



## CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE  
27TH ASSEMBLY DISTRICT

December 9, 1997

TO: Members,  
Assembly Committee on Consumer Affairs

FROM: Representative Clifford Otte, Chair *CO*

RE: Future Meetings

At this time, I intend to schedule two more meetings for the Committee, **January 29** and **February 26**. PLEASE MARK YOUR CALENDARS and KEEP THESE DATES FREE.

Tentatively, our agenda on January 29 will include (but will not necessarily be limited to) a hearing on AB 400 and AB 466, (previously scheduled for December 4), and executive action on AB 389, AB 416 and SB 322.



Present: (8) Representatives Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.  
Absent: (0) None.

Moved by Representative Ott, seconded by Representative Black, that **LRBs0657/1 (ASA)** be recommended for introduction.

Ayes: (4) Representative Otte, M. Lehman, Williams and Black.  
Noes: (4) Representative Johnsrud, Ott, Urban and Hasenohrl.  
Absent: (0) None.

MOTION FAILED, Ayes 4, Noes 4, Absent 0

Moved by Representative Johnsrud, seconded by Representative Urban, that **AA 1 (LRBa2245/1)** be recommended for introduction.

Ayes: (8) Representative Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.  
Noes: (0) None.  
Absent: (0) None.

INTRODUCTION RECOMMENDED, Ayes 8, Noes 0, Absent 0

Moved by Representative Johnsrud, seconded by Representative Urban, that **AA 1 (LRBa2245/1)** be recommended for adoption.

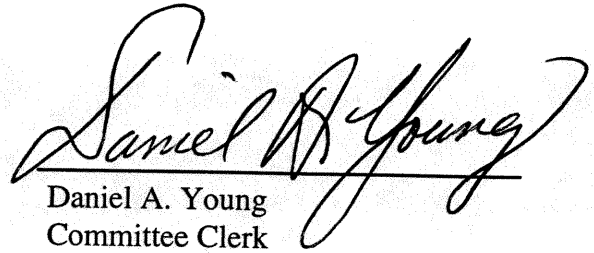
Ayes: (8) Representative Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.  
Noes: (0) None.  
Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 8, Noes 0, Absent 0

Moved by Representative Johnsrud, seconded by Representative Urban, that **Assembly Bill 466** be recommended for passage as amended.

Ayes: (7) Representatives Johnsrud, Ott, M. Lehman,  
Urban, Williams, Hasenohrl and Black.  
Noes: (1) Representative Otte.  
Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 1,  
Absent 0



Daniel A. Young  
Committee Clerk

*Assembly*

**Committee Report**

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The committee on **Consumer Affairs**, reports and recommends:

**Assembly Bill 466**

Relating to: the regulation of athletic trainers, creating an athletic trainers affiliated credentialing board, granting rule-making authority and providing a penalty.

By Representatives Foti, Albers, Cullen, Green, Hanson, Kelso, Kreibich, Ladwig, Lazich, M. Lehman, Murat, Ott, Porter, Schafer, Sykora and Urban; cosponsored by Senators Burke, Breske, Risser, Roessler and Wineke.

INTRODUCTION OF AA 1 (LRBA2245/1) , Ayes 8, Noes 0, Absent 0

Ayes: (8) Representative Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Noes: (0) None.

Absent: (0) None.

ADOPTION OF AA 1 (LRBA2245/1), Ayes 8, Noes 0, Absent 0

Ayes: (8) Representative Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Noes: (0) None.

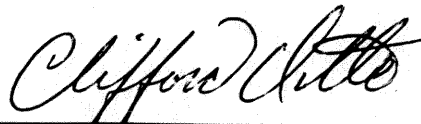
Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 1, Absent 0

Ayes: (7) Representatives Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Noes: (1) Representative Otte.

Absent: (0) None.



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Representative Clifford Otte  
Chair



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone (608) 266-1304  
Fax (608) 266-3830

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DATE: March 26, 1998  
TO: INTERESTED LEGISLATORS  
FROM: Russ Whitesel, Senior Staff Attorney  
SUBJECT: 1997 Assembly Bill 466, Relating to the Regulation of Athletic Trainers and Creating an Athletic Trainers Affiliated Credentialing Board

This memorandum provides a description of 1997 Assembly Bill 466, relating to the regulation of athletic trainers and creating an athletic trainers affiliated credentialing board. The Bill also describes the provisions of *Assembly Amendment 1* to 1997 Assembly Bill 466. A brief legislative history is provided.

### **A. LEGISLATIVE HISTORY**

Assembly Bill 466 was introduced on August 7, 1997 by Representative Foti and others; cosponsored by Senator Burke and others; and referred to the Assembly Committee on Consumer Affairs.

A public hearing was held before the Assembly Consumer Affairs Committee on January 29, 1998. At an executive session held March 24, 1998, the Committee adopted Assembly Amendment 1 on a vote of Ayes, 8; Noes, 0. The Committee recommended passage of the Bill as amended on a vote of Ayes, 7; Noes, 1.

### **B. PROVISIONS OF ASSEMBLY BILL 466**

Assembly Bill 466 creates a six-member athletic trainers 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 legislation 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 athletic trainers by the affiliated credentialing board. Assembly Bill 466 also prohibits an individual who is not a licensed athletic trainer from using

any other title, letters or designation that represents or may tend to represent the individual as an athletic trainer.

Under Assembly Bill 466, an individual must do all of the following to be licensed as an athletic trainer:

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 does not have an arrest or conviction record, or a history of alcohol or other drug abuse, that is substantially related to the practice of athletic training.
3. 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 the application was denied or whether he or she was subject to discipline while holding a credential from another licensing jurisdiction.
4. Pass an examination conducted or approved by the affiliated credentialing board.
5. Submit evidence satisfactory to the affiliated credentialing board that he or she has met the certification requirements established by, and has passed the certification examination administered by, the National Athletic Trainers Association Board of Certification.

Assembly Bill 466 also provides for two temporary licenses. An individual who satisfies all of the requirements for a license except for passing the examination is eligible under the Bill for a nonrenewable temporary license that is valid for one year. An individual who satisfies all of the requirements for a license except for passing the examination, receiving at least a bachelor's degree and meeting the certification requirements is eligible for a temporary license that is valid for two years if he or she is engaged in athletic training during the 12 months prior to the effective date of the Bill. This temporary license may be renewed once if the individual has made significant progress towards meeting the certification requirements.

