SENATE BILL 482 (LRB -4139)

An Act to repeal 448.95 (2), 448.95 (3), 448.953 (3) and (4) and 448.956 (1) (am); to amend 448.95 (5) (a), 448.95 (5) (b), 448.95 (5) (c), 448.95 (5) (d), 448.952 (3), 448.953 (1) (f), 448.954 (2), 448.9545 (2) (a), 448.955 (1), 448.956 (2) (b), 448.956 (3) (intro.), 448.956 (3) (a), 448.956 (3) (b) and 448.956 (3) (c); and to create 448.95 (5) (e), 448.95 (5) (f), 448.95 (7) and 448.956 (1m) of the statutes; relating to: the practice of athletic trainers and granting rule-making authority.

2010

01-25.	S.	Introduced by Senators **Hansen** and **Jauch**; cosponsored by Representatives **Molepske Jr.**, **Bernard Schaber**, **Ballweg**, **Milroy**, **Bies**, **Mason**, **Townsend**, **Soletski**, **A. Ott**, **Zigmunt** and **Steinbrink**.	
01-25.	S.	Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue	503
01-27.	S.	Public hearing held.	
02-02.	S.	Senate amendment 1 offered by Senator Hansen **(LRB a1449)**	533
02-12.	S.	Executive action taken.	
02-12.	S.	Report adoption of Senate Amendment 1 recommended by committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, Ayes 7, Noes 0	557
02-12.	S.	Report passage as amended recommended by committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, Ayes 7, Noes 0	557
02-12.	S.	Available for scheduling.	
02-18.	S.	Placed on calendar 2-23-2010 pursuant to Senate Rule 18(1)	572
02-23.	S.	Read a second time	582
02-23.	S.	Senate amendment 1 **adopted**	582
02-23.	S.	Ordered to a third reading	582
02-23.	S.	Rules suspended	582
02-23.	S.	Read a third time and **passed**	582
02-23.	S.	Ordered immediately messaged	584
02-24.	A.	Received from Senate	693
02-24.	A.	Read first time and referred to committee on Rules	694
03-02.	A.	Placed on calendar 3-4-2010 by committee on Rules.	
03-04.	A.	Rules suspended to withdraw from calendar and take up	729
03-04.	A.	Read a second time	729
03-04.	A.	Ordered to a third reading	729
03-04.	A.	Rules suspended	729
03-04.	A.	Read a third time and **concurred in**	729
03-04.	A.	Ordered immediately messaged	729
03-05.	S.	Received from Assembly concurred in.	

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2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **09** -4139/1 ✓

Amendments to above (if none, write "NONE"): SA1- a1449/1 ✓

Corrections - show date (if none, write "NONE"): None ✓

Topic Rel

3-8-10
Date

Enrolling Drafter

[rev: 1/6/09 2009enroll(fm)]

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–4139/1
CTS:cjs:ph

2009 SENATE BILL 482

January 25, 2010 – Introduced by Senators HANSEN and JAUCH, cosponsored by Representatives MOLEPSKE JR., BERNARD SCHABER, BALLWEG, MILROY, BIES, MASON, TOWNSEND, SOLETSKI, A. OTT, ZIGMUNT and STEINBRINK. Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

1 AN ACT ***to repeal*** 448.95 (2), 448.95 (3), 448.953 (3) and (4) and 448.956 (1) (am);
2 ***to amend*** 448.95 (5) (a), 448.95 (5) (b), 448.95 (5) (c), 448.95 (5) (d), 448.952 (3),
3 448.953 (1) (f), 448.954 (2), 448.9545 (2) (a), 448.955 (1), 448.956 (2) (b), 448.956
4 (3) (intro.), 448.956 (3) (a), 448.956 (3) (b) and 448.956 (3) (c); and ***to create***
5 448.95 (5) (e), 448.95 (5) (f), 448.95 (7) and 448.956 (1m) of the statutes;
6 **relating to:** the practice of athletic trainers and granting rule–making
7 authority.

