

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

INTRODUCED

LLS NO. 19-0562.02 Jery Payne x2157

HOUSE BILL 19-1083

HOUSE SPONSORSHIP

Hooton and Van Winkle, Bird, Buck, Buentello, Exum, Landgraf, Larson, Liston, McKean, Melton, Michaelson Jenet, Mullica, Soper, Titone

SENATE SPONSORSHIP

Williams A. and Cooke, Ginal, Priola

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A RECLASSIFICATION OF THE REGULATION OF ATHLETIC**
102 **TRAINERS FROM REGISTRATION TO LICENSURE.**

Bill Summary

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

The bill changes the terms describing the regulation of athletic trainers from "registration" to "license" and "licensure" and from "registrant" and "registered athletic trainer" to "licensee".

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

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

1 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-29.7-102
2 as follows:

3 **12-29.7-102. Legislative declaration.** The general assembly
4 hereby finds and declares that the practice of athletic training by a person
5 who does not possess a valid ~~registration~~ LICENSE issued pursuant to this
6 ~~article~~ ARTICLE 29.7 is not in the best interests of the people of the state
7 of Colorado. It is not, however, the intent of this ~~article~~ ARTICLE 29.7 to
8 restrict the practice of a person duly licensed, certified, or registered
9 under any article of this ~~title~~ TITLE 12 or other laws of this state from
10 practicing within the person's scope of practice and authority pursuant to
11 those laws.

12 **SECTION 2.** In Colorado Revised Statutes, 12-29.7-103, **amend**
13 the introductory portion and (4)(a) introductory portion; **repeal** (9); and
14 **add** (7.5) as follows:

15 **12-29.7-103. Definitions.** As used in this ~~article~~ ARTICLE 29.7,
16 unless the context otherwise requires:

17 (4) (a) "Athletic training" means the performance of those services
18 that require the education, training, and experience required by this ~~article~~
19 ARTICLE 29.7 for ~~registration~~ LICENSURE as an athletic trainer pursuant to
20 section 12-29.7-107. "Athletic training" includes services appropriate for
21 the prevention, recognition, assessment, management, treatment,
22 rehabilitation, and reconditioning of injuries and illnesses sustained by an
23 athlete:

24 (7.5) "LICENSEE" MEANS A PERSON LICENSED AS AN ATHLETIC
25 TRAINER IN ACCORDANCE WITH THIS ARTICLE 29.7.

26 (9) ~~"Registrant" means an athletic trainer registered pursuant to~~
27 ~~this article.~~

1 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-29.7-104
2 as follows:

3 **12-29.7-104. Use of titles restricted.** Only a person ~~registered~~
4 LICENSED as an athletic trainer may use the title "athletic trainer" or
5 "~~registered athletic trainer~~", "LICENSED ATHLETIC TRAINER"; the letters
6 "A.T." OR "A.T.C." AS A TITLE; or any other generally accepted terms,
7 letters, or figures that indicate that the person is an athletic trainer.

8 **SECTION 4.** In Colorado Revised Statutes, 12-29.7-106, **amend**
9 (1) introductory portion and (1)(a); and **add** (2) as follows:

10 **12-29.7-106. License required - repeal.** (1) Except as otherwise
11 provided in this ~~article~~ ARTICLE 29.7, in order to practice athletic training
12 or represent oneself as being able to practice athletic training in this state,
13 a person must:

14 (a) Possess a valid ~~registration~~ LICENSE issued by the director in
15 accordance with this ~~article~~ ARTICLE 29.7 and any rules adopted under this
16 ~~article~~ ARTICLE 29.7; and

17 (2) (a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), EACH
18 ACTIVE ATHLETIC TRAINER REGISTRATION BECOMES AN ACTIVE ATHLETIC
19 TRAINER LICENSE BY OPERATION OF LAW. THIS CONVERSION DOES NOT
20 AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED ON A
21 LICENSEE; LIMIT THE DIRECTOR'S AUTHORITY OVER A LICENSEE; OR AFFECT
22 A PENDING INVESTIGATION OR ADMINISTRATIVE PROCEEDING. THE
23 DIRECTOR SHALL TREAT AN APPLICATION FOR AN ATHLETIC TRAINER
24 REGISTRATION, PENDING AS OF THE EFFECTIVE DATE OF THIS SUBSECTION
25 (2), AS AN APPLICATION FOR ATHLETIC TRAINER LICENSURE.

