



**TELECONFERENCE/VIRTUAL
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
December 7, 2018**

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of May 24, 2018 (4-9)**
- C) Conflicts of Interest**
- D) Administrative Updates**
 - 1) Staff Updates
 - 2) Department Updates
 - 3) Appointments, Reappointments, and Confirmations
 - 4) Board Members – Board Member Status
 - a) Jay Davide – 07/01/2018
 - b) Kurt Fielding – 07/01/2019 (*Reappointed, not yet confirmed*)
 - c) Jack J. Johnsen – 07/01/2021 (*Reappointed, not yet confirmed*)
 - d) Gregory Vergamini – 07/01/2020 (*Reappointed, not yet confirmed*)
 - 5) Wis. Stat. § 15.085(3)(b) Biannual Meeting with the Medical Examining Board
- E) 9:30 A.M. PUBLIC HEARING: CR 18-082 – AT 1 to 4, Relating to Practice of Athletic Trainers (9-17)**
 - 1) Review and Respond to Public Comments and Clearinghouse Report
- F) Legislative and Administrative Rule Matters (18-23)**
 - 1) Preliminary Draft Rules for AT 2, Relating to Requirements for License Renewal and Reinstatement
 - 2) Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108
 - 3) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- G) Board of Certification (BOC) Matters (24-25)**
 - 1) Resources
 - 2) Review of Board of Certification (BOC) Resources

H) Board Discussion of Model Guidelines for Athletic Trainer Regulatory Language (26-32)

I) Speaking Engagements, Travel, or Public Relation Requests (33)

- 1) 2019 Board of Certification CARE Regulatory Conference

J) Informational Items

K) Items Added After Preparation of Agenda:

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

L) Public Comments

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

M) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Case Closings**
 - a) 17 ATB 003 – J.P. **(34-36)**

N) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Board Liaison Training
- 4) Disciplinary Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions

- 8) Petitions for Designation of Hearing Examiner
- 9) Proposed Stipulations, Final Decisions and 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) Petitions for Extension of Time
- 16) Proposed Interim Orders
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

O) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Q) Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: APRIL 2, 2019

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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
May 24, 2018**

PRESENT: Jay Davide (*via GoToMeeting*), Kurt Fielding (*via GoToMeeting*), John Johnsen (*via GoToMeeting*), Gregory Vergamini (*via GoToMeeting*)

STAFF: Tom Ryan, Executive Director; Dale Kleven, Rule Coordinator; Kate Stolarzyk, Bureau Assistant; and other Department staff

CALL TO ORDER

Kurt Fielding, Board Chair, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Greg Vergamini moved, seconded by John Johnsen, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Greg Vergamini moved, seconded by John Johnsen, to approve the minutes of December 7, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Election of Officers

SLATE OF OFFICERS

NOMINATION: Greg Vergamini nominated the 2017 slate of officers to continue in 2018.

Tom Ryan called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2017 Slate of Officers were reelected to continue in 2018.

2018 ELECTION RESULTS	
Board Chair	Kurt Fielding
Vice Chair	Gregory Vergamini
Secretary	Jay Davide

Appointment of Liaisons and Alternates

2018 LIAISON APPOINTMENTS	
Credentialing Liaison	Kurt Fielding Alternate – John Johnsen
DLSC Liaison	Jay Davide Alternate – Gregory Vergamini
Legislative Liaison	Kurt Fielding Alternate – John Johnsen
Education and Exams Liaison	John Johnsen Alternate – Gregory Vergamini
Monitoring Liaison	Gregory Vergamini Alternate – Kurt Fielding
PAP Liaison	Kurt Fielding Alternate – Jay Davide
Travel Liaison	Kurt Fielding Alternate – Jay Davide
Screening Panel	John Johnsen, Kurt Fielding Alternate – Gregory Vergamini
Occupational Licensure Study Liaison	Kurt Fielding Alternate – Greg Vergamini

MOTION: Kurt Fielding moved, seconded by Jay Davide, to affirm the Chair’s appointment of liaisons for 2018. Motion carried unanimously.

Delegation of Authorities

Document Signature Delegation

MOTION: Greg Vergamini moved, seconded by John Johnsen, that the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board’s Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Greg Vergamini moved, seconded by John Johnsen, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Monitoring Delegation

MOTION: Greg Vergamini moved, seconded by John Johnsen, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” document as presented. Motion carried unanimously.

