

ARTICLE 29.7 205
ATHLETIC TRAINER PRACTICE ACT

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1 **12-205-101. [Formerly 12-29.7-101] Short title.** The short title of this article **205**
2 is the "Athletic Trainer Practice Act".

3
4 **12-205-102. [Formerly 12-29.7-102] Legislative declaration.** The general assembly
5 hereby finds and declares that the practice of athletic training by a person who does not
6 possess a valid registration issued pursuant to this article **205** is not in the best interests of
7 the people of the state of Colorado. It is not, however, the intent of this article **205** to restrict
8 the practice of a person duly licensed, certified, or registered under any article of this title **12**
9 or other laws of this state from practicing within the person's scope of practice and authority
10 pursuant to those laws.

11
12 **12-205-103. Applicability of common provisions.** ARTICLES 1, 20, AND 30 OF THIS
13 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 205.
14

1 **12-205-104. [Formerly 12-29.7-103] Definitions.** As used in this article **205**, unless
2 the context otherwise requires:

3 (1) "Accredited athletic training education program" means a program of instruction
4 in athletic training that is offered by an institution of higher education and accredited by a
5 national, regional, or state agency recognized by the United States secretary of education, or
6 any other accredited program approved by the director.

7 (2) "Athlete" means a person who, in association with an educational institution, an
8 organized community sports program or event, or a professional, amateur, or recreational
9 organization or sports club, participates in games, sports, recreation, or exercise requiring
10 physical strength, flexibility, range of motion, speed, stamina, or agility.

11 (3) "Athletic trainer" means a person engaged in the practice of athletic training.

12 (4) (a) "Athletic training" means the performance of those services that require the
13 education, training, and experience required by this article **205** for registration as an athletic
14 trainer pursuant to section ~~12-29.7-107~~ **12-205-108**. "Athletic training" includes services
15 appropriate for the prevention, recognition, assessment, management, treatment,
16 rehabilitation, and reconditioning of injuries and illnesses sustained by an athlete:

17 (I) Who is engaged in sports, games, recreation, or exercise requiring physical
18 strength, flexibility, range of motion, speed, stamina, or agility; or

19 (II) That affect an athlete's participation or performance in sports, games, recreation,
20 or exercise as described in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (4)(a)(I) OF
21 THIS SECTION.

22 (b) "Athletic training" includes:

23 (I) Planning, administering, evaluating, and modifying methods for prevention and
24 risk management of injuries and illnesses;

25 (II) Identifying an athlete's medical conditions and disabilities and appropriately
26 caring for or referring an athlete as appropriate;

27 (III) Recognizing, assessing, treating, managing, preventing, rehabilitating,
28 reconditioning, and appropriately referring to another health care provider to treat injuries
29 and illnesses;

30 (IV) Using therapeutic modalities for which the athletic trainer has received
31 appropriate training and education;

32 (V) Using conditioning and rehabilitative exercise;

33 (VI) Using topical pharmacological agents, in conjunction with the administration of
34 therapeutic modalities and pursuant to prescriptions issued in accordance with the laws of
35 this state, for which the athletic trainer has received appropriate training and education;

36 (VII) Educating and counseling athletes concerning the prevention and care of
37 injuries and illnesses;

38 (VIII) Educating and counseling the general public with respect to athletic training
39 services;

40 (IX) Referring an athlete receiving athletic training services to appropriate health care
41 personnel as needed; and

42 (X) Planning, organizing, administering, and evaluating the practice of athletic

1 training.

2 (c) As used in this subsection (4), "injuries and illnesses" includes those conditions
3 in an athlete for which athletic trainers, as the result of their education, training, and
4 competency, are qualified to provide care.

5 (5) "Direction of a Colorado-licensed or otherwise lawfully practicing physician,
6 dentist, or health care professional" means the planning of services with a physician, dentist,
7 or health care professional; the development and approval by the physician, dentist, or health
8 care professional of procedures and protocols to be followed in the event of an injury or
9 illness; the mutual review of the protocols on a periodic basis; and the appropriate
10 consultation and referral between the physician, dentist, or health care professional and the
11 athletic trainer.