26 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2024.

27 **SECTION 5.** In Colorado Revised Statutes, 12-29.7-107, **amend**

1 (1) introductory portion, (1)(f), (2), and (3) as follows:

2 **12-29.7-107. Requirements for license - license by**
3 **endorsement - application - denial.** (1) Every applicant for a
4 ~~registration~~ LICENSE to practice athletic training must have:

5 (f) Submitted additional information as requested by the director
6 to fully and fairly evaluate the applicant's qualifications for ~~registration~~
7 LICENSURE and to protect public health and safety.

8 (2) When an applicant has fulfilled the requirements of subsection
9 (1) of this section, the director shall issue a ~~registration~~ LICENSE to the
10 applicant. The director may deny ~~registration~~ LICENSURE if the applicant
11 has committed an act that would be grounds for disciplinary action under
12 section 12-29.7-110.

13 (3) (a) ~~An applicant for registration~~ TO BE LICENSED by
14 endorsement, ~~shall~~ AN APPLICANT MUST file an application and pay a fee
15 as prescribed by the director and ~~shall~~ MUST hold a current, valid license
16 or registration in a jurisdiction that requires qualifications substantially
17 equivalent to those required for ~~registration~~ LICENSURE by subsection (1)
18 of this section.

19 (b) TO BE LICENSED BY ENDORSEMENT, an applicant ~~for~~
20 ~~registration shall~~ MUST submit, with the application, verification that the
21 applicant has actively practiced for a period of time determined by rules
22 of the director or has otherwise maintained continued competency as
23 determined by the director.

24 (c) Upon receipt of all documents required by ~~paragraphs (a) and~~
25 ~~(b) of this subsection (3)~~ SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION,
26 the director shall review the application and make a determination of the
27 applicant's qualifications to be ~~registered~~ LICENSED by endorsement.

1 (d) The director may deny ~~the registration~~ LICENSURE if the
2 applicant has committed an act that would be grounds for disciplinary
3 action under section 12-29.7-110.

4 **SECTION 6.** In Colorado Revised Statutes, 12-29.7-108, **amend**
5 (1) as follows:

6 **12-29.7-108. Renewal of license - fees.** (1) (a) TO AVOID A
7 LICENSE'S EXPIRATION, a ~~registrant shall~~ LICENSEE MUST renew the
8 ~~registration~~ LICENSE issued pursuant to this ~~article~~ ARTICLE 29.7 according
9 to a schedule of renewal dates established by the director. The ~~registrant~~
10 ~~shall~~ LICENSEE MUST submit an application in the form and manner
11 designated by, and ~~shall~~ MUST pay a renewal fee in an amount determined
12 by, the director.

13 (b) ~~Registrations shall~~ A LICENSE MUST be renewed or reinstated
14 in accordance with the schedule established by the director, and renewal
15 or reinstatement ~~shall~~ MUST be granted pursuant to section 24-34-102 (8).
16 ~~C.R.S.~~ The director may establish renewal fees and delinquency fees for
17 reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a ~~registrant~~
18 LICENSEE fails to renew ~~his or her registration~~ THE LICENSE pursuant to
19 the director's schedule, the ~~registration~~ LICENSE expires. A person whose
20 ~~registration~~ LICENSE has expired is subject to the penalties provided in
21 this ~~article~~ ARTICLE 29.7 or section 24-34-102 (8) ~~C.R.S.~~, for
22 reinstatement.

