

State Budget Office
Office of Regulatory Reinvention
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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RISCBA)**

PART 1: INTRODUCTION

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) at orr@michigan.gov no less than 28 days before the public hearing.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Professional Licensing		
Name, title, phone number, and e-mail of person completing this form:	Dena Marks, Analyst Marksd1@michigan.gov 517-335-3679		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim, Department of Licensing and Regulatory Affairs		

2. Rule Set Information

ORR assigned rule set number:	2018-062 LR
Title of proposed rule set:	Athletic Trainers – General Rules

PART 2: KEY SECTIONS OF THE APA

24.207a “Small business” defined.

Sec. 7a. “Small business” means a business concern incorporated or doing business in this state, including the affiliates of the business concern, which is independently owned and operated, and which employs fewer than 250 full-time employees or which has gross annual sales of less than \$6,000,000.00.

24.240 Reducing disproportionate economic impact of rule on small business; applicability of section and MCL 24.245(3).

Sec. 40. (1) When an agency proposes to adopt a rule that will apply to a small business and the rule will have a disproportionate impact on small businesses because of the size of those businesses, the agency shall consider exempting small businesses and, if not exempted, the agency proposing to adopt the rule shall reduce the economic impact of the rule on small businesses by doing all of the following when it is lawful and feasible in meeting the objectives of the act authorizing the promulgation of the rule:

- (a) Identify and estimate the number of small businesses affected by the proposed rule and its probable effect on small businesses.
- (b) Establish differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.
- (c) Consolidate, simplify, or eliminate the compliance and reporting requirements for small businesses under the rule and identify the skills necessary to comply with the reporting requirements.
- (d) Establish performance standards to replace design or operational standards required in the proposed rule.

(2) The factors described in subsection (1)(a) to (d) shall be specifically addressed in the small business impact statement required under section 45.

(3) In reducing the disproportionate economic impact on small business of a rule as provided in subsection (1), an agency shall use the following classifications of small business:

- (a) 0-9 full-time employees.
- (b) 10-49 full-time employees.
- (c) 50-249 full-time employees.

(4) For purposes of subsection (3), an agency may include a small business with a greater number of full-time employees in a classification that applies to a business with fewer full-time employees.

(5) This section and section 45(3) do not apply to a rule that is required by federal law and that an agency promulgates without imposing standards more stringent than those required by the federal law.

MCL 24.245 (3) Except for a rule promulgated under sections 33, 44, and 48, the agency shall prepare and include with the notice of transmittal a **regulatory impact statement** which shall contain specific information (information requested on the following pages).

[**Note:** Additional questions have been added to these statutorily-required questions to satisfy the **cost-benefit analysis** requirements of Executive Order 2011-5].

MCL 24.245b Information to be posted on office of regulatory reinvention website.

Sec. 45b. (1) The office of regulatory reinvention shall post the following on its website within 2 business days after transmittal pursuant to section 45:

- (a) The regulatory impact statement required under section 45(3).
 - (b) Instructions on any existing administrative remedies or appeals available to the public.
 - (c) Instructions regarding the method of complying with the rules, if available.
 - (d) Any rules filed with the secretary of state and the effective date of those rules.
- (2) The office of regulatory reinvention shall facilitate linking the information posted under subsection (1) to the department or agency website.

PART 3: AGENCY RESPONSE

Please provide the required information using complete sentences. **Do not answer any question with “N/A” or “none.”**

Comparison of Rule(s) to Federal/State/Association Standards:

1. Compare the proposed rule(s) to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to athletic trainers, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rule(s) required by state law or federal mandate?

The rules are required or permitted by state law including MCL 333.16145, MCL 333.16148, MCL 333.16178, MCL 333.16186, MCL 333.16204, MCL 333.16205, MCL 333.16215, MCL 333.17904, MCL 333.17905, and Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; Executive Reorganization Order No. 2011-4, MCL 445.2030.

The rules are not mandated by federal law.

B. If these rule(s) exceed a federal standard, identify the federal standard or citation, describe why it is necessary that the proposed rule(s) exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The rules do not exceed a federal standard.

2. Compare the proposed rule(s) to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

Initial Licensure: To be licensed in Michigan, an applicant must have graduated from an accredited athletic training program. The applicant must have completed a program in first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillator use for health care professional or emergency services personnel training (AED). He or she must possess a current certification in first aid and CPR, which must be maintained throughout the licensing cycle. The applicant must pass the Board of Certification (BOC) athletic trainer credentialing examination. If the applicant was foreign-trained, he or she must obtain a total score of not less than 80 on the Test of English as a Foreign Language Internet-Based Test (TOEFL-IBT).

Illinois: An applicant for licensure as an athletic trainer must have graduated from a curriculum in athletic training accredited by the Commission on Accreditation of Athletic Training Education (CAATE). He or she must have graduated from a 4 year accredited college or university. The applicant must be certified in CPR and AED. The applicant must also pass the BOC certification examination.

