



House of Representatives

General Assembly

File No. 374

February Session, 2000

Substitute House Bill No. 5794

House of Representatives, April 3, 2000

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Athletic Trainers And Physical Therapist Assistants.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in sections 1 to 7, inclusive, of this act:

2 (1) "Athletic training" means the application or provision, with the
3 consent and under the direction of a health care provider, of (A)
4 principles, methods and procedures of evaluation, prevention,
5 treatment and rehabilitation of athletic injuries sustained by athletes,
6 (B) appropriate preventative and supportive devices, temporary
7 splinting and bracing, physical modalities of heat, cold, light massage,
8 water, electric stimulation, sound, exercise and exercise equipment, (C)
9 the organization and administration of athletic training programs, and
10 (D) education and counseling to athletes, coaches, medical personnel
11 and athletic communities in the area of the prevention and care of
12 athletic injuries. For purposes of this subdivision, "health care
13 provider" means a person licensed to practice medicine or surgery

14 under chapter 370 of the general statutes, chiropractic under chapter
15 372 of the general statutes, podiatry under chapter 375 of the general
16 statutes or naturopathy under chapter 373 of the general statutes;

17 (2) "Athletic injury" means any injury sustained by an athlete as a
18 result of such athlete's participation in exercises, sports, games or
19 recreation requiring strength, agility, flexibility, range of motion, speed
20 or stamina, or any comparable injury that prevents such athlete from
21 participating in any such activities;

22 (3) "Athlete" means any person who is a member of any
23 professional, amateur, school or other sports team, or is a regular
24 participant in sports or recreational activities, including, but not
25 limited to, training and practice activities, that require strength, agility,
26 flexibility, range of motion, speed or stamina. For purposes of this
27 subdivision, "regular" means not less than three times per week; and

28 (4) "Commissioner" means the Commissioner of Public Health.

29 Sec. 2. (NEW) (a) Except as provided in section 4 of this act, no
30 person may practice athletic training unless such person is licensed
31 pursuant to section 6 of this act.

32 (b) No person may use the title "licensed athletic trainer" or make
33 use of any title, words, letters or abbreviations indicating or implying
34 that such person is licensed to practice athletic training unless such
35 person is licensed pursuant to section 6 of this act.

36 Sec. 3. (NEW) (a) Each person who practices athletic training shall
37 make a written or oral referral to a licensed health care provider of any
38 athlete who has an athletic injury whose symptoms have not improved
39 for a period of seven days from the day of onset, or who has any
40 physical or medical condition that would constitute a medical
41 contraindication for athletic training or that may require evaluation or
42 treatment beyond the scope of athletic training. The injuries or

43 conditions requiring a referral under this subsection shall include, but
44 not be limited to, suspected medical emergencies or illnesses, physical
45 or mental illness and significant tissue or neurological pathologies.

46 (b) The performance of athletic training, as specified in
47 subparagraphs (A) and (B) of subdivision (1) of section 1 of this act, on
48 any athlete under the age of fourteen years shall require the written
49 referral of a person licensed in this state, or in a bordering state having
50 licensing requirements meeting the approval of the appropriate
51 examining board in this state, to practice medicine and surgery,
52 podiatry, natureopathy, chiropractic or dentistry, or an advanced
53 practice registered nurse licensed to prescribe in accordance with
54 section 20-94a of the general statutes, as amended, or a physician
55 assistant licensed to prescribe in accordance with section 20-12d of the
56 general statutes, as amended.

57 Sec. 4. (NEW) A license to practice athletic training shall not be
58 required of: (1) A practitioner who is licensed or certified by a state
59 agency and is performing services within the scope of practice for
60 which such person is licensed or certified; (2) a student intern or
61 trainee pursuing a course of study in athletic training, provided the
62 activities of such student intern or trainee are performed under the
63 supervision of a person licensed to practice athletic training and the
64 student intern or trainee is given the title of "athletic trainer intern", or
65 similar designation; (3) a person employed or volunteering as a coach
66 of amateur sports who provides first aid for athletic injuries to athletes
67 being coached by such person; (4) a person who furnishes assistance in
68 an emergency; or (5) a person who acts as an athletic trainer in this
69 state for less than thirty days per calendar year and who is licensed as
70 an athletic trainer by another state or is certified by the National
71 Athletic Trainers' Association Board of Certification, Inc., or its
72 successor organization.

