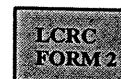


OCT 09 2000



WISCONSIN LEGISLATIVE COUNCIL STAFF

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-131**

AN ORDER to create chapters AT 1 to 5, relating to the licensure and regulation of athletic trainers.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-01-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-27-00 REPORT SENT TO AGENCY.

RS:REL:jal;ksm



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## CLEARINGHOUSE RULE 00-131

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. In s. AT 1.04, the word "must" should be replaced by the word "shall."
- b. Since ss. AT 2.04 to 2.06 are brief and relate to the same subject matter, two-year temporary licenses, they should be combined into one section. Also, in s. AT 2.04, the phrase "application by an applicant applying under s. 448.953 (4) (a), Stats." should be replaced by the phrase "an applicant for a two-year temporary license." These changes will assist the reader in understanding that these provisions only apply to the two-year temporary license.
- c. In s. AT 5.01 (intro.), "In this section and for purposes of s. 448.957 (2) (f), Stats." should be inserted before "Unprofessional conduct." [See s. 1.01 (7) (a), Manual.] Also, the phrase "any of" should be inserted before the phrase "the following."

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

- a. Section AT 1.01 provides that the rules in chs. AT 1 to 5 are adopted pursuant to ss. 15.085 (5) (b), 227.11 (2) (a), 448.9525 (1) and (2), 448.954 (2), 448.9545 (2) (a), 448.955, 448.956 (1) and 448.957 (2), Stats. In contrast, the statutes authorizing promulgation listed in the analysis of the rules do not include ss. 448.9545 (2) (a) and 448.956 (1), Stats. The analysis and the rule should identify the same statutes that authorize promulgation. [See s. 1.02 (2), Manual.]

b. In s. AT 2.05, the notation "Stats." should be inserted after the third occurrence of the citation to s. 448.953 (4) (a).

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. AT 2.01, "an applicant who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (1), Stats." It would be helpful to the rule's clarity if the rule also provided that an "applicant for a license," referenced in the first sentence of s. AT 2.01, must pay the fee specified in s. 440.05 (1), Stats., when filing the initial application.

b. In s. AT 2.02 (1), the comma following the word "located" should be replaced by the word "or." In s. AT 5.01 (1), the comma preceding the word "diploma" should be replaced by the word "or."

STATE OF WISCONSIN  
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS AFFILIATED  
ATHLETIC TRAINERS AFFILIATED : CREDENTIALING BOARD  
CREDENTIALING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00- )

---

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to create Chapters AT 1 to 5 relating to the licensure and regulation of athletic trainers.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.085 (5) (b) and 227.11 (2), Stats., and ss. 448.9525 (1) and (2), 448.954 (2), 448.955 and 448.957 (2), Stats., as created by 1999 Wisconsin Act 9.

Statutes interpreted: Chapter 448, Subchapter VI, Stats.

In this proposed rule-making order the Athletic Trainers Affiliated Credentialing Board creates rules relating to the licensure of athletic trainers. These rules are as a result of 1999 Wisconsin Act 9 which created the Athletic Trainers Affiliated Credentialing Board. Chapters AT 1 to 5 establish requirements and standards for licensure and the practice of licensed athletic trainers. The rules specify the educational, examination, experience and insurance requirements for licensure; minimum requirements for a protocol for the treatment of an athletic injury; approved continuing education; and rules of professional conduct.

Section AT 1.01 sets forth the statutory authority for the proposed rules. Section AT 1.02 creates the definitions for the rules. Section AT 1.03 sets forth the use of restricted title or designation. Section AT 1.04 sets forth the requirements for liability insurance coverage and surety bonds. Section AT 1.05 provides the examination provider.

Sections AT 2.01 and 2.02 outline the application process. Sections AT 2.03, 2.04 and 2.05 set forth the application process for a temporary license and a temporary license renewal.

Sections AT 3.01 and 3.02 set forth the continuing education requirements.

Section 448.9525 (2), Stats. requires that the Athletic Trainers Affiliated Credentialing Board and the Medical Examining Board jointly promulgate rules relating to the minimum requirements of an evaluation and treatment protocol for athletic trainers and their consulting physicians and a record on a protocol form. Section AT 4.01 describes the protocol evaluation

and treatment procedures to be established by the licensee and approved by the consulting physician. Section AT 4.02 spells out the mandatory protocol requirements. The Medical Examining Board has reviewed proposed Chapter AT 4 and found it acceptable. The Medical Examining Board will be involved in further review and final adoption of the rules under s. 448.9525 (2), Stats.

joint prom.

