



**TELECONFERENCE/VIRTUAL
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
September 23, 2020

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 31, 2020 (4-8)**
- C. Conflicts of Interest
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Board Member Status
 - 3) Wis. Stat. § 15.083(3)(b) Biannual Meeting with the Medical Examining Board
- F. Administrative Rule Matters – Discussion and Consideration (9)**
 - 1) Adoption Order: CR 19-109, Relating to Requirements for License Renewal and Reinstatement **(10-17)**
 - 2) Scope Statement: AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(18-20)**
 - 3) Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108
 - a. Review of 2019 Report **(21-23)**
 - b. Proposals for 2021 Report
 - 4) Pending and Possible Rulemaking Projects
- G. COVID-19 – Discussion and Consideration**
- H. 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

I. 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.).

J. Credentialing Matters

- 1) Application Reviews
 - a. Bo Leonard **(24-69)**

K. 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

O. Delegation and Ratification of Licenses Issued Between Meetings

ADJOURNMENT

NEXT DATE: TBD

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 at 608-266-2112 or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
MARCH 31, 2020**

PRESENT: Stephanie Atkins, Jay Davide, Kurt Fielding, John Johnsen, Gregory Vergamini

EXCUSED: Benjamin Wedro

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Dale Kleven, Rule Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

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

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES SEPTEMBER 25, 2019

MOTION: John Johnsen moved, seconded by Jay Davide, to approve the Minutes of September 25, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Gregory Vergamini nominated Kurt Fielding for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Kurt Fielding was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Jay Davide nominated Gregory Vergamini for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Greg Vergamini was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Kurt Fielding nominated John Johnsen for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

John Johnsen was elected as Secretary by unanimous voice vote.

2020 ELECTION RESULTS	
Chairperson	Kurt Fielding
Vice Chairperson	Gregory Vergamini
Secretary	John Johnsen

Appointment of Liaisons and Alternates

2020 LIAISON APPOINTMENTS	
Credentialing Liaison	Kurt Fielding <i>Alternate: John Johnsen</i>
Education and Exams Liaison	John Johnsen <i>Alternate: Gregory Vergamini</i>
Monitoring Liaison	Gregory Vergamini <i>Alternate: Kurt Fielding</i>
PAP Liaison	Benjamin Wedro <i>Alternate: Jay Davide</i>
Legislative Liaison	John Johnsen <i>Alternate: Benjamin Wedro</i>
Travel Liaison	Kurt Fielding <i>Alternate: Jay Davide</i>
Screening Panel	John Johnsen, Kurt Fielding <i>Alternate: Gregory Vergamini</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Greg Vergamini moved, seconded by Kurt Fielding, 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 Greg Vergamini, 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: Jay Davide 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 of Loss of Quorum

MOTION: Kurt Fielding moved, seconded by John Johnsen, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Greg Vergamini moved, seconded by Jay Davide, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the March 31, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Greg Vergamini moved, seconded by John Johnsen, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them 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 DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Kurt Fielding moved, seconded by Greg Vergamini, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized 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: Greg Vergamini moved, seconded by Kurt Fielding, to delegate pre-screening decision making authority to the DSPS 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: Kurt Fielding moved, seconded by John Johnsen, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. 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 John Johnsen, 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, Continuing Education and/or Examination Delegation(s)

MOTION: Greg Vergamini 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: John Johnsen moved, seconded by Jay Davide, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Jay Davide moved, seconded by John Johnsen 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 Greg Vergamini, 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.

ADJOURNMENT

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

The meeting adjourned at 11:51 a.m.

DRAFT

**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: 9/11/20 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: 9/23/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Adoption Order: CR 19-109, Relating to Requirements for License Renewal and Reinstatement 2. Scope Statement: AT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 3. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108 a. Review of 2019 Report b. Proposals for 2021 Report 4. 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: Administrative Rule Matters – Discussion and Consideration 2. Under prior law, the spouse of a service member could obtain a temporary reciprocal credential granted by DSPS or a board attached to DSPS. 2019 Wisconsin Act 143 expanded the availability of a reciprocal credential to include service members, former service members, and the spouses of former service members. The Act also provides that a reciprocal credential granted to a service member, former service member, or the spouse of a service member or former service member expires on the same renewal date as the credential that corresponds to the reciprocal credential, and that the reciprocal credential may be renewed by paying the applicable fee and satisfying the requirements that apply to renewing the corresponding credential. Also, under the Act, DSPS or a board attached to DSPS may promulgate rules necessary to implement the Act.			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>September 11, 2020</i>	
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 : ORDER OF THE
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS AFFILIATED
ATHLETIC TRAINERS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 19-109)

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 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 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 rules were posted for a period of 14 days to solicit public comment on economic impact, including how the 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 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:

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.

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 9:00 a.m. on September 25, 2019, to be included in the record of rule-making proceedings.

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. (a)** If a licensee applies for renewal more than 5 years after the renewal date, the licensee shall satisfy the requirements under sub. (1) and the requirements for licensure under s. 448.953 (1) or (2), Stats. 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.

(b) The board may waive any of the requirements under par. (a) based on evidence satisfactory to the board that granting renewal of the license would adequately protect public health, safety, and welfare.

(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)

Dated _____

Agency _____

Chairperson

Athletic Trainers Affiliated Credentialing Board

Wisconsin Department of Safety and Professional Services
Division of Policy Development
4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366



Phone: 608-266-2112
Web: <http://dps.wi.gov>
Email: dps@wisconsin.gov

Tony Evers, Governor
Dawn B. Crim, Secretary

March 24, 2020

Wisconsin State Senate Chief Clerk
Wisconsin State Assembly Chief Clerk

Dear Chief Clerks:

On December 9, 2019, the Athletic Trainers Affiliated Credentialing Board submitted CR 19-109, relating to requirements for license renewal and reinstatement, to the Legislature. On March 24, 2020, the Athletic Trainers Affiliated Credentialing Board approved a germane modification to CR 19-109. The germane modification revises s. AT 2.06 to include the specific conditions imposed on a licensee who applies for renewal of a license more than 5 years after the renewal date.

Accordingly, this letter serves as notice that, pursuant to s. 227.19 (4) (b) 4., Stats., the Athletic Trainers Affiliated Credentialing Board is recalling CR 19-109 from the chief clerk of each house of the Legislature and resubmitting it with a germane modification.

Sincerely,

Dale Kleven
Administrative Rules Coordinator
Department of Safety and Professional Services

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. (a) 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~~ the licensee shall satisfy the requirements under sub. (1) and the requirements for licensure under s. 448.953 (1) or (2), Stats. ~~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.

(b) The board may waive any of the requirements under par. (a) based on evidence satisfactory to the board that granting renewal of the license would adequately protect public health, safety, and welfare.

(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>.

STATEMENT OF SCOPE

Athletic Trainers Affiliated Credentialing Board

Rule No.: Chapter AT 2

Relating to: Reciprocal credentials for service members, former service members, and their spouses

Rule Type: Permanent

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

None.

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

The objective of the rule is to implement 2019 Wisconsin Act 143.

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:

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. AT 2 to implement 2019 Wisconsin Act 143.

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

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

60 hours

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

Service members, former service members, and spouses of service members or former service members applying for a license to practice as an athletic trainer.

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:

There is no existing or proposed federal regulation that addresses athletic trainer licensure.

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

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, (608) 261-4472, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

(c) For purposes of par. (b), the period shall be the period beginning on March 12, 2020, and ending on the 60th day after the end of the period covered by the public health emergency declared on March 12, 2020, by executive order 72.

(d) A renewal that occurs subsequent to the period described in par. (c) is not subject to the late renewal fee under sub. (3) (a) if the application to renew the credential is received before the next applicable renewal date. Notwithstanding the applicable provisions in chs. 440 to 480, the applicable credentialing board may, for that next applicable renewal date, provide an exemption from or reduction of continuing education or other conditions for renewal.

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89; 2003 a. 150, 270, 285, 327; 2005 a. 25, 31, 242, 292, 297, 407; 2007 a. 20, 174, 189; 2009 a. 28, 29, 106, 130, 174, 282, 355, 360; 2011 a. 160, 190, 258; 2013 a. 20, 240, 244, 358; 2015 a. 3, 16, 55, 116; 2015 a. 195 s. 83; 2015 a. 258; 2017 a. 82, 113, 329, 364; 2019 a. 49 s. 1; 2019 a. 185.

440.09 Reciprocal credentials for service members, former service members, and their spouses. (1) In this section:

(a) “Former service member” means a person who was discharged from the U.S. armed forces under conditions other than dishonorable within 4 years of the date on which the service member or the spouse of the service member applies for a reciprocal credential under this section.

(b) “Service member” means a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state.