73 Sec. 5. (NEW) (a) Except as provided in subsections (b) and (c) of

74 this section, an applicant for a license to practice athletic training shall
75 have: (1) A baccalaureate degree from a regionally accredited
76 institution of higher education, or from an institution of higher
77 learning located outside of the United States that is legally chartered to
78 grant postsecondary degrees in the country in which such institution is
79 located; (2) successfully completed (A) a course of study in athletic
80 training in a program that, at the time of the applicant's completion, is
81 accredited by the National Athletic Trainers' Association, the
82 Committee on Allied Health Education and Accreditation, or the
83 Commission on Accreditation of Allied Health Education Programs, or
84 (B) a program of study in athletic training during a period of at least
85 two calendar years, a minimum of one thousand five hundred hours of
86 athletic training experience under the supervision of an athletic trainer
87 certified by the National Athletic Trainers' Association Board of
88 Certification, Inc., or its successor organization, of which a minimum
89 of one thousand hours shall be attained at the interscholastic,
90 intercollegiate or professional sports level, and a minimum of three
91 semester credits of formal education in each of the following areas: (i)
92 Health, (ii) nutrition, (iii) psychology, (iv) human anatomy, (v)
93 kinesiology or biomechanics, (vi) human physiology, (vii) physiology
94 of exercise, (viii) basic athletic training, and (ix) advanced athletic
95 training or therapeutic modalities and rehabilitative exercise; and (3)
96 passed the national certification examination sponsored by the
97 National Athletic Trainers' Association or the National Athletic
98 Trainers' Association Board of Certification, Inc., or their successor
99 organizations.

100 (b) An applicant for licensure to practice athletic training by
101 endorsement shall present evidence satisfactory to the commissioner
102 (1) of licensure or certification as an athletic trainer, or as a person
103 entitled to perform similar services under a different designation, in
104 another state having requirements for practicing in such capacity that
105 are substantially similar to or higher than the requirements in force in
106 this state, and (2) that there is no disciplinary action or unresolved

107 complaint pending against such applicant.

108 (c) Before January 1, 2000, an applicant for a license to practice
109 athletic training may, in lieu of the requirements set forth in subsection
110 (a) of this section, present evidence satisfactory to the commissioner of
111 (1) the continuous providing of services as an athletic trainer since
112 October 1, 1979, or (2) certification as an athletic trainer by the National
113 Athletic Trainers' Association Board of Certification, Inc.

114 Sec. 6. (NEW) (a) The commissioner shall grant a license to practice
115 athletic training to an applicant who presents evidence satisfactory to
116 the commissioner of having met the requirements of section 5 of this
117 act. An application for such license shall be made on a form required
118 by the commissioner. The fee for an initial license under this section
119 shall be one hundred fifty dollars.

120 (b) A license to practice athletic training may be renewed in
121 accordance with the provisions of section 19a-88 of the general
122 statutes, as amended by this act. The fee for such renewal shall be one
123 hundred dollars.

124 Sec. 7. (NEW) The commissioner may adopt regulations, in
125 accordance with chapter 54 of the general statutes, to carry out the
126 provisions of sections 1 to 6, inclusive, of this act.

127 Sec. 8. Subsection (c) of section 19a-14 of the general statutes, as
128 amended by section 2 of public act 99-249 and section 60 of public act
129 99-2 of the June special session, is repealed and the following is
130 substituted in lieu thereof:

131 (c) No board shall exist for the following professions that are
132 licensed or otherwise regulated by the Department of Public Health:

133 (1) Speech pathologist and audiologist;

134 (2) Hearing aid dealer;

- 135 (3) Nursing home administrator;
- 136 (4) Sanitarian;
- 137 (5) Subsurface sewage system installer or cleaner;
- 138 (6) Marital and family therapist;
- 139 (7) Nurse-midwife;
- 140 (8) Licensed clinical social worker;
- 141 (9) Respiratory care practitioner;
- 142 (10) Asbestos contractor and asbestos consultant;
- 143 (11) Massage therapist;
- 144 (12) Registered nurse's aide;
- 145 (13) Radiographer;
- 146 (14) Dental hygienist;
- 147 (15) Dietitian-Nutritionist;
- 148 (16) Asbestos abatement worker;
- 149 (17) Asbestos abatement site supervisor;
- 150 (18) Licensed or certified alcohol and drug counselor;
- 151 (19) Professional counselor;
- 152 (20) Acupuncturist;
- 153 (21) Occupational therapist;
- 154 (22) Lead abatement contractor; [and]

155 (23) Nail technician; and

156 (24) Athletic trainer.

157 The department shall assume all powers and duties normally vested
158 with a board in administering regulatory jurisdiction over said
159 professions. The uniform provisions of this chapter and chapters 368v,
160 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
161 and 400c, including, but not limited to, standards for entry and
162 renewal; grounds for professional discipline; receiving and processing
163 complaints; and disciplinary sanctions, shall apply, except as otherwise
164 provided by law, to the professions listed in this subsection.

