

CHAPTER 373

PROFESSIONS AND OCCUPATIONS

SENATE BILL 09-026

BY SENATOR(S) Williams, Tochtrop, Schwartz, Tapia;
also REPRESENTATIVE(S) Riesberg, Fischer, Labuda, Todd.

AN ACT

CONCERNING THE REGULATION OF ATHLETIC TRAINERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 29.7
Athletic Trainer Practice Act

12-29.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "ATHLETIC TRAINER PRACTICE ACT".

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

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

(1) "ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM" MEANS A PROGRAM OF INSTRUCTION IN ATHLETIC TRAINING THAT IS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND ACCREDITED BY A NATIONAL, REGIONAL, OR STATE AGENCY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION, OR ANOTHER PROGRAM ACCREDITED AND APPROVED BY THE DIRECTOR.

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

(3) "ATHLETIC TRAINER" MEANS A PERSON REGISTERED TO PRACTICE ATHLETIC TRAINING UNDER THIS ARTICLE.

(4) (a) "ATHLETIC TRAINING" MEANS THE PERFORMANCE, PURSUANT TO THE DIRECTION OF A COLORADO LICENSED OR OTHERWISE LAWFULLY PRACTICING PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL OF THOSE SERVICES THAT REQUIRE THE EDUCATION, TRAINING, AND EXPERIENCE REQUIRED BY THIS ARTICLE FOR REGISTRATION AS AN ATHLETIC TRAINER PURSUANT TO SECTION 12-29.7-107. "ATHLETIC TRAINING" INCLUDES SERVICES APPROPRIATE FOR THE PREVENTION, RECOGNITION, ASSESSMENT, MANAGEMENT, TREATMENT, REHABILITATION, AND RECONDITIONING OF INJURIES AND ILLNESSES SUSTAINED BY AN ATHLETE:

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

(II) THAT AFFECT AN ATHLETE'S PARTICIPATION OR PERFORMANCE IN SUCH SPORTS, GAMES, RECREATION, OR EXERCISE.

(b) "ATHLETIC TRAINING" INCLUDES:

(I) THE PLANNING, ADMINISTRATION, EVALUATION, AND MODIFICATION OF METHODS FOR PREVENTION AND RISK MANAGEMENT OF INJURIES AND ILLNESSES;

(II) THE IDENTIFICATION AND APPROPRIATE CARE AND REFERRAL OF MEDICAL CONDITIONS AND DISABILITIES ASSOCIATED WITH ATHLETES;

(III) THE RECOGNITION, ASSESSMENT, TREATMENT, MANAGEMENT, PREVENTION, REHABILITATION, RECONDITIONING, AND APPROPRIATE REFERRAL OF INJURIES AND ILLNESSES;

(IV) THE USE OF THERAPEUTIC MODALITIES FOR WHICH THE ATHLETIC TRAINER HAS RECEIVED APPROPRIATE TRAINING AND EDUCATION;

(V) THE USE OF CONDITIONING AND REHABILITATIVE EXERCISE;

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

(VII) THE EDUCATION AND COUNSELING OF ATHLETES CONCERNING THE PREVENTION AND CARE OF INJURIES AND ILLNESSES;

(VIII) THE EDUCATION AND COUNSELING OF THE GENERAL PUBLIC WITH RESPECT TO ATHLETIC TRAINING SERVICES;

(IX) THE REFERRAL OF AN ATHLETE RECEIVING ATHLETIC TRAINING SERVICES TO APPROPRIATE HEALTH CARE PERSONNEL AS NEEDED; AND

(X) THE PLANNING, ORGANIZATION, ADMINISTRATION, AND EVALUATION OF THE PRACTICE OF ATHLETIC TRAINING.

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

(5) "DIRECTION OF A PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL" MEANS THE PLANNING OF SERVICES WITH A PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL; THE DEVELOPMENT AND APPROVAL BY THE PHYSICIAN, DENTIST, OR HEALTH CARE PROFESSIONAL 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 AND THE ATHLETIC TRAINER.

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

(7) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION 24-34-102, C.R.S.

