ARTICLE 41 285
Physical Therapists

PART 1
PHYSICAL THERAPISTS

12-285-102. Legislative declaration.
12-41-103. Physical therapy board - created.
12-41-107. Use of titles restricted.
12-41-106. License required.
12-41-104. Provisional license - fee.
12-285-107. Temporary permit. (Repealed)
12-41-109. Licensure by endorsement.
12-285-111. Temporary license. (Repealed)
12-41-103.3. Licensing of foreign-trained applicants.
12-41-110. Inactive license - rules.
12-41-112. Scope of article - exclusions.
12-41-114. Continuing professional competency - rules.
12-285-118. Mental and physical examination of licensees.
12-285-126. Reports by insurance companies.
12-41-124. **12-285-131.** Professional service corporations, limited liability companies, and registered limited liability partnerships for the practice of physical therapy - definitions.

12-41-125. Powers and duties of director - reports - publications - rules. (Repealed)

12-41-126. Advisory committee. (Repealed)

12-41-127. Limitation on authority. < {Consolidated with 12-285-106. }>

12-41-128. Fees and expenses. < {Repealed as redundant with fees common provision. }>

12-41-129. Physical therapists - registered prior to July 1, 1991. (Repealed)


PART 2

PHYSICAL THERAPIST ASSISTANTS


12-41-203. **12-285-203.** Limitations on authority.

12-41-204. **12-285-204.** Certification required.

12-41-205. **12-285-205.** Certification by examination.


12-41-211. **12-285-212.** Disciplinary actions.


12-41-213. **12-285-214.** Mental and physical examination of certified physical therapist assistants.


12-41-219. Limitation on authority. < {Consolidated with 12-285-201. }>

12-41-220. Fees and expenses. < {Repealed as redundant with fees common provision. }>
12-285-101. [Formerly 12-41-101] Short title. The short title of this article shall be known and may be cited as "285 IS the "Physical Therapy Practice Act".

12-285-102. [Formerly 12-41-102] Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The practice of physical therapy by any person who does not possess a valid license issued under this article 41 285 is inimical to the general public welfare. It is not, however, the intent of this article 41 285 to restrict the practice of any person duly licensed under other laws of this state from practicing within such THE person's scope of competency and authority under such those laws.

(b) Physical therapy practice consists of patient and client management, which includes physical therapy diagnosis and prognosis to optimize physical function, movement, performance, health, quality of life, and well-being across the life-span and also includes contributions to public health services aimed at improving the health of the population; and

(c) The professional scope of physical therapy practice evolves in response to innovation, research, collaboration, and change in societal needs.

(2) Repealed.

12-285-103. Applicability of common provisions. ARTICLES 1, 20, AND 30 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 285.

12-285-104. [Formerly 12-41-103] Definitions. As used in this article 41 285, unless the context otherwise requires:

(1) "Accredited physical therapy program" means a program of instruction in physical therapy which THAT is accredited as set forth in section 12-41-107 (1)(a)(II) 12-285-110 (1)(a)(II). 〈Is the existing citation incorrect? (1)(a)(I) refers to accredited programs.〉

(1.3) (2) "Adverse action" means disciplinary action taken by the board based upon misconduct, unacceptable performance, or a combination of both, and includes any action taken pursuant to the following:

(a) Section 12-41-116 12-285-122, except for any action taken pursuant to subsection (3.5) (4) of that section;

(b) Section 12-41-122 12-285-129;

(c) Section 12-41-130 12-285-129;

(d) Section 12-41-211 12-285-212, except for any action taken pursuant to subsection (4) of that section;

(e) Section 12-41-217 12-285-218; and

(1.5) (3) "Board" means the physical therapy board created in section 12-41-103.3
12-285-105.
(2) "Director" means the director of the division of professions and occupations in
the department of regulatory agencies.
(3) "Executive director" means the executive director of the department of regulatory
agencies. Redundant with common provision definitions, 12-20-102 (6) and 12-1-103
(2), respectively.
(4) Repealed.
(5) (4) "Physical therapist" means a person who is licensed to practice physical
therapy. The terms "physiotherapist" and "physical therapy technician" are synonymous with
the term "physical therapist".
(5.5) (5) "Physical therapist assistant" means a person who is required to be certified
under part 2 of this article 285 and who assists a physical therapist in selected components
of physical therapy.
(6) (a) (I) "Physical therapy" means the examination, physical therapy diagnosis,
treatment, or instruction of patients and clients to detect, assess, prevent, correct, alleviate,
or limit physical disability, movement dysfunction, bodily malfunction, or pain from injury,
disease, and other bodily conditions.
(II) For purposes of this article 285, "physical therapy" includes:
(A) The administration, evaluation, and interpretation of tests and measurements of
bodily functions and structures;
(B) The planning, administration, evaluation, and modification of treatment and
instruction;
(C) The use of physical agents, measures, activities, and devices for preventive and
therapeutic purposes, subject to the requirements of section 12-41-113 12-285-116;
(D) The administration of topical and aerosol medications consistent with the scope
of physical therapy practice subject to the requirements of section 12-41-113 12-285-116;
(E) The provision of consultative, educational, and other advisory services for the
purpose of reducing the incidence and severity of physical disability, movement dysfunction,
bodily malfunction, and pain; and
(F) General wound care, including the assessment and management of skin lesions,
surgical incisions, open wounds, and areas of potential skin breakdown in order to maintain
or restore the integumentary system.
(b) For the purposes of subsection (6)(a)(II) of this section:
(I) "Physical agents" includes, but is not limited to, heat, cold, water, air, sound, light,
compression, electricity, and electromagnetic energy.
(II) (A) "Physical measures, activities, and devices" includes resistive, active, and
passive exercise, with or without devices; joint mobilization; mechanical stimulation;
biofeedback; dry needling; postural drainage; traction; positioning; massage; splinting;
training in locomotion; other functional activities, with or without assistive devices; and
correction of posture, body mechanics, and gait.
"Biofeedback", as used in this subparagraph (II) SUBSECTION (6)(b)(II), means the use of monitoring instruments by a physical therapist to detect and amplify internal physiological processes for the purpose of neuromuscular rehabilitation.

(III) "Tests and measurements" includes, but is not limited to, tests of muscle strength, force, endurance, and tone; reflexes and automatic reactions; movement skill and accuracy; joint motion, mobility, and stability; sensation and perception; peripheral nerve integrity; locomotor skill, stability, and endurance; activities of daily living; cardiac, pulmonary, and vascular functions; fit, function, and comfort of prosthetic, orthotic, and other assistive devices; posture and body mechanics; limb length, circumference, and volume; thoracic excursion and breathing patterns; vital signs; nature and locus of pain and conditions under which pain varies; photosensitivity; and physical home and work environments.

(7) "Physical therapy compact commission" means the national administrative body whose membership consists of all states that have enacted the "Interstate Physical Therapy Licensure Compact Act", and as enacted in this state in part 37 of article 60 of title 24.

12-285-105. [Formerly 12-41-103.3] Physical therapy board - created. (1) (a) The state physical therapy board is hereby created as the agency for regulation of the practice of physical therapy in this state and to carry out the purposes of this article 44 285. The board consists of: Four physical therapist members; one physical therapist assistant, unless a physical therapist assistant cannot be found, in which case the governor may appoint an additional physical therapist to the board; and two members from the public at large. Each member of the board is to be appointed by the governor for terms of four years. A member shall not serve more than two consecutive terms of four years. The governor shall give due consideration to having a geographic, political, urban, and rural balance among the board members.

(b) Each member of the board receives the compensation provided for in section 24-34-102, C.R.S. (13), C.R.S. <{Redundant with per diem common provision, 12-20-103. Recommend repeal.}> (c) (b) The board exercises its powers and performs its duties and functions under the division of professions and occupations as if the powers, duties, and functions were transferred to the division by AS a type 1 transfer, as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S. The division shall provide necessary management support to the board under section 24-34-102, C.R.S. ENTITY AS THAT TERM IS DEFINED IN SECTION 24-1-105. <{The type 1 language is being updated to reflect a Statutory Revision Committee bill currently under consideration. The last sentence is redundant with the common provision, 12-20-103.}> (d) Repealed:

(2) A person is qualified to be appointed to the board if the person:

(a) Is a legal resident of Colorado; and

(b) Is currently licensed in good standing, with no restrictions, as a physical therapist
and actively engaged in the practice of physical therapy in this state for at least five years preceding his or her appointment, if fulfilling the position of physical therapist on the board.

(3) Should a vacancy occur in any board membership before the expiration of the member's term, the governor shall fill such vacancy by appointment for the remainder of the term in the same manner as in the case of original appointments. A member of the board shall remain on the board until his or her successor has been appointed. A member may be removed by the governor for misconduct, incompetence, or neglect of duty.

**12-285-106. Powers and duties of board - reports - publications - rules - interstate compact - limitation on authority.** (1) [Formerly 12-41-103.6 (1)(a)] The board shall administer and enforce this article 285 and rules adopted under this article 285.

(2) [Formerly 12-41-103.6 (2)] In addition to any other powers and duties given the board by this article 44 285, the board has the following powers and duties:

(a) To evaluate the qualifications of applicants for licensure, administer examinations, issue and renew licenses and permits authorized under this article 285, and to take disciplinary actions authorized under this article 285 AND SECTION 12-20-404;

(b) To adopt all reasonable and necessary rules PURSUANT TO SECTION 12-20-204 for the administration and enforcement of this article 285, including rules regarding: <\{Added cross reference to the rule-making common provision, 12-20-204.\}>

(I) The supervision of unlicensed persons by physical therapists, taking into account the education and training of the unlicensed individuals; and

(II) Physical therapy of animals, including, without limitation, educational and clinical requirements for the performance of physical therapy of animals and the procedure for handling complaints to the department of regulatory agencies regarding physical therapy of animals. In adopting such rules, the board shall consult with the state board of veterinary medicine established by section 12-64-105 12-315-XXX.