12 ~~(6) "Director" means the director of the division or his or her designee. <{Redundant~~
13 ~~with definitions common provision, 12-20-102 (6)}>~~

14 ~~(7) "Division" means the division of professions and occupations in the department~~
15 ~~of regulatory agencies created in section 24-34-102. C.R.S. <{Redundant with definitions~~
16 ~~common provision, 12-20-102 (7)}>~~

17 ~~(8) (6) "National certifying agency" means a nationally recognized agency that~~
18 ~~certifies the competency of athletic trainers through the use of an examination.~~

19 ~~(7) "Registrant" means an athletic trainer registered pursuant to this article.~~
20 ~~<{Redundant with definitions common provision, 12-20-102 (12)}>~~

21
22 **12-205-105. [Formerly 12-29.7-104] Use of titles restricted.** Only a person
23 registered as an athletic trainer may use the title "athletic trainer" or "registered athletic
24 trainer", the letters "A.T.", "A.T.C.", or any other generally accepted terms, letters, or figures
25 that indicate that the person is an athletic trainer.

26
27 **12-205-106. [Formerly 12-29.7-105] Limitations on authority.** (1) Nothing in this
28 article **205** authorizes an athletic trainer to practice:

- 29 (a) Medicine, as defined in article ~~36~~ **240** of this title **12**;
- 30 (b) Physical therapy, as defined in article ~~41~~ **285** of this title **12**;
- 31 (c) Chiropractic, as defined in article ~~33~~ **215** of this title **12**;
- 32 (d) Occupational therapy, as defined in article ~~40:5~~ **270** of this title **12**; or
- 33 (e) Any other regulated form of healing except as authorized by this article **205**.

34 (2) Nothing in this article **205** authorizes an athletic trainer to treat a disease or
35 condition that is not related to a person's participation in sports, games, recreation, or
36 exercise, but the athletic trainer shall take a person's disease or condition into account in
37 providing athletic training services and shall consult with a physician as appropriate
38 regarding the disease or condition.

39 (3) Nothing in this article **205** prohibits a person from recommending weight
40 management or exercise to improve strength, conditioning, flexibility, and cardiovascular
41 performance to a person in normal health as long as the person recommending the weight
42 management or exercise does not represent himself or herself as an athletic trainer and the

1 person does not engage in athletic training as defined in this article *205*.

2
3 **12-205-107. [Formerly 12-29.7-106] Registration required.** (1) Except as
4 otherwise provided in this article *205*, in order to practice athletic training or represent
5 oneself as being able to practice athletic training in this state, a person must:

6 (a) Possess a valid registration issued by the director in accordance with this article
7 *205* and any rules adopted under this article *205*; and

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

10
11 **12-205-108. [Formerly 12-29.7-107] Requirements for registration - registration**
12 **by endorsement - application - denial.** (1) Every applicant for a registration to practice
13 athletic training must have:

14 (a) Earned a baccalaureate degree from an accredited college or university;

15 (b) Successfully completed an accredited athletic training education program;

16 (c) (I) Passed a competency examination administered by a national certifying agency
17 that has been approved by the director and provided evidence of current certification by the
18 national certifying agency; or

19 (II) Passed a competency examination developed and administered by the director;

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

21 (e) Paid a fee in an amount determined by the director; and

22 (f) Submitted additional information as requested by the director to fully and fairly
23 evaluate the applicant's qualifications for registration and to protect public health and safety.

24 (2) When an applicant has fulfilled the requirements of subsection (1) of this section,
25 the director shall issue a registration to the applicant. The director may deny registration if
26 the applicant has committed an act that would be grounds for disciplinary action under
27 section ~~12-29.7-110~~ *12-205-111*.

28 (3) (a) An applicant for registration by endorsement shall file an application and pay
29 a fee as prescribed by the director and shall hold a current, valid license or registration in a
30 jurisdiction that requires qualifications substantially equivalent to those required for
31 registration by subsection (1) of this section.

32 (b) An applicant for registration shall submit, with the application, verification that
33 the applicant has actively practiced for a period of time determined by rules of the director
34 or has otherwise maintained continued competency as determined by the director.

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

39 (d) The director may deny the registration if the applicant has committed an act that
40 would be grounds for disciplinary action under section ~~12-29.7-110~~ *12-205-111*.

41
42 **12-205-109. [Formerly 12-29.7-108] Renewal of registration - fees.** (1) (a) A

1 registrant shall renew the registration issued pursuant to this article **205** according to a
2 schedule of renewal dates established by the director IN ACCORDANCE WITH SECTION
3 12-20-202 (1). The registrant shall submit an application in the form and manner designated
4 by, and shall pay a renewal fee in an amount determined by, the director.

