

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0224.01 Christy Chase x2008

SENATE BILL 16-161

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF ATHLETIC TRAINERS BY THE**
102 **DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE**
103 **DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Prior to July 1, 2015, athletic trainers practicing in Colorado were regulated by the director of the division of professions and occupations (director) in the department of regulatory agencies. In the 2015 legislative

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
May 3, 2016

SENATE
Amended 2nd Reading
May 2, 2016

session, the general assembly did not enact legislation to continue the director's authority to regulate athletic trainers, resulting in the repeal of the director's authority on July 1, 2015.

The bill reinstates the director's authority to regulate athletic trainers, requiring athletic trainers to obtain a registration from the director in order to practice athletic training in Colorado. The bill restores the "Athletic Trainer Practice Act", as it existed on June 30, 2015, with the following substantive changes:

- ! Deletes from the definition of what constitutes the practice of athletic training and moves to a provision specifying the requirements for engaging in the practice of athletic training in this state a requirement that an athletic trainer practice under the direction of a physician, dentist, or other licensed health care professional;
- ! Adds title protection for the abbreviation "A.T.C.", limiting its use to registered athletic trainers;
- ! Requires an applicant for an athletic trainer registration to provide evidence of current certification by the national certifying agency;
- ! Requires a registrant applying to renew his or her registration to submit, if requested by the director, evidence of current certification by the national certifying agency;
- ! With regard to exceptions to the requirements of the practice act, changes the term "student athletic trainer" to "athletic training student"; and
- ! Adds as grounds for discipline the failure of an athletic trainer to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or health care professional and the failure to practice in a manner that meets generally accepted standards of athletic training practice.

The bill repeals the regulation of athletic trainers on September 1, 2026, and requires the department of regulatory agencies, prior to the repeal, to conduct a sunset review of the regulation of athletic trainers.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** article 29.7 of title 12 as follows:

4 **ARTICLE 29.7**

5 **Athletic Trainer Practice Act**

1 **12-29.7-101. Short title.** THE SHORT TITLE OF THIS ARTICLE IS THE
2 "ATHLETIC TRAINER PRACTICE ACT".

3 **12-29.7-102. Legislative declaration.** THE GENERAL ASSEMBLY
4 HEREBY FINDS AND DECLARES THAT THE PRACTICE OF ATHLETIC TRAINING
5 BY A PERSON WHO DOES NOT POSSESS A VALID REGISTRATION ISSUED
6 PURSUANT TO THIS ARTICLE IS NOT IN THE BEST INTERESTS OF THE PEOPLE
7 OF THE STATE OF COLORADO. IT IS NOT, HOWEVER, THE INTENT OF THIS
8 ARTICLE TO RESTRICT THE PRACTICE OF A PERSON DULY LICENSED,
9 CERTIFIED, OR REGISTERED UNDER ANY ARTICLE OF THIS TITLE OR OTHER
10 LAWS OF THIS STATE FROM PRACTICING WITHIN THE PERSON'S SCOPE OF
11 PRACTICE AND AUTHORITY PURSUANT TO THOSE LAWS.

12 **12-29.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM"
15 MEANS A PROGRAM OF INSTRUCTION IN ATHLETIC TRAINING THAT IS
16 OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND ACCREDITED BY
17 A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED BY THE UNITED
18 STATES SECRETARY OF EDUCATION, OR ANY OTHER ACCREDITED PROGRAM
19 APPROVED BY THE DIRECTOR.

20 (2) "ATHLETE" MEANS A PERSON WHO, IN ASSOCIATION WITH AN
21 EDUCATIONAL INSTITUTION, AN ORGANIZED COMMUNITY SPORTS
22 PROGRAM OR EVENT, OR A PROFESSIONAL, AMATEUR, OR RECREATIONAL
23 ORGANIZATION OR SPORTS CLUB, PARTICIPATES IN GAMES, SPORTS,
24 RECREATION, OR EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY,
25 RANGE OF MOTION, SPEED, STAMINA, OR AGILITY.

26 (3) "ATHLETIC TRAINER" MEANS A PERSON ENGAGED IN THE
27 PRACTICE OF ATHLETIC TRAINING.

1 (4) (a) "ATHLETIC TRAINING" MEANS THE PERFORMANCE OF THOSE
2 SERVICES THAT REQUIRE THE EDUCATION, TRAINING, AND EXPERIENCE
3 REQUIRED BY THIS ARTICLE FOR REGISTRATION AS AN ATHLETIC TRAINER
4 PURSUANT TO SECTION 12-29.7-107. "ATHLETIC TRAINING" INCLUDES
5 SERVICES APPROPRIATE FOR THE PREVENTION, RECOGNITION, ASSESSMENT,
6 MANAGEMENT, TREATMENT, REHABILITATION, AND RECONDITIONING OF
7 INJURIES AND ILLNESSES SUSTAINED BY AN ATHLETE:

