



Carol Roessler
STATE SENATOR

To: Members of the Senate Committee on Health, Children, Families, Aging and Long Term Care

From: Senator Carol Roessler, Chair

Date: August 6, 2003

Re: Clearinghouse Rule 02-152, relating to consulting physicians and changing "athletic trainer" and "licensee."

CR 02-152 has been referred to the Senate Health, Children, Families, Aging and Long Term Care Committee. Through this proposed rule the Department of Regulation and Licensing is modifying several provisions.

The first provision is in Chapter AT 1. This modification will clarify that an athletic trainer may have only one consulting physician at any one time and require the notification of the board within 5 days following the change in the athletic trainer's consulting physician. Currently this chapter is silent on the number of consulting physicians a licensee may have at any one time and on the method of how to notify the board of a change in consulting physician.

The second provision is in Section 2 amends s. AT 3.02. This modification will place all renewals by licensees subject to a full two-year opportunity to meet required continuing education requirements. This modification will assist first time renewal licensees by not requiring them to meet continuing education requirements on a potentially truncated schedule as a precondition for renewal.

The last provision is in Section 3 amends s. AT 4.02 (4). This modification inserts the word "licensee" in place of "athletic trainer" for consistency of use throughout the rules.

If you would like the committee to hold a hearing on CR 02-152, please contact Jennifer Halbur in my office at 266-5300 by **Tuesday August 26, 2003**. The committee has jurisdiction over this rule until Friday September 5, 2003.

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

**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 02-152)**

TO: Alan J. Lasee
President of the Senate
Room 219 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 consulting physicians and changing "athletic trainer" with "licensee."

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**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 02-152**
CREDENTIALING BOARD : **(s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The Department of Regulation and Licensing will incur \$500.00 in costs to print and distribute the rule change.

IV. STATEMENT EXPLAINING NEED:

AT 1.07 is created to clarify that an athletic trainer may only have one consulting physician at any one time, and requires the notification to the board within 5 days following the change in the athletic trainer's consulting physician.

AT 3.02 is modified to place all renewals by licensees subject to a full two year opportunity to meet required continuing education requirements. This modification will assist first time renewal licensees by not requiring them to meet continuing education requirements on a potentially truncated schedule as a precondition for renewal.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on February 10, 2003. There were no appearances at the public hearing and no written were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the 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.

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7/30/03

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : ATHLETIC TRAINERS
ATHLETIC TRAINERS AFFILIATED : AFFILIATED CREDENTIALING
CREDENTIALING BOARD : BOARD ADOPTING RULES
:(CLEARINGHOUSE RULE 02-152)

PROPOSED ORDER

An order of the Athletic Trainers Affiliated Credentialing Board to amend AT 3.02 and 4.02 (4); and to create AT 1.07 relating to consulting physicians and changing "athletic trainer" with "licensee."

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.085 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 448.95 (5m), 448.9545, 448.955 and 448.956, Stats.

Chapter AT 1 is silent regarding how many consulting physicians a licensee may have at any time, and the method to notify the board of a change in the consulting physician. Section 1 creates a new rule, AT 1.07, to clarify that an athletic trainer may only have one consulting physician at any one time, and requires the notification of the board within 5 days following the change in the athletic trainer's consulting physician.

Section 2 amends s. AT 3.02 because it does not currently explicitly provide that meeting continuing education requirements as a precondition for renewal does not apply to an application for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license. Because of the license renewal cycle (July 1 of each even-numbered year) and the fact that licensees may be granted a license at any time prior to a renewal date certain licensees do not have a full two years prior to the first renewal date to satisfy continuing education requirements. Modification of the rule will place all renewals by licensees subject to a full two year opportunity to meet required continuing education requirements. This modification will assist first time renewal licensees by not requiring them to meet continuing education requirements on a potentially truncated schedule as a precondition for renewal.

Section 3 amends s. AT 4.02 (4) to insert the word "licensee" in place of "athletic trainer" for consistency of use throughout the rules.

TEXT OF RULE

SECTION 1. AT 1.07 is created to read:

AT 1.07 Change of consulting physician. A licensee shall only have one consulting physician at any time. A licensee shall notify the board within 5 days following a change in the licensee's consulting physician. The notification shall include a statement, signed and dated by the licensee and the licensee's new consulting physician, that a current copy of the protocol required under s. 448.956 (1), Stats., is on file at the place of employment of the licensee, and of the new consulting physician.

SECTION 2. AT 3.02 is amended to read:

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. This section does not apply to an application for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license.

SECTION 3. AT 4.02 (4) is amended to read:

AT 4.02 (4) The name, signature and date of signature of the consulting physician and the ~~athletic trainer~~ licensee.

(END OF TEXT OF RULE)

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.), Wis. Stats.

Dated _____ Agency _____

Chairperson
Athletic Trainers Affiliated
Credentialing Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500.00 in costs to print and distribute the rule change.

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), Wis. Stat.

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7/31/03



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[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 02-152

AN ORDER to amend AT 3.02 and 4.02 (4); and to create AT 1.07, relating to consulting physicians and changing "athletic trainer" with "licensee."

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-19-2002 RECEIVED BY LEGISLATIVE COUNCIL.

01-22-2003 REPORT SENT TO AGENCY.

RNS:NZ



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-152

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 October 2002.]

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

a. In s. AT 1.07, is it the intent of the section to require notification only of the fact that the protocol is on file? The analysis suggests that the section is designed to require the notification of the board. It might be clearer if the second sentence were made into two sentences. "... consulting physician in a statement, signed . . ." could be changed to "... consulting physician. The notification shall include a statement, signed . . ."

b. In AT 1.07, should "athletic trainer" be changed to "licensee"? SECTION 3 of the rule makes this change to s. AT 4.02 (4).