Credentialing Authority Delegation

Delegation of Authority to Credentialing Liaison

MOTION: John Johnsen moved, seconded by Kurt Fielding, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters except potential denial decisions which should be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Rule and Statute Criteria is Met

MOTION: Greg Vergamini moved, seconded by Jay Davide, to delegate credentialing authority to DSPS to act upon applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Greg Vergamini moved, seconded by Jay Davide, that the Board counsel or another department attorney is formally authorized to serve as the Board’s designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

Voluntary Surrenders

MOTION: Greg Vergamini moved, seconded by Jay Davide, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Continuing Education Delegation

MOTION: Greg Vergamini moved, seconded by Jay Davide, to delegate authority to the Continuing Education Liaison(s) to address all issues related to continuing education. Motion carried unanimously.

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

MOTION: Greg Vergamini moved, seconded by Jay Davide, to authorize Department staff to provide national regulatory bodies with all Board/Council member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Greg Vergamini moved, seconded by Jay Davide to designate the highest-ranking officer, or longest serving member of the Board in 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.

Rules Committee Delegation

MOTION: Greg Vergamini moved, seconded by Jay Davide, to grant the Rules Committee the ability to address all rule-making. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Greg Vergamini moved, seconded by Jay Davide, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Greg Vergamini moved, seconded by Jay Davide, to delegate authority to the Travel Liaison to approve any Board Member travel. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Preliminary Draft Rules for AT 1 to 4 Relating to Practice of Athletic Trainers

MOTION: Kurt Fielding moved, seconded by Greg Vergamini, to approve the preliminary rule draft of AT 1 to 4, relating to the practice of Athletic Trainers, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Scope Statement for AT 2 Relating to Requirements for License Renewal and Reinstatement

MOTION: Greg Vergamini moved, seconded by John Johnsen, to approve the Scope Statement revising AT 2, relating to requirements for license renewal and reinstatement, for submission to the Department of Administration and Governor's Office and for publication, and to authorize Tom Ryan to sign the Scope Statement on behalf of the Chair. Additionally, the Board authorizes the Chair to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

CONVENE TO CLOSED SESSION

MOTION: Greg Vergamini moved seconded by Jay Davide, 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 440.205, 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.). The Chair read the language of the motion. The vote of each member was ascertained by

voice vote. Roll Call Vote: Jay Davide-yes; Kurt Fielding-yes; John Johnsen-yes; Gregory Vergamini-yes. Motion carried unanimously.

The Board convened to closed session at 9:29 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kurt Fielding moved, seconded by Greg Vergamini, to reconvene to open session. Motion carried unanimously.

The Board reconvened to open session at 9:31 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Kurt Fielding moved, seconded by Jay Davide, 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.)

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

17 ATB 002

MOTION: Kurt Fielding moved, seconded by John Johnsen, to close DLSC Case Number 17 ATB 002, against S.K.B., for No Violation. Motion carried unanimously.

OPEN SESSION ITEMS NOTICED ABOVE NOT COMPLETED IN THE INITIAL OPEN SESSION

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

ADJOURNMENT

MOTION: Greg Vergamini moved, seconded by John Johnsen to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:39 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 11/27/18 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 12/7/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:30 A.M. Public Hearing: CR 18-082 – AT 1 to 4 Relating to Practice of Athletic Trainers 1. Review and Respond to Public Comments and Clearinghouse Report Legislation and Rule Matters – Discussion and Consideration 1. Preliminary Draft Rules for AT 2, Relating to Requirements for License Renewal and Reinstatement 2. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 3. Update on Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: 			
11) Authorization			
<i>Dale Kleven</i>		<i>November 27, 2018</i>	
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	
Directions for including supporting documents: 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

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)

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to repeal AT 2.02 (2) (Note), 2.03, 2.04, 2.05, 4.01 (Note), and 4.02 (1); to renumber and amend AT 1.02 (1); to amend AT 1.02 (5), 1.05, 2.02 (2), 3.01, 3.03, 3.05, and 4.01 (1) (intro.), (2) (intro.), (3) (intro.), (4) (intro.), and (5); and to create AT 1.02 (1g) and (5m), relating to practice of athletic trainers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.035 (2), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 448.9525 (2), 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 448.9525 (2), Stats., provides that, subject to s. 448.956 (1), (4), and (5), Stats., the Athletic Trainers 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), Stats.

Related statute or rule:

None.