(c) “Spouse” includes the spouse of a person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(2) The department and each credentialing board shall grant a reciprocal credential to an individual who the department or credentialing board determines meets all of the following requirements:

(a) The individual applies for a reciprocal credential under this section on a form prescribed by the department or credentialing board.

(b) The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state.

(c) The individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.

(d) The individual pays the fee specified under s. 440.05 (2).

(f) The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a license, certification, registration, or permit that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board.

(2m) If an individual is unable to provide documentation that the individual is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit to the department or credentialing board, as appropriate, stating that the individual is a service member, former service member, or the spouse of a service member or former service member.

(3) (a) A reciprocal credential granted under this section expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted is within 180 days of the date on which the credential is granted, the credential expires on the 2nd renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted.

(b) The department or credentialing board, as appropriate, shall grant a renewed reciprocal credential to an applicant who pays the renewal fee specified under s. 440.05 (2) and satisfies the requirements that apply for renewing that credential.

(4) The department or credentialing board, as appropriate, shall expedite the issuance of a reciprocal credential granted under this section.

(5) The department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.

History: 2011 a. 210; 2019 a. 143.

440.11 Change of name or address. (1) An applicant for or recipient of a credential who changes his or her name or moves from the last address provided to the department shall notify the department of his or her new name or address within 30 days of the change in writing or in accordance with other notification procedures approved by the department.

(2) The department or any examining board, affiliated credentialing board or board in the department may serve any process, notice or demand on the holder of any credential by mailing it to the last-known address of the holder as indicated in the records of the department, examining board, affiliated credentialing board or board.

History: 1987 a. 27; 1991 a. 39; 1993 a. 107; 1997 a. 27; 2017 a. 329.

440.12 Credential denial, nonrenewal and revocation based on tax or unemployment insurance contribution delinquency. Notwithstanding any other provision of chs. 440 to 480 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential if any of the following applies:

(1) The department of revenue certifies under s. 73.0301 that the applicant or credential holder is liable for delinquent taxes.

(2) The department of workforce development certifies under s. 108.227 that the applicant or credential holder is liable for delinquent unemployment insurance contributions.

History: 1997 a. 237; 2013 a. 36.

Cross-reference: See also ch. SPS 9, Wis. adm. code.

440.121 Credential denial, nonrenewal, and revocation based on incompetency. Notwithstanding any other provision of chs. 440 to 480 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential issued to an individual for whom the department receives a record of a declaration under s. 54.25 (2) (c) 1. d. stating that the individual is incompetent to apply for a credential under chs. 440 to 480.

History: 2005 a. 387.

440.13 Delinquency in support payments; failure to comply with subpoena or warrant. (1) In this section:

(b) “Memorandum of understanding” means a memorandum of understanding entered into by the department of safety and professional services and the department of children and families under s. 49.857.

(c) “Support” has the meaning given in s. 49.857 (1) (g).

(2) Notwithstanding any other provision of chs. 440 to 480 relating to issuance of an initial credential or credential renewal, as provided in the memorandum of understanding:

(a) With respect to a credential granted by the department, the department shall restrict, limit, or suspend a credential or deny an application for an initial credential if the credential holder or applicant is delinquent in paying support or fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to support or paternity proceedings.

(b) With respect to credential renewal, the department shall deny an application for renewal if the applicant is delinquent in paying support or fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and

Gregory S. Vergamini
Acting Chairperson

Jay Davide
Secretary

**ATHLETIC TRAINERS AFFILIATED
CREDENTIALING BOARD**



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March 18, 2019

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

Rule	Description of the legislation that restricted the authority	Action taken to address or reason for not taking an action
AT 3.03 AT 3.05	The Board's authority to request verification of compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	Final draft rule (CR 18-082) pending approval from the Legislature

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. 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:

Rule	Citation or the text of the statute, regulation, or ruling.	Action taken to address or reason for not taking an action
AT 1.05 AT 2.02 AT 2.03 AT 2.04 AT 2.05 AT 3.01 AT 3.03 AT 3.05 AT 4.01 AT 4.02	These sections have been superseded by or are in conflict with 2009 Wisconsin Act 162, which made various changes to the practice of athletic trainers and eliminated temporary licensure as an athletic trainer.	Final draft rule (CR 18-082) pending approval from the Legislature

V. Rules that are economically burdensome:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,

Gregory S. Vergamini
 Acting Chairperson
 Athletic Trainers Affiliated Credentialing Board

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