23 (c) The ~~registrant~~ LICENSEE shall submit additional information
24 that the director requests, including evidence that the ~~registrant~~ LICENSEE
25 has maintained and holds a current, valid certification from the national
26 certifying agency, to fully and fairly evaluate the applicant's qualifications
27 for ~~registration~~ LICENSE renewal and to protect public health and safety.

1 **SECTION 7.** In Colorado Revised Statutes, 12-29.7-109, **amend**
2 (1) introductory portion, (1)(a), (1)(c)(I), (2), (3), and (5) as follows:

3 **12-29.7-109. Scope of article - exclusions - authority for**
4 **clinical setting.** (1) Nothing in this ~~article~~ ARTICLE 29.7 prohibits:

5 (a) The practice of athletic training that is an integral part of a
6 program of study by students enrolled in an accredited athletic training
7 education program. Students enrolled in an accredited athletic training
8 education program shall ~~be identified~~ IDENTIFY THEMSELVES as "athletic
9 training students" and shall only practice athletic training under the
10 direction and immediate supervision of ~~an athletic trainer currently~~
11 ~~registered under this article~~ A LICENSEE. An athletic training student shall
12 not represent himself or herself as an athletic trainer.

13 (c) The practice of athletic training by a person who resides in
14 another state or country, is currently licensed or registered in another
15 state, or is currently certified by a national certifying agency, and is:

16 (I) Administering athletic training services to an athlete who is a
17 member of a bona fide professional or amateur sports organization or of
18 a sports team of an accredited educational institution, if the person acts
19 in accordance with rules established by the director and engages in the
20 ~~unregistered~~ UNLICENSED practice of athletic training for no more than
21 ninety days in any calendar year; or

22 (2) Nothing in this ~~article~~ ARTICLE 29.7 limits or prohibits the
23 administration of routine assistance or first aid by a person who is not a
24 ~~registered athletic trainer~~ LICENSEE for injuries or illnesses sustained at an
25 athletic event or program.

26 (3) Nothing in this ~~article~~ ARTICLE 29.7 requires an entity offering
27 or sponsoring an athletic event or regular athletic activity, including a

1 youth sports team or program whose participants are eighteen years of age
2 or younger, to employ a ~~registered~~ LICENSED athletic trainer.

3 (5) A ~~registered athletic trainer~~ LICENSEE may provide athletic
4 training services in a clinical setting to a person who is not an athlete if
5 the athletic trainer is under the direction and supervision of a
6 Colorado-licensed or otherwise lawfully practicing physician, dentist, or
7 health care professional who treats sports or musculoskeletal injuries. As
8 used in this subsection (5), "direction and supervision" means the
9 issuance of written or oral directives by the physician, dentist, or licensed
10 health care professional to the ~~registered athletic trainer~~ LICENSEE
11 pertaining to the athletic training services to be provided.

12 **SECTION 8.** In Colorado Revised Statutes, 12-29.7-110, **amend**
13 (1), (2) introductory portion, (2)(a) introductory portion, (2)(a)(II), (2)(b),
14 (2)(c), (2)(d)(I), (2)(d)(II), (2)(g), (4), and (6)(b)(III) as follows:

15 **12-29.7-110. Grounds for discipline - disciplinary proceedings**
16 **- definitions.** (1) The director may take disciplinary action against a
17 ~~registrant~~ LICENSEE if the director finds that the ~~registrant~~ LICENSEE has
18 represented himself or herself as a ~~registered athletic trainer~~ LICENSEE
19 after the expiration, suspension, or revocation of ~~his or her registration~~
20 THE LICENSE.