5 ~~(b) Registrations shall be renewed or reinstated in accordance with the schedule~~
6 ~~established by the director, and renewal or reinstatement shall be granted pursuant to section~~
7 ~~24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for~~
8 ~~reinstatement pursuant to section 24-34-105, C.R.S. If a registrant fails to renew his or her~~
9 ~~registration pursuant to the director's schedule, the registration expires. A person whose~~
10 ~~registration has expired is subject to the penalties provided in this article or section~~
11 ~~24-34-102 (8), C.R.S., for reinstatement ARE SUBJECT TO THE RENEWAL, EXPIRATION,~~
12 ~~REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)~~
13 ~~AND (2). <{Redundant with the renewal / reinstatement common provision, 12-20-202 (1)~~
14 ~~& (2). Recommend amending as indicated.}>~~

15 (c) The registrant shall submit additional information that the director requests,
16 including evidence that the registrant has maintained and holds a current, valid certification
17 from the national certifying agency, to fully and fairly evaluate the applicant's qualifications
18 for registration renewal and to protect public health and safety.

19 ~~(2) All fees collected pursuant to this article shall be determined, collected, and~~
20 ~~appropriated in the same manner as set forth in section 24-34-105 C.R.S., and periodically~~
21 ~~adjusted in accordance with section 24-75-402, C.R.S. <{Redundant with fees common~~
22 ~~provision, 12-20-105. Recommend repeal of subsection (2).}>~~

24 **12-205-110. [Formerly 12-29.7-109] Scope of article - exclusions - authority for**
25 **clinical setting - definitions.** (1) Nothing in this article **205** prohibits:

26 (a) The practice of athletic training that is an integral part of a program of study by
27 students enrolled in an accredited athletic training education program. Students enrolled in
28 an accredited athletic training education program shall be identified as "athletic training
29 students" and shall only practice athletic training under the direction and immediate
30 supervision of an athletic trainer currently registered under this article **205**. An athletic
31 training student shall not represent himself or herself as an athletic trainer.

32 (b) The practice of athletic training by a person who is certified by a national
33 certifying agency and who is employed by the United States government or any bureau,
34 division, or agency of the federal government while acting in the course and scope of
35 employment;

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

39 (I) Administering athletic training services to an athlete who is a member of a bona
40 fide professional or amateur sports organization or of a sports team of an accredited
41 educational institution, if the person acts in accordance with rules established by the director
42 and engages in the unregistered practice of athletic training for no more than ninety days in

1 any calendar year; or

2 (II) Participating in an educational program of not more than twelve weeks' duration.
3 Upon written application by the person prior to the expiration of the twelve-week period, the
4 director may grant an extension of time.

5 (d) The practice of any health care profession, other than athletic training, by a person
6 licensed or registered under any other article of this title **12** in accordance with the lawful
7 scope of practice of the other profession or the performance of activities described in
8 subsection (2) of this section, if the person does not represent himself or herself as an athletic
9 trainer or as engaging in the practice of athletic training;

10 (e) Athletic training by a patient for himself or herself or gratuitous athletic training
11 by a friend or family member who does not represent himself or herself as an athletic trainer.

12 (2) Nothing in this article **205** limits or prohibits the administration of routine
13 assistance or first aid by a person who is not a registered athletic trainer for injuries or
14 illnesses sustained at an athletic event or program.

15 (3) Nothing in this article **205** requires an entity offering or sponsoring an athletic
16 event or regular athletic activity, including a youth sports team or program whose participants
17 are eighteen years of age or younger, to employ a registered athletic trainer.

18 (4) (a) A school coach, athletic director, or other employee or a person contracted
19 with a school is not engaging in the practice of athletic training when he or she engages in
20 or holds responsibility for the following activities in the course of his or her regularly
21 scheduled duties:

22 (I) Planning, administering, or modifying methods for prevention and risk
23 management of injuries and illnesses;

24 (II) Administering routine assistance for first aid to an injured athlete;

25 (III) Directing conditioning exercises;

26 (IV) Educating or counseling athletes concerning the prevention of injuries and
27 illnesses; or

28 (V) Referring an athlete to a licensed health care professional.

29 (b) As used in this subsection (4), "school" means a public or private elementary,
30 middle, junior high, or high school.