8 (I) WHO IS ENGAGED IN SPORTS, GAMES, RECREATION, OR
9 EXERCISE REQUIRING PHYSICAL STRENGTH, FLEXIBILITY, RANGE OF
10 MOTION, SPEED, STAMINA, OR AGILITY; OR

11 (II) THAT AFFECT AN ATHLETE'S PARTICIPATION OR PERFORMANCE
12 IN SPORTS, GAMES, RECREATION, OR EXERCISE AS DESCRIBED IN
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

14 (b) "ATHLETIC TRAINING" INCLUDES:

15 (I) PLANNING, ADMINISTERING, EVALUATING, AND MODIFYING
16 METHODS FOR PREVENTION AND RISK MANAGEMENT OF INJURIES AND
17 ILLNESSES;

18 (II) IDENTIFYING AN ATHLETE'S MEDICAL CONDITIONS AND
19 DISABILITIES AND APPROPRIATELY CARING FOR OR REFERRING AN ATHLETE
20 AS APPROPRIATE;

21 (III) RECOGNIZING, ASSESSING, TREATING, MANAGING,
22 PREVENTING, REHABILITATING, RECONDITIONING, AND APPROPRIATELY
23 REFERRING TO ANOTHER HEALTH CARE PROVIDER TO TREAT INJURIES AND
24 ILLNESSES;

25 (IV) USING THERAPEUTIC MODALITIES FOR WHICH THE ATHLETIC
26 TRAINER HAS RECEIVED APPROPRIATE TRAINING AND EDUCATION;

27 (V) USING CONDITIONING AND REHABILITATIVE EXERCISE;

1 (VI) USING TOPICAL PHARMACOLOGICAL AGENTS, IN CONJUNCTION
2 WITH THE ADMINISTRATION OF THERAPEUTIC MODALITIES AND PURSUANT
3 TO PRESCRIPTIONS ISSUED IN ACCORDANCE WITH THE LAWS OF THIS STATE,
4 FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED APPROPRIATE TRAINING
5 AND EDUCATION;

6 (VII) EDUCATING AND COUNSELING ATHLETES CONCERNING THE
7 PREVENTION AND CARE OF INJURIES AND ILLNESSES;

8 (VIII) EDUCATING AND COUNSELING THE GENERAL PUBLIC WITH
9 RESPECT TO ATHLETIC TRAINING SERVICES;

10 (IX) REFERRING AN ATHLETE RECEIVING ATHLETIC TRAINING
11 SERVICES TO APPROPRIATE HEALTH CARE PERSONNEL AS NEEDED; AND

12 (X) PLANNING, ORGANIZING, ADMINISTERING, AND EVALUATING
13 THE PRACTICE OF ATHLETIC TRAINING.

14 (c) AS USED IN THIS SUBSECTION (4), "INJURIES AND ILLNESSES"
15 INCLUDES THOSE CONDITIONS IN AN ATHLETE FOR WHICH ATHLETIC
16 TRAINERS, AS THE RESULT OF THEIR EDUCATION, TRAINING, AND
17 COMPETENCY, ARE QUALIFIED TO PROVIDE CARE.

18 (5) "DIRECTION OF A COLORADO-LICENSED OR OTHERWISE
19 LAWFULLY PRACTICING PHYSICIAN, DENTIST, OR HEALTH CARE
20 PROFESSIONAL" MEANS THE PLANNING OF SERVICES WITH A PHYSICIAN,
21 DENTIST, OR HEALTH CARE PROFESSIONAL; THE DEVELOPMENT AND
22 APPROVAL BY THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL
23 OF PROCEDURES AND PROTOCOLS TO BE FOLLOWED IN THE EVENT OF AN
24 INJURY OR ILLNESS; THE MUTUAL REVIEW OF THE PROTOCOLS ON A
25 PERIODIC BASIS; AND THE APPROPRIATE CONSULTATION AND REFERRAL
26 BETWEEN THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL AND
27 THE ATHLETIC TRAINER.

1 (6) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR HIS OR
2 HER DESIGNEE.

3 (7) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND
4 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED
5 IN SECTION 24-34-102, C.R.S.

6 (8) "NATIONAL CERTIFYING AGENCY" MEANS A NATIONALLY
7 RECOGNIZED AGENCY THAT CERTIFIES THE COMPETENCY OF ATHLETIC
8 TRAINERS THROUGH THE USE OF AN EXAMINATION.

9 (9) "REGISTRANT" MEANS AN ATHLETIC TRAINER REGISTERED
10 PURSUANT TO THIS ARTICLE.

11 **12-29.7-104. Use of titles restricted.** ONLY A PERSON REGISTERED
12 AS AN ATHLETIC TRAINER MAY USE THE TITLE "ATHLETIC TRAINER" OR
13 "REGISTERED ATHLETIC TRAINER", THE LETTERS "A.T.", "A.T.C.", OR ANY
14 OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT
15 INDICATE THAT THE PERSON IS AN ATHLETIC TRAINER.

