

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 191**

April 14, 1999 – Offered by Representative MUSSER.

1     **AN ACT** *to amend* 895.48 (1m) (intro.) and 895.48 (1m) (b); and *to create* 15.406  
2           (4), 146.81 (1) (eq), 180.1901 (1m) (bs), 252.14 (1) (ar) 4q., 440.08 (2) (a) 14f.,  
3           subchapter VI 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.

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

7           **SECTION 1.** 15.406 (4) of the statutes is created to read:  
8           15.406 (4) ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD. There is created  
9           in the department of regulation and licensing, attached to the medical examining  
10          board, an athletic trainers affiliated credentialing board consisting of the following  
11          members appointed for 4-year terms:

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

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

7 (c) One public member.

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

9 146.81 (1) (eq) An athletic trainer licensed under subch. VI of ch. 448.

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

11 180.1901 (1m) (bs) Athletic trainers affiliated credentialing board under  
12 subch. VI of ch. 448.

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

14 252.14 (1) (ar) 4q. An athletic trainer licensed under subch. VI of ch. 448.

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

16 440.08 (2) (a) 14f. Athletic trainer: July 1 of each even-numbered year; \$41.

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

19 **CHAPTER 448**

20 **SUBCHAPTER VI**

21 **ATHLETIC TRAINERS AFFILIATED**

22 **CREDENTIALING BOARD**

23 **448.95 Definitions.** In this subchapter:

24 (1) “Affiliated credentialing board” means the athletic trainers affiliated  
25 credentialing board.

1           **(2)** “Athlete” means a person participating in vigorous activities, sports, games  
2 or recreation.

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

4           (a) An injury or illness sustained by an athlete as a result of the athlete’s  
5 participation in exercise, sports, games or recreation.

6           (b) An injury or illness that impedes or prevents an athlete from participating  
7 in exercise, sports, games or recreation.

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

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

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

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

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

13          (d) Rehabilitating and physically reconditioning athletic injuries.

14          (e) Developing and administering an athletic training program for an athlete.

15          An athletic training program under this paragraph may include providing education  
16 and counseling to an athlete.

17          (f) Treating and rehabilitating an athletic injury using cold, heat, light, sound,  
18 electricity, exercise, chemicals or mechanical devices.

19          (g) Evaluating and treating an athlete for an athletic injury that has not  
20 previously been diagnosed.

21          **(5m)** “Consulting physician” means a person licensed as a physician under  
22 subch. II who consults with an athletic trainer while the athletic trainer is engaging  
23 in athletic training.

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

1           **448.951 Use of title.** Except as provided in s. 448.952, no person may  
2 designate himself or herself as an athletic trainer or use or assume the title “athletic  
3 trainer”, “licensed athletic trainer”, “certified athletic trainer” or “registered athletic  
4 trainer” or append to the person’s name any other title, letters or designation which  
5 represents or may tend to represent the person as an athletic trainer unless the  
6 person is licensed under this subchapter.

7           **448.952 Applicability.** This subchapter does not require a license under this  
8 subchapter for any of the following:

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

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

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

20           **448.9525 Duties of affiliated credentialing board.** **(1)** The affiliated  
21 credentialing board shall do all of the following:

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

24           **(b)** Provide a copy of the list maintained under par. (a) to any person who  
25 requests a copy.

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

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

5 (2) Subject to s. 448.956 (1), (4) and (5), the affiliated credentialing board and  
6 the medical examining board shall jointly promulgate rules relating to the minimum  
7 requirements of a protocol required under s. 448.956 (1).

8 **448.953 Licensure of athletic trainers. (1)** The affiliated credentialing  
9 board shall grant an athletic trainer license to a person who does all of the following:

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

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

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

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

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

22 (f) Submits evidence satisfactory to the affiliated credentialing board that he  
23 or she has met the requirements for certification established by the National Athletic  
24 Trainers Association Board of Certification and has passed the certification

1 examination administered by the National Athletic Trainers Association Board of  
2 Certification.