165 Sec. 9. Subsection (e) of section 19a-88 of the general statutes, as
166 amended by section 61 of public act 99-2 of the June special session, is
167 repealed and the following is substituted in lieu thereof:

168 (e) Each person holding a license or certificate issued under section
169 19a-514, 20-74s, as amended, 20-195cc or 20-206ll and chapters 370 to
170 373, inclusive, 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a,
171 395, 398, 399 or 400a and section 20-206n, 20-206o, [or] section 56 of
172 [this act] public act 99-2 of the June special session, or section 6 of this
173 act shall, annually, during the month of [the applicant's] such person's
174 birth, apply for renewal of such license or certificate to the Department
175 of Public Health, giving [the applicant's] such person's name in full,
176 [the applicant's] such person's residence and business address and
177 such other information as the department requests. Each person
178 holding a license or certificate issued pursuant to section 20-475 or 20-
179 476 shall, annually, during the month of [the applicant's] such person's
180 birth, apply for renewal of such license or certificate to the department.
181 Each entity holding a license issued pursuant to section 20-475 shall,
182 annually, during the anniversary month of initial licensure, apply for
183 renewal of such license or certificate to the department.

184 Sec. 10. Section 20-1 of the general statutes, as amended by section 1

185 of public act 99-102, is repealed and the following is substituted in lieu
186 thereof:

187 The practice of the healing arts means the practice of medicine,
188 chiropractic, podiatry, natureopathy and, except as used in chapters
189 384a and 388, [and sections 19a-16a to 19a-16c, inclusive,] the practice
190 of optometry.

191 Sec. 11. Subdivision (17) of subsection (b) of section 20-9 of the
192 general statutes is repealed and the following is substituted in lieu
193 thereof:

194 (17) Any person [performing] practicing athletic training, as
195 [described in section 19a-16a] defined in section 1 of this act.

196 Sec. 12. Section 20-66 of the general statutes, as amended by section
197 6 of public act 99-249, is repealed and the following is substituted in
198 lieu thereof:

199 As used in this chapter, unless the context otherwise requires:

200 (1) "Physical therapist" means a person licensed to practice physical
201 therapy in [Connecticut as defined in subdivision (2) of this section]
202 this state;

203 (2) "Physical therapy" means the evaluation and treatment of any
204 person by the employment of the effective properties of physical
205 measures, the performance of tests and measurements as an aid to
206 evaluation of function and the use of therapeutic exercises and
207 rehabilitative procedures, with or without assistive devices, for the
208 purpose of preventing, correcting or alleviating a physical or mental
209 disability. [Physical therapy] "Physical therapy" includes the
210 establishment and modification of physical therapy programs,
211 treatment planning, instruction, peer review and consultative services,
212 [The term "physical therapy"] but does not include the use of
213 cauterization or the use of Roentgen rays or radium for diagnostic or

214 therapeutic purposes; [and]

215 (3) "Physical therapist assistant" means [(A) a graduate of a physical
216 therapist assistant program approved by the State Board of Examiners
217 for Physical Therapists, with the consent of the Commissioner of
218 Public Health, (B) a graduate of a United States physical therapy
219 school approved by the State Board of Examiners for Physical
220 Therapists, or (C) a person who has completed twenty years of
221 employment as a physical therapist assistant prior to October 1, 1989] a
222 person licensed to assist in the practice of physical therapy in this state;
223 and

224 (4) "Assist in the practice of physical therapy" means the treatment
225 of any person by the employment of the effective properties of
226 physical measures and the use of therapeutic exercises and
227 rehabilitative procedures, with or without assistive devices, for the
228 purpose of preventing, correcting or alleviating a physical or mental
229 disability, but does not include the interpretation of referrals, initial or
230 discharge evaluation or assessment, or determination or modification
231 or treatment or discharge plans.

232 Sec. 13. Section 20-70 of the general statutes is repealed and the
233 following is substituted in lieu thereof:

234 (a) (1) Any person who is a graduate of a school of physical therapy
235 approved by the [State] Board of Examiners for Physical Therapists,
236 with the consent of the Commissioner of Public Health, or has
237 successfully completed requirements for graduation from such school,
238 shall be eligible for examination for licensure as a physical therapist
239 upon the payment of a fee of two hundred twenty-five dollars. [Said
240 department] The Department of Public Health, with the consent of the
241 board, shall determine the subject matter of such examination, which
242 shall be designed to show proficiency in physical therapy and related
243 subjects, and shall determine whether such examination shall be
244 written, oral or practical, or a combination thereof. Passing scores shall

245 be established by the department with the consent of the board.
246 Warning of such examination shall be given by [said] the department
247 not less than two weeks in advance of the date set for the examination.
248 If the applicant passes such examination, the [Department of Public
249 Health] department shall issue to such applicant a license to practice
250 physical therapy.

