



**VIRTUAL/TELECONFERENCE**  
**ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**September 28, 2022**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of March 23, 2022 (4-11)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition**
  - 1) Introduction of Michael K. Moll, Athletic Trainer Member (Succeeds: Vergamini)
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Appointment of Liaisons and Alternates
  - 3) Board Members – Board Member Status
    - a. Atkins, Stephanie – 7/1/2023
    - b. Davide, Jay J. – 7/1/2026
    - c. Fielding, Kurt A. – 7/1/2023
    - d. Johnsen, John J. – 7/1/2021
    - e. Moll, Michael K. – 7/1/2024
    - f. Wedro, Benjamin C. – 7/1/2023
  - 4) Wis. Stat. § 15.083(3)(b) Biannual Meeting with the Medical Examining Board
- F. Legislative and Policy Matters – Discussion and Consideration
- G. 9:00 A.M. PUBLIC HEARING – Clearinghouse Rule 22-030 (AT 2) Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses**
  - 1) Review Public Hearing Comments and Respond to Clearinghouse Report **(12-20)**
- H. Administrative Rule Matters – Discussion and Consideration (21)**
  - 1) Scope Statement: AT 4, Relating to Protocol Requirements **(22-23)**

- 2) Preliminary Rule Draft: AT 1 and 4, Relating to References to Consulting Physician **(24-30)**
- 3) Pending or Possible Rulemaking Projects **(31)**

**I. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**

- 1) Travel Report: BOC Compliance and Regulatory Education (CARE) Conference 2022 on July 15-16, 2022 in Omaha, NE

**J. COVID-19 – Discussion and Consideration**

**K. Discussion and Consideration of Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**L. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

**M. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters

- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

O. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

Q. Delegation and Ratification of Licenses Issued Between Meetings

**ADJOURNMENT**

**NEXT MEETING: TBD (2023)**

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 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD  
MEETING MINUTES  
MARCH 23, 2022**

**PRESENT:** Stephanie Atkins, Jay Davide, Kurt Fielding, John Johnsen, Benjamin Wedro

**STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin; Administrative Rule Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department staff

**CALL TO ORDER**

Kurt Fielding, Chairperson, called the meeting to order at 11:00 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Following adjournment, update the notice to reference the “2021 Wisconsin Public Records Law Facilitated Training”

**MOTION:** Stephanie Atkins moved, seconded by John Johnsen, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES SEPTEMBER 22, 2021**

**MOTION:** John Johnsen moved, seconded by Benjamin Wedro, to approve the Minutes of September 22, 2021 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Slate of Officers*

**NOMINATION:** Benjamin Wedro nominated the 2021 slate of officers to continue in 2022.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Kurt Fielding
<b>Vice Chairperson</b>	John Johnsen
<b>Secretary</b>	Stephanie Atkins

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Kurt Fielding <i>Alternate: John Johnsen</i>
<b>Legislative Liaison(s)</b>	Jay Davide <i>Alternate: Benjamin Wedro</i>
<b>Education and Examinations Liaison(s)</b>	John Johnsen <i>Alternate: Stephanie Atkins</i>
<b>Monitoring Liaison(s)</b>	Benjamin Wedro <i>Alternate: Kurt Fielding</i>
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Benjamin Wedro <i>Alternate: Jay Davide</i>
<b>Website Liaison(s)</b>	Kurt Fielding <i>Alternate: Stephanie Atkins</i>
<b>Travel Authorization Liaison(s)</b>	Kurt Fielding <i>Alternate: Jay Davide</i>
<b>Screening Panel</b>	Stephanie Atkins, John Johnsen <i>Alternate: Jay Davide</i>

**Delegation of Authorities**

***Document Signature Delegations***

**MOTION:** Benjamin Wedro moved, seconded by Jay Davide, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** John Johnsen moved, seconded by Stephanie Atkins, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Benjamin Wedro moved, seconded by Kurt Fielding, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to Loss of Quorum*

**MOTION:** Jay Davide moved, seconded by Kurt Fielding, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

### *Monitoring Delegations*

#### **Delegation of Authorities for Monitoring**

**MOTION:** John Johnsen moved, seconded by Stephanie Atkins, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 23, 2022 agenda materials on pages 17-18. Motion carried unanimously.

#### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Benjamin Wedro moved, seconded by Kurt Fielding, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Kurt Fielding moved, seconded by Benjamin Wedro, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Jay Davide moved, seconded by John Johnsen, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

### **Delegation of Authority for Conviction Reviews**

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of athletic training. Motion carried unanimously.