(c) (I) To conduct hearings upon charges for discipline of a licensee and cause the prosecution and enjoinder of all persons violating this article 285 IN ACCORDANCE WITH SECTIONS 12-20-403 AND 12-20-406; <\{Recommend adding references to disciplinary procedures common provision, 12-20-403, and injunctive relief common provision, 12-20-406.\}>

(H) (A) To administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board;

(B) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to
produce the relevant papers, books, records, documentary evidence, or materials if so
ordered; or to give evidence touching the matter under investigation or in question. The court
may punish a failure to obey its order as a contempt of court. <Subsections (2)(c)(II) and
(2)(C)(III) are redundant with discipline/authority common provision, 12-20-403.
Recommend repeal.>

(d) To maintain a register listing the name of every physical therapist, including the
contact address, last-known place of residence, and the license number of each licensee;
(e) To promote consumer protection and consumer education by such means as the
board finds appropriate.
(f) To facilitate Colorado's participation in the 'Interstate Physical Therapy Licensure
Compact Act', part 37 of article 60 of title 24, as follows:
(I) Appoint a qualified delegate to serve on the physical therapy compact commission;
(II) Participate fully in the physical therapy compact commission data system;
(III) Obtain a set of fingerprints from an applicant for initial licensure or certification
and forward the fingerprints to the Colorado bureau of investigation for the purpose of
obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and
payment for the costs, the Colorado bureau of investigation shall conduct a state and national
fingerprint-based criminal history record check using records of the Colorado bureau of
investigation, the federal bureau of investigation, or other appropriate federal agency. The
board is the authorized agency to receive information regarding the result of a national
criminal history record check. The applicant whose fingerprints are checked shall pay the
actual costs of the state and national fingerprint-based criminal history record check.
(IV) Notify the physical therapy compact commission of any adverse action taken by
the board; and
(V) Approve payment of assessments levied by the physical therapy compact
commission to cover the cost of the operations and activities of the commission and its staff.
(3) [Formerly 12-41-127] The authority granted the board by this article 285 does not
authorize the board to arbitrate or adjudicate fee disputes between licensees or between a
licensee and any other party.

12-285-107. [Formerly 12-41-104] Use of titles restricted. A person licensed as a
physical therapist may use the title "physical therapist" or the letters "P.T." or any other
generally accepted terms, letters, or figures which indicate that the person is a physical
therapist. No other person shall be so designated or shall use the terms "physical therapist",
"licensed physical therapist", "physiotherapist", or "physical therapy technician", or the
letters "P.T." or "L.P.T."

12-285-108. [Formerly 12-41-105] Limitations on authority. (1) Nothing in this
article 285 authorizes a physical therapist to perform any of the following acts:
(a) Practice of medicine, surgery, or any other form of healing except as authorized
by the provisions of this article 285; or
(b) Use of roentgen rays and radioactive materials for therapeutic purposes; the use of electricity for surgical purposes; or the diagnosis of disease.

(2) Nothing in this section prevents a physical therapist from making a physical therapy diagnosis within the physical therapist's scope of practice.

12-285-109. [Formerly 12-41-106] License required. Except as otherwise provided by this article 285, any person who practices physical therapy or who represents oneself as being able to practice physical therapy in this state must possess a valid license under this article 285.

12-285-110. [Formerly 12-41-107] Licensure by examination. (1) Every applicant for a license by examination shall:
   (a) Successfully complete a physical therapy program:
      (I) That is accredited by a nationally recognized accrediting agency; or
      (II) That the board has determined to be substantially equivalent. The general assembly intends that this determination be liberally construed to ensure qualified applicants seeking licensure under this article 285 the right to take the qualifying examination. The general assembly does not intend for technical barriers to be used to deny such applicants the right to take the examination.
   (b) Pass a written examination that is:
      (I) Approved by the board; and
      (II) A national examination accredited by a nationally recognized accrediting agency;
   (c) Submit an application in the form and manner designated by the director; and
   (d) Pay a fee in an amount determined by the director.

   (2) The board may refuse to permit an applicant to take the examination if the application is incomplete, if the applicant is not qualified to sit for the examination, or if the applicant has committed any act which would be grounds for disciplinary action under section 12-41-115 12-285-120.

   (3) When the applicant has fulfilled all the requirements of subsection (1) of this section, the board shall issue a license to the applicant; except that the board may deny the license if the applicant has committed an act which would be grounds for disciplinary action under section 12-41-115 12-285-120.

12-285-111. [Formerly 12-41-107.5] Provisional license - fee. (1) The board may issue a provisional license to practice as a physical therapist to a person who:
   (a) Submits an application and pays a fee as determined by the director; and
   (b) Successfully completes a physical therapy program that meets the educational requirements in section 12-41-107 (1)(a) 12-285-110 (1)(a).

   (2) A person who holds a provisional license may only practice under the supervision of a physical therapist actively licensed in this state.

   (3) A provisional license issued pursuant to this section expires no later than one
hundred twenty days after the date it was issued. A provisional license may only be issued one time and is not subject to section 12-41-112 12-285-114.

12-41-108. Temporary permit. (Repealed)

12-285-112. [Formerly 12-41-109] Licensure by endorsement. (1) An applicant for licensure by endorsement shall:
(a) Possess a valid license in good standing from another state or territory of the United States;
(b) Submit an application in the form and manner designated by the director; and
(c) Pay a fee in an amount determined by the director.
(2) Upon receipt of all documents required by subsection (1) of this section, the director shall review the application and determine if the applicant is qualified to be licensed by endorsement.
(3) The board shall issue a license if the applicant fulfills the requirements of subsection (1) of this section and meets any one of the following qualifying standards enumerated in paragraphs (a) to (c) of this subsection (3) SUBSECTIONS (3)(a) TO (3)(c) OF THIS SECTION:
(a) The applicant graduated from an accredited program within the past two years and passed an examination substantially equivalent to that specified in section 12-41-107 (1)(b) 12-285-110 (1)(b);
(b) The applicant has practiced as a licensed physical therapist for at least two of the five years immediately preceding the date of the application;
(c) The applicant has:
(I) Not practiced as a licensed physical therapist at least two of the last five years immediately preceding the date of the receipt of the application; and
(II) Passed an examination in another jurisdiction that is substantially equivalent to the examination specified in section 12-41-107 (1)(b) 12-285-110 (1)(b); and
(III) Demonstrated competency through successful completion of an internship or demonstrated competency as a physical therapist by fulfilling the requirements established by rules of the board.
(4) The board may deny a license if the applicant has committed an act which together with the facts and circumstances would be grounds for disciplinary action under section 12-41-115 12-285-120.

12-41-110. Temporary license. (Repealed)

(1) Every foreign-trained applicant for licensing shall:

   (a) Have received education and training in physical therapy substantially equivalent to the education and training required at accredited physical therapy programs in the United States;

   (b) Possess an active, valid license in good standing or other authorization to practice physical therapy from an appropriate authority in the country where the foreign-trained applicant is practicing or has practiced;

   (c) Pass a written examination approved by the board in accordance with section 12-41-107 (4)(b) 12-285-110 (1)(b);

   (d) Submit an application in the form and manner designated by the director; and

   (e) Pay an application fee in an amount determined by the director.

(2) Upon receipt of all documents required by subsection (1) of this section, the director shall review the application and determine if the applicant is qualified to be licensed.

(3) When the applicant has fulfilled all requirements of subsection (1) of this section, the board shall issue a license to the applicant; except that the board may deny the application if the applicant has committed an act which would be grounds for disciplinary action under section 12-41-115 12-285-120.

12-285-114. [Formerly 12-41-112] Expiration and renewal of licenses. An applicant for licensure shall pay license, renewal, and reinstatement fees established by the director in the same manner as is authorized in section 24-34-105, C.R.S. A licensee shall renew a license in accordance with a schedule established by the director pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement under section 24-34-105, C.R.S. If a person fails to renew a license pursuant to the schedule established by the director, the license expires LICENSES ISSUED UNDER THIS ARTICLE 285 ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF SECTION 12-20-202 (1) AND (2). A person whose license has expired is subject to the penalties provided in this article 285 and section 24-34-102 (8), C.R.S. 12-20-202 (1). <{Redundant with renewals/reinstatements common provision, 12-20-202. Recommend amending as indicated.}> 12-20-202.

12-285-115. [Formerly 12-41-112.5] Inactive license - rules. A physical therapist may request that the board inactivate or activate the physical therapist's license. The board shall promulgate rules governing the activation and inactivation of licenses. Notwithstanding any law to the contrary, the board's rules may limit the applicability of statutory requirements for maintaining professional liability insurance and continuing professional competence for a licensee whose license is currently inactive. The board need not reactivate an inactive license if the physical therapist has committed any act that would be grounds for disciplinary action under section 12-41-115 12-285-120. A physical therapist whose license is currently inactive shall not practice physical therapy.
12-285-116. [Formerly 12-41-113] Special practice authorities and requirements - definition - rules. (1) Supervising persons not licensed as a physical therapist. A physical therapist may supervise up to four individuals at one time who are not physical therapists, including certified nurse aides, to assist in the therapist's clinical practice; except that this limit does not include student physical therapists and student physical therapist assistants supervised by a physical therapist for educational purposes. The board shall promulgate rules governing the required supervision. This subsection (1) does not affect or limit the independent practice or judgment of other professions regulated under this title 12. For purposes of this subsection (1), a "physical therapist assistant" means a person certified under part 2 of this article 285.

(2) Administration of medications. Physical therapists or physical therapist assistants under the direct supervision of a physical therapist may administer topical and aerosol medications when they are consistent with the scope of physical therapy practice and when any such medication is prescribed by a licensed health care practitioner who is authorized to prescribe such medication. A prescription or order shall be required for each such administration.

(3) Wound debridement. A physical therapist is authorized to perform wound debridement under a physician's order or the order of a physician assistant authorized under section 12-36-106 (5) 12-240-107 (6) when debridement is consistent with the scope of physical therapy practice. The performance of wound debridement does not violate the prohibition against performing surgery pursuant to section 12-41-105 (1)(a) 12-285-108 (1)(a).

(4) Physical therapy of animals. (a) A physical therapist is authorized to perform physical therapy of animals when such the physical therapy of animals is consistent with the scope of physical therapy practice. In recognition of the special authority granted by this subsection (4), the performance of physical therapy of animals in accordance with this subsection (4) shall not constitute the practice of veterinary medicine, as defined in section 12-64-103 12-315-XXX, nor shall it be deemed a violation of section 12-64-104 12-315-XXX.

(b) In recognition of the emerging field of physical therapy of animals, before commencing physical therapy of an animal, a physical therapist shall obtain veterinary medical clearance of the animal by a veterinarian licensed under article 64 315 of this title 12.

(5) Dry needling. (a) A physical therapist is authorized to perform dry needling if the physical therapist:

(I) Has the knowledge, skill, ability, and documented competency to perform the act;

(II) Has successfully completed a dry needling course of study that meets the supervision, educational, and clinical prerequisites; and

(III) Obtains one written informed consent from each patient for dry needling, including information concerning potential benefits and risks of dry needling.

(b) The board shall promulgate rules to update the requirements for a physical
therapist to perform dry needling in order to ensure adequate protection of the public. Prior to promulgating the initial update of the rules, the board shall seek input from the Colorado medical board created in section 12-36-103 (1) 12-240-105 (1) and from the director.

(c) The performance of dry needling in accordance with this section is not the performance of acupuncture as defined in section 12-29.5-102 12-200-103 and is not a violation of section 12-29.5-105 12-200-108.