Plain language analysis:

The proposed rules make the following changes to provide clarity and reflect the provisions of 2009 Wisconsin Act 162 and 2017 Wisconsin Act 59, which made various changes to the practice of athletic trainers and the duties and powers of the Athletic Trainers Affiliated Credentialing Board:

- Chapter AT 1:
 - The definitions of “NATABOC” and “board” are revised and the definitions of “athletic training” and “physical activity” are created based on the respective statutory definitions.
 - Section AT 1.05 is revised to specify the Board may accept the results of a credentialing examination administered by a successor agency of the National Athletic Trainers’ Association Board of Certification, Inc. (NATABOC)
- Chapter AT 2:
 - Section AT 2.02 (2) is revised to specify a successor agency of NATABOC may provide required certifications.
 - References to application for and renewal of temporary licenses are removed by repealing ss. AT 2.03, 2.04, and 2.05. 2009 Wisconsin Act 162 eliminated the Board’s authority to issue temporary licenses.
- Chapter AT 3:
 - Sections AT 3.01 and 3.03 are revised to specify a successor agency of NATABOC may provide required approvals and certifications.
 - Sections AT 3.03 and 3.05 are revised to reflect s. 440.035 (2), Stats., as created by 2017 Wisconsin Act 59, concerning the Board’s authority to require a credential holder to submit proof of completion of continuing education programs or courses.
- Chapter AT 4:
 - 2009 Wisconsin Act 162 replaced the term “athletic injury” with “injury or illness sustained while participating in physical activity.” Sections AT 4.01 (1) (intro.), (2) (intro.), (3) (intro.), and (4) (intro.) are revised to reflect this change in terminology.
 - A note in s. AT 4.01 that includes substantive requirements for referrals is repealed. Requirements for referrals are specified in s. 448.956 (1m), Stats., as created by 2009 Wisconsin Act 162.
 - Section AT 4.02 (1), which provides a protocol must require an athletic trainer to notify the consulting physician as soon as possible if a person being treated sustains new injuries, is repealed. 2009 Wisconsin Act 162 eliminated this protocol requirement.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish requirements for licensure as an athletic trainer in Illinois and the approval of athletic training programs (68 Ill. Adm. Code 1160.20 to 1160.80).

Iowa:

Rules of the Iowa Board of Athletic Training establish requirements for licensure as an athletic trainer in Iowa (645 IAC 351.1 to 353.5).

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish requirements for licensure as an athletic trainer in Michigan, a plan of care for certain athletic training services, and delegation of acts related to the practice of athletic training (Mich Admin Code, R 338.1301 to R 338.1377).

Minnesota:

The Minnesota Statutes, sections 148.7801 to 148.7815, establish requirements for licensure as an athletic trainer in Minnesota and define the scope of athletic training.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2009 Wisconsin Act 162 and 2017 Wisconsin Act 59 in conjunction with current rules relating to athletic trainers under chs. AT 1 to 4 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:

The Fiscal Estimate and Economic Impact Analysis document is 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 NathanielL.Ristow@wisconsin.gov, or by calling (608) 266-3445.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:30 a.m. on December 7, 2018, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. AT 1.02 (1) is renumbered AT 1.02 (1r) and amended to read:

AT 1.02 (1r) "Board" means the athletic trainers affiliated credentialing board.

SECTION 2. AT 1.02 (1g) is created to read:

AT 1.02 (1g) "Athletic training" has the meaning given in s. 448.95 (5), Stats.

SECTION 3. AT 1.02 (5) is amended to read:

AT 1.02 (5) "NATABOC" means the ~~national athletic trainers association board of certification~~ National Athletic Trainers' Association Board of Certification, Inc.

SECTION 4. AT 1.02 (5m) is created to read:

AT 1.02 (5m) "Physical activity" has the meaning given in s. 448.95 (7), Stats.

SECTION 5. AT 1.05 is amended to read:

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

SECTION 6. AT 2.02 (2) is amended to read:

AT 2.02 (2) ~~Unless applying for a temporary license under s. 448.953 (4) (a), Stats., official certification~~ Verification attested to and submitted directly to the board by NATABOC ~~or its successor agency~~ that the applicant has met ~~the~~ all requirements for certification ~~of the~~ NATABOC and has passed the certification examination administered by the NATABOC.

SECTION 7. AT 2.02 (2) (Note) is repealed.

SECTION 8. AT 2.03, 2.04, and 2.05 are repealed.

SECTION 9. AT 3.01 is amended to read:

AT 3.01 Approved courses of study. For purposes of satisfying the ~~continuing education requirement~~ requirements of s. 448.9545, Stats., ~~the board shall approve~~ a course of study ~~approved by the board is a course~~ that has been approved for continuing education credit by NATABOC or its successor agency.

SECTION 10. AT 3.03 is amended to read:

AT 3.03 Evidence of compliance. ~~For the renewal of any license granted under subch. VI of ch. 448, Stats., the~~ The board will shall accept as evidence of compliance with this chapter certification by ~~the~~ NATABOC or its successor agency that the licensee has attended and completed continuing education programs approved under ~~the provisions of~~ s. AT 3.01.

SECTION 11. AT 3.05 is amended to read:

AT 3.05 Audit. The board ~~may require~~ shall audit any licensee ~~to submit his or her evidence of~~ who is under investigation by the board for alleged misconduct for compliance with the continuing education requirements to audit compliance.

