



## 1995 SENATE BILL 447

December 6, 1995 - Introduced by Senators PETAK, SCHULTZ, RUDE, FARROW, BUETTNER and RISSER, cosponsored by Representatives UNDERHEIM, FREESE, BRANCEL, GREEN, PORTER and PLOMBON. Referred to Committee on Business, Economic Development and Urban Affairs.

1     **AN ACT to amend** 180.1901 (1m) (b), 895.48 (1m) (intro.) and 895.48 (1m) (b); and  
2             **to create** 15.406 (3), 146.81 (1) (eq), 180.1901 (1m) (bm), 252.14 (1) (ar) 4q.,  
3             440.08 (2) (a) 14f., subchapter V of chapter 448 [precedes 448.95] and 450.10 (3)  
4             (a) 5q. of the statutes; **relating to:** the regulation of athletic trainers, creating  
5             an athletic trainers affiliated credentialing board, granting rule-making  
6             authority and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill creates a 5-member athletic trainers affiliated credentialing board (affiliated credentialing board) that is attached to the medical examining board, and establishes requirements for the licensing of athletic trainers by the affiliated credentialing board.

The bill does not require an individual to be licensed as an athletic trainer in order to practice athletic training, but the bill does, with certain exceptions, restrict the use of the titles "athletic trainer", "licensed athletic trainer", "certified athletic trainer" and "registered athletic trainer" to individuals who are licensed as an athletic trainer by the affiliated credentialing board. The bill also prohibits an individual who is not licensed as an athletic trainer from using any other title, letters or designation which represents or may tend to represent the individual as an athletic trainer.

Under the bill, in order to be licensed as an athletic trainer an individual must do all of the following:

1. Submit evidence satisfactory to the affiliated credentialing board that he or she has received at least a bachelor's degree from an accredited college or university.
2. Submit evidence satisfactory to the affiliated credentialing board that he or she has completed a program in athletic training that is approved by the National

Athletic Trainers Association Board of Certification or the Joint Review Committee on Educational Programs in Athletic Training in collaboration with the American Academy of Family Physicians, the American Academy of Pediatrics, the American Medical Association and the National Athletic Trainers Association.

3. Submit evidence satisfactory to the affiliated credentialing board that he or she does not have any of the following: a) an arrest or conviction record that is substantially related to the practice of athletic training; or b) a history of alcohol or other drug abuse that is substantially related to the practice of athletic training.

4. Provide a statement as to whether he or she has applied for or been granted an athletic trainer credential from any licensing jurisdiction in the United States or in any foreign country and, if so, whether his or her application was denied or whether he or she was subject to discipline while holding a credential from another licensing jurisdiction.

5. Pass an examination conducted or approved by the affiliated credentialing board.

If an individual submits an application during the first year after the bill becomes law, the affiliated credentialing board must license the individual if he or she satisfies one of the following criteria:

1. He or she has current certification as an athletic trainer by the National Athletic Trainers Association Board of Certification.

2. He or she has been certified as an athletic trainer by the National Athletic Trainers Association before 1971 through the grandfather process of that Association.

3. He or she has been employed as an athletic trainer for at least 3 years during the 4-year period immediately preceding the date on which this bill becomes law.

In addition, the bill provides for the reciprocal licensure of individuals who have been issued an athletic trainer credential by another licensing jurisdiction in the United States if that jurisdiction has requirements for credentialing that are substantially equivalent to the requirements established under the bill.

The bill also establishes practice requirements for an individual who is licensed as an athletic trainer by the affiliated credentialing board. Under the bill, an athletic trainer licensed under the bill must practice athletic training in accordance with an evaluation and treatment protocol established by the athletic trainer and approved by the physician with whom the athletic trainer will consult while practicing athletic training. In addition, an athletic trainer licensed under the bill may, in addition to practicing athletic training under a protocol, do any of the following: 1) monitor the general behavior and general physical response of a person to treatment and rehabilitation; 2) suggest modifications in treatment or rehabilitation of an injured person to the consulting physician or other health care provider who is providing treatment to the injured person; and 3) develop and administer an athletic training program for a person.