Analysis by the Legislative Reference Bureau

This bill makes several changes to current law regarding the practice of athletic trainers.

Under current law, no person may use the title "athletic trainer" or otherwise represent himself or herself as an athletic trainer unless the person is licensed by the athletic trainers affiliated credentialing board (board). Current law authorizes the board to grant two types of temporary licenses in addition to standard renewable licenses. A licensed athletic trainer may engage in athletic training only in accordance with an evaluation and treatment protocol established by the athletic trainer and approved by a physician who consults with the athletic trainer. Current law defines "athletic training" as doing any of the following: 1) preventing, recognizing, and evaluating athletic injuries; 2) managing and administering the

initial treatment of athletic injuries; 3) giving emergency care or first aid for an athletic injury; or 4) rehabilitating and physically reconditioning athletic injuries. "Athletic injury" means an injury or illness that is sustained by an athlete as a result of, or that impedes or prevents an athlete from, participating in exercise, sports, games, or recreation. Additionally, current law permits a licensed athletic trainer to treat or rehabilitate an employee of the athletic trainer's primary employer with an injury that is identical to an athletic injury and that has resulted from an occupational activity, if directed and supervised by a physician or chiropractor.

Currently, an evaluation and treatment protocol must require a licensed athletic trainer to notify the consulting physician as soon as possible if a person being treated by the athletic trainer sustains new injuries. Also under current law, if a licensed athletic trainer or the trainer's consulting physician determines that a patient's medical condition is beyond the scope of the athletic trainer's practice, the athletic trainer must refer the patient to a licensed physician, physical therapist, podiatrist, chiropractor, or dentist who can provide appropriate treatment to the patient (referral requirement).

This bill deletes the current provisions authorizing the board to grant temporary licenses. The bill alters the definition of "athletic training" by replacing "athletic injury" with "injury or illness sustained while participating in physical activity" in the four activities that currently constitute athletic training. Under the bill, "physical activity" means vigorous participation in exercise, sports, games, recreation, wellness, fitness, or employment activities. The bill also creates two additional activities that constitute athletic training: 1) rehabilitating and physically reconditioning injuries or illnesses that impede or prevent an individual from participating in physical activity, if the individual recently participated in, and intends to return to participation in, physical activity, and 2) establishing or administering risk management, conditioning, and injury prevention programs.

The bill specifies that a licensed athletic trainer may provide athletic training to an individual without a referral, except that a licensee may not provide certain rehabilitation and reconditioning services in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from one of several types of health care practitioners specified in the bill.

The bill deletes the requirement that an evaluation and treatment protocol mandate notification of the consulting physician of new injuries, but does not affect the referral requirement. Under the bill, a licensed athletic trainer may treat or rehabilitate an employee with an injury or illness, if directed and supervised by a physician or chiropractor.

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

1 **SECTION 1.** 448.95 (2) of the statutes is repealed.

2 **SECTION 2.** 448.95 (3) of the statutes is repealed.

1 **SECTION 3.** 448.95 (5) (a) of the statutes is amended to read:

2 448.95 **(5)** (a) Preventing, recognizing and evaluating ~~athletic~~ injuries or
3 illnesses sustained while participating in physical activity.

4 **SECTION 4.** 448.95 (5) (b) of the statutes is amended to read:

5 448.95 **(5)** (b) Managing and administering the initial treatment of ~~athletic~~
6 injuries or illnesses sustained while participating in physical activity.

7 **SECTION 5.** 448.95 (5) (c) of the statutes is amended to read:

8 448.95 **(5)** (c) Giving emergency care or first aid for an ~~athletic~~ injury or illness
9 sustained while participating in physical activity.

10 **SECTION 6.** 448.95 (5) (d) of the statutes is amended to read:

11 448.95 **(5)** (d) Rehabilitating and physically reconditioning ~~athletic~~ injuries or
12 illnesses sustained while participating in physical activity.