### **Delegation of Authority for Reciprocity/Endorsement Reviews**

**MOTION:** Benjamin Wedro moved, seconded by Stephanie Atkins, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state license requirements are substantially equivalent to the Board's requirements. Motion carried unanimously.

### **Delegated Authority for Application Denial Reviews**

**MOTION:** Benjamin Wedro moved, seconded by Kurt Fielding, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### ***Pre-Screening Delegation to Open Cases***

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
  2. Reciprocal discipline cases.
  3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
  4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
  5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).
- Motion carried unanimously.

### *Pre-Screening Delegation to Close Cases*

**MOTION:** John Johnsen moved, seconded by Jay Davide, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

### *Voluntary Surrenders*

**MOTION:** Jay Davide moved, seconded by Benjamin Wedro, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

### *Education and Examination Liaison(s) Delegation*

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

### *Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies*

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

**MOTION:** Benjamin Wedro moved, seconded by Stephanie Atkins, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Legislative Liaison Delegation*

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.



### ***Travel Authorization Liaison Delegation***

**MOTION:** John Johnsen moved, seconded by Jay Davide, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

### ***Website Liaison(s) Delegation***

**MOTION:** Stephanie Atkins moved, seconded by John Johnsen, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

## **ADMINISTRATIVE RULE MATTERS**

### **Scope Statement: AT 1 and 4, Relating to References to Consulting Physician**

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to approve the Scope Statement revising AT 1 and 4, relating to references to consulting physician, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

**MOTION:** John Johnsen moved, seconded by Kurt Fielding, to request DSPS staff draft a Scope Statement revising AT 4, relating to protocol requirements. Motion carried unanimously.

## **CREDENTIALING MATTERS**

### **Review of Evaluation and Treatment Protocol (Form #2517)**

**MOTION:** Benjamin Wedro moved, seconded by John Johnsen, to make changes highlighted in blue and yellow as outlined on pages 28-30 and amend the reference to "Athletic Trainer Signature" on the Review of Evaluation and Treatment Protocol (Form 2517) in the 3/23/2022 agenda packet. Motion carried unanimously.

## **BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES**

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to request that the state legislature increase the number of staff positions and increase the spending authority of the Department of Safety and Professional Services. The fee revenue paid by athletic trainers to obtain and renew licenses should not be diverted to other purposes. Continued diversions of fee revenue prevents the Department from hiring additional staff and inhibits the Athletic Trainers Affiliated Credentialing Board's ability to license professionals without undue delay. Motion carried unanimously.

**MOTION:** Kurt Fielding moved, seconded by Stephanie Atkins, to authorize Kurt Fielding to communicate with the Wisconsin Athletic Trainers Association and the Wisconsin Interscholastic Athletic Association regarding Board action relating to Department resources. Motion carried unanimously.

### **SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND REPORTS**

#### **Consideration of Attendance: BOC Compliance and Regulatory Education (CARE) Conference 2022 on July 15-16, 2022 in Omaha, NE**

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to designate Benjamin Wedro to serve as the Board's delegate, and Stephanie Atkins as the Board's alternate, to attend the BOC CARE Conference 2022 on July 15-16, 2022 in Omaha, NE. Motion carried unanimously.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Kurt Fielding moved seconded by John Johnsen, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Kurt Fielding, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Stephanie Atkins-yes; Jay Davide-yes; Kurt Fielding-yes; John Johnsen-yes; and Benjamin Wedro-yes. Motion carried unanimously.

The Board convened to closed session at 1:21 p.m.

## **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS**

### **Case Closings**

#### **20 ATB 001 – M.S.K.H.**

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to close DLSC Case Number 20 ATB 001, against M.S.K.H., for Prosecutorial Discretion (P1). Motion carried unanimously.

## RECONVENE TO OPEN SESSION

**MOTION:** Stephanie Atkins moved, seconded by John Johnsen, to reconvene to open session. Motion carried unanimously.

The Board reconvened to open session at 1:25 p.m.

## VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**MOTION:** Benjamin Wedro moved, seconded by John Johnsen, to reaffirm all motions made and votes taken in closed session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

## DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

**MOTION:** Kurt Fielding moved, seconded by John Johnsen, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

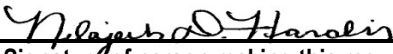
## ADJOURNMENT

**MOTION:** Kurt Fielding moved, seconded by Jay Davide, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:26 p.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 09/16/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Athletic Trainers Affiliated Credentialing Board			
<b>4) Meeting Date:</b> 09/28/22	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> 9:00 A.M. Public Hearing – Clearinghouse Rule 22-030 on AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses 1. Review Public Hearing Comments and Respond to Clearinghouse Report	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
<b>11) Authorization</b>			
 Signature of person making this request		09/16/22 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS AFFILIATED  
ATHLETIC TRAINERS AFFILIATED : CREDENTIALING BOARD  
CREDENTIALING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 2.01 and 2.02 (intro.); and create AT 2.03, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 440.09, Stats.

**Statutory authority:**

Sections 15.085 (5) (b) and 440.09 (5), Stats.

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

### **Comparison with rules in adjacent states:**

**Illinois:** The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

**Iowa:** Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

**Michigan:** The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

**Minnesota:** The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2020 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

### **Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

### **Fiscal Estimate and Economic Impact Analysis:**

A fiscal estimate and economic impact analysis are attached.

### **Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

### **Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing on September 28, 2022 at 9:00 a.m., to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. AT 2.01 is amended to read:

**AT 2.01 Applications.** An applicant for a license shall file an application and must pay the fee specified in s. 440.05 (~~1~~), Stats. An applicant for a license who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (~~1~~), Stats.

SECTION 2. AT 2.02 (intro.) is amended to read:

**AT 2.02 (intro.)** ~~In addition to satisfying the requirement of s. 448.953, Stats.,~~ Except as provided under s. AT 2.03, an application for licensure shall satisfy the requirements of s. 448.953, Stats., and include all of the following:

SECTION 3. AT 2.03 is created to read:

**AT 2.03 Reciprocal credentials for service members, former service members, and their spouses.** A reciprocal athletic trainer license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

**Note:** Applications for reciprocal licensure may be obtained from the department of safety and professional services at (608) 266-2112 or from the department's website at <http://dsps.wi.gov>.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 4/15/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) AT 2	
4. Subject Reciprocal credentials for service members, former service members, and their spouses	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted for 14 days to seek comments for any economic impact of the proposed rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule is not anticipated to have economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the state's economy as a whole. The Department estimates one-time administrative costs of \$1,179.26 and ongoing costs of \$304.94 annually. These costs may be absorbed in the agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is reflecting s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect current requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	



## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

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19. Contact Name  
Kassandra Walbrun

20. Contact Phone Number  
(608) 261-4463

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)  
 Yes    No

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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **22-030**

AN ORDER to amend AT 2.01 and 2.02 (intro.); and to create AT 2.03, relating to reciprocal credentials for service members, former service members, and their spouses.

Submitted by **ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD**

04-01-2022 RECEIVED BY LEGISLATIVE COUNCIL.

04-22-2022 REPORT SENT TO AGENCY.

MSK:SM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached            YES             NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached            YES             NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached            YES             NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached            YES             NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached            YES             NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached            YES             NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached            YES             NO

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 09/16/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting									
<b>3) Name of Board, Committee, Council, Sections:</b> Athletic Trainers Affiliated Credentialing Board											
<b>4) Meeting Date:</b> 09/28/22	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters Discussion and Consideration 1. <b>Scope Statement: AT 4, Relating to Protocol Requirements</b> 2. <b>Preliminary Rule Draft: AT 1 and 4, Relating to References to Consulting Physician</b> 3. <b>Pending or Possible Rulemaking Projects</b>									
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A									
<b>10) Describe the issue and action that should be addressed:</b> Attachments: 1. Scope Statement AT 4 2. Preliminary Rule Draft AT 1 and 4 3. 2021 WI Act 71 4. Wisc. Admin Code Chapter AT 1 5. Wisc. Admin Code Chapter AT 4 6. Rule Projects Chart											
<b>11) Authorization</b> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Nilajah D. Hardin</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">09/16/22</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<i>Nilajah D. Hardin</i>	09/16/22	Signature of person making this request	Date	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date	
<i>Nilajah D. Hardin</i>	09/16/22										
Signature of person making this request	Date										
Supervisor (if required)	Date										
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date											
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

# STATEMENT OF SCOPE

## ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

Rule No.: AT 4

Relating to: Protocol Requirements

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is to update the requirements relating to evaluation and treatment protocols for Athletic Trainers, as well as bring them in line with current practice in the profession.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Wisconsin Administrative Code Chapter AT 4 provides the requirements for evaluation and treatment protocols. The Board has identified a need to update these requirements. The alternative to making these updates is that protocol requirements will continue to be outdated and burdensome for licensees to comply with.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 15.085 (5) (b), Stats. states that “[Each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.9525 (2), Stats., states that “subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and the medical examining board shall jointly promulgate rules relating to the minimum requirements of a protocol required under s. 448.956 (1).”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

Approximately 60 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Athletic Trainers credentialed in Wisconsin and those looking into entering the profession

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal. This rule is not likely to have a significant economic impact on small businesses.