16 **12-29.7-105. Limitations on authority.** (1) NOTHING IN THIS
17 ARTICLE AUTHORIZES AN ATHLETIC TRAINER TO PRACTICE:

- 18 (a) MEDICINE, AS DEFINED IN ARTICLE 36 OF THIS TITLE;
- 19 (b) PHYSICAL THERAPY, AS DEFINED IN ARTICLE 41 OF THIS TITLE;
- 20 (c) CHIROPRACTIC, AS DEFINED IN ARTICLE 33 OF THIS TITLE;
- 21 (d) OCCUPATIONAL THERAPY, AS DEFINED IN ARTICLE 40.5 OF THIS
22 TITLE; OR
- 23 (e) ANY OTHER REGULATED FORM OF HEALING EXCEPT AS
24 AUTHORIZED BY THIS ARTICLE.

25 (2) NOTHING IN THIS ARTICLE AUTHORIZES AN ATHLETIC TRAINER
26 TO TREAT A DISEASE OR CONDITION THAT IS NOT RELATED TO A PERSON'S
27 PARTICIPATION IN SPORTS, GAMES, RECREATION, OR EXERCISE, BUT THE

1 ATHLETIC TRAINER SHALL TAKE A PERSON'S DISEASE OR CONDITION INTO
2 ACCOUNT IN PROVIDING ATHLETIC TRAINING SERVICES AND SHALL
3 CONSULT WITH A PHYSICIAN AS APPROPRIATE REGARDING THE DISEASE OR
4 CONDITION.

5 (3) NOTHING IN THIS ARTICLE PROHIBITS A PERSON FROM
6 RECOMMENDING WEIGHT MANAGEMENT OR EXERCISE TO IMPROVE
7 STRENGTH, CONDITIONING, FLEXIBILITY, AND CARDIOVASCULAR
8 PERFORMANCE TO A PERSON IN NORMAL HEALTH AS LONG AS THE PERSON
9 RECOMMENDING THE WEIGHT MANAGEMENT OR EXERCISE DOES NOT
10 REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER AND THE
11 PERSON DOES NOT ENGAGE IN ATHLETIC TRAINING AS DEFINED IN THIS
12 ARTICLE.

13 **12-29.7-106. Registration required.** (1) EXCEPT AS OTHERWISE
14 PROVIDED IN THIS ARTICLE, IN ORDER TO PRACTICE ATHLETIC TRAINING OR
15 REPRESENT ONESELF AS BEING ABLE TO PRACTICE ATHLETIC TRAINING IN
16 THIS STATE, A PERSON MUST:

17 (a) POSSESS A VALID REGISTRATION ISSUED BY THE DIRECTOR IN
18 ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED UNDER THIS
19 ARTICLE; AND

20 (b) PRACTICE PURSUANT TO THE DIRECTION OF A
21 COLORADO-LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN,
22 DENTIST, OR HEALTH CARE PROFESSIONAL.

23 **12-29.7-107. Requirements for registration - registration by**
24 **endorsement - application - denial.** (1) EVERY APPLICANT FOR A
25 REGISTRATION TO PRACTICE ATHLETIC TRAINING MUST HAVE:

26 (a) EARNED A BACCALAUREATE DEGREE FROM AN ACCREDITED
27 COLLEGE OR UNIVERSITY;

1 (b) SUCCESSFULLY COMPLETED AN ACCREDITED ATHLETIC
2 TRAINING EDUCATION PROGRAM;

3 (c) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY
4 A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE
5 DIRECTOR AND PROVIDED EVIDENCE OF CURRENT CERTIFICATION BY THE
6 NATIONAL CERTIFYING AGENCY; OR

7 (II) PASSED A COMPETENCY EXAMINATION DEVELOPED AND
8 ADMINISTERED BY THE DIRECTOR;

9 (d) SUBMITTED AN APPLICATION IN THE FORM AND MANNER
10 DESIGNATED BY THE DIRECTOR;

11 (e) PAID A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR; AND

12 (f) SUBMITTED ADDITIONAL INFORMATION AS REQUESTED BY THE
13 DIRECTOR TO FULLY AND FAIRLY EVALUATE THE APPLICANT'S
14 QUALIFICATIONS FOR REGISTRATION AND TO PROTECT PUBLIC HEALTH AND
15 SAFETY.

16 (2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF
17 SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A
18 REGISTRATION TO THE APPLICANT. THE DIRECTOR MAY DENY
19 REGISTRATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD
20 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-29.7-110.

21 (3)(a) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT SHALL
22 FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE DIRECTOR
23 AND SHALL HOLD A CURRENT, VALID LICENSE OR REGISTRATION IN A
24 JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY
25 EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION BY SUBSECTION (1)
26 OF THIS SECTION.

