

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 21-147

BY SENATOR(S) Fields and Holbert, Ginal, Jaquez Lewis, Simpson, Kolker;
also REPRESENTATIVE(S) Froelich and Van Winkle, Bird, Caraveo, Carver, Cutter, Duran, Esgar, Gray, Herod, Jodeh, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sandridge, Snyder, Sullivan, Titone, Valdez D., Williams, Young.

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

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

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

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

(IX) ~~The regulation of athletic trainers by the director of the division of professions and occupations in the department of regulatory agencies in~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~accordance with article 205 of title 12;~~

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

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

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

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

(b) (II) A regulator is not authorized under this subsection (1)(b) to impose probation on a licensee, certificate holder, or registrant regulated under the following:

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

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

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

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

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

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

~~(I) Article 205 of this title 12 concerning athletic trainers, and~~

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

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

~~(IV) Article 205 of this title 12 concerning athletic trainers, and~~

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

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

(5) "Direction of a Colorado-licensed or otherwise lawfully practicing physician ~~dentist~~, or ~~health-care professional~~ PHYSICIAN ASSISTANT" means the planning of services with a physician ~~dentist~~, or ~~health-care professional~~ PHYSICIAN ASSISTANT LICENSED UNDER ARTICLE 240 OF THIS TITLE 12 OR UNDER THE MEDICAL PRACTICE ACT OF ANOTHER JURISDICTION; the development and approval by the physician ~~dentist~~, or ~~health-care professional~~ PHYSICIAN ASSISTANT of procedures and protocols to be followed in the event of an injury or illness; the mutual review of the protocols on a periodic basis; and the appropriate consultation and referral between the physician ~~dentist~~, or ~~health-care professional~~ PHYSICIAN ASSISTANT and the athletic trainer.

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

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

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

SECTION 5. In Colorado Revised Statutes, 12-205-110, **amend** (5)

as follows:

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

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

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

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

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

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

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

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

SECTION 9. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO