



This document explains the salient facts of the Joint Statement on Cooperation between NATA and APTA. It is provided to all people interested in the facts and ramifications of the Fair Practice Lawsuit (NATA v. APTA).

**The National Athletic Trainers' Association, Inc.
And
The American Physical Therapy Association**

JOINT STATEMENT ON COOPERATION

Approved by both Boards of Directors and signed by both presidents.

The National Athletic Trainers' Association, Inc. ("NATA") and the American Physical Therapy Association ("APTA") have agreed to settle their legal dispute pending in the United States District Court for the Northern District of Texas, Dallas Division. This Joint Statement on Cooperation arises from an effort by both Associations to work together to resolve differences through dialogue and mutual cooperation.

The Associations

The NATA is the international professional membership association for athletic trainers ("ATs"). The NATA has more than 30,000 members. The NATA's mission is to enhance the quality of health care provided by certified athletic trainers and to advance the athletic training profession. Information about athletic training and the education, licensure, and certification of ATs is available on the NATA website, www.nata.org.

The APTA is the national association for licensed physical therapists ("PTs") and physical therapy assistants ("PTAs"). It has over 70,000 members. The mission of the APTA is to further the role of the physical therapy profession in the prevention, diagnosis, and treatment of movement dysfunction and the enhancement of the physical health and functional abilities of members of the public. Information about physical therapy and the education, licensure, and specialist certification of PTs is available on the APTA website, www.apta.org.

The Litigation

The members of the NATA and the APTA share a dedication to improving the health, functioning, and well-being of their patients and clients. Over the years, these two organizations have cooperated at times on certain public policy issues, but they have also disagreed on other issues.

In early 2008, the NATA sued the APTA, alleging it had violated the antitrust laws and seeking injunctive and other relief. The APTA denies any factual basis for these allegations and contends NATA's claims lack any merit. **The federal district court in Dallas denied APTA's request to dismiss the case, finding that NATA could maintain claims for declaratory and injunctive relief.** The Court also stated, however, that NATA could not seek damages from APTA. Instead of continuing the legal dispute, the two sides have decided to enter into a settlement agreement and to issue this Joint Statement.

Anti-trust cases must meet a very high legal standard in order to proceed.

Qualifications of Physical Therapists and Athletic Trainers

The APTA and the NATA acknowledge that physical therapists and athletic trainers are health care professionals authorized to provide interventions within their scope of practice as defined by applicable state law and, within that scope, to the extent of their individual educational/training competencies. **The scopes of practice of the two professions overlap to some extent.** The education, qualifications and training of the two professions are different. The patients and conditions treated and interventions performed by PTs and ATs are often different. **The professional education of both physical therapists and athletic trainers calls for competence in some forms of manual therapy,** on which physical therapists and athletic trainers are tested by their certification/licensure examinations.

ATs are unique in their qualifications and capabilities to treat patients from the onset of injury to return to activity.

Both are qualified to provide patients manual therapy.

Non-Exclusive Procedures

The APTA's longstanding position is that the term "physical therapy" should be used to characterize health care services only when those services are provided by a licensed PT or by a PTA acting under the direction and supervision of a licensed PT. The NATA recognizes that **CPT codes 97001 and 97002 (physical therapy evaluation and physical therapy re-evaluation)** are used to denote services provided by a licensed PT.

The NATA's position is that the term "athletic training" should be used to characterize health care services only when those services are provided by a licensed and/or certified athletic trainer. **The APTA recognizes that CPT codes 97005 and 97006 (athletic training evaluation and athletic training re-evaluation)** are used to denote services provided by a licensed and/or certified AT.

The NATA and the APTA both believe that the current Physical Medicine and Rehabilitation codes other than 97001, 97002, 97005 and 97006 are not exclusive to any one particular health care profession.

PTs are not the "exclusive" providers of manual therapy. Further, depending on individual qualifications and certification and state regulations, ATs are qualified to perform certain forms of manual therapy.

These are the only true physical therapy codes.

These are the only true athletic training codes.

All qualified health care professionals may use the PMR codes. PMR is not equivalent to physical therapy.

ATs are qualified to provide manual therapy.

Legal Scope of Practice

The APTA and the NATA agree their members should practice within their respective licensed or regulated scopes of practice. The NATA and the APTA agree that the appropriate legal scope of practice for their respective members, as for any profession, is determined by legislatures and regulatory bodies. **Both NATA and APTA agree it is a priority to protect the public from harm, and to compete ethically in the marketplace.**

The professional ethics code of APTA members calls for them to “respect the rights, knowledge and skills of colleagues and other health care professionals.”

