

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Dena Marks

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Rule Set Information:

ARD assigned rule set number:

2020-16 LR

Title of proposed rule set:

Athletic Training - General Rules

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

1. Compare the proposed rules 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 rules required by state law or federal mandate?

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licensure, renewals, examination, and required passing scores.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.17904 requires the department to establish the minimum standards for licensure as an athletic trainer.

MCL 333.17905 requires the department, in consultation with the board, to promulgate rules to establish continuing education requirements.

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

The proposed rules do not exceed a federal standard.

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

The proposed rules are consistent with the standards required in the Michigan Public Health Code, and the rules are largely consistent with the requirements of other states in the Great Lakes region. Every state in the Great Lakes region provides for the regulation of this profession.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

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 rules.

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

A. Explain how the rules have 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 rule.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(9) does not apply.

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1 General Provisions: The current rules provide definitions for terms used in the rule set. The proposed rules will add a new definition for “emergency cardiac care.” A new telehealth rule will be added, as required by MCL 333.16287. The proposed rules will assist a reader in understanding the meaning of the terms used in the rule set and advise a licensee of his or her duties when rendering telehealth services.

Part 2 Licensure: The current rules pertain to the requirements for licensure, licensure by endorsement, relicensure, and license renewal. A recent statutory change removed the requirements of first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) training for licensure. In the proposed rules, these requirements will be removed and emergency cardiac care training will be added for licensure, licensure by endorsement, relicensure, and license renewal. The requirement that an applicant have a working knowledge of the English language for licensure will be included in the Public Health Code – General Rules, so the requirement will be removed from this ruleset. These proposed changes will assist an applicant in complying with the requirements for licensure, licensure by endorsement, relicensure, and license renewal.

Part 3 Educational and Training and Certification Programs: The current rules pertain to the educational programs adopted by reference and the programs approved by the board for first aid, CPR, and AED training. The proposed rules will provide up-to-date information regarding approved educational programs and identify the entities approved for emergency cardiac care training.

Part 4 Continuing Education: The current rules pertain to limitations on the accumulation of continuing education and identify the activities approved by the board for the accumulation of continuing education credits. The proposed rules will update and clarify the limitations and the activities approved by the board for the accumulation of continuing education credits.

Part 5 Delegation and Adoption by Reference of Professional Standards: The current rules pertain to the delegation of a duty by a licensee and the professional standards the board has adopted by reference. In the proposed rules, changes will be made to citations and additional information will be provided.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The frequency of use is not expected to change.

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

Part 1 General Provisions: The current rules provide definitions for terms used in the rule set. The proposed rules will add a new definition for “emergency cardiac care.” A new telehealth rule will be added, as required by MCL 333.16287. The proposed rules are intended to assist a reader in understanding the training required for licensure, licensure by endorsement, relicensure, and license renewal. The rules are also intended to advise a licensee of his or her duties when rendering telehealth services and to comply with the requirements of MCL 333.16287.

Part 2 Licensure: The current rules pertain to the requirements for licensure, licensure by endorsement, relicensure, and license renewal. A recent change in statute removed the requirements of first aid, CPR, and AED training for licensure. The proposed rules are intended to remove the outdated requirements and to add required emergency cardiac care training. The proposed rules will also remove the requirement that an applicant have a working knowledge of the English language for licensure, as this licensing requirement is being added to the Public Health Code – General Rules.

Part 3 Educational and Training and Certification Programs: The current rules pertain to the educational programs adopted by reference and the programs approved by the board for first aid, CPR, and AED training. The proposed rules are intended to provide up-to-date information regarding the approved educational programs and to identify the entities approved for emergency cardiac care training.

Part 4 Continuing Education: The current rules pertain to limitations on the accumulation of continuing education, and they identify the activities approved by the board for the accumulation of continuing education credits. The proposed rules are intended to update and clarify the limitations and the activities approved by the board for the accumulation of continuing education credits.

Part 5 Delegation and Adoption by Reference of Professional Standards: The current rules pertain to the delegation of a duty by a licensee and the professional standards the board has adopted by reference. The proposed rules are intended to provide additional information regarding obtaining a copy of the professional standards.

C. What is the desired outcome?

R 338.1301: This rule provides the definitions for the rule set. The proposed change to this rule would add a definition for “emergency cardiac care” to ensure that the reader understands the type of training required by the rules in Part 2 of this ruleset.

R 338.1302: This rule pertains to telehealth services. The proposed change would add a telehealth rule to inform the licensee of his or her duties when providing a telehealth service and to comply with the statutory requirements of MCL 333.16287.

R 338.1303: This rule pertains to the identifying victims of human trafficking training requirements. The proposed changes to this rule would provide clarity.

R 338.1309: This rule pertains to licensure by examination. The proposed changes to this rule would remove the requirements of first aid, CPR, and AED training and add the requirement of emergency cardiac care training to ensure that a licensee is prepared to respond to an emergency cardiac event.

R 338.1317: This rule pertains to licensure by endorsement. The proposed changes to this rule would remove the requirements of first aid, CPR, and AED training and add the requirement of emergency cardiac care training to ensure that a licensee is prepared to respond to an emergency cardiac event.

