



House of Representatives

File No. 694

General Assembly

February Session, 2000

(Reprint of File No. 374)

Substitute House Bill No. 5794
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 29, 2000

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;

28 (4) "Standing orders" means written protocols, recommendations
29 and guidelines for treatment and care, furnished and signed by a
30 health care provider specified under subdivision (1) of this section, to
31 be followed in the practice of athletic training that may include, but
32 not be limited to, (A) appropriate treatments for specific athletic
33 injuries, (B) athletic injuries or other conditions requiring immediate
34 referral to a licensed health care provider, and (C) appropriate
35 conditions for the immediate referral to a licensed health care provider
36 of injured athletes of a specified age or age group.

37 (5) "Commissioner" means the Commissioner of Public Health.

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

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

45 Sec. 3. (NEW) (a) Each person who practices athletic training under

46 standing orders shall make a written or oral referral to a licensed
47 health care provider of any athlete who has an athletic injury whose
48 symptoms have not improved for a period of four days from the day of
49 onset, or who has any physical or medical condition that would
50 constitute a medical contraindication for athletic training or that may
51 require evaluation or treatment beyond the scope of athletic training.
52 The injuries or conditions requiring a referral under this subsection
53 shall include, but not be limited to, suspected medical emergencies or
54 illnesses, physical or mental illness and significant tissue or
55 neurological pathologies.

56 (b) Each person who practices athletic training, but not under
57 standing orders, may perform initial evaluation and temporary
58 splinting and bracing of any athlete with an athletic injury and shall,
59 without delay, make a written or oral referral of such athlete to a
60 licensed health care provider. The limitations on the practice of athletic
61 training set forth in this subsection shall not apply in the case of any
62 athlete that is referred to such person by a licensed health care
63 provider, provided such practice shall be limited to the scope of such
64 referral.

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

80 successor organization.

81 Sec. 5. (NEW) (a) Except as provided in subsections (b) and (c) of
82 this section, an applicant for a license to practice athletic training shall
83 have: (1) A baccalaureate degree from a regionally accredited
84 institution of higher education, or from an institution of higher
85 learning located outside of the United States that is legally chartered to
86 grant postsecondary degrees in the country in which such institution is
87 located; (2) successfully completed (A) a course of study in athletic
88 training in a program that, at the time of the applicant's completion, is
89 accredited by the National Athletic Trainers' Association, the
90 Committee on Allied Health Education and Accreditation, or the
91 Commission on Accreditation of Allied Health Education Programs, or
92 (B) a program of study in athletic training during a period of at least
93 two calendar years, a minimum of one thousand five hundred hours of
94 athletic training experience under the supervision of an athletic trainer
95 certified by the National Athletic Trainers' Association Board of
96 Certification, Inc., or its successor organization, of which a minimum
97 of one thousand hours shall be attained at the interscholastic,
98 intercollegiate or professional sports level, and a minimum of three
99 semester credits of formal education in each of the following areas: (i)
100 Health, (ii) nutrition, (iii) psychology, (iv) human anatomy, (v)
101 kinesiology or biomechanics, (vi) human physiology, (vii) physiology
102 of exercise, (viii) basic athletic training, and (ix) advanced athletic
103 training or therapeutic modalities and rehabilitative exercise; and (3)
104 passed the national certification examination sponsored by the
105 National Athletic Trainers' Association or the National Athletic
106 Trainers' Association Board of Certification, Inc., or their successor
107 organizations.

108 (b) An applicant for licensure to practice athletic training by
109 endorsement shall present evidence satisfactory to the commissioner
110 (1) of licensure or certification as an athletic trainer, or as a person
111 entitled to perform similar services under a different designation, in
112 another state having requirements for practicing in such capacity that
113 are substantially similar to or higher than the requirements in force in

114 this state, and (2) that there is no disciplinary action or unresolved
115 complaint pending against such applicant.

116 (c) Before January 1, 2001, an applicant for a license to practice
117 athletic training may, in lieu of the requirements set forth in subsection
118 (a) of this section, present evidence satisfactory to the commissioner of
119 (1) the continuous providing of services as an athletic trainer since
120 October 1, 1979, or (2) certification as an athletic trainer by the National
121 Athletic Trainers' Association Board of Certification, Inc.

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

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

132 Sec. 7. (NEW) The commissioner may adopt regulations, in
133 accordance with chapter 54 of the general statutes, to carry out the
134 provisions of sections 1 to 6, inclusive, of this act. The commissioner
135 shall administer the provisions of sections 1 to 6, inclusive, of this act
136 within available appropriations.

137 Sec. 8. Subsection (c) of section 19a-14 of the general statutes, as
138 amended by section 2 of public act 99-249 and section 60 of public act
139 99-2 of the June special session, is repealed and the following is
140 substituted in lieu thereof:

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

143 (1) Speech pathologist and audiologist;

- 144 (2) Hearing aid dealer;
- 145 (3) Nursing home administrator;
- 146 (4) Sanitarian;
- 147 (5) Subsurface sewage system installer or cleaner;
- 148 (6) Marital and family therapist;
- 149 (7) Nurse-midwife;
- 150 (8) Licensed clinical social worker;
- 151 (9) Respiratory care practitioner;
- 152 (10) Asbestos contractor and asbestos consultant;
- 153 (11) Massage therapist;
- 154 (12) Registered nurse's aide;
- 155 (13) Radiographer;
- 156 (14) Dental hygienist;
- 157 (15) Dietitian-Nutritionist;
- 158 (16) Asbestos abatement worker;
- 159 (17) Asbestos abatement site supervisor;
- 160 (18) Licensed or certified alcohol and drug counselor;
- 161 (19) Professional counselor;
- 162 (20) Acupuncturist;
- 163 (21) Occupational therapist;
- 164 (22) Lead abatement contractor; [and]

165 (23) Nail technician; and

166 (24) Athletic trainer.

167 The department shall assume all powers and duties normally vested
168 with a board in administering regulatory jurisdiction over said
169 professions. The uniform provisions of this chapter and chapters 368v,
170 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
171 and 400c, including, but not limited to, standards for entry and
172 renewal; grounds for professional discipline; receiving and processing
173 complaints; and disciplinary sanctions, shall apply, except as otherwise
174 provided by law, to the professions listed in this subsection.

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

178 (e) Each person holding a license or certificate issued under section
179 19a-514, 20-74s, as amended, 20-195cc or 20-206ll and chapters 370 to
180 373, inclusive, 375, 378 to 381a, inclusive, 383 to 388, inclusive, 393a,
181 395, 398, 399 or 400a and section 20-206n, 20-206o, [or] section 56 of
182 [this act] public act 99-2 of the June special session, or section 6 of this
183 act shall, annually, during the month of [the applicant's] such person's
184 birth, apply for renewal of such license or certificate to the Department
185 of Public Health, giving [the applicant's] such person's name in full,
186 [the applicant's] such person's residence and business address and
187 such other information as the department requests. Each person
188 holding a license or certificate issued pursuant to section 20-475 or 20-
189 476 shall, annually, during the month of [the applicant's] such person's
190 birth, apply for renewal of such license or certificate to the department.
191 Each entity holding a license issued pursuant to section 20-475 shall,
192 annually, during the anniversary month of initial licensure, apply for
193 renewal of such license or certificate to the department.

194 Sec. 10. Section 20-1 of the general statutes, as amended by section 1
195 of public act 99-102, is repealed and the following is substituted in lieu
196 thereof:

197 The practice of the healing arts means the practice of medicine,
198 chiropractic, podiatry, natureopathy and, except as used in chapters
199 384a and 388, [and sections 19a-16a to 19a-16c, inclusive,] the practice
200 of optometry.