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

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

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

12-29.7-105. Limitations on authority. (1) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE AN ATHLETIC TRAINER TO PERFORM THE PRACTICE OF MEDICINE, AS DEFINED IN ARTICLE 36 OF THIS TITLE; PHYSICAL THERAPY, AS DEFINED IN ARTICLE 41 OF THIS TITLE; CHIROPRACTIC, AS DEFINED IN ARTICLE 33 OF THIS TITLE; OCCUPATIONAL THERAPY, AS DEFINED IN ARTICLE 40.5 OF THIS TITLE; OR ANY OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS ARTICLE.

(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE AN ATHLETIC TRAINER TO TREAT A DISEASE OR CONDITION THAT IS NOT RELATED TO A PERSON'S PARTICIPATION IN SPORTS, GAMES, RECREATION, OR EXERCISE, BUT THE ATHLETIC

TRAINER SHALL TAKE SUCH DISEASE OR CONDITION INTO ACCOUNT IN PROVIDING ATHLETIC TRAINING SERVICES AND SHALL CONSULT WITH A PHYSICIAN AS APPROPRIATE REGARDING SUCH DISEASE OR CONDITION.

(3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT A PERSON FROM RECOMMENDING WEIGHT MANAGEMENT OR EXERCISE TO IMPROVE STRENGTH, CONDITIONING, FLEXIBILITY, AND CARDIOVASCULAR PERFORMANCE TO A PERSON IN NORMAL HEALTH AS LONG AS THE PERSON RECOMMENDING THE WEIGHT MANAGEMENT OR EXERCISE DOES NOT REPRESENT HIMSELF OR HERSELF AS AN ATHLETIC TRAINER AND THE PERSON DOES NOT ENGAGE IN ATHLETIC TRAINING AS DEFINED IN THIS ARTICLE.

12-29.7-106. Registration required. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON SHALL NOT PRACTICE ATHLETIC TRAINING OR REPRESENT HIMSELF OR HERSELF AS BEING ABLE TO PRACTICE ATHLETIC TRAINING IN THIS STATE WITHOUT POSSESSING A VALID REGISTRATION ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED UNDER THIS ARTICLE.

12-29.7-107. Requirements for registration - registration by endorsement - denial - renewal - fees. (1) EVERY APPLICANT FOR A REGISTRATION TO PRACTICE ATHLETIC TRAINING SHALL HAVE:

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

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

(c) (I) PASSED A COMPETENCY EXAMINATION ADMINISTERED BY A NATIONAL CERTIFYING AGENCY THAT HAS BEEN APPROVED BY THE DIRECTOR AND PROVIDED EVIDENCE OF CERTIFICATION WITHIN THE PAST THREE YEARS BY THE AGENCY; OR

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

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

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

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

(2) WHEN AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A REGISTRATION TO THE APPLICANT. THE DIRECTOR MAY DENY REGISTRATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-29.7-109.

(3) (a) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT SHALL FILE AN APPLICATION AND PAY A FEE AS PRESCRIBED BY THE DIRECTOR AND SHALL HOLD A

CURRENT, VALID LICENSE OR REGISTRATION IN A JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR REGISTRATION BY SUBSECTION (1) OF THIS SECTION.

(b) AN APPLICANT FOR REGISTRATION SHALL SUBMIT WITH THE APPLICATION VERIFICATION THAT THE APPLICANT HAS ACTIVELY PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF THE DIRECTOR OR HAS OTHERWISE MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR.

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

(d) THE DIRECTOR MAY DENY THE REGISTRATION IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-29.7-109.

(4) (a) A REGISTRANT SHALL BE REQUIRED TO RENEW THE REGISTRATION ISSUED PURSUANT TO THIS ARTICLE ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE REGISTRANT SHALL SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

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

(c) THE REGISTRANT SHALL SUBMIT ADDITIONAL INFORMATION AS MAY BE REQUESTED BY THE DIRECTOR TO FULLY AND FAIRLY EVALUATE THE APPLICANT'S QUALIFICATIONS FOR REGISTRATION AND TO PROTECT THE PUBLIC HEALTH AND SAFETY.