27 (b) AN APPLICANT FOR REGISTRATION SHALL SUBMIT, WITH THE

1 APPLICATION, VERIFICATION THAT THE APPLICANT HAS ACTIVELY
2 PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF THE
3 DIRECTOR OR HAS OTHERWISE MAINTAINED CONTINUED COMPETENCY AS
4 DETERMINED BY THE DIRECTOR.

5 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS
6 (a) AND (b) OF THIS SUBSECTION (3), THE DIRECTOR SHALL REVIEW THE
7 APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S
8 QUALIFICATIONS TO BE REGISTERED BY ENDORSEMENT.

9 (d) THE DIRECTOR MAY DENY THE REGISTRATION IF THE
10 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR
11 DISCIPLINARY ACTION UNDER SECTION 12-29.7-110.

12 **12-29.7-108. Renewal of registration - fees.** (1) (a) A
13 REGISTRANT SHALL RENEW THE REGISTRATION ISSUED PURSUANT TO THIS
14 ARTICLE ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY
15 THE DIRECTOR. THE REGISTRANT SHALL SUBMIT AN APPLICATION IN THE
16 FORM AND MANNER DESIGNATED BY, AND SHALL PAY A RENEWAL FEE IN
17 AN AMOUNT DETERMINED BY, THE DIRECTOR.

18 (b) REGISTRATIONS SHALL BE RENEWED OR REINSTATED IN
19 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND
20 RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION
21 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND
22 DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
23 24-34-105, C.R.S. IF A REGISTRANT FAILS TO RENEW HIS OR HER
24 REGISTRATION PURSUANT TO THE DIRECTOR'S SCHEDULE, THE
25 REGISTRATION EXPIRES. A PERSON WHOSE REGISTRATION HAS EXPIRED IS
26 SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION
27 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

1 (c) THE REGISTRANT SHALL SUBMIT ADDITIONAL INFORMATION
2 THAT THE DIRECTOR REQUESTS, INCLUDING EVIDENCE THAT THE
3 REGISTRANT HAS MAINTAINED AND HOLDS A CURRENT, VALID
4 CERTIFICATION FROM THE NATIONAL CERTIFYING AGENCY, TO FULLY AND
5 FAIRLY EVALUATE THE APPLICANT'S QUALIFICATIONS FOR REGISTRATION
6 RENEWAL AND TO PROTECT PUBLIC HEALTH AND SAFETY.

7 (2) ALL FEES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE
8 DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS
9 SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED
10 IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

11 **12-29.7-109. Scope of article - exclusions - authority for**
12 **clinical setting.** (1) NOTHING IN THIS ARTICLE PROHIBITS:

13 (a) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL
14 PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN
15 ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM. STUDENTS
16 ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM
17 SHALL BE IDENTIFIED AS "ATHLETIC TRAINING STUDENTS" AND SHALL
18 ONLY PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND
19 IMMEDIATE SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY
20 REGISTERED UNDER THIS ARTICLE. AN ATHLETIC TRAINING STUDENT
21 SHALL NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER.

22 (b) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO IS
23 CERTIFIED BY A NATIONAL CERTIFYING AGENCY AND WHO IS EMPLOYED BY
24 THE UNITED STATES GOVERNMENT OR ANY BUREAU, DIVISION, OR AGENCY
25 OF THE FEDERAL GOVERNMENT WHILE ACTING IN THE COURSE AND SCOPE
26 OF EMPLOYMENT;

27 (c) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO

1 RESIDES IN ANOTHER STATE OR COUNTRY, IS CURRENTLY LICENSED OR
2 REGISTERED IN ANOTHER STATE, OR IS CURRENTLY CERTIFIED BY A
3 NATIONAL CERTIFYING AGENCY, AND IS:

4 (I) ADMINISTERING ATHLETIC TRAINING SERVICES TO AN ATHLETE
5 WHO IS A MEMBER OF A BONA FIDE PROFESSIONAL OR AMATEUR SPORTS
6 ORGANIZATION OR OF A SPORTS TEAM OF AN ACCREDITED EDUCATIONAL
7 INSTITUTION, IF THE PERSON ACTS IN ACCORDANCE WITH RULES
8 ESTABLISHED BY THE DIRECTOR AND ENGAGES IN THE UNREGISTERED
9 PRACTICE OF ATHLETIC TRAINING FOR NO MORE THAN NINETY DAYS IN ANY
10 CALENDAR YEAR; OR

11 (II) PARTICIPATING IN AN EDUCATIONAL PROGRAM OF NOT MORE
12 THAN TWELVE WEEKS' DURATION. UPON WRITTEN APPLICATION BY THE
13 PERSON PRIOR TO THE EXPIRATION OF THE TWELVE-WEEK PERIOD, THE
14 DIRECTOR MAY GRANT AN EXTENSION OF TIME.