Section AT 5.01 defines unprofessional conduct as it applies to the profession.

---

TEXT OF RULE

SECTION 1. Chapters AT 1 to 5 are created to read:

CHAPTER AT 1

GENERAL REQUIREMENTS AND PROCEDURES

**AT 1.01 Authority.** The rules in chapters AT 1 to 5 are adopted pursuant to ss. 15.085 (5) (b), 227.11 (2) (a), 448.9525 (1) and (2), 448.954 (2), 448.9545 (2) (a), 448.955, 448.956 (1) and 448.957 (2), Stats.

**AT 1.02 Definitions.** In chs. AT 1 to 5:

- (1) "Board" means the affiliated credentialing board.
- (2) "Department" means the department of regulation and licensing.
- (3) "License" means a license as an athletic trainer issued by the board.
- (4) "Licensee" means a person who is licensed as an athletic trainer under s. 448.953, Stats.
- (5) "NATABOC" means the national athletic trainers association board of certification.
- (6) "Protocol" means a precise and detailed written plan for the evaluation and treatment of an athletic injury or an injury that is identical to an athletic injury and that has resulted from an occupational activity.
- (7) "Trainer" means a person engaged in athletic training who is not licensed as an athletic trainer under s. 448.953, Stats.

**AT 1.03 Use of restricted title.** A trainer may engage in the practice of athletic training provided that the trainer does not use a title or designation in violation of s. 448.951, Stats.

**AT 1.04 Surety bond or liability insurance coverage.** As a precondition to the granting or renewal of a license, an applicant or licensee must submit a certificate of insurance,

declarations page, policy binder or other evidence satisfactory to the department that he or she has in effect a surety bond in the amount of \$1,000,000, or malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year. No licensee shall engage in athletic training unless the licensee has in effect the insurance required by this section.

**AT 1.05 Required examinations.** For purposes of satisfying the examination requirement 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.

## CHAPTER AT 2

### ATHLETIC TRAINER LICENSE

**AT 2.01 Applications.** An applicant for a license shall file an application. An applicant who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (1), Stats.

**AT 2.02 Application contents.** In addition to satisfying the requirement of s. 448.953, Stats., an application for licensure shall include the following:

(1) Official undergraduate transcripts properly attested to by the degree granting institution and submitted by the institution directly to the board establishing that the applicant has been granted a bachelor's degree by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located, or a regional or national accrediting agency recognized by the U.S. department of education or accredited by a Canadian accrediting agency satisfactory to the board.

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

**AT 2.03 One-year temporary license application.** An applicant who satisfies the requirements of s. 448.953 (3) (a), Stats., may apply for a one-year temporary license. The temporary license is valid for one year and may not be renewed.

**AT 2.04 Two-year temporary license application.** In addition to satisfying the requirements of s. 448.953 (4) (a), Stats., an application by an applicant applying under *an app. for a 2 yr. license* ~~s. 448.953 (4) (a), Stats.~~, shall include a chronological history by the applicant stating that he or she has engaged in athletic training during each of the 12 consecutive months immediately preceding November 1, 2000.

**AT 2.05 Temporary license renewal application.** In addition to satisfying the requirements of s. 448.953 (4) (a), Stats., a temporary license renewal application by an applicant

under s. 448.953 (4) (a), Stats., shall set forth a chronological history by the applicant demonstrating the significant progress that he or she has made toward satisfying the requirement under s. 448.953 (1) (f), Stats. To be deemed significant progress for purposes of renewal of a temporary license under s. 448.953 (4) (a), the chronological history shall include a history outlining that he or she has engaged in athletic training for not less than 18 of the previous 24 months, and that he or she has made a minimum of one attempt to successfully take the NATABOC certification examination and the score received on each attempt.

**AT 2.06 Temporary license renewal.** A temporary license shall not be renewed if an applicant does not satisfy the requirement of showing significant progress toward satisfying the requirement under s. 448.953 (1) (f), Stats.

combine  
2.01 to  
2.06

### CHAPTER AT 3

#### CONTINUING EDUCATION

**AT 3.01 Approved courses.** For purposes of satisfying the continuing education requirement of s. 448.9545, Stats., a course of study approved by the affiliated credentialing board is a course that has been approved for continuing education credit by NATABOC.