3 (g) Provides all of the following information:

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

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

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

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

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

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

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

24 **(3)** (a) The affiliated credentialing board shall issue a temporary license to a  
25 person who satisfies the requirements under sub. (1) (a) and (c) to (g) and who pays

1 the fee specified in s. 440.05 (6). The temporary license is valid for one year and may  
2 not be renewed.

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

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

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

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

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

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

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

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

6           **448.954 Examination. (1)** The affiliated credentialing board shall conduct  
7 or arrange for examinations for athletic trainer licensure at least semiannually and  
8 at times and places determined by the affiliated credentialing board. Examinations  
9 shall consist of written or oral tests, or both, requiring applicants to demonstrate  
10 minimum competency in subjects substantially related to athletic training.

11           **(2)** In lieu of an examination under sub. (1), the affiliated credentialing board  
12 may accept the results of an examination administered by the National Athletic  
13 Trainers Association Board of Certification.

14           **448.9545 Continuing education. (1) (a)** To be eligible for renewal of a license  
15 issued under s. 448.953 (1) or (2), a licensee shall, during the 2-year period  
16 immediately preceding the renewal date specified under s. 440.08 (2) (a), complete  
17 not less than 30 credit hours of continuing education in courses of study approved by  
18 the affiliated credentialing board.

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

21           1. Management.

22           2. Risk management.

23           3. Personal growth.

24           4. Educational techniques.



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

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

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

6           1. The course is directly related to the practice of athletic training or sports  
7 medicine and lasts at least one hour.

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

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

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

17           **448.955 Issuance of license; expiration and renewal. (1)** The renewal  
18 dates for licenses granted under this subchapter, other than temporary licenses  
19 granted under s. 448.953 (3) or (4), are specified under s. 440.08 (2) (a).

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

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 (1) (d).

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 (2) and recorded on a  
19 protocol form prescribed by the affiliated credentialing board under s. 448.9525 (1)  
20 (c).

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

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

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) A licensee may do any of the following only as specified in a protocol  
4 established under sub. (1) (a):

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

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

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

17 (5) A licensee shall modify or terminate treatment of an athlete that is not  
18 beneficial to an athlete or that the athlete cannot tolerate.

19 **448.957 Disciplinary proceedings and actions.** (1) Subject to the rules  
20 promulgated under s. 440.03 (1), the affiliated credentialing board may make  
21 investigations and conduct hearings to determine whether a violation of this  
22 subchapter or any rule promulgated under this subchapter has occurred.

23 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated  
24 credentialing board may reprimand a licensee or may deny, limit, suspend or revoke

1 a license granted under this subchapter if it finds that the applicant or licensee has  
2 done any of the following:

3 (a) Made a material misstatement in an application for a license or for renewal  
4 of a license.

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

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

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

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

11 (f) Engaged in unprofessional or unethical conduct.

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

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

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

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

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

22 **448.958 Injunctive relief.** If the affiliated credentialing board has reason to  
23 believe that any person is violating this subchapter or any rule promulgated under  
24 this subchapter, the affiliated credentialing board, the department, the attorney  
25 general or the district attorney of the proper county may investigate and may, in

1 addition to any other remedies, bring an action in the name and on behalf of this state  
2 to enjoin the person from the violation.

3 **448.959 Penalties.** Any person who violates this subchapter or any rule  
4 promulgated under this subchapter may be fined not more than \$10,000 or  
5 imprisoned for not more than 9 months or both.

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

7 450.10 (3) (a) 5q. An athletic trainer licensed under subch. VI of ch. 448.

8 **SECTION 8.** 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin  
9 Acts 67 and 156, is amended to read:

10 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,  
11 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency  
12 medical technician licensed under s. 146.50, physician assistant licensed under ch.  
13 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker  
14 issued a license of registration under subch. X of ch. 440 who renders voluntary  
15 health care to a participant in an athletic event or contest sponsored by a nonprofit  
16 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001  
17 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655  
18 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that  
19 care if all of the following conditions exist:

20 **SECTION 9.** 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act  
21 156, is amended to read:

22 895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,  
23 emergency medical technician, physician assistant, registered nurse, massage  
24 therapist or bodyworker does not receive compensation for the health care, other  
25 than reimbursement for expenses.