251 (2) Any person who is a graduate of a physical therapist assistant
252 school approved by the Board of Examiners for Physical Therapists or
253 an approved United States physical therapist assistant school, with the
254 consent of the commissioner, or has successfully completed
255 requirements for graduation from such school, shall be eligible for
256 examination for licensure as a physical therapist assistant upon the
257 payment of a fee of one hundred fifty dollars. The department, with
258 the consent of the board, shall determine the subject matter of such
259 examination, which shall be designed to show proficiency in physical
260 therapy and related subjects, and shall determine whether such
261 examination shall be written, oral or practical, or a combination
262 thereof. Passing scores shall be established by the department with the
263 consent of the board. Warning of such examination shall be given by
264 the department not less than two weeks in advance of the date set for
265 the examination. If the applicant passes such examination, the
266 department shall issue to such applicant a physical therapist assistant
267 license.

268 (b) (1) Any person who is a graduate of an approved United States
269 physical therapy school and who has filed an application with the
270 department may, between the dates of filing and the publication of the
271 results of the next succeeding examination, practice as a physical
272 therapist under the direct and immediate supervision of a licensed
273 physical therapist in this state. If the person practicing pursuant to this
274 [section] subdivision fails to pass the examination, all privileges under
275 this [section] subdivision shall automatically cease.

276 (2) Any person who is a graduate of an approved United States
277 physical therapist assistant school and who has filed an application
278 with the department may, between the dates of filing and the
279 publication of the results of the next succeeding examination, practice
280 as a physical therapist assistant under the direct and immediate
281 supervision of a licensed physical therapist in this state. If the person
282 practicing pursuant to this subdivision fails to pass the examination,
283 all privileges under this subdivision shall automatically cease.

284 (c) Any applicant under this section who fails to pass the
285 examination prescribed by [said] the department with the consent of
286 the board may take a subsequent examination on payment of an
287 additional application fee.

288 Sec. 14. Section 20-71 of the general statutes is repealed and the
289 following is substituted in lieu thereof:

290 (a) The [department] Department of Public Health may issue a
291 license to practice physical therapy without examination, on payment
292 of a fee of two hundred twenty-five dollars, to an applicant who is a
293 physical therapist registered or licensed under the laws of any other
294 state or territory of the United States, any province of Canada or any
295 other country, if the requirements for registration or licensure of
296 physical therapists in such state, territory, province or country were, at
297 the time of application, similar to or higher than the requirements in
298 force in this state.

299 (b) The department may issue a physical therapist assistant license
300 without examination, on payment of a fee of one hundred fifty dollars,
301 to an applicant who: (1) Is a physical therapist assistant registered or
302 licensed under the laws of any other state or territory of the United
303 States, any province of Canada or any other country, if the
304 requirements for registration or licensure of physical therapist
305 assistants in such state, territory, province or country were, at the time
306 of application, similar to or higher than the requirements in force in

307 this state; (2) was eligible for registration as a physical therapist
308 assistant before the effective date of this act; or (3) as of July 1, 2000,
309 (A) is a graduate of an approved United States physical therapy school,
310 approved by the Board of Examiners for Physical Therapists, with the
311 consent of the Commissioner of Public Health, or (B) has completed
312 twenty years of employment as a physical therapist assistant prior to
313 October 1, 1989.

314 Sec. 15. Section 20-73 of the general statutes, as amended by section
315 24 of public act 99-102, is repealed and the following is substituted in
316 lieu thereof:

317 (a) (1) No person may practice as a physical therapist unless
318 licensed pursuant to this chapter. No person may use the term
319 "Registered Physical Therapist", "Licensed Physical Therapist" or
320 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,
321 words or insignia indicating or implying licensure as a physical
322 therapist in this state unless the person is so licensed.

323 (2) No person may practice as a physical therapist assistant unless
324 licensed pursuant to this chapter. No person may use the term
325 "Registered Physical Therapist Assistant", "Licensed Physical Therapist
326 Assistant" or "Physical Therapist Assistant", or the letters "P.T.A." to
327 represent or imply the term "Physical Therapist Assistant", or any
328 other letters, words or insignia indicating or implying licensure as a
329 physical therapist assistant in this state unless the person is so licensed.