12-285-117. [Formerly 12-41-114] Scope of article - exclusions. (1) Nothing contained in this article 49285 prohibits:

(a) The practice of physical therapy by students enrolled in an accredited physical therapy or physical therapist assistant program and performing under the direct supervision of a physical therapist currently licensed in this state;

(b) (Deleted by amendment, L. 2001, p. 1254, § 9, effective July 1, 2001.)

(e) (b) The practice of physical therapy in this state by any legally qualified physical therapist from another state or country whose employment requires such THE physical therapist to accompany and care for a patient temporarily residing in this state, but such THE physical therapist shall not provide physical therapy services for any other individuals nor shall such THE person represent or hold himself out as a physical therapist licensed to practice in this state;

(f) (c) The administration of massage, external baths, or exercise that is not a part of a physical therapy regimen;

(g) (d) Any person registered, certified, or licensed in this state under any other law from engaging in the practice for which such THE person is registered, certified, or licensed;

(h) (e) The practice of physical therapy in this state by a legally qualified physical therapist from another state or country when providing services in the absence of a physical therapist licensed in this state, so long as the unlicensed physical therapist is acting in accordance with rules established by the board. A person shall not practice without a license under this paragraph (f) SUBSECTION (1)(e) for more than four weeks' duration or more than once in any twelve-month period.

(i) (f) The practice of physical therapy in this state by a legally qualified physical therapist from another state or country for the purpose of participating in an educational program of not more than sixteen weeks' duration;

(j) (g) The provision of physical therapy services in this state by an individual from another country who is engaged in a physical therapy-related educational program if the program is sponsored by an institution, agency, or individual approved by the board, the program is under the direction and supervision of a physical therapist licensed in this state, and the program does not exceed twelve consecutive months' duration without the specific approval of the board;

(k) (h) The practice of any physical therapist licensed in this state or any other state or territory of the United States who is employed by the United States government or any bureau, division, or agency thereof while within the course and scope of the physical
therapist's official duties.

12-285-118. [Formerly 12-41-114.5] Professional liability insurance required - rules. (1) Except as provided in subsection (2) of this section, a person shall not practice physical therapy unless the person purchases and maintains professional liability insurance of at least one million dollars per claim and at least three million dollars per year for all claims, unless the corporation that employs the physical therapist maintains the insurance required by section 12-41-124 if the insurance covers at least one million dollars per claim and at least three million dollars per year.

(2) The board may by rule establish lesser financial responsibility standards for a class of physical therapists whose practice does not require the level of public protection established by subsection (1) of this section. The board shall not establish greater financial responsibility standards than those established in subsection (1) of this section.

(3) This section does not apply to a physical therapist who is a public employee acting within the course and scope of the public employee's duties and who is granted immunity under the "Colorado Governmental Immunity Act", article 10 of title 2. C.R.S.


(b) The board shall adopt rules establishing a continuing professional competency program. The rules shall set forth the following elements:

(I) A self-assessment of the knowledge and skills of a physical therapist seeking to renew or reinstate a license;

(II) Development, execution, and documentation of a learning plan based on the assessment; and

(III) Periodic demonstration of knowledge and skills through documentation of professional development activities necessary to ensure at least minimal ability to safely practice the profession; except that a licensed physical therapist need not retake any examination required by section 12-41-107 for initial licensure.

(c) The board shall establish that a licensed physical therapist satisfies the continuing competency requirements of this section if the physical therapist meets the continuing professional competency requirements of one of the following entities:

(I) A state department, including continuing professional competency requirements imposed through a contractual arrangement with a provider;

(II) An accrediting body recognized by the board; or

(III) An entity approved by the board.

(d) (I) After the program is established, a licensed physical therapist shall satisfy the requirements of the program in order to renew or reinstate a license to practice physical therapy.

(II) The requirements of this section apply to individual licensed physical therapists,
and nothing in this section requires a person who employs or contracts with a physical therapist to comply with the requirements of this section.

(e) Professional development activities must be measured by a contact-hour-to-credit-hour ratio.

(2) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a licensed physical therapist. A person or the board shall not use the records or documents unless used by the board to determine whether a licensed physical therapist is maintaining continuing professional competency to engage in the profession.

(3) As used in this section, "continuing professional competency" means the ongoing ability of a physical therapist to learn, integrate, and apply the knowledge, skill, and judgment to practice as a physical therapist according to generally accepted standards and professional ethical standards.


(1) The board may take disciplinary action in accordance with section 12-41-116 SECTION 12-20-403, 12-20-404, AND 12-285-122 against a person who has: <[Adding references to disciplinary procedures and disciplinary actions common provisions, 12-20-403 and 12-20-404. ]>

(a) Committed any act which that does not meet generally accepted standards of physical therapy practice or failed to perform an act necessary to meet generally accepted standards of physical therapy practice;

(b) Engaged in a sexual act with a patient while a patient-physical therapist relationship exists. For the purposes of this paragraph (b) SUBSECTION (1)(b):

(I) "Patient-physical therapist relationship" means that period of time beginning with the initial evaluation through the termination of treatment.

(II) For the purposes of this paragraph (b), "Sexual act" means sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401. C.R.S.

(c) Failed to refer a patient to the appropriate licensed health care professional when the services required by the patient are beyond the level of competence of the physical therapist or beyond the scope of physical therapy practice;

(d) Abandoned a patient by any means, including failure to provide a referral to another physical therapist or to another appropriate health care professional when the referral was necessary to meet generally accepted standards of physical therapy care;

(e) Failed to provide adequate or proper supervision when utilizing certified physical therapist assistants, unlicensed persons, or persons with a provisional license in a physical therapy practice;

(f) Failed to make essential entries on patient records or falsified or made incorrect entries of an essential nature on patient records;

(g) Engaged in any of the following activities and practices: Ordering or performance,
without clinical justification, of demonstrably unnecessary laboratory tests or studies; the
administration, without clinical justification, of treatment that is demonstrably unnecessary;
or ordering or performing, without clinical justification, any service, X ray, or treatment that
is contrary to recognized standards of the practice of physical therapy as interpreted by the
board;

   (h) (I) Committed abuse of health insurance as set forth in section 18-13-119 (3);
C.R.S.;
   (II) Advertised through newspapers, magazines, circulars, direct mail, directories,
radio, television, or otherwise that the licensee will perform any act prohibited by section
18-13-119 (3); C.R.S.;
   (i) Committed a fraudulent insurance act, as defined in section 10-1-128; C.R.S.;
   (j) Offered, given, or received commissions, rebates, or other forms of remuneration
for the referral of clients; except that a licensee may pay an independent advertising or
marketing agent compensation for advertising or marketing services rendered by an agent on
the licensee's behalf, including compensation for referrals of clients identified through such
THE services on a per-client basis;
   (k) Falsified information in any application or attempted to obtain or obtained a
license by fraud, deception, or misrepresentation;
   (l) Engaged in the habitual or excessive use or abuse of alcohol, a habit-forming drug,
or a controlled substance as defined in section 18-18-102 (5); C.R.S.;
   (m) (I) Failed to notify the board, as required by section 12-41-118.5 12-30-107 (I),
of a physical illness; a physical condition; or a behavioral, mental health, or substance use
 disorder that impacts the licensee's ability to perform physical therapy with reasonable skill
and safety to patients; <<Adding a cross reference to the confidential agreement common
provision, 12-30-107.>>
   (II) Failed to act within the limitations created by a physical illness; a physical
condition; or a behavioral, mental health, or substance use disorder that renders the licensee
unable to perform physical therapy with reasonable skill and safety to the patient; or
   (III) Failed to comply with the limitations agreed to under a confidential agreement
entered pursuant to section 12-41-118.5 12-30-107; <<Adding a cross reference to the
confidential agreement common provision, 12-30-107.>>
   (n) Refused to submit to a physical or mental examination when so ordered by the
board pursuant to section 12-41-118 SECTIONS 12-285-124 AND 12-30-108; <<Adding a cross
reference to the physical or mental examination common provision, 12-30-108.>>
   (o) Failed to notify the board in writing of the entry of a final judgment by a court of
competent jurisdiction against the licensee for malpractice of physical therapy or a settlement
by the licensee in response to charges or allegations of malpractice of physical therapy, which
notice must be given within ninety days after the entry of judgment or settlement and, in the
case of a judgment, must contain the name of the court, the case number, and the names of
all parties to the action;
   (p) Violated or aided or abetted a violation of this article 285, a rule adopted under
this article 285, or a lawful order of the board;

(q) Been convicted of, pled guilty, or pled nolo contendere to any crime related to the
licensee's practice of physical therapy or a felony or committed an act specified in section
12-41-124 12-285-128. A certified copy of the judgment of a court of competent jurisdiction
of such conviction or plea is conclusive evidence of such conviction or plea. In
considering the disciplinary action, the board is governed by section SECTIONS 12-20-202 (5)
AND 24-5-101. C.R.S. <{Adding reference to consideration of criminal convictions
common provision, 12-20-202 (5),}>

(r) Fraudulently obtained, furnished, or sold any physical therapy diploma, certificate,
license, renewal of license, or record, or aided or abetted any such act;

(s) Advertised, represented, or held himself or herself out, in any manner, as a
physical therapist or practiced physical therapy without a license or unless otherwise
authorized under this article 285;

(t) Used in connection with the person's name any designation tending to imply that
the person is a physical therapist without being licensed under this article 285;

(u) Practiced physical therapy during the time the person's license was inactive,
expired, suspended, or revoked;

(v) Failed to maintain the insurance required by section 12-41-14.5 12-285-118 or
a rule promulgated thereunder;

(w) Failed to respond in an honest, materially responsive, and timely manner to a
complaint issued under this article 285;

(x) Failed to know the contents of this part 1 and any rules promulgated under this
part 1; or

(y) Failed to either:

(I) Confirm that a patient is under the care of a physician or other health care
professional for the underlying medical condition when providing general wound care within
the scope of the physical therapist's practice; or

(II) Refer the patient to a physician or other appropriate health care professional for
the treatment of the underlying medical condition when providing general wound care within
the scope of the physical therapist's practice.

(z) Failed to report an adverse action, the surrender of a license, or other discipline
taken in another jurisdiction.

12-285-121. [Formerly 12-41-115.5] Protection of medical records - licensee's
obligations - verification of compliance - rules. (1) Each licensed physical therapist
responsible for patient records shall develop a written plan to ensure the security of patient
medical records. The plan must address at least the following:

(a) The storage and proper disposal of patient medical records;

(b) The disposition of patient medical records in the event the licensee dies, retires,
or otherwise ceases to practice or provide physical therapy care to patients; and

(c) The method by which patients may access or obtain their medical records
promptly if any of the events described in paragraph (b) of this subsection (1) of this section occurs.