31 (5) A registered athletic trainer may provide athletic training services in a clinical
32 setting to a person who is not an athlete if the athletic trainer is under the direction and
33 supervision of a Colorado-licensed or otherwise lawfully practicing physician, dentist, or
34 health care professional who treats sports or musculoskeletal injuries. As used in this
35 subsection (5), "direction and supervision" means the issuance of written or oral directives
36 by the physician, dentist, or licensed health care professional to the registered athletic trainer
37 pertaining to the athletic training services to be provided.

38
39 **12-205-111. [Formerly 12-29.7-110] Grounds for discipline - disciplinary**
40 **proceedings - definitions.** (1) The director may take disciplinary action against a registrant
41 if the director finds that the registrant has represented himself or herself as a registered
42 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 TAKE DISCIPLINARY OR OTHER ACTION PURSUANT TO SECTION 12-20-404 or issue a cease-and-desist order in accordance with this section 12-205-112 upon reasonable grounds that the registrant:~~ *<{Updated with cross reference to disciplinary action common provision, 12-20-404, and cease-and-desist section.}>*

(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) SUBSECTION (2)(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) Has an alcohol use disorder, as defined in section 27-81-102, or a substance use disorder, as defined in section 27-82-102, 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 registrant if he or she is participating in good faith in an alcohol or substance use disorder treatment program approved by the director;

(d) (I) Has failed to notify the director, as required by section ~~12-29.7-113~~ **12-205-114**, of a physical illness; a physical condition; or a behavioral, mental health, or substance use disorder that affects the registrant's ability to provide athletic training services with reasonable skill and safety or that may endanger the health or safety of individuals receiving athletic training services;

(II) Has 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 registrant unable to perform athletic training with reasonable skill and safety or that may endanger the health or safety of persons under his or her care; or

(III) Has failed to comply with the limitations agreed to under a ~~confidential agreement entered pursuant to section 12-29.7-113~~ **SECTIONS 12-205-114 AND 12-30-107**; *<{Updated with a cross reference to the confidential agreement common provision, 12-30-107.}>*

(e) Has had a registration or license suspended or revoked for actions that are a violation of this article **205**;

(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

1 jurisdiction of the conviction or plea is prima facie evidence of the conviction or plea. In
2 considering the disciplinary action, the director is governed by section SECTIONS 24-5-101
3 C.R.S. AND 12-20-202 (5). <{Updated with cross reference to criminal conviction common
4 provision, 12-20-202 (5).>

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

6 (h) Has failed to notify the director of any disciplinary action in regard to the person's
7 past or currently held license, certificate, or registration required to practice athletic training
8 in this state or any other jurisdiction;

9 (i) Has refused to submit to a physical or mental examination when so ordered by the
10 director pursuant to section ~~12-29.7-112~~ 12-205-113;

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

13 (k) Has practiced athletic training in a manner that fails to meet generally accepted
14 standards of athletic training practice; or

15 (l) Has otherwise violated any provision of this article 205.

16 (3) Except as otherwise provided in subsection (2) of this section, the director need
17 not find that the actions that are grounds for discipline were willful but may consider whether
18 the actions were willful when determining the nature of disciplinary sanctions to be imposed.

19 (4) (a) The director may commence a proceeding to discipline a registrant when the
20 director has reasonable grounds to believe that the registrant has committed an act
21 enumerated in this section.

22 (b) In any proceeding held under this section, the director may accept as evidence of
23 grounds for disciplinary action any disciplinary action taken against a registrant in another
24 jurisdiction if the violation that prompted the disciplinary action in the other jurisdiction
25 would be grounds for disciplinary action under this article 205.

26 (5) Disciplinary proceedings shall be conducted in accordance with article 4 of title
27 24, C.R.S., and the hearing and opportunity for review shall be conducted pursuant to that
28 article by the director or by an administrative law judge, at the director's discretion. The
29 director has the authority to exercise all powers and duties conferred by this article during
30 the disciplinary proceedings SECTION 12-20-403. <{Redundant with disciplinary
31 proceedings common provision, 12-20-403. Recommend amending as indicated.>

32 (6) (a) The director may request the attorney general to seek an injunction in any court
33 of competent jurisdiction, to enjoin a person from committing an act prohibited by this article
34 205. When seeking an injunction under this paragraph (a), the attorney general is not required
35 to allege or prove the inadequacy of any remedy at law or that substantial or irreparable
36 damage is likely to result from a continued violation of this article ACCORDANCE WITH
37 SECTION 12-20-406. <{Redundant with injunctive relief common provision, 12-20-406.
38 Recommend amendment as indicated.>

39 (b) (I) The director may investigate, hold hearings, and gather evidence in all matters
40 related to the exercise and performance of the powers and duties of the director.