330 (b) The treatment of human ailments by physical therapy shall only
331 be performed by a person licensed under the provisions of this chapter
332 as a physical therapist or physical therapist assistant upon the oral or
333 written referral of a person licensed in this state, or in a bordering state
334 having licensing requirements meeting the approval of the appropriate
335 examining board in this state, to practice medicine and surgery,
336 podiatry, natureopathy, chiropractic or dentistry, or an advanced
337 practice registered nurse licensed to prescribe in accordance with

338 section 20-94a, as amended, or a physician assistant licensed to
339 prescribe in accordance with section 20-12d, as amended.

340 (c) Any person who violates the provisions of this section or who
341 obtains or attempts to obtain licensure as a physical therapist or
342 physical therapist assistant by any wilful misrepresentation or any
343 fraudulent representation shall be fined not more than five hundred
344 dollars or imprisoned not more than five years, or both. A physical
345 therapist, physical therapist assistant or dentist who violates the
346 provisions of this section shall be subject to licensure revocation in the
347 same manner as is provided under section 19a-17, or in the case of a
348 healing arts practitioner, section 20-45. For purposes of this section
349 each instance of patient contact or consultation in violation of any
350 provision of this section shall constitute a separate offense. Failure to
351 renew a license in a timely manner shall not constitute a violation for
352 the purposes of this section.

353 [(b) Each physical therapy assistant who is assisting in the practice
354 of physical therapy under the supervision of a licensed physical
355 therapist, as defined in section 20-66, shall, upon payment of an
356 application fee of twenty-five dollars, register with the Department of
357 Public Health on a form furnished by the department, giving his name
358 in full, his residence and business addresses and such other
359 information as the department requests. Each physical therapy
360 assistant shall notify the department in writing within thirty days of
361 any change in his name or residence or business addresses. A physical
362 therapy assistant shall not practice physical therapy assisting without
363 registering with the department pursuant to this section. The
364 commissioner may, upon receipt of notification and investigation,
365 assess a civil penalty of not more than one hundred dollars against any
366 physical therapy assistant who has practiced physical therapy assisting
367 without first registering with said department.]

368 Sec. 16. Section 20-73a of the general statutes, as amended by section

369 25 of public act 99-102, is repealed and the following is substituted in
370 lieu thereof:

371 The Board of Examiners for Physical Therapists shall have
372 jurisdiction to hear all charges of conduct that fails to conform to the
373 accepted standards of the practice of physical therapy brought against
374 any person licensed as a physical therapist or physical therapist
375 assistant and, after holding a hearing, written notice of which shall be
376 given to the person complained of, [said] the board, if it finds such
377 person to be guilty, may revoke or suspend such person's license or
378 take any of the actions set forth in section 19a-17. Any proceedings
379 relative to such action may be begun by the filing of written charges
380 with the Commissioner of Public Health. The causes for which such
381 action may be taken are as follows: (1) Conviction in a court of
382 competent jurisdiction, either within or without this state, of any crime
383 in the practice of [his] such person's profession; (2) illegal, incompetent
384 or negligent conduct in the practice of physical therapy or in the
385 supervision of a physical therapist assistant; (3) aiding or abetting the
386 unlawful practice of physical therapy; (4) treating human ailments by
387 physical therapy without the oral or written referral by a person
388 licensed in this state or in a bordering state having licensing
389 requirements meeting the approval of the appropriate examining
390 board in this state to practice medicine and surgery, podiatry,
391 natureopathy, chiropractic or dentistry; (5) failure to register with the
392 Department of Public Health as required by law; (6) fraud or deception
393 in obtaining a license; (7) engaging in fraud or material deception in
394 the course of professional services or activities; or (8) violation of any
395 provision of this chapter, or any regulation adopted [hereunder] under
396 this chapter. The clerk of any court in this state in which a person
397 practicing physical therapy has been convicted of any crime as
398 described in this section shall, immediately after such conviction,
399 transmit a certified copy, in duplicate, of the information and
400 judgment, without charge, to the Department of Public Health,
401 containing the name and address of the physical therapist or physical

402 therapist assistant, the crime of which [he] the physical therapist or
403 physical therapist assistant has been convicted and the date of
404 conviction. The hearing on such charges shall be conducted in
405 accordance with the regulations adopted by the Commissioner of
406 Public Health in accordance with chapter 54. Any person aggrieved by
407 a final decision of [said] the board may appeal therefrom as provided
408 in section 4-183, as amended. Such appeal shall have precedence over
409 nonprivileged cases in respect to order of trial. The Attorney General
410 shall act as attorney in the public interest in defending against such an
411 appeal. The board may petition the superior court for the judicial
412 district of Hartford to enforce any action taken pursuant to section
413 19a-17.