15 (d) THE PRACTICE OF ANY HEALTH CARE PROFESSION, OTHER THAN
16 ATHLETIC TRAINING, BY A PERSON LICENSED OR REGISTERED UNDER ANY
17 OTHER ARTICLE OF THIS TITLE IN ACCORDANCE WITH THE LAWFUL SCOPE
18 OF PRACTICE OF THE OTHER PROFESSION OR THE PERFORMANCE OF
19 ACTIVITIES DESCRIBED IN SUBSECTION (2) OF THIS SECTION, IF THE PERSON
20 DOES NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER OR
21 AS ENGAGING IN THE PRACTICE OF ATHLETIC TRAINING;

22 (e) ATHLETIC TRAINING BY A PATIENT FOR HIMSELF OR HERSELF OR
23 GRATUITOUS ATHLETIC TRAINING BY A FRIEND OR FAMILY MEMBER WHO
24 DOES NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER.

25 (2) NOTHING IN THIS ARTICLE LIMITS OR PROHIBITS THE
26 ADMINISTRATION OF ROUTINE ASSISTANCE OR FIRST AID BY A PERSON WHO
27 IS NOT A REGISTERED ATHLETIC TRAINER FOR INJURIES OR ILLNESSES

1 SUSTAINED AT AN ATHLETIC EVENT OR PROGRAM.

2 (3) NOTHING IN THIS ARTICLE REQUIRES AN ENTITY OFFERING OR
3 SPONSORING AN ATHLETIC EVENT OR REGULAR ATHLETIC ACTIVITY,
4 INCLUDING A YOUTH SPORTS TEAM OR PROGRAM WHOSE PARTICIPANTS
5 ARE EIGHTEEN YEARS OF AGE OR YOUNGER, TO EMPLOY A REGISTERED
6 ATHLETIC TRAINER.

7 (4) (a) A SCHOOL COACH, ATHLETIC DIRECTOR, OR OTHER
8 EMPLOYEE OR A PERSON CONTRACTED WITH A SCHOOL IS NOT ENGAGING
9 IN THE PRACTICE OF ATHLETIC TRAINING WHEN HE OR SHE ENGAGES IN OR
10 HOLDS RESPONSIBILITY FOR THE FOLLOWING ACTIVITIES IN THE COURSE OF
11 HIS OR HER REGULARLY SCHEDULED DUTIES:

12 (I) PLANNING, ADMINISTERING, OR MODIFYING METHODS FOR
13 PREVENTION AND RISK MANAGEMENT OF INJURIES AND ILLNESSES;

14 (II) ADMINISTERING ROUTINE ASSISTANCE FOR FIRST AID TO AN
15 INJURED ATHLETE;

16 (III) DIRECTING CONDITIONING EXERCISES;

17 (IV) EDUCATING OR COUNSELING ATHLETES CONCERNING THE
18 PREVENTION OF INJURIES AND ILLNESSES; OR

19 (V) REFERRING AN ATHLETE TO A LICENSED HEALTH CARE
20 PROFESSIONAL.

21 (b) AS USED IN THIS SUBSECTION (4), "SCHOOL" MEANS A PUBLIC
22 OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

23 (5) A REGISTERED ATHLETIC TRAINER MAY PROVIDE ATHLETIC
24 TRAINING SERVICES IN A CLINICAL SETTING TO A PERSON WHO IS NOT AN
25 ATHLETE IF THE ATHLETIC TRAINER IS UNDER THE DIRECTION AND
26 SUPERVISION OF A COLORADO-LICENSED OR OTHERWISE LAWFULLY
27 PRACTICING PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL WHO

1 TREATS SPORTS OR MUSCULOSKELETAL INJURIES. AS USED IN THIS
2 SUBSECTION (4), "DIRECTION AND SUPERVISION" MEANS THE ISSUANCE OF
3 WRITTEN OR ORAL DIRECTIVES BY THE PHYSICIAN, DENTIST, OR LICENSED
4 HEALTH CARE PROFESSIONAL TO THE REGISTERED ATHLETIC TRAINER
5 PERTAINING TO THE ATHLETIC TRAINING SERVICES TO BE PROVIDED.

6 **12-29.7-110. Grounds for discipline - disciplinary proceedings.**

7 (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A
8 REGISTRANT IF THE DIRECTOR FINDS THAT THE REGISTRANT HAS
9 REPRESENTED HIMSELF OR HERSELF AS A REGISTERED ATHLETIC TRAINER
10 AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS OR HER
11 REGISTRATION.

12 (2) THE DIRECTOR MAY REVOKE, DENY, SUSPEND, OR REFUSE TO
13 RENEW A REGISTRATION OR ISSUE A CEASE-AND-DESIST ORDER IN
14 ACCORDANCE WITH THIS SECTION UPON REASONABLE GROUNDS THAT THE
15 REGISTRANT:

16 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING
17 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR WITHIN SIX
18 MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE THERAPEUTIC
19 RELATIONSHIP. FOR THE PURPOSES OF THIS PARAGRAPH (a):

20 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,
21 OR SEXUAL PENETRATION AS DEFINED IN SECTION 18-3-401, C.R.S.

