

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

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-109
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 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 denied at renewal, revoked, or surrendered. If the rules are not implemented, the requirements will remain unclear.

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 September 25, 2019. The Board did not receive any written comments or testimony concerning the proposed rules.

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

The proposed rule was submitted to the Medical Examining Board on January 16, 2019. The Medical Examining Board had no recommendations concerning the proposed rule.

None of the Legislative Council recommendations have been incorporated into the proposed rule:

Comment 1:

The Board has discretion to approve renewal of a license based upon the rules it promulgates. Conversely, the Board has discretion to deny renewal as long as it is not done in an arbitrary or capricious manner. It is within the authority of the Board to

impose, on a case-by-case basis, reasonable conditions under which it will determine the competency of an applicant for renewal and, based on that determination, approve or deny the renewal of a license.

Comment 4.a:

The Board did not intend to refer to requirements under s. 448.955 (3), Stats., as they are required components of the application for renewal submitted by the licensee.

Comment 4.b:

The recommended changes in this comment are not appropriate, given that the Board has not accepted the recommendation under Comment 1.

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 19-109)

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 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 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.** 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.

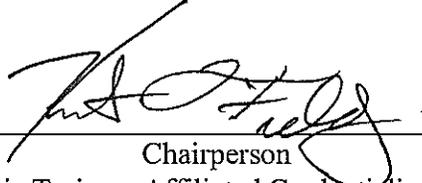
Note: An application for renewal or reinstatement may be obtained from the department of safety and professional services at (608) 261-2112 or from the department's website at <http://dsps.wi.gov>.

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)

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

Dated 9/25/19

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 December 20, 2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) AT 2	
4. Subject Requirements for license renewal and reinstatement	
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 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.	
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 rule was 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) This 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 clear requirements for the renewal and reinstatement of an athletic trainers license. If the rule is not implemented, the requirements will remain unclear.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is clarity in the requirements for the renewal and reinstatement of an athletic trainers license.	
17. Compare With Approaches Being Used by Federal Government None	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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

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ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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.

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- 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.

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19. Contact Name Dale Kleven	20. Contact Phone Number (608) 261-4472
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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
-