

1999 ASSEMBLY BILL 191

March 11, 1999 – Introduced by Representatives FOTI, MEYER, SKINDRUD, BOCK, GOETSCH, HAHN, HANDRICK, HUTCHISON, KELSO, KLUSMAN, LADWIG, MONTGOMERY, MUSSER, PETTIS, PLALE, PORTER, SERATTI, SINICKI, SPILLNER, SUDER and WARD, cosponsored by Senators SHIBILSKI, ROESSLER, BRESKE, SCHULTZ, ERPENBACH, WELCH and COWLES. Referred to Committee on Consumer Affairs.

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

Analysis by the Legislative Reference Bureau

This bill creates a six-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 athletic trainers by the affiliated credentialing board. The bill 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 the bill, an individual must do all of the following to be licensed as an athletic trainer:

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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.

The bill also provides for two temporary licenses. An individual who satisfies all of the requirements for a license except for passing the examination is eligible 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 and meeting the certification requirements is eligible for a temporary license that is valid for two years if he or she has 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 toward meeting the certification requirements.

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. 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 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, 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.

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

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

1 **SECTION 1.** 15.406 (4) of the statutes is created to read:

2 15.406 (4) 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) Four athletic trainers who are licensed under subch. VI of ch. 448 and who
7 have not been issued a credential in athletic training by a governmental authority
8 in a jurisdiction outside this state. One of the athletic trainer members may also be
9 licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448.

10 (b) One member who is licensed to practice medicine and surgery under subch.
11 II of ch. 448 and who has experience with athletic training and sports medicine.

12 (c) One public member.

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

14 146.81 (1) (eq) An athletic trainer licensed under subch. VI of ch. 448.

15 **SECTION 3.** 180.1901 (1m) (bs) of the statutes is created to read:

16 180.1901 (1m) (bs) Athletic trainers affiliated credentialing board under
17 subch. VI of ch. 448.

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

19 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.

20 **SECTION 5.** 440.08 (2) (a) 14f. of the statutes is created to read:

21 440.08 (2) (a) 14f. Athletic trainer: July 1 of each even-numbered year; \$41.

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1 **SECTION 6.** Subchapter VI of chapter 448 [precedes 448.95] of the statutes is
2 created to read:

CHAPTER 448

SUBCHAPTER VI

ATHLETIC TRAINERS AFFILIATED

CREDENTIALING BOARD

7 **448.95 Definitions.** In this subchapter:

8 **(1)** “Affiliated credentialing board” means the athletic trainers affiliated
9 credentialing board.

10 **(3)** “Athletic injury” means any of the following:

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

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

17 **(4)** “Athletic trainer” means an individual who engages in athletic training.

18 **(5)** “Athletic training” means doing any of the following:

19 (a) Preventing, recognizing and evaluating athletic injuries.

20 (b) Managing and administering the initial treatment of athletic injuries.

21 (c) Giving emergency care or first aid for an athletic injury.

22 (d) Rehabilitating and physically reconditioning athletic injuries.

23 **(5m)** “Consulting physician” means a person licensed as a physician under
24 subch. II who consults with an athletic trainer while the athletic trainer is engaging
25 in athletic training.

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

3 **448.951 Use of title.** Except as provided in s. 448.952, no person may
4 designate himself or herself as an athletic trainer or use or assume the title “athletic
5 trainer”, “licensed athletic trainer”, “certified athletic trainer” or “registered athletic
6 trainer” or append to the person’s name any other title, letters or designation which
7 represents or may tend to represent the person as an athletic trainer unless the
8 person is licensed under this subchapter.

9 **448.952 Applicability.** This subchapter does not require a license under this
10 subchapter for any of the following:

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

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

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

22 **448.9525 Duties of affiliated credentialing board.** The affiliated
23 credentialing board shall do all of the following:

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

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

3 (2) Prescribe a form for the recording of a protocol required under s. 448.956
4 (1).