Assembly Bill 466 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.

Assembly Bill 466 also establishes practice requirements for an individual who is licensed as an athletic trainer by the affiliated credentialing board. A licensed athletic trainer 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, a licensed athletic trainer may also 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 the treatment or rehabilitation to the consulting physician or other health care provider who is providing treatment to an injured person; and

3. Develop and administer an athletic training program for a person.

Finally, under Assembly Bill 466, a licensed athletic trainer 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. The amendment takes effect on the first day of the 13th month beginning after publication except for the provisions relating to the appointment of the affiliated credentialing board members.

*Assembly Amendment 1* changes the definition of "athletic injury" as used in the Bill. Under the original legislation, "athletic injury" was defined to mean any of the following:

1. An injury or illness sustained by a person as a result of the person's participation in exercise, sports, games, recreation or activities requiring physical strength, agility, flexibility, range of motion, repetition, speed or stamina.

2. An injury or illness that impedes or prevents a person from participating in exercise, sports, games, recreation or activities requiring physical strength, agility, flexibility, range of motion, repetition, speed or stamina.

*Assembly Amendment 1 replaces* this definition and defines "athletic injury" to mean "an injury or illness sustained by a person as a result of the person's participation in exercise, sports, games or recreation."

If you have any questions regarding this legislation, please feel free to contact me directly at the Legislative Council Staff offices.

RW:wu;ksm



# Vote Record

## Assembly Committee on Consumer Affairs

Date: 3-24-98  Executive Session  Public Hearing

Bill Number: AB466

Moved by: Ott Seconded by: Black

Motion: intro. sub LRBs 0657/1

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>4</u>			

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Consumer Affairs

Date: 3-24-98  Executive Session  Public Hearing

Bill Number: AB 966

Moved by: Johnsrud Seconded by: Urban

Motion: \_\_\_\_\_

introduction of AA (LRB22245)

unanimous consent

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>			

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Consumer Affairs

Date: 3-24-98  Executive Session  Public Hearing

Bill Number: AB 466

Moved by: J. Johnsrud Seconded by: Urban

Motion: amendment to bill  
adoption of AA (LRB 2245)  
advis.

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>			

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Consumer Affairs

Date: 3-24-98  Executive Session  Public Hearing

Bill Number: AB466

Moved by: Johnsrud Seconded by: Urban

Motion: passage as amended

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Present</u>	<u>Absent</u>
Rep. Clifford Otte, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 7 1 \_\_\_\_\_

Motion Carried

Motion Failed



## CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE  
27TH ASSEMBLY DISTRICT

March 9, 1998

Representative Steven Foti  
215 West State Capitol  
\*Inter-Departmental\*

Dear Representative Foti:

Thank you for letting me know that you would like to have executive action taken on Assembly Bill 466, relating to the regulation of athletic trainers, creating an athletic trainers affiliated credentialing board, granting rule-making authority and providing a penalty.

There are concerns about this bill other than the turf battle between the physical therapists and the athletic trainers.

One concern expressed by members of the Committee is that the definition of "athletic injury" is too broad and could include many injuries or illnesses. I agree. Perhaps this could easily be addressed by eliminating proposed s. 448.95 (3)(b), as suggested by Representative M. Lehman at the hearing.

The other objections to the bill are particularly mine and ones expressed by Secretary Marlene Cummings. I know that the Secretary sent you a memo on January 28, suggesting changes that she would like to see.

-continued-

Representative Steven Foti  
March 9, 1998  
Page 2

Before I outline what my concerns are, other than the definition of "athletic injury", let me say that I or my staff have tried to relay these concerns to others who have contacted us about this or other proposals by professions to have themselves regulated. Also, what I am asking I also asked of Representative Harsdorf, and she agreed to, in order to get me to take executive action on AB 461, which she authored, to regulate massage therapists.

I do not want any professional regulation bill that includes any of the following:

1. A new **board with regulatory power**. Regulation should be left to the State. I agree with Secretary Cummings that the Department of Regulation & Licensing should regulate with the assistance of an advisory committee.
2. **Licensing or credentialing**. I agree with Secretary Cummings that a registration model is better.
3. **Title use protection beyond that of "Wisconsin registered..." or "registered..."**.
4. Any **"grandfathering"** provisions. If the standards are important they should apply to everyone.

Addressing these four concerns and the definition issue, I feel that the bill would be ok, but still not proven to be necessary. I would plan to act upon a bill that addressed these concerns.

I agree with others much more knowledgeable on this issue that mandatory professional regulation stifles competition and makes services more costly. A registry model, such as I am suggesting,

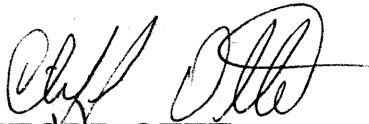
-continued-

Representative Steven Foti  
March 9, 1998  
Page 3

allows those who wish to to subject themselves to state standards and oversight. They in turn can tell the public that we are the people that you want to use because we meet these standards and oversight. This gives the consumers protection, if they want it, and does not stifle free market choice.

Please let me know if you would be willing to make the changes I am suggesting in this letter. Also, if you have any questions about my concerns, please let me know.

Sincerely yours,



CLIFFORD OTTE  
Chair, Assembly Committee on Consumer Affairs

CO:day

cc: Members, Assembly Committee on Consumer Affairs  
Secretary Marlene Cummings  
Russ Whitesel, Legislative Council  
Interested parties

### Assembly Hearing Slip

(Please print plainly)

Date: 1/29/98  
Bill No. AB 466  
Or. AB 466  
Subject \_\_\_\_\_

(Name) Steve Foti  
(Street Address or Route Number) \_\_\_\_\_  
(City & Zip Code) \_\_\_\_\_  
(Representing) \_\_\_\_\_

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 1/29/98  
Bill No. AB 466  
Or. AB 466  
Subject \_\_\_\_\_

(Name) Bradley J. Sherman  
(Street Address or Route Number) 6321 Musthead Dr.  
(City & Zip Code) Madison WI 53705  
(Representing) WI AD/edic Trainers Assc.