Access to Continuing Education

With respect to continuing education programs offered by PTs or PTAs, the APTA has agreed to clarify its existing policy on continuing clinical education for non-PTs. **The policy adopted by the APTA House of Delegates applies only to PTs and PTAs and says that they should identify the target audiences for continuing education programs and that course materials should indicate course content is not intended for use by participants outside the scope of their license or regulation.** The policy also says that, in order to protect the public, physical therapists should not teach elements of physical therapy patient/client management to “individuals who are not licensed or otherwise regulated.”

APTA acknowledges that its policies do not apply to athletic trainers.

Because athletic trainers in the vast majority of states are licensed or otherwise regulated, this part of the policy does not apply to teaching ATs in those states where they are licensed or otherwise regulated. The House of Delegates policy does not require PTs to make determinations concerning the scope of practice of individuals who practice other professions.

The APTA and several APTA Chapters are continuing education providers approved by the National Athletic Trainers’ Association Board of Certification, Inc. (“BOC”). The Associations agree that PTs and ATs are free to refrain from teaching certain content to any audience if they determine that the content is not appropriate for the audience, including, but not limited to, because someone lacks the requisite education and training.

Both Boards of Directors agreed to these statements.

The Professions

NATA states: ATs gain professional qualifications after: 1) graduation from a bachelor’s or master’s academic program accredited by the Commission on Accreditation of Athletic Training Education (“CAATE”); and 2) passing a national exam administered by the BOC, the independent credentialing body for the athletic training profession. The BOC certification program is accredited by the National Commission for Certifying Agencies (“NCCA”). **Certified athletic trainers are required to obtain 75 hours of continuing education every three years. Athletic trainers are licensed, registered, and/or exempt from licensure in the statutes of 47 states. Athletic trainers serve patients through injury and illness prevention, clinical evaluation and diagnosis, appropriate interventions, management, and treatment of emergency, acute and chronic medical conditions, and rehabilitation.**

ATs serve patients. Patients include athletes and others who are physically active.

APTA states: PTs gain professional qualifications by: 1) graduating from a master’s or doctoral academic program accredited by the Commission on Accreditation in Physical Therapy Education, which is recognized by the U.S. Department of Education; and 2) passing the national physical therapy licensure examination administered by the Federation of State Boards of Physical Therapy (“FSBPT”) for all fifty states. PTs provide clinical examination and evaluation, diagnoses, appropriate interventions and rehabilitation to individuals of all ages who have impairments, limitations in activities or participation, or changes in physical function or health status resulting from injury, disease, or other causes, and they provide prevention and health promotion and wellness services.

Truth in Advocacy

The NATA and the APTA agree that decisions about which professionals should be deemed qualified to provide particular services and which services provided by such professionals should be reimbursed by insurers and public programs are issues to be decided in the marketplace by consumers, insurers, federal and state legislatures, policy makers, and, in the case of athletic trainers (as dictated by state law), physicians. Thus, each Association and its individual members are free, like other citizens, to make truthful statements and to express their opinions about their professions or about others within the health care marketplace. That being said, statements made by the APTA and the NATA about PTs and ATs should not mislead consumers, insurers, physicians, or the public, and neither organization will make false or deceptive statements, including false or deceptive statements about qualifications of PTs or ATs. **Specifically, neither organization will make false or misleading statements referring to PTs or ATs as “non-qualified,” “unqualified,” “not qualified,” or any variation of these terms.** Nothing in this Joint Statement shall be construed to impede the rights of either the APTA or the NATA to conduct all lawful activities, and make all lawful statements. Members and representatives of the APTA and the NATA should respect the rights, knowledge and skills of the other profession and compete honestly and ethically in the health care marketplace.

This statement reiterates the APTA’s agreement to compete ethically in the marketplace.

The APTA frequently and inaccurately used these terms in its letters advocating against federal and state legislative and regulatory efforts.

Mutual Cooperation

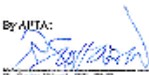
The APTA and the NATA acknowledge many PTs and ATs have established productive, mutually respectful and collaborative relationships. Such cooperation should be fostered. The APTA and the NATA will commit, at the level of the two national associations, to confer periodically on issues of common interest and discuss inter-professional disputes.


Both groups agree to establish productive, collaborative relationships.

Inter-Association Communication

The NATA and the APTA agree to candidly discuss areas of friction between the organizations and identify issues on which the organizations can lawfully and appropriately work together to improve the health, functioning, and well-being of the communities they serve, including their patients and clients.

This Joint Statement is hereby signed on this 22ND day of September, 2009.

By APTA: 
R. Scott Ward, PT, PhD
President
American Physical Therapy Association

By NATA: 
Margaret J. Boehm, MS, ATC
President
National Athletic Trainers’ Association

Signed on behalf of the Boards of Directors of both associations.