R 338.1321: This rule pertains to licensure of foreign-trained applicants. The proposed changes to this rule would remove the requirements of first aid, CPR, and AED training and add the requirement of emergency cardiac care training to ensure that a licensee is prepared to respond to an emergency cardiac event.

R 338.1321a: This rule pertains to the minimum English language standard. The proposed rules will remove the requirement that an applicant have a working knowledge of the English language for licensure, as this requirement is being added to the Public Health Code – General Rules.

R 338.1325: This rule pertains to the athletic trainer credentialing examination. The proposed rule change will update the name of the entity that scores the athletic trainer credentialing examination.

R 338.1345: This rule pertains to relicensure. The proposed changes to this rule would remove the requirements of first aid, CPR, and AED training and add the requirement of emergency cardiac care training to ensure that a licensee is prepared to respond to an emergency cardiac event.

R 338.1349: This rule pertains to license renewal requirements. The proposed changes to this rule would remove the requirements of first aid, CPR, and AED training and add the requirement of emergency cardiac care training to ensure that a licensee is prepared to respond to an emergency cardiac event.

R 338.1354: This rule pertains to educational program standards. The proposed changes update the educational program standards adopted by reference.

R 338.1355: This rule pertains to approved emergency cardiac care training. The proposed changes to this rule would identify the entities approved to provide the required cardiac care training to assist an applicant in meeting the requirements for licensure, licensure by endorsement, relicensure, and license renewal.

R 338.1357: This rule pertains to limitations of accumulating continuing education and approved continuing education activities. The proposed changes add clarity to the current rule for better reader understanding.

R 338.1369: This rule pertains to delegation and supervision requirements. The proposed changes will correct typographical errors.

R 338.1378: This rule pertains to professional standards. The proposed changes will advise the reader of the cost for obtaining copies of the professional standards.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Provisions: The proposed rules will add a new definition for “emergency cardiac care,” and a new telehealth rule will be added, as required by MCL 333.16287. The rules are intended to inform an applicant of the training required for licensure, licensure by endorsement, relicensure, and license renewal, so that the applicant will obtain the training necessary to protect the health, safety, and welfare of his or her clients. The proposed telehealth rule is intended to advise a licensee of his or her duties when rendering telehealth services and to comply with the requirements of MCL 333.16287.

Part 2 Licensure: The current rules pertain to the requirements for licensure, licensure by endorsement, relicensure, and license renewal. The proposed rules are intended to comply with statutory changes and to ensure that the licensee has the necessary emergency cardiac care training to provide treatment if needed.

Part 3 Educational and Training and Certification Programs: The current rules pertain to the educational programs adopted by reference and the programs approved by the board for first aid, CPR, and AED training. The proposed rules are intended to provide up-to-date information regarding the approved educational programs and to identify the entities approved for emergency cardiac care training.

Part 4 Continuing Education: The current rules pertain to limitations on the accumulation of continuing education and identify the activities approved by the board for the accumulation of continuing education credits. The proposed rules are intended to update and clarify the limitations and the activities approved by the board for the accumulation of continuing education credits.

Part 5 Delegation and Adoption by Reference of Professional Standards: The current rules pertain to the delegation of a duty by a licensee and the professional standards the board has adopted by reference. It is unlikely that harm will result if the rules remain unchanged, but the rule would not be up-to-date.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1 General Provisions: The proposed rules are necessary to provide the meaning of the term “emergency cardiac care.” Without this definition, an applicant would not know what training was required for licensure, licensure by endorsement, relicensure, or license renewal. The proposed new telehealth rule is needed to advise a licensee of his or her duties when rendering telehealth services and to comply with the requirements of MCL 333.16287.

Part 2 Licensure: The current rules pertain to the requirements for licensure, licensure by endorsement, relicensure, and license renewal. The proposed rules are intended to comply with statutory changes and ensure that a licensee has the necessary emergency cardiac care training to provide emergency care if needed.

Part 3 Educational and Training and Certification Programs: The proposed rules are intended to provide up-to-date information regarding the approved educational programs and to identify the entities approved for emergency cardiac care training.

Part 4 Continuing Education: The proposed rules are intended to update and clarify the limitations on the accumulation of continuing education credits and the activities approved by the board for the accumulation of continuing education credits.

Part 5 Delegation and Adoption by Reference of Professional Standards: The proposed rules are intended to add clarity and updated information. This cannot be accomplished without changing the rules.

8. Describe how the proposed rules 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 add a new definition for “emergency cardiac care.” The health, safety, and welfare of Michigan citizens will be protected by ensuring that an applicant understands what training is required in the rules for licensure, licensure by endorsement, relicensure, and license renewal, where this term is used. The proposed new telehealth rule will protect the health, safety, and welfare of Michigan citizens by ensuring that the licensee acts within the scope of his or her authority and provides the same standard of care applicable to a traditional health care service.

Part 2 Licensure: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed emergency cardiac care training. This training will prepare the licensee to render the necessary care to a client if the need arises.