Finally, under the bill an athletic trainer licensed by the affiliated credentialing board must complete continuing education requirements established by the affiliated credentialing board and must have liability insurance or a surety bond in

a minimum amount set by the affiliated credentialing board in order to renew his or her athletic trainer license.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 15.406 (3) of the statutes is created to read:

2           15.406 (3) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. There is created  
3 in the department of regulation and licensing, attached to the medical examining  
4 board, an athletic trainers affiliated credentialing board consisting of the following  
5 members appointed for 4-year terms:

6           (a) Three athletic trainers who are licensed under subch. V of ch. 448. One of  
7 the athletic trainer members may also be licensed under ch. 446 or 447 or subch. II  
8 or III of ch. 448.

9           (b) One member who is licensed under ch. 446 or 447 or subch. II or III of ch.  
10 448 and who has experience with athletic training and sports medicine.

11           (c) One public member.

12           **SECTION 2.** 146.81 (1) (eq) of the statutes is created to read:

13           146.81 (1) (eq) An athletic trainer licensed under subch. V of ch. 448.

14           **SECTION 3.** 180.1901 (1m) (b) of the statutes is amended to read:

15           180.1901 (1m) (b) Medical examining board under subch. II of ch. 448.

16           **SECTION 4.** 180.1901 (1m) (bm) of the statutes is created to read:

17           180.1901 (1m) (bm) Athletic trainers affiliated credentialing board under  
18 subch. V of ch. 448.

19           **SECTION 5.** 252.14 (1) (ar) 4q. of the statutes is created to read:

20           252.14 (1) (ar) 4q. An athletic trainer licensed under subch. V of ch. 448.



1           **(5m)** “Consulting physician” means a person licensed as a physician under  
2           subch. II who consults with an athletic trainer while the athletic trainer is engaging  
3           in athletic training.

4           **(6)** “Licensee” means a person who is licensed as an athletic trainer under this  
5           subchapter.

6           **448.951 Use of title.** Except as provided in s. 448.952, no person may  
7           designate himself or herself as an athletic trainer or use or assume the title “athletic  
8           trainer”, “licensed athletic trainer”, “certified athletic trainer” or “registered athletic  
9           trainer” or append to the person’s name any other title, letters or designation which  
10          represents or may tend to represent the person as an athletic trainer unless the  
11          person is licensed under this subchapter.

12          **448.952 Applicability.** This subchapter does not require a license under this  
13          subchapter for any of the following:

14          **(1)** Any person lawfully practicing within the scope of a license, permit,  
15          registration or certification granted by this state or the federal government, if the  
16          person does not represent himself or herself as an athletic trainer.

17          **(2)** An athletic training student practicing athletic training within the scope of  
18          the student’s education or training, if he or she clearly indicates that he or she is an  
19          athletic training student.

20          **(3)** An athletic trainer who is in this state temporarily with an individual or  
21          group that is participating in a specific athletic event or series of athletic events and  
22          who is licensed, certified or registered by another state or country or certified as an  
23          athletic trainer by the Board of Certification of the National Athletic Trainers  
24          Association.

1           **448.9525 Duties of affiliated credentialing board.** The affiliated  
2 credentialing board shall do all of the following:

3           (1) (a) Maintain a complete list of athletic trainers licensed under this  
4 subchapter that includes the address of each person on the list.

5           (b) Provide a copy of the list maintained under par. (a) to any person who  
6 requests a copy.

7           (2) Prescribe a form for the recording of a protocol required under s. 448.956  
8 (1).

9           (3) Subject to s. 448.956 (1), (4) and (5), promulgate rules relating to the  
10 minimum requirements of a protocol required under s. 448.956 (1).

11           (4) Promulgate rules establishing the minimum amount of liability insurance  
12 or surety bonding that a licensee must have to be eligible for renewal of his or her  
13 license.

14           **448.953 Licensure of athletic trainers.** (1) The affiliated credentialing  
15 board shall grant an athletic trainer license to a person who does all of the following:

16           (a) Submits an application for the license to the department on a form provided  
17 by the department.

18           (b) Pays the fee specified in s. 440.05 (1).

19           (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
20 to the affiliated credentialing board that he or she does not have an arrest or  
21 conviction record.

22           (d) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory  
23 to the affiliated credentialing board that he or she does not have a history of alcohol  
24 or other drug abuse.

1 (e) Submits evidence satisfactory to the affiliated credentialing board that he  
2 or she has received at least a bachelor's degree from an accredited college or  
3 university.

4 (f) Submits evidence satisfactory to the affiliated credentialing board that he  
5 or she has completed a program in athletic training that is approved by one of the  
6 following:

7 1. The National Athletic Trainers Association Board of Certification.