Indiana: An applicant for licensure must have a postsecondary education from an institution that meets the academic standards for athletic trainers established by National Athletic Trainers Association, Inc. (NATA). The applicant's training must have included clinical experience supervised by a BOC certified athletic trainer. The applicant must also pass the BOC examination and hold a current BOC certification. The applicant is not required to pass the BOC examination if he or she is licensed to practice as an athletic trainer in another state and that state's standards for licensure are at least equal to those in Indiana and the applicant is certified by the NATA or another organization recognized by the National Commission on Competency Assurance.

Minnesota: An applicant for a certificate of registration as an athletic trainer must provide his or her social security number, evidence that he or she has completed an educational program approved by the board, proof that he or she has earned a baccalaureate or master's degree from an accredited college or university, credentials from any other jurisdiction, and disclose any history of drug or alcohol abuse and any misdemeanor or felony conviction.

Ohio: An applicant for licensure must be of good moral character. He or she must have completed a baccalaureate or higher degree from an institution of higher education accredited by the CAATE. The applicant's education must include a supervised clinical experience. The applicant must have passed the BOC examination and the Ohio athletic trainer jurisprudence examination. The athletic trainer section of the state's joint occupational therapy, physical therapy, and athletic trainer board may require an applicant to appear in person for an interview.

Pennsylvania: An applicant for licensure must be a graduate of a board-approved athletic training education program. The applicant must hold and maintain current credentialing as a certified athletic trainer from the BOC or other board-approved credentialing body. The applicant must pass the BOC examination. He or she must be at least 20 years of age and not addicted to alcohol or any hallucinogenic, narcotic, or other drug which tends to impair judgment and coordination.

Wisconsin: An applicant for licensure must provide evidence that he or she does not have an arrest or conviction record, has no history of drug or alcohol abuse, and that he or she has at least a bachelor's degree from an accredited college or university. The applicant must have passed the NATA certification examination and meet the NATA certification requirements. The applicant must also submit certification of a surety bond, or proof of malpractice insurance, in the amount of not less than \$1,000,000.

Licensure by Endorsement: To be licensed by endorsement in Michigan, an applicant must be licensed in another state of the United States, have graduated from an accredited athletic training program, completed a program in first aid, CPR, and AED, and possess a current certification in first aid and CPR. If the applicant was foreign-trained, he or she must obtain a total score of not less than 80 on the TOEFL-IBT.

Illinois: An applicant for licensure by endorsement must be licensed in another jurisdiction and must have successfully completed the BOC examination. The applicant must also have proof of current certification in CPR and AED.

Indiana: If an applicant for licensure by endorsement is licensed to practice as an athletic trainer in another state that has credentialing requirements at least equal to the requirements in Indiana, the applicant is not required to pass the BOC examination.

Minnesota: An applicant for registration by reciprocity must provide a verified copy of a current and unrestricted credential for practice as an athletic trainer in another jurisdiction that has credentialing requirements equivalent to or more stringent than the requirements in Minnesota. The applicant must also submit a letter of verification from the credentialing body in each jurisdiction in which the applicant holds a credential.

Ohio: An applicant for licensure by endorsement must have been engaged in active practice as an athletic trainer in another state and have been BOC certified for not less than 5 years preceding the date of application.

Pennsylvania: An applicant for licensure by endorsement must be a graduate of a board-approved athletic training education program. The applicant must hold and maintain current credentialing as a certified athletic trainer from the BOC or other board-approved credentialing body. The applicant must pass the BOC examination. He or she must be at least 20 years of age and not addicted to alcohol or any hallucinogenic, narcotic, or other drug which tends to impair judgment and coordination. The applicant must provide documentation of practice as an athletic trainer and obtain verification of credentialing from each jurisdiction where he or she has practiced. The verification must include any disciplinary action taken against the applicant.

Wisconsin: If an applicant for licensure is credentialed in another jurisdiction that has credentialing requirements that are substantially equivalent to those in Wisconsin, the board may waive credentialing requirements if the applicant authorizes the board to have access to his or her college or university and credentialing records.

Relicensure: An applicant for relicensure in Michigan must establish that he or she is of good moral character, holds a current, valid BOC certification, has completed training in first aid, CPR, and AED within 3 years before relicensure, holds a current certification in first aid and CPR, has completed 75 hours of approved continuing education (CE) during the 3 years before relicensure. His or her license, registration, certification, or other endorsement recognized by the BOC must be verified by the entity that granted or recognized the credential. If the applicant's license has been lapsed for more than 3 years, he or she must also submit fingerprints.

Illinois: If the applicant's license has been lapsed for less than 5 years, he or she must have completed at least 40 hours of CE within the previous 2 years. If the applicant's license has been lapsed for more than 5 years, he or she must have completed 60 hours of CE within the previous 2 years, provide evidence of any active practice in another jurisdiction, any evidence of military service, or other evidence of continued active participation in athletic training for at least the previous 2 years. Any other

additional information may be requested. The applicant may be required to appear before the board for an interview.