(2) Upon initial licensure under this part 1 and upon renewal of a license, the applicant or licensee shall attest to the board that he or she has developed a plan in compliance with this section.

(3) A licensee shall inform each patient in writing of the method by which the patient may access or obtain his or her medical records if an event described in paragraph (b) of subsection (1) of this section occurs.

(4) The board may adopt rules reasonably necessary to implement this section.

12-285-122. [Formerly 12-41-116] Disciplinary actions. (1) (a) The board, in accordance with article 4 of title 24, C.R.S.; section 12-20-403, may issue letters of admonition; deny, refuse to renew, suspend, or revoke any license; place a licensee on probation; take disciplinary or other action as specified in section 12-20-404 or impose public censure or a fine if the board or the board's designee determines after notice and the opportunity for a hearing that the licensee has committed an act specified in section 12-41-115 (b) of this article or if the public health, safety, and welfare require emergency action, the board may take disciplinary action on an emergency basis under sections 24-4-104 and 24-4-105. C.R.S.

(b) (Deleted by amendment, L. 2011, (SB 11-169), ch. 172, p. 621, § 21, effective July 1, 2011.)

(c) In the case of a deliberate and willful violation of this article or if the public health, safety, and welfare require emergency action, the board may take disciplinary action on an emergency basis under sections 24-4-104 and 24-4-105. C.R.S.

(2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action but should not be dismissed as being without merit, the board may send a letter of admonition to the licensee.

(b) When the board sends a letter of admonition to a licensee, the board shall notify the licensee of the licensee's right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct described in the letter of admonition.

(e) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings. 

(3) (2) In any disciplinary order that allows a physical therapist to continue to practice, the board may impose upon the licensee such conditions as the board deems appropriate to ensure that the physical therapist is physically, mentally, and professionally qualified to practice physical therapy in accordance with generally accepted professional standards. Such conditions may include any or all of the following:

(a) Examination of the physical therapist to determine his or her mental or physical condition, as provided in section 12-41-118, or to determine professional...
qualifications;

(b) Any therapy, training, or education that the board believes necessary to correct deficiencies found either in a proceeding in compliance with section 24-34-106 C.R.S., or through an examination under paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION;

(c) A review or supervision of a licensee's practice that the board finds necessary to identify and correct deficiencies therein;

(d) Restrictions upon the nature and scope of practice to ensure that the licensee does not practice beyond the limits of the licensee's capabilities.

(3.5) (3) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the board may send a confidential letter of concern to the licensee IN ACCORDANCE WITH SECTION 12-20-404 (5). <{Redundant with confidential letters of concern common provision, 12-20-404 (5). Recommend amending as indicated.}> 

(4) The board may take disciplinary action against a physical therapist for failure to comply with any of the conditions imposed by the board under subsection (3) (2) of this section.

(5) A person whose license has expired is subject to the penalties provided in this article 285 and section 24-34-102 (8), C.R.S. 12-20-202 (1). <{Updating cross reference to renewal / reinstatement / fees common provision, 12-20-202.}> 

(6) A person whose license to practice physical therapy is revoked or who surrenders his or her license to avoid discipline is not eligible to apply for a license for two years after the license is revoked or surrendered. The two-year waiting period SPECIFIED IN SECTION 12-20-404 (3) applies to a person whose license to practice physical therapy, or to practice any other health care occupation, is revoked by any other legally qualified board or regulatory entity. <{Adding a cross reference to the waiting period common provision, 12-20-404 (3), and keeping the broader applicability specified in this subsection.}> 

12-285-123. [Formerly 12-41-117] Disciplinary proceedings - investigations - judicial review. (1) The board may commence a proceeding for the discipline of a licensee IN ACCORDANCE WITH SECTION 12-20-403 when the board has reasonable grounds to believe that a licensee has committed an act enumerated in section 12-41-115 12-285-120. <{Adding a cross reference to the disciplinary procedures common provision, 12-20-403.}> 

(2) In any proceeding held under this section, the board may accept as prima facie evidence of grounds for disciplinary action any disciplinary action taken against a licensee from another jurisdiction if the violation that prompted the disciplinary action in that jurisdiction would be grounds for disciplinary action under this article 285.

(3) (a) The board may investigate potential grounds for disciplinary action upon its
own motion or when the board is informed of dismissal of a person licensed under this article 285 if the dismissal was for a matter constituting a violation of this article 285.

(b) A person who supervises a physical therapist shall report to the board when the physical therapist has been dismissed because of incompetence in physical therapy or failure to comply with this article 285. A physical therapist who is aware that another physical therapist is violating this article shall report such THE violation to the board.

(4) (Deleted by amendment, L. 2004, p. 1844, § 93, effective August 4, 2004.)

(5) (a) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board pursuant to this article. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(b) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court. Failure to obey the order of the court may be punished by the court as a contempt of court. Failure to obey the order of the court may be punished by the court as a contempt of court. Failure to obey the order of the court may be punished by the court as a contempt of court. Failure to obey the order of the court may be punished by the court as a contempt of court. Failure to obey the order of the court may be punished by the court as a contempt of court.

(6) (4) The board may keep any investigation authorized under this article 285 closed until the results of such THE investigation are known and either the complaint is dismissed or notice of hearing and charges are served upon the licensee.

(7) (a) The board, the director's staff, a witness or consultant to the board, a witness testifying in a proceeding authorized under this article, and a person who lodges a complaint under this article is immune from liability in a civil action brought against him or her for acts occurring while acting in his or her capacity as board member, staff, consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts.

(b) Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such participation.

(8) (5) The board, through the department, of regulatory agencies, may employ administrative law judges appointed pursuant to part 10 of article 30 of title 24, C.R.S., on a full-time or part-time basis, to conduct hearings under this article or on any matter within
the board's jurisdiction upon such conditions and terms as the board may determine. <{[Partially redundant with disciplinary procedures/ALJ common provision, 12-20-403. Recommend amending as indicated.]}>  

(9)(6) Final action of the board may be judicially reviewed by the court of appeals by appropriate proceedings under section 24-4-106 (11), C.R.S., PURSUANT TO SECTION 12-20-408, and judicial proceedings for the enforcement of an order of the board may be instituted in accordance with section 24-4-106. C.R.S. <{[Partially redundant with judicial review common provision, 12-20-408. Recommend amending as indicated.]}>  

(10) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution. <{[Redundant with no deferment common provision, 12-20-404 (2). Recommend repealing.]}>  

(11)(a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a licensee is acting in a manner that is an imminent threat to the health and safety of the public, or a person is acting or has acted without the required license, the board may issue an order to cease and desist such activity. The order must set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed practices immediately cease.  

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (11), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.  

(12)(a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a person has violated this article, then, in addition to any specific powers granted pursuant to this article, the board may issue to such person an order to show cause as to why the board should not issue a final order directing such person to cease and desist from the unlawful act or unlicensed practice.  

(b) The board shall promptly notify a person against whom an order to show cause has been issued under paragraph (a) of this subsection (12) of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the board for a hearing on the order. The board may serve the notice by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (12) constitutes notice thereof to the person.  

(e)(1) The board shall commence a hearing on an order to show cause no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the board as provided in paragraph (b) of this subsection (12). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event is the hearing to commence later than sixty calendar days after the date of transmission or
service of the notification:

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (12) does not appear at the hearing, the board may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (12) and such other evidence related to the matter as the board deems appropriate. The board shall issue the order within ten days after the board's determination related to reasonable attempts to notify the respondent, and the order becomes final as to that person by operation of law. The board shall conduct the hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S.

(III) If the board reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license, or has or is about to engage in acts or practices constituting violations of this article, a final cease-and-desist order may be issued, directing such person to cease and desist from further unlawful acts or unlicensed practices.

(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this subsection (12), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) is effective when issued and is a final order for purposes of judicial review.

(13) If it appears to the board, based upon credible evidence presented to the board, that a person has engaged in or is about to engage in any unlicensed act or practice, any act or practice constituting a violation of this article, any rule promulgated pursuant to this article, any order issued pursuant to this article, or any act or practice constituting grounds for administrative sanction pursuant to this article, the board may enter into a stipulation with such person:

(14) If a person fails to comply with a final cease-and-desist order or a stipulation, the board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order. Upon receiving the request, the attorney general or district attorney shall bring the suit as requested.

(15) A person aggrieved by the final cease-and-desist order may seek judicial review of the board's determination or of the board's final order as provided in subsection (9) of this section.

(7) **THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405.** <{(Subsections (11) to (15) redundant with cease-and-desist common provision, 12-20-405. Recommend repealing and replacing with reference to common provision.)}>


(1) **IN ACCORDANCE WITH SECTION 12-30-108,** if the board has reasonable cause to believe that a licensee is unable to practice with reasonable skill and safety, the board may require
the licensee to take a mental or physical examination by a health care provider designated by
the board. If the licensee refuses to undergo such a mental or physical examination, unless
due to circumstances beyond the licensee's control, the board may suspend such the
licensee's license until the results of the examination are known and the board has made a
determination of the licensee's fitness to practice. The board shall proceed with an order for
examination and determination in a timely manner.

(2) An order issued to a licensee under subsection (1) of this section to undergo a
mental or physical examination must contain the basis of the board's reasonable cause to
believe that the licensee is unable to practice with reasonable skill and safety. For the
purposes of a disciplinary proceeding authorized by this article, the licensee is deemed to
have waived all objections to the admissibility of the examining health care provider's
testimony or examination reports on the ground that they are privileged communications.

(3) The licensee may submit to the board testimony or examination reports from
a health care provider chosen by the licensee pertaining to the condition that the board
has alleged may preclude the licensee from practicing with reasonable skill and safety. These
may be considered by the board in conjunction with, but not in lieu of, testimony and
examination reports of the health care provider designated by the board.

(4) A person shall not use the results of any mental or physical examination ordered
by the board as evidence in any proceeding other than one before the board. The examination
results are not public records and are not available to the public. {The highlighted
language is not covered by the mental and physical examination common provision,
12-30-108; recommend amendment as indicated.}

12-285-125. [Formerly 12-41-118.5] Confidential agreements. (1) If a physical
therapist suffers from a physical illness; a physical condition; or a behavioral or mental health
disorder rendering the licensee unable to practice physical therapy or practice as a physical
therapist with reasonable skill and patient safety, the physical therapist shall notify the board
of the physical illness; the physical condition; or the behavioral or mental health disorder in
a manner and within a period of time determined by the board. The board may require the
licensee to submit to an examination or to evaluate the extent of the physical illness; the
physical condition; or the behavioral or mental health disorder and its impact on the licensee's
ability to practice with reasonable skill and safety to patients.