**AT 3.02 Evidence of compliance.** For the renewal of any license granted under subch. VI of ch. 448, Stats., the board will accept as evidence of compliance with this chapter certification by the NATABOC that the licensee has attended and completed continuing education programs approved under the provisions of s. AT 3.01.

### CHAPTER AT 4

#### EVALUATION AND TREATMENT PROTOCOL

**AT 4.01 Protocol evaluation and treatment procedures.** A protocol established by the licensee and approved by the consulting physician shall be in writing and may include any of the following evaluation and treatment procedures when authorized by the consulting physician:

(1) Authorization for taking a basic medical history when necessary for evaluation and treatment of an athletic injury that may include any of the following:

- (a) Previous medical history.
- (b) Previous surgical history.
- (c) Pertinent family medical history.
- (d) Current medication history including known drug allergies.
- (e) Relevant social history.



- (f) Chief medical complaint.
- (g) History of the present injury or illness for which the person to be treated is seeking evaluation and treatment.

(2) Authorization to evaluate the athletic injury utilizing any of the following procedures:

- (a) Palpation.
- (b) General observation.
- (c) Motion assessment.
- (d) Muscle strength tests.
- (e) Endurance tests.
- (f) Neurological assessment.
- (g) Joint play assessment.
- (h) Functional evaluation.
- (i) Objective physical measurement.

(3) Authorization to form a preliminary diagnosis of the athletic injury for which the person to be treated is seeking evaluation and treatment.

(4) Authorization to utilize treatment procedures to treat an athletic injury including any of the following:

- (a) Emergency care.
- (b) Ultrasound.
- (c) Phonophoresis.
- (d) Electrical nerve stimulation.
- (e) Iontophoresis.
- (f) Specified diathermy.
- (g) Intermittent compression.

- (h) Traction.
- (i) Therapeutic massage.

(5) Authorization to utilize rehabilitation procedures to rehabilitate an athletic injury including any of the following:

- (a) Progressive resistance exercise.
- (b) Range of motion exercise.
- (c) Trigger point therapy.
- (d) Joint mobilization for range of motion only.
- (e) Proprioceptive neuromuscular facilitation.
- (f) Functional exercise.
- (g) Cardiovascular exercise.
- (h) Aquatic exercise.

(6) Authorization to administer specifically enumerated drugs.

? 448.03(2)(e)

**AT 4.02 Mandatory protocol requirements.** A protocol must contain all of the following:

(1) The requirement that the licensee notify the consulting physician as soon as possible if a person being treated by the athletic trainer sustains new injuries.

(2) The requirement that if a licensee or the consulting physician of the licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV of ch. 448, Stats., and who can provide appropriate treatment to the patient.

(3) The requirement that a licensee shall modify or terminate treatment of a patient that is not beneficial to a patient or that the patient cannot tolerate.

(4) The name, signature and date of signature of the consulting physician and the athletic trainer.

Note: Protocol forms are available upon request to the board at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708.

## CHAPTER AT 5

### STANDARDS OF CONDUCT

**AT 5.01 Definition.** "Unprofessional conduct" means any practice or behavior which violates the minimum standards for the profession necessary for the protection of the health, safety or welfare of an athlete or the public, and includes, but is not limited to, the following or aiding or abetting the same: *any of*

- (1) Knowingly making or presenting or *causing to be made or presented* any false, fraudulent, or forged statement, writing, certificate, diploma, in connection with any application for a license. *or*
- (2) Making a material misstatement in an application for a license or for renewal of a license.
- (3) In sitting for any licensure examination, soliciting or knowingly disclosing examination content.
- (4) Failing to cooperate with the board in an investigation under this section.
- (5) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to any person.
- (6) Engaging in any athletic trainer practice which constitutes a danger to the health, welfare, or safety of a patient or the public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by an athletic trainer which harmed or could have harmed a patient.
- (7) Subject to ss. 111.321, 111.322 and 111.335, Stats., practicing as an athletic trainer when the person's ability to engage in the practice was impaired by alcohol or other drugs.
- (8) Having been adjudicated mentally incompetent by a court of competent jurisdiction.
- (9) Subject to ss. 111.321, 111.322 and 111.335, Stats., having violated federal or state laws, local ordinances or administrative rules the circumstances of which substantially relate to the practice of athletic trainers.
- (10) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.
- (11) Misrepresenting professional qualifications such as education, specialized training or experience.