SECTION 12. AT 4.01 (1) (intro.), (2) (intro.), (3) (intro.), (4) (intro.), and (5) are amended to read:

AT 4.01 (1) (intro.) ~~Authorization for taking~~ Taking a basic medical history when necessary for evaluation and treatment of an athletic injury or illness sustained while participating in physical activity. ~~that~~ A basic medical history may include any of the following:

(2) (intro.) ~~Authorization to evaluate the athletic~~ Evaluating an injury utilizing or illness sustained while participating in physical activity. An evaluation may include any of the following procedures:

(3) (intro.) ~~Authorization to utilize treatment procedures to treat~~ Treating an athletic injury including or illness sustained while participating in physical activity. Treatment may include any of the following procedures:

(4) (intro.) ~~Authorization to utilize rehabilitation procedures to rehabilitate~~ Rehabilitating an athletic injury including or illness sustained while participating in physical activity. Rehabilitation may include any of the following procedures:

(5) ~~Authorization to administer~~ Administering specifically enumerated drugs.

SECTION 13. AT 4.01 (Note) is repealed.

SECTION 14. AT 4.02 (1) is repealed.

SECTION 15. 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.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date June 7, 2018</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) AT 1 to 4</p>	
<p>4. Subject Practice of athletic trainers</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>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 (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>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</p>	
<p>11. Policy Problem Addressed by the Rule The proposed rules make changes to provide clarity and reflect the provisions of 2009 Wisconsin Act 162 and 2017 Wisconsin Act 59, which made various changes to the practice of athletic trainers and the duties and powers of the Athletic Trainers Affiliated Credentialing Board.</p>	
<p>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 proposed rules were posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.</p>	
<p>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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is providing clarity and conformity with the Wisconsin Statutes. If the rule is not implemented, it will continue to contain outdated and incorrect notes and references.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is clarity, updated references, and conformity with the Wisconsin Statutes.</p>	
<p>17. Compare With Approaches Being Used by Federal Government None</p>	
<p>18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish requirements for licensure as an athletic trainer in Illinois and the approval of athletic training programs (68 Ill. Adm. Code 1160.20 to 1160.80).

Iowa:

Rules of the Iowa Board of Athletic Training establish requirements for licensure as an athletic trainer in Iowa (645 IAC 351.1 to 353.5).

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish requirements for licensure as an athletic trainer in Michigan, a plan of care for certain athletic training services, and delegation of acts related to the practice of athletic training (Mich Admin Code, R 338.1301 to R 338.1377).

Minnesota:

The Minnesota Statutes, sections 148.7801 to 148.7815, establish requirements for licensure as an athletic trainer in Minnesota and define the scope of athletic training.

19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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)

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

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

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

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)

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to create AT 2.06, relating to requirements for license renewal and reinstatement.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.08 (3) (b) and 448.955, Stats.

Statutory authority:

Sections 15.085 (5) (b) and 440.08 (3) (b), 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 440.08 (3) (b), Stats., provides authority for the Athletic Trainers Affiliated Credentialing Board to promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 480, Stats., that the Board determines are necessary to protect the public health, safety, or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed to obtain an initial credential from the Board.

Related statute or rule:

Section 448.9545, Stats., and ch. AT 3 provide the continuing education requirements for renewal of an athletic trainer license.

Plain language analysis:

The proposed rules specify requirements for late renewal of an athletic trainer license and the requirements for reinstatement of a license that has not been renewed within 5 years when the licensee has unmet disciplinary requirements, or the license has been revoked or surrendered.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish requirements for late renewal and restoration of an athletic trainer license (68 Ill. Adm. Code 1160.40 and 1160.50).

The holder of a license may renew the license during the month preceding the expiration date by paying the required fee and completing the continuing education requirements under 68 Ill. Adm. Code 1160.65.

A person seeking restoration of a license after it has expired or has been placed on inactive status for less than 5 years must file an application with the required fee and proof of completion of 40 hours of continuing education in accordance with 68 Ill. Adm. Code 1160.65 in the 2 years immediately preceding the restoration application.

A person seeking restoration of a license after it has expired or has been placed on inactive status for 5 years or more must file an application with the required fee, proof of completion of 40 hours of continuing education in accordance with 68 Ill. Adm. Code 1160.65 in the 2 years immediately preceding the restoration application, and one of the following:

- Sworn evidence of active practice in another jurisdiction.
- An affidavit attesting to military service (any person seeking restoration of a license within 2 years after discharge from military service must pay the current renewal fee, but is not required to submit proof of meeting the continuing education requirements).
- Evidence of continued active participation in athletic training during the 2 years prior to the restoration application, and proof of completion of an additional 20 hours of continuing education in accordance with 68 Ill. Adm. Code 1160.65.