Indiana: If an applicant’s license has been lapsed for 3 years or less, the applicant must have completed 50 hours of CE. If the applicant’s license has been lapsed more than 3 years, the applicant must have completed 50 hours of CE and completed such other remediation and additional training deemed appropriate by the board, given the lapse of time involved.

Minnesota: If the athletic trainer’s registration has lapsed for 2 years or more, he or she must reapply for registration by fulfilling all the requirements for initial registration. If his or her registration has lapsed for less than 2 years, he or she may apply for renewal by providing his or her work history, including the number of hours worked per week, submitting evidence that he or she has met the CE requirements, submitting a current copy of the protocol form from the licensed medical physician who serves as the applicant’s medical consultant and establishes the evaluation and treatment protocols to be used by the athletic trainer, and by submitting any other information requested by the board of medicine.

Ohio: The biennial licensing cycle ends September 30. If the applicant submits an application for relicensure before November 1 of the year in which his or her license expires, he or she must have completed 25 hours of CE to be relicensed. After November 1, the applicant must have completed 25 hours of CE within the 2 years immediately preceding the application for reinstatement. The athletic trainer section of the joint occupational therapy, physical therapy, and athletic trainer board may require the applicant to appear before the board, take or retake the jurisprudence exam, and take or retake the BOC exam.

Pennsylvania: Athletic trainers are licensed by the Pennsylvania Board of Medicine. The board will relicense an applicant who has paid all required fees and penalties, submitted a notarized affidavit stating that he or she did not practice in Pennsylvania while the license was lapsed, submitted a resume of his or her activities during lapse, and completed the required CE. If the license has been lapsed for more than 4 years, the Board may require an interview to ascertain the applicant’s physical and mental fitness to practice.

Wisconsin: The Department of Safety and Professional Services requires the holder of an expired credential to apply for recredentialing within 5 years of the renewal date. The application must be in compliance with the credentialing board’s renewal requirements.

A. If the rule(s) exceed standards in those states, explain why and specify the costs and benefits arising out of the deviation.

The standards pertaining to licensure, relicensure, and license renewal differ from state to state. Overall the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rule(s).

There are no laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rule has been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

Purpose and Objectives of the Rule(s):**4. Identify the behavior and frequency of behavior that the proposed rule(s) are designed to alter.**

R 338.1301 The current rule provides definitions used in the rule set. The proposed rule amends definitions to clarify the meaning of the defined terms used in the proposed rules.

R 338.1303: The current rule provides the training standards for identifying victims of human trafficking. The proposed rule will provide the date by which an applicant for initial licensure or renewal must have completed the training. The rule is designed to inform an applicant for licensure or renewal of the date by which he or she must comply with this requirement.

R 338.1309: The current rule provides the requirements for licensure by examination. The proposed rule is designed to inform an applicant for licensure that he or she must have completed training in first aid, CPR, and AED. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rule also informs the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of licensure and will remain certified throughout the license cycle in compliance with the requirements for license renewal pursuant to MCL 333.17906(2)(b).

R 338.1317: The current rule provides the requirements for licensure by endorsement. The proposed rule is designed to inform applicants for licensure by endorsement that he or she must comply with training in first aid, CPR, and AED. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rule also informs the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of licensure and will remain certified throughout the license cycle in compliance with the requirements for license renewal pursuant to MCL 333.17906(2)(b).

R 338.1321: The current rule provides the licensure requirements for an applicant who has been foreign trained. The proposed rule is designed to inform the applicant that he or she must comply with training in first aid, CPR, and AED. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rule also informs the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of licensure and will remain certified throughout the license cycle in compliance with the requirements for license renewal pursuant to MCL 333.17906(2)(b).

R 338.1321a: This is a proposed new rule that will advise an applicant for licensure that he or she must demonstrate a working knowledge of the English language if the applicant's education or training program was taught outside the United States. Exceptions are provided for those trained in English-speaking countries. This rule is designed to inform an applicant of this statutory licensure requirement.

R 338.1337 The current rule pertains to educational program standards. The proposed rules will rescind this rule and provide a proposed new rule pertaining to educational programs in Part 3 Educational and Training and Certification Programs for organization and clarity.

R 338.1341 The current rule pertains to emergency cardiac care. The proposed rules will rescind this rule and provide a proposed new rule pertaining to first aid, CPR, and AED training and certification programs in Part 3 Educational and Training and Certification Programs for organization and clarity.

R 338.1345: The current rule provides the requirements for relicensure. The proposed rule organizes the requirements for relicensure into a chart format for organization and clarity. The proposed rule also adds the first aid, CPR, and AED training and first aid and CPR certification requirements. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rule also informs the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of relicensure and will remain certified throughout the license cycle in compliance with the requirements for renewal pursuant to MCL 333.17906(2)(b).