(12) Offering to perform or performing services which the licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.

(13) Using false, fraudulent or deceptive advertising or publicity; or practicing or attempting to practice under another's name.

(14) Falsely representing that the licensee is engaged in a partnership or association with another unless there exists in fact a partnership or association, or practicing under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the firm is authorized and qualified to perform.

(15) Violating the confidences of a patient except as otherwise required by law.

(16) Violating or attempting to violate any provision or term of ch. 448, Stats., or of any valid rule of the board.

(17) Violating or attempting to violate any term, provision or condition of any order of the board.

(18) Falsifying patient records.

(19) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice as an athletic trainer, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to, the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

(20) Engaging in inappropriate sexual contact, exposure, gratification or other sexual behavior with or in the presence of a patient.

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(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson

Athletic Trainers Affiliated Credentialing Board

Approved by the Medical Examining Board with respect to Chapter AT 4, Evaluation and Treatment Protocol. The two sections are AT 4.01, Protocol Evaluation and Treatment Protocol, and s. AT 4.02, Mandatory Protocol Requirements.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Medical Examining Board

FISCAL ESTIMATE  
Attached

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\athletic1.doc  
8/29/00

OCT 19 2000

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

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS AFFILIATED  
ATHLETIC TRAINERS AFFILIATED : CREDENTIALING BOARD  
CREDENTIALING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00-131**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD is submitting in final draft form rules relating to the licensure and regulation of athletic trainers.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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

---

**IN THE MATTER OF RULE-MAKING :**  
**PROCEEDINGS BEFORE THE :** **REPORT TO THE LEGISLATURE**  
**ATHLETIC TRAINERS AFFILIATED :** **ON CLEARINGHOUSE RULE 00-131**  
**CREDENTIALING BOARD :** **(s. 227.19 (3), Stats.)**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

Forms are being developed by the department.

**III. FISCAL ESTIMATES:**

See attached Fiscal Estimate.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making order the Athletic Trainers Affiliated Credentialing Board creates rules relating to the licensure of athletic trainers. These rules are as a result of 1999 Wisconsin Act 9 which created the Athletic Trainers Affiliated Credentialing Board. Chapters AT 1 to 5 establish requirements and standards for licensure and the practice of licensed athletic trainers. The rules specify the educational, examination, experience and insurance requirements for licensure; minimum requirements for a protocol for the treatment of an athletic injury; approved continuing education; and rules of professional conduct.

Section 448.9525 (2), Stats. requires that the Athletic Trainers Affiliated Credentialing Board and the Medical Examining Board jointly promulgate rules relating to the minimum requirements of an evaluation and treatment protocol for athletic trainers and their consulting physicians and a record on a protocol form. Section AT 4.01 describes the protocol evaluation and treatment procedures to be established by the licensee and approved by the consulting physician. Section AT 4.02 spells out the mandatory protocol requirements. The Medical Examining Board has reviewed proposed Chapter AT 4 and found it acceptable. The Medical Examining Board will be involved in further review and final adoption of the rules under s. 448.9525 (2), Stats.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on September 29, 2000.

The following individuals appeared at the public hearing and presented statements:

John Hendrickson, P.T., Mequon, WI, representing the Wisconsin Physical Therapy Association.

Dale J. Strama, D.C., Medford, WI, representing the Wisconsin Chiropractic Examining Board.

Robert P. Worth, Appleton, WI.

Written comments were received by:

Jeff Oliphant, President, Wisconsin Athletic Trainers' Association.

John Hendrickson, P.T., President, Wisconsin Physical Therapy Association, Madison, WI

Russell A. Leonard, Executive Director, Wisconsin Chiropractic Association, Madison, WI

Teri Black, COTA, ROH, Legislative Affairs Chair, Wisconsin Occupational Therapy Association, Madison, WI

Russell DeLap, Concordia University Wisconsin, Mequon, WI

Marilyn Windschiegl, Legislative Counsel, State Medical Society of Wisconsin, Madison, WI

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 2.b. The first recommendation in Comment 2.b. was not accepted. The sections deal with different subject matters that are more difficult to reference in one combined section.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (1), Stats.



STATE OF WISCONSIN  
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS AFFILIATED  
ATHLETIC TRAINERS AFFILIATED : CREDENTIALING BOARD  
CREDENTIALING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 00-131)

---

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to create Chapters AT 1 to 5 relating to the licensure and regulation of athletic trainers.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: ss. 15.085 (5) (b) and 227.11 (2), Stats., and ss. 448.9525 (1) and (2), 448.954 (2), 448.9545 (2) (a), 448.955, 448.956 (1) and 448.957 (2), Stats., as created by 1999 Wisconsin Act 9.

Statutes interpreted: Chapter 448, Subchapter VI, Stats.

In this proposed rule-making order the Athletic Trainers Affiliated Credentialing Board creates rules relating to the licensure of athletic trainers. These rules are as a result of 1999 Wisconsin Act 9 which created the Athletic Trainers Affiliated Credentialing Board. Chapters AT 1 to 5 establish requirements and standards for licensure and the practice of licensed athletic trainers. The rules specify the educational, examination, experience and insurance requirements for licensure; minimum requirements for a protocol for the treatment of an athletic injury; approved continuing education; and rules of professional conduct.

Section AT 1.01 sets forth the statutory authority for the proposed rules. Section AT 1.02 creates the definitions for the rules. Section AT 1.03 sets forth the use of restricted title or designation. Section AT 1.04 sets forth the requirements for liability insurance coverage and surety bonds. Section AT 1.05 provides the examination provider.

Sections AT 2.01 and 2.02 outline the application process. Sections AT 2.03, 2.04 and 2.05 set forth the application process for a temporary license and a temporary license renewal.

Sections AT 3.01 and 3.02 set forth the continuing education requirements.

Section 448.9525 (2), Stats. requires that the Athletic Trainers Affiliated Credentialing Board and the Medical Examining Board jointly promulgate rules relating to the minimum requirements of an evaluation and treatment protocol for athletic trainers and their consulting physicians and a record on a protocol form. Section AT 4.01 describes the protocol evaluation

and treatment procedures to be established by the licensee and approved by the consulting physician. Section AT 4.02 spells out the mandatory protocol requirements. The Medical Examining Board has reviewed proposed Chapter AT 4 and found it acceptable. The Medical Examining Board will be involved in further review and final adoption of the rules under s. 448.9525 (2), Stats.

Section AT 5.01 defines unprofessional conduct as it applies to the profession.

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TEXT OF RULE

SECTION 1. Chapters AT 1 to 5 are created to read:

CHAPTER AT 1

GENERAL REQUIREMENTS AND PROCEDURES

**AT 1.01 Authority.** The rules in chapters AT 1 to 5 are adopted pursuant to ss. 15.085 (5) (b), 227.11 (2), 448.9525 (1) and (2), 448.954 (2), 448.9545 (2) (a), 448.955, 448.956 (1) and 448.957 (2), Stats.

**AT 1.02 Definitions.** In chs. AT 1 to 5:

- (1) "Board" means the affiliated credentialing board.
- (2) "Department" means the department of regulation and licensing.
- (3) "License" means a license as an athletic trainer issued by the board.
- (4) "Licensee" means a person who is licensed as an athletic trainer under s. 448.953, Stats.
- (5) "NATABOC" means the national athletic trainers association board of certification.
- (6) "Protocol" means a precise and detailed written plan for the evaluation and treatment of an athletic injury or an injury that is identical to an athletic injury and that has resulted from an occupational activity.
- (7) "Trainer" means a person engaged in athletic training who is not licensed as an athletic trainer under s. 448.953, Stats.

**AT 1.03 Use of restricted title.** A trainer may engage in the practice of athletic training provided that the trainer does not use a title or designation in violation of s. 448.951, Stats.

**AT 1.04 Surety bond or liability insurance coverage.** As a precondition to the granting or renewal of a license, an applicant or licensee must submit a certificate of insurance,

declarations page, policy binder or other evidence satisfactory to the department that he or she has in effect a surety bond in the amount of \$1,000,000, or malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year. No licensee shall engage in athletic training unless the licensee has in effect the insurance required by this section.

**AT 1.05 Required examinations.** For purposes of satisfying the examination requirement 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.

**AT 1.06 Change of address.** A licensee shall notify the board of a change of address as required under s. 448.11, Stats.

## CHAPTER AT 2

### ATHLETIC TRAINER LICENSE

**AT 2.01 Applications.** An applicant for a license shall file an application and must pay the fee specified in s. 440.05 (1), Stats. An applicant for a license who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and pay the fee specified in s. 440.05 (1), Stats.

