

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0364.01 Duane Gall x4335

SENATE BILL 21-147

SENATE SPONSORSHIP

Fields and Holbert, Ginal, Jaquez Lewis, Simpson, Kolker

HOUSE SPONSORSHIP

Froelich and Van Winkle, Bird, Caraveo, Carver, Cutter, Duran, Esgar, Gray, Herod, Jodeh, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sandridge, Snyder, Sullivan, Titone, Valdez D., Williams, Young

Senate Committees

Health & Human Services

House Committees

Public & Behavioral Health & Human Services

Finance

Appropriations

HOUSE
3rd Reading Unamended
May 5, 2021

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF ATHLETIC**
102 **TRAINERS BY THE DEPARTMENT OF REGULATORY AGENCIES.**

HOUSE
2nd Reading Unamended
May 4, 2021

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://leg.colorado.gov/>.)

SENATE
3rd Reading Unamended
March 30, 2021

Sunset Process - Senate Health and Human Services Committee. The bill continues the "Athletic Trainer Practice Act" and the licensing of athletic trainers by the director of the division of professions and occupations in the department of regulatory agencies for 10 years, until 2031.

SENATE
Amended 2nd Reading
March 29, 2021

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (21)(a)(IX); and **add** (32)(a)(VI) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (21) (a) The following agencies, functions, or both,
7 will repeal on September 1, 2021:

8 (IX) ~~The regulation of athletic trainers by the director of the~~
9 ~~division of professions and occupations in the department of regulatory~~
10 ~~agencies in accordance with article 205 of title 12;~~

11 (32) (a) The following agencies, functions, or both, are scheduled
12 for repeal on September 1, 2031:

13 (VI) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR
14 OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT
15 OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 205 OF TITLE
16 12.

17 **SECTION 2.** In Colorado Revised Statutes, 12-20-404, **amend**
18 **(4)(c); add (3)(a)(II)(D.5), and repeal (1)(b)(II)(B), (3)(c)(V), and**
19 **(5)(b)(IV) as follows:**

20 **12-20-404. Disciplinary actions - regulator powers -**
21 **disposition of fines. (1) General disciplinary authority.** If a regulator
22 **determines that an applicant, licensee, certificate holder, or registrant has**
23 **committed an act or engaged in conduct that constitutes grounds for**
24 **discipline or unprofessional conduct under a part or article of this title 12**
25 **governing the particular profession or occupation, the regulator may:**

26 **(b) (II) A regulator is not authorized under this subsection (1)(b)**

1 to impose probation on a licensee, certificate holder, or registrant
2 regulated under the following:

3 (B) Article 205 of this title 12 concerning athletic trainers;

4 (3) **Waiting period after revocation or surrender.** (a) (II) In
5 addition, the waiting period specified in subsection (3)(a)(I) of this
6 section applies when a person regulated under any of the following
7 articles surrenders a license, certification, or registration to avoid
8 discipline:

9 (D.5) ARTICLE 205 OF THIS TITLE 12 CONCERNING ATHLETIC
10 TRAINERS;

11 (c) This subsection (3) does not apply to the following:

12 (V) Article 205 of this title 12 concerning athletic trainers;

13 (4) **Letter of admonition.** (c) This subsection (4) does not apply
14 to the following:

15 (I) Article 205 of this title 12 concerning athletic trainers; and

16 (H) article 310 of this title 12 concerning surgical assistants and
17 surgical technologists.