R 338.1349: The current rule provides the requirements for license renewal. The proposed rule will inform the applicant for license renewal that he or she must have completed training in first aid, CPR, and AED and remain certified in first aid and CPR at all times during the renewal cycle, as required by MCL 333.17906(2)(b).

R 338.1354 This is a new proposed rule regarding the board's adoption by reference of the standards for accreditation of athletic training programs by the CAATE and by the Council of Higher Education Accreditation.

R 338.1355 This is a new proposed rule regarding the board's approval of first aid, CPR, and AED training and certification programs offered or approved by the American Red Cross, American Heart Association, and other comparable organizations. It adopts by reference the standards of the 2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care and approves any training provider that uses the standards adopted by reference as required by MCL 333.17906(2)(a).

R 338.1357 This rule provides for the accumulation of required CE credits. The proposed rule approves and adopts by reference the standards of the BOC. The proposed rule provides for approved CE if the program is approved by the BOC, and the proposed rule includes other CE activities approved by the board.

R 339.1378 This rule provides for the adoption of the BOC's Standards of Professional Practice, which is permitted by MCL 333.17904(2). The proposed rules revise outdated information regarding the BOC's standards.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rule(s).

The proposed rules will require each applicant for licensure or relicensure to complete AED training within 3 years before licensure or relicensure. This proposed rule requiring AED training will be added to parallel the requirements for license renewal and to protect the public by ensuring that the licensee is trained to respond to a medical emergency. The expected change in the frequency of the targeted behavior is that the number of licensed athletic trainers who are trained for a medical emergency requiring the use of an automated external defibrillator will increase. The proposed rules for first aid and CPR training and certification are required by MCL 333.17906(2)(b), so there is no expected change in behavior as a result of the proposed rules adding those statutory requirements.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1 General Provisions: The proposed rules will revise definitions for clarity. The definition of emergency cardiac care will be removed because the defined term does not describe the training that is required by statute. The rules in this part are intended to inform the reader of the meanings of terms used in the proposed rules.

Part 2 Licensure: The proposed rules will inform an applicant for licensure or license renewal of the date by which he or she must have completed the training pertaining to identifying victims of human trafficking. Those dates are not in the current rules. The rules in this part are intended to assist an applicant in determining when he or she must comply with this requirement.

Licensure and Relicensure: The proposed rules regarding licensure by examination, licensure by endorsement, and relicensure will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rules also inform the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of licensure or relicensure and will remain certified throughout the license cycle in compliance with the requirements for license renewal pursuant to MCL 333.17906(2)(b). The proposed licensure by endorsement rule is also amended to add verification of athletic training professional endorsements recognized by the BOC. This is intended to inform an applicant that any athletic training professional endorsement granted or recognized by the BOC will be verified.

Foreign Trained Applicants: A new proposed rule will advise a foreign-trained applicant for licensure that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or more on the TOEFL-IBT. This rule is to inform an applicant who was foreign-trained of this licensure requirement under MCL 333.16174(1)(d).

Renewal: The proposed rules regarding license renewal will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. These are required by MCL 333.17906(2)(a)(b). The rule is intended to inform an applicant of these statutory requirements.

Part 3 Educational and Training and Certification Programs: The proposed rules add Part 3 to reorganize the approved educational and training and certification programs information for clarity. The proposed rules in this part update the educational program standards to give an applicant the information he or she needs to determine if his or her educational program is approved by the board.

The new proposed rules update and amend the approved first aid, CPR and AED training and certification programs to give the applicant the information that he or she needs to determine if his or her training and certification programs are approved pursuant to MCL 333.17906(2)(a).

Part 4 Continuing Education: The proposed rules clarify the limitations for accumulating CE and identify approved CE programs and activities. The proposed rules in this part are intended to assist a licensee in identifying approved CE credits required for license renewal.

C. What is the desired outcome?

Part 1 General Rules: The desired outcome is to provide clearer definitions of the terms used in the proposed rules.

Part 2 Licensure: The desired outcome is to update and clarify licensure and relicensure requirements, especially as they relate to first aid, CPR, and AED. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is to respond to a medical emergency. The rule pertaining to training for identifying the victims of human trafficking will provide the date by which compliance is required. The proposed rules

will inform a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language pursuant to MCL 333.16174(1)(d).

The proposed amendments to the rule regarding license renewal are intended to inform the applicant of the first aid, CPR, and AED training and first aid and CPR certification required by MCL 333.17906(2)(b) for license renewal.

Part 3 Educational and Training and Certification Programs: The proposed updates and amendments to the educational program standards and the approved first aid, CPR and AED training and certification programs are intended to provide an applicant with the information he or she needs to determine if an educational, training, or certification program is approved.

Part 4 Continuing Education: The desired outcome is to assist a licensee in his or her efforts in identifying approved CE credits required for license renewal.

