 25. To implement section 2 of the act, “licensed athletic trainer” is used in this definition.

In § 25.231 (relating to schedule of fees), “application for athletic trainer certification” is amended to “application for athletic trainer license” to follow Act 123.

In § 25.701 (relating to purpose), “certification” is changed to “licensure.”

In § 25.702, definitions in section 2 of the act were followed by changing “certified” to “licensed” in the definitions of “athletic training services,” “direction,” “referral” and “written protocol.” Furthermore, because Act 123 deleted the definition of “certified athletic trainer,” this definition is deleted from § 25.702. In similar fashion, because Act 123 added the definition of “licensed athletic trainer,” the Board also added this definition.

The heading of § 25.703 (relating to licensure requirement) is amended from “certification requirement” to “licensure requirement” to follow Act 123. Likewise, to track the statutory mandate in section 7.1(c) of the act, in subsection (a) references to certified athletic trainers have been updated to “licensed athletic trainer,” “A.T.L.” and “L.A.T.”

In § 25.703, “certified” is updated to “licensed.” In § 25.703(b)(1), “certified” is not deleted because other medical professionals, such as physician assistants, are certified by the Board and “certification” appears in Subchapter C (relating to physician assistant provisions). Section 25.703(c) is deleted because there are no more athletic trainers with licenses or certificates from the State Board of Physical Therapy and the former regulation grandfathering certificateholders under the Physical Therapy Practice Act (63 P.S. §§ 1301—1313) prior to July 14, 2007, no longer applies. In § 25.703(d), “athletic training certificateholders” is replaced with “athletic trainers licensed to practice” because it refers to athletic trainers licensed by the Board and section 7.1(b.1)(1) of the act contains a cross reference to athletic trainers licensed by the State Board of Medicine.

The title of § 25.704 (relating to application for licensure) is amended by replacing “certification” with “licensure.” In § 25.704(b), “licensure” is updated to “certification.”

In § 25.705 (relating to educational requirements), “licensure” is updated to “certification.” Because the BOC only issues credentials for certified athletic trainers, the Board did not change the title to licensed athletic trainer in § 25.705(2). Because the BOC only issues credentials for certified athletic trainers, the Board did not change



that title to licensed athletic trainer in § 18.505(2) (relating to educational requirements).

In § 25.706 (relating to examination requirement), “certificate” is updated to “license” and “certified” to “licensed.” Because the BOC administers the certification examination for athletic trainers, the Board did not change “certification examination” in this section or in § 25.707 (relating to temporary licensure).

In the heading of § 25.707, “certification” is updated to “licensure.” Likewise, the following substitutions are made: “certificate” to “license;” “certified” to “licensed;” and “certification” to “license” or “licensure,” as appropriate.

In the heading of § 25.708 (relating to renewal of license), “certificate” is updated to “license.” Throughout this section, the following substitutions are made: “certificate” or “certificates” to “license” or “licenses;” “certificate-holder” to “licensee;” and “certification” to “license.”

In § 25.709 (relating to practice standards for athletic trainers), after changing “certified” to “licensed,” the words “certified or licensed” are added in subsections (a) and (b) because, according to the BOC, some states still use “certified” to refer to athletic trainers. Therefore, to encompass athletic trainers in states that certify or license athletic trainers, the Board uses both terms. As noted in § 25.703(b)(2), athletic trainers from other states may be in this Commonwealth on a visiting basis, so it is appropriate to encompass athletic trainers who are either certified or licensed. Also, in § 18.509(b) (relating to practice standards for athletic trainers), an athletic trainer may be in this Commonwealth if the athletic trainer is working in a team setting, so the Board uses both terms “certified or licensed.”

In §§ 25.710 and 25.711 (relating to refusal, suspension or revocation of license; and continuing education), “certificate” is changed to “license” throughout these sections when appropriate.

#### *Fiscal Impact*

The final-omitted rulemaking should not have fiscal impact on the Commonwealth, the general public or political subdivisions.

#### *Paperwork Requirements*

The final-omitted 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, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to 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 regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

#### *Additional Information*

For additional information about the final-omitted rulemaking, contact Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-osteopathic@pa.us. When submitting questions, reference No. 16A-5325 (athletic trainers).

#### *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 has been omitted under the authority of section 204 of the CDL because public comment is unnecessary due to the fact that this rulemaking is limited to implementing the statutory requirements and does not interpret the act or make other changes not contained in Act 123.

(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, 49 Pa. Code Chapter 25, are amended by amending §§ 25.1, 25.231 and 25.701—25.711 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(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 A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOSEPH C. GALLAGHER, Jr., D.O.,  
Chairperson

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)

**Fiscal Note:** 16A-5325. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

##### **Subchapter A. GENERAL PROVISIONS**

##### **§ 25.1. Definitions.**

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

\* \* \* \* \*

*Board*—State Board of Osteopathic Medicine.

*Board-regulated practitioner*—An osteopathic physician, physician assistant, respiratory therapist or licensed athletic trainer or an applicant for a license or certificate issued by the Board.

*Bureau*—Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth.