21 (2) The director may revoke, deny, suspend, or refuse to renew a
22 ~~registration~~ LICENSE or issue a cease-and-desist order in accordance with
23 this section upon reasonable grounds that the ~~registrant~~ LICENSEE:

24 (a) Has engaged in a sexual act with a person receiving services
25 while a therapeutic relationship existed or within six months immediately
26 following termination of the therapeutic relationship. For the purposes of
27 this ~~paragraph (a)~~ SUBSECTION (2)(a):

1 (II) "Therapeutic relationship" means the period beginning with
2 the initial evaluation and ending upon the written termination of
3 treatment. When an individual receiving services is an athlete
4 participating on a sports team operated under the auspices of a bona fide
5 amateur sports organization or an accredited educational institution that
6 employs the ~~registrant~~ LICENSEE, the therapeutic relationship exists from
7 the time the athlete becomes affiliated with the team until the affiliation
8 ends or the athletic trainer terminates the provision of athletic training
9 services to the team, whichever occurs first.

10 (b) Has falsified information in an application or has attempted to
11 obtain or has obtained a ~~registration~~ LICENSE by fraud, deception, or
12 misrepresentation;

13 (c) Has an alcohol use disorder, as defined in section 27-81-102,
14 or a substance use disorder, as defined in section 27-82-102, or is an
15 excessive or habitual user or abuser of alcohol or habit-forming drugs or
16 is a habitual user of a controlled substance, as defined in section
17 18-18-102 (5), or other drugs having similar effects; except that the
18 director has the discretion not to discipline the ~~registrant~~ LICENSEE if ~~he~~
19 ~~or she~~ THE LICENSEE is participating in good faith in an alcohol or
20 substance use disorder treatment program approved by the director;

21 (d) (I) Has failed to notify the director, as required by section
22 12-29.7-113, of a physical illness; a physical condition; or a behavioral,
23 mental health, or substance use disorder that affects the ~~registrant's~~
24 LICENSEE'S ability to provide athletic training services with reasonable
25 skill and safety or that may endanger the health or safety of individuals
26 receiving athletic training services;

27 (II) Has failed to act within the limitations created by a physical

1 illness; a physical condition; or a behavioral, mental health, or substance
2 use disorder that renders the ~~registrant~~ LICENSEE unable to perform
3 athletic training with reasonable skill and safety or that may endanger the
4 health or safety of persons under ~~his or her~~ THE LICENSEE'S care; or

5 (g) Has practiced athletic training without a ~~registration~~ LICENSE;

6 (4) (a) The director may commence a proceeding to discipline a
7 ~~registrant~~ LICENSEE when the director has reasonable grounds to believe
8 that the ~~registrant~~ LICENSEE has committed an act enumerated in this
9 section.

10 (b) In any proceeding held under this section, the director may
11 accept as evidence of grounds for disciplinary action any disciplinary
12 action taken against a ~~registrant~~ LICENSEE in another jurisdiction if the
13 violation that prompted the disciplinary action in the other jurisdiction
14 would be grounds for disciplinary action under this ~~article~~ ARTICLE 29.7.

15 (6) (b) (III) Upon failure of any witness or ~~registrant~~ LICENSEE to
16 comply with a subpoena or process, the district court of the county ~~in~~
17 ~~which~~ WHERE the subpoenaed person or ~~registrant~~ LICENSEE resides or
18 conducts business, upon application by the director with notice to the
19 subpoenaed person or ~~registrant~~ LICENSEE, may issue to the person or
20 ~~registrant~~ LICENSEE an order requiring the person or ~~registrant~~ LICENSEE
21 to appear before the director; produce the relevant papers, books, records,
22 documentary evidence, or materials; or give evidence touching the matter
23 under investigation or in question. If the person or ~~registrant~~ LICENSEE
24 fails to obey the order of the court, the person or ~~registrant~~ LICENSEE may
25 be held in contempt of court.