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

### Assembly Hearing Slip

(Please print plainly)

Date: 1/29/98  
Bill No. AB 466  
Or. AB 466  
Subject \_\_\_\_\_

(Name) Mark Gibson  
(Street Address or Route Number) 2404 Vine St.  
(City & Zip Code) LaCrosse WI 54601  
(Representing) Wisconsin Athletic Trainers' Assoc.

- Speaking In favor:
- Speaking against:
- Registering In favor:
- Registering against:
- Speaking for Information only:
- Neither for nor against:

Please return this slip to a messenger promptly

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Room 411 West  
State Capitol  
Madison, WI 53702



Assembly Hearing Slip

(Please print plainly)

Date: JANUARY 29, 1998  
Bill No. AB 466  
Or  
Subject

SECRETARY MARLENE A. CUMMINGS  
(Name)  
1400 E WASHINGTON AVE  
(Street Address or Route Number)  
MADISON 53703  
(City & Zip Code)  
DEPT. OF REGULATION & LICENSING  
(Representing)

- Speaking in favor:
- Speaking against:   
(Written Testimony Submitted)
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Jan 29, 1998  
Bill No. AB 466  
Or  
Subject

Dennis Helwig  
(Name)  
314 Venng Drive  
(Street Address or Route Number)  
Verona, WI  
(City & Zip Code)  
Wisconsin Athletic Trainers Assoc.  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1/29/98  
Bill No. AB 466  
Or  
Subject

ENRIQUE PEREZ-GARRA  
(Name)  
6226 Thornbury Dr.  
(Street Address or Route Number)  
MADISON WI 53719  
(City & Zip Code)  
Wis. Athletic Trainers Assoc.  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1-29-98  
Bill No. AB466  
Or.  
Subject

(Name) KIM HENDRIKSON  
(Street Address or Route Number) 12527 N. Portland  
Wisconsin WI  
(City & Zip Code) Menomonie WI  
(Representing) WI Physical Therapy Assn.

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Jan 29 / 98  
Bill No. AB466  
Or.  
Subject

(Name) Lloyd Fortu  
(Street Address or Route Number) 309 North  
(City & Zip Code) State Capital  
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 1-29-98  
Bill No. AB466  
Or.  
Subject

(Name) Tony Dribase  
(Street Address or Route Number) Quailstone Blvd  
411 E. Wisconsin Ave  
(City & Zip Code) MILWAUKEE WI 53202  
(Representing) Wisconsin Athletic Trainers Assn

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only:
- Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:  
Room 411 West  
State Capitol  
Madison, WI 53702



**State of Wisconsin**  
**DEPARTMENT OF REGULATION AND LICENSING**  
**CORRESPONDENCE/MEMORANDUM**

**DATE:** January 28, 1998

**FILE REF:** Assembly Substitute  
Amendment to AB 466

**TO:** Representative Steven Foti

**FROM:** Secretary Marlene A. Cummings *Marlene*

**SUBJECT:** Assembly Substitute Amendment to AB 466

Attached is a copy of the department's friendly substitute amendment proposal outline that the department will present at the hearing on, Thursday, January 29. The department opposes the regulation of athletic trainers but should the legislature decide to regulate this profession we recommend our substitute amendment which would create a "Registry of Athletic Trainers" instead of an Athletic Trainers Affiliated Credentialing Board. The "Registry Model" legislation provides for adequate consumer protection and reduces the likelihood of fencing others out of the profession.

When I met with your aide about the registry model I left with the impression that you might be amenable to this type of regulation for athletic trainers. If you have any questions or need additional information please let me know. Thank you very much for your consideration of this substitute amendment. Marlene

attach:

cc: Senator Brian Burke  
Representative Clifford Otte

/mls

# **ATHLETIC TRAINERS REGISTRY**

## **Assembly Substitute Amendment to 1997 Assembly Bill 466**

### **I. The Registry of Athletic Trainers**

- Under the Amendment, the Department of Regulation and Licensing (Department) creates a Registry of Athletic Trainers.
- The Department regulates the profession with the assistance of advisory committees.
- The Department is required to promulgate rules setting practice standards, including standards for an evaluation and treatment protocol which must be approved by a physician and requirements for referral of patients to other health care practitioners.
- The Registry statute defines "athletic injury" and the "practice of athletic training."
- The amendment requires the Department to evaluate the registration of athletic trainers and propose repeal of the registry of Athletic trainers if registration does not serve the public interest (sunset review).

### **II. Registration**

- An applicant for registration must file an application, pay a fee, complete a program in athletic training, an examination and meet competency requirements set by rule.
- The Department may register applicants who are registered in other states who have a good record of professional practice.
- Individuals who are registered receive a certificate of registration which must be renewed every two years.
- Under a limited waiver provision, applicants who are certified by the National Athletic Trainers Association Board of Certification or who have been employed as athletic trainers for at least three years are entitled to be registered without meeting the examination and training requirements for new applicants.

### **III. Use of Professional Title Is Restricted**

- Use of the title "Wisconsin Registered Athletic trainer" is restricted to individuals who are registered as athletic trainers by the Department of Regulation and Licensing.
- Restrictions on use of the title "Wisconsin Registered Athletic trainer" are enforced under existing law, sec. 440.21, Stats. which provides for the issuance of a special order, an injunction and a forfeiture for violations of title restrictions.
- Practice of the profession is not restricted to individuals who are registered.

### **IV. Health and Safety Protections**

- To renew registration, an athletic trainer must confirm that a current practice protocol is available, must have a current certification in cardiopulmonary resuscitation and first aid, have adequate liability insurance or bonding in accordance with department rules and must complete required continuing education requirements.
- The Department may discipline registrants using orders of revocation, suspension, limitation, reprimand or denial if a registrant engages in unprofessional conduct, lies on an application, is convicted of a crime related to the profession or violates the registration statute or a Department rule. In addition to the formal disciplinary process, the Registry proposal provides a streamlined procedure for providing the public information about complaints in a "registry information file" as an alternative to an investigation and hearing.