5. Identify the harm resulting from the behavior that the proposed rule(s) are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Rules: The definitions in the current rules do not identify the Michigan Public Health Code by name and it includes a definition for a term that is not used in the proposed rules. It is unlikely that the definitions would cause harm, but they do not accurately reflect the meaning of terms used in the rules.

Part 2 Licensure: The current rules do not inform an applicant for licensure or license renewal of the date by which he or she must complete training pertaining to identifying victims of human trafficking. The harm that could result is that an applicant will not complete the training by the required date. The proposed rule will assist an applicant for licensure or license renewal to comply with this requirement.

Licensure and Relicensure: The current rules do not include the requirements that an applicant must have completed first aid, CPR, and AED training within 3 years before licensure or relicensure. The harm that may occur is that a licensee may not be adequately trained to respond to a medical emergency. The current rules do not advise a licensee that he or she must be certified in first aid and CPR at the time of licensure or relicensure. The harm that may occur is that the licensee may fail to obtain and maintain his or her first aid and CPR certification during the entire licensing cycle, as required by MCL 333.17906(2)(b), and will not be able to provide the proof of certification needed for license renewal.

Licensure by Endorsement: The proposed licensure by endorsement rule is amended to add verification of an athletic training professional endorsement recognized by the BOC. An applicant who has been endorsed as an athletic training professional by the BOC should be subject to the same verification of his or her credentials as an applicant who is certified by the BOC. The proposed rule is intended to inform an applicant that his or her endorsement will be verified.

Foreign Trained Applicants: A new proposed rule will advise a foreign-trained applicant for licensure that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or more on the TOEFL-IBT. This rule is to inform an applicant who was foreign-trained of this statutory requirement. The harm that could result from the current rule is that the applicant may fail to comply, causing delay in licensure.

Renewal: The proposed rules regarding license renewal will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. These are required by statute for license renewal by MCL 333.17906(2)(a)(b). The proposed rules are intended to inform the applicant of these statutory requirements.

Part 3 Educational and Training and Certification Programs: The proposed rules add this part to organize and clarify the approved educational and training and certification programs. The proposed rules update the educational program standards to give an applicant the information he or she needs to determine if his or her educational program is accredited. The harm that could result is that an applicant’s educational program may not meet licensure requirements.

The new proposed rules update and amend the approved first aid, CPR, and AED training and certification programs to give the applicant the information that he or she needs to determine if his or her training or certification program is approved and meets statutory requirements for license renewal.

Part 4 Continuing Education: The proposed rules clarify the limitations for accumulating CE and identify approved CE courses and activities. The rule is intended to assist a licensee in identifying approved CE credits required for license renewal. The harm that could result from the current rules is that the licensee may fail to identify and accumulate sufficient board-approved CE credits for renewal.

A. What is the rationale for changing the rule(s) instead of leaving them as currently written?

Part 1 General Provisions: The proposed rules will revise definitions for clarity. As defined, “emergency cardiac care” is beyond the requirements of the statute for CPR and AED training and, therefore, will be removed in the proposed rules. The changes are being made to inform a reader of the meanings of defined terms used in the proposed rules.

Part 2 Licensure: The proposed rules will inform an applicant for licensure or license renewal of the date by which he or she must complete training pertaining to identifying victims of human trafficking, which are not in the current rules. The rules are intended to assist an applicant for licensure or license renewal to determine when he or she must comply with this requirement.

Licensure and Relicensure: The proposed rules regarding licensure by examination, licensure by endorsement, and relicensure will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. The requirement of AED training will be added to parallel the requirements for license renewal and to ensure that a licensee is trained to respond to a medical emergency. The proposed rules also inform the applicant that he or she must be certified in first aid and CPR. The certification requirements will be added to ensure that the licensee will be certified at the time of licensure or relicensure and will remain certified throughout the license cycle in compliance with the requirements for license renewal pursuant to MCL 333.17906(2)(b).

Licensure by Endorsement: The proposed licensure by endorsement rule is amended to add verification of an athletic training professional endorsement recognized by the BOC. An applicant who has been endorsed as an athletic training professional by the BOC should be subject to the same verification of his or her credentials as an applicant who is certified by the BOC. The proposed rule is intended to inform an applicant that his or her endorsement will be verified.

Foreign Trained Applicants: A new proposed rule will advise a foreign-trained applicant for licensure that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or more on the TOEFL-IBT. This rule is to inform an applicant who was foreign-trained that this is required by MCL 333.16174(1)(d).

Renewal: The proposed rules regarding license renewal will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. These are required by MCL 333.17906(2)(a)(b). The rule is intended to inform the applicant of these statutory requirements.