**Contact Person:** Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted

STATE OF WISCONSIN  
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	ATHLETIC TRAINERS AFFILIATED
ATHLETIC TRAINERS AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 4.01 (intro.) and 4.02 (2) and repeal AT 1.07 and 4.02 (4), relating to references to consulting physicians.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 448.955 (3) (c), 448.956 (1) (a), and 448.956 (4), Stats.

**Statutory authority:** Sections 15.085 (5) (b) and 448.9525 (2), Stats.

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats. states that “[Each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession...”

Section 448.9525 (2), Stats., states that “subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and the medical examining board shall jointly promulgate rules relating to the minimum requirements of a protocol required under s. 448.956 (1).”

**Related statute or rule:** None.

**Plain language analysis:**

The proposed rule implements the changes from 2021 Wisconsin Act 71, which removed all statutory requirements relating to a consulting physician in the practice of athletic training.

**Summary of, and comparison with, existing or proposed federal regulation:** None.

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Athletic Trainers in Illinois, with input from the Illinois Board of Athletic Trainers. The Illinois Board is also responsible for the promulgation of rules to implement certain sections of the Illinois Athletic Trainers Practice Act. This Act includes



requirements for consultation and referral to a team or consulting physician (225 Illinois Compiled Statutes Chapter 5 Section 3 Subsection 4). The Illinois Administrative Code does not include rules address consultation with a licensed physician as it relates to the scope of practice of athletic training (Illinois Administrative Code Title 68 Section 1160).

**Iowa:** The Iowa Public Health Department is responsible for the licensure and regulation of Athletic Trainers in Iowa, with input from the Iowa Board of Athletic Trainers. Chapter 152D of the Iowa Code outlines the statutes for the regulation of the practice of athletic training in Iowa. These statutes include general requirements for licensure and duties of the Iowa Board (Iowa Code Title IV Chapter 152D). The Iowa Administrative Code includes rules that establish that each licensee must ensure that documentation of physician direction is obtained and maintained, including an athletic training service plan, referrals, initial evaluations and assessments, and dates of subsequent follow-up care (645 Iowa Administrative Code Chapter 351).

**Michigan:** The Michigan Athletic Trainer Board is responsible for the licensure and regulation of Athletic Trainers in Michigan. Act 368 Article 15 of the Michigan Compiled Laws includes the regulations for Athletic Trainers in Michigan, among several other occupations (Michigan Compiled Laws Act 368 Article 15 Chapter 333 Part 179). The Michigan Department of Licensing and Regulatory Affairs, in conjunction with the Michigan Board, promulgates administrative rules that include requirements for licensure, education, and examination, among other topics. Neither the statutes or the administrative rules include requirements for consultation with or referral to a licensed physician as it relates to the scope of practice of athletic training (Michigan Administrative Code R 338.1301-R 338.1378).

**Minnesota:** The Minnesota Board of Medical Practice is responsible for the licensure and regulation of Athletic Trainers in Minnesota. The Minnesota Athletic Trainers Act includes statutory requirements for limitations on practice, licensure, and continuing education, among other topics. According to section 148.7807 of these requirements, an Athletic Trainer must refer a patient to a person licensed to practice medicine in Minnesota if they determine that a medical condition is beyond their scope of practice (Minnesota Statutes Section 148.7801 to 148.78015). Part 5600 of the Minnesota Administrative Code includes rules establish by the Minnesota Board, but does not mention requirements for consultation with or referral to a licensed physician as it relates to the scope of practice of athletic training (Minnesota Administrative Rules Chapters 5600 to 5620).

### **Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of 2021 Wisconsin Act 71 and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

### **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted at Jennifer.Garrett@wisconsin.gov or (608) 266-6975.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-26-7139; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. AT 1.07 is repealed.

SECTION 2. AT 4.01 (intro.) and 4.02 (2) are amended to read:

**AT 4.01 Protocol evaluation and treatment procedures.** A protocol established by the licensee ~~and approved by the consulting physician~~ shall be in writing and may include any of the following evaluation and treatment procedures ~~when authorized by the consulting physician~~:

**AT 4.02 (2)** The requirement that if a licensee ~~or the consulting physician of the licensee~~ determines that a patient’s medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV, of ch. 448, Stats., and who can provide appropriate treatment to the patient.