Iowa:

Rules of the Iowa Board of Athletic Training establish requirements for late renewal, reactivation, and reinstatement of an athletic trainer license (645 IAC 351.9, 351.15, and 351.16).

A licensee seeking renewal must submit a completed renewal application and renewal fee before the license expiration date, meet the continuing education requirements under 645 IAC 352.2, and certify completion of all training in child and dependent adult abuse identification and reporting required under 645 IAC 351.9(4).

To apply for reactivation of an inactive license, a licensee must submit all of the following:

- A completed reactivation application and reactivation fee
- Verification of completing 50 hours of continuing education within 2 years of application
- Verification of the status of the license from every jurisdiction in which the applicant practiced athletic training during the time the Iowa license has been inactive.

- If the license has been on inactive status for more than 5 years, verification of current certification from the Board of Certification, Inc.

A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reactivation of the license as provided above and apply for and receive reinstatement of the license. The application for reinstatement must, as required under 645 IAC 11.31, be filed in accordance with any applicable terms and conditions of the order of revocation or suspension. If the order of revocation or suspension does not establish terms and conditions upon which reinstatement might occur, or if the license was voluntarily surrendered, the application may not be filed until one year from the date of the order or the date of voluntary surrender. The application must allege facts which, if established, will be sufficient to enable the Board to reinstate the license.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish requirements for late renewal of a license and relicensure to practice athletic training in Michigan (Mich Admin Code, R 338.1345 and R 338.1349).

An applicant for license renewal must currently hold and have held at all times during the 3-year period immediately preceding the expiration date of the license certification in emergency cardiac care, cardiopulmonary resuscitation, and first aid. The applicant must also have completed 75 hours of continuing education in activities approved by the Board in the 3 years preceding the application for renewal. Submission of an application for renewal constitutes the applicant's certification of compliance with these requirements.

An applicant whose license has lapsed for less than 3 years preceding the date of application may be relicensed if the applicant submits a completed application and required fee, establishes good moral character, and submits evidence of both current emergency cardiac care certification and completion of at least 75 hours of Board-approved continuing education during the 3 years immediately preceding application.

An applicant whose license has lapsed for 3 years or more preceding the date of application may be relicensed if the applicant submits a completed application and required fee, establishes good moral character, and submits fingerprints and evidence of both current emergency cardiac care certification and completion of at least 75 hours of Board-approved continuing education during the 3 years immediately preceding application. In addition, the applicant must meet one of the following requirements:

- Successful completion of the Athletic Trainer Credentialing Examination of the Board of Certification, Inc.
- Licensure, registration, or certification as an athletic trainer in another state within the 3 years preceding application.
- Current certification from the Board of Certification, Inc.

Minnesota:

The Minnesota Statutes, section 148.7809, establish requirements for late renewal and lapse of a registration as an athletic trainer.

An applicant whose license has lapsed may, within 2 annual renewal cycles, renew a license by submitting the required renewal and late fees and a completed application that includes all of the following:

- The athletic trainer's name, Minnesota athletic trainer registration number, home address and telephone number, business address and telephone number, and business setting.
- Work history for the past year, including the average number of hours worked per week.
- A report of any change in status since initial registration or previous registration renewal.
- Satisfactory evidence of having met the continuing education requirements under Minnesota Statutes, section 148.7812.
- The athletic trainer's signature on a statement that a current copy of a protocol form is on file at the athletic trainer's primary employment site.

In addition, the applicant must submit satisfactory evidence from a licensed medical physician verifying employment in athletic training for eight weeks every three years during the time of the lapse in registration.

A registration that has lapsed and has not been renewed within two annual renewal cycles may not be renewed, reissued, reinstated, or restored. An athletic trainer whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements for initial registration in effect at the time of application.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing ss. 440.08, 448.9545, and 448.955, Stats., which provide requirements for renewal of a license as an athletic trainer, and the administrative rules concerning late renewal and reinstatement of a license that are administered by other credentialing boards affiliated with the Medical Examining 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.

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 Nathaniell.Ristow@wisconsin.gov, or by calling (608) 266-3445.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. AT 2.06 is created to read:

AT 2.06 Late renewal and reinstatement of a license. Failure to renew a license as required under s. 448.955, Stats., shall cause the license to expire. A licensee who allows a license to expire may apply to the board for late renewal or reinstatement of the license by completing one of the following:

(1) **LATE RENEWAL WITHIN 5 YEARS.** If a licensee applies for renewal of a license within 5 years after the renewal date, the license shall be renewed upon submission of the renewal fee and evidence required under s. 448.955 (2), Stats., and the late fee under s. 440.08 (3) (a), Stats.