**AT 2.02 Application contents.** In addition to satisfying the requirement of s. 448.953, Stats., an application for licensure shall include the following:

(1) Official undergraduate transcripts properly attested to by the degree granting institution and submitted by the institution directly to the board establishing that the applicant has been granted a bachelor's degree by a college or university accredited by a regional accrediting agency approved by the state board of education in the state in which the college or university is located or a regional or national accrediting agency recognized by the U.S. department of education or accredited by a Canadian accrediting agency satisfactory to the board.

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

**AT 2.03 Two-year temporary license application.** In addition to satisfying the requirements of s. 448.953 (4) (a), Stats., an applicant for a 2 year temporary license shall include a chronological history by the applicant stating that he or she has engaged in athletic training during each of the 12 consecutive months immediately preceding November 1, 2000.

**AT 2.04 Temporary license renewal application.** In addition to satisfying the requirements of s. 448.953 (4) (a), Stats., a temporary license renewal application by an applicant under s. 448.953 (4) (a), Stats., shall set forth a chronological history by the applicant

demonstrating the significant progress that he or she has made toward satisfying the requirement under s. 448.953 (1) (f), Stats. To be deemed significant progress for purposes of renewal of a temporary license under s. 448.953 (4) (a), Stats., the chronological history shall include a history outlining that he or she has engaged in athletic training for not less than 18 of the previous 24 months, and that he or she has made a minimum of one attempt to successfully take the NATABOC certification examination and the score received on each attempt.

**AT 2.05 Temporary license renewal.** A temporary license shall not be renewed if an applicant does not satisfy the requirement of showing significant progress toward satisfying the requirement under s. 448.953 (1) (f), Stats.

## CHAPTER AT 3

### CONTINUING EDUCATION

**AT 3.01 Approved courses.** For purposes of satisfying the continuing education requirement of s. 448.9545, Stats., a course of study approved by the board is a course that has been approved for continuing education credit by NATABOC.

**AT 3.02 Certification of compliance.** A licensee shall, at the time of making application for renewal of a license under s. 440.08 (2) (a), Stats., sign a statement on the application for renewal certifying that the licensee has satisfied the 30 hour continuing education requirement of s. 448.9545, Stats.

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

**AT 3.04 Retention requirement.** The licensee shall retain evidence of compliance for 3 years following the renewal date for the biennium for which 30 hours of credit are required for renewal of a license.

**AT 3.05 Audit.** The board may require any licensee to submit his or her evidence of compliance with the continuing education requirements to audit compliance.

## CHAPTER AT 4

### EVALUATION AND TREATMENT PROTOCOL

**AT 4.01 Protocol evaluation and treatment procedures.** A protocol established by the licensee and approved by the consulting physician shall be in writing and may include any of the following evaluation and treatment procedures when authorized by the consulting physician:

(1) Authorization for taking a basic medical history when necessary for evaluation and treatment of an athletic injury that may include any of the following:

- (a) Previous medical history.
- (b) Previous surgical history.
- (c) Pertinent family medical history.
- (d) Current medication history including known drug allergies.
- (e) Relevant social history.
- (f) Chief medical complaint.
- (g) History of the present injury or illness for which the person to be treated is seeking evaluation and treatment.

(2) Authorization to evaluate the athletic injury utilizing any of the following procedures:

- (a) Palpation.
- (b) General observation.
- (c) Motion assessment.
- (d) Muscle strength tests.
- (e) Endurance tests.
- (f) Neurological assessment.
- (g) Joint play assessment.
- (h) Functional evaluation.
- (i) Objective physical measurement.
- (j) Circulatory assessment.

(3) Authorization to utilize treatment procedures to treat an athletic injury including any of the following:

- (a) Emergency care.
- (b) Ultrasound.

- (c) Phonophoresis.
- (d) Electrical nerve stimulation.
- (e) Iontophoresis.
- (f) Specified diathermy.
- (g) Intermittent compression.
- (h) Traction.
- (i) Therapeutic massage.
- (j) Moist heat.
- (k) Paraffin baths.
- (l) Cryotherapy.