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

12-29.7-108. Scope of article - exclusions - authority for clinical setting.

(1) NOTHING CONTAINED IN THIS ARTICLE SHALL PROHIBIT:

(a) THE PRACTICE OF ATHLETIC TRAINING THAT IS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM. STUDENTS ENROLLED IN AN ACCREDITED ATHLETIC TRAINING EDUCATION PROGRAM SHALL BE IDENTIFIED AS "STUDENT ATHLETIC

TRAINERS" AND SHALL ONLY PRACTICE ATHLETIC TRAINING UNDER THE DIRECTION AND IMMEDIATE SUPERVISION OF AN ATHLETIC TRAINER CURRENTLY REGISTERED UNDER THIS ARTICLE. A STUDENT ATHLETIC TRAINER SHALL NOT HOLD HIMSELF OR HERSELF OUT AS AN ATHLETIC TRAINER.

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

(c) THE PRACTICE OF ATHLETIC TRAINING BY A PERSON WHO RESIDES IN ANOTHER STATE OR COUNTRY, IS CURRENTLY LICENSED OR REGISTERED IN ANOTHER STATE, OR IS CURRENTLY CERTIFIED BY A NATIONAL CERTIFYING AGENCY, AND IS:

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

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

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

(e) ATHLETIC TRAINING BY A PATIENT FOR HIMSELF OR HERSELF OR GRATUITOUS ATHLETIC TRAINING BY A FRIEND OR FAMILY MEMBER WHO DOES NOT REPRESENT HIMSELF OR HERSELF TO BE AN ATHLETIC TRAINER.

(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT OR PROHIBIT THE ADMINISTRATION OF ROUTINE ASSISTANCE OR FIRST AID BY A PERSON WHO IS NOT A REGISTERED ATHLETIC TRAINER FOR INJURIES OR ILLNESSES SUSTAINED AT AN ATHLETIC EVENT OR PROGRAM.

(3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE AN ENTITY OFFERING OR SPONSORING AN ATHLETIC EVENT OR REGULAR ATHLETIC ACTIVITY TO EMPLOY A REGISTERED ATHLETIC TRAINER.

(4) A REGISTERED ATHLETIC TRAINER 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 LICENSED HEALTH CARE PROFESSIONAL WHO TREATS SPORTS OR MUSCULOSKELETAL INJURIES. AS USED IN

THIS SUBSECTION (4), "DIRECTION AND SUPERVISION" MEANS THE ISSUANCE OF WRITTEN OR ORAL DIRECTIVES BY THE PHYSICIAN, DENTIST, OR LICENSED HEALTH CARE PROFESSIONAL TO THE REGISTERED ATHLETIC TRAINER PERTAINING TO THE ATHLETIC TRAINING SERVICES TO BE PROVIDED.

12-29.7-109. Grounds for discipline - disciplinary proceedings. (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A PERSON REGISTERED UNDER THIS ARTICLE IF THE DIRECTOR FINDS THAT THE PERSON REGISTERED HAS REPRESENTED HIMSELF OR HERSELF AS A REGISTERED ATHLETIC TRAINER AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS OR HER REGISTRATION.

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

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

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

(II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN TERMINATION OF TREATMENT. WHEN AN INDIVIDUAL RECEIVING SERVICES IS AN ATHLETE PARTICIPATING ON A SPORTS TEAM OPERATED UNDER THE AUSPICES OF A BONA FIDE AMATEUR SPORTS ORGANIZATION OR AN ACCREDITED EDUCATIONAL INSTITUTION THAT EMPLOYS THE REGISTRANT, THE THERAPEUTIC RELATIONSHIP EXISTS FROM THE TIME THE ATHLETE BECOMES AFFILIATED WITH THE TEAM UNTIL THE AFFILIATION ENDS OR THE ATHLETIC TRAINER TERMINATES THE PROVISION OF ATHLETIC TRAINING SERVICES TO THE TEAM, WHICHEVER OCCURS FIRST.