FISCAL ESTIMATE

- ORIGINAL       UPDATE  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

**AB 466**

Subject

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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |   |
| <input type="checkbox"/> Create New Appropriation        | <input type="checkbox"/> Decrease Costs             |   |

Local:  No local government costs

- |  |  |  |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of local government units affected:<br><input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities<br><input type="checkbox"/> Counties <input type="checkbox"/> Others _____<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| 2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |  |

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

This bill creates a 6 member athletic trainer affiliated credentialing board which is attached to the Medical Examining Board. The board will need to meet every month for the first year of regulation, and six times a year thereafter. Costs associated with annual board meetings include \$969 for per diems, \$1,872 for lodging, and \$3,348 for meals and travel. First year board expenses would increase by \$6,189 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. Revenue estimates include \$9750 annually in initial credential fees for the first two years of regulation (\$8,775 in program revenue and \$975 in general purpose revenue) and \$10,250 annually for the first renewal period (\$9,225 in program revenue and \$1,025 in general purpose revenue).

The bill also establishes requirements for the licensing of athletic trainers. An additional Program Assistant 1 will be needed to process and revise forms and applications, answer applicant questions, prepare applications for board review, and issue temporary permits. Annual costs for the hiring this position are \$26,151 for salary and fringe benefits and \$3,673 for supplies and space. Other costs associated with licensing include \$500 for printing and postage of applications, \$750 for the printing and postage associated with sending out regulatory digests to all credentialed athletic trainers, and \$4,000 for code books.

The department will need to hire a 0.5 Consumer Specialist to assist with the enforcement of this profession. Costs associated with this position include \$16,552 for salary and fringe benefits and \$5,673 for supplies and services. The bill provides the board with 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

Agency/Prepared by:

Department of Regulation and Licensing  
 Patricia C. McCormack  
 (608) 267-2435

Authorized Signature

*Patricia C. McCormack*  
 267-2435

Date

8/19/97

The bill requires applicants to meet the standards set by the National Athletic Trainers Association Board of Certification, including the national examination, which is a combination of multiple choice, practical and simulation assessment. The law provides for the state board to administer an exam, possibly a statute and rules examination. The other affiliated credentialing boards attached to the Medical Examining Board do administer this type of exam. The statute and rules examination would cost \$3,216 in addition to staff time. At this time, no additional staff should be needed. Test administration would cost \$16 per candidate. As a result, the testing revenue collected for each of the first two years would be \$4000 with the revenue dropping to \$160 per year thereafter, based on an additional ten candidates applying each year.

**FISCAL ESTIMATE WORKSHEET**

1997 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL       UPDATE  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.	Amendment No.
AB 466	

DOA-2047 (R10/94)

**Subject**  
**Regulation of Athletic Trainers**

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
 One time costs associated with six extra board meetings and new staff's furniture and computers totals \$15,219.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs (20.165 (1) (g))	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$ 43,671	\$ -
(FTE Position Changes)	( 1.5 FTE)	( - FTE)
State Operations - Other Costs	19,817	-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$ 63,488</b>	<b>\$ -</b>
<b>B. State Costs by Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS	63,488	-
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>		
GPR Taxes	\$	\$ -
GPR Earned	975	
FED		-
PRO/PRS	8,775	
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 9,750</b>	<b>\$</b>

**NET ANNUALIZED FISCAL IMPACT**


STATE

LOCAL

NET CHANGE IN COSTS      \$ 63,488 (20.165 (1) (g)) \_\_\_\_\_

NET CHANGE IN REVENUES      \$ 9,750 (20,165 (1) (g)) \_\_\_\_\_

Agency/Prepared by:  
 Department of Regulation and Licensing  
 Patricia C. McCormack  
 (608) 267-2435

Authorized Signature  


Date  
 8/19/97



**SUPER BOWL CHAMPIONS  
I, II, XXXI**

August 29, 1997

Representative Clifford Otte  
State Capitol, Room 109-W  
P.O. Box 8953  
Madison, WI 53708

Dear Representative Otte,

I hope my use of the Green Bay Packers' envelope caught your attention and might be the impetus to read my letter. I am a Certified Athletic Trainer (and Physical Therapist) for the Green Bay Packers and would like to ask for your support of a licensing bill Senator Burke and Representative Foti have circulated; Senate Bill 276 / Assembly Bill 466.

I feel strongly about this issue. I have two college degrees and have spent 20 years plying my chosen profession and I am alarmed that anyone in the State of Wisconsin can still choose to call themselves a "trainer" or "athletic trainer." I feel it is easy for others to take advantage of our title. The inferred expertise can bring harm to the unsuspecting public and needs regulation. Both of my young children will be involved in school athletics and I would like to be assured that the people charged with providing their athletic health care are properly educated.


This issue is not a concern in the NFL. We have some 80 Certified Athletic Trainers caring for approximately 1800 football players on NFL rosters (a 23:1 ratio; I believe it is approximately an 800:1 ratio in high schools). The NFL Collective Bargaining Agreement mandates that member clubs employ only Certified Athletic Trainers (certified by the National Athletic Trainers Association). We do not wish to mandate hiring, but those who choose to hire an athletic trainer will be assured they are considering someone who has met the state's minimum educational requirements.

I have enclosed the most recent issue of the Pro Football Athletic Trainer. Several stories relate to your Green Bay Packers. One is about our participation in an Ethic Minority Scholarship Program, another about my contribution to an educational video about anabolic steroids and finally, a nice feature on a special friend of the Packers, George Anderson, formerly of the Oakland Raiders.

I hope the newsletter is informative about our profession and I thank you for considering support of Senate Bill 276 / Assembly Bill 466. I am very concerned for the health care of our young athletes, and soon to be, my own children.

I trust your "season" will be as exciting as the Packers promises to be.