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

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

206 Sec. 12. Section 20-66 of the general statutes, as amended by section
207 6 of public act 99-249, is repealed and the following is substituted in
208 lieu thereof:

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

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

213 (2) "Physical therapy" means the evaluation and treatment of any
214 person by the employment of the effective properties of physical
215 measures, the performance of tests and measurements as an aid to
216 evaluation of function and the use of therapeutic exercises and
217 rehabilitative procedures, with or without assistive devices, for the
218 purpose of preventing, correcting or alleviating a physical or mental
219 disability. [Physical therapy] "Physical therapy" includes the
220 establishment and modification of physical therapy programs,
221 treatment planning, instruction, peer review and consultative services,
222 [The term "physical therapy"] but does not include the use of
223 cauterization or the use of Roentgen rays or radium for diagnostic or
224 therapeutic purposes; [and]

225 (3) "Physical therapist assistant" means [(A) a graduate of a physical
226 therapist assistant program approved by the State Board of Examiners

227 for Physical Therapists, with the consent of the Commissioner of
228 Public Health, (B) a graduate of a United States physical therapy
229 school approved by the State Board of Examiners for Physical
230 Therapists, or (C) a person who has completed twenty years of
231 employment as a physical therapist assistant prior to October 1, 1989] a
232 person licensed to assist in the practice of physical therapy in this state
233 under the supervision of a physical therapist. For purposes of this
234 subdivision and subdivision (2) of subsection (a) of section 20-73, as
235 amended by this act, "supervision" means the overseeing of or the
236 participation in the work of a physical therapist assistant by a licensed
237 physical therapist, including, but not limited to: (A) Continuous
238 availability of direct communication between the physical therapist
239 assistant and a licensed physical therapist; (B) availability of a licensed
240 physical therapist on a regularly scheduled basis to (i) review the
241 practice of the physical therapist assistant, and (ii) support the physical
242 therapist assistant in the performance of the physical therapist
243 assistant's services; and (C) a predetermined plan for emergency
244 situations, including the designation of an alternate licensed physical
245 therapist in the absence of the regular licensed physical therapist; and

246 (4) "Assist in the practice of physical therapy" means the treatment
247 of any person by the employment of the effective properties of
248 physical measures and the use of therapeutic exercises and
249 rehabilitative procedures, with or without assistive devices, for the
250 purpose of preventing, correcting or alleviating a physical or mental
251 disability, but does not include the interpretation of referrals, initial or
252 discharge evaluation or assessment, or determination or modification
253 of treatment or discharge plans.

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

256 (a) (1) Any person who is a graduate of a school of physical therapy
257 approved by the [State] Board of Examiners for Physical Therapists,
258 with the consent of the Commissioner of Public Health, or has
259 successfully completed requirements for graduation from such school,

260 shall be eligible for examination for licensure as a physical therapist
261 upon the payment of a fee of two hundred twenty-five dollars. [Said
262 department] The Department of Public Health, with the consent of the
263 board, shall determine the subject matter of such examination, which
264 shall be designed to show proficiency in physical therapy and related
265 subjects, and shall determine whether such examination shall be
266 written, oral or practical, or a combination thereof. Passing scores shall
267 be established by the department with the consent of the board.
268 Warning of such examination shall be given by [said] the department
269 not less than two weeks in advance of the date set for the examination.
270 If the applicant passes such examination, the [Department of Public
271 Health] department shall issue to such applicant a license to practice
272 physical therapy.