414 Sec. 17. Section 20-74 of the general statutes, as amended by section
415 26 of public act 99-102, is repealed and the following is substituted in
416 lieu thereof:

417 No provision of this chapter shall confer any authority to practice
418 medicine or surgery, nor shall this chapter prohibit the incidental care
419 of the sick by domestic servants or by persons principally employed as
420 housekeepers or as athletic trainers, nor prohibit any person from the
421 domestic administration of family remedies or the furnishing of
422 assistance in the case of emergency. It shall not prohibit persons
423 registered under the provisions of chapter 372, 373, 375 or 378 from
424 administering care to patients, nor shall it prohibit the care of the sick
425 with or without compensation or personal profit in connection with
426 the practice of the religious tenets of any church by adherents thereof,
427 provided such persons shall not otherwise engage in the practice of
428 physical therapy or assist in the practice of physical therapy within the
429 meaning of this chapter. It shall not prohibit students who are enrolled
430 in schools or courses of physical therapy or physical therapist assistant
431 programs approved by the Board of Examiners for Physical Therapists
432 with the consent of the Commissioner of Public Health from
433 performing such work as is incidental to their respective courses of

434 study; nor shall it prohibit any physical therapist from another state
435 from doing such therapist's work or other physical therapy activities as
436 is incidental to the person's course of study when taking or giving a
437 postgraduate course or other courses of study in this state approved by
438 said board. [It shall not prohibit any person who is a physical therapist
439 assistant from assisting in the practice of physical therapy under the
440 supervision of a licensed physical therapist provided such assistance is
441 limited to the treatment of a person by the employment of the effective
442 properties of physical measures and the use of therapeutic exercises
443 and rehabilitative procedures, with or without assistive devices, for the
444 purpose of preventing, correcting or alleviating a physical or mental
445 disability, and does not include the interpretation of referrals, initial or
446 discharge evaluation or assessment, or determination or modification
447 of treatment or discharge plans.] Any physical therapist who is a
448 graduate from a school approved by [said] the board [of examiners]
449 with the consent of the Department of Public Health but not licensed in
450 this state may, with the approval of [said] the department and upon
451 obtaining a temporary certificate from [said] the department, practice
452 physical therapy in this state on a temporary basis for a period of six
453 months, which period may be extended upon request at the discretion
454 of the department, provided (1) such physical therapist does not claim
455 to be licensed to practice in this state, and (2) application for licensure
456 by examination, reciprocity or endorsement is filed with [said] the
457 department within six months after starting such practice. Persons in
458 the service of the federal government are excluded from the provisions
459 of this chapter. [For the purposes of this section, supervision means the
460 overseeing of or the participation in the work of a physical therapist
461 assistant by a licensed physical therapist including but not limited to
462 (1) continuous availability of direct communication between the
463 physical therapist assistant and a licensed physical therapist; (2)
464 availability of a licensed physical therapist on a regularly scheduled
465 basis to (A) review the practice of the physical therapist assistant, and
466 (B) support the physical therapist assistant in the performance of his

467 services; and (3) a predetermined plan for emergency situations,
468 including the designation of an alternate licensed physical therapist in
469 the absence of the regular licensed physical therapist.]

470 Sec. 18. Sections 19a-16a to 19a-16c, inclusive, of the general statutes
471 are repealed.

PH Committee Vote: Yea 19 Nay 5 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Revenue Gain

Affected Agencies: Department of Public Health

Municipal Impact: None

Explanation

State Impact:

The Department of Public Health will incur an FY 01 expense of approximately \$131,000 to support 1 Office Assistant, 1 Investigator and 1 Licensing Examination Assistant and associated other expenses and equipment necessary to establish licensure programs for a projected 400 applicants seeking licensure as athletic trainers and 450 applicants seeking licensure as physical therapy assistants. Ongoing annual costs will be approximately \$123,200, as one-time equipment costs will not be incurred in future years.

A projected FY 01 revenue gain of \$136,700 would result. This would include \$69,200 from athletic trainers, based upon collection of a \$150 initial license fee and a \$100 license renewal fee. Since applicants for license renewal must submit their applications during the month of their birthday, a portion of those seeking licensure will pay both an initial license fee and a renewal fee in the first year of the program. A total of \$67,500 would be collected from physical therapy assistants, based upon a \$150 application fee.

In subsequent fiscal years, an estimated \$40,000 would be collected from athletic trainers renewing their licenses. An indeterminate number of new applicants in future years would pay the \$150 initial license fee.

It should be noted that no funding has been included in either the Senate or House versions of the FY 01 Revised Appropriations Act for the purposes of supporting licensure of athletic trainers or physical therapy assistants.