41 (H) In order to aid the director in any hearing or investigation instituted pursuant to
42 this section, the director or an administrative law judge appointed pursuant to paragraph (c)

1 of this subsection (6) may administer oaths, take affirmations of witnesses, and issue
2 subpoenas compelling the attendance of witnesses and the production of all relevant records,
3 papers, books, documentary evidence, and materials in any hearing, investigation, accusation,
4 or other matter before the director or an administrative law judge.

5 (III) Upon failure of any witness or registrant to comply with a subpoena or process,
6 the district court of the county in which the subpoenaed person or registrant resides or
7 conducts business, upon application by the director with notice to the subpoenaed person or
8 registrant, may issue to the person or registrant an order requiring the person or registrant to
9 appear before the director; produce the relevant papers, books, records, documentary
10 evidence, or materials; or give evidence touching the matter under investigation or in
11 question. If the person or registrant fails to obey the order of the court, the person or
12 registrant may be held in contempt of court.

13 (c) The director may appoint an administrative law judge pursuant to part 10 of article
14 30 of title 24, C.R.S., to conduct hearings, take evidence, make findings, and report the
15 findings to the director. <{Redundant with discipline/authority common provision,
16 12-20-403. Recommend repeal.}>

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

25 (b) A person participating in good faith in making a complaint or report or in an
26 investigative or administrative proceeding pursuant to this section is immune from any civil
27 or criminal liability that otherwise might result by reason of the participation. <{Redundant
28 with immunity common provision, 12-20-402. Recommend repeal.}>

29 (8) (7) A final action of the director is subject to judicial review by the court of
30 appeals pursuant to section 24-4-106 (11). C.R.S. The director may institute a judicial
31 proceeding in accordance with section 24-4-106 C.R.S., to enforce the director's order
32 SECTION 12-20-408. <{Redundant with judicial review common provision, 12-20-408.
33 Recommend amending as indicated.}>

34 (9) (8) An employer of an athletic trainer shall report to the director any disciplinary
35 action taken against the athletic trainer or the resignation of the athletic trainer in lieu of
36 disciplinary action for conduct that violates this article 205.

37 (10) When a complaint or an investigation discloses an instance of misconduct that,
38 in the opinion of the director, warrants formal action, the director shall not resolve the
39 complaint by a deferred settlement, action, judgment, or prosecution. <{Redundant with
40 disciplinary action/no deferral common provision, 12-20-404 (2). Recommend repeal.}>

41
42 **12-205-112. [Formerly 12-29.7-111] Cease-and-desist orders.** (1) (a) If it appears

1 to the director, based upon credible evidence as presented in a written complaint by any
2 person, that a registrant is acting in a manner that is an imminent threat to the health and
3 safety of the public or that a person is acting or has acted without the required registration,
4 the director may issue an order to cease and desist the activity. The director shall set forth the
5 statutes and rules alleged to have been violated, the facts alleged to have constituted the
6 violation, and the requirement that all unlawful acts or unregistered practices immediately
7 cease.

8 (b) Within ten days after service of the order to cease and desist pursuant to paragraph
9 (a) of this subsection (1), the respondent may request a hearing on the question of whether
10 acts or practices in violation of this article or rules adopted under this article have occurred.
11 The hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105. C.R.S.

12 (2) (a) If it appears to the director, based upon credible evidence as presented in a
13 written complaint by any person, that a person has violated any other portion of this article
14 ~~205~~ or rules adopted under this article ~~205~~, in addition to any specific powers granted
15 pursuant to this article ~~205~~, the director may issue to the person an order to show cause as to
16 why the director should not issue a final order directing the person to cease and desist from
17 the unlawful act or unregistered practice.

18 (b) The director shall promptly notify a person against whom the director has issued
19 an order to show cause pursuant to paragraph (a) of this subsection (2) of the issuance of the
20 order, along with a copy of the order, the factual and legal basis for the order, and the date
21 set by the director for a hearing on the order. The director may serve the notice on the person
22 by personal service, by first-class, postage-prepaid United States mail, or in another manner
23 as may be practicable. Personal service or mailing of an order or document pursuant to this
24 paragraph (b) constitutes notice of the order to the person.