Sincerely,

  
T. Pepper Burruss, ATC, PT  
Head Athletic Trainer  
Physical Therapist

**Green Bay Packers**

P.O. Box 10628  
1265 Lombardi Avenue  
Green Bay, Wisconsin 54307-0628  
Office / 920-496-5700  
Ticket Office / 920-496-5719  
Fax / 920-496-5738 (Admin.)  
Fax / 920-496-7753 (Football)  
Fax / 920-496-5708 (Ticket)  
<http://www.packers.com>



# **wpta** *wisconsin physical therapy association, inc.*

*a chapter of the american physical therapy association, inc.*



To: Members of the Assembly Consumer Affairs Committee

From: John Hendrickson, President, Wisconsin Physical Therapy Association, Jim Tenuta & Lisa Hilbert

Subject: AB 466, scheduled for Jan. 29 hearing

Date: January 28, 1998

The Wisconsin Physical Therapy Association (WPTA) is opposed to AB 466 as currently written. We want to make it very clear, however, that we are not opposed to credentialing of Athletic Trainers. We have on numerous occasions offered language to the Wisconsin Athletic Trainers Association that would address our concerns. That language has been rejected in several meetings held between the two organizations. Our concerns include the following:

\*AB 466 ultimately grants athletic trainers the right to independently treat injuries of non athletes and acquired conditions, outside the training room doors which is beyond the scope of their education and professional training.

\*Definitions of key terms, such as athlete and athletic injury, are too broad and go beyond the generally accepted notion of athlete and athletic injury. As a result, this language would allow athletic trainers to treat patients with conditions such as cerebral palsy, multiple sclerosis, strokes, emphysema, burns or skin ulcers. These conditions fall outside the scope of training and education for athletic trainers.

\*The WPTA is not opposed to athletic trainers assisting physical therapists in providing rehabilitation in the clinic or workplace. As currently written, however, this bill would allow ATC's to provide unsupervised physical therapy services in a clinical or workplace setting.

**Performance Domains**

Universal Competencies	Prevention of Athletic Injuries	Recognition and Immediate Care of Athletic Injuries	Rehabilitation and Reconditioning of Athletic Injuries	Health Care Administration	Professional Development
<b>Knowledge and skills particular to each performance domain</b>					
Domain Specific Content	Determination of an athletes physical readiness to participate.	Identification of underlying trauma.	Ongoing evaluation of an athlete's progress through various stages of rehabilitation.	Documentation of injury status and rehabilitation.	Remains up-to-date with current evaluation skills, techniques and knowledge.
Athletic Training Evaluation	Normal anatomical structure and function.	Recognition of signs and symptoms of athletic injury and illness	Normal anatomical structure and function.		Remains up-to-date in current human anatomical research and trends.
Human Physiology	Normal physiological function.	Recognition of signs and symptoms of athletic injury and illness	Stages of injury response.		Remains up-to-date in current human physiology research and trends.
Exercise Physiology	Physiological demand and response to exercise.	Recognition of systemic and local metabolic failure.	Musculoskeletal and cardiovascular demands placed on the injured athlete.		Remains up-to-date with current exercise physiology research and trends.
Biomechanics	Normal biomechanical demands of exercise.	Identification of pathomechanics.	Resolution of pathomechanical motion.		Remains up-to-date with current biomechanical research and trends.
Psychology/ Counseling	Educational program for the healthy and injured athlete (i.e., alcohol and other drug abuse, performance anxiety).	Recognition of the psychological signs and symptoms of athletic injury and illness.	Psychological implications of injury.	Communication with, and referral to, the appropriate health care provider.	Continues to develop interpersonal and communication skills.
Nutrition	Nutritional demands of the athlete.	Recognition of the effects of improper nutritional needs of the competing athlete (i.e., fluid replacement, diabetic shock).	Nutritional demands placed on the injured athlete.	Referral to the appropriate health care provider.	Remains up-to-date with current nutritional research and trends.
Pharmacology	Contraindications and side-effects of prescription and non-prescription medications .	The role of prescription and non-prescription medication in the immediate /emergency care of athletic injury and illness.	The role of prescription and non-prescription medications in the stages of injury response.	Proper maintenance and documentation of records for the administration of prescription and non-prescription medications.	Remains up-to-date with current pharmacological research and trends.
Physics	Absorption, dissipation and transmission of energy of varying materials.	The effect of stress loads on the human body (i.e., shear, tensile, compressive forces).	Physiological response to various energies imposed on the body.		Remains up-to-date with current knowledge of physics as it relates to athletic training.
Organization and Administration	Legal requirements and rules of the sport.	Planning, documentation, communication, and implementation of an emergency preparedness plan.	Planning, documentation, and communication of appropriate rehabilitation strategies to the necessary parties.	Development of operational policies and procedures.	Remains up-to-date with current standards of professional practice.



Marlene A. Cummings  
Secretary

Tommy G. Thompson  
Governor

1400 E. WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

**Testimony on Assembly 466  
Before The  
Committee on Consumer Affairs  
424NE, State Capitol  
Thursday, January 29, 1998, 8:30 A.M.**

**Statement of Secretary Marlene A. Cummings**

Good morning, Chairperson Otte and members of the Assembly Committee on Consumer Affairs. Thank you for the opportunity to present testimony on AB 466 that regulates athletic trainers. **The Department is against the regulation of athletic trainers.**

Assembly Bill 466 proposes that athletic trainers be licensed and regulated by a 6 member athletic trainers credentialing board attached to the Medical Examining Board and having full regulatory authority and autonomy. We presume the attachment to the Medical Examining Board is to enhance communication between those two professions.

The proposed regulatory structure is the most restrictive form of regulation, which is generally reserved for those professions whose practice and title are protected from use by others. Not only does AB 466 protect the title of "Athletic Trainer," but also protects credentials that could also be applied to this term.

Athletic Trainers currently receive certification from the National Athletic Trainers Association and, normally, the state cannot take a title issued by a private association and forbid its use. Yet, this authority is contained within AB 466. By attempting to statutorily limit use of this private certification, an element of consumer choice is lost and an effective form of self-regulation is diminished.

AB 466 contains stringent regulatory provisions. These provisions require appropriations for staff, space, and supplies. Among other things contributing to the need for appropriations, AB 466 requires that the department:

- \* secure an appropriate examination following the state's bidding procedure
- \* develop and distribute applications and handle the processing of applications submitted for approval
- \* monitor and record continuing education hours and notify license of deficiencies
- \* develop administrative rules consistent with statutory requirements
- \* evaluate adequacy of experience and education to qualify for requested waiver provisions
- \* provide investigative and prosecutorial services

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

While the department continues to question the need for additional regulators of this profession, should you decide to proceed with this bill, we urge you to take into account needs outlined in the department's fiscal note in any final version of this bill.