(2) (a) Upon determining that a physical therapist with a physical illness; a physical
condition; or a behavioral or mental health disorder is able to render limited physical therapy
with reasonable skill and patient safety, the board may enter into a confidential agreement
with the physical therapist in which the physical therapist agrees to limit his or her practice
based on the restrictions imposed by the physical illness; the physical condition; or the
behavioral or mental health disorder, as determined by the board.

(b) The agreement must specify that the licensee is subject to periodic reevaluations
or monitoring as determined appropriate by the board;

(c) The parties may modify or dissolve the agreement as necessary based on the
results of a reevaluation or of monitoring.

(d) By entering into an agreement with the board under this subsection (2) to limit his or her practice, the licensee is not engaging in unprofessional conduct. The agreement is an administrative action and does not constitute a restriction or discipline by the board. However, if the licensee fails to comply with the terms of an agreement entered into pursuant to this subsection (2), the failure constitutes grounds for disciplinary action under section 12-41-115 (1)(m) and the licensee is subject to discipline in accordance with section 12-41-116.

(3) This section does not apply to a licensee subject to discipline under section 12-41-115 (1)(i).

SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE 285. <{Redundant with confidential agreement common provision, 12-30-107. Recommend amendment as indicated.}>}


(1) A professional review committee may be established pursuant to this section to investigate the quality of care being given by a person licensed under this article 285. It shall include in its membership at least three persons licensed under this article 285, but such the committee may be authorized to act only by:

(a) The board;

(b) A society or an association of physical therapists whose membership includes not less than one-third of the persons licensed pursuant to this article 285 and residing in this state if the licensee whose services are the subject of review is a member of such the society or association; or

(c) A hospital licensed pursuant to part 1 of article 3 of title 25 C.R.S., or certified pursuant to section 25-1.5-103 (1)(a)(II); C.R.S.; except that the professional review committee shall include in its membership at least a two-thirds majority of persons licensed under this article 285. Such the review committee may function under the quality management provisions of section 25-3-109. C.R.S.

(2) Any professional review committee established pursuant to subsection (1) of this section shall report to the board any adverse findings that would constitute a possible violation of this article.

(3) The board, IN ADDITION TO THE PERSONS SPECIFIED IN SECTION 12-20-402, a member of a professional review committee authorized by the board, a member of the board's or committee's staff, AND a person acting as a witness or consultant to the board or committee, a witness testing in a proceeding authorized under this article, and a person who lodges a complaint pursuant to this article is immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board or committee member, staff, consultant, or witness if the individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by
him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article is immune from any civil or criminal liability that may result from such participation, ARE GRANTED THE SAME IMMUNITY, AND ARE SUBJECT TO THE SAME CONDITIONS FOR IMMUNITY, AS SPECIFIED IN SECTION 12-20-402. <{Somewhat redundant with immunity common provision, section 12-20-402. Recommend amending as indicated.}>  

12-285-127. [Formerly 12-41-120] Reports by insurance companies. (1) (a) Each insurance company licensed to do business in this state and engaged in the writing of malpractice insurance for physical therapists shall send to the board information about any malpractice claim that involves a physical therapist and is settled or in which judgment is rendered against the insured.  

(b) In addition, the insurance company shall submit supplementary reports containing the disposition of the claim to the board within ninety days after settlement or judgment.  

(2) Regardless of the disposition of any claim, the insurance company shall provide such information as the board finds reasonably necessary to conduct its own investigation and hearing.


(1) Repealed.  

(2) Any person who practices or offers or attempts to practice physical therapy without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. 285 IS SUBJECT TO THE PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a). <{Redundant with unauthorized practice common provision, 12-20-407. Recommend amendment as indicated.}>  

(3) and (4) (Deleted by amendment, L. 2006, p. 91, § 41, effective August 7, 2006.)  

12-285-129. [Formerly 12-41-122] Violation - fines. (1) Notwithstanding section 12-41-128, the board may assess a fine for a violation of this article 285 or any rule adopted under this article 285.  

(2) Such THE fine shall not be greater than one thousand dollars, and shall be transmitted to the state treasurer, who shall credit the same to the general fund. <{Redundant with disposition of fines common provision, 12-20-404 (6). Recommend repeal.}>  

(3) All fines shall be imposed in accordance with the provisions of section 24-4-105 C.R.S., but shall not be considered a substitute or waiver of the criminal penalties.

12-285-130. [Formerly 12-41-123] Injunctive proceedings. The board may in the name of the people of Colorado, through the attorney general of Colorado, apply for an injunction to a court PURSUANT TO SECTION 12-20-406, BUT ONLY to enjoin a person from
committing an act declared to be a misdemeanor by this article 285. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this article, the court shall enter a decree perpetually enjoining the defendant from further committing the act. If a person violates an injunction issued under this section, the court may try and punish the offender for contempt of court. An injunction proceeding is in addition to, and not in lieu of, all penalties and other remedies provided in this article. ({Some redundancy with injunctive relief common provision, 12-20-406, which currently exempts this article. Recommend either amendment as indicated (along with deleting 12-20-406 (1)(b)(XI)) or leaving the entire section alone.})

12-285-131. [Formerly 12-41-124] Professional service corporations, limited liability companies, and registered limited liability partnerships for the practice of physical therapy - definitions. (1) Physical therapists may form professional service corporations for the practice of physical therapy under the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., if such THE corporations are organized and operated in accordance with this section. The articles of incorporation of such THE corporations must contain provisions complying with the following requirements:

(a) The name of the corporation shall contain the words "professional company" or "professional corporation" or abbreviations thereof.

(b) The corporation must be organized solely for the purposes of conducting the practice of physical therapy only through persons licensed by the board to practice physical therapy.

(c) The corporation may exercise the powers and privileges conferred upon corporations by the laws of Colorado only in furtherance of and subject to its corporate purpose.

(d) (I) Except as provided in subparagraph (II) of this paragraph (d) SUBSECTION (1)(d)(II) OF THIS SECTION, all shareholders of the corporation must be persons licensed by the board to practice physical therapy and who at all times own their shares in their own right. With the exception of illness, accident, or time spent in the armed services, on vacations, or on leaves of absence not to exceed one year, the individuals must be actively engaged in the practice of physical therapy in the offices of the corporation.

(II) If a person licensed to practice physical therapy who was a shareholder of the corporation dies, an unlicensed heir to the deceased shareholder may become a shareholder of the corporation for up to two years. Unless the heir is the only shareholder of the corporation, the heir who becomes a shareholder is a nonvoting shareholder. If the heir of the deceased shareholder ceases to be a shareholder, the owner who received the stocks from the shareholder shall dispose of the shares in accordance with the provisions required by paragraph (e) of this subsection (I) SUBSECTION (1)(e) OF THIS SECTION. An heir who is not licensed under this article 285 shall not exercise any authority over professional or clinical matters.

(e) Provisions shall be made requiring any shareholder who ceases to be or for any
reason is ineligible to be a shareholder to dispose of all such shares forthwith, either to the
corporation or to any person having the qualifications described in paragraph (d) of this
subsection (1)(d) of this section.

(f) The president shall be a shareholder and a director, and, to the extent possible, all
other directors and officers shall be persons having the qualifications described in paragraph
(d) of this subsection (1)(d) of this section. Lay directors and officers shall
not exercise any authority whatsoever over professional matters.

(g) The articles of incorporation must provide, and all shareholders of the corporation
shall agree, that all shareholders of the corporation are jointly and severally liable for all acts,
errors, and omissions of the employees of the corporation or that all shareholders of the
corporation are jointly and severally liable for all acts, errors, and omissions of the employees
of the corporation except when the shareholders maintain professional liability insurance that
meets the standards of section 12-14-114.5 12-285-118 or when the corporation maintains
professional liability insurance that meets the following minimum standards: <\{This cross
reference is to a non-existent section; as article "14" should evidently be article "41", the
cross reference has been corrected.\}>

(I) The insurer shall insure the corporation against liability imposed upon the
corporation by law for damages resulting from any claim made against the corporation
arising out of the performance of professional services for others by those officers and
employees of the corporation who are licensed by the board to practice physical therapy.

(II) The policies must insure the corporation against liability imposed upon it by law
for damages arising out of the acts, errors, and omissions of all nonprofessional employees.

(III) The insurance policy must provide for an amount for each claim of at least one
hundred thousand dollars multiplied by the number of persons licensed to practice physical
therapy employed by the corporation. The policy must provide for an aggregate top limit of
liability per year for all claims of three hundred thousand dollars also multiplied by the
number of persons licensed to practice physical therapy employed by the corporation, but no
firm is required to carry insurance in excess of three hundred thousand dollars for each claim
with an aggregate top limit of liability for all claims during the year of nine hundred thousand
dollars.

(IV) The policy may provide that it does not apply to:

(A) A dishonest, fraudulent, criminal, or malicious act or omission of the insured
corporation or any stockholder or employee thereof;

(B) The conduct of any business enterprise, not including the practice of physical
therapy, in which the insured corporation under this section is not permitted to engage but
that nevertheless may be owned by the insured corporation, in which the insured corporation
may be a partner, or that may be controlled, operated, or managed by the insured corporation
in its own or in a fiduciary capacity, including the ownership, maintenance, or use of any
property in connection therewith, when not resulting from breach of professional duty, bodily
injury to, or sickness, disease, or death of any person, or to injury to or destruction of any
tangible property, including the loss of use thereof; and
(V) The policy may contain reasonable provisions with respect to policy periods, territory, claims, conditions, and other usual matters.

(2) The corporation shall do nothing that, if done by a person licensed to practice physical therapy and employed by the corporation, would constitute any ground for disciplinary action, as set forth in section 12-41-115 12-285-120. Any violation by the corporation of this section is grounds for the board to terminate or suspend its right to practice physical therapy.

(3) Nothing in this section diminishes or changes the obligation of each person licensed to practice physical therapy employed by the corporation to practice in accordance with the standards of professional conduct under this article 285 and rules adopted under this article 285. Physical therapists who by act or omission cause the corporation to act or fail to act in a way that violates the standards of professional conduct, including any provision of this section, are personally responsible for the violation and subject to discipline for the violation.

(4) A professional service corporation may adopt a pension, CASH OR DEFERRED profit sharing, (whether cash or deferred) health and accident insurance, or welfare plan for all or part of its employees, including lay employees, if such plan does not require or result in the sharing of specific or identifiable fees with lay employees and if any payments made to lay employees or into any such plan on behalf of lay employees are based upon their compensation or length of service, or both, rather than the amount of fees or income received.

(5) (a) Except as provided in this section, corporations shall not practice physical therapy.