13 **SECTION 7.** 448.95 (5) (e) of the statutes is created to read:

14 448.95 **(5)** (e) Rehabilitating and physically reconditioning injuries or illnesses
15 that impede or prevent an individual from returning to participation in physical
16 activity, if the individual recently participated in, and intends to return to
17 participation in, physical activity.

18 **SECTION 8.** 448.95 (5) (f) of the statutes is created to read:

19 448.95 **(5)** (f) Establishing or administering risk management, conditioning,
20 and injury prevention programs.

21 **SECTION 9.** 448.95 (7) of the statutes is created to read:

22 448.95 **(7)** "Physical activity" means vigorous participation in exercise, sports,
23 games, recreation, wellness, fitness, or employment activities.

24 **SECTION 10.** 448.952 (3) of the statutes is amended to read:

448.952 **(3)** An athletic trainer who is in this state temporarily with an individual or group that is participating in a specific athletic event or series of athletic events and who is licensed, certified, or registered by another state or country or certified as an athletic trainer by the ~~Board of Certification of the~~ National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

SECTION 11. 448.953 (1) (f) of the statutes is amended to read:

448.953 **(1)** (f) Submits evidence satisfactory to the affiliated credentialing board that he or she has met the requirements for certification established by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency and has passed the certification examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

SECTION 12. 448.953 (3) and (4) of the statutes are repealed.

SECTION 13. 448.954 (2) of the statutes is amended to read:

448.954 **(2)** In lieu of an examination under sub. (1), the affiliated credentialing board may accept the results of an examination administered by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

SECTION 14. 448.9545 (2) (a) of the statutes is amended to read:

448.9545 **(2)** (a) A course that has been approved for continuing education credit by the National Athletic Trainers' Association Board of Certification, Inc., or its successor agency.

SECTION 15. 448.955 (1) of the statutes is amended to read:

448.955 **(1)** The renewal dates for licenses granted under this subchapter~~, other than temporary licenses granted under s. 448.953 (3) or (4),~~ are specified under s. 440.08 (2) (a).

SECTION 16. 448.956 (1) (am) of the statutes is repealed.

INS, SA1-1

SECTION 17. 448.956 (1m) of the statutes is created to read:

448.956 **(1m)** A licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter; under ch. 446; or under s. 441.16 (2).

SECTION 18. 448.956 (2) (b) of the statutes is amended to read:

448.956 **(2)** (b) Suggest modifications in treatment or rehabilitation of an injured person to the ~~consulting physician~~ health care practitioner who referred the person to the athletic trainer or to any other health care provider who is providing treatment to the person.

SECTION 19. 448.956 (3) (intro.) of the statutes is amended to read:

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

SECTION 20. 448.956 (3) (a) of the statutes is amended to read:

448.956 **(3)** (a) Treat and rehabilitate an ~~athletic~~ injury or illness using cold, heat, light, sound, electricity, exercise, chemicals, or mechanical devices.

SECTION 21. 448.956 (3) (b) of the statutes is amended to read:

448.956 **(3)** (b) Evaluate and treat a person for an ~~athletic~~ injury or illness that has not previously been diagnosed.

SECTION 22. 448.956 (3) (c) of the statutes is amended to read:

448.956 **(3)** (c) Treat or rehabilitate an employee ~~of the primary employer~~ with an injury or illness that ~~is identical to an athletic injury and that~~ has resulted from an ~~occupational~~ employment activity as directed, supervised, and inspected by a

1 physician, as defined in s. 448.01 (5), or by a person licensed under s. 446.02, who has
2 the power to direct, decide, and oversee the implementation of the treatment or
3 rehabilitation.

4 **(END)**

State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa1449/1
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SENATE AMENDMENT 1,

TO 2009 SENATE BILL 482

February 2, 2010 – Offered by Senator HANSEN.

SA 1-1

At the locations indicated, amend the bill as follows:

1. Page 5, line 2: delete "A licensee" and substitute "Subject to sub. (1) (a), a licensee".

(END)