Part 3 Educational and Training and Certification Programs: The proposed rules add this part to organize and identify board-approved educational, training, and certification programs. The proposed rules update the educational program standards to give an applicant the information he or she needs to determine if his or her educational program is accredited. The new proposed rules update and amend the approved first aid, CPR, and AED training and certification programs to give the applicant the information that he or she needs to determine if his or her training or certification program is approved pursuant to MCL 333.17906(2)(a).

Part 4 Continuing Education: The proposed rules clarify the limitations for accumulating CE and identify approved CE programs and activities. The rule is intended to assist a licensee in identifying approved CE programs and activities.

6. Describe how the proposed rule(s) protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1 General Provisions: The proposed rules will inform an applicant or licensee of the meaning of the terms used in the rules and will protect the health, safety, and welfare of the public by ensuring that the applicant or licensee has a full understanding of each defined term as it is used in the proposed rules.

Part 2 Licensure: The proposed rules will ensure that an applicant for licensure or license renewal knows when he or she must complete the training to identify the victims of human trafficking. When a health professional is trained to identify a victim of human trafficking, the health, safety, and welfare of vulnerable people are better protected.

Licensure and Relicensure: The proposed rules regarding licensure by examination, licensure by endorsement, relicensure, and license renewal are amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. The first aid and CPR requirements are required by MCL 333.17906(2)(b). The AED training will be added to parallel the requirements for license renewal. The first aid, CPR, and AED requirements protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee is trained to respond to a medical emergency.

Foreign Trained Applicants: A proposed rule is added to inform a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language, MCL 333.16174(1)(d). The health, safety, and welfare of the public is protected by ensuring that an athletic trainer can communicate effectively with his or her clients.

Part 3 Educational and Training and Certification Programs: The proposed rules update the educational program standards, which will protect the health, safety, and welfare of the public by ensuring that the licensee's education was obtained from an educational program that meets national accreditation standards. The proposed rules update and amend the approved first aid, CPR, and AED training and certification programs pursuant to MCL 333.17906(2)(a). The health, safety, and welfare of the public is protected by ensuring that the licensee's training and certification were obtained from a program that meets nationally recognized standards.

Part 4 Continuing Education: The proposed rules clarify the limitations for accumulating CE and identify approved CE programs and activities. The health, safety, and welfare of Michigan citizens is protected by ensuring that a licensee is up-to-date on the current standards of practice.

7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 338.1337 and R 338.1341 are rescinded for organization and clarity.

Fiscal Impact on the Agency:

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursement rates, etc. over and above what is currently expended for that function. It does not include more intangible costs or benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

8. Describe the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings).

The proposed rules are not expected to have a fiscal impact on the agency.

9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rule(s).

No agency appropriation has been made nor has a funding source been provided for expenditures associated with implementing these rules.

10. Describe how the proposed rule(s) is necessary and suitable to accomplish its purpose, in relationship to the burden(s) it places on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Rules: The proposed rules will revise definitions for clarity. There is no additional burden on an individual.

Part 2 Licensure: The proposed rules will inform an applicant for licensure or license renewal of the date by which he or she must complete training pertaining to identifying victims of human trafficking. There is no additional burden on an individual.

Licensure and Relicensure: The proposed rules regarding licensure by examination, licensure by endorsement, and relicensure will amend the requirements of first aid, CPR, and AED training and first aid and CPR certification. First aid, CPR, and AED training will be required for initial licensure to parallel the training required by statute for license renewal in MCL 333.17906(2)(a). First aid and CPR certification are statutorily required and must be maintained for the entire licensing cycle pursuant to MCL 333.17906(2)(b). There is no additional burden on an individual for the first aid and CPR training and certification because they are statutorily required. It is difficult to estimate the cost of the AED training because the training often includes CPR training. The cost of AED training sponsored by Spectrum Health in Grand Rapids is approximately \$150.00. The cost of AED training in the Detroit/Ann Arbor area is approximately \$250.00. The burden on the applicant for licensure or relicensure is outweighed by the benefit to Michigan citizens by ensuring that a licensee is trained to respond to a medical emergency.

Foreign Trained Applicants: A new proposed rule will advise a foreign-trained applicant for licensure that he or she must demonstrate a working knowledge of the English language. The fee to take the TOEFL-IBT at a Michigan-based location is approximately \$195.00. The burden placed on the individual to take the TOEFL-IBT is outweighed by the benefit to Michigan citizens by ensuring that a foreign-trained applicant can communicate effectively with his or her clients. This is statutorily required by MCL 333.16174(1)(d).

Renewal: The proposed rules regarding license renewal will be amended to add the requirements of first aid, CPR, and AED training and first aid and CPR certification. These are required by MCL 333.17906(2)(a)(b). There is no additional burden on an individual.

Part 3 Educational and Training and Certification Programs: The proposed rules add this part to organize and clarify the approved educational, training, and certification programs. There is no additional burden on an individual.

Part 4 Continuing Education: The proposed rules clarify the limitations for accumulating CE and identify approved CE courses and activities. There is no additional burden on an individual.