\* \* \* \* \*

**Subchapter F. FEES**

**§ 25.231. Schedule of fees.**

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

Application for unrestricted license to practice as osteopathic physician—original, reciprocal, bound-ary or by endorsement . . . . .	\$45
Application for short-term camp license as osteopathic physician . . . . .	\$30
Temporary training license or graduate training certificate . . . . .	\$30
Annual renewal of temporary training license or graduate training certificate . . . . .	\$25
Application for physician assistant certificate . . . . .	\$30
Application for supervising physician . . . . .	\$95
Uncertified verification of any license, certifi-cation or permit . . . . .	\$15
Certification of any licenses, certifications, exam-ination grades or hours . . . . .	\$25
Application for athletic trainer license . . . . .	\$20
Biennial renewal—athletic trainer . . . . .	\$37
Biennial renewal—physicians . . . . .	\$220
Biennial renewal—physician assistants . . . . .	\$10
Penalty for late biennial renewal—per month or part of month . . . . .	\$5
Duplicate license or certificate . . . . .	\$5
Application for radiology examinations . . . . .	\$25
Application for acupuncturist registration . . . . .	\$30
Biennial renewal—acupuncturists . . . . .	\$25
Application for acupuncturist supervisor registration . . . . .	\$30

**Subchapter M. ATHLETIC TRAINERS**

**§ 25.701. Purpose.**

This subchapter implements section 7.1 of the act (63 P. S. § 271.7a) to provide for the licensure of athletic trainers.

**§ 25.702. Definitions.**

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

*Approved athletic training education programs*—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

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

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, manage-ment, treatment, rehabilitation and reconditioning of the

physically active person whose conditions are within the professional preparation and education of a licensed athletic trainer.

(iii) 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 exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive proce-dures or prescription of any medication or controlled substance.

*BOC*—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

*Direction*—Supervision over the actions of a 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 proto-col 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, tele-communications 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 Medicine.

*Physically active person*—An individual who partici-pates in organized, individual or team sports, athletic games or recreational sports activities.

*Referral*—An order from a licensed physician, dentist or podiatrist to a licensed athletic trainer for athletic train-ing services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

*Standing written prescription*—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

*Written protocol*—A written agreement or other docu-ment developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the licensed athletic trainer, describes the manner and frequency in which the licensed athletic trainer regularly communicates with the super-vised physician and includes standard operating proce-dures, developed in agreement with the supervising phy-sician and licensed athletic trainer, which the licensed athletic trainer follows when not directly supervised onsite by the supervising physician.

**§ 25.703. Licensure requirement.**

(a) A person may not use the title of “athletic trainer” or “licensed athletic trainer” or use any abbreviation including “A.T.L.,” “L.A.T.” or “A.T.” or any similar desig-nation to indicate that the person is an athletic trainer unless that person has been licensed by the Board.

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

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by

an athletic team or organization that is competing in this Commonwealth on a visiting basis, who provides athletic training services to the members of their respective athletic team or organization.

(3) An athletic training student who practices athletic training that is coincidental to required clinical education and is within the scope of the student's education and training.

(c) Athletic trainers licensed by the State Board of Medicine are deemed licensed by the Board.

**§ 25.704. Application for licensure.**

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 25.231 (relating to schedule of fees).

(2) Verification of professional education in athletic training in accordance with § 25.705 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 25.706 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for 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.

**§ 25.705. Educational requirements.**

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

(1) Be a graduate of an approved athletic training education program.

(2) Hold current credentialing as a Certified Athletic Trainer (ATC) from the BOC or another credentialing body approved by the Board.

**§ 25.706. Examination requirement.**

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

**§ 25.707. Temporary licensure.**

An applicant who is a graduate of an approved athletic training education program and who has applied to take the examination may be granted a temporary license to practice athletic training under the onsite direct supervision of a licensed athletic trainer. The temporary license expires 1 year from issuance or upon licensure as an athletic trainer by the Board, whichever comes first, and may not be renewed.

**§ 25.708. Renewal of license.**

(a) A license issued under this subchapter shall be renewed biennially. An application form will be mailed to the most recent address of the licensee as it appears on the records of the Board. The licensee 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. Licenses other than temporary

licenses 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 license of renewal for the next biennial period.

(b) When a 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).

(c) As a condition of renewal, a licensee shall comply with the continuing education requirements in § 25.711 (relating to continuing education).

**§ 25.709. Practice standards for athletic trainers.**

(a) Athletic trainers licensed by the Board or certified or licensed by the proper licensing or certification 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 certified or licensed athletic trainer from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers 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, the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or written protocol annually from the supervising physician and review it at least annually. This standing written prescription or protocol must be in writing and retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a written protocol.

**§ 25.710. Refusal, suspension or revocation of license.**

(a) The Board may refuse to issue a license, and after notice and hearing, may suspend or revoke the license of a person who is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)).

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

**§ 25.711. Continuing education.**

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

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

(c) Proof of completion of the required continuing education shall be retained for 4 years after completion.

[Pa.B. Doc. No. 13-706. Filed for public inspection April 19, 2013, 9:00 a.m.]

\_\_\_\_\_