25 (c) (I) The director shall hold the hearing on an order to show cause no sooner than
26 ten and no later than forty-five calendar days after the date the director transmitted or served
27 the notice as provided in paragraph (b) of this subsection (2). The director may continue the
28 hearing by agreement of all parties based upon the complexity of the matter, number of
29 parties to the matter, and legal issues presented in the matter, but in no event shall the
30 director hold the hearing later than sixty calendar days after the date the notice was
31 transmitted or served.

32 (II) If a person against whom an order to show cause has been issued pursuant to
33 paragraph (a) of this subsection (2) does not appear at the hearing, the director may present
34 evidence that notification was properly sent or served on the person pursuant to paragraph
35 (b) of this subsection (2) and other evidence related to the matter as the director deems
36 appropriate. The director shall issue the order within ten days after the director's
37 determination related to reasonable attempts to notify the respondent, and the order becomes
38 final as to that person by operation of law. The hearing shall be conducted pursuant to
39 sections 24-4-104 and 24-4-105. C.R.S.

40 (III) If the director reasonably finds that the person against whom the order to show
41 cause was issued is acting or has acted without the required registration, or has or is about
42 to engage in acts or practices constituting violations of this article or rules adopted under this

1 article, the director may issue a final cease-and-desist order, directing the person to cease and
2 desist from further unlawful acts or unregistered practices.

3 (IV) The director shall provide notice, in the manner set forth in paragraph (b) of this
4 subsection (2), of the final cease-and-desist order within ten calendar days after the hearing
5 conducted pursuant to this paragraph (c) to each person against whom the final order has
6 been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) is
7 effective when issued and is a final order for purposes of judicial review.

8 (3) If it appears to the director, based upon credible evidence presented to the
9 director, that a person has engaged or is about to engage in an unregistered act or practice;
10 an act or practice constituting a violation of this article, a rule promulgated pursuant to this
11 article, or an order issued pursuant to this article; or an act or practice constituting grounds
12 for administrative sanction pursuant to this article, the director may enter into a stipulation
13 with the person.

14 (4) If any person fails to comply with a final cease-and-desist order or a stipulation,
15 the director may request the attorney general or the district attorney for the judicial district
16 in which the alleged violation exists to bring, and if so requested such attorney shall bring,
17 suit for a temporary restraining order and for injunctive relief to prevent any further or
18 continued violation of the final order.

19 (5) A person aggrieved by the final cease-and-desist order may seek judicial review
20 of the director's determination or of the director's final order as provided in section
21 12-29.7-110 (8).

22 THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
23 DESCRIBED IN AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405.
24 <{*Redundant with cease-and-desist orders common provision, 12-20-405. Recommend*
25 *amendment as indicated.*}>

26
27 **12-205-113. [Formerly 12-29.7-112] Mental or physical examination of**
28 **registrants.** (1) If the director has reasonable cause to believe that a registrant is unable to
29 practice with reasonable skill and safety, UNDER THE CIRCUMSTANCES AND IN ACCORDANCE
30 WITH THE PROCEDURES SPECIFIED IN SECTION 12-30-108, the director may order the A
31 registrant to take a mental or physical examination administered by a physician or other
32 licensed health care professional designated by the director. Unless due to circumstances
33 beyond the registrant's control, if the registrant refuses to undergo a mental or physical
34 examination, the director may suspend the person's registration until the results of the
35 examination are known and the director has made a determination of the registrant's fitness
36 to practice. The director shall proceed with an order for examination and shall make his or
37 her determination in a timely manner. <{*The second sentence, which is in strike type, differs*
38 *from the corresponding mental or physical examination common provision, 12-30-108*
39 *(1)(b)(I). Is there a substantive difference in practice?}>*

40 (2) The director shall include in an order requiring a registrant to undergo a mental
41 or physical examination the basis of the director's reasonable cause to believe that the
42 registrant is unable to practice with reasonable skill and safety. For purposes of a disciplinary

1 ~~proceeding authorized under this article, the registrant is deemed to have waived all~~
2 ~~objections to the admissibility of the examining physician's or licensed health care~~
3 ~~professional's testimony or examination reports on the ground that they are privileged~~
4 ~~communications.~~ <{*The second sentence regarding waiver differs from the corresponding*
5 *common provision, 12-30-108 (2). Is there a substantive difference in practice?*>

6 (3) (2) The registrant may submit to the director testimony or examination reports
7 from a physician chosen by the registrant and pertaining to any condition that the director has
8 alleged may preclude the registrant from practicing with reasonable skill and safety. The
9 testimony and reports submitted by the registrant may be considered by the director in
10 conjunction with, but not in lieu of, testimony and examination reports of the physician
11 designated by the director.