A. Despite the identified burden(s), identify how the requirements in the rule(s) are still needed and reasonable compared to the burdens.

The first aid and CPR training and certification are statutory requirements. The cost of AED training sponsored by Spectrum Health in Grand Rapids is approximately \$150.00. The cost of AED training in the Detroit/Ann Arbor area is approximately \$250.00. However, the cost is outweighed by the benefit of ensuring that the applicant can take prompt, appropriate action in case of a medical emergency.

The estimated cost to take the TOEFL-IBT is \$195.00. However, the cost is outweighed by the benefit of ensuring that the applicant can communicate effectively with clients. Further, the rule is required by statute.

Impact on Other State or Local Governmental Units:

11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for such other state or local governmental units as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in costs to state or local governmental units as a result of the proposed rules.

A. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in costs to state or local governmental units as a result of the proposed rules.

12. Discuss any program, service, duty or responsibility imposed upon any city, county, town, village, or school district by the rule(s).

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, township, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rule(s). This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with these proposed rules.

13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rule(s).

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact:

14. In general, what impact will the rule(s) have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to individuals licensed under the Michigan Public Health Code as an athletic trainer regardless of his or her location.

A. Describe the types of public or private interests in rural areas that will be affected by the rule(s).

The proposed rules are not expected to affect public or private interests in rural areas.

Environmental Impact:

15. Do the proposed rule(s) have any impact on the environment? If yes, please explain.

The proposed rules do not have an environmental impact.

Small Business Impact Statement:

16. Describe whether and how the agency considered exempting small businesses from the proposed rule(s).

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's work place qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

17. If small businesses are not exempt, describe (a) how the agency reduced the economic impact of the proposed rule(s) on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rule(s) upon small businesses as described below, per MCL 24.240(1)(a)-(d), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees. Further, the Michigan Public Health Code requires an athletic trainer to be licensed and he or she may work in a small business.

While a licensee may work independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of the rules. However, the impact on a licensee who works as part of a small business is minimized in the proposed rules, as the rules are written broadly. The proposed rule changes will have minimal or no impact on a licensee. As a result, a licensee, whether in small business or not, should not be significantly impacted by the changes.

A. Identify and estimate the number of small businesses affected by the proposed rule(s) and the probable effect on small business.

There are approximately 1,601 athletic trainers in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all athletic trainer licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements with the proposed rules

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rule(s).

The agency did not establish performance standards to replace design or operation standards required by these rules.

18. Identify any disproportionate impact the proposed rule(s) may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rule(s).

The proposed rules affect individual licensure applications and renewals, which are already required of all licensees, regardless if they practice in a small business. There is no separate cost to small businesses.

20. Analyze the costs of compliance for all small businesses affected by the proposed rule(s), including costs of equipment, supplies, labor, and increased administrative costs.

There will be no increased costs of compliance for a small business concerning the costs of equipment, supplies, labor, or administrative costs.

21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rule(s).

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession. Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

25. Describe whether and how the agency has involved small businesses in the development of the proposed rule(s).

The department worked with the Michigan Board of Athletic Trainers in the development of the proposed rules. The Board is composed of members of the profession and public members and it represents both small and large business entities in Michigan.

- A. If small businesses were involved in the development of the rule(s), please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact):

26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rule(s).

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

27. Estimate the actual statewide compliance costs of the proposed rule(s) on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The first aid and CPR training and certification are statutory requirements. The cost of AED training sponsored by Spectrum Health in Grand Rapids is approximately \$150.00. The cost of AED training in the Detroit/Ann Arbor area is approximately \$250.00. However, the cost is outweighed by the benefit of ensuring that the applicant can take prompt, appropriate action in case of a medical emergency.

The estimated cost to take the TOEFL-IBT is \$195.00. However, the cost is outweighed by the benefit of ensuring that the applicant can communicate effectively with clients. Further, the rule is required by statute.

A. How many and what category of individuals will be affected by the rules?

All licensees and applicants are affected by the first aid, CPR training, and AED training requirements, which are required by statute.

A foreign-trained applicant will be affected as he or she must demonstrate a working knowledge of the English language by taking the TOEFL-IBT.

B. What qualitative and quantitative impact does the proposed change in rule(s) have on these individuals?

The first aid and CPR training and certification are statutory requirements. The cost of AED training sponsored by Spectrum Health in Grand Rapids is approximately \$150.00. The cost of AED training in the Detroit/Ann Arbor area is approximately \$250.00. However, the cost is outweighed by the benefit of ensuring that the applicant can take prompt, appropriate action in case of a medical emergency.

The estimated cost to take the TOEFL-IBT is \$195.00. However, the cost is outweighed by the benefit of ensuring that the applicant can communicate effectively with clients. Further, the rule is required by statute.

28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule(s).

There are no cost reductions for businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rule(s). Provide both quantitative and qualitative information, as well as your assumptions.