22 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
23 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
24 TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES
25 IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE
26 AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN
27 ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE REGISTRANT,

1 THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE
2 BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR
3 THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC
4 TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

5 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
6 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,
7 DECEPTION, OR MISREPRESENTATION;

8 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
9 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
10 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., OR OTHER
11 DRUGS HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE
12 DISCRETION NOT TO DISCIPLINE THE REGISTRANT IF HE OR SHE IS
13 PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR
14 TO END THE USE OR ABUSE;

15 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY
16 SECTION 12-29.7-113, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION
17 THAT AFFECTS THE REGISTRANT'S ABILITY TO PROVIDE ATHLETIC TRAINING
18 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER
19 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING ATHLETIC TRAINING
20 SERVICES;

21 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
22 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
23 REGISTRANT UNABLE TO PERFORM ATHLETIC TRAINING WITH REASONABLE
24 SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF
25 PERSONS UNDER HIS OR HER CARE; OR

26 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
27 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION

1 12-29.7-113;

2 (e) HAS HAD A REGISTRATION OR LICENSE SUSPENDED OR REVOKED
3 FOR ACTIONS THAT ARE A VIOLATION OF THIS ARTICLE;

4 (f) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
5 CONTENDERE TO A FELONY OR ANY CRIME DEFINED IN TITLE 18, C.R.S. A
6 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT
7 JURISDICTION OF THE CONVICTION OR PLEA IS PRIMA FACIE EVIDENCE OF
8 THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION,
9 THE DIRECTOR IS GOVERNED BY SECTION 24-5-101, C.R.S.

10 (g) HAS PRACTICED ATHLETIC TRAINING WITHOUT A
11 REGISTRATION;

12 (h) HAS FAILED TO NOTIFY THE DIRECTOR OF ANY DISCIPLINARY
13 ACTION IN REGARD TO THE PERSON'S PAST OR CURRENTLY HELD LICENSE,
14 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE ATHLETIC
15 TRAINING IN THIS STATE OR ANY OTHER JURISDICTION;

16 (i) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
17 EXAMINATION WHEN SO ORDERED BY THE DIRECTOR PURSUANT TO
18 SECTION 12-29.7-112;

19 (j) HAS FAILED TO PRACTICE PURSUANT TO THE DIRECTION OF A
20 COLORADO-LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN,
21 DENTIST, OR HEALTH CARE PROFESSIONAL;

22 (k) HAS PRACTICED ATHLETIC TRAINING IN A MANNER THAT FAILS
23 TO MEET GENERALLY ACCEPTED STANDARDS OF ATHLETIC TRAINING
24 PRACTICE; OR

25 (l) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
27 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE

1 GROUND FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
2 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
3 DISCIPLINARY SANCTIONS TO BE IMPOSED.

4 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
5 DISCIPLINE A REGISTRANT WHEN THE DIRECTOR HAS REASONABLE
6 GROUNDS TO BELIEVE THAT THE REGISTRANT HAS COMMITTED AN ACT
7 ENUMERATED IN THIS SECTION.

8 (b) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR
9 MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
10 DISCIPLINARY ACTION TAKEN AGAINST A REGISTRANT IN ANOTHER
11 JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY
12 ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR
13 DISCIPLINARY ACTION UNDER THIS ARTICLE.

14 (5) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN
15 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE HEARING AND
16 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT
17 ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE
18 DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE
19 ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE DURING THE
20 DISCIPLINARY PROCEEDINGS.

21 (6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO
22 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO
23 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS
24 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE
25 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE
26 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
27 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED

1 VIOLATION OF THIS ARTICLE.

2 (b) (I) THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND
3 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND
4 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

5 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
6 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
7 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)
8 OF THIS SUBSECTION (6) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF
9 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
10 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,
11 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
12 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR
13 OR AN ADMINISTRATIVE LAW JUDGE.

14 (III) UPON FAILURE OF ANY WITNESS OR REGISTRANT TO COMPLY
15 WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN
16 WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS
17 BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE
18 SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR
19 REGISTRANT AN ORDER REQUIRING THE PERSON OR REGISTRANT TO
20 APPEAR BEFORE THE DIRECTOR; PRODUCE THE RELEVANT PAPERS, BOOKS,
21 RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS; OR GIVE EVIDENCE
22 TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE
23 PERSON OR REGISTRANT FAILS TO OBEY THE ORDER OF THE COURT, THE
24 PERSON OR REGISTRANT MAY BE HELD IN CONTEMPT OF COURT.

25 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
26 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
27 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS

1 TO THE DIRECTOR.

2 (7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
3 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS
4 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
5 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS
6 IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR
7 HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS
8 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE
9 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
10 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
11 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE
12 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
13 WARRANTED BY THE FACTS.