8 2. The Joint Review Committee on Educational Programs in Athletic Training  
9 in collaboration with the American Academy of Family Physicians, the American  
10 Academy of Pediatrics, the American Medical Association and the National Athletic  
11 Trainers Association.

12 (g) Provides all of the following information:

13 1. A statement as to whether the person has been granted an athletic trainer  
14 credential from any licensing jurisdiction in the United States or in any foreign  
15 country.

16 2. If the person has been granted an athletic trainer credential from any  
17 licensing jurisdiction in the United States or in any foreign country, a description of  
18 any disciplinary actions initiated against the person by the licensing jurisdiction  
19 that issued the credential.

20 3. A statement as to whether the person has ever applied for an athletic trainer  
21 credential from any licensing jurisdiction in the United States or in any foreign  
22 country and had the application denied, along with a description of why the  
23 credential application was denied.

24 (h) Passes an examination under s. 448.954.

1           **(2)** The affiliated credentialing board may waive the requirements under sub.  
2 (1) (c) to (h) for an applicant for a license under sub. (1) who establishes to the  
3 satisfaction of the affiliated credentialing board all of the following:

4           (a) That he or she has been issued a credential as an athletic trainer by another  
5 licensing jurisdiction in the United States.

6           (b) That the jurisdiction that issued the credential under par. (a) has  
7 requirements for credentialing that are substantially equivalent to the  
8 requirements under sub. (1) (c) to (h).

9           **(3)** (a) The affiliated credentialing board shall issue a temporary license to a  
10 person who satisfies the requirements under sub. (1) (a) and (c) to (g) and who pays  
11 the fee specified in s. 440.05 (6).

12           (b) A temporary license issued under par. (a) is valid for one year and may not  
13 be renewed.

14           (c) If a person who is issued a temporary license under par. (a) submits, before  
15 the temporary license expires, evidence satisfactory to the affiliated credentialing  
16 board that he or she has passed the examination required under s. 448.954, the  
17 affiliated credentialing board shall issue the person a license under sub. (1).

18           **(4)** An application form for a license under this section shall include all of the  
19 following:

20           (a) An affirmation by the applicant that the information that he or she is  
21 supplying on the application is true and complete.

22           (b) A statement that the applicant authorizes the affiliated credentialing board  
23 to have access to all of the following:

1           1. The applicant's records at the college or university at which he or she  
2 received the bachelor's degree required under sub. (1) (e) and at the program in  
3 athletic training required under sub. (1) (f).

4           2. The records of any credentialing authority in any licensing jurisdiction in the  
5 United States or in any foreign country that has granted the applicant a credential  
6 in athletic training.

7           **448.954 Examination.** (1) The affiliated credentialing board shall conduct  
8 or arrange for examinations for athletic trainer licensure at least semiannually and  
9 at times and places determined by the affiliated credentialing board.

10           (2) Examinations under sub. (1) shall consist of written or oral tests, or both,  
11 requiring applicants to demonstrate minimum competency in subjects substantially  
12 related to athletic training.

13           (3) In place of an examination under sub. (1), the affiliated credentialing board  
14 may accept the results of an examination administered by the National Athletic  
15 Trainers Association Board of Certification.

16           **448.9545 Continuing education.** (1) (a) To be eligible for renewal of a license  
17 issued under this subchapter, a licensee shall, during the 2-year period immediately  
18 preceding the renewal date specified under s. 440.08 (2) (a), complete not less than  
19 30 credit hours of continuing education in courses of study approved by the affiliated  
20 credentialing board.

21           (b) No more than 10 credit hours of the continuing education required under  
22 par. (a) may be on any of the following subject areas or combination of subject areas:

23           1. Management.

24           2. Risk management.

25           3. Personal growth.

1           4. Educational techniques.

2           **(2)** The affiliated credentialing board may approve for continuing education  
3 credits any of the following courses:

4           (a) A course that has been approved for continuing education credit by the  
5 National Athletic Trainers Association Board of Certification.

6           (b) Any course that satisfies all of the following:

7           1. The course lasts at least one hour.

8           2. The course is directly related to the practice of athletic training or sports  
9 medicine.

10          3. Each member of the course faculty has expertise in the subject area of the  
11 course because he or she has received a degree from an accredited college or  
12 university relating to the subject area, has experience or special training in the  
13 subject area covered by the course, or has previously taught the subject area covered  
14 by the course.