(b) The corporate practice of physical therapy does not include physical therapists employed by a certified or licensed hospital, licensed skilled nursing facility, certified home health agency, licensed hospice, certified comprehensive outpatient rehabilitation facility, certified rehabilitation agency, authorized health maintenance organization, accredited educational entity, organization providing care for the elderly under section 25.5-5-412, C.R.S., or other entity wholly owned and operated by a governmental unit or agency if:

(I) The relationship created by the employment does not affect the ability of the physical therapist to exercise his or her independent judgment in the practice of the profession;

(II) The physical therapist’s independent judgment in the practice of the profession is in fact unaffected by the relationship;

(III) The policies of the entity employing the physical therapist contain a procedure by which complaints by a physical therapist alleging a violation of this paragraph (b) SUBSECTION (5)(b) may be heard and resolved;

(IV) The physical therapist is not required to exclusively refer any patient to a particular provider or supplier; except that nothing in this subparagraph (IV) SUBSECTION (5)(b)(IV) shall invalidate the policy provisions of a contract between a physical therapist and his or her intermediary or the managed care provisions of a health coverage plan; and
(V) The physical therapist is not required to take any other action he or she determines not to be in the patient's best interest.

(c) The provisions of paragraph (b) of this subsection (5) SUBSECTION (5)(b) OF THIS SECTION shall apply to professional service corporations, limited liability companies, and registered limited liability partnerships formed for the practice of physical therapy in accordance with this section regardless of the date of formation of the entity.

(d) A physical therapist employed by an entity described in paragraph (b) of this subsection (5) SUBSECTION (5)(b) OF THIS SECTION shall be an employee of the entity for purposes of liability for all acts, errors, and omissions of the employee.

(6) As used in this section, unless the context otherwise requires:

(a) "Articles of incorporation" includes operating agreements of limited liability companies and partnership agreements of registered limited liability partnerships.

(a.5) "Carrier" has the same meaning as set forth in section 10-16-102 (8), C.R.S. <{"Carrier" is not used in this section; recommend repeal.}> (b) "Corporation" includes a limited liability company organized under the "Colorado Limited Liability Company Act", article 80 of title 7, C.R.S.; and a limited liability partnership registered under section 7-60-144 or 7-64-1002, C.R.S.

(c) "Director" and "officer" of a corporation includes a member and a manager of a limited liability company and a partner in a registered limited liability partnership.

(d) "Employees" includes employees, members, and managers of a limited liability company and employees and partners of a registered limited liability partnership.

(d.3) "Health benefit plan" has the same meaning as set forth in section 10-16-102 (32), C.R.S. <{"Health benefit plan" is not used in this section; recommend repeal.}>

(d.5) "President" includes all managers, if any, of a limited liability company and all partners in a registered limited liability partnership.

(e) (f) "Share" includes a member's rights in a limited liability company and a partner's rights in a registered limited liability partnership.

(f) (g) "Shareholder" includes a member of a limited liability company and a partner in a registered limited liability partnership.

12-41-125. Powers and duties of director - reports - publications - rules. (Repealed)

12-41-126. Advisory committee. (Repealed)

12-41-127. Limitation on authority. The authority granted the board by this article 285 does not authorize the board to arbitrate or adjudicate fee disputes between licensees or between a licensee and any other party. <{Moved to 12-285-106 (3).}>

12-41-128. Fees and expenses. All fees collected under this article shall be determined, collected, and appropriated in the same manner as set forth in section 24-34-105.
C.R.S. <\{Redundant with fees common provision, 12-20-105; recommend repeal.\}>

12-41-129. Physical therapists - registered prior to July 1, 1991. (Repealed)

12-285-132. [Formerly 12-41-130] Repeal of part. (1) Repealed:
(2) (a) This part 1 and the licensing functions of the board as set forth in this part 1 are repealed, effective September 1, 2024.
(b) Before the repeal, the licensing functions of the board are scheduled for review in accordance with section 24-34-104.

PART 2
PHYSICAL THERAPIST ASSISTANTS

12-285-201. Additional board authority - rules. (1) [Formerly 12-41-201 (1)] In addition to all other powers and duties given to the board by law, the board may:
(a) Certify physical therapist assistants to practice;
(b) Evaluate the qualifications of applicants for certification, issue and renew the certifications authorized under this part 2, and take the disciplinary actions authorized under this part 2 AND SECTION 12-20-404; <\{Recommend adding references to disciplinary actions common provision, 12-20-404.\}>
(c) Conduct hearings upon charges for discipline of a certified physical therapist assistant PURSUANT TO SECTION 12-20-403 and cause the prosecution and enjoinder of all persons violating this part 2 PURSUANT TO 12-20-406; <\{Recommend adding references to disciplinary procedures common provision, 12-20-403, and injunctive relief common provision, 12-20-403.\}>
(d) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board;
(e) Appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board; and
<\{Redundant with disciplinary procedures common provision, 12-20-403; recommend repeal.\}>
(f) Establish fines under section 12-285-129.
(2) [Formerly 12-41-201 (3)] The board may promulgate rules necessary PURSUANT TO SECTION 12-20-204 to implement, administer, and enforce this part 2. <\{Added a cross reference to the rule-making common provision, 12-20-204.\}>
(3) [Formerly 12-41-219] The authority granted to the board by this part 2 does not authorize the board to arbitrate or adjudicate fee disputes between physical therapist assistants or between a physical therapist assistant and another party.
12-285-202. [Formerly 12-41-202] Use of titles restricted. A person certified as a physical therapist assistant may use the title "physical therapist assistant" or the letters "P.T.A." or any other generally accepted terms, letters, or figures that indicate that the person is a physical therapist assistant. No other person shall use the terms "physical therapist assistant", "certified physical therapist assistant", or any letters or words that indicate that the person is a physical therapist assistant.

12-285-203. [Formerly 12-41-203] Limitations on authority. (1) Nothing in this part 2 authorizes a physical therapist assistant to perform any of the following acts:
   (a) Practice of medicine, surgery, or any other form of healing except as authorized by this part 2; or
   (b) Use of roentgen rays and radioactive materials for therapeutic purposes, use of electricity for surgical purposes, or diagnosis of disease.

   (2) A physical therapist assistant shall not practice physical therapy unless the assistant works under the supervision of a licensed physical therapist.

12-285-204. [Formerly 12-41-204] Certification required. Effective June 1, 2012, except as otherwise provided by this part 2, a person who practices as a physical therapist assistant or who represents oneself as being able to practice as a physical therapist assistant in this state must possess a valid certification issued by the board under this part 2 and rules adopted under this part 2.

12-285-205. [Formerly 12-41-205] Certification by examination. (1) Every applicant for a certification by examination shall:
   (a) (I) Have successfully completed a physical therapist assistant program accredited by the Commission on Accreditation in Physical Therapy Education or any comparable organization as determined by the board; or
      (II) Qualify to take the physical therapy examination established under section 12-41-107;
   (b) Pass a written examination that is:
      (I) Approved by the board; and
      (II) A national examination accredited by a nationally recognized accrediting agency;
   (c) Submit an application in the form and manner designated by the director; and
   (d) Pay a fee in an amount determined by the director.

   (2) The board may refuse to permit an applicant to take the examination if the application is incomplete or indicates that the applicant is not qualified to sit for the examination, or if the applicant has committed any act that would be grounds for disciplinary action under section 12-41-210.

   (3) When the applicant has fulfilled all the requirements of subsection (1) of this section, the board shall issue a certification to the applicant; except that the board may deny certification if the applicant has committed an act that would be grounds for disciplinary
action under section 12-41-210 12-285-211.

(4) Repealed.

12-285-206. [Formerly 12-41-206] Certification by endorsement. (1) An applicant for certification by endorsement shall:
   (a) Possess a valid license, certification, or registration in good standing from another state or territory of the United States;
   (b) Submit an application in the form and manner designated by the director; and
   (c) Pay a fee in an amount determined by the director.

(2) Upon receipt of all documents required by subsection (1) of this section, the director shall review the application and make a determination of the applicant's qualification to be certified by endorsement.

(3) The board shall issue a certification if the applicant fulfills the requirements of subsection (1) of this section and meets any one of the following qualifying standards:
   (a) The applicant graduated from an accredited program within the past two years and passed an examination substantially equivalent to the examination specified in section 12-41-205 (1)(b) 12-285-205 (1)(b);
   (b) The applicant has practiced as a licensed, certified, or registered physical therapist assistant for at least two of the five years immediately preceding the date of the application; or
   (c) The applicant has passed an examination in another jurisdiction that is substantially equivalent to the examination specified in section 12-41-205 (1)(b) 12-285-205 (1)(b), and has demonstrated competency through successful completion of an internship or demonstrated competency as a physical therapist assistant by fulfilling the requirements established by rules of the board.

(4) The board may deny certification if the applicant has committed an act that would be grounds for disciplinary action under section 12-41-210 12-285-211.

12-285-207. [Formerly 12-41-207] Certification of foreign-trained applicants. (1) Every foreign-trained applicant for certification shall:
   (a) Have received education and training as a physical therapist assistant that is substantially equivalent to the education and training required by accredited physical therapist assistant programs in the United States;
   (b) Possess an active, valid license, certification, or registration in good standing or other authorization to practice as a physical therapist assistant from an appropriate authority in the country where the foreign-trained applicant is practicing or has practiced;
   (c) Pass a written examination approved by the board in accordance with section 12-41-205 (1)(b) 12-285-205 (1)(b);
   (d) Submit an application in the form and manner designated by the director; and
   (e) Pay an application fee in an amount determined by the director.

(2) Upon receipt of all documents and the fee required by subsection (1) of this
section, the director shall review the application and determine if the applicant is qualified to be certified.

(3) When the applicant has fulfilled all the requirements of subsection (1) of this section, the board shall issue a certification to the applicant; except that the board may deny the application if the applicant has committed an act that would be grounds for disciplinary action under section 12-41-210.[12-285-211.

12-285-208. [Formerly 12-41-208] Expiration and renewal of certification. An applicant for certification shall pay certification, renewal, and reinstatement fees established by the director in the same manner as is authorized in section 24-34-105, C.R.S. A certified physical therapist assistant shall renew a certification in accordance with a schedule established by the director pursuant to section 24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement under section 24-34-105, C.R.S. If a person fails to renew a certification pursuant to the schedule established by the director, the certification expires. CERTIFICATIONS ISSUED UNDER THIS ARTICLE 285 ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTatement, AND DELINQUENCY FEE PROVISIONS OF SECTION 12-20-202 (1) AND (2). A person whose certification has expired is subject to the penalties provided in this part 2 and section 24-34-102 (8), C.R.S. 12-20-202 (1).

12-285-209. [Formerly 12-41-208.5] Continuing professional competency - rules - definition. (1) (a) A certified physical therapist assistant shall maintain continuing professional competency to practice.