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

(c) 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), C.R.S., OR OTHER DRUGS HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE DISCRETION NOT TO DISCIPLINE THE REGISTRANT IF HE OR SHE IS PARTICIPATING IN GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR TO END SUCH USE OR ABUSE;

(d) HAS A PHYSICAL OR MENTAL CONDITION OR DISABILITY THAT RENDERS THE REGISTRANT UNABLE TO PROVIDE ATHLETIC TRAINING SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING SERVICES;

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

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

(g) HAS PRACTICED ATHLETIC TRAINING WITHOUT A REGISTRATION;

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

(i) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL EXAMINATION WHEN SO ORDERED BY THE BOARD PURSUANT TO SECTION 12-29.7-110; OR

(j) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER SUCH ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE IMPOSED.

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

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

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

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

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

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

(III) UPON FAILURE OF ANY WITNESS OR REGISTRANT TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR REGISTRANT AN ORDER REQUIRING THE PERSON OR REGISTRANT TO APPEAR BEFORE THE DIRECTOR; 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. IF THE PERSON OR REGISTRANT FAILS TO OBEY THE ORDER OF THE COURT, THE PERSON OR REGISTRANT MAY BE HELD IN CONTEMPT OF COURT.

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

(7)(a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, 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) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11), C.R.S. A JUDICIAL PROCEEDING TO ENFORCE AN ORDER OF THE DIRECTOR MAY BE INSTITUTED IN ACCORDANCE WITH SECTION 24-4-106, C.R.S.

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

(10) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF

MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT 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 REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL 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 UNREGISTERED 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. THE HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(12) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12) SHALL BE NOTIFIED PROMPTLY BY THE DIRECTOR 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 DIRECTOR FOR A HEARING ON THE ORDER. THE NOTICE MAY BE SERVED ON THE PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) SHALL CONSTITUTE NOTICE OF THE ORDER TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE HELD NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR 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 SHALL THE HEARING BE HELD 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 DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS

PROPERLY SENT OR SERVED ON THE PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (12) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, 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 THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR 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) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(13) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

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

(15) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION.

12-29.7-110. Mental or physical examination of registrants. (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A PERSON REGISTERED UNDER THIS ARTICLE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE PERSON TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR. UNLESS DUE TO CIRCUMSTANCES BEYOND THE REGISTRANT'S CONTROL, IF THE REGISTRANT REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE PERSON'S REGISTRATION UNTIL THE RESULTS OF THE EXAMINATION ARE KNOWN AND THE DIRECTOR HAS

MADE A DETERMINATION OF THE REGISTRANT'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER DETERMINATION IN A TIMELY MANNER.

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

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

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

12-29.7-111. Unauthorized practice - penalties. A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ATHLETIC TRAINING WITHOUT AN ACTIVE REGISTRATION 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. FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

12-29.7-112. Rule-making authority. THE DIRECTOR SHALL PROMULGATE RULES THAT MAY BE NECESSARY FOR THE ADMINISTRATION OF THIS ARTICLE.

12-29.7-113. Severability. IF ANY PROVISION OF THIS ARTICLE IS HELD TO BE INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION.

12-29.7-114. Repeal of article - review of functions. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2015, AND THE POWERS, DUTIES, AND FUNCTIONS OF THE DIRECTOR SPECIFIED IN THIS ARTICLE ARE REPEALED ON SAID DATE. PRIOR TO THE REPEAL, SUCH POWERS, DUTIES, AND FUNCTIONS SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

SECTION 2. 12-36-106 (3) (s) and (3.5), Colorado Revised Statutes, are amended to read:

12-36-106. Practice of medicine defined - exemptions from licensing

requirements - unauthorized practice by physician assistants - penalties - repeal. (3) Nothing in this section shall be construed to prohibit, or to require a license or a physician training license under this article with respect to, any of the following acts:

(s) The rendering of services by an athletic trainer subject to the conditions and limitations provided in ~~subsection (3.5) of this section~~ ARTICLE 29.7 OF THIS TITLE;