273 (2) Any person who is a graduate of a physical therapy or physical
274 therapy assistant program accredited by the Commission on
275 Accreditation in Physical Therapy shall be eligible for examination for
276 licensure as a physical therapist assistant upon the payment of a fee of
277 one hundred fifty dollars. The department, with the consent of the
278 board, shall determine the subject matter of such examination, which
279 shall be designed to show proficiency in physical therapy and related
280 subjects, and shall determine whether such examination shall be
281 written, oral or practical, or a combination thereof. Passing scores shall
282 be established by the department with the consent of the board.
283 Warning of such examination shall be given by the department not less
284 than two weeks in advance of the date set for the examination. If the
285 applicant passes such examination, the department shall issue to such
286 applicant a physical therapist assistant license. Any applicant for
287 examination for licensure as a physical therapy assistant whose
288 application is based on a diploma issued to such applicant by a foreign
289 physical therapy school shall furnish documentary evidence,
290 satisfactory to the department, that the requirements for graduation
291 are similar to or higher than those required of graduates of approved
292 United States schools of physical therapy.

293 (b) (1) Any person who is a graduate of an approved United States

294 physical therapy school and who has filed an application with the
295 department may, between the dates of filing and the publication of the
296 results of the next succeeding examination, practice as a physical
297 therapist under the direct and immediate supervision of a licensed
298 physical therapist in this state. If the person practicing pursuant to this
299 [section] subdivision fails to pass the examination, all privileges under
300 this [section] subdivision shall automatically cease.

301 (2) Any person who is a graduate of an approved United States
302 physical therapist assistant school or an approved physical therapy
303 school and who has filed an application with the department may,
304 between the dates of filing and the publication of the results of the next
305 succeeding examination, practice as a physical therapist assistant
306 under the direct and immediate supervision of a licensed physical
307 therapist in this state. If the person practicing pursuant to this
308 subdivision fails to pass the examination, all privileges under this
309 subdivision shall automatically cease.

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

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

316 (a) The [department] Department of Public Health may issue a
317 license to practice physical therapy without examination, on payment
318 of a fee of two hundred twenty-five dollars, to an applicant who is a
319 physical therapist registered or licensed under the laws of any other
320 state or territory of the United States, any province of Canada or any
321 other country, if the requirements for registration or licensure of
322 physical therapists in such state, territory, province or country were, at
323 the time of application, similar to or higher than the requirements in
324 force in this state.

325 (b) The department may issue a physical therapist assistant license

326 without examination, on payment of a fee of one hundred fifty dollars,
327 to an applicant who: (1) Is a physical therapist assistant registered or
328 licensed under the laws of any other state or territory of the United
329 States, any province of Canada or any other country, if the
330 requirements for registration or licensure of physical therapist
331 assistants in such state, territory, province or country were, at the time
332 of application, similar to or higher than the requirements in force in
333 this state; (2) was eligible for registration as a physical therapist
334 assistant before the effective date of this act; or (3) as of July 1, 2000,
335 (A) is a graduate of an approved United States physical therapy school,
336 approved by the Board of Examiners for Physical Therapists, with the
337 consent of the Commissioner of Public Health, or (B) has completed
338 twenty years of employment as a physical therapist assistant prior to
339 October 1, 1989.

340 Sec. 15. Section 20-73 of the general statutes, as amended by section
341 24 of public act 99-102, is repealed and the following is substituted in
342 lieu thereof:

343 (a) (1) No person may practice as a physical therapist unless
344 licensed pursuant to this chapter. No person may use the term
345 "Registered Physical Therapist", "Licensed Physical Therapist" or
346 "Physical Therapist" or the letters "R.P.T.", "L.P.T." or any other letters,
347 words or insignia indicating or implying licensure as a physical
348 therapist in this state unless the person is so licensed.

349 (2) No person may practice as a physical therapist assistant unless
350 such person is licensed pursuant to this chapter and is under the
351 supervision of a physical therapist licensed pursuant to this chapter.
352 No person may use the term "Registered Physical Therapist Assistant",
353 "Licensed Physical Therapist Assistant" or "Physical Therapist
354 Assistant", or the letters "P.T.A." to represent or imply the term
355 "Physical Therapist Assistant", or any other letters, words or insignia
356 indicating or implying licensure as a physical therapist assistant in this
357 state unless the person is so licensed.

358 (b) The treatment of human ailments by physical therapy shall only
359 be performed by a person licensed under the provisions of this chapter
360 as a physical therapist or physical therapist assistant upon the oral or
361 written referral of a person licensed in this state, or in a bordering state
362 having licensing requirements meeting the approval of the appropriate
363 examining board in this state, to practice medicine and surgery,
364 podiatry, natureopathy, chiropractic or dentistry, or an advanced
365 practice registered nurse licensed to prescribe in accordance with
366 section 20-94a, as amended, or a physician assistant licensed to
367 prescribe in accordance with section 20-12d, as amended.

368 (c) Any person who violates the provisions of this section or who
369 obtains or attempts to obtain licensure as a physical therapist or
370 physical therapist assistant by any wilful misrepresentation or any
371 fraudulent representation shall be fined not more than five hundred
372 dollars or imprisoned not more than five years, or both. A physical
373 therapist, physical therapist assistant or dentist who violates the
374 provisions of this section shall be subject to licensure revocation in the
375 same manner as is provided under section 19a-17, or in the case of a
376 healing arts practitioner, section 20-45. For purposes of this section
377 each instance of patient contact or consultation in violation of any
378 provision of this section shall constitute a separate offense. Failure to
379 renew a license in a timely manner shall not constitute a violation for
380 the purposes of this section.

381 [(b) Each physical therapy assistant who is assisting in the practice
382 of physical therapy under the supervision of a licensed physical
383 therapist, as defined in section 20-66, shall, upon payment of an
384 application fee of twenty-five dollars, register with the Department of
385 Public Health on a form furnished by the department, giving his name
386 in full, his residence and business addresses and such other
387 information as the department requests. Each physical therapy
388 assistant shall notify the department in writing within thirty days of
389 any change in his name or residence or business addresses. A physical
390 therapy assistant shall not practice physical therapy assisting without
391 registering with the department pursuant to this section. The

392 commissioner may, upon receipt of notification and investigation,
393 assess a civil penalty of not more than one hundred dollars against any
394 physical therapy assistant who has practiced physical therapy assisting
395 without first registering with said department.]

396 Sec. 16. Section 20-73a of the general statutes, as amended by section
397 25 of public act 99-102, is repealed and the following is substituted in
398 lieu thereof:

399 The Board of Examiners for Physical Therapists shall have
400 jurisdiction to hear all charges of conduct that fails to conform to the
401 accepted standards of the practice of physical therapy brought against
402 any person licensed as a physical therapist or physical therapist
403 assistant and, after holding a hearing, written notice of which shall be
404 given to the person complained of, [said] the board, if it finds such
405 person to be guilty, may revoke or suspend such person's license or
406 take any of the actions set forth in section 19a-17. Any proceedings
407 relative to such action may be begun by the filing of written charges
408 with the Commissioner of Public Health. The causes for which such
409 action may be taken are as follows: (1) Conviction in a court of
410 competent jurisdiction, either within or without this state, of any crime
411 in the practice of [his] such person's profession; (2) illegal, incompetent
412 or negligent conduct in the practice of physical therapy or in the
413 supervision of a physical therapist assistant; (3) aiding or abetting the
414 unlawful practice of physical therapy; (4) treating human ailments by
415 physical therapy without the oral or written referral by a person
416 licensed in this state or in a bordering state having licensing
417 requirements meeting the approval of the appropriate examining
418 board in this state to practice medicine and surgery, podiatry,
419 natureopathy, chiropractic or dentistry; (5) failure to register with the
420 Department of Public Health as required by law; (6) fraud or deception
421 in obtaining a license; (7) engaging in fraud or material deception in
422 the course of professional services or activities; or (8) violation of any
423 provision of this chapter, or any regulation adopted [hereunder] under
424 this chapter. The clerk of any court in this state in which a person
425 practicing physical therapy has been convicted of any crime as

426 described in this section shall, immediately after such conviction,
427 transmit a certified copy, in duplicate, of the information and
428 judgment, without charge, to the Department of Public Health,
429 containing the name and address of the physical therapist or physical
430 therapist assistant, the crime of which [he] the physical therapist or
431 physical therapist assistant has been convicted and the date of
432 conviction. The hearing on such charges shall be conducted in
433 accordance with the regulations adopted by the Commissioner of
434 Public Health in accordance with chapter 54. Any person aggrieved by
435 a final decision of [said] the board may appeal therefrom as provided
436 in section 4-183, as amended. Such appeal shall have precedence over
437 nonprivileged cases in respect to order of trial. The Attorney General
438 shall act as attorney in the public interest in defending against such an
439 appeal. The board may petition the superior court for the judicial
440 district of Hartford to enforce any action taken pursuant to section
441 19a-17.

442 Sec. 17. Section 20-74 of the general statutes, as amended by section
443 26 of public act 99-102, is repealed and the following is substituted in
444 lieu thereof:

445 (a) No provision of this chapter shall confer any authority to
446 practice medicine or surgery, nor shall this chapter prohibit the
447 incidental care of the sick by domestic servants or by persons
448 principally employed as housekeepers or as athletic trainers, nor
449 prohibit any person from the domestic administration of family
450 remedies or the furnishing of assistance in the case of emergency. It
451 shall not prohibit persons registered under the provisions of chapter
452 372, 373, 375 or 378 from administering care to patients, nor shall it
453 prohibit the care of the sick with or without compensation or personal
454 profit in connection with the practice of the religious tenets of any
455 church by adherents thereof, provided such persons shall not
456 otherwise engage in the practice of physical therapy or assist in the
457 practice of physical therapy within the meaning of this chapter. It shall
458 not prohibit students who are enrolled in schools or courses of
459 physical therapy or physical therapist assistant programs approved by

460 the Board of Examiners for Physical Therapists with the consent of the
461 Commissioner of Public Health from performing such work as is
462 incidental to their respective courses of study; nor shall it prohibit any
463 physical therapist from another state from doing such therapist's work
464 or other physical therapy activities as is incidental to the person's
465 course of study when taking or giving a postgraduate course or other
466 courses of study in this state approved by said board. [It shall not
467 prohibit any person who is a physical therapist assistant from assisting
468 in the practice of physical therapy under the supervision of a licensed
469 physical therapist provided such assistance is limited to the treatment
470 of a person by the employment of the effective properties of physical
471 measures and the use of therapeutic exercises and rehabilitative
472 procedures, with or without assistive devices, for the purpose of
473 preventing, correcting or alleviating a physical or mental disability,
474 and does not include the interpretation of referrals, initial or discharge
475 evaluation or assessment, or determination or modification of
476 treatment or discharge plans.] Any physical therapist who is a
477 graduate from a school approved by [said] the board [of examiners]
478 with the consent of the Department of Public Health but not licensed in
479 this state may, with the approval of [said] the department and upon
480 obtaining a temporary certificate from [said] the department, practice
481 physical therapy in this state on a temporary basis for a period of six
482 months, which period may be extended upon request at the discretion
483 of the department, provided (1) such physical therapist does not claim
484 to be licensed to practice in this state, and (2) application for licensure
485 by examination, reciprocity or endorsement is filed with [said] the
486 department within six months after starting such practice. Persons in
487 the service of the federal government are excluded from the provisions
488 of this chapter. [For the purposes of this section, supervision means the
489 overseeing of or the participation in the work of a physical therapist
490 assistant by a licensed physical therapist including but not limited to
491 (1) continuous availability of direct communication between the
492 physical therapist assistant and a licensed physical therapist; (2)
493 availability of a licensed physical therapist on a regularly scheduled
494 basis to (A) review the practice of the physical therapist assistant, and

495 (B) support the physical therapist assistant in the performance of his
496 services; and (3) a predetermined plan for emergency situations,
497 including the designation of an alternate licensed physical therapist in
498 the absence of the regular licensed physical therapist.]