Approximately, thirty three states have some form of regulation for athletic trainers. Their experience has not demonstrated the potential for harm if athletic trainers are not regulated. Their enforcement experience has been mostly NO COMPLAINTS TO SEVERAL UNLICENSED PRACTICE COMPLAINTS.

Should you decide to regulate this profession, attached is a friendly Assembly Substitute Amendment Proposal Outline we would like you to consider that would reduce the cost of regulation, providing adequate consumer protection and reduce the likelihood of fencing others out. Thank you.

attachment

# **ATHLETIC TRAINERS REGISTRY**

## **Assembly Substitute Amendment to 1997 Assembly Bill 466**

### **I. The Registry of Athletic Trainers**

- Under the Amendment, the Department of Regulation and Licensing (Department) creates a Registry of Athletic Trainers.
- The Department regulates the profession with the assistance of advisory committees.
- The Department is required to promulgate rules setting practice standards, including standards for an evaluation and treatment protocol which must be approved by a physician and requirements for referral of patients to other health care practitioners.
- The Registry statute defines "athletic injury" and the "practice of athletic training."
- The amendment requires the Department to evaluate the registration of athletic trainers and propose repeal of the registry of Athletic trainers if registration does not serve the public interest (sunset review).

### **II. Registration**

- An applicant for registration must file an application, pay a fee, complete a program in athletic training, an examination and meet competency requirements set by rule.
- The Department may register applicants who are registered in other states who have a good record of professional practice.
- Individuals who are registered receive a certificate of registration which must be renewed every two years.
- Under a limited waiver provision, applicants who are certified by the National Athletic Trainers Association Board of Certification or who have been employed as athletic trainers for at least three years are entitled to be registered without meeting the examination and training requirements for new applicants.

### **III. Use of Professional Title Is Restricted**

- Use of the title "Wisconsin Registered Athletic trainer" is restricted to individuals who are registered as athletic trainers by the Department of Regulation and Licensing.
- Restrictions on use of the title "Wisconsin Registered Athletic trainer" are enforced under existing law, sec. 440.21, Stats. which provides for the issuance of a special order, an injunction and a forfeiture for violations of title restrictions.
- Practice of the profession is not restricted to individuals who are registered.

### **IV. Health and Safety Protections**

- To renew registration, an athletic trainer must confirm that a current practice protocol is available, must have a current certification in cardiopulmonary resuscitation and first aid, have adequate liability insurance or bonding in accordance with department rules and must complete required continuing education requirements.
- The Department may discipline registrants using orders of revocation, suspension, limitation, reprimand or denial if a registrant engages in unprofessional conduct, lies on an application, is convicted of a crime related to the profession or violates the registration statute or a Department rule. In addition to the formal disciplinary process, the Registry proposal provides a streamlined procedure for providing the public information about complaints in a "registry information file" as an alternative to an investigation and hearing.



**Wisconsin Athletic Trainers Association, Inc.**  
*"We Provide Active Care For Active People"*

May 22, 1997

Representative Clifford Otte  
State Capitol, Room 109-W  
P.O. Box 8953  
Madison, WI 53708

Dear Representative Otte,

My name is Dennis Helwig and I am the President of the Wisconsin Athletic Trainers Association, Inc. Our organization is sponsoring a licensing bill (LRB 1292/2) for athletic trainers and feel that it is a very important piece of legislation for the state's physically active population. Senator Brian Burke and Representative Steven Foti have taken lead authorship of our bill. A memorandum from their offices as well as a copy of the proposed legislation will be circulated in the near future. It is my hope that you will take the time to review the licensing bill and consider giving it your support.

Enclosed you will find a brief explanation of the National Athletic Trainers' Association (NATA) and a break down of the number of NATA and WATAI Athletic Trainers in this state. Athletic Trainers are employed in a variety of settings in Wisconsin. Areas which you will find us are in the high schools, colleges/universities, sports medicine clinics and hospitals, and the corporate and industrial settings. As you can see, athletic trainers come in contact with many physically active individuals and it is our hope that the proposed legislation will help serve this population.

Over the next couple of months our organization will be sending you more educational materials which will help you better understand our allied health profession. Thank you in advance for taking time to review the bill and the educational materials. If you should have any question or concerns, please feel free to contact me directly.

Sincerely,

Dennis Helwig, ATC  
President, WATAI  
1440 Monroe Street  
Madison, WI 53711  
(608) 262-3798



# Wisconsin Athletic Trainers Association, Inc.

*"We Provide Active Care For Active People"*

## NATIONAL ATHLETIC TRAINERS' ASSOCIATION

The National Athletic Trainers' Association (NATA) is a not-for-profit organization dedicated to improving the health and well-being of athletes worldwide. The Association is committed to the advancement, encouragement and improvement of the athletic training profession.

Founded in 1950 with a membership of 200 athletic trainers, the NATA today has more than 21,000 members nationwide. Approximately 92 percent of all certified athletic trainers in the country belong to the Association.

In 1990, The American Medical Association recognized athletic training as an allied health profession.

## WISCONSIN NATA MEMBERS

Wisconsin Certified Members	371
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## WISCONSIN ATHLETIC TRAINERS' ASSOCIATION (WATA)

Certified WATA Members	199
Student WATA Members	101
Associate/Advisory	11
Total Membership	311

## NATIONAL ATHLETIC TRAINERS' ASSOCIATION

Certified Members	15,036
Student Members	4,546
Others	1,525
Total Membership	21,107

Approximately 2,500 new members join the NATA each year. The NATA Board of Certification, Inc., certifies 1,200 to 1,500 members each year. Approximately 50 percent of all new members annually are women.

