

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

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
ATHLETIC TRAINERS AFFILIATED	:	CR 25-020
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 rule updates the Protocol Requirements in chapter AT 4 by adding the statutory exceptions in s. 448.956 (2) and (3), Stats., to AT 4.01 (1), (2), (3) and (4) as well as updates AT 4.01 (4) (c) to include “manual therapy.” Adding the statutory exceptions in s. 448.956 (2) and (3), Stats. to AT 4.01 (1), (2), (3) and (4) makes it clear to licensed Athletic Trainers that the Treatment Protocol is to be adhered to under all circumstances where services are being provided, not just while the client is performing “physical activity.” These changes align the Wisconsin Administrative Code more closely with current practice in the Athletic Training Profession.

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 April 29, 2025. No public comments were received.

Pursuant to s. 15.085 (5) (b), Stats., the Medical Examining Board reviewed the proposed rule on November 20, 2024 and made no formal comments or recommendations. However, pursuant to s. 448.9525 (2), Stats., a delegate from the Medical Examining Board worked with the Chairperson of the Athletic Trainers Affiliated Credentialing Board to finalize this rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2c: “In the text of the proposed rule, with respect to adding “and as outlined in ss. 448.956 (2) and (3), Stats.” to s. AT 4.01 (1) to (4), consider instead creating a new subsection that incorporates this statutory reference. It is not clear how the referenced statutes relate to each of the evaluation and treatment procedures. If there are specific activities in s. 448.956 (2) or (3) that relate to the specific evaluation or treatment

procedures in s. AT 4.01 (1) to (4), it could be helpful to specifically reference those provisions.”

Response: The board rejects this comment and notes that the language added in this rule was chosen deliberately by both the Athletic Trainers Affiliated Credentialing Board and the Medical Examining Board. The statutory references being added are known to athletic trainers as areas of their scope of practice. Adding them to AT 4 just reinforces that they are to be used according to the protocol.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

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 25-020)

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 4.01 (1) (intro.), (2) (intro.), (3) (intro.), and (4) (intro.) and (c), relating to protocol requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

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

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

Explanation of agency authority:

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

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

Related statute or rule: None.

Plain language analysis:

The proposed rule updates the Protocol Requirements in chapter AT 4 by adding the statutory exceptions in s. 448.956 (2) and (3), Stats., to AT 4.01 (1), (2), (3) and (4) as well as updates AT 4.01 (4) (c) to include “manual therapy.” Adding the statutory exceptions in s. 448.956 (2) and (3), Stats. to AT 4.01 (1), (2), (3) and (4) makes it clear to licensed Athletic Trainers that the Treatment Protocol is to be adhered to under all circumstances where services are being provided, not just while the client is performing “physical activity.” These changes align the Wisconsin Administrative Code more closely with current practice in the Athletic Training Profession.

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

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation is responsible for the licensure and regulation of Athletic Trainers in Illinois, with input from the Illinois Board of Athletic Trainers. The Illinois Board is also responsible for the promulgation of rules to implement certain sections of the Illinois Athletic Trainers Practice Act. This Act includes a list of duties that an Athletic Trainer can provide, including coordination with a physician to provide a physical exam, follow-up injury care, and reconditioning programs among other services. They can also perform several services independently including on-site injury care and evaluation. An evaluation and treatment protocol does not appear to be required in Illinois, however many elements of a protocol are listed as duties that an Athletic Trainer can provide [225 Illinois Compiled Statutes Chapter 5 Section 3 Subsection 4].

Iowa: The Iowa Public Health Department is responsible for the licensure and regulation of Athletic Trainers in Iowa, with input from the Iowa Board of Athletic Trainers. Chapter 152D of the Iowa Code outlines the statutes for the regulation of the practice of athletic training in Iowa. These statutes include general requirements for licensure and duties of the Iowa Board [Iowa Code Title IV Chapter 152D]. The Iowa Administrative Code includes rules that establish that each licensee must ensure that documentation of physician direction is obtained and maintained, including an athletic training service plan, referrals, initial evaluations and assessments, and dates of subsequent follow-up care. Athletic Trainers in Iowa are also required to have their athletic training service plans comply with the Practice Standards and Code of Professional Responsibility parts of January 2018 Standards and Professional Practice from the Board of Certification [645 Iowa Administrative Code Chapter 351].