(2) **LATE RENEWAL AFTER 5 YEARS.** If a licensee applies for renewal more than 5 years after the renewal date, the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state. Subject to s. 440.08 (3) (b), Stats., the board shall impose any reasonable conditions on the renewal of the license as the board deems appropriate. Except as provided under sub. (3) (a), this subsection does not apply to licensees who have unmet disciplinary requirements or whose licenses have been denied at renewal, surrendered, or revoked.

(3) **REINSTATEMENT.** A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been denied at renewal, surrendered, or revoked, may apply to have the license reinstated. An application for reinstatement shall include all of the following:

(a) Evidence of completion of the requirements under sub. (2).

(b) Evidence of completion of disciplinary requirements, if applicable.

(c) Evidence of rehabilitation or change in circumstances warranting reinstatement of the license.

Note: An application for renewal or reinstatement may be obtained from the department of safety and professional services at (608) 261-2112 or from the department's website at <http://dsps.wi.gov>.

SECTION 2. **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.

(END OF TEXT OF RULE)

on which the petition and proposed rule were submitted to the committee.

3. Following receipt of the petition and proposed rule submitted by the legislative council staff under subd. 2., the joint committee for review of administrative rules shall review the petition and proposed rule and may do any of the following:

a. Approve the agency's petition if the committee determines that the proposed rule would repeal an unauthorized rule.

b. Deny the agency's petition.

c. Request that the agency make changes to the proposed rule and resubmit the petition and proposed rule under subd. 1.

4. The committee shall inform the agency in writing of its decision as to the petition.

(c) If the joint committee for review of administrative rules approves a petition to repeal an unauthorized rule as provided in par. (b) 3. a., the agency shall promulgate the proposed rule by filing a certified copy of the rule with the legislative reference bureau under s. 227.20, together with a copy of the committee's decision.

SECTION 7. 227.29 of the statutes is created to read:

227.29 Agency review of rules and enactments. (1) By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

SECTION 8. Initial applicability.

(1) The treatment of section 227.29 (4) of the statutes first applies to enactments published by the legislative

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kate Stolarzyk, on behalf of Tom Ryan		2) Date When Request Submitted: 9/4/2018 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 9/13/18	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? F.) Board of Certification (BOC) Matters 1) Resources	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: AT Regulatory Connect (state regulator secure portal) BOC Website BOC Regulatory Network Regulatory Update (biannual newsletter) BOC Exam Reports What is an Athletic Trainer? What is the BOC? Who is the BOC?			
11) Authorization Kate Stolarzyk <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kurt Fielding		2) Date When Request Submitted: 11/8/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 12/7/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Board of Certification (BOC) Resources	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discussion of Board of Certification (BOC) Resources: Action Items <ul style="list-style-type: none"> - Report discipline to the Disciplinary Action Exchange (DAE) <ul style="list-style-type: none"> o DAE Submission Form o DAE - Review and participate in the BOC Regulatory Network - Log into AT Regulatory Connect (state regulator secure portal) to view your certification verifications - Review the Regulatory Update (biannual newsletter) Helpful Links <ul style="list-style-type: none"> - BOC Website - BOC Exam Reports - What is an Athletic Trainer? - What is the BOC? - Who is the BOC? 			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kurt Fielding		2) Date When Request Submitted: 11/8/2018	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 12/7/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Discussion of Model Guidelines for Athletic Trainer Regulatory Language	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Model Language is included as a separate document.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	



Guidelines and Considerations for Athletic Trainer Regulatory Language

Background

The BOC formed a Model Language Work Group (Work Group) in early 2018. The focus of the Work Group is on language in statutes, rules and/or regulations, depending on how the state operates. It is not intended to be a model practice act. The BOC Board of Directors charged the Work Group with the following:

- Review definitions used in all current AT practice acts, rules and regulations to identify:
 - i. existing terms that don't allow the AT the opportunity to practice to the full scope of their knowledge and skill, and,
 - ii. terms that may not exist in current language but could be beneficial to the public in terms of providing them access to qualified AT professionals and to ensure their safety
- Develop recommendations for model regulatory language for the terms identified that limit practice or do not exist in current language.
 - i. Incorporate appropriate definitions and language into the Group's recommendations based on the following supporting resources and data:
 - a. Inter-Agency Terminology Work Group glossary
 - b. *BOC Practice Analysis*
 - c. *BOC Standards of Professional Practice*
 - d. *BOC Certification Maintenance Requirements*
 - e. Other relevant supporting resources and data
- Present recommended model regulatory language to the Board who will share the recommendations with the members of the AT Strategic Alliance for input and comment.

The Work Group established the following set of criteria for reviewing current language found in state laws/regulations and terminology used in various BOC and Strategic Alliance documents. These criteria were also considered during the development of the model language.