**FAX TRANSMITTAL COVER SHEET**

DATE: February 5, 1998

TO: NAME: Representative Cliff Otte  
FIRM: State Capitol  
CITY, STATE: Madison, WI  
FAX NUMBER: 608/282-3627

FROM: Dennis Helwig  
SENDER'S PHONE: 608/262-3798

NUMBER OF PAGES: 3  
(INCLUDING COVER SHEET)

**\*\*\* MESSAGE \*\*\***

**THE INFORMATION CONTAINED IN THIS MESSAGE IS PERSONAL AND CONFIDENTIAL  
FOR THE RECIPIENT(S) NAMED ABOVE.  
IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND  
RETURN THIS MESSAGE TO US BY MAIL. THANK YOU.**

IN CASE OF ANY TRANSMISSION PROBLEM, CALL (608) 283-2609 OR CALL (608) 283-2456 EXCEPT AFTER 5:30 PM  
CENTRAL TIME, CALL (608) 251-5000

Client Matter No:	Job Code:
-------------------	-----------

SENT BY: Jessica L. Ford

TIME:



Memorandum

---

February 5, 1998

**To:** Representative Steve Foti

**Copy:** Senator Brian Burke  
Assembly Consumer Affairs Committee

**From:** Dennis Helwig, President  
Wisconsin Athletic Trainers Association

**Re:** Athletic Trainer licensure proposal

Let me begin by thanking you for your assistance in trying to broker a compromise on Assembly Bill 466, which relates to licensure of athletic trainers. This is an extremely important proposal to ensure that the public is receiving treatment from licensed athletic trainers. It is a growing profession, not just in Wisconsin but nationwide. In fact, 32 other states have passed licensure bills similar to the one being considered in Wisconsin.

In 1982, 8 Wisconsin high schools provided treatment by athletic trainers compared to 453 high schools in 1990. In addition, 60% of the practice is in the clinical setting. It is a growing profession which warrants state licensure.

We are extremely pleased to hear that the physical therapists support the credentialing efforts contained in Assembly Bill 466. Over the course of the last year, I have met with the leadership of the WPTA in the hopes of reaching consensus on this proposal. Despite numerous changes to the bill our negotiations have failed to reach a consensus on two outstanding issues.

To address the two issues which were raised at the hearing by the physical therapists we would propose the following amendments to AB 466:

Amend AB 466 as follows:

- (1) 448.95(3) "athletic injury" means any of the following:
  - (a) Any injury or illness sustained by a person as a result of training, practice, exercise or performance.
  - (b) An injury or illness that impedes or prevents a person from training, practice, exercise or performance.

Definition of athlete: "A person participating in training, practice, exercise or performance."

Memorandum

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This amendment assures that trainers will not be treating chronically sick or disabled persons, for their disability which was a concern raised by the physical therapists. That is not the aim of the bill.

(2) To address the concerns relating to the makeup of the credentialing board:

- (a) Amend the bill to change the makeup of the Affiliated Board to include one physical therapist, one doctor, one public member and four athletic trainers.

This amendment gives the physical therapists a voice on the Credentialing Board.

These are reasonable changes which address concerns raised at the hearing regarding definitions of "athletic injury" and "athlete" and the makeup of the Affiliated Credentialing Board. With these changes we believe that the public will receive greater protection when they are treated by licensed athletic trainers. Ultimately, it is the public which must be assured that the treatment they receive is from a qualified licensed athletic trainer.

The amendments to AB 466 strengthen the Credentialing Board by providing greater input on the Affiliated Credentialing Board. Under the bill other allied health professions would sit on the Board along with a public member to regulate the profession. In addition, protocols approved by physicians prior to granting any license provide additional oversight that does not exist with any other profession.

Thank you again for your interest and support for this important proposal and we look forward to approval from the Assembly Consumer Affairs Committee and the State Assembly. If you should have any questions, please feel free to contact me at any time at 608/262-3798.

# **wpta** *wisconsin physical therapy association, inc.*

*a chapter of the american physical therapy association, inc.*



Chairperson Otte and other members of the committee:

My name is John Hendrickson. I am a physical therapist and am president of the Wisconsin Physical Therapy Association. I am here representing close to 2000 members including PT's, PTA's and students studying the practice of Physical Therapy. The WPTA is supportive of efforts to credential athletic trainers but we are opposed to the way this bill is written to accomplish that purpose.

We have attempted to resolve our differences with the WATA on several occasions. Inevitably, the discussions center on specific terms and language used in the bill. In general, we are concerned that the language in AB 466 ultimately grants ATC's the right to independantly treat injuries of non-athletic people and those with acquired conditions, outside the training the room doors, and that goes beyond the scope of their education and professional training.

This is especially true in the clinical or corporate setting as this bill is written. In the clinical or corporate setting it is possible and sometimes appropriate for an athletic trainer to function as an aide or an extender of the physical therapist's practice. We acknowledge this type of service is practiced already. However, definitions and protocol language in this bill are generic enough to allow for athletic trainers to perform practices for which they have not been trained. We know that could pose a risk for patients with serious musculoskeletal and neuromuscular problems.

Specifically, we are concerned about the way certain terms are defined in this bill. Let me try and illustrate. Two key terms, which have been the subject of a great deal of discussion between the WPTA and the WATA, are the terms "athlete" and "athletic injury". The WPTA has supported an approach that is based on a more commonly held understanding of who an athlete is. The commonly held understanding of an athlete is someone who participates in vigorous exercise for an organized athletic team at the interscholastic, intramural, collegiate, professional level or sanctioned recreational sports activity. The commonly held definition of an athletic injury is one that is sustained while participating with that team or group.

This bill goes beyond these generally accepted notions of athletes and athletic

injuries by attempting to define an athletic injury as something that occurs as a result of vigorous "activity". Vigorous activity could mean any number of things that go beyond the traditional notion of participation in a sport. It could mean, for instance, performing a physically demanding job. As a result, an athletic injury, as defined in this bill, could mean an injury sustained by performing a physically demanding job in the workplace or activity at home. We all know that there are many workers and homemakers that would not qualify, by anyone's definition, as athletes. These people all offer a unique challenge to those of us qualified as health care providers. The specifics of the affects of aging, women's health issues, psychological factors etc. all have significant impact in determining the appropriate diagnosis and treatment.