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

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

10 **448.953 Licensure of athletic trainers. (1)** The affiliated credentialing
11 board shall grant an athletic trainer license to a person who does all of the following:

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

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

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

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

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

24 (f) Submits evidence satisfactory to the affiliated credentialing board that he
25 or she has met the requirements for certification established by the National Athletic

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1 Trainers Association Board of Certification and has passed the certification
2 examination administered by the National Athletic Trainers Association Board of
3 Certification.

4 (g) Provides all of the following information:

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

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

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

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

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

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

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

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1 **(3)** (a) The affiliated credentialing board shall issue a temporary license to a
2 person who satisfies the requirements under sub. (1) (a) and (c) to (g) and who pays
3 the fee specified in s. 440.05 (6). The temporary license is valid for one year and may
4 not be renewed.

5 (b) If a person who is issued a temporary license under par. (a) submits, before
6 the temporary license expires, evidence satisfactory to the affiliated credentialing
7 board that he or she has passed the examination required under s. 448.954, the
8 affiliated credentialing board shall issue the person a license under sub. (1).

9 **(4)** (a) The affiliated credentialing board shall issue a temporary license to a
10 person who satisfies the requirements under sub. (1) (a), (c) to (e) and (g), pays the
11 fee specified in s. 440.05 (6) and submits evidence satisfactory to the affiliated
12 credentialing board that he or she has engaged in athletic training during each of the
13 12 consecutive months immediately preceding the effective date of this paragraph
14 [revisor inserts date]. The temporary license is valid for 2 years and shall be
15 renewed once if a license holder submits evidence satisfactory to the affiliated
16 credentialing board at the time of renewal that he or she has made significant
17 progress toward satisfying the requirement under sub. (1) (f).

18 (b) If a person who is issued a temporary license under par. (a) satisfies the
19 requirements under sub. (1) (f) and (h) before the temporary license expires, the
20 affiliated credentialing credentialing board shall issue the person a license under
21 sub. (1).

22 **(5)** An application form for a license under this section shall include all of the
23 following:

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

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1 (b) A statement that the applicant authorizes the affiliated credentialing board
2 to have access to any of the following:

3 1. The applicant's records at the college or university at which he or she
4 received the bachelor's degree required under sub. (1) (e).

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

8 **448.954 Examination. (1)** The affiliated credentialing board shall conduct
9 or arrange for examinations for athletic trainer licensure at least semiannually and
10 at times and places determined by the affiliated credentialing board. Examinations
11 shall consist of written or oral tests, or both, requiring applicants to demonstrate
12 minimum competency in subjects substantially related to athletic training.

13 **(2)** In lieu 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 s. 448.953 (1) or (2), a licensee shall, during the 2-year period
18 immediately preceding the renewal date specified under s. 440.08 (2) (a), complete
19 not less than 30 credit hours of continuing education in courses of study approved by
20 the affiliated 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.

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1 4. Educational techniques.

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

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 is directly related to the practice of athletic training or sports
8 medicine and lasts at least one hour.

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

14 3. The course has specific written objectives describing the goals of the course
15 for the participants.

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

18 **448.955 Issuance of license; expiration and renewal.** **(1)** The renewal
19 dates for licenses granted under this subchapter, other than temporary licenses
20 granted under s. 448.953 (3) or (4), are specified under s. 440.08 (2) (a).

21 **(2)** Renewal applications shall be submitted to the department on a form
22 provided, subject to sub. (3), by the department and shall include the renewal fee
23 specified in s. 440.08 (2) (a) and evidence satisfactory to the affiliated credentialing
24 board that the licensee has all of the following:

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1 (a) Completed, during the 2-year period immediately preceding the renewal
2 date specified in s. 440.08 (2) (a), the continuing education requirements specified
3 in s. 448.9545.

4 (b) Current certification in cardiopulmonary resuscitation.

5 (c) Liability insurance or a surety bond in at least the minimum amount
6 required by the rules promulgated under s. 448.9525 (4).

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

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

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

15 **448.956 Practice requirements. (1)** (a) A licensee may engage in athletic
16 training only in accordance with an evaluation and treatment protocol that is
17 established by the athletic trainer and approved by the consulting physician in
18 accordance with the rules promulgated under s. 448.9525 (3) and recorded on a
19 protocol form prescribed by the affiliated credentialing board under s. 448.9525 (2).

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

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

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

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

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

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

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

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

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

19 (b) Evaluate and treat a person for an athletic injury that has not previously
20 been diagnosed. Evaluation and treatment under this paragraph may not exceed 30
21 days after the date of the initial evaluation or treatment, unless the protocol
22 established under sub. (1) (a) specifies a different period of time. This paragraph
23 does not apply to preventive care provided after resolution of an athletic injury or to
24 treatment provided to a person who is referred to the athletic trainer by a person
25 licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448.

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

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

8 **448.957 Disciplinary proceedings and actions.** **(1)** Subject to the rules
9 promulgated under s. 440.03 (1), the affiliated credentialing board may make
10 investigations and conduct hearings to determine whether a violation of this
11 subchapter or any rule promulgated under this subchapter has occurred.

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

16 (a) Made a material misstatement in an application for a license or for renewal
17 of a license.

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

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

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

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

24 (f) Engaged in unprofessional or unethical conduct.

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

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

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

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

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

11 **448.958 Injunctive relief.** If the affiliated credentialing board has reason to
12 believe that any person is violating this subchapter or any rule promulgated under
13 this subchapter, the affiliated credentialing board, the department, the attorney
14 general or the district attorney of the proper county may investigate and may, in
15 addition to any other remedies, bring an action in the name and on behalf of this state
16 to enjoin the person from the violation.

17 **448.959 Penalties.** Any person who violates this subchapter or any rule
18 promulgated under this subchapter may be fined not more than \$10,000 or
19 imprisoned for not more than 9 months or both.

20 **SECTION 7.** 450.10 (3) (a) 5q. of the statutes is created to read:

21 450.10 **(3)** (a) 5q. An athletic trainer licensed under subch. VI of ch. 448.

22 **SECTION 8.** 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin
23 Acts 67 and 156, 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

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1 medical technician licensed under s. 146.50, physician assistant licensed under ch.
2 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker
3 issued a license of registration under subch. X of ch. 440 who renders voluntary
4 health care to a participant in an athletic event or contest sponsored by a nonprofit
5 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001
6 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655
7 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that
8 care if all of the following conditions exist:

9 **SECTION 9.** 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act
10 156, is amended to read:

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

15 **SECTION 10. Nonstatutory provisions.**

16 (1) INITIAL APPOINTMENTS TO THE ATHLETIC TRAINERS AFFILIATED CREDENTIALING
17 BOARD.

18 (a) Notwithstanding section 15.406 (4) of the statutes, as created by this act,
19 the initial athletic trainer members of the athletic trainers affiliated credentialing
20 board need not be licensed under subchapter VI of chapter 448 of the statutes, as
21 created by this act, to be appointed to and serve as members of the affiliated
22 credentialing board until the first day of the 13th month beginning after the effective
23 date of this paragraph.

24 (b) Notwithstanding section 15.406 (4) of the statutes, as created by this act,
25 the initial members of the athletic trainers affiliated credentialing board shall be

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1 appointed by the first day of the 4th month beginning after the effective date of this
2 paragraph for the following terms:

3 1. One athletic trainer member and one member who is licensed to practice
4 medicine and surgery under subchapter II of chapter 448 of the statutes, for terms
5 expiring on July 1, 2000.

6 2. One athletic trainer member, for a term expiring on July 1, 2001.

7 3. One public member and one athletic trainer member, for terms expiring on
8 July 1, 2002.

9 4. One athletic trainer member, for a term expiring on July 1, 2003.

10 **SECTION 11. Effective dates.** This act takes effect on the first day of the 13th
11 month beginning after publication, except as follows:

12 (1) The treatment of section 15.406 (4) of the statutes and SECTION 10 (1) of this
13 act take effect on the day after publication.

14 (END)