14 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
15 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
16 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR
17 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE
18 PARTICIPATION.

19 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
20 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
21 C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN
22 ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE THE
23 DIRECTOR'S ORDER.

24 (9) AN EMPLOYER OF AN ATHLETIC TRAINER SHALL REPORT TO THE
25 DIRECTOR ANY DISCIPLINARY ACTION TAKEN AGAINST THE ATHLETIC
26 TRAINER OR THE RESIGNATION OF THE ATHLETIC TRAINER IN LIEU OF
27 DISCIPLINARY ACTION FOR CONDUCT THAT VIOLATES THIS ARTICLE.

1 (10) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
2 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
3 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
4 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
5 PROSECUTION.

6 **12-29.7-111. Cease-and-desist orders.** (1) (a) IF IT APPEARS TO
7 THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A
8 WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN
9 A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF
10 THE PUBLIC OR THAT A PERSON IS ACTING OR HAS ACTED WITHOUT THE
11 REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE
12 AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET FORTH THE
13 STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS
14 ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT
15 THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY
16 CEASE.

17 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
18 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE
19 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
20 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE OR RULES ADOPTED
21 UNDER THIS ARTICLE HAVE OCCURRED. THE HEARING SHALL BE
22 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

23 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
24 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
25 A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE OR RULES
26 ADOPTED UNDER THIS ARTICLE, IN ADDITION TO ANY SPECIFIC POWERS
27 GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO THE

1 PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT
2 ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM
3 THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

4 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST
5 WHOM THE DIRECTOR HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT
6 TO PARAGRAPH (a) OF THIS SUBSECTION (2) OF THE ISSUANCE OF THE
7 ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL
8 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
9 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE
10 PERSON BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE-PREPAID
11 UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE.
12 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT
13 TO THIS PARAGRAPH (b) CONSTITUTES NOTICE OF THE ORDER TO THE
14 PERSON.

15 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO
16 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
17 CALENDAR DAYS AFTER THE DATE THE DIRECTOR TRANSMITTED OR
18 SERVED THE NOTICE AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
19 (2). THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL
20 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
21 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
22 BUT IN NO EVENT SHALL THE DIRECTOR HOLD THE HEARING LATER THAN
23 SIXTY CALENDAR DAYS AFTER THE DATE THE NOTICE WAS TRANSMITTED
24 OR SERVED.

25 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
26 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES
27 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE

1 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
2 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND OTHER
3 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS
4 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS
5 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
6 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL
7 AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING SHALL BE
8 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

9 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
10 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
11 HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT
12 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS
13 ARTICLE OR RULES ADOPTED UNDER THIS ARTICLE, THE DIRECTOR MAY
14 ISSUE A FINAL CEASE-AND-DESIST ORDER, DIRECTING THE PERSON TO
15 CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED
16 PRACTICES.

17 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
18 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL
19 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
20 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
21 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER
22 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS
23 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL
24 REVIEW.

25 (3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
26 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
27 IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR

1 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
2 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED
3 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING
4 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,
5 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

6 (4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL
7 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
8 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
9 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
10 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A
11 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
12 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

13 (5) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER
14 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF
15 THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SECTION 12-29.7-110 (8).

16 **12-29.7-112. Mental or physical examination of registrants.**

17 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
18 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
19 SAFETY, THE DIRECTOR MAY ORDER THE REGISTRANT TO TAKE A MENTAL
20 OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER
21 LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR.
22 UNLESS DUE TO CIRCUMSTANCES BEYOND THE REGISTRANT'S CONTROL, IF
23 THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR PHYSICAL
24 EXAMINATION, THE DIRECTOR MAY SUSPEND THE PERSON'S REGISTRATION
25 UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE DIRECTOR
26 HAS MADE A DETERMINATION OF THE REGISTRANT'S FITNESS TO PRACTICE.
27 THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND

1 SHALL MAKE HIS OR HER DETERMINATION IN A TIMELY MANNER.

2 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER REQUIRING A
3 REGISTRANT TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION THE
4 BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE
5 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND
6 SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED
7 UNDER THIS ARTICLE, THE REGISTRANT IS DEEMED TO HAVE WAIVED ALL
8 OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR
9 LICENSED HEALTH CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION
10 REPORTS ON THE GROUND THAT THEY ARE PRIVILEGED COMMUNICATIONS.

11 (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY
12 OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE
13 REGISTRANT AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS
14 ALLEGED MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH
15 REASONABLE SKILL AND SAFETY. THE TESTIMONY AND REPORTS
16 SUBMITTED BY THE REGISTRANT MAY BE CONSIDERED BY THE DIRECTOR
17 IN CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND
18 EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED BY THE DIRECTOR.