(b) The board shall adopt rules establishing a continuing professional competency program. The rules shall set forth the following elements:

(I) A self-assessment of the knowledge and skills of a physical therapist assistant seeking to renew or reinstate a certification;

(II) Development, execution, and documentation of a learning plan based on the assessment; and

(III) Periodic demonstration of knowledge and skills through documentation of professional development activities necessary to ensure at least minimal ability to safely practice the profession; except that a physical therapist assistant need not retake any examination required by section 12-41-205[12-285-205 for initial certification.

(c) The board shall establish that a certified physical therapist assistant satisfies the continuing competency requirements of this section if the certified physical therapist assistant meets the continuing professional competency requirements of one of the following entities:

(I) An accrediting body recognized by the board; or

(II) An entity approved by the board.

(d) (I) After the program is established, a physical therapist assistant shall satisfy the requirements of the program in order to renew or reinstate a certification to practice as a
certified physical therapist assistant.

   (II) The requirements of this section apply to individual certified physical therapist assistants, and nothing in this section requires a person who employs or contracts with a certified physical therapist assistant to comply with the requirements of this section.

   (e) Professional development activities must be measured by a contact-hour-to-credit-hour ratio.

   (2) Records of assessments or other documentation developed or submitted in connection with the continuing professional competency program are confidential and not subject to inspection by the public or discovery in connection with a civil action against a certified physical therapist assistant. A person or the board shall not use the records or documents unless used by the board to determine whether a certified physical therapist assistant is maintaining continuing professional competency to engage in the profession.

   (3) As used in this section, "continuing professional competency" means the ongoing ability of a certified physical therapist assistant to learn, integrate, and apply the knowledge, skill, and judgment to practice as a certified physical therapist assistant according to generally accepted standards and professional ethical standards.

12-285-210. [Formerly 12-41-209] Scope of part 2 - exclusions. (1) This part 2 does not prohibit:

   (a) Practice as a physical therapist assistant in this state by a legally qualified physical therapist assistant from another state or country whose employment requires the physical therapist assistant to accompany and care for a patient temporarily residing in this state, but the physical therapist assistant shall not provide physical therapy services for another individual, nor shall the person represent or hold himself or herself out as a physical therapist assistant certified to practice in this state;

   (b) The administration of massage, external baths, or exercise that is not a part of a physical therapy regimen;

   (c) A person registered, certified, or licensed in this state under any other law from engaging in the practice for which the person is registered, certified, or licensed;

   (d) Practice as a physical therapist assistant in this state by a legally qualified physical therapist assistant from another state or country for the purpose of participating in an educational program of not more than sixteen weeks' duration;

   (e) The practice of a physical therapist assistant licensed, certified, or registered in this or any other state or territory of the United States who is employed by the United States government or a bureau, division, or agency thereof while within the course and scope of the physical therapist assistant’s duties; or

   (f) The performance of noninvasive debridement, such as autolytic and enzymatic debridement treatment.

12-285-211. [Formerly 12-41-210] Grounds for disciplinary action. (1) The board may take disciplinary action in accordance with section 12-41-211. SECTIONS 12-20-403, 33.
12-20-404, AND 12-285-212 against a person who has: <{Adding references to disciplinary procedures and disciplinary actions common provisions, 12-20-403 and 12-20-404. }>

(a) Committed an act that does not meet generally accepted standards of physical therapist assistant practice or failed to perform an act necessary to meet generally accepted standards of physical therapist assistant practice;

(b) Engaged in sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401 C.R.S.; with a patient during the period of time beginning with the initial evaluation through the termination of treatment;

(c) Abandoned a patient by any means;

(d) Failed to make essential entries on patient records or falsified or made incorrect entries of an essential nature on patient records;

(e) (I) Committed abuse of health insurance as set forth in section 18-13-119; C.R.S.; or

(II) Advertised through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that the certified physical therapist assistant will perform an act prohibited by section 18-13-119; C.R.S.;

(f) Committed a fraudulent insurance act, as defined in section 10-1-128; C.R.S.;

(g) Falsified information in any application or attempted to obtain or obtained a certification by fraud, deception, or misrepresentation;

(h) Engaged in the habitual or excessive use or abuse of alcohol, a habit-forming drug, or a controlled substance as defined in section 18-18-102 (5); C.R.S.;

(i) (I) Failed to notify the board, as required by section 12-41-214 12-30-107, of a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that impacts the certified physical therapist assistant’s ability to perform physical therapy with reasonable skill and safety to patients; <{Adding a cross reference to the confidential agreement common provision, 12-30-107. }>

(II) Failed to act within the limitations created by a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that renders the certified physical therapist assistant unable to perform physical therapy with reasonable skill and safety to the patient; or

(III) Failed to comply with the limitations agreed to under a confidential agreement entered into under section 12-41-214 SECTIONS 12-285-215 AND 12-30-107; <{Adding a cross reference to the confidential agreement common provision, 12-30-107. }>

(j) Refused to submit to a physical or mental examination when so ordered by the board under section 12-41-213 SECTIONS 12-285-214 AND 12-30-108; <{Adding a cross reference to the physical or mental examination common provision, 12-30-108. }>

(k) Failed to notify the board in writing of the entry of a final judgment by a court of competent jurisdiction against the certified physical therapist assistant for malpractice or a settlement by the certified physical therapist assistant in response to charges or allegations of malpractice, which notice must be given within ninety days after the entry of judgment or settlement and, in the case of a judgment, must contain the name of the court, the case
number, and the names of all parties to the action;

(l) Violated or aided or abetted a violation of this part 2, a rule adopted under this part 2, or a lawful order of the board;

(m) Been convicted of, pled guilty, or pled nolo contendere to a crime related to the certified physical therapist assistant’s practice or a felony or committed an act specified in section 12-41-216 12-285-217. A certified copy of the judgment of a court of competent jurisdiction of the conviction or plea is conclusive evidence of the conviction or plea. In considering the disciplinary action, the board is governed by section SECTIONS 12-20-202 (5) AND 24-5-101. C.R.S:

(n) Fraudulently obtained, furnished, or sold a physical therapist assistant diploma, certificate, renewal of certificate, or record, or aided or abetted any such act;

(o) Represented, or held himself or herself out as, in any manner, a physical therapist assistant or practiced as a physical therapist assistant without a certification, unless otherwise authorized under this part 2;

(p) Used in connection with the person's name a designation implying that the person is a physical therapist assistant without being certified under this part 2;

(q) Practiced as a physical therapist assistant during the time the person's certification was expired, suspended, or revoked; or

(r) Failed to respond in an honest, materially responsive, and timely manner to a complaint issued under this part 2.

12-285-212. [Formerly 12-41-211] Disciplinary actions. (1) (a) The board, in accordance with article 4 of title 24. C.R.S: SECTION 12-20-403, may issue letters of admonition; deny, refuse to renew, suspend, or revoke a certification; place a certified physical therapist assistant on probation; TAKE DISCIPLINARY OR OTHER ACTION AS SPECIFIED IN SECTION 12-20-404 or impose public censure or a fine, if the board or the board's designee determines after notice and the opportunity for a hearing that the certified physical therapist assistant has committed an act specified in section 12-41-210 12-285-211. <{(Redundant with disciplinary proceedings and disciplinary authority common provisions, 12-20-403 and 12-20-404. Recommend amending as indicated.)}>

(b) In the case of a deliberate and willful violation of this part 2 or if the public health, safety, and welfare require emergency action, the board may take disciplinary action on an emergency basis under sections 24-4-104 and 24-4-105. C.R.S:

(2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action but should not be dismissed as being without merit; The board may send a letter of admonition to the A certified physical therapist assistant IN ACCORDANCE WITH SECTION 12-20-404 (4).

(b) When the board sends a letter of admonition to a certified physical therapist assistant, the board shall notify the certified physical therapist assistant of his or her right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct described in the letter of
admonition.

(c) If the request for adjudication is timely made, the letter of admonition is vacated and the matter must be processed by means of formal disciplinary proceedings. <[Redundant with letters of admonition common provision, 12-20-404 (4). Recommend amending as indicated. ]>

(3) In a disciplinary order that allows a certified physical therapist assistant to continue to practice, the board may impose upon the certified physical therapist assistant conditions that the board deems appropriate to ensure that the certified physical therapist assistant is physically, mentally, and professionally qualified to practice in accordance with generally accepted professional standards. The conditions may include the following:

(a) Examination of the certified physical therapist assistant to determine his or her mental or physical condition, as provided in section 12-41-213 12-285-214, or to determine professional qualifications;

(b) Any therapy, training, or education that the board believes necessary to correct deficiencies found either in a proceeding in compliance with section 24-34-106 C.R.S., or through an examination under paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION;

(c) A review or supervision of a certified physical therapist assistant's practice that the board finds necessary to identify and correct deficiencies therein; or

(d) Restrictions upon the nature and scope of practice to ensure that the certified physical therapist assistant does not practice beyond the limits of the certified physical therapist assistant's capabilities.

(4) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the certified physical therapist assistant that could lead to serious consequences if not corrected, The board may send a confidential letter of concern to the certified physical therapist assistant in accordance with section 12-20-404 (5). <[Redundant with confidential letters of concern common provision, 12-20-404 (5). Recommend amending as indicated. ]>

(5) The board may take disciplinary action against a certified physical therapist assistant for failure to comply with any of the conditions imposed by the board under subsection (3) of this section.

(6) A person whose certification has expired is subject to the penalties provided in this part 2 and section 24-34-102 (8), C.R.S. 12-20-202 (1). <[Updating cross reference to the renewal / reinstatement / fees common provision, 12-20-202.]>

(7) A physical therapist assistant whose certification is revoked or who surrenders his or her certification to avoid discipline is not eligible to apply for a certification for two years after the certification is revoked or surrendered. The two-year waiting period specified in section 12-20-404(3) applies to a person whose certification as a physical therapist assistant is revoked by any other legally qualified board or regulatory entity. <[Adding a cross reference to the waiting period common provision, 12-20-404 (3), and keeping the broader]>

36
applicability specified in this subsection.}>

12-285-213. [Formerly 12-41-212] Disciplinary proceedings - investigations - judicial review. (1) The board may commence a proceeding for the discipline of a physical therapist assistant IN ACCORDANCE WITH SECTION 12-20-403 when the board has reasonable grounds to believe that a physical therapist assistant has committed an act enumerated in section 12-41-210 <{Adding a cross reference to the disciplinary proceedings common provision, 12-20-403.}> (2) In a proceeding held under this section, the board may accept as prima facie evidence of grounds for disciplinary action any disciplinary action taken against a physical therapist assistant from another jurisdiction if the violation that prompted the disciplinary action in that jurisdiction would be grounds for disciplinary action under this part 2. 