In addition, the current language defines an athletic injury as one that impedes or prevents participation in vigorous exercise, sports, games or recreation. As this bill is currently written, the language would not exclude the athletic trainer from trying to care for people who have sustained neuromuscular, neurovascular, cardiopulmonary or integumentary disorders or diseases. In simple English, this list includes people with cerebral palsy, multiple sclerosis, strokes, emphysema, burns or skin ulcers. All of these conditions fall outside the scope of training and education for athletic trainers.

The WPTA is not opposed to ATC's assisting physical therapists in providing rehabilitation in the clinic or workplace. We are opposed to the athletic trainers attempt to provide services outside the training room, if unsupervised. We believe the language in this bill would do just that and potentiate harm to the public. In trying to resolve this impasse between the WPTA and the WATA, we have been trying to address this issue by describing what an athlete does and how an athletic injury occurs. That does not work! What we need to focus on - what I am suggesting today we do in future discussions - is try and resolve our differences by attempting to more clearly define in this bill the nature of the injuries and the types of people that athletic trainers are qualified or perhaps not qualified to treat.

The WATA must acknowledge that athletic trainers working in the more traditional setting of providing services to members of a sports team encounter injuries they are not qualified to treat. In those cases it may be more appropriate to engage the services of a physical therapist or other health care providers. In the clinical setting PT's and ATC's have developed a

collegial relationship and have respected each others skills, however the onus of patient care responsibility falls on the shoulders of the physical therapist. This same model should be followed in the workplace to ensure quality care for the injured worker.

Physical Therapists and the profession of physical therapy have been regulated in this state since 1954. Our licensure law has evolved to reflect the current state of practice. Today's physical therapist is trained to be the primary care provider for prevention and treatment of ALL people with musculoskeletal and neuromuscular problems. The P.T. education includes the process of examination, evaluation, diagnosis, prognosis and intervention for people with these problems. In addition, our training includes the abilities to look at the broad scope of the population. This includes the process of examination, evaluation, diagnosis, prognosis and intervention for people with problems in the integumentary, cardiopulmonary and neurologic systems.

ATC's are A primary care provider of young healthy athletes, in the training room, and the WPTA supports their tittle protection cause. We acknowledge that many of the treatments they do for this unique segment of the population, is in fact, similar to physical therapy treatment. However, extrapolating all athletic training to the general public is a risk - a risk that should not be allowed by legislation. The public is already protected for rehabilitation under the physical therapy licensure law.

The WPTA is willing to continue to work with the WATA to protect their tittle. Thank you for the opportunity to testify.



**Wisconsin Athletic Trainers Association, Inc.**  
*"We Provide Active Care For Active People"*

March 19, 1998

**To:** Assembly Consumer Affairs Committee  
**From:** Dennis Helwig, President  
Wisconsin Athletic Trainers Association  
**Re:** Assembly Bill 466

The Wisconsin Athletic Trainers Association urges your support on Assembly Bill 466. To address the concerns raised at the public hearing regarding the definition of athletic injury, we would endorse the following amendments:

**Definition of athletic injury**

- an injury or illness sustained by a person as a result of the persons participation in exercise, performance, sports, games or recreation.

**Definition of athlete**

- a person participating in exercise, performance, sports, games or recreation.

Because athletic training is a growing allied health profession in Wisconsin, it is critical that the consumers receive care from qualified health professionals. Assembly Bill 466 provides the public with necessary protection by requiring athletic trainers to meet state minimum standards through the supervision of an affiliated credentialing board.

On behalf of the membership of the Wisconsin Athletic Trainers Association we strongly urge your support for Assembly Bill 466.

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November 21, 1997

Dennis Helwig, President  
Wisconsin Athletic Trainers Association  
1440 Monroe Street  
Madison, WI 53706

Re: AB466 and SB276

Dear Dennis,

The WPTA Board of Directors met on November 6, 1997. The discussion of the Athletic Trainers Licensure Bill AB 466 concluded with the following decisions:

1. The WPTA supports the credentialling of athletic trainers through registration.

The support is contingent upon the following language revisions:

A. Define athlete. "Athlete" means a person participating in vigorous exercises, sports, games, or recreation.

B. Define athletic injury. "Athletic injury" means an injury sustained by a person as a result of the person's participation in vigorous exercises, sports, games, or recreation.

C. Include language regarding services provided in a clinical or corporate setting. "In a clinical or corporate setting when the service provided is, or is represented as being physical therapy, an athletic trainer may work only under the direct supervision of a physical therapist."

2. The registration of athletic trainers will be regulated by the Physical Therapist Affiliated Credentialling Board (PTACB).

The definitions of athlete and athletic trainer are derived from the Minnesota Athletic Trainers Act with modifications agreed to by the WATA and WPTA at the September 11, 1997 meeting. The language concerning clinical or corporate settings is also derived directly from the Minnesota Athletic Trainers Act.

The WPTA Board of Directors strongly stated that these definitions would clearly define the scope of practice of athletic trainers. It would also serve to protect athletic trainers and the public from unqualified individuals claiming to be athletic trainers.

The clinical and corporate settings provide for a much broader scope of practice. The WPTA recognizes that physical therapy is the primary care provider for treatment and prevention of musculoskeletal and neuromuscular problems. The education of physical therapists includes the process of examination, evaluation, diagnosis, prognosis and intervention for problems of the cardiopulmonary, musculoskeletal, neuromuscular, and integumentary systems. When a physical therapist is treating such

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patients, athletic trainers can assist them in the clinical and corporate settings when these services are delivered as physical therapy. This basically restates current law for the practice of physical therapy which states that a person may assist a physical therapist in the practice of physical therapy under direct, on premise supervision of the therapist.

In a registration process the Dept of Regulation and Licensing is responsible for the administration of the athletic trainers registry. The WPTA would be willing to have the athletic trainers advisory council housed within the PTACB. This would allow for continued dialog and enhancement of title protection with recognition of the specialized care provided by athletic trainers.

On behalf of the WPTA, representing 2000 members and more than 3000 physical therapists in the state, I am looking forward to our continuing correspondance and thank you for asking us to work with you.

Sincerely,

John Hendrickson, PT  
WPTA President

JH/rk

cc: Representative Steven Foti  
Senator Brian Burke  
Secretary Marlene Cummings  
PTACB