499 (b) The Commissioner of Public Health shall administer the
500 provisions of this chapter with respect to the licensing of physical
501 therapist assistants within available appropriations.

502 Sec. 18. Subdivision (5) of subsection (c) of section 19a-88 of the
503 general statutes, as amended by section 4 of public act 99-249, is
504 repealed and the following is substituted in lieu thereof:

505 (5) (A) Each person holding a license to practice physical therapy
506 shall, annually, during the month of such person's birth, register with
507 the Department of Public Health, upon payment of the professional
508 services fee for class B, as defined in section 33-182l, on blanks to be
509 furnished by the department for such purpose, giving such person's
510 name in full, [with] such person's residence and business address and
511 such other information as the department requests.

512 (B) Each person holding a physical therapist assistant license shall,
513 annually, during the month of such person's birth, register with the
514 Department of Public Health, upon payment of the professional
515 services fee for class A, as defined in section 33-182l, on blanks to be
516 furnished by the department for such purpose, giving such person's
517 name in full, such person's residence and business address and such
518 other information as the department requests.

519 Sec. 19. Sections 19a-16a to 19a-16c, inclusive, of the general statutes
520 are repealed.

521 Sec. 20. This act shall take effect the later of October 1, 2000, or on
522 the date notice is published by the Commissioner of Public Health in
523 the Connecticut Law Journal indicating that the licensing of athletic
524 trainers and physical therapist assistants is being implemented by the
525 Commissioner.

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: Uncertain

Affected Agencies: Department of Public Health

Municipal Impact: None

Explanation

State Impact:

Passage of this bill will result in an uncertain fiscal impact to the Department of Public Health (DPH). The bill spells out the parameters of licensure programs for athletic trainers and physical therapist assistants. However, it appears (from the bill's effective date) that implementation would be contingent upon a decision of the Commissioner of Public Health to develop the licensure programs without statutory authorization. This makes it uncertain at what point in time, if any, the licensure programs will be established.

If the Commissioner elects to publish notice of his intent to implement the programs, the first year cost to the DPH will be approximately \$131,000, as the agency will require 1 Office Assistant, 1 Investigator and 1 Licensing Examination Assistant and associated other expenses and equipment to begin licensure of a projected 400 applicants seeking licensure as athletic trainers and 450 applicants seeking licensure as physical therapist assistants. Ongoing annual costs will be approximately \$123,200, as one-time equipment costs will not recur.

A projected first year revenue gain of \$140,060 would also result. This would include \$69,200 from athletic trainers, based upon collection of a \$150 initial license fee and a \$100 license renewal fee. A total of \$70,860 would be collected from physical therapist assistants, based upon a \$150 application fee and a \$30 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 programs.

In subsequent fiscal years, an estimated \$40,000 would be collected from athletic trainers renewing their licenses, while an estimated \$13,500 would be collected from physical therapist assistants renewing their licenses. An indeterminate number of new applicants in future years would pay the \$150 initial license fees.

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 purpose of supporting licensure of athletic trainers or physical therapist assistants.

House "A" changes the effective date of the bill from:

- (a) October 1, 2000, to
- (b) the later of October 1, 2000 or the date notice is published in the Connecticut Law Journal by the Commissioner of Public Health indicating the licensure programs are being implemented.

This appears to make the choice of whether to implement the licensure programs subject to the discretion of the Commissioner, and makes the fiscal impact of the bill uncertain, as it is unclear when or if the licensure programs will be initiated. To the extent that this delays their implementation, a corresponding savings and revenue loss will result for the DPH, as it will postpone hiring needed staff and licensure fees will not be collected. The magnitude of any savings and revenue loss cannot be determined at this time, as it would depend

upon the date of program implementation.

