

Report From Agency

STATE OF WISCONSIN
ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-109
ATHLETIC TRAINERS AFFILIATED :
CREDENTIALING BOARD :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rules specify requirements for late renewal of an athletic trainer license and the requirements for reinstatement of a license that has not been renewed within 5 years when the licensee has unmet disciplinary requirements, or the license has been denied at renewal, revoked, or surrendered. If the rules are not implemented, the requirements will remain unclear.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Athletic Trainers Affiliated Credentialing Board held a public hearing on September 25, 2019. The Board did not receive any written comments or testimony concerning the proposed rules.

VI. RESPONSE TO MEDICAL EXAMINING BOARD AND LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The proposed rule was submitted to the Medical Examining Board on January 16, 2019. The Medical Examining Board had no recommendations concerning the proposed rule.

None of the Legislative Council recommendations have been incorporated into the proposed rule:

Comment 1:

The Board has discretion to approve renewal of a license based upon the rules it promulgates. Conversely, the Board has discretion to deny renewal as long as it is not done in an arbitrary or capricious manner. It is within the authority of the Board to impose, on a case-by-case basis, reasonable conditions under which it will determine the competency of an applicant for renewal and, based on that determination, approve or deny the renewal of a license.

Comment 4.a:

The Board did not intend to refer to requirements under s. 448.955 (3), Stats., as they are required components of the application for renewal submitted by the licensee.

Comment 4.b:

The recommended changes in this comment are not appropriate, given that the Board has not accepted the recommendation under Comment 1.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A