Licensure and Relicensure Applicants: The proposed rules require an applicant for licensure or relicensure to have completed first aid, CPR, and AED training and to have first aid and CPR certification. The first aid and CPR requirements are required under MCL 333.17906(2)(b). The cost of AED training sponsored by Spectrum Health in Grand Rapids is approximately \$150.00. The cost of AED training in the Detroit/Ann Arbor area is approximately \$250.00. However, the cost is outweighed by the benefit of ensuring that the applicant can take prompt, appropriate action in case of a medical emergency.

Licensure of Foreign-Trained Applicants: The proposed rules inform a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language by achieving a score of 80 or above on the TOEFL-IBT. Michigan citizens will be benefitted by ensuring that the applicant has a working knowledge of the English language so he or she can communicate effectively with his or her clients. These rules are required by MCL 333.16174.

30. Explain how the proposed rule(s) will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth or job creation.

31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

There is not expected to be a disproportionate effect due to industrial sector, segment of the public, business size, or geographic location.

32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of a proposed rule(s) and a cost-benefit analysis of the proposed rule(s).

Illinois: <http://www.ilga.gov/commission/jcar/admincode/068/06801160sections.html>;
<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1291&ChapAct=225%A0ILCS%A05/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Athletic+Trainers+Practice+Act>

Indiana: <http://www.in.gov/legislative/iac/T08980/A00010.PDF?>; <https://www.in.gov/pla/3886.htm>;
<http://iga.in.gov/legislative/laws/2015/ic/titles/025/articles/5.1/>;
<http://iga.in.gov/legislative/laws/2018/ic/titles/025#25-1>

Minnesota: <https://www.revisor.mn.gov/statutes/cite/148.7808>;
<https://www.revisor.mn.gov/statutes/cite/148.7809>

Ohio:
<http://otptat.ohio.gov/Portals/0/laws/Ohio%20AT%20Practice%20Act%20as%20of%20July%201%202015.pdf?ver=2015-07-01-090027-457>;
<http://otptat.ohio.gov/Portals/0/laws/Ohio%20AT%20Practice%20Act%20as%20of%20May%201%202018.pdf?ver=2018-05-02-143519-423>; <http://codes.ohio.gov/orc/4755.61>;
<http://codes.ohio.gov/orc/4755.62>

Pennsylvania:
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Medicine/Documents/Board%20Documents/MedM%20-%20Act.pdf>;
<https://www.pacode.com/secure/data/049/chapter18/subchapHtoc.html>

Wisconsin: https://docs.legis.wisconsin.gov/code/admin_code/at/2.pdf;
https://docs.legis.wisconsin.gov/code/admin_code/at/1.pdf;
<http://docs.legis.wisconsin.gov/statutes/statutes/448/VI/953>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rule(s).

There were no estimates made because the rules impact an individual licensee as well as an applicant for licensure. No estimate could consider the setting where an individual may use his or her license. Because the rules only impact an individual, and impact all in the same way, the assumptions were that no additional cost or benefit would result from the proposed rules.

Alternatives to Regulation:

33. Identify any reasonable alternatives to the proposed rule(s) that would achieve the same or similar goals. Include any statutory amendments that may be necessary to achieve such alternatives.

The rules are required by statute; there is no reasonable alternative to the proposed rules.

A. In enumerating your alternatives, include any statutory amendments that may be necessary to achieve such alternatives.

There is no reasonable alternative to the proposed rules.

34. Discuss the feasibility of establishing a regulatory program similar to that in the proposed rule(s) that would operate through private market-based mechanisms. Include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. States regulate athletic trainers by statute, regulation, or both. Private market-based systems are not used for licensing and regulation. The licensing and regulation of athletic trainers are state functions, so a regulatory program independent of state intervention cannot be established. There are professional associations that establish criteria for membership as an athletic trainer, but these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure their competency or hold them accountable.

35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rule(s). This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information:

36. As required by MCL 24.245b(1)(c), describe any instructions on complying with the rule(s), if applicable.

Licensure and Relicensure Applicants: The proposed rules require an applicant for licensure or relicensure to have completed first aid, CPR, and AED training and to have first aid and CPR certification. An applicant for initial licensure, licensure by endorsement, or relicensure should complete first aid, CPR, and AED training and be certified and maintain certification in first aid and CPR.

Licensure of Foreign-Trained Applicants: The proposed rules inform a foreign-trained applicant that he or she must demonstrate a working knowledge of the English language by scoring 80 or above on the TOEFL-IBT. An applicant who was foreign-trained should seek an evaluation of his or her education by an accrediting organization and complete the TOEFL-IBT.

↓ **To be completed by the ORR** ↓

PART 4: REVIEW BY THE ORR

Date RISCBA received:	12-3-18 / 2-20-19
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Date RISCBA approved:	2/27/19
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Date of disapproval:	
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Explanation:	
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