Michigan: The Michigan Athletic Trainer Board is responsible for the licensure and regulation of Athletic Trainers in Michigan. Act 368 Article 15 of the Michigan Compiled Laws includes the regulations for Athletic Trainers in Michigan, among several other occupations [Michigan Compiled Laws Act 368 Article 15 Chapter 333 Part 179]. The Michigan Department of Licensing and Regulatory Affairs, in conjunction with the Michigan Board, promulgates administrative rules that include requirements for licensure, education, and examination, among other topics. Michigan has also adopted by reference the January 2021 Standards of Professional Practice from the Board of Certification. Outside of those standards, there do not appear to be any additional requirements for service or treatment plans or protocols [Michigan Administrative Code R 338.1301-R 338.1378].

Minnesota: The Minnesota Board of Medical Practice is responsible for the licensure and regulation of Athletic Trainers in Minnesota. The Minnesota Athletic Trainers Act includes statutory requirements for limitations on practice, licensure, and continuing education, among other topics [Minnesota Statutes Section 148.7801 to 148.7815]. Part 5600 of the Minnesota Administrative Code includes rules established by the Minnesota Board, but does not mention requirements for service or treatment plans or protocols for athletic trainers [Minnesota Administrative Rules Chapters 5600 to 5620].

Summary of factual data and analytical methodologies:

The proposed rule was developed by reviewing Wisconsin Administrative Code Chapter AT 4 and obtaining input and feedback from the Athletic Trainers Affiliated Credentialing Board.

Pursuant to s. 448.9525 (2), Stats., a delegate from the Medical Examining Board worked with the Chairperson of the Athletic Trainers Affiliated Credentialing Board to finalize this rule.

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 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 at Jennifer.Garrett@wisconsin.gov or (608) 266-2112.

Agency contact person:

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

TEXT OF RULE

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

AT 4.01 (1) (intro.) Taking a basic medical history when necessary for evaluation and treatment of an injury or illness sustained while participating in physical activity and as outlined in s. 448.956 (2) and (3), Stats. A basic medical history may include any of the following:

(2) (intro.) Evaluating an injury or illness sustained while participating in physical activity and as outlined in s. 448.956 (2) and (3), Stats. An evaluation may include any of the following procedures:

(3) (intro.) Treating an injury or illness sustained while participating in physical activity and as outlined in s. 448.956 (2) and (3), Stats. Treatment may include any of the following procedures:


(4) (intro.) Rehabilitating an injury or illness sustained while participating in physical activity and as outlined in s. 448.956 (2) and (3), Stats. Rehabilitation may include any of the following procedures:

(4)(c) Trigger point and manual therapy.

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 5/12/2025 _____ 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 03/12/25								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) AT 4									
4. Subject Protocol Requirements									
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165(1)(hg)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs						
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<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)			
<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 rule updates the Protocol Requirements in chapter AT 4 by adding the statutory exceptions in ss. 448.956 (2) and (3), Stats., to AT 4.01 (1), (2), (3) and (4) as well as updates AT 4.01 (4) (c) to include "manual therapy." These changes align the Wisconsin Administrative Code more closely with current practice in the Athletic Training Profession.									
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 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.									
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.									
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$1000.00 in one-time staffing costs to implement the rule. The estimated need 16 staff hours for training and updating on new scope of practice. The estimated costs may not be absorbed in the currently appropriated budget.									
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are a more accurate Protocol for Athletic Trainers to use in their practice.									
16. Long Range Implications of Implementing the Rule The long range implications of implementing this rule are improved patient care through more accurate documentation of services provided on the Protocol.									
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

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19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-7139

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