(4) Authorization to utilize rehabilitation procedures to rehabilitate an athletic injury including any of the following:

- (a) Progressive resistance exercise.
- (b) Range of motion exercise.
- (c) Trigger point therapy.
- (d) Joint mobilization for range of motion only.
- (e) Proprioceptive neuromuscular facilitation.
- (f) Functional exercise.
- (g) Cardiovascular exercise.
- (h) Aquatic exercise.
- (i) Taping, bracing and splinting.
- (j) Isokinetic exercise.
- (k) Isometric exercise.
- (l) Isotonic exercise.

- (5) Authorization to administer specifically enumerated drugs.

Note: A licensed athletic trainer may accept referrals from licensed chiropractors to engage in athletic training in accordance with an evaluation and treatment protocol approved by the consulting physician under this chapter.

**AT 4.02 Mandatory protocol requirements.** A protocol must contain all of the following:

- (1) The requirement that the licensee notify the consulting physician as soon as possible if a person being treated by the athletic trainer sustains new injuries.
- (2) The requirement that if a licensee or the consulting physician of the licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol, refer the patient to a health care practitioner who is licensed under ch. 446 or 447, Stats., or subch. II, III or IV of ch. 448, Stats., and who can provide appropriate treatment to the patient.
- (3) The requirement that a licensee shall modify or terminate treatment of a patient that is not beneficial to a patient or that the patient cannot tolerate.
- (4) The name, signature and date of signature of the consulting physician and the athletic trainer.

## CHAPTER AT 5

### STANDARDS OF CONDUCT

**AT 5.01 Definition.** In this section and for purposes of s. 448.957 (2) (f), Stats., "unprofessional conduct" means any practice or behavior which violates the minimum standards for the profession necessary for the protection of the health, safety or welfare of an athlete or the public, and includes, but is not limited to, the following or aiding or abetting the same:

- (1) Knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, in connection with any application for a license.
- (2) Making a material misstatement in an application for a license or for renewal of a license.
- (3) In sitting for any licensure examination, soliciting or knowingly disclosing examination content.
- (4) Failing to cooperate with the board in an investigation under this section.

(5) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to any person.

(6) Engaging in any athletic trainer practice which constitutes a danger to the health, welfare, or safety of a patient or the public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by an athletic trainer which harmed or could have harmed a patient.

(7) Subject to ss. 111.321, 111.322 and 111.335, Stats., practicing as an athletic trainer when the person's ability to engage in the practice was impaired by alcohol or other drugs.

(8) Having been adjudicated mentally incompetent by a court of competent jurisdiction.

(9) Subject to ss. 111.321, 111.322 and 111.335, Stats., having violated federal or state laws, local ordinances or administrative rules the circumstances of which substantially relate to the practice of athletic trainers.

(10) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(11) Misrepresenting professional qualifications such as education, specialized training or experience.

(12) Offering to perform or performing services which the licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.

(13) Using false, fraudulent or deceptive advertising or publicity; or practicing or attempting to practice under another's name.

(14) Falsely representing that the licensee is engaged in a partnership or association with another unless there exists in fact a partnership or association, or practicing under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the firm is authorized and qualified to perform.

(15) Violating the confidences of a patient except as otherwise required by law.

(16) Violating or attempting to violate any provision or term of ch. 448, Stats., or of any valid rule of the board.

(17) Violating or attempting to violate any term, provision or condition of any order of the board.

(18) Falsifying patient records.



(19) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice as an athletic trainer, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to, the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

(20) Engaging in inappropriate sexual contact, exposure, gratification or other sexual behavior with or in the presence of a patient.

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(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Athletic Trainers Affiliated Credentialing Board

Approved by the Medical Examining Board with respect to Chapter AT 4, Evaluation and Treatment Protocol. The two sections are AT 4.01, Protocol Evaluation and Treatment Protocol, and s. AT 4.02, Mandatory Protocol Requirements.

Dated \_\_\_\_\_ Agency \_\_\_\_\_  
Chairperson  
Medical Examining Board

FISCAL ESTIMATE  
Attached

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\athletic1.doc  
10/16/00

FISCAL ESTIMATE

ORIGINAL  UPDATE  CORRECTED

Rule No. AT Chap 1 to 5

Subject: Licensure and regulation of athletic trainers.