The amendment also requires annual license renewal for physical therapist assistants. This results in a first year revenue gain of approximately \$3,360, and an ongoing annual revenue gain of approximately \$13,500, if the licensure program is implemented.

Other changes in the amendment are technical in nature and have no associated fiscal impact.

OLR Amended Bill Analysis

sHB 5794 (as amended by House A)*

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 (PTAs). 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 establishes two classes of trainers, those who practice under a physician's standing orders and those who do not. The latter can perform initial evaluations and provide temporary help but must otherwise immediately refer an injured athlete to a physician. The former can treat injured athletes for up to four days and then, if the symptoms do not improve, must refer them to a health care provider.

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 and must pay a \$30 annual professional services fee. The bill subjects both licenses to the same disciplinary actions that can be imposed on other licensed health care providers.

*House Amendment "A" establishes two classes of athletic trainers, eliminates provisions governing trainers' treatment of children under age 14, reinstates current law's requirement that PTAs work under a

physical therapist's supervision, requires them to pay a \$30 annual fee, requires DPH to implement PTA licensing within available appropriations, makes changes related to PTA schools' accreditation requirements and provides for graduates of foreign physical therapy schools, and adds the alternative effective date.

EFFECTIVE DATE: October 1, 2000 or when the public health commissioner publishes notice in the *Connecticut Law Journal* that he is implementing the bill's licensing provisions, whichever is later.

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, unless a licensed health care provider has referred a person and the trainer works within the scope of the referral. It defines an "athlete" as someone who participates at least three times a week in sports or recreational activities, including training and practice, or is 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 requires an athletic trainer practicing under standing orders from a licensed physician, podiatrist, naturopath, or chiropractor to make a written or oral referral to such a provider if an athlete's symptoms do not improve within four 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. But athletic trainers who are not practicing under a licensed provider's standing orders may only perform initial evaluations or temporarily splint or brace an injured athlete. Otherwise, they must refer injured athletes to a provider without delay.

The bill defines "standing orders" as a health care provider's written and signed protocols, recommendations, and guidelines for treatment

and care in athletic training practices. They may include appropriate treatments for specific athletic injuries, injuries and conditions that require immediate referral, and appropriate conditions for immediate referral by various age groups.

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 preventive 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, 2001, 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 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 a bordering state whose licensing requirements meet Connecticut licensing board approval. As under current law, they must work under the supervision of a licensed physical therapist. 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. therapy

assistant 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. It requires DPH to administer this licensing program within its available appropriations. To obtain a license, a person must:

1. have graduated from a physical therapy or physical therapy assistant program accredited by the Commission on Accreditation in Physical Therapy or
2. have graduated from a foreign physical therapy school that has graduation requirements at least equal to those required for graduates of U.S. physical therapy schools as shown by satisfactory documentary evidence the candidate furnishes to DPH, and
3. passes a DPH test.

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. Licensed PTAs must pay the state treasurer an annual \$30 professional services fee and, annually during their birth month, register with DPH. They must provide their full name, residence and business address, and any other information the department requests.

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 or an approved physical therapy school can work under the direct and immediate supervision of a licensed physical therapist between the times 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 if 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; or
7. violating any provisions of physical therapy law or regulation.

BACKGROUND

Legislative History

The House referred this bill (file 374) to the Appropriations Committee on April 7, the Judiciary Committee on April 12, the Finance, Revenue and Bonding Committee on April 18, and the Education Committee on April 26. Each reported the bill favorably without change.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute Report
Yea 19 Nay 5

Appropriations Committee

Joint Favorable Report
Yea 35 Nay 9

Judiciary Committee

Joint Favorable Report
Yea 15 Nay 6

Finance, Revenue and Bonding Committee

Joint Favorable Report
Yea 33 Nay 11

Education Committee

Joint Favorable Report
Yea 30 Nay 0