19 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
20 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY
21 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE
22 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

23 **12-29.7-113. Confidential agreement to limit practice -**
24 **violation grounds for discipline.** (1) IF A REGISTERED ATHLETIC
25 TRAINER SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION
26 THAT RENDERS THE REGISTRANT UNABLE TO PRACTICE ATHLETIC
27 TRAINING WITH REASONABLE SKILL AND SAFETY TO PATIENTS, THE

1 REGISTRANT SHALL NOTIFY THE DIRECTOR OF THE ILLNESS OR CONDITION
2 IN A MANNER AND WITHIN A PERIOD OF TIME DETERMINED BY THE
3 DIRECTOR. THE DIRECTOR MAY REQUIRE THE REGISTRANT TO SUBMIT TO
4 AN EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR
5 CONDITION AND ITS IMPACT ON THE REGISTRANT'S ABILITY TO PRACTICE
6 WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

7 (2) (a) UPON DETERMINING THAT A REGISTRANT WITH A PHYSICAL
8 OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED ATHLETIC
9 TRAINING SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS,
10 THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE
11 REGISTRANT IN WHICH THE REGISTRANT AGREES TO LIMIT HIS OR HER
12 PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR
13 CONDITION, AS DETERMINED BY THE DIRECTOR.

14 (b) THE AGREEMENT MUST SPECIFY THAT THE REGISTRANT IS
15 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
16 APPROPRIATE BY THE DIRECTOR.

17 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
18 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
19 MONITORING.

20 (d) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
21 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE
22 REGISTRANT IS NOT ENGAGING IN ACTIVITIES THAT CONSTITUTE GROUNDS
23 FOR DISCIPLINE UNDER SECTION 12-29.7-110. THE AGREEMENT IS AN
24 ADMINISTRATIVE ACTION AND DOES NOT CONSTITUTE A RESTRICTION OR
25 DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE REGISTRANT FAILS TO
26 COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO
27 THIS SECTION, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY

1 ACTION UNDER SECTION 12-29.7-110 (2) (d), AND THE REGISTRANT IS
2 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-29.7-110.

3 (3) THIS SECTION DOES NOT APPLY TO A REGISTRANT SUBJECT TO
4 DISCIPLINE UNDER SECTION 12-29.7-110 (2) (c).

5 **12-29.7-114. Unauthorized practice - penalties.** A PERSON WHO
6 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING
7 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS
8 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN
9 SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR
10 ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1
11 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
12 18-1.3-501, C.R.S.

13 **12-29.7-115. Rule-making authority.** THE DIRECTOR SHALL
14 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS
15 ARTICLE.

16 **12-29.7-116. Severability.** IF ANY PROVISION OF THIS ARTICLE IS
17 HELD TO BE INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
18 PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
19 INVALID PROVISION.

20 **12-29.7-117. Repeal of article - review of functions.** THIS
21 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021, AND THE POWERS,
22 DUTIES, AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE
23 REPEALED ON THAT DATE. PRIOR TO THE REPEAL, THE DEPARTMENT OF
24 REGULATORY AGENCIES SHALL REVIEW THE POWERS, DUTIES, AND
25 FUNCTIONS OF THE DIRECTOR AS PROVIDED IN SECTION 24-34-104, C.R.S.

26 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
27 (46) (k); and **add** (52.5) (f) as follows:

1 **24-34-104. General assembly review of regulatory agencies**
2 **and functions for termination, continuation, or**
3 **reestablishment.** (46) The following agencies, functions, or both shall
4 terminate on July 1, 2015:

5 (k) ~~The regulation of athletic trainers by the director of the~~
6 ~~division of professions and occupations in the department of regulatory~~
7 ~~agencies in accordance with article 29.7 of title 12, C.R.S.;~~

8 (52.5) The following agencies, functions, or both, terminate on
9 September 1, 2021:

10 (f) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR OF
11 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
12 REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12,
13 C.R.S.

14 **SECTION 3. Appropriation.** (1) For the 2016-17 state fiscal
15 year, \$25,134 is appropriated to the department of regulatory agencies.
16 This appropriation is from the division of professions and occupations
17 cash fund created in section 24-34-105 (2) (b) (I), C.R.S. To implement
18 this act, the department may use this appropriation as follows:

19 (a) \$14,778 for use by the division of professions and occupations
20 for personal services, which amount is based on an assumption that the
21 division will require an additional 0.3 FTE;

22 (b) \$285 for use by the division of professions and occupations for
23 operating expenses; and

24 (c) \$10,071 for the purchase of legal services.

25 (2) For the 2016-17 state fiscal year, \$10,071 is appropriated to
26 the department of law. This appropriation is from reappropriated funds
27 received from the department of regulatory agencies under paragraph (c)

1 of subsection (1) of this section and is based on an assumption that the
2 department of law will require an additional 0.1 FTE. To implement this
3 act, the department of law may use this appropriation to provide legal
4 services for the department of regulatory agencies.

5 **SECTION 4. Effective date.** This act takes effect July 1, 2016.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.