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Increase Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget  Yes  No
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Decrease Costs
- Create New Appropriation

Local:  No local government costs

- 1.  Increase Costs
  - Permissive  Mandatory
- 2.  Decrease Costs
  - Permissive  Mandatory
- 3.  Increase Revenue
  - Permissive  Mandatory
- 3.  Decrease Revenue
  - Permissive  Mandatory
- 5. Types of local government units affected:
  - Towns  Villages  Cities
  - Counties  Others \_\_\_\_\_
  - School Districts  WTCS Districts

Fund Sources Affected

- GPR  FED  PRO  PRS
- SEG-S

Affected Ch. 20 Appropriations

20.165 (1) (g) and 20.165(1) (i)

Assumptions Used in Arriving at Fiscal Estimate

Legislation created a 6 member athletic trainer affiliated credentialing board, which would be attached to the Medical Examining Board. The board would need to meet every month for the first year of regulation, and six times a year thereafter. Costs associated with annual board meetings include \$1,200 for per diems, \$2,000 for lodging, and \$3,500 for meals and travel. First year board expenses would increase by \$6,500 to cover the expenses of six additional meetings.

The department is estimating that 500 athletic trainers will apply for licensure if this bill is enacted into law. The legislation established requirements for the licensing of athletic trainers. An additional Program Assistant 1 would be needed to process and revise forms and applications, answer applicant questions, prepare applications for board review, and issue temporary permits. Annual costs for this position are \$27,130 for salary and fringe benefits; \$1,200 for on-going costs and \$5,500 in one-time costs for furniture and a personal computer. Other costs associated with licensing include \$600 for printing and postage of applications, \$800 for the printing and postage to send out regulatory digests to all credentialed athletic trainers, and \$4,000 for code books.

The department would need to hire a 0.5 FTE Consumer Protection Investigator to assist with the enforcement of this profession. Costs associated with this position include \$17,170 for salary and fringe benefits and \$1,200 for on-going costs and \$5,500 in one-time costs for furniture and a personal computer. The board has the authority to assess forfeitures of up to \$10,000 for certain violations and possible criminal penalties of \$10,000 and 9 months imprisonment for violating "this subchapter or any rules promulgated under this subchapter." The department is basing this need on the fact that there will be 25 complaints per year, of which 60 percent will be opened for investigation and on the fact that the existing department complaint handling staff are working hard to handle the existing caseload and cannot absorb the regulation of additional groups or professions without it having an adverse impact on the complaint handling process.

Long-Range Fiscal Implications

The fiscal estimate shall include the major assumptions used in its preparation and a reliable estimate of the fiscal impact of the proposed rule, including:

1. The anticipated effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues.
2. A projection of the anticipated state fiscal effect during the current biennium and a projection of the net annualized fiscal impact on state funds.

If a proposed rule interpreting or implementing a statute has no independent fiscal effect, the fiscal estimate prepared under this subsection shall be based on the fiscal effect of the statute.

Agency/Prepared by:

Department of Regulation and Licensing  
Gail M. Riedasch  
(608) 266-0746

Authorized Signature

*William J. Conway*  
William J. Conway, Deputy Secretary  
(608) 267-2435

Date

8/31/2000

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect

ORIGINAL       UPDATE  
 CORRECTED       SUPPLEMENTAL

<b>Rule No.</b> <b>AT Chap 1 to 5</b>
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**Subject**

**: Licensure and regulation of athletic trainers.**

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

**\$17,500 in board costs for the first year and one-time costs for furniture and computers.**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$ 44,300	\$ -
(FTE Position Changes)	( 1.50 FTE)	( - FTE)
State Operations - Other Costs	13,300	-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$ 57,600</b>	<b>\$ -</b>
<b>B. State Costs by Source of Funds</b>	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS	57,600	-
SEG/SEG-S		-
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>	Increased Costs	Decreased Costs
GPR Taxes	\$	\$ -
GPR Earned	5,760	
FED		-
PRO/PRS	57,600	
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 63,360</b>	<b>\$</b>

**NET ANNUALIZED FISCAL IMPACT**

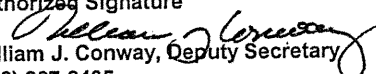
STATE

LOCAL

NET CHANGE IN COSTS      \$ 57,600 \_\_\_\_\_

NET CHANGE IN REVENUES      \$ 63,360 \_\_\_\_\_

Agency/Prepared by:  
 Department of Regulation and Licensing  
 Gail M. Riedasch  
 (608) 266-0746

Authorized Signature  
  
 William J. Conway, Deputy Secretary  
 (608) 267-2435

Date  
 8/31/2000