26 **SECTION 9.** In Colorado Revised Statutes, 12-29.7-111, **amend**
27 (1)(a), (2)(a), (2)(c)(III), and (3) as follows:

1 **12-29.7-111. Cease-and-desist orders.** (1) (a) If it appears to the
2 director, based upon credible evidence as presented in a written complaint
3 by any person, that a ~~registrant~~ LICENSEE is acting in a manner that is an
4 imminent threat to the health and safety of the public or that a person is
5 acting or has acted without the required ~~registration~~ LICENSE, the director
6 may issue an order to cease and desist the activity. The director shall set
7 forth the statutes and rules alleged to have been violated, the facts alleged
8 to have constituted the violation, and the requirement that all unlawful
9 acts or ~~unregistered~~ UNLICENSED practices immediately cease.

10 (2) (a) If it appears to the director, based upon credible evidence
11 as presented in a written complaint by any person, that a person has
12 violated any other portion of this ~~article~~ ARTICLE 29.7 or rules adopted
13 under this ~~article~~ ARTICLE 29.7, in addition to any specific powers granted
14 pursuant to this ~~article~~ ARTICLE 29.7, the director may issue to the person
15 an order to show cause as to why the director should not issue a final
16 order directing the person to cease and desist from the unlawful act or
17 ~~unregistered~~ UNLICENSED practice.

18 (c) (III) If the director reasonably finds that the person against
19 whom the order to show cause was issued is acting or has acted without
20 the required ~~registration~~ LICENSE, or has or is about to engage in acts or
21 practices constituting violations of this ~~article~~ ARTICLE 29.7 or rules
22 adopted under this ~~article~~ ARTICLE 29.7, the director may issue a final
23 cease-and-desist order, directing the person to cease and desist from
24 further unlawful acts or ~~unregistered~~ UNLICENSED practices.

25 (3) If it appears to the director, based upon credible evidence
26 presented to the director, that a person has engaged or is about to engage
27 in an ~~unregistered~~ UNLICENSED act or practice; an act or practice

1 constituting a violation of this ~~article~~, ARTICLE 29.7; a rule promulgated
2 pursuant to this ~~article~~, or ARTICLE 29.7; an order issued pursuant to
3 UNDER this ~~article~~ ARTICLE 29.7; or an act or practice constituting grounds
4 for administrative sanction pursuant to this ~~article~~ ARTICLE 29.7, the
5 director may enter into a stipulation with the person.

6 **SECTION 10.** In Colorado Revised Statutes, 12-29.7-112,
7 **amend** (1), (2), and (3) as follows:

8 **12-29.7-112. Mental or physical examination of licensees.**

9 (1) If the director has reasonable cause to believe that a ~~registrant~~
10 LICENSEE is unable to practice with reasonable skill and safety, the
11 director may order the ~~registrant~~ LICENSEE to take a mental or physical
12 examination administered by a physician or other licensed health care
13 professional designated by the director. Unless due to circumstances
14 beyond the ~~registrant's~~ LICENSEE'S control, if the ~~registrant~~ LICENSEE
15 refuses to undergo a mental or physical examination, the director may
16 suspend the ~~person's registration~~ LICENSE OF A LICENSEE until the results
17 of the examination are known and the director has made a determination
18 of the ~~registrant's~~ LICENSEE'S fitness to practice. The director shall
19 proceed with an order for examination and shall make ~~his or her~~ THE
20 determination in a timely manner.

21 (2) The director shall include in an order requiring a ~~registrant~~
22 LICENSEE to undergo a mental or physical examination the basis of the
23 director's reasonable cause to believe that the ~~registrant~~ LICENSEE is
24 unable to practice with reasonable skill and safety. For purposes of a
25 disciplinary proceeding authorized under this ~~article~~ ARTICLE 29.7, the
26 ~~registrant~~ LICENSEE is deemed to have waived all objections to the
27 admissibility of the examining physician's or licensed health care

1 professional's testimony or examination reports on the ground that they
2 are privileged communications.

3 (3) The ~~registrant~~ LICENSEE may submit to the director testimony
4 or examination reports from a physician chosen by the ~~registrant~~
5 LICENSEE and pertaining to any condition that the director has alleged may
6 preclude the ~~registrant~~ LICENSEE from practicing with reasonable skill and
7 safety. The testimony and reports submitted by the ~~registrant~~ LICENSEE
8 may be considered by the director in conjunction with, but not in lieu of,
9 testimony and examination reports of the physician designated by the
10 director.