Part 3 Educational and Training and Certification Programs: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed the appropriate educational program and received emergency cardiac care training from a board-approved entity.

Part 4 Continuing Education: The proposed rules are intended to protect the health, safety, and welfare of Michigan citizens by ensuring that the applicant for renewal has completed the necessary continuing education to stay up-to-date in his or her education and training.

Part 5 Delegation and Adoption by Reference of Professional Standards: The proposed rules protect the health, safety, and welfare of Michigan citizens by clarifying the rules pertaining to the delegation of a duty and the board-approved professional standards to ensure that a licensee understands his or her duties to provide the necessary supervision of a delegatee and the acceptable standards of his or her professional practice.

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

R 338.2202b requires that an applicant demonstrate that he or she has a working knowledge of the English language, as required in MCL 333.16174. This rule will be rescinded in the proposed rules because this requirement will be included in the Public Health Code – General Rules. This rule is no longer needed in this ruleset.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

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

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Provisions: It is not anticipated that the proposed rules will add any new burden on an individual. The definition for “emergency cardiac care” does not, in itself, put any burden on the individual. A new proposed rule is added to this part regarding telehealth services. This rule is necessary to ensure the public health, safety, and welfare of Michigan citizens receiving telehealth services, and it is not anticipated that it will impose any burden on the licensee.

Part 2 Licensure: The proposed rules require an applicant for licensure, licensure by endorsement, relicensure, and license renewal to have completed emergency cardiac care training. The cost of the training varies, depending on the provider, but training approved by the American Heart Association, that would satisfy the requirement, would cost, approximately, \$172.00.

The training previously required by the rules for first aid, CPR, and AED, offered by the American Heart Association, would cost, approximately, \$165.00. The increased cost is minimal for the licensee, and training required under the new rules better protects the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed the type of training that would prepare the licensee for an emergency cardiac event.

Part 3 Educational and Training and Certification Programs: It is not anticipated that the proposed rules would add any new burden on an individual.

Part 4 Continuing Education: The proposed rules are intended to protect the health, safety, and welfare of Michigan citizens by ensuring that the applicant for renewal has completed the necessary continuing education to stay up-to-date in his or her education and training. It is not anticipated that the proposed rules would add any new burden on an individual.

Part 5 Delegation and Adoption by Reference of Professional Standards: It is not anticipated that the proposed rules would impose any burden on an individual.

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

There is no identified burden imposed by the proposed rules.

13. 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 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 reductions for other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, 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 rules. 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 the proposed rules.

15. 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 rules.

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

16. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee’s workplace 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.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules 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 rules upon small businesses as described below (in accordance with 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.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 1,716 athletic trainers licensed 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 business 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 rules 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 individual 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 for small businesses with the proposed rules because the proposed rules do not impact small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

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

20. Identify any disproportionate impact the proposed rules 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.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules affect individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

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

24. 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.

25. 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.

26. 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.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department worked with the Michigan Board of Athletic Trainers in the development of the proposed rules. The Board is composed of professional and public members.

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

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

28. 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 rules.

No businesses or groups will be directly affected or benefited 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)? Please 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.

29. Estimate the actual statewide compliance costs of the proposed rules 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 proposed rules require an applicant for licensure, licensure by endorsement, relicensure, and license renewal to have completed emergency cardiac care training. The cost of the training varies, depending on the provider, but training approved by the American Heart Association, that would satisfy the requirements of these rules would cost, approximately, \$172.00.

The training previously required by the rules for first aid, CPR, and AED training, approved by the American Heart Association, would cost, approximately, \$165.00. The increased cost is minimal for the licensee, and the training required under the new rules better protects the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed the type of training that would prepare the licensee for an emergency cardiac event.

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

All licensees and applicants are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

There is minimal qualitative or quantitative impact on an individual licensee as a result of the proposed rules because the cost of training to prepare for an emergency cardiac event is, approximately, \$7.00 more than the cost of the previously required first aid, CPR, and AED training.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

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

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public, applicants, and licensees to better understand the requirements for licensure and renewal.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

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

33. 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.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. 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 the proposed rules and a cost-benefit analysis of the proposed rules.

American Heart Association: <https://www.heart.org/>

Illinois: <http://www.ilga.gov/commission/jcar/admincode/068/06801160sections.html>;

[http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1291&ChapAct=225%A0ILCS%](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)

[A05/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Athletic+Trainers+Practice+Act](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/2020/ic/titles/025#25-5.1>;

<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: <https://otptat.ohio.gov/Portals/0/laws/AT%20Laws%20and%20Rules%2007-31-2020.pdf?ver=2020-08-11-165031-440>; <http://codes.ohio.gov/orc/4755.61>; <http://codes.ohio.gov/orc/4755.62>

Pennsylvania: <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter18/subchapHtoc.html&d=reduce>

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 rules.

Since the rules are required by statute, no estimates were made.

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please 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. The licensing and regulation of athletic trainers are state functions, and states regulate athletic trainers by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these 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.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

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.

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.