18 (5) **Confidential letter of concern.** (b) This subsection (5) does
19 not apply to the following:

20 (IV) Article 205 of this title 12 concerning athletic trainers; and

21 **SECTION 3.** In Colorado Revised Statutes, 12-205-104, **amend**
22 (5) as follows:

23 **12-205-104. Definitions.** As used in this article 205, unless the
24 context otherwise requires:

25 (5) "Direction of a Colorado-licensed or otherwise lawfully
26 practicing physician dentist, or health-care professional PHYSICIAN
27 ASSISTANT" means the planning of services with a physician dentist, or

1 health-care professional PHYSICIAN ASSISTANT LICENSED UNDER ARTICLE
2 240 OF THIS TITLE 12 OR UNDER THE MEDICAL PRACTICE ACT OF ANOTHER
3 JURISDICTION; the development and approval by the physician dentist, or
4 health-care professional PHYSICIAN ASSISTANT of procedures and
5 protocols to be followed in the event of an injury or illness; the mutual
6 review of the protocols on a periodic basis; and the appropriate
7 consultation and referral between the physician dentist, or health-care
8 professional PHYSICIAN ASSISTANT and the athletic trainer.

9 **SECTION 4.** In Colorado Revised Statutes, 12-205-107, **amend**
10 **(1)(b)** as follows:

11 **12-205-107. License required - repeal.** (1) Except as otherwise
12 provided in this article 205, in order to practice athletic training or
13 represent oneself as being able to practice athletic training in this state, a
14 person must:

15 (b) Practice pursuant to the direction of a Colorado-licensed or
16 otherwise lawfully practicing physician dentist, or health-care
17 professional PHYSICIAN ASSISTANT.

18 **SECTION 5.** In Colorado Revised Statutes, 12-205-110, **amend**
19 **(5)** as follows:

20 **12-205-110. Scope of article - exclusions - authority for clinical**
21 **setting - definitions.** (5) A licensee may provide athletic training
22 services in a clinical setting to a person who is not an athlete if the
23 athletic trainer is under the direction and supervision of a
24 Colorado-licensed or otherwise lawfully practicing physician dentist, or
25 health-care professional PHYSICIAN ASSISTANT who treats sports or
26 musculoskeletal injuries. As used in this subsection (5), "direction and
27 supervision" means the issuance of written or oral directives by the

1 physician dentist, or licensed health-care professional PHYSICIAN
2 ASSISTANT to the licensee pertaining to the athletic training services to be
3 provided.

4 **SECTION 6.** In Colorado Revised Statutes, 12-205-111, **amend**
5 **(2)(c) and (2)(j) as follows:**

6 **12-205-111. Grounds for discipline - disciplinary proceedings**
7 **- definitions.** (2) The director may take disciplinary or other action in
8 accordance with section 12-20-404 or issue a cease-and-desist order in
9 accordance with section 12-205-112 upon reasonable grounds that the
10 licensee:

11 (c) Has a substance use disorder, as defined in section 27-81-102,
12 or is an excessive or habitual user or abuser of alcohol or habit-forming
13 drugs or is a habitual user of a controlled substance, as defined in section
14 18-18-102 (5), or other drugs having similar effects; except that the
15 director has the discretion not to discipline the licensee if the licensee is
16 participating in good faith in an alcohol or substance use disorder
17 treatment program approved by the director EXCESSIVELY OR
18 HABITUALLY USES OR ABUSES OR HAS ENGAGED IN EXCESSIVE OR
19 HABITUAL USE OR ABUSE OF ALCOHOL, A HABIT-FORMING DRUG, A
20 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), OR ANY
21 OTHER DRUG HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS
22 THE DISCRETION NOT TO DISCIPLINE THE LICENSEE IF THE LICENSEE IS
23 PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR
24 DESIGNED TO END THE EXCESSIVE OR HABITUAL USE OR ABUSE;

25 (j) Has failed to practice pursuant to the direction of a
26 Colorado-licensed or otherwise lawfully practicing physician dentist, or
27 health-care professional PHYSICIAN ASSISTANT;

1 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-205-117
2 as follows:

3 **12-205-117. Repeal of article - review of functions.** This article
4 205 is repealed, effective September 1, ~~2021~~ 2031, and the powers,
5 duties, and functions of the director specified in this article 205 are
6 repealed on that date. Before the repeal, the powers, duties, and functions
7 of the director are scheduled for review in accordance with section
8 24-34-104.

9 **SECTION 8. Effective date.** This act takes effect September 1,
10 2021.

11 **SECTION 9. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.