

**STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 18-082
ATHLETIC TRAINERS AFFILIATED :
CREDENTIALING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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 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. (BOC)
- Chapter AT 2:
 - Section AT 2.02 (2) is revised to specify a successor agency of BOC 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 BOC 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 - A note in s. AT 4.01 that includes substantive requirements for referrals is repealed.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.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Athletic Trainers Affiliated Credentialing Board held a public hearing on December 7, 2018. The Board received written comments from Shannon Fleming on behalf of the National Athletic Trainers’ Association Board of Certification, Inc. The comments indicate that the appropriate acronym for the Board is “BOC,” and that the BOC supports the changes in the proposed rules to remove the term “athletic” used to describe injury or illness.

In response to the comments received, the acronym “NATABOC” in the proposed rules has been replaced with “BOC.”

VI. RESPONSE TO MEDICAL EXAMINING BOARD AND LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The proposed rule was submitted to the Medical Examining Board on July 11, 2018. The Medical Examining Board had no recommendations concerning the proposed rule.

The Legislative Council had no recommendations concerning the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

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 18-082)

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) and (5); to amend AT 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 (1e) and (4m), 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:

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 - 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 Kirsten.Reader@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, 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 (1m) and amended to read:

AT 1.02 (1m) “Board” means the athletic trainers affiliated credentialing board.

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

AT 1.02 (1e) “Athletic training” has the meaning given in s. 448.95 (5), Stats.

SECTION 3. AT 1.02 (5) is renumbered AT 1.02 (1s) and amended to read:

AT 1.02 (1s) “NATABOC” means the ~~national athletic trainers association board of certification~~ National Athletic Trainers’ Association Board of Certification, Inc.

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

AT 1.02 (4m) “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~~ 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.

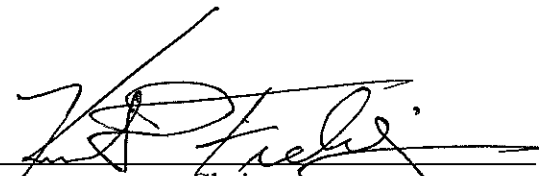
SECTION 14. AT 4.02 (1) is repealed.

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)

This Proposed Order of the Athletic Trainers Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated 12/11/18

Agency 
Chairperson
Athletic Trainers Affiliated Credentialing Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date June 7, 2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) AT 1 to 4	
4. Subject Practice of athletic trainers	
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	6. Chapter 20, Stats. Appropriations Affected
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	
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)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed 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.	
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.	
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.	
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.	
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.	
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.	
17. Compare With Approaches Being Used by Federal Government None	
18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)	

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).

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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
-