SECTION 3. AT 4.02 (4) is repealed.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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DRAFT

# State of Wisconsin



2021 Senate Bill 329

Date of enactment: **July 8, 2021**  
Date of publication\*: **July 9, 2021**

## 2021 WISCONSIN ACT 71

**AN ACT to repeal** 448.95 (5m); and **to amend** 448.955 (3) (c), 448.956 (1) (a) and 448.956 (4) of the statutes; **relating to:** the practice of athletic training.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 448.95 (5m) of the statutes is repealed.

**SECTION 2.** 448.955 (3) (c) of the statutes is amended to read:

448.955 (3) (c) A statement, signed by the licensee ~~and the licensee's consulting physician, indicating~~ that a current copy of the protocol required under s. 448.956 (1) is on file at the place of employment of the athletic trainer ~~and of the consulting physician.~~

**SECTION 3.** 448.956 (1) (a) of the statutes is amended to read:

448.956 (1) (a) A licensee may engage in athletic training only in accordance with an evaluation and treatment protocol that is established by the athletic trainer

~~and approved by the consulting physician in accordance with the rules promulgated under s. 448.9525 (2) and recorded on a protocol form prescribed by the affiliated credentialing board under s. 448.9525 (1) (c).~~

**SECTION 4.** 448.956 (4) of the statutes is amended to read:

448.956 (4) If a licensee ~~or the consulting physician of the licensee~~ determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol established under sub. (1) (a), refer the patient to a health care practitioner who is licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448; or who holds a compact privilege under subch. IX of ch. 448 and who can provide appropriate treatment to the patient.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

## Chapter AT 1

### GENERAL REQUIREMENTS AND PROCEDURES

AT 1.01 Authority.  
 AT 1.02 Definitions.  
 AT 1.03 Use of restricted title.  
 AT 1.04 Surety bond or liability insurance coverage.

AT 1.05 Required examinations.  
 AT 1.06 Change of address.  
 AT 1.07 Change of consulting physician.

**AT 1.01 Authority.** The rules in chs. AT 1 to 5 are adopted pursuant to ss. 15.085 (5) (b), 227.11 (2), 448.9525 (1) and (2), 448.954 (2), 448.9545 (2) (a), 448.955, 448.956 (1) and 448.957 (2), Stats.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01.

**AT 1.02 Definitions.** In chs. AT 1 to 5:

**(1e)** “Athletic training” has the meaning given in s. 448.95 (5), Stats.

**(1m)** “Board” means the athletic trainers affiliated credentialing board.

**(1s)** “BOC” means the National Athletic Trainers’ Association Board of Certification, Inc.

**(2)** “Department” means the department of safety and professional services.

**(3)** “License” means a license as an athletic trainer issued by the board.

**(4)** “Licensee” means a person who is licensed as an athletic trainer under s. 448.953, Stats.

**(4m)** “Physical activity” has the meaning given in s. 448.95 (7), Stats.

**(6)** “Protocol” means a precise and detailed written plan for the evaluation and treatment of an athletic injury or an injury that is identical to an athletic injury and that has resulted from an occupational activity.

**(7)** “Trainer” means a person engaged in athletic training who is not licensed as an athletic trainer under s. 448.953, Stats.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register January 2012 No. 673; **CR 18-082: renum. (1) to (1m) and am., cr. (1e), renum. (5) to (1s) and am., cr. (4m) Register October 2019 No. 766, eff. 11-1-19.**

**AT 1.03 Use of restricted title.** A trainer may engage in the practice of athletic training provided that the trainer does not use a title or designation in violation of s. 448.951, Stats.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01.

**AT 1.04 Surety bond or liability insurance coverage.**

As a precondition to the granting or renewal of a license, an applicant or licensee must submit a certificate of insurance, declarations page, policy binder or other evidence satisfactory to the department that he or she has in effect a surety bond in the amount of \$1,000,000, or malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year. No licensee shall engage in athletic training unless the licensee has in effect the insurance required by this section.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01.

**AT 1.05 Required examinations.** For purposes of satisfying the requirements of ss. 448.953 (1) (f) and (h) and 448.954, Stats., the board accepts the results of a credentialing examination administered by BOC or its successor agency.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01; **CR 18-082: am. Register October 2019 No. 766, eff. 11-1-19.**

**AT 1.06 Change of address.** A licensee shall notify the board of a change of address as required under s. 448.11, Stats.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01.