~~(3.5) (a) The state board of medical examiners shall promulgate rules and regulations specifying the types of services which a qualified athletic trainer may render pursuant to paragraph (s) of subsection (3) of this section. In order to qualify for the exception allowed pursuant to said paragraph (s), such services must be rendered only by qualified athletic trainers who render the services, within the athletic trainer scope of practice as defined pursuant to this subsection (3.5), in the course of participation in an educational institution's sports program, an organized amateur sports organization, a professional sports organization, a recreational program of a county, municipal, or special district government, or an organized community sports event.~~

~~(b) For purposes of this subsection (3.5), "qualified athletic trainer" means a person:~~

~~(f) Who has a baccalaureate degree granted by an accredited college or university or a college or university approved by the state educational board or department in another state, which degree is in a field related to athletic training as defined by the college or university which granted the degree, and who has completed a minimum of one thousand five hundred actual hours of supervised clinical experience or internship training in athletic training under the supervision of a person accredited by a national athletic training standards organization designated by the state board of medical examiners; or~~

~~(H) Who has a baccalaureate degree with a major in athletic training which was granted through a college or university program which is accredited by a national athletic training standards organization designated by the state board of medical examiners and who has completed a minimum of eight hundred actual hours of supervised clinical experience or internship in athletic training under the supervision of a person accredited by a national athletic training standards organization designated by the state board of medical examiners.~~

~~(c) For purposes of this subsection (3.5), "athlete" means an individual participating in an educational institution's sports program, an organized sports organization, a professional sports organization, a recreational program of a county, municipal, or special district government, or an organized community sports event.~~

~~(d) For purposes of this subsection (3.5), "athletic trainer scope of practice" means the performance of all or some of the following functions by a qualified athletic trainer:~~

~~(f) The development and implementation of conditioning programs for athletes as defined in paragraph (c) of this subsection (3.5);~~

~~(H) The performance of strength testing using mechanical devices or other standard techniques;~~

~~(HI) The application of tape, braces, and protective device to prevent injury;~~

~~(IV) The supervision of maintenance of athletic equipment to assure safety;~~

~~(V) The assessment, during a screening process, of physical limitations, including those previously diagnosed by a physician, which may pose a risk of injury to an athlete;~~

~~(VI) The determination of the level of functional capacity, decreased range of motion or muscular weakness of an injured athlete in order to establish the extent of an injury;~~

~~(VII) The administration of standard techniques of first aid;~~

~~(VIII) The use of emergency care equipment to aid the injured athlete by facilitating safe transportation to an appropriate medical facility;~~

~~(IX) The referral of an athlete to appropriate medical personnel as needed;~~

~~(X) The use of exercise and other therapies for which the athletic trainer has received formal training, not including drugs, to restore an injured athlete to normal function;~~

~~(XI) The maintenance of athletic training records;~~

~~(XII) The organization of a medical care service delivery system for athletes when needed;~~

~~(XIII) The establishment of plans to manage an athlete's medical emergencies;~~

~~(XIV) The education and counseling of athletes on sports health related topics;~~

~~(XV) The instruction of student athletic trainers; and~~

~~(XVI) The education and counseling of the general public with respect to appropriate athletic training programs.~~

~~(c) Nothing in this subsection (3.5) shall be construed as conferring any authority to practice, or to hold oneself out through advertisement or billing as providing, physical therapy as defined in section 12-41-103.~~

~~(f) The state board of medical examiners shall seek the voluntary assistance of physicians and athletic trainers in developing and formulating the rules and regulations required to be promulgated pursuant to this subsection (3.5).~~

SECTION 3. 24-34-104 (46), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(k) THE REGULATION OF ATHLETIC TRAINERS BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 29.7 OF TITLE 12, C.R.S.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the regulation of athletic trainers, for the fiscal year beginning July 1, 2009, the sum of one hundred thirty thousand seven hundred forty dollars (\$130,740) cash funds and 1.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of twenty-one thousand seven hundred seventy-nine dollars (\$21,779) and 0.2 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2009, and shall apply to the registration of athletic trainers on or after January 1, 2010.

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

Approved: June 1, 2009