Does the language...
Increase quality of patient care?
Increase affordability of patient care?
Increase patient access to athletic training services/care?
Protect the public?
Establish reasonable barriers/burden to obtain a license?
Reflect efficiency (does not create redundancy)?
Align with other states?
Permit ATs to practice to their education and training?
Recognize ATs as healthcare providers?
Increase the ability for reimbursement?

Introduction

Laws, rules and regulations created to regulate Athletic Trainers (ATs) should protect the public by establishing reasonable standards for entry and practice, which allow ATs to practice according to their education and training. The Guidelines section of the Guidelines and Considerations for Athletic Trainer Regulatory Language (Guidelines) contain Model Language as a guide to help regulators establish good policy for ATs and consumers of athletic training services in their state. In addition to the Model Language, the Commentary and Resources provided are an explanation of how and why the Work Group came to the consensus of the language and resources to support the language. Finally, the Considerations section provide relevant points that should be considered or monitored to be inclusive of Athletic Trainers.

The model language expressed in these Guidelines is not intended to encourage total uniformity among Athletic Trainer laws, rules and regulations. It is intended to foster ingenuity by encouraging AT boards, Medical boards, AT associations, and others who have an interest in the regulation of ATs to reassess existing laws, rules and regulations.

The BOC welcomes recommendations relative to any aspect of the Guidelines. Recommendations may be sent to the BOC for consideration in later revisions that will be initiated by a Model Language Work Group. The work group remains a continuing resource for any jurisdiction contemplating regulatory changes. The BOC invites your use of this guide and pledges its resources for your ongoing support.

Guidelines

Definitions	
Model Language	Commentary and Resources
Licensure	Preferred level of regulation
Commission on Accreditation of Athletic Training Education (CAATE)	The CAATE is the current accrediting agency for athletic training education programs.
NATA Board of Certification, Inc. (BOC)	The BOC is the credentialing agency that provides a certification program for the entry level athletic training profession. The BOC develops and administers the entry-level exam for Athletic Trainers.
Athletic Trainer means a healthcare professional licensed in this or any other State who renders service or treatment, in accordance with their education and training, to optimize function of patients and clients, including return to work and/or participation in sport and recreation.	<ul style="list-style-type: none"> - In order to prevent anyone from calling themselves an Athletic Trainer, the phrase “licensed in this or any other State” was added.
Athletic Training or Practice of Athletic Training means prevention and wellness promotion; risk management; immediate and emergency care; examination, assessment and diagnosis; and therapeutic intervention/rehabilitation of injury and illness. Athletic training or practice of athletic training also includes making clinical decisions to determine if a consultation and/or referral are necessary; healthcare administration; and professional responsibility.	<ul style="list-style-type: none"> - All domains from the most current Practice Analysis (PA) are included since the PA defines entry-level practice. - Henderson, J. The 2015 Athletic Trainer Practice Analysis Study. Omaha, NE: Board of Certification; 2015. - http://bocatc.org/athletic-trainers#practice-analysis

Qualifications for Licensure		
Qualification	Model Language	Commentary and Resources
Exam	<p>Option 1: Demonstrates professional competence by completion of all qualifications established by the BOC, or its successor agency and is currently a BOC Certified Athletic Trainer in good standing.</p>	<ul style="list-style-type: none"> - Since states comply with various standards when developing regulations, the Work Group thought it best to provide options - In States where the exam is adopted by the board via rules and regulations, the BOC Exam should be required in those rules and regulations. - Requiring BOC Certification for licensure ensures that the applicant has met exam, education and emergency cardiac care requirements. - BOC Exam Reports: http://bocatc.org/news#exam-reports-summary - BOC Candidate Handbook: http://bocatc.org/documents/boc-candidate-handbook -
	<p>Option 2: Demonstrates professional competence by completion of all qualifications established by the BOC, or its successor agency and passes a nationally accredited exam approved by the Board or is a BOC Certified Athletic Trainer in good standing.</p>	
	<p>Option 3: Law: Pass a nationally accredited exam approved by the Board.</p> <p>Rule: Successfully completed the certification exam administered by the BOC, or its successor agency.</p>	
Education	<p>Option 1: A degree in athletic training from a CAATE accredited program, or its successor agency, or such comparable degree accepted by the BOC, or its successor agency.</p>	<ul style="list-style-type: none"> - Since states comply with various standards when developing regulations, the Work Group thought it best to provide options - Prior to 2004, the BOC had a route to certification that required specific athletic training coursework and clinical hours under the supervision of a BOC Certified Athletic Trainer. As a result, regulations should take this into consideration as to not eliminate ATs certified via this route. - International Education and Training: The BOC has a Mutual Recognition Agreement with Canada and Ireland – see the Fall 2017 Regulatory Update (pg. 2) for more information: http://bocatc.org/system/comfy/cms/files/files/000/000/977/original/Regulatory_Update_Fall2017_-_Final.pdf - CAATE Professional Program Standards: https://caate.net/professional-programs/ - BOC Exam Eligibility: http://bocatc.org/candidates#candeteligcollapseOne
	<p>Option 2: Has met all BOC Exam eligibility requirements established by the BOC, or its successor agency.</p>	
	<p>Option 3: Law: A degree in athletic training approved by the board.</p> <p>Rule: A degree in athletic training from a CAATE accredited program, or its successor agency, or such comparable degree accepted by the BOC, or its successor agency.</p>	

Physician Direction and/or Collaboration	
Model Language	Commentary and Resources
<p>Direction and/or Collaboration means of and/or with a physician or qualified healthcare professional with prescription authority, who authorizes an intervention by a verbal order if the physician or qualified healthcare professional is present or by written order, telecommunication, plans of care, protocols, or standing orders if the physician or qualified healthcare professional is not present.</p>	<ul style="list-style-type: none"> - It is important to recognize that physicians are likely not present at all times when ATs make clinical decisions - The Work Group also wanted to recognize that other healthcare professionals with prescription authority such as physician assistants and nurse practitioners work as an extension of the physician - <i>BOC Standards of Professional Practice</i>: http://bocatc.org/public-protection#standards-of-professional-practice

Renewal and Maintenance of Competence	
Model Language	Commentary
<p>Option 1 License renewal requires Athletic Trainers to engage in continuing education or other lifelong learning to maintain competence. Proof of current BOC Certification satisfies this requirement.</p>	<ul style="list-style-type: none"> - Since states comply with various standards when developing regulations, the Work Group thought it best to provide options - The Work Group included “other lifelong learning” in addition to continuing education to allow for new opportunities for ATs to maintain competence - <i>Certification Maintenance for Certified Athletic Trainers</i>: http://bocatc.org/documents/boc-certification-maintenance-requirements
<p>Option 2 Law: License renewal requires Athletic Trainers to engage in continuing education or other lifelong learning to maintain competence. As a condition of license renewal, the board shall be authorized to require licensees to complete continuing education or other lifelong learning approved by the board.</p>	
<p>Rule: Proof of current BOC Certification satisfies this requirement.</p>	

Scope of Practice	Commentary
	<p>The work group discussed at great length the question of whether or not to recommend a model scope of practice. The chief point of the discussion was over the diversity of approaches the varying jurisdictions took to determining the content of a scope. Some State laws have strict requirements for the content and construction of scopes, while others are more relaxed. In addition, there was concern that a detailed scope would risk depriving ATs the opportunity to practice to the full extent of their training and education, while a more general scope would risk a more politicized and difficult route to acceptance.</p> <p>So, this document does not contain a specific recommendation for scope of practice language. Rather, the work group feels that the elements of a scope are embedded within the recommended language for the terms presented. Each jurisdiction should be free to extract and assemble those elements appropriate to its individual needs.</p>

Considerations

- **Inclusion of ATs in Relevant Statutes and Regulations** – There are other statutes and regulations that affect Athletic Trainers. Below are examples identified by the work group that should be reviewed and perhaps require action to include Athletic Trainers.
 - Concussion laws
 - Are Athletic Trainers included?
 - Can Athletic Trainers make return to play decisions?
 - Resource: <http://bocatc.org/documents/concussion-management-knowledge-skills>
 - Worker’s comp laws
 - Are Athletic Trainers able to be reimbursed for worker’s compensation treatments?
 - Insurance codes
 - Are Athletic Trainers included?
 - States that have updated language to include Athletic Trainers: Indiana, Vermont
 - States that have or plan to attempt updating language to include Athletic Trainers: Utah, Wisconsin
 - Pharmacy laws
 - Can Athletic Trainers handle over-the-counter medications?
 - Duty to Report laws
 - Are Athletic Trainers included?
 - Healthcare Provider/Professional
 - Does your state define a healthcare provider/professional?
 - If so, are Athletic Trainers included?
- The definition of physician will vary from state to state. Each state should be certain it is satisfactory to its needs.
- Athletic Trainer’s patient population include athletes, performers, law enforcement, military, workers in an industrial setting and active individuals not considered athletes. As a result, terms such as “athlete” and “athletic injury” should be avoided.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kurt Fielding		2) Date When Request Submitted: 11/8/2018	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Athletic Trainers Affiliated Credentialing Board			
4) Meeting Date: 12/7/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2019 Board of Certification CARE Regulatory Conference	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board will consider possible participation in the Board of Certification 2019 CARE/State Regulatory Conference: http://bocatc.org/state-regulation#state-regulatory-conference			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	