OLR Bill Analysis

sHB 5794

AN ACT CONCERNING ATHLETIC TRAINERS AND PHYSICAL THERAPIST ASSISTANTS.**SUMMARY:**

This bill requires the Department of Public Health (DPH) to license athletic trainers and physical therapy assistants. Currently, athletic trainers certified by the National Athletic Trainer Association, Inc. (NATA) can practice in Connecticut, while physical therapy assistants must register with the department.

Under the bill, licensed athletic trainers can work only with people who belong to sports teams or who participate in sports or recreation activities at least three times a week and then only to treat injuries they sustain in those activities. Current law allows them to treat anyone with an athletic injury. The bill allows trainers to treat athletes over age 13 for up to seven days before referring them to a licensed health care provider, but they must get written referrals from specific types of providers before treating younger athletes.

The bill establishes educational requirements for each license, allows certain people to be licensed without examination, and permits others to practice without a license. It sets the fee for an initial athletic trainer license at \$150 and renewals at \$100. A physical therapy assistant (PTA) must pay \$150 to take the licensing exam or to obtain a license without an exam; the bill does not require them to renew their license. The bill subjects both licenses to the same disciplinary actions that can be imposed on other licensed health care providers.

EFFECTIVE DATE: October 1, 2000

ATHLETIC TRAINERS***Scope of Practice***

The bill limits athletic trainers to working only with athletes who suffer injuries while exercising or participating in sports or recreational activities. It defines "athlete" as someone who participates at least three times a week in sports or recreational activities, including training and practice, or a member of a sports team. Current law permits trainers to evaluate and treat athletic injuries and apply methods and procedures for athletes' preconditioning, conditioning, and reconditioning, but it does not define either athletic injury or athlete.

The bill prohibits an athletic trainer from applying athletic training procedures or devices on an athlete under age 14 without a referral from a physician, physician assistant, podiatrist, naturopath, chiropractor, dentist, or advanced practice registered nurse licensed in Connecticut or in a bordering state whose licensing requirements meet Connecticut licensing board approval.

It requires an athletic trainer to make a written or oral referral to a licensed health care provider if an athlete's symptoms do not improve within seven days. As under current law, trainers must also refer when (1) athletic training methods are contraindicated for an athlete's physical or medical condition or (2) his condition requires evaluation and treatment beyond the scope of athletic training. The bill also requires referrals for suspected medical emergencies or illnesses, physical or mental illness, and significant tissue or neurological pathologies.

It permits trainers to work under the direction and with the consent of a physician, physician assistant, chiropractor, podiatrist, or naturopath. Under current law, they work upon referral from, or under the general direction of, these practitioners and osteopaths.

The bill adds organizing and administering athletic training programs to trainers' scope of practice. As under current law, trainers can evaluate and treat athletic injuries, apply appropriate preventative and supportive devices, and educate athletes, parents, coaches, and medical personnel about preventing and caring for athletic injuries. The bill requires them to conduct their educational work and to organize athletic training programs under the direction of one of the

licensed providers noted above.

License Requirements

The bill prohibits anyone from using the title “licensed athletic trainer” or implying that he is licensed to practice without a license from DPH. It sets the initial license fee at \$150 and requires annual renewal costing \$100. Currently, trainers certified by the National Athletic Trainers’ Association, Inc. (NATA) and those without certification who had practiced for at least 15 years before October 1975 can perform athletic training.

To obtain a license under the bill, an applicant must have:

1. a BA from a regionally accredited U.S. college or university or a legally chartered foreign college or university;
2. successfully completed a course of study that was, when completed, accredited by NATA, the Committee on Allied Health Education Programs, or the Commission on Accreditation of Allied Health Education Programs or;
3. instead of the above course of study, successfully completed a minimum two-year, 1,500 hour training program under the supervision of an NATA-certified trainer that included at least 1,000 hours working in scholastic, college, or professional sports and at least three semester credits of formal education in each of nine specified areas; and
4. passed a national certification exam sponsored by NATA or the National Athletic Trainers’ Association Board of Certification, Inc..

Applicants practicing in other states can obtain a license without meeting the above requirements if they show DPH that the state in which they are licensed, certified, or otherwise entitled to practice has requirements at least equivalent to Connecticut’s and they are not facing disciplinary action or unresolved complaints there. And people practicing here can obtain a license without meeting the bill’s requirements if, before January 1, 2000 (see COMMENT), they show DPH that they are certified by the NATA Board of Certification, Inc. or

that they have practiced continually since October 1, 1979.