**AT 1.07 Change of consulting physician.** A licensee shall only have one consulting physician at any time. A licensee shall notify the board within 5 days following a change in the licensee’s consulting physician. The notification shall include a statement, signed and dated by the licensee and the licensee’s new consulting physician, that a current copy of the protocol required under s. 448.956 (1), Stats., is on file at the place of employment of the licensee, and of the new consulting physician.

**History:** CR 02-152: cr. Register December 2003 No. 576, eff. 1-1-2004.

## Chapter AT 4

### EVALUATION AND TREATMENT PROTOCOL

AT 4.01 Protocol evaluation and treatment procedures.

AT 4.02 Mandatory protocol requirements.

**AT 4.01 Protocol evaluation and treatment procedures.** A protocol established by the licensee and approved by the consulting physician shall be in writing and may include any of the following evaluation and treatment procedures when authorized by the consulting physician:

(1) Taking a basic medical history when necessary for evaluation and treatment of an injury or illness sustained while participating in physical activity. A basic medical history may include any of the following:

- (a) Previous medical history.
- (b) Previous surgical history.
- (c) Pertinent family medical history.
- (d) Current medication history including known drug allergies.
- (e) Relevant social history.
- (f) Chief medical complaint.
- (g) History of the present injury or illness for which the person to be treated is seeking evaluation and treatment.

(2) Evaluating an injury or illness sustained while participating in physical activity. An evaluation may include any of the following procedures:

- (a) Palpation.
- (b) General observation.
- (c) Motion assessment.
- (d) Muscle strength tests.
- (e) Endurance tests.
- (f) Neurological assessment.
- (g) Joint play assessment.
- (h) Functional evaluation.
- (i) Objective physical measurement.
- (j) Circulatory assessment.

(3) Treating an injury or illness sustained while participating in physical activity. Treatment may include any of the following procedures:

- (a) Emergency care.
- (b) Ultrasound.
- (c) Phonophoresis.
- (d) Electrical nerve stimulation.
- (e) Iontophoresis.
- (f) Specified diathermy.

- (g) Intermittent compression.
- (h) Traction.
- (i) Therapeutic massage.
- (j) Moist heat.
- (k) Paraffin baths.
- (L) Cryotherapy.

(4) Rehabilitating an injury or illness sustained while participating in physical activity. Rehabilitation may include any of the following procedures:

- (a) Progressive resistance exercise.
- (b) Range of motion exercise.
- (c) Trigger point therapy.
- (d) Joint mobilization for range of motion only.
- (e) Proprioceptive neuromuscular facilitation.
- (f) Functional exercise.
- (g) Cardiovascular exercise.
- (h) Aquatic exercise.
- (i) Taping, bracing and splinting.
- (j) Isokinetic exercise.
- (k) Isometric exercise.
- (L) Isotonic exercise.

(5) Administering specifically enumerated drugs.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01; CR 18-082: am. (1) (intro.), (2) (intro.), (3) (intro.), (4) (intro.), (5) Register October 2019 No. 766, eff. 11-1-19.

**AT 4.02 Mandatory protocol requirements.** A protocol must contain all of the following:

(2) The requirement that if a licensee or the consulting physician of the licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV of ch. 448, Stats., and who can provide appropriate treatment to the patient.

(3) The requirement that a licensee shall modify or terminate treatment of a patient that is not beneficial to a patient or that the patient cannot tolerate.

(4) The name, signature and date of signature of the consulting physician and the licensee.

**History:** Cr. Register, February, 2001, No. 542, eff. 3-1-01; CR 02-152: am (4) Register December 2003 No. 576, eff. 1-1-2004; CR 18-082: r. (1) Register October 2019 No. 766, eff. 11-1-19.

**Athletic Trainers Affiliated Credentialing Board  
Rule Projects (updated 09/16/22)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	AT 1 and 4	References to Consulting Physician	Preliminary Rule Draft Reviewed at 09/28/22 Meeting	Posting for EIA Comment and Submission to Clearinghouse; Public Hearing Anticipated for March 2023 meeting
Not Assigned Yet	142-20	05/02/2023	AT 2	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Public Hearing at 09/28/22 Meeting	Legislative Report and Final Rule Draft Completed and Submitted to Governor's Office for Approval
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	AT 4	Protocol Requirements	Scope Statement Reviewed at 09/28/22 Meeting	Submission to Governor's Office for Approval and for Publication in Administrative Register