(3) (a) The board may investigate potential grounds for disciplinary action upon its own motion or when the board is informed of dismissal of a person certified under this part 2 if the dismissal was for a matter constituting a violation of this part 2. 

(b) A person who supervises a physical therapist assistant shall report to the board when the physical therapist assistant has been dismissed because of incompetence or failure to comply with this part 2. A certified physical therapist assistant who is aware that another person is violating this part 2 shall report the violation to the board. 

(4) (a) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board under this part 2. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. 

(b) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or certified physical therapist assistant resides or conducts business, upon application by the board with notice to the subpoenaed person or certified physical therapist assistant, may issue an order requiring that person or certified physical therapist assistant to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court: <{Redundant with disciplinary procedures common provision, 12-20-403. Recommend repealing.}> 

(5) (4) The board may keep any investigation authorized under this part 2 closed until the results of the investigation are known and either the complaint is dismissed or notice of hearing and charges are served upon the certified physical therapist assistant. 

(6) (a) The board, the director's staff, a witness or consultant to the board, a witness testifying in a proceeding authorized under this part 2, or a person who lodges a complaint under this part 2 is immune from liability in a civil action brought against him or her for acts occurring while acting in his or her capacity as a board member, staff member, consultant,
witness, or complainant if the individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted with the reasonable belief that the action taken was warranted by the facts:

(b) A person making a complaint or report in good faith or participating in any investigative or administrative proceeding pursuant to this section is immune from any liability, civil or criminal, that otherwise might result by reason of the participation.

(7) The board, through the department, or regulatory agencies, may employ administrative law judges appointed pursuant to part 10 of article 30 of title 24, C.R.S., on a full-time or part-time basis, to conduct hearings under this part 2 in accordance with section 12-20-403, or on any matter within the board's jurisdiction upon the conditions and terms as the board may determine.

(8) Final action of the board may be judicially reviewed by the court of appeals by appropriate proceedings under section 24-4-106, C.R.S. PURSUANT TO SECTION 12-20-406, and judicial proceedings for the enforcement of an order of the board may be instituted in accordance with section 24-4-106, C.R.S.

(9) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the board shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

(10) (a) If it appears to the board, based upon credible evidence as presented in a written complaint, that a certified physical therapist assistant is acting in a manner that is an imminent threat to the health and safety of the public, or a person is acting or has acted without the required certification, the board may issue an order to cease and desist the activity. The order must set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or uncertified practices immediately cease.

(b) Within ten days after service of the order to cease and desist under paragraph (a) of this subsection (10), the respondent may request a hearing on the question of whether acts or practices in violation of this part 2 have occurred. The hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(11) (a) If it appears to the board, based upon credible evidence as presented in a written complaint, that a person has violated this part 2, then, in addition to any specific powers granted under this part 2, the board may issue to the person an order to show cause as to why the board should not issue a final order directing the person to cease and desist from the unlawful act or uncertified practice:

(b) The board shall promptly notify a person against whom an order to show cause has been issued under paragraph (a) of this subsection (11) of the issuance of the order, along
with a copy of the order, the factual and legal basis for the order, and the date set by the board for a hearing on the order. The board may serve the notice by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon the person against whom the order is issued. Personal service or mailing of an order or document pursuant to this subsection (11) constitutes notice thereof to the person.

(c)(1) The board shall commence a hearing on an order to show cause no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the board as provided in paragraph (b) of this subsection (11). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event is the hearing to commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (11) does not appear at the hearing, the board may present evidence that notification was properly sent or served upon the person under paragraph (b) of this subsection (11) and such other evidence related to the matter as the board deems appropriate. The board shall issue the order within ten days after the board's determination related to reasonable attempts to notify the respondent, and the order becomes final as to that person by operation of law. The board shall conduct the hearing in accordance with sections 24-4-104 and 24-4-105, C.R.S.

(III) If the board reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required certification, or has or is about to engage in acts or practices constituting violations of this part 2, the board may issue a final cease-and-desist order, directing the person to cease and desist from further unlawful acts or uncertified practices.

(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this subsection (11), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued under subparagraph (III) of this paragraph (c) is effective when issued and is a final order for purposes of judicial review.

(12) If it appears to the board, based upon credible evidence presented to the board, that a person has engaged in or is about to engage in any uncertified act or practice, any act or practice constituting a violation of this part 2, a rule promulgated under this part 2, an order issued under this part 2, or an act or practice constituting grounds for administrative sanction under this part 2, the board may enter into a stipulation with the person.

(13) If a person fails to comply with a final cease-and-desist order or a stipulation, the board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order. Upon receiving the request, the attorney general or district attorney shall bring the suit as requested.

(7) The board may issue cease-and-desist orders under the circumstances...
AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. (Subsections (10) to (15) redundant with cease-and-desist common provision, 12-20-405. Recommend repealing and replacing with reference to common provision. )

12-285-214. [Formerly 12-41-213] Mental and physical examination of certified physical therapist assistants. (1) IN ACCORDANCE WITH SECTION 12-30-108, if the board has reasonable cause to believe that a certified physical therapist assistant is unable to practice with reasonable skill and safety, the board may require the certified physical therapist assistant to take a mental or physical examination by a health care provider designated by the board. If the certified physical therapist assistant refuses to undergo the mental or physical examination, unless due to circumstances beyond the certified physical therapist assistant's control, the board may suspend the certified physical therapist assistant's certification until the results of the examination are known and the board has made a determination of the certified physical therapist assistant's fitness to practice. The board shall proceed with an order for examination and determination in a timely manner.

(2) An order issued to a certified physical therapist assistant under subsection (1) of this section to undergo a mental or physical examination must contain the basis of the board's reasonable cause to believe that the certified physical therapist assistant is unable to practice with reasonable skill and safety. For the purposes of a disciplinary proceeding authorized by this part 2, the certified physical therapist assistant is deemed to have waived all objections to the admissibility of the examining health care provider's testimony or examination reports on the ground that they are privileged communications.

(3) The certified physical therapist assistant may submit to the board testimony or examination reports from a health care provider chosen by the certified physical therapist assistant pertaining to the condition that the board has alleged may preclude the certified physical therapist assistant from practicing with reasonable skill and safety. The board may consider such testimony or examination reports in conjunction with, but not in lieu of, testimony and examination reports of the health care provider designated by the board.

(4) A person shall not use the results of any mental or physical examination ordered by the board as evidence in any proceeding other than one before the board. The examination results are not public records and are not available to the public. (The highlighted language is not covered by the mental and physical examination common provision, 12-30-108; recommend amendment as indicated.)

12-285-215. [Formerly 12-41-214] Confidential agreements. (1) If a certified physical therapist assistant suffers from a physical illness; a physical condition; or a behavioral or mental health disorder rendering the certified physical therapist assistant unable to practice with reasonable skill and patient safety, the certified physical therapist assistant shall notify the board of the physical illness; the physical condition; or the behavioral or mental health disorder in a manner and within a period of time determined by the board. The board may require the certified physical therapist assistant to submit to an examination, or
the board may evaluate the extent of the physical illness; the physical condition; or the
behavioral or mental health disorder and its impact on the certified physical therapist
assistant’s ability to practice with reasonable skill and safety to patients.

(2) (a) Upon determining that a certified physical therapist assistant with a physical
illness; a physical condition; or a behavioral or mental health disorder is able to render
limited physical therapy with reasonable skill and patient safety, the board may enter into a
confidential agreement with the certified physical therapist assistant in which the certified
physical therapist assistant agrees to limit his or her practice based on the restrictions
imposed by the physical illness; the physical condition; or the behavioral or mental health
disorder, as determined by the board:

(b) The agreement must specify that the certified physical therapist assistant is subject
to periodic reevaluations or monitoring as determined appropriate by the board:

(c) The parties may modify or dissolve the agreement as necessary based on the
results of a reevaluation or of monitoring:

(d) By entering into an agreement with the board under this subsection (2) to limit his
or her practice, the certified physical therapist assistant is not engaging in unprofessional
conduct. The agreement is an administrative action and does not constitute a restriction or
discipline by the board. However, if the certified physical therapist assistant fails to comply
with the terms of an agreement entered into pursuant to this subsection (2), the failure
constitutes grounds for disciplinary action under section 12-41-210 (1)(i) and the certified
physical therapist assistant is subject to discipline in accordance with section 12-41-211.

(3) This section does not apply to a physical therapist assistant subject to discipline
under section 12-41-210 (1)(b).

SECTION 12-30-107 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
APPLIES TO THIS ARTICLE 285. <{Redundant with confidential agreement common
provision, 12-30-107. Recommend amendment as indicated.}>
as provided in section 18-1.3-501, C.R.S. IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(d). *(Redundant with unauthorized practice common provision, 12-20-407. Recommend amendment as indicated.)*

12-285-218. [Formerly 12-41-217] **Violation - fines.** (1) Notwithstanding section 12-41-216 12-285-217, the board may assess a fine for a violation of this part 2 or a rule adopted under this part 2.

(2) The fine shall not be greater than one thousand dollars. **and shall be transmitted to the state treasurer, who shall credit the same to the general fund.** *(Redundant with disposition of fines common provision, 12-20-404 (6). Recommend repeal.)*

(3) All fines must be imposed in accordance with section 24-4-105 C.R.S., but are not a substitute or waiver of a criminal penalty.

12-285-219. [Formerly 12-41-218] **Injunctive proceedings.** The board may in the name of the people of the state of Colorado, through the attorney general of Colorado, apply for an injunction to a court PURSUANT TO SECTION 12-20-406, BUT ONLY to enjoin a person from committing an act declared to be a misdemeanor by this part 2. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this part 2, the court shall enter a decree perpetually enjoining the defendant from further committing the act. If a person violates an injunction issued under this section, the court may try and punish the offender for contempt of court. An injunction proceeding is in addition to, and not in lieu of, all penalties and other remedies provided in this part 2. *(Some redundancy with injunctive relief common provision, 12-20-406, which currently exempts this article. Recommend either amendment as indicated (along with deleting 12-20-406 (1)(b)XI)) or leaving the entire section alone.)*

12-41-219. **Limitation on authority.** The authority granted to the board by this part 2 does not authorize the board to arbitrate or adjudicate fee disputes between physical therapist assistants or between a physical therapist assistant and another party. *(Moved to 12-285-201 (3).)*

12-41-220. **Fees and expenses.** All fees collected under this part 2 shall be determined, collected, and appropriated in the same manner as set forth in section 24-34-105, C.R.S. *(Redundant with fees common provision, 12-20-105; recommend repeal.)*

12-285-220. [Formerly 12-41-221] **Repeal of part.** This part 2 is repealed, effective September 1, 2024. Before its repeal, the functions of the physical therapy board in regulating physical therapist assistants under this part 2 are scheduled for review in
accordance with section 24-34-104.