12 ~~(4) The results of a mental or physical examination ordered by the director shall not~~
13 ~~be used as evidence in any proceeding other than one before the director and shall not be~~
14 ~~deemed a public record or made available to the public.~~ <{*Redundant with the mental and*
15 *physical examination common provision, 12-30-108 (3). Recommend repeal.*>

16
17 **12-205-114. [Formerly 12-29.7-113] Confidential agreement to limit practice -**
18 **violation grounds for discipline.** (1) ~~If a registered athletic trainer suffers from a physical~~
19 ~~illness; a physical condition; or a behavioral or mental health disorder that renders him or her~~
20 ~~unable to practice athletic training with reasonable skill and safety to patients, he or she shall~~
21 ~~notify the director of the physical illness; the physical condition; or the behavioral or mental~~
22 ~~health disorder in a manner and within a period of time determined by the director. The~~
23 ~~director may require the registrant to submit to an examination to evaluate the extent of the~~
24 ~~physical illness; the physical condition; or the behavioral or mental health disorder and its~~
25 ~~impact on the registrant's ability to practice with reasonable skill and safety to patients.~~

26 (2)(a) ~~Upon determining that a registrant with a physical illness; a physical condition;~~
27 ~~or a behavioral or mental health disorder is able to render limited athletic training services~~
28 ~~with reasonable skill and safety to patients, the director may enter into a confidential~~
29 ~~agreement with the registrant in which the registrant agrees to limit his or her practice based~~
30 ~~on the restrictions imposed by the physical illness; the physical condition; or the behavioral~~
31 ~~or mental health disorder, as determined by the director.~~

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

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

36 (d) ~~By entering into an agreement with the director pursuant to this section to limit~~
37 ~~his or her practice, the registrant is not engaging in activities that constitute grounds for~~
38 ~~discipline under section 12-29.7-110. The agreement is an administrative action and does not~~
39 ~~constitute a restriction or discipline by the director. However, if the registrant fails to comply~~
40 ~~with the terms of an agreement entered into pursuant to this section, the failure constitutes~~
41 ~~grounds for disciplinary action under section 12-29.7-110(2)(d), and the registrant is subject~~
42 ~~to discipline in accordance with section 12-29.7-110.~~

1 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION 12-30-107
2 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE 205.

3 (3) (2) This section does not apply to a registrant subject to discipline under section
4 ~~12-29.7-110(2)(c)~~ 12-205-111 (2)(c). <{*Redundant with confidential agreement common*
5 *provision, 12-30-107. Recommend amendment as indicated.*}>

6
7 **12-205-115. [Formerly 12-29.7-114] Unauthorized practice - penalties.** A person
8 who practices or offers or attempts to practice athletic training without an active registration
9 issued under this article commits a class 2 misdemeanor and shall be punished as provided
10 in section 18-1.3-501 C.R.S., for the first offense. For the second or any subsequent offense,
11 the person commits a class 1 misdemeanor and shall be punished as provided in section
12 18-1.3-501, C.R.S. 205 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(b).
13 <{*Redundant with unauthorized practice common provision, 12-20-407. Recommend*
14 *amending as indicated.*}>

15
16 **12-205-116. [Formerly 12-29.7-115] Rule-making authority.** The director shall
17 promulgate rules as necessary for the administration of this article PURSUANT TO SECTION 12-
18 20-204. <{*Updated with a cross references to the rule-making common provision,*
19 *12-20-204.*}>

20
21 **12-205-117. [Formerly 12-29.7-116] Severability.** If any provision of this article
22 205 is held to be invalid, the invalidity does not affect other provisions of this article 205 that
23 can be given effect without the invalid provision. <{*Given the applicability of the general*
24 *severability statute, 2-4-204, should this severability section be repealed?*}>

25
26 **12-205-118. [Formerly 12-29.7-117] Repeal of article - review of functions.** This
27 article 205 is repealed, effective September 1, 2021, and the powers, duties, and functions
28 of the director specified in this article 205 are repealed on that date. Prior to BEFORE the
29 repeal, the department of regulatory agencies shall review the powers, duties, and functions
30 of the director as provided in ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section
31 24-34-104. C.R.S. <{*Should the highlighted phrase be repealed as redundant?*}>