License Exemptions

An athletic training license is not needed by:

1. a state-licensed or -certified practitioner performing within his practice scope,
2. a student intern or trainee in an athletic training program who is identified as such and being supervised by a licensed trainer,
3. a paid or volunteer amateur athletics coach providing first aid to one of his athletes,
4. a person helping in an emergency, and
5. a trainer licensed in another state or certified by NATA who works in Connecticut for less than 30 days a year.

Under current law, students enrolled in an accredited college's athletic training program and interns working toward NATA certification under a certified trainer's supervision can perform without a certificate.

Disciplinary Actions

The bill subjects licensed athletic trainers to the same disciplinary actions DPH can currently take against a certified trainer or other licensed health professionals. These include:

1. suspending or revoking a license,
2. issuing a letter of reprimand to or censuring a person,
3. placing a practitioner on probation,
4. assessing a civil penalty of up to \$10,000, or
5. taking summary action against a license if the practitioner is found guilty of a state or federal felony or subject to disciplinary action in another jurisdiction.

Regulations

The bill allows DPH to adopt regulations governing athletic trainer licensing and scope of practice.

PHYSICAL THERAPY ASSISTANTS***Physical Therapy Assistance Scope of Practice***

The bill eliminates the requirement for PTAs to work under the supervision of a licensed physical therapist. It requires PTAs, like physical therapists, to work on referral from a physician, physician assistant, podiatrist, naturopath, chiropractor, dentist, or advanced practice registered nurse licensed in Connecticut or in a bordering state whose licensing requirements meet Connecticut licensing board approval.

The bill retains the current definition of physical therapy assistance. This specifically excludes interpreting referrals, evaluating or assessing a patient initially or when discharged, or determining or modifying a discharge plan.

License Requirements

Under current law, PTAs must register with DPH and pay a \$25 fee before they can practice. Registrants must have (1) graduated from a PTA program approved, with the commissioner's consent, by the state Physical Therapy Examiners Board; (2) graduated from a U.S. physical therapy school approved by the board; or (3) been employed as a physical therapy assistant for 20 years before October 1, 1989.

The bill prohibits people from practicing or calling themselves a registered, licensed, or other PTA (or using initials to that effect) without a DPH license. To obtain a license, a person must:

1. have graduated from a PTA school approved by the examining board or an approved U.S. physical therapist assistant school, both apparently approved with the commissioner's consent or
2. pass a DPH exam.

DPH develops the test and sets the passing score with the consent of the physical therapy examining board and determines how it will be administered. It must give candidates at least two weeks notice before the test. Test applicants must pay \$150. DPH must issue a license to anyone who passes the test and meets the education requirements.

As under current law, a PTA student in an approved school can work as required by their programs without a license. And licensing test applicants who have graduated from an approved U.S. PTA school (although apparently not one approved by the Connecticut examining board) can work under the direct and immediate supervision of a licensed physical therapist between the time they apply and when the test results are published. If they fail the test, they lose this privilege, but they can apply and pay to take the test again.

Licensing Without an Examination

The bill permits a person to obtain a license without an exam under three circumstances. He

1. is licensed or registered as a PTA in another state or country whose requirements are at least equal to Connecticut's when he applies here,
2. was eligible to be registered as a PTA before October 1, 2000, or
3. as of July 1, 2000, had graduated from a board-approved U.S. physical therapy school or had worked as a PTA for 20 years before October 1, 1989.

An applicant for a license without an exam must pay a \$150 fee.

Disciplinary Actions

The bill subjects anyone who uses willful or fraudulent misrepresentation to obtain a PTA license, who works without a license, or who works without a referral to a fine of up to \$500, five years in prison, or both. In the latter two situations, each instance of patient contact is a separate violation. DPH can revoke a PTA's license for violations. Under current law, DPH can impose a civil penalty of up to \$100 on a person who performs PTA activities without registering.

The bill gives the Physical Therapy Examiner's Board authority to suspend or revoke a PTA's license, after notice and a hearing, for:

1. conviction in any court of a crime involving his practice;

2. aiding or abetting the unlawful practice of physical therapy;
3. illegal, incompetent, or negligent practice;
4. treating people by physical therapy without a proper referral
5. fraud or deception in obtaining a license;
6. fraud or material deception in providing professional services or activities; and
7. violating any provisions of physical therapy law or regulation.

COMMENT

Effective Date For Athletic Trainer License Exemptions

The bill permits already certified athletic trainers and uncertified trainers who have practiced since 1979 to obtain a license without meeting the bill's testing and education requirements. To do this they must present evidence to DPH by January 1, 2000, which is before the bill's effective date.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Report

Yea 19 Nay 5