11 **SECTION 11.** In Colorado Revised Statutes, 12-29.7-113,
12 **amend** (1), (2)(a), (2)(b), (2)(d), and (3) as follows:

13 **12-29.7-113. Confidential agreement to limit practice -**
14 **violation grounds for discipline.** (1) If a ~~registered athletic trainer~~
15 LICENSEE suffers from a physical illness, a physical condition, or a
16 behavioral or mental health disorder that renders ~~him or her~~ THE LICENSEE
17 unable to practice athletic training with reasonable skill and safety to
18 patients, ~~he or she~~ THE LICENSEE shall notify the director of the physical
19 illness, the physical condition, or the behavioral or mental health disorder
20 in a manner and within a period of time determined by the director. The
21 director may require the ~~registrant~~ LICENSEE to submit to an examination
22 to evaluate the extent of the physical illness, the physical condition, or the
23 behavioral or mental health disorder and its impact on the ~~registrant's~~
24 LICENSEE'S ability to practice with reasonable skill and safety to patients.

25 (2) (a) Upon determining that a ~~registrant~~ LICENSEE with a
26 physical illness, a physical condition, or a behavioral or mental health
27 disorder is able to render limited athletic training services with reasonable

1 skill and safety to patients, the director may enter into a confidential
2 agreement with the ~~registrant~~ LICENSEE in which the ~~registrant~~ LICENSEE
3 agrees to ~~limit his or her~~ A LIMITED practice based on the restrictions
4 imposed by the physical illness, the physical condition, or the behavioral
5 or mental health disorder, as determined by the director.

6 (b) The agreement must specify that the ~~registrant~~ LICENSEE is
7 subject to periodic reevaluations or monitoring as determined appropriate
8 by the director.

9 (d) By entering into an agreement with the director pursuant to
10 this section, ~~to limit his or her practice~~, the ~~registrant~~ LICENSEE is not
11 engaging in activities that constitute grounds for discipline under section
12 12-29.7-110. The agreement is an administrative action and does not
13 constitute a restriction or discipline by the director. However, if the
14 ~~registrant~~ LICENSEE fails to comply with the terms of an agreement
15 entered into pursuant to this section, the failure constitutes grounds for
16 disciplinary action under section 12-29.7-110 (2)(d), and the ~~registrant~~
17 LICENSEE is subject to discipline in accordance with section 12-29.7-110.

18 (3) This section does not apply to a ~~registrant~~ LICENSEE subject to
19 discipline under section 12-29.7-110 (2)(c).

20 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-29.7-114
21 as follows:

22 **12-29.7-114. Unauthorized practice - penalties.** A person who
23 practices or offers or attempts to practice athletic training without an
24 active ~~registration~~ LICENSE issued under this ~~article~~ ARTICLE 29.7 commits
25 a class 2 misdemeanor and shall be punished as provided in section
26 18-1.3-501 ~~C.R.S.~~, for the first offense. For the second or any subsequent
27 offense, the person commits a class 1 misdemeanor and shall be punished

1 as provided in section 18-1.3-501. ~~C.R.S.~~

2 **SECTION 13.** In Colorado Revised Statutes, 25-43-103, **amend**
3 (4)(c) as follows:

4 **25-43-103. Organized school athletic activities - concussion**
5 **guidelines required.** (4) (c) After a concussed athlete has been evaluated
6 and received clearance to return to play from a health care provider, an
7 organization or association of which a school or school district is a
8 member, a private or public school, a private club, a public recreation
9 facility, or an athletic league may allow a ~~registered~~ LICENSED athletic
10 trainer with specific knowledge of the athlete's condition to manage the
11 athlete's graduated return to play.

12 **SECTION 14. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2020 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.