15          4. The course has specific written objectives describing the goals of the course  
16 for the participants.

17          5. The sponsor of the course keeps attendance records for the course and retains  
18 copies of those records for at least 4 years after the date of the course.

19          **448.955 Issuance of license; expiration and renewal.** (1) The renewal  
20 dates for licenses granted under this subchapter, other than temporary licenses  
21 granted under s. 448.953 (3), are specified under s. 440.08 (2) (a).

22          **(2)** Renewal applications shall be submitted to the department on a form  
23 provided, subject to sub. (3), by the department and shall include all of the following:

24          (a) The renewal fee specified in s. 440.08 (2) (a).

1 (b) Evidence satisfactory to the affiliated credentialing board that the licensee  
2 has completed, during the 2-year period immediately preceding the renewal date  
3 specified in s. 440.08 (2) (a), the continuing education requirements specified in s.  
4 448.9545.

5 (c) Evidence satisfactory to the affiliated credentialing board that the licensee  
6 has current certification in cardiopulmonary resuscitation and first aid.

7 (d) Evidence satisfactory to the affiliated credentialing board that the licensee  
8 has liability insurance or a surety bond in at least the minimum amount required by  
9 the rules promulgated under s. 448.9525 (4).

10 **(3)** A renewal application form for renewal of a license issued under this  
11 subchapter shall include all of the following:

12 (a) A place for the licensee to describe his or her work history, including the  
13 average number of hours worked each week, for the 2-year period immediately  
14 preceding the renewal date specified in s. 440.08 (2) (a).

15 (c) A statement, signed by the licensee and the licensee's consulting physician,  
16 that a current copy of the protocol required under s. 448.956 (1) is on file at the place  
17 of employment of the athletic trainer and of the consulting physician.

18 **448.956 Practice requirements.** (1) (a) A licensee may engage in athletic  
19 training only in accordance with an evaluation and treatment protocol that is  
20 established by the athletic trainer and approved by the consulting physician in  
21 accordance with the rules promulgated under s. 448.9525 (3) and recorded on a  
22 protocol form prescribed by the affiliated credentialing board under s. 448.9525 (2).

23 (am) A protocol established under par. (a) shall require an athletic trainer to  
24 notify the consulting physician as soon as possible if a person being treated by the  
25 athletic trainer sustains new injuries.

1 (b) A licensee shall have a copy of the protocol established under par. (a) at his  
2 or her place of employment at all times.

3 (c) A protocol established under par. (a) shall be updated no later than 30 days  
4 before the date specified in s. 440.08 (2) (a) 14f.

5 **(2)** In addition to engaging in athletic training under a protocol established  
6 under sub. (1), a licensee may do any of the following:

7 (a) Monitor the general behavior and general physical response of a person to  
8 treatment and rehabilitation, including monitoring whether the person's behavior  
9 or response show abnormal characteristics and monitoring whether the person  
10 exhibits abnormal signs or symptoms.

11 (b) Suggest modifications in treatment or rehabilitation of an injured person  
12 to the consulting physician or any other health care provider who is providing  
13 treatment to the person.

14 (c) Develop and administer an athletic training program for a person. An  
15 athletic training program under this paragraph may include providing education  
16 and counseling to a person.

17 **(3)** When working on behalf of his or her primary employer, a licensee may, in  
18 accordance with a protocol established under sub. (1) (a), do all of the following:

19 (a) Treat and rehabilitate an athletic injury using cold, heat, light, sound,  
20 electricity, exercise, chemicals or mechanical devices.

21 (b) Evaluate and treat a person for an athletic injury that has not previously  
22 been diagnosed. Evaluation and treatment under this paragraph may not exceed 30  
23 days from the date of the initial evaluation or treatment, unless the protocol  
24 established under sub. (1) (a) specifies a different period of time. This paragraph  
25 does not apply to preventive care provided after resolution of an athletic injury or to

1 treatment provided to a person who is referred to the athletic trainer by a person  
2 licensed under ch. 446 or 447 or subch. II or III of ch. 448.

3 (4) If a licensee or the consulting physician of a licensee determines that a  
4 patient's medical condition is beyond the scope of practice of the licensee, the licensee  
5 shall, in accordance with the protocol established under sub. (1) (a), refer the patient  
6 to a health care practitioner who is licensed under ch. 446 or 447 or subch. II or III  
7 of ch. 448 and who can provide appropriate treatment to the patient.

8 (5) A licensee shall modify or terminate treatment of a patient that is not  
9 beneficial to a patient or that the patient cannot tolerate.

10 **448.957 Disciplinary proceedings and actions.** (1) Subject to the rules  
11 promulgated under s. 440.03 (1), the affiliated credentialing board may make  
12 investigations and conduct hearings to determine whether a violation of this  
13 subchapter or any rule promulgated under this subchapter has occurred.

14 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated  
15 credentialing board may reprimand a licensee or may deny, limit, suspend or revoke  
16 a license granted under this subchapter if it finds that the applicant or licensee has  
17 done any of the following:

18 (a) Made a material misstatement in an application for a license or for renewal  
19 of a license.

20 (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the  
21 circumstances of which substantially relate to the practice of athletic training.

22 (c) Advertised in a manner that is false, deceptive or misleading.

23 (d) Advertised, practiced or attempted to practice under another's name.

24 (e) Subject to ss. 111.321, 111.322 and 111.34, practiced athletic training while  
25 the applicant's or licensee's ability to practice was impaired by alcohol or other drugs.

1 (f) Engaged in unprofessional or unethical conduct.

2 (g) Engaged in conduct while practicing athletic training which evidences a  
3 lack of knowledge or ability to apply professional principles or skills.

4 (h) Failed to cooperate with the affiliated credentialing board in an  
5 investigation under this section.

6 (i) Aided another person in violating this subchapter or any rule promulgated  
7 under this subchapter.

8 (j) Violated this subchapter or any rule promulgated under this subchapter.

9 **(3)** In addition to or in lieu of the penalties provided under sub. (2), the  
10 affiliated credentialing board may assess against an applicant or licensee a forfeiture  
11 of not more than \$10,000 for each violation specified under sub. (2).

12 **448.958 Injunctive relief.** If the affiliated credentialing board has reason to  
13 believe that any person is violating this subchapter or any rule promulgated under  
14 this subchapter, the affiliated credentialing board, the department, the attorney  
15 general or the district attorney of the proper county may investigate and may, in  
16 addition to any other remedies, bring an action in the name and on behalf of this state  
17 to enjoin the person from the violation.

18 **448.959 Penalties.** Any person who violates this subchapter or any rule  
19 promulgated under this subchapter may be fined not more than \$10,000 or  
20 imprisoned for not more than 9 months or both.

21 **SECTION 8.** 450.10 (3) (a) 5q. of the statutes is created to read:

22 450.10 **(3)** (a) 5q. An athletic trainer licensed under subch. V of ch. 448.

23 **SECTION 9.** 895.48 (1m) (intro.) of the statutes is amended to read:

24 895.48 **(1m)** (intro.) Any physician or athletic trainer licensed under ch. 448,  
25 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency

1 medical technician licensed under s. 146.50, physician assistant certified under ch.  
2 448 or registered nurse licensed under ch. 441 who renders voluntary health care to  
3 a participant in an athletic event or contest sponsored by a nonprofit corporation, as  
4 defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001 (3r), a public  
5 agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655 (1) (c), is  
6 immune from civil liability for his or her acts or omissions in rendering that care if  
7 all of the following conditions exist:

8 **SECTION 10.** 895.48 (1m) (b) of the statutes is amended to read:

9 895.48 **(1m)** (b) The physician, athletic trainer, chiropractor, dentist,  
10 emergency medical technician, physician assistant or registered nurse does not  
11 receive compensation for the health care, other than reimbursement for expenses.

12 **SECTION 11. Nonstatutory provisions.**

13 (1) INITIAL APPOINTMENTS TO THE ATHLETIC TRAINERS AFFILIATED CREDENTIALING  
14 BOARD.

15 (a) Notwithstanding section 15.406 (3) of the statutes, as created by this act,  
16 the initial athletic trainer members of the athletic trainers affiliated credentialing  
17 board need not be licensed under subchapter V of chapter 448 of the statutes, as  
18 created by this act, to be appointed to and serve as members of the affiliated  
19 credentialing board until the first day of the 13th month beginning after the effective  
20 date of this paragraph.

21 (b) Notwithstanding section 15.406 (3) of the statutes, as created by this act,  
22 the initial members of the athletic trainers affiliated credentialing board shall be  
23 appointed by the first day of the 4th month beginning after